PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

Book 6

7, 8 and 9 May 2002

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

The Ministry

Premier and Minister for Multicultural Affairs	The Hon. S. P. Bracks, MP
Deputy Premier and Minister for Health	The Hon. J. W. Thwaites, MP
Minister for Education Services and Minister for Youth Affairs	The Hon. M. M. Gould, MLC
Minister for Transport and Minister for Major Projects	The Hon. P. Batchelor, MP
Minister for Energy and Resources and Minister for Ports	The Hon. C. C. Broad, MLC
Minister for State and Regional Development, Treasurer and Minister for Innovation	The Hon. J. M. Brumby, MP
Minister for Local Government and Minister for Workcover	The Hon. R. G. Cameron, MP
Minister for Senior Victorians and Minister for Consumer Affairs	The Hon. C. M. Campbell, MP
Minister for Planning, Minister for the Arts and Minister for Women's Affairs	The Hon. M. E. Delahunty, MP
Minister for Environment and Conservation	The Hon. S. M. Garbutt, MP
Minister for Police and Emergency Services and Minister for Corrections	The Hon. A. Haermeyer, MP
Minister for Agriculture and Minister for Aboriginal Affairs	The Hon. K. G. Hamilton, MP
Attorney-General, Minister for Manufacturing Industry and Minister for Racing	The Hon. R. J. Hulls, MP
Minister for Education and Training	The Hon. L. J. Kosky, MP
Minister for Finance and Minister for Industrial Relations	The Hon. J. J. J. Lenders, MP
Minister for Sport and Recreation and Minister for Commonwealth Games	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Tourism, Minister for Employment and Minister assisting the Premier on Multicultural Affairs	The Hon. J. Pandazopoulos, MP
Minister for Housing, Minister for Community Services and Minister assisting the Premier on Community Building	The Hon. B. J. Pike, MP
Minister for Small Business and Minister for Information and Communication Technology	The Hon. M. R. Thomson, MLC
Cabinet Secretary	The Hon. Gavin Jennings, MLC

Legislative Assembly Committees

Privileges Committee — Mr Cooper, Mr Holding, Mr Hulls, Mr Loney, Mr Maclellan, Mr Maughan, Mr Nardella, Mr Plowman and Mr Thwaites.

Standing Orders Committee — Mr Speaker, Mrs Barker, Mr Jasper, Mr Langdon, Mr McArthur, Mrs Maddigan and Mr Perton.

Joint Committees

Drugs and Crime Prevention Committee — (*Council*): The Honourables B. C. Boardman and S. M. Nguyen. (*Assembly*): Mr Cooper, Mr Jasper, Mr Lupton, Mr Mildenhall and Mr Wynne.

Environment and Natural Resources Committee — (*Council*): The Honourables R. F. Smith and E. G. Stoney. (*Assembly*): Mr Delahunty, Ms Duncan, Mrs Fyffe, Ms Lindell and Mr Seitz.

Family and Community Development Committee — (*Council*): The Honourables B. N. Atkinson, E. J. Powell and G. D. Romanes. (*Assembly*): Mr Hardman, Mr Lim, Mr Nardella and Mrs Peulich.

House Committee — (*Council*): The Honourables the President (*ex officio*), G. B. Ashman, R. A. Best, J. M. McQuilten, Jenny Mikakos and R. F. Smith. (*Assembly*): Mr Speaker (*ex officio*), Ms Beattie, Mr Kilgour, Ms McCall, Mr Rowe, Mr Savage and Mr Stensholt.

Law Reform Committee — (*Council*): The Honourables R. H. Bowden, D. G. Hadden and P. A. Katsambanis. (*Assembly*): Mr Languiller, Ms McCall, Mr Stensholt and Mr Thompson.

Library Committee — (*Council*): The Honourables the President, E. C. Carbines, M. T. Luckins, E. J. Powell and C. A. Strong. (*Assembly*): Mr Speaker, Ms Duncan, Mr Languiller, Mrs Peulich and Mr Seitz.

Printing Committee — (*Council*): The Honourables the President, Andrea Coote, Kaye Darveniza and E. J. Powell. (*Assembly*): Mr Speaker, Ms Gillett, Mr Nardella and Mr Richardson.

Public Accounts and Estimates Committee — (*Council*): The Honourables D. McL. Davis, R. M. Hallam, G. K. Rich-Phillips and T. C. Theophanous. (*Assembly*): Ms Barker, Mr Clark, Ms Davies, Mr Holding, Mr Loney and Mrs Maddigan.

Road Safety Committee — (*Council*): The Honourables Andrew Brideson and E. C. Carbines. (*Assembly*): Mr Kilgour, Mr Langdon, Mr Plowman, Mr Spry and Mr Trezise.

Scrutiny of Acts and Regulations Committee — (*Council*): The Honourables M. A. Birrell, Jenny Mikakos, A. P. Olexander and C. A. Strong. (*Assembly*): Ms Beattie, Mr Carli, Ms Gillett. Mr Maclellan and Mr Robinson.

Heads of Parliamentary Departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Mr B. J. Davidson

Joint Services — Director, Corporate Services: Mr S. N. Aird
Director, Infrastructure Services: Mr G. C. Spurr

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. ALEX ANDRIANOPOULOS

Deputy Speaker and Chairman of Committees: Mrs J. M. MADDIGAN

Temporary Chairmen of Committees: Ms Barker, Ms Davies, Mr Jasper, Mr Kilgour, Mr Loney, Mr Lupton, Mr Nardella, Mrs Peulich, Mr Phillips, Mr Plowman, Mr Richardson, Mr Savage, Mr Seitz

Leader of the Parliamentary Labor Party and Premier:
The Hon. S. P. BRACKS

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

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
The Hon. D. V. NAPTHINE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. LOUISE ASHER

Leader of the Parliamentary National Party:
Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:
Mr B. E. H. STEGGALL

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Leighton, Mr Michael Andrew	Preston	ALP
Allen, Ms Denise Margret [4]	Benalla	ALP	Lenders, Mr John Johannes Joseph	Dandenong North	ALP
Andrianopoulos, Mr Alex	Mill Park	ALP	Lim, Mr Hong Muy	Clayton	ALP
Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Ashley, Mr Gordon Wetzel	Bayswater	LP	Loney, Mr Peter James	Geelong North	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Hurtle Reginald, OAM, JP	Knox	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	McArthur, Mr Stephen James	Monbulk	LP
Batchelor, Mr Peter	Thomastown	ALP	McCall, Ms Andrea Lea	Frankston	LP
Beattie, Ms Elizabeth Jean	Tullamarine	ALP	McIntosh, Mr Andrew John	Kew	LP
Bracks, Mr Stephen Phillip	Williamstown	ALP	Maclellan, Mr Robert Roy Cameron	Pakenham	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McNamara, Mr Patrick John [3]	Benalla	NP
Burke, Ms Leonie Therese	Prahran	LP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Maughan, Mr Noel John	Rodney	NP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Napthine, Dr Denis Vincent	Portland	LP
Davies, Ms Susan Margaret	Gippsland West	Ind	Nardella, Mr Donato Antonio	Melton	ALP
Dean, Dr Robert Logan	Berwick	LP	Overington, Ms Karen Marie	Ballarat West	ALP
Delahunty, Mr Hugh Francis	Wimmera	NP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Paterson, Mr Alister Irvine	South Barwon	LP
Dixon, Mr Martin Francis	Dromana	LP	Perton, Mr Victor John	Doncaster	LP
Doyle, Robert Keith Bennett	Malvern	LP	Peulich, Mrs Inga	Bentleigh	LP
Duncan, Ms Joanne Therese	Gisborne	ALP	Phillips, Mr Wayne	Eltham	LP
Elliott, Mrs Lorraine Clare	Mooroolbark	LP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Plowman, Mr Antony Fulton	Benambra	LP
Garbutt, Ms Sherryl Maree	Bundoora	ALP	Richardson, Mr John Ingles	Forest Hill	LP
Gillett, Ms Mary Jane	Werribee	ALP	Robinson, Mr Anthony Gerard Peter	Mitcham	ALP
Haermeyer, Mr André	Yan Yean	ALP	Rowe, Mr Gary James	Cranbourne	LP
Hamilton, Mr Keith Graeme	Morwell	ALP	Ryan, Mr Peter Julian	Gippsland South	NP
Hardman, Mr Benedict Paul	Seymour	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Helper, Mr Jochen	Ripon	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Springvale	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Ernest Ross	Glen Waverley	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Spry, Mr Garry Howard	Bellarine	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Steggall, Mr Barry Edward Hector	Swan Hill	NP
Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar [2]	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb [1]	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Trezise, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantirna	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

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

CONTENTS

TUESDAY, 7 MAY 2002

QUESTIONS WITHOUT NOTICE
Stamp duty: reform 1151
Foxes: control 1151
Growing Victoria Together strategy 1151
Prisons: community units 1152, 1154
Hospitals: demand strategy 1153
Public land: pest control 1153
Schools: retention rates 1154
Community services: ministerial advisory committee 1155
Police: numbers 1155

PETITION
Frankston–Flinders, Dandenong–Hastings and Denham roads: traffic control 1156

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE
Alert Digest No. 4 1156

PAPERS 1156

ROYAL ASSENT 1157

HER MAJESTY QUEEN ELIZABETH THE QUEEN MOTHER 1158

APPROPRIATION MESSAGES 1158

APPROPRIATION (2002/2003) BILL
Introduction and first reading 1158
Second reading 1158

APPROPRIATION (PARLIAMENT 2002/2003) BILL
Introduction and first reading 1166
Second reading 1167

BUSINESS OF THE HOUSE
Program 1167

MEMBERS STATEMENTS
Budget: major projects 1170
Insurance: public liability 1170
Schools: Asian language program 1171
Prisons: community units 1171
Member for Brighton: performance 1171
Police: numbers 1172
Orthodox Easter 1172
Kristi Harrower 1172
Victorian Interpreting and Translating Service: funding 1173
Hepburn Football Club 1173

RAIL CORPORATIONS (AMENDMENT) BILL
Second reading 1173
Remaining stages 1204

GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL
Second reading 1205

ADJOURNMENT
Buses: Bellarine Peninsula 1209
Seniors: Internet access 1209, 1213
Rail: Mooroolbark station 1209
Trucks: Yarraville 1210
Liquefied petroleum gas: relief grants 1210
Brimbank: levy 1211
Preston General Cemetery 1211
Geelong: maritime museum 1211
Schools: Keilor 1212
Polly Woodside Melbourne Maritime Museum 1212
Country Fire Authority: Nhill station 1213
Responses 1213

WEDNESDAY, 8 MAY 2002

PAPER 1217

MEMBERS STATEMENTS
Roads: Eltham 1217
Preschools: Burwood 1217
Port of Echuca: shipbuilding 1217
Warragul saleyards 1218
Palliative care: grief counselling 1218
Liberal Party: Pakenham preselection 1218
Stamp duty: conveyancing 1219
Joyce Rollason 1219
Mornington Peninsula: bus shelters 1219
Georgies Soccer Club 1219

MATTER OF PUBLIC IMPORTANCE
Natural resources: management 1220

TRANSPORT (FURTHER MISCELLANEOUS AMENDMENTS) BILL
Introduction and first reading 1245

ENVIRONMENT PROTECTION (RESOURCE EFFICIENCY) BILL
Introduction and first reading 1245

CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL
Introduction and first reading 1245

TRAVEL AGENTS (AMENDMENT) BILL
Introduction and first reading 1245

JURIES (AMENDMENT) BILL
Introduction and first reading 1245

CRIMINAL JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL
Introduction and first reading 1246

ALBURY-WODONGA AGREEMENT (REPEAL) BILL
Introduction and first reading 1246

STATE TAXATION ACTS (FURTHER TAX REFORM) BILL
Introduction and first reading 1246

AGRICULTURE LEGISLATION (AMENDMENTS AND REPEALS) BILL
Introduction and first reading 1246

FISHERIES (FURTHER AMENDMENT) BILL
Second reading 1247, 1258

CONTENTS

QUESTIONS WITHOUT NOTICE
Budget: payroll and land tax 1250
Budget: education and innovation initiatives 1250
Budget: insurance taxes 1251
Budget: rural and regional infrastructure 1251
Electricity: special payment 1253
Budget: major projects 1253
Budget: drug programs 1255
Budget: teachers 1255
Road safety: fines 1256
Budget: fiscal responsibility 1256

RACING ACTS (AMENDMENT) BILL
Second reading 1267, 1288

THEATRES (REPEAL) BILL
Second reading 1272
Remaining stages 1288

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL
Second reading 1293

ADJOURNMENT
McKinnon Basketball Association 1305
Back to Back Theatre 1305
Echuca Regional Health 1306
Small business: online project 1306
Harcourt bypass 1307
Melbourne General Cemetery 1307
University of the Third Age: Glen Eira 1308
Consumer affairs: second-hand vehicles 1308
Prisons: community units 1309
Werribee: technology precinct 1309
Water: Geelong supply 1310
Responses 1310

THURSDAY, 9 MAY 2002

PAPERS 1313

MEMBERS STATEMENTS
Agriculture: farmers rights 1313
Anzac Day: free buses 1313
Water: Wimmera–Mallee pipeline 1313
Budget: child protection 1314
Tertiary education and training: student concessions 1314
William Johnston 1315
Prisons: community units 1315
Darebin: community-building program 1315
Budget: bayside projects 1315
Heathcote Heartland Festival 1316

TOBACCO (MISCELLANEOUS AMENDMENTS) BILL
Introduction and first reading 1316

RESIDENTIAL TENANCIES (AMENDMENT) BILL
Introduction and first reading 1316

BUILDING (FURTHER AMENDMENT) BILL
Introduction and first reading 1316

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (PLANNING PROCEEDINGS) BILL
Introduction and first reading 1317

SPORTS EVENT TICKETING (FAIR ACCESS) BILL
Introduction and first reading 1317

GAMING LEGISLATION (AMENDMENT) BILL
Introduction and first reading 1317

UTILITY METERS (METROLOGICAL CONTROLS) BILL
Introduction and first reading 1317

TRANSPORT (FURTHER MISCELLANEOUS AMENDMENTS) BILL
Second reading 1317

CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL
Second reading 1319

ENVIRONMENT PROTECTION (RESOURCE EFFICIENCY) BILL
Second reading 1320

TRAVEL AGENTS (AMENDMENT) BILL
Second reading 1324

JURIES (AMENDMENT) BILL
Second reading 1325

CRIMINAL JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL
Second reading 1327

AGRICULTURE LEGISLATION (AMENDMENTS AND REPEALS) BILL
Second reading 1331

STATE TAXATION ACTS (FURTHER TAX REFORM) BILL
Second reading 1334

ALBURY-WODONGA AGREEMENT (REPEAL) BILL
Second reading 1335

GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL
Second reading 1337
Remaining stages 1346

FISHERIES (FURTHER AMENDMENT) BILL
Second reading 1346, 1359
Circulated amendments 1367
Remaining stages 1367

QUESTIONS WITHOUT NOTICE
Police: prisoner accommodation 1350, 1352, 1354
Major events: rural and regional Victoria 1350
Rail: regional links 1351
Budget: medical research 1352
Water: Wimmera–Mallee pipeline 1353
Employment: government performance 1354
STARS Supernova program 1355
Budget: fiscal responsibility 1356

RACING ACTS (AMENDMENT) BILL
Second reading 1367
Remaining stages 1367

CONTENTS

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL
Second reading 1367
Remaining stages 1367
ADJOURNMENT
Beechworth: preschool and child-care centre 1367
Footscray: shopping precinct 1368
Border anomalies: P-plates 1368
Seniors: Internet access 1369
Budget: drug programs 1370
Housing: child-free estates 1370
Balcombe Road, Black Rock: traffic control 1371
Budget: schools 1371
Dingley bypass 1372
Road safety: toll 1372
Insurance: public liability 1372
Responses 1373

MEMBERS INDEX i

Tuesday, 7 May 2002

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

QUESTIONS WITHOUT NOTICE

Stamp duty: reform

Dr NAPTHINE (Leader of the Opposition) — My question without notice is to the Premier. Given that Victorian families are paying record amounts of stamp duty, I ask: why is the Premier — —

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order immediately. The Chair is having difficulty hearing the question.

Dr NAPTHINE — Given that Victorian families are paying record amounts of stamp duty, I ask: why is the Premier refusing to give Victorian home buyers any relief from this massive government stamp duty grab?

Mr BRACKS (Premier) — I welcome the question from the Leader of the Opposition. For the information of the house, the Leader of the Opposition was on regional radio this morning, where he said:

> … if you lower the rate of stamp duty you run the real risk, if there's a downturn in the property market, that the state government could be embarrassed for lack of funds. And we do need funds for health, education and services in our community, and everybody recognises that.

I thank the Leader of the Opposition for supporting the government's position on this matter!

Foxes: control

Mr RYAN (Leader of the National Party) — When the Minister for Environment and Conservation wrote to the Honourable Bill Baxter, a member for North Eastern Province in the other place, on 21 June last year and said, 'Fox bounty systems are generally ineffective as they do not allow the targeting of fox control where it is needed', did she mean it, or was she foxing?

Honourable members interjecting.

The SPEAKER — Order! The latter part of that question is out of order.

Ms GARBUTT (Minister for Environment and Conservation) — The Leader of the National Party would be well aware that the presence of foxes has become quite an issue right across Victoria. They are a problem for farmers, particularly in lambing time, and they are a problem when they take native animals from our parks and reserves.

The government has had many representations on the issue. Of course this is a government that listens — the Labor government listens and responds — and had the honourable member listened to the announcement he would have heard that we have announced several trials of bounty-type systems. Further details will come out in the budget which the Treasurer is about to deliver, which will be an excellent budget for rural and regional Victoria as well as all of Victoria.

Growing Victoria Together strategy

Mr HELPER (Ripon) — Will the Premier advise the house of progress in delivering key initiatives under the government's Growing Victoria Together strategy?

Mr BRACKS (Premier) — I thank the honourable member for Ripon for his question. He has seen the Growing Victoria Together strategy in action in his own electorate. Recently schools, police stations and hospitals in his area, as well as other tourism facilities, have received upgrades. The Ripon area has never been as good as it is under the present honourable member for Ripon. What is happening in Ripon is happening around the rest of Victoria.

In relation to its commitment to education, health, police and safety on the streets, and its commitment to growing all of Victoria, the report card on this government shows 10 out of 10. In relation to education, the government said it would reduce class sizes, and it has. It said it would employ more teachers, and 3000 more teaching and support staff are now in the system that were not in place when the Labor Party came to office two and a half years ago. When we came to office nurses had been sacked and there had been cuts in the health system from which it did not recover for many, many years. I am pleased to report that we have attracted back 3000 more nurses and medical support staff into our health system, and we are turning around the problems that we inherited.

In the police force there has been an 800 net increase in police officers 18 months ahead of the schedule that the government set for itself, as well as 20 new metropolitan and regional police stations and 31 new upgrades. Regional Victoria has the lowest unemployment rate it has had for 10 years, because over the last two and a half years the government decided to grow the whole of the state, not just parts of Melbourne. We have done that through the Regional

Infrastructure Development Fund and the $3.5 billion used to link the whole of the state.

I am pleased to say in response to the honourable member for Ripon that the Growing Victoria Together framework is working in Ripon, is working in Victoria and is working for all Victorians!

Prisons: community units

Mr WELLS (Wantirna) — Will the Minister for Corrections confirm that the government is negotiating the purchase of a property in Frankston next to an elderly persons hostel and a large family restaurant as a location for one of Labor's new suburban prisons?

Mr HAERMEYER (Minister for Corrections) — I was somewhat surprised at the weekend to find that the honourable member for Wantirna had discovered the concept of the community transition units that the government announced last year. In fact they were reported in the *Age* on 25 April last year. It has taken the honourable member for Wantirna over a year to either read last year's papers or to make up his mind what he thinks about it. It is quite clear what the shadow Attorney-General thought about it at the time. An article in the *Age* says — —

Dr Napthine — On a point of order, Mr Speaker, the minister is now debating the issue. The question was quite specific: is the government purchasing a property in Frankston?

The SPEAKER — Order! I do not uphold the point of order that the minister was debating the question. I will continue to hear him.

Mr HAERMEYER — The article in the *Age* of 25 April last year says:

> Opposition legal spokesman, Robert Dean, said that while the Liberal Party would prefer the creation of a specialised prison for drugs offenders, he was not opposed to the minimum security prisons being established, so long as they are used in an appropriate way.

Yet the honourable member for Wantirna came out on the weekend and said that he would close them down, that he would not have a bar of them — —

Honourable members interjecting.

The SPEAKER — Order! I ask the honourable member for Wantirna to cease interjecting. I now ask the Minister for Police and Emergency Services to cease debating the question and come back to answering it.

Mr HAERMEYER — The government makes no bones about the fact that we are absolutely committed to trying to turn around the 50 per cent-plus prisoners who leave our prisons and then come back. What these facilities are about is taking those people who are in the last few weeks of their sentences and reintegrating them into the community so that they are prepared. It is about trying to find them a job and housing, because if you do not do it there is a much better chance that they will reoffend and end up back in the system.

Mr McArthur — On a point of order, Mr Speaker, you have already warned the minister about the rules relating to debating matters in question time, yet he is now debating again. This is a simple issue: is the government buying the land, yes or no?

The SPEAKER — Order! The latter part of that point of order is out of order because it is merely repeating the question. I do not uphold the point of order that the minister is debating the question. I was listening carefully: he was providing information to the house about one of the facilities that the question referred to.

Mr HAERMEYER — The government has already said that in terms of these three community transition units we would not determine their location until after we had determined the location of the 600-bed maximum-security remand facility and the 300-bed programs prison, which the government committed to in last year's budget. We are not negotiating with anybody in Frankston. The reality is that we are not making any decisions about the location of these facilities.

These facilities are good policy. I am not prone to praising the previous government, but I have been informed by my department — and this was in the briefing provided by my department in November 1999 — that the previous government was committed to setting up these community transition units. The briefing note says:

> A further 20-place innovative men's metropolitan custodial facility for prisoners — —

Honourable members interjecting.

The SPEAKER — Order! I ask all sections of the house to come to order.

Mr HAERMEYER — This is from the Office of the Correctional Services Commissioner in 1999, and she is telling me what the previous government had been up to up until that point. It says:

> A further 20-place innovative men's metropolitan custodial facility for prisoners with a drug problem was also proposed — —

Honourable members interjecting.

Mr McArthur — On a point of order, Mr Speaker, you ruled earlier that the minister was not transgressing the debating rule, but on any objective test he is now debating the question.

The SPEAKER — Order! I ask the minister to come back to answering the question.

Mr HAERMEYER — I seek leave to table that section of the advice, if the house so desires it. This is what the previous government was up to, so I am quite happy to table it.

The SPEAKER — Order! The minister has indicated that he is making the document available to the house.

Mr HAERMEYER — I was also advised by the Correctional Services Commissioner that the previous government had been to the budget and expenditure review committee with the very same proposal. It had approved this under its own expenditure review committee. Who was in the cabinet at the time? The Leader of the Opposition. What breathtaking hypocrisy! We have the shadow Attorney-General, the honourable member for Berwick, getting up and saying he thinks it is okay, and we have the previous government saying it thinks it is okay. Now this desperate opposition comes out and suddenly tries to make hay of it. It is exposed by its actions and its own words.

Hospitals: demand strategy

Mr LIM (Clayton) — I ask the Minister for Health to inform the house of progress in delivering initiatives under the government's hospital demand strategy.

Mr THWAITES (Minister for Health) — I thank the honourable member for his question. The Bracks government's hospital demand strategy is repairing the damage of the Kennett years, when some 12 hospitals and 1000 beds were closed and 2000 nurses were sacked. In the last 18 months of the Kennett government we saw waiting lists increase from 33 259 to 40 293 — a 21 per cent increase.

The government's $1.1 billion strategy is turning around our hospital system. I am very pleased to advise the honourable member that the strategy has been successfully implemented right across our major hospitals. We have recruited more than 2650 extra nurses — and that is the net figure — and we have opened more than 360 extra beds. We are not just opening acute beds, we are also opening interim care beds so that older people can have appropriate treatment.

At the same time we have commenced our four-year $150 million hospital prevention program. The results of this strategy are extremely successful. In the last 12 months ambulance bypasses have reduced by 62 per cent, from 843 to 322 — some 45 per cent less than the quarter when we came into government. Waiting lists have also been reduced. We have treated some 14 000 extra emergency patients, and in total 30 000 extra patients have been treated this year.

Dr Peter Cameron, the head of the emergency department at the Royal Melbourne Hospital, congratulated the government on bucking the national trend and achieving a reduction in occurrences of ambulance bypass and waiting lists. But it is not just about treating more patients, it is also about quality of care. As a senior hospital chief executive officer said of last year's budget:

> The state government has provided the best health budget I can remember since 1975.

I am looking forward to hearing about this year's health budget later this afternoon.

Public land: pest control

Mr INGRAM (Gippsland East) — My question to the Minister for Environment and Conservation relates to pest plant and animal control and the impact of infestations on national parks, state forests and other public land areas. Will the minister guarantee that local area weed plans will not be used to implement changes to limit the obligations and legal requirements of public land managers to private landowners?

Ms GARBUTT (Minister for Environment and Conservation) — I thank the honourable member for his question. I can assure him that this government is absolutely committed to improving our land management and improving our attack on weeds and pests. We have taken strong and decisive action, including increasing budgets, to tackle these problems.

In contrast, of course, the previous government had slashed funding — and I remind the house of the $250 000 black hole left in the funding for wild dog control — or it had a very short-term approach and did not look to the future. Take, for example, the Rabbit Buster program, which would have finished this year had this government not been elected. This government

is turning around the management of weed and pest control in this state.

I want to cite a few examples. I will shortly be releasing a strategy for weed and pest control across the state, but in the meantime this government has actually increased weed enforcement funding by over 50 per cent compared to the previous government. In the last budget we announced an extra $2 million for weed control across the state — and that included many projects in Gippsland, as the honourable member would be aware — whether it be for serrated tussock, Paterson's curse in the north-east and the north, or blackberries in Gippsland.

Mr Perton — On a point of order, Mr Speaker, I have been paying close attention to the minister, and she has been quoting from a document. I ask her to make the document available.

The SPEAKER — Order! I do not uphold the point of order. I am of the opinion that the minister was not quoting but was providing an answer.

Ms GARBUTT — Obviously, the opposition does not like good news, and this is good news for rural communities. In addition, the government recognises that this sort of work has to be done in partnership with a whole range of groups, such as our catchment management authorities, our Landcare groups and even Vicroads. This government has announced a $125 000 project to work with Vicroads and Department of Natural Resources and Environment to identify and map areas which need weed control and to undertake that work whilst working very closely with community groups.

The honourable member drew attention to the area of Licola. The local Landcare group there has developed a local weed action program, which it wants to apply to both public and private land. This government is committed to being a good neighbour in instances where it is a public land-holder. I can give the honourable member a guarantee that no government responsibilities will be pushed onto the community, but the government does recognise that this work needs to be done in partnership. That local area bid for funding will be considered, and I believe the department thinks it is a high priority.

Prisons: community units

Ms McCALL (Frankston) — I refer the Minister for Corrections to the Premier's comments that none of Labor's suburban prisons will go ahead unless there has been full and extensive community consultation. Can the minister inform this house what consultation has been taken with the Frankston community regarding the Labor Party's proposed suburban prison in Frankston?

Mr HAERMEYER (Minister for Corrections) — In relation to the bipartisan proposal of both this government and the previous government to establish these community transition units, I reiterate what I said in my previous answer: not happening in Frankston. The honourable member for Frankston seems to have some difficulty in understanding this.

Schools: retention rates

Mr LEIGHTON (Preston) — Will the Minister for Education and Training advise the house of the progress the government is making in increasing retention rates in Victorian schools and in implementing other education initiatives?

Ms KOSKY (Minister for Education and Training) — I thank the honourable member for his question and his interest in education. Last week the Australian Bureau of Statistics (ABS) released a publication called the *2002 Victorian Year Book*. In reporting the release of that publication the *Age* had the headline, 'Victoria, the place to be — Statistics don't lie', and they certainly do not lie with education. This government has made a major investment in education and training in this state. We have turned around the damage done by the previous government. We have reinvested over an additional $2.2 billion in education and training to ensure that we have improved educational outcomes for our students.

The ABS report shows that on a number of different indicators Victoria is performing very well in education. School enrolments are up — an increase of over 14 000 students in Victoria since 1999. Student numbers for VET — vocational education and training — in the Victorian certificate of education (VCE) programs are also up — 68 per cent since 1999. Not only are students much more engaged in VET in the VCE programs but also the number of programs has increased to 441 since 1999 in all sectors. These are terrific improvements for education in Victoria, particularly for students, teachers and parents.

Retention rates are also up. ABS data on school retention shows that Victoria is not only doing well but is the best performing state of all the states, with only the Australian Capital Territory higher. We are up on every indicator. We are up on retention rates, on enrolments, on VET in the VCE — the stats don't lie.

This comes on top of the 9000 teachers that were sacked and the 300 schools that were closed by the previous government. It made an absolute mess of

education in this state. We are turning it around. We have invested an additional $2.2 billion, and it is paying dividends. I want to thank the students, the teachers and the parents for turning this state around in education.

Community services: ministerial advisory committee

Mrs ELLIOTT (Mooroolbark) — I refer the Minister for Community Services to Labor's 1999 election commitment to establish a ministerial advisory committee on child, youth and family services. Can the minister inform the house when this committee was formed and how many times it has met?

Ms PIKE (Minister for Community Services) — I thank the honourable member for her question. One of the things the Bracks government has done is expand the opportunities for members of the community to be consulted and to have their part in the development of policy and initiatives that really reflect their needs. If anything, the criticism could come that there has been over consultation, so I find it rather amusing that the honourable member is now raising the matter of consultation. We strongly believe that listening to the community — talking to and consulting with people and hearing their needs — makes for good public policy.

We have a number of mechanisms for consultation within the Department of Human Services. Certainly the department has committees in the youth and family policy area and meets with people on a regular basis. Certainly I have forums — —

Dr Napthine — On a point of order, Mr Speaker, the minister is debating the issue. If the truth is that she does not know, she should say she does not know and get back to the honourable member.

The SPEAKER — Order! I do not uphold the point of order. The Leader of the Opposition well knows that the latter part of that was a point in debate.

Ms PIKE — The truth is that this government has a number of means of consulting with the sector. But the real test of the government's commitment to the community, particularly the disadvantaged members of the community who are covered by the community services portfolio, is the things it is able to deliver to Victorian citizens who have profound needs. Each of the budgets brought down by the Bracks government has contained a number of initiatives which have improved and enhanced the quality of life of low-income Victorians. The budget that will be delivered today will build on the substantial effort, commitment and initiatives of the Bracks government to turn around the lack of commitment and concern of the previous government in caring for vulnerable people in our community.

Police: numbers

Mr SEITZ (Keilor) — Will the Minister for Police and Emergency Services inform the house of how the government boost to police numbers is contributing to a reduction in crime in Victoria?

Honourable members interjecting.

Mr HAERMEYER (Minister for Police and Emergency Services) — Put a few over there in one, I think — a nice private one!

As the house is aware, Victoria recently passed the target of 800 additional police officers, to which this government was committed prior to the last election. Most honourable members would be aware of how the previous government promised 1000 additional police but decimated the police force by cutting it by 800 officers. In addition, the previous government abandoned or threatened to close some 50 police stations. It is no wonder that at the last election we saw criminals across Victoria turning up at polling booths with Liberal Party how-to-vote cards!

Over the three years the previous government was cutting police numbers there was a significant increase in crime across all categories, particularly things like assaults, weapons and property crimes. The previous government was cutting police numbers while the crime rate was going up: one can only assume that there is a strong causal relationship. I have to say that 800 additional police make a difference. The *2002 Victorian Year Book* published recently contains figures provided by the Australian Bureau of Statistics.

An honourable member interjected.

Mr HAERMEYER — The crime rates are as low as the opposition's popularity ratings at the moment. The *2002 Victorian Year Book*, which publishes ABS statistics, confirms once again that Victoria is Australia's safest state by a long shot. It indicates that across the major indicators — homicide, attempted murder, assault, sexual assault and robbery — the statistics are declining. I saw a graphic example of that a few weeks ago when I visited Dandenong and Frankston. The police there are up to full strength for the first time in years and are doing sensational things. In Dandenong I was told of reductions in crime of more than 40 per cent across some categories. In Frankston a very innovative program has reduced car thefts by

around 27 per cent. These are early statistics but they have been sustained over a couple of months and are extremely encouraging.

With the introduction of 800 extra police this government is turning around the very criminal-friendly, anti-police environment fostered by the previous government. Despite the fact that the government has attained its target of 800 additional police 18 months early and despite the fact that everybody has acknowledged that — even the opposition acknowledged a few weeks ago that that figure had been attained — the opposition has put out this pamphlet in the community saying, 'Despite Labor's election promises independent reports show that police numbers have fallen by 40 officers in the past two years'. They know that is wrong, yet they go out and peddle this misleading, deceitful garbage to the community.

I call on the Leader of the Opposition to apologise to the Victorian public for that misleading bit of garbage — —

Honourable members interjecting.

Dr Napthine — On a point of order, Mr Speaker, I am happy to respond because the figures show that crime has certainly gone up in St Albans and Prahran — —

Honourable members interjecting.

The SPEAKER — Order! I ask members on the government benches to come to order immediately. I ask the Minister for Police and Emergency Services to conclude his answer.

Mr HAERMEYER — Mr Speaker, you do not get any softer on crime than cutting police numbers. We know they will do it again because they will not have the money, after the promises the Leader of the Opposition has already made, to do anything else. The crime rates in this state are going in the same direction as the popularity of the Leader of the Opposition — and that is down!

The SPEAKER — Order! The time set down for questions without notice has expired, and the house has dealt with the minimum number of questions required under sessional orders.

PETITION

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

Frankston–Flinders, Dandenong–Hastings and Denham roads: traffic control

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

The humble petition of the undersigned citizens of Victoria sheweth that we are gravely concerned about the extreme danger of the intersection of Frankston–Flinders Road with Dandenong–Hastings Road and Denham Road in Tyabb.

Your petitioners therefore pray that urgent action be taken to make this black spot intersection safer before any more lives are lost at the location.

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

By Mr BATCHELOR (Thomastown) (2473 signatures)

Laid on table.

Ordered that petition presented by honourable member for Thomastown be considered next day on motion of Mr VINEY (Frankston East).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 4

Ms GILLETT (Werribee) presented *Alert Digest* No. 4 of 2002 on:

Constitution (Parliamentary Terms) Bill
Crimes (Workplace Deaths and Serious Injuries) Bill
Energy Legislation (Further Miscellaneous Amendments) Bill
Fisheries (Further Amendment) Bill
Guardianship and Administration (Amendment) Bill
Magistrates' Court (Koori Court) Bill
National Crime Authority (State Provisions) (Amendment) Bill
Racing Acts (Amendment) Bill
Rail Corporations (Amendment) Bill
State Taxation Legislation (Further Amendment) Bill
Summary Offences (Spray Cans) Bill
Theatres (Repeal) Bill

together with appendices.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Adult Multicultural Education Services — Report for the year 2001

Ballarat University — Report for the year 2001 (two papers)

Bendigo Regional Institute of TAFE — Report for the year 2001

Box Hill Institute of TAFE — Report for the year 2001

Central Gippsland Institute of TAFE — Report for the year 2001

Centre for Adult Education — Report for the year 2001

Chisholm Institute of TAFE — Report for the year 2001

Cinemedia Corporation — Report for the period 1 July 2001 to 31 December 2001

Crown Land (Reserves) Act 1978 — Section 17DA Orders granting under s. 17D leases to Powercor Australia Limited (two orders)

Deakin University — Report for the year 2001

Driver Education Centre of Australia Limited (DECA) — Report for the year 2001

East Gippsland Institute of TAFE — Report for the year 2001

Financial Management Act 1994:

Budget Paper No. 2 — 2002/2003 Budget Statement

Report from the Minister for Agriculture that he had not received the 2000–01 annual report of the Veterinary Practitioners Registration Board of Victoria, together with an explanation for the delay in tabling

Gordon Institute of TAFE — Report for the year 2001

Goulburn Ovens Institute of TAFE — Report for the year 2001

Holmesglen Institute of TAFE — Report for the year 2001

Kangan Batman Institute of TAFE — Report for the year 2001

La Trobe University — Report for the year 2001

Melbourne University — Report for the year 2001

Monash University — Report for the year 2001

Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2001

Northern Melbourne Institute of TAFE — Report for the year 2001

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

East Gippsland Planning Scheme — No. C3 Part 1

Hume Planning Scheme — Nos C32, C34, C35

Maribyrnong Planning Scheme — Nos C8, C27

Maroondah Planning Scheme — No. C26

Melbourne Planning Scheme — No. C64

Monash Planning Scheme — No. C6

Moyne Planning Scheme — No. C1

South Gippsland Planning Scheme — No. C7

Whittlesea Planning Scheme — No. C33

Wodonga Planning Scheme — No. C11

Yarra Planning Scheme — No. C31

RMIT — Report for the year 2001

South West Institute of TAFE — Report for the year 2001

Statutory Rule under the *Subordinate Legislation Act 1994* — SR No. 30

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule No. 30

Sunraysia Institute of TAFE — Report for the year 2001

Swinburne University of Technology — Report for the year 2001

Victims Crime Assistance Tribunal — Report for the year 2000–01

Victoria University of Technology — Report for the year 2001

Victorian Law Reform Commission Act 2000 — Report on Criminal Liability for Workplace Death and Serious Injury in the Public Sector — Ordered to be printed

William Angliss Institute of TAFE — Report for the year 2001

Wodonga Institute of TAFE — Report for the year 2001

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

Post Compulsory Education Acts (Amendment) Act 2001 — Remaining provisions on 3 May 2002 (*Gazette G18*, 2 May 2002)

Road Safety (Alcohol Interlocks) Act 2002 — Remaining provisions on 13 May 2002 (*Gazette G18*, 2 May 2002)

Sentencing (Amendment) Act 2002 — Remaining provision (except for sections 8, 9, 11 and 14) on 2 May 2002 (*Gazette G18*, 2 May 2002).

ROYAL ASSENT

Messages read advising royal assent to:

30 April

Jewish Care (Victoria) Bill
Melbourne City Link (Further Miscellaneous Amendments) Bill

7 May

Health Practitioner Acts (Further Amendments) Bill

HER MAJESTY QUEEN ELIZABETH THE QUEEN MOTHER

Message read advising that the Governor had transmitted to the Governor-General for presentation to Her Majesty the Queen joint condolence motion passed by both houses of Parliament on death of Her Majesty Queen Elizabeth The Queen Mother.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Magistrates' Court (Koori Court) Bill
National Crime Authority (State Provisions) (Amendment) Bill
Racing Acts (Amendment) Bill

APPROPRIATION (2002/2003) BILL

Message read recommending appropriation and transmitting estimates of revenue and expenditure for 2002–03.

Estimates ordered to lie on table.

Introduction and first reading

Mr BRUMBY (Treasurer), pursuant to standing order 169(a), introduced a bill for the appropriation of certain sums out of the consolidated fund in respect of the financial year 2002–03 and for other purposes.

Read first time.

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

Introduction

This budget invests in our future — in the future of our people and our state.

It invests in more jobs and stronger communities.

It delivers record investment in education and innovation — driving new opportunities for all Victorians.

And it reinforces this government's determination to make sure that all Victorians — wherever they live and whatever they do — can step into the future with confidence as part of a strong and thriving Victoria.

The first two budgets of the Bracks Labor government began the task of undoing years of damage in education, health and community safety. We took up the challenge of rebuilding our regions. And we committed ourselves to getting the conditions right for jobs and economic growth across Victoria.

The results are there for all Victorians to see.

Strong economic growth above the national average.

Jobs growth, consumer spending, business investment — all well above the national average.

Strong economic and employment growth in regional Victoria.

And Victoria's AAA credit rating confirmed.

Education is back in its rightful place — as the government's top priority. Our health system is turning around. Our vital community services are being restored and repaired.

And Victorian businesses can now invest with confidence, with lower and fewer taxes, in a competitive, innovative and connected environment.

Growing Victoria Together

Last year, the government released our framework for Victoria's future, Growing Victoria Together, which balances economic, social and environmental goals in growing the whole state.

This budget puts that plan to work.

This budget continues to invest in Victoria's greatest asset: our people — in their education and health, and in the communities where they live.

We continue to invest in country Victoria — generating new jobs and investment after years of decline.

We invest in our expanding suburbs and growth corridors — places where more and more Victorian families are choosing to live.

We invest in our great city of Melbourne — in the projects and developments that will transform Melbourne into a truly 'global' waterfront city.

And we deliver services and infrastructure to link our communities together — and connect all of us to the world, and to a future of high quality jobs, strong economic growth and a better standard of living.

With this budget — the third budget of the Bracks Labor government — Victoria steps with confidence into a stronger, brighter future.

Responsible and sound financial management

Responsible financial management is crucial to Victoria's future.

This budget continues to meet the Bracks government's commitment to maintain a substantial operating surplus of at least $100 million.

An operating surplus of $522 million is projected for 2002–03, with expected surpluses averaging around $600 million in the following three years.

Standard and Poor's and Moody's Investors Service have again acknowledged the government's responsible financial management, confirming Victoria's AAA credit rating.

The government is committed to keeping these excellent ratings by maintaining the state's net financial liabilities at prudent levels.

General government net financial liabilities, excluding the Growing Victoria infrastructure reserve assets, are forecast to fall from 10.8 per cent of GSP at June 1999 to 7.1 per cent by June 2006.

And general government net debt falls even further, from $4.9 billion in 1999 to $2.3 billion by June 2006 — just 1 per cent of GSP.

Honourable Speaker, the Bracks government has provided — and will continue to provide — responsible financial management and leadership to ensure that Victoria's financial position remains strong, sound and secure.

A growing economy — Victoria leads the way

The Victorian economy is also leading the way — proving to be robust and resilient in the face of global economic uncertainties.

This year, the Victorian economy is expected to grow by 3.75 per cent, significantly exceeding our original forecast of 2.75 per cent.

Growth in 2002–03 and beyond is forecast at 3.5 per cent — a strong performance that confirms the benefit of the government's commitment to sound financial management.

It also reinforces the benefits of the government's strategy to grow the whole state and invest in the drivers of growth: education, innovation and infrastructure.

Victoria's labour market continues to outperform the national economy, with our unemployment rate at or below the national average for the past 22 months.

Since October 1999 employment in Victoria has grown by more than 110 000 people — representing more new jobs than any other state.

There's a new climate of confidence in Victoria — a confidence that, for the first time in many years, extends beyond central Melbourne and reaches out across the state.

It is a confidence reflected in private business investment and consumer spending growing faster than the national average.

And it is reflected, too, in the record numbers of Australians choosing to call Victoria home.

We are now attracting more and more people from other states.

People who see Victoria as a place of renewed opportunity, with a commitment to building strong, caring communities — in short, a great place to live, work and raise a family.

It's just one factor in Victoria's strong economic performance over the past two years.

And in this budget, we put the proceeds of that strong performance to work — reinvesting in the assets and services that are attracting people to Victoria, and benefiting all Victorians.

Investing for our future — stronger communities

As in previous budgets, the government is directing substantial investment towards growing and linking the whole state.

To meet that goal over the long term, we need stronger communities.

Communities where there is trust and support — communities that can work together to create new opportunities.

High-quality infrastructure is the cornerstone of such communities, and a key driver of long term, sustainable economic growth across Victoria.

The Bracks government has already taken investment in public infrastructure to an all-time high.

And our infrastructure program is not about monuments — it's about people.

It's about world-class schools and hospitals.

It's about modern transport and Internet connections.

It's about better, safer places for people to live and work.

The 2002–03 budget boosts asset investment by a further $3 billion for major capital works across Victoria.

It's the biggest infrastructure program in the state's history — and it's been fully funded from our budget surpluses, without adding one single dollar to debt.

This year, we focus on linking and strengthening our country and regional areas, our expanding suburbs and our growth corridors — investing in the infrastructure they need to step into the future with confidence.

Stronger suburbs

Honourable Speaker, a major focus of this budget is the expanding suburbs and growth corridors of Melbourne.

These are the places where Victorian families are increasingly choosing to live — and where much of Victoria's future population growth will be concentrated.

In this budget, the government has committed $704 million to a major Linking the Suburbs transport strategy.

We are extending the electrified suburban rail network to Craigieburn in Melbourne's north-west, and extending tram services to Vermont South.

We are upgrading major suburban roads in Narre Warren, Langwarrin, Sunbury, Laverton and Epping.

And we are providing a massive $36 million boost for 25 suburban bus routes across Melbourne — extending routes, adding new services and introducing more low-floor, airconditioned buses.

The budget also provides $445 million for Victoria's contribution to the Scoresby freeway.

As many people live along the Scoresby route as live in the whole of Adelaide, and the corridor is a major source of exports for Victoria and Australia.

This $1 billion, 34-kilometre project will provide a seamless link from the south-east to the city and to Victoria's ports, airports and major freight routes.

It will bring significant economic and employment benefits to Melbourne's eastern and south-eastern suburbs and the regions beyond those suburbs.

And it will cement Victoria's reputation as the transport capital of Australia.

To generate further opportunities in Melbourne's east and south-east, the budget also allocates funds for the development of Dandenong, Ringwood and Frankston as key retail and transport hubs — known as transit cities.

$23 million is provided in 2002–03 for five new schools in the high growth suburbs of Roxburgh Park, Melton, Narre Warren, Berwick and Carrum Downs.

Significant hospital capital works are also approved for the redevelopment of the Angliss and Dandenong hospitals.

Stronger regions

The 2002–03 budget continues the government's unwavering commitment to country Victoria.

When we came to office, country Victoria had been left behind, ignored and neglected by the previous government.

The Bracks government has worked hard to turn that around — and worked closely with country and regional communities to give them the services and infrastructure they need to compete for investment and jobs.

And, once again, the results are there for all Victorians to see.

Jobs are up, unemployment is down — with the average unemployment rate last year across country Victoria the lowest in more than a decade.

Our agricultural industries are performing exceptionally well.

And building approvals are outstripping the state average, with strong residential growth in cities like Geelong, Ballarat and Bendigo.

The government's Regional Infrastructure Development Fund has contributed to the turnaround in many of our regions.

It is a great success story, which has changed forever the relationship between country communities and the state government.

And that fund now sits at the heart of this government's ongoing commitment to country and regional Victoria.

The 2002–03 budget builds on the government's current major infrastructure commitments in regional areas and focuses on improving transport links, supporting regional industry and investing in schools and health services.

We are investing $102 million to create better regional transport links — including an upgrade of the Warrnambool train line, major arterial road improvements and the biggest single boost to country bus services in decades.

We are undertaking a major $101 million upgrade of the Royal Melbourne Showgrounds, securing the future of the show to build enduring links between the suburbs of Melbourne and the regions of country Victoria.

In a major economic and environmental initiative, the government is allocating $77 million towards the construction of the Wimmera–Mallee pipeline — one of the most significant water infrastructure projects ever undertaken in Victoria.

Honourable members interjecting.

The SPEAKER — Order! Government members will come to order.

Mr BRUMBY — It wouldn't be there but for us!

This new pipeline will give 40 communities across Victoria's west a more secure and higher quality water supply.

It will create jobs, open up new opportunities for regional industry and protect the environment.

The budget also includes a major $40 million package to upgrade regional public hospitals, health centres and aged care facilities — in places such as Lorne, Stawell, Beechworth, Geelong and Omeo.

We are undertaking upgrades of more than 40 schools in country and regional Victoria, including building two new schools in Lara and Bairnsdale.

We're replacing 12 police stations in small rural communities, from towns like Pyramid Hill in Victoria's north-west and Whitfield in the north-east, to Bunyip in Gippsland.

We are investing $26 million to boost our food and fibre industries — and $5 million to upgrade rail access for regional exporters to the port of Geelong.

And we are securing the long-term future of Victoria's water and forest resources, and the regional industries and communities that rely on them.

A thriving and innovative Victorian economy

Let me now turn to innovation.

Innovation is the 21st century's main driver of economic growth, quality jobs and high living standards — and a modern, outward looking economy must have innovation at its heart.

Innovation not only transforms existing industries, such as manufacturing and agriculture — it creates jobs in new industries, such as design and biotechnology.

Since 1999, the government has invested heavily in science and technology, and in education, innovation and research.

We have done so because we are determined to position Victoria as a global player in fields such as biotechnology, advanced manufacturing, design, aerospace, ICT and environmental technologies.

This budget reflects and reinforces that determination.

It commits $100 million towards the construction of Australia's first synchrotron facility at Monash University in Clayton — giving Victoria the leading edge in scientific infrastructure.

We are doubling funding for medical research infrastructure in Victoria, with a $35 million boost over four years.

This will ensure we keep our best scientists and researchers here in Victoria and maintain our international leadership in medical research.

The government is also investing $27 million over four years in biotechnology research and development, commercialisation and marketing — in line with our goal of positioning Victoria as one of the top five biotech locations in the world.

Turning good ideas into good business is critical to a successful innovation economy.

This budget builds on the government's existing $20 million technology commercialisation program by providing $7 million for a centre for innovation and

technology commercialisation, cooperative research centres and a technology transfer program.

The government is also providing funding to drive new, knowledge-based industries in Victoria, including:

> $9.2 million over two years to position Victoria as an international centre of design excellence;
>
> $12 million over three years to establish a new centre for energy and greenhouse technologies in Gippsland; and
>
> $27 million over four years for our agenda for new manufacturing, increasing the capacity of Victorian manufacturing to become more innovative and connect to global markets.

New initiatives in this budget will add to Victoria's growing reputation as a world leader in the modernisation of government — including a $71 million strategy to streamline government telecommunications services and $24 million for a new electronic land exchange.

As well as leading the way on innovation, the government is also investing in Victoria's future as a creative state — building on our long-held reputation as Australia's arts capital.

The 2002–03 budget delivers more than $100 million for arts projects, including:

> the new Dame Elisabeth Murdoch Recital Hall and a new home for the Melbourne Theatre Company;
>
> an additional $2 million over four years for Arts Victoria's successful Regional Arts Infrastructure Fund; and
>
> $21 million to improve exhibition spaces and facilities at the Melbourne Museum and the State Library.

Alongside the government's commitment to innovation, these projects deliver a strong program to drive Victoria's future as an innovative economy and a smart, creative and enterprising state.

Building Tomorrow's Businesses Today

The government's commitment to innovation also includes the Building Tomorrow's Businesses Today package, recently announced by the Premier.

The budget gives effect to that package, allocating $364 million to create a more competitive business environment, encourage more innovative businesses and give Victorian business and industry a stronger international focus.

The package brings forward payroll tax cuts and the abolition of stamp duty on unquoted marketable securities.

It provides further cuts to payroll and land tax — bringing total business tax relief announced since October 1999 to more than $1 billion.

The government will also provide $102 million in initiatives aimed at improving the way Victoria does business, including support for innovation and international expansion.

The Building Tomorrow's Businesses Today package is a great step forward for Victorian business — and it will help all businesses, big or small, city or country, to become more competitive, more innovative and better connected to global markets.

Valuing and investing in lifelong education

Building a successful innovative economy is simply not possible without a world-class education system.

Education is crucial to Victoria's long-term economic success, and to building strong, caring and tolerant communities.

That is why record investment in education is the cornerstone of the 2002–03 budget.

We are making this investment to improve access and drive excellence in Victoria's education system, from preschool to post-compulsory level.

We want all Victorians to have access to world-class, lifelong education — from young children in kindergarten, to adults wanting to upgrade their qualifications, to someone wanting to learn a new language or skill later in life.

We want to make a real difference to young people's lives and give them every chance to succeed.

We want young Victorians to have the same access to education wherever they live — whether that's a country town like Birchip, a regional centre like Benalla, or suburbs like Fitzroy or Carrum Downs.

That means driving excellence and high standards across the entire state.

It means revitalising the way young people learn, and finding new, innovative ways to deliver better educational outcomes.

When we came to office, Victoria's school system was struggling.

Thousands of teachers had been taken out of the system.

Hundreds of schools had been closed down — or allowed to run down.

There were fewer apprenticeships.

We are undoing the damage of those years.

We have reduced class sizes in the critical early years of schooling.

We have set formal targets to improve literacy and numeracy, increase year 12 completion rates and improve student participation and achievement in regional Victoria.

We have put in place a middle years of schooling initiative to keep students engaged in years 5 to 9.

We have invested in computers, technology, science labs and libraries.

We have upgraded TAFEs and schools across Victoria.

And we have invested in valuing, training and supporting one of this state's greatest resources — our teachers.

This year, we go even further. This year, we take the next steps to deliver a new era of opportunity and excellence in Victorian schools.

The 2002–03 budget invests a further $550 million in education over four years — on top of the substantial commitment in our previous two budgets.

The government is making a major new $28 million investment to improve the learning, health and wellbeing of children before they go to school.

In response to the Kirby preschool review, we are upgrading preschool facilities, providing extra support for children with special needs and developing a better management model for kindergartens.

In primary and secondary schools, we have allocated an extra $334 million over four years:

to improve literacy and numeracy in the early years of schooling;

for a new Access to Excellence program that will employ an additional 300 secondary teachers in schools with high absentee rates or low literacy and numeracy standards;

to deliver a new middle years program focusing on innovation and excellence; and

to roll out, statewide, the new Victorian certificate of applied learning, which offers young Victorians an alternative pathway to the VCE.

In total, more than 900 additional teachers will be employed across the state to ensure these outcomes are delivered.

The budget also focuses on improving access to education, with an injection of $31 million over four years to improve school bus services for country students, and an additional $3.6 million to support Koori students.

Across the state, the government is building and upgrading more than 110 schools and four TAFEs — as part of a $216 million major building program.

This record investment in education will improve access and drive excellence across our schools and TAFEs.

And it confirms the government's commitment to build a public education system that is the best in this country and among the very best in the world.

Ensuring high quality and accessible health services

The government also continues to turn around Victoria's public health system.

The 2002–03 budget builds on the successful hospital demand management strategy introduced last year that has more than halved ambulance bypass and reduced waiting lists for the first time in many years.

The budget provides additional funding of $464 million over four years, enabling Victoria's public hospitals to treat 30 000 more patients and employ 700 more nurses and health workers.

The government is providing a $100 million boost to upgrade medical equipment and hospital facilities.

We will expand and improve the delivery of ambulance services, and employ an additional 43 paramedics.

We will support older Victorians to live independently at home, through a $29 million boost to home and community care services.

And we will extend a range of vital health services, including dental health, women's health and breast screening services.

In this budget, the government makes a major $61 million commitment to improving community mental health services and opening new mental health hospital beds.

The government will continue its program of major capital works: — redeveloping the Royal Melbourne, Angliss and Dandenong hospitals; upgrading country and regional health services; and establishing four new country ambulance stations at Kyneton, Ararat, Colac and Hopetoun.

Honourable Speaker, the Bracks government is restoring our health services after years of chronic underfunding — and we will continue to work with our nurses, doctors and health workers to rebuild Victoria's great public health system.

Community safety

Strong communities are also safe communities, and the Bracks government is proud of its achievement in providing additional front-line police.

Victorian police numbers are now well over the 10 000 mark and Victoria has more than 800 extra police on the front line than we did two and a half years ago.

In addition to increasing police numbers, the government is building 20 new police stations across Victoria, replacing a further 31 country stations and upgrading police equipment.

The 2002–03 budget provides an additional $26 million to build two new police stations at Footscray and Coburg, and replace 12 stations in small country towns.

This year, the budget focuses on delivering major improvements to Victoria's police and emergency services communications network.

The government has approved funding for three major projects under the statewide integrated public safety communications strategy.

These projects will give all Victorian emergency services state-of-the-art communications equipment — reducing response times, improving coverage and giving staff access to computer data bases from their vehicles.

The government will not continue the previous government's flawed experiment of privatising Victoria's emergency services communications.

This budget provides the funds to take these vital services back into public hands.

Road safety is also a priority for the Bracks government, which has set a goal of reducing death and serious injury by road accidents by 20 per cent over five years.

The 2002–03 budget invests record funding in upgrading roads and transport infrastructure — as well as providing $21 million in specific road safety initiatives, including a new program focusing on motorcyclists.

As part of the Linking the Suburbs strategy, $48 million will also be used to target roads and intersections with high accident rates in Melbourne's outer suburbs.

Promoting sustainable development and protecting the environment for future generations

Honourable Speaker, valuing and protecting our environment is one of the most important legacies we can leave our children and grandchildren.

We have an obligation to use our natural resources wisely and responsibly.

Victorians want leadership on protecting the environment and promoting sustainable development — and the government is showing that leadership.

We have already committed more than $300 million to tackle salinity, restore the Snowy River, and improve flows in the Murray River.

Our plan to create world-first marine parks has received international attention and acclaim.

In this budget, we take further action to protect our waterways, our forests and our land.

Some of Victoria's most important rivers are under great and growing stress.

This is not a problem we can ignore — and we must take action now to manage our waterways more responsibly.

This budget provides an additional $11 million to improve the health of our most stressed rivers, and $13 million for a Gippsland Lakes rescue package.

The construction of the new Wimmera–Mallee pipeline will also benefit waterways in Victoria's west, improving flows in the Glenelg and Wimmera rivers as well as opening up new agricultural opportunities.

The 2002–03 budget also gives effect to the government's Our Forests, Our Future statement.

The budget allocates $80 million to promote sustainable forest practices, establish new industry arrangements and provide assistance to workers and timber communities — as Victoria moves to cut logging in our native forests by one third.

The government is also moving to protect Victoria's fragile box-ironbark areas — with a $21 million package to set up forests, woodlands and reserves, and provide additional support to regional communities and the users of these areas.

The budget provides an additional $6 million for the second generation Landcare action plan — and $3 million for a statewide fox control program, to protect both our native wildlife and our wool industry.

Honourable Speaker, this budget, and our actions to date, confirm that the Bracks government will lead the way in protecting our most valuable natural resources.

We will take the tough decisions as we work towards a long-term sustainable future for all Victorians.

Building strong and caring communities

Honourable Speaker, many of the investments in this budget are directed towards the government's goal of building strong and caring communities.

Across Victoria, most people and places are doing very well, with prosperity rising on the back of strong economic growth and a significant increase in asset values, especially housing.

But others are not doing so well — and the government recognises that inequality and disadvantage unfairly undermine the hopes and opportunities of these Victorians and these communities.

This budget takes the proceeds of prosperity and growth, and reinvests some of those proceeds in assisting families and communities in need of support.

In response to increasing notifications of suspected child abuse and neglect, the government is funding a $65 million new approach to child protection services.

We will improve intensive services for abused children, provide additional support for vulnerable families and assist Victoria's Koori communities protect children and young people.

This package will put 60 new child protection workers on the frontline, and it is one of the most significant improvements in community service delivery in Victoria for many years.

The budget delivers an additional $55 million over four years to improve services for people with disabilities, including the first stage of the redevelopment of Kew Residential Services.

The government is also providing $13 million over four years to improve the safety of railway pedestrian crossings and wheelchair access to railway stations.

As part of the government's strong commitment to reconciliation between indigenous and non-indigenous Victorians, we are providing $12 million over four years to support indigenous communities.

The government is also undertaking a series of neighbourhood renewal projects to upgrade run-down public housing estates and assist local communities create job and education opportunities.

These projects run from Maidstone/Braybrook in Melbourne's west to communities in Seymour, Shepparton and Geelong.

$8.8 million is also provided over four years to extend services for homeless people.

To improve access to housing in our suburbs and regions, the budget allocates $13 million in 2002–03 to streamline and expand concessional arrangements to enable more Victorian families and people on low incomes to purchase a home.

The government is also funding a $15 million redevelopment of the inadequate and outdated Turana juvenile justice facility, and providing $8 million to improve access to legal aid, victim support and dispute resolution services.

The government also recognises that tolerance and diversity are important features of strong communities, as well as some of this state's greatest assets.

This budget expands the Victorian Multicultural Commission's community grants program and provides funding to improve language and interpreting.

Appropriation bill

Honourable Speaker, the Appropriation (2002/2003) Bill provides authority to enable government departments to meet their agreed service delivery responsibilities in 2002–03.

The bill supports a financial management system that recognises the full cost of service delivery in Victoria and is thus based on an accrual framework.

Schedule one of the bill contains estimates for 2002–03 and provides a comparison with the 2001–02 figures.

In line with established practices, the estimates included in schedule one of the bill are provided on a net appropriation basis.

These estimates do not include certain receipts that are credited to departments pursuant to section 29 of the Financial Management Act 1994.

This budget has again been examined by the Auditor-General as required by the new standards of financial reporting and transparency established by the government in 2000.

Conclusion

Honourable Speaker, Victoria in the year 2002 is a great place to live — a great place to be.

We are leading Australia in so many ways — with our strong economic and jobs growth set to continue over the years ahead.

Some of the most exciting and important projects in this state's history have already started — or are about to begin.

The redevelopment of the Austin Hospital — the largest public sector hospital project in Australia.

The new National Neurological Centre — kick-started by the Victorian government and set to become a world leader in neuroscientific research.

The redevelopment of Australia's greatest sporting ground, the MCG.

New regional fast rail links to Bendigo, Ballarat, Geelong and Traralgon.

The new Holden engine plant.

The Scoresby freeway.

The Wimmera–Mallee pipeline.

New state-of-the-art sports facilities across Victoria as we prepare for the 2006 Commonwealth Games.

Our education system is driving forward into a new era of excellence.

Literacy and numeracy standards are up. Completion rates are up. Class sizes are down. New schools are being built.

Our health system is turning around, treating more Victorians and delivering better quality care right across the state.

Our business and industry are becoming more competitive, more innovative and more connected to the world.

And new opportunities are being created in our regions and our suburbs, and in the industries of the future.

Victoria is headed in the right direction — and we have the wind in our sails.

The government is investing well to ensure we stay on course, maintain our strong growth, and give all Victorians the chance to be part of a thriving and successful Victoria.

The 2002–03 budget puts the proceeds of Victoria's strong economic performance over the past two years to work — renewing and rebuilding our suburbs and regions, and driving new opportunities in education and innovation.

This budget reinvests in the foundations we need for an even stronger, brighter future — for our children and for all Victorians.

Honourable Speaker, I commend the bill to the house.

Honourable members applauded.

The SPEAKER — Order! I ask government members to come to order.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 16 May.

APPROPRIATION (PARLIAMENT 2002/2003) BILL

Message read recommending appropriation and transmitting estimates of revenue and expenditure for 2002–03.

Estimates ordered to lie on table.

Introduction and first reading

Mr BRUMBY (Treasurer), pursuant to standing order 169(a), introduced a bill for the appropriation of certain sums out of the consolidated fund for the Parliament in respect of the financial year 2002–03 and for other purposes.

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

The bill provides appropriation authority for payments from the consolidated fund to the Parliament in respect of the 2002–03 financial year including ongoing liabilities incurred by the Parliament such as employee entitlements that may be realised in the future.

Honourable members will be aware that other funds are appropriated for parliamentary purposes by way of special appropriations contained in other legislation. In addition, unapplied appropriations under the Appropriation (Parliament 2001/2002) Act 2001 have been estimated and included in the budget papers. Prior to 30 June actual unapplied appropriation will be finalised and the 2002–03 appropriations adjusted by the approved carryover amounts pursuant to the provisions of section 32 of the Financial Management Act 1994.

In line with the wishes of the Presiding Officers, appropriations in the bill are made to the departments of the Parliament.

The total appropriation authority sought in this bill is $77.4 million (clause 3 of the bill) for Parliament in respect of the 2002–03 financial year.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 16 May.

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, 9 May 2002:

Rail Corporations (Amendment) Bill

Guardianship and Administration (Amendment) Bill

Fisheries (Further Amendment) Bill

National Crime Authority (State Provisions) (Amendment) Bill

Theatres (Repeal) Bill

Racing Acts (Amendment) Bill

Briefly by way of explanation, the last time the government business program was debated in this chamber I indicated that we would be likely to be debating the Electoral Bill. That has been deferred in order to allow for further consideration by the opposition; at its request, the government has facilitated that. Therefore in order to provide additional legislation for debate this week the government has brought forward a number of items which would normally have been debated later in the parliamentary sittings. The government has received the cooperation of not only the Liberal Party but also the National Party and the Independents in doing that to provide an appropriate legislative program this week. I would like to place on record the thanks of the government for the flexible arrangements which have facilitated this and subsequent weeks in the Parliament.

Ms ASHER (Brighton) — The opposition does not oppose this business program, but I would like to make a couple of brief comments about it. First of all, I wish to acknowledge the government's granting of extra time for further discussion on the Electoral Bill, a wide-ranging bill picking up in part a number of recommendations from the Electoral Commissioner. The opposition is pleased to participate in further discussions on what will be very substantial changes to the way the electoral system in our state works if the legislation is accepted.

Of course, the government could have brought on one far more obvious bill this week — that is, the Crimes (Workplace Deaths and Serious Injuries) Bill. The opposition indicated early on that it is willing to debate that bill vigorously at any time. The opposition would have expected the bill to have been debated this week given the amount of time it has been on the notice paper.

The government also had available to it the State Taxation Legislation (Further Amendment) Bill which rectifies an error the opposition pointed out in August last year. One has to ask why that bill was not brought on this week. Is it too much for the Treasurer to deliver a speech and then debate a bill in the space of one week? Those are two questions that I wish to place on the public record.

The other issue I wish to raise is that bills which are not available to the government for debate now but which will be available on Wednesday have been included in the government business program, among them the Theatres (Repeal) Bill and the Racing Acts (Amendment) Bill. The opposition has no objection to debating these bills but notes that the government's business program appears to be a little disorganised —

bills that have been on the notice paper for some time are not being debated while bills that will become available later this week are being called on for debate.

I also wish to make the point that in the early weeks of this sitting we debated very few bills. In fact, it was widely known that the government had no program or legislative agenda and as a natural consequence of that we saw very few bills come into this chamber in the early sitting weeks.

What we see is a gradual increase in workload in terms of debating bills, to which the opposition has no objection. However, given the notices that were given earlier, it appears we are heading in the same direction we have headed in in every single sitting — that is, we have no bills at the beginning of the sitting, the government then filibusters to try to use up the available sitting days to honour an agreement with the Independents, and later, when the ministers realise that the parliamentary sitting is moving on, we see an increase in bills, which in this case I am sure will bank up.

While the opposition has no qualms at all about the number of bills on the notice paper — and it acknowledges the consideration given to it on the Electoral Bill — it makes that point that many of them are very small bills that could have been aggregated into some type of omnibus bill to facilitate debate in the house. It appears that the government will have far too many bills to handle in future weeks legislative programs, given what will be a fiercely contested workplace deaths debate and the desire by shadow ministers and local members to comment extensively on the budget.

We are going to see the usual circumstance of a complete mismanagement of the government's business program towards the end of the session — indeed it was evident early in the session — because there has been absolutely no business, a lot of filibustering and a lot of sitting for sitting's sake. I place on the record the opposition's concerns about that issue. Again I make it clear that the opposition has no objection to the program, but we will have an objection if the government wants to back-end-load a business program later in the sitting, as has been its tendency in previous sittings.

Mr MAUGHAN (Rodney) — The National Party has no objection to the government business program, and I thank the manager of government business for the way this program has been negotiated. The National Party is prepared to debate the Electoral Bill when it comes forward, but I understand there are ongoing negotiations between the government and the Liberal Party, which we are more than happy to accommodate. Like the Deputy Leader of the Liberal Party, we wonder why the government has been delaying debating the Crimes (Workplace Deaths and Serious Injuries) Bill, which is causing a great deal of angst in country Victoria. Along with most other honourable members in country Victoria I have received a large amount of correspondence on this legislation, and we would like to see the government bring it forward. Let's debate it: let's get it out of the road and not have it hanging around on the notice paper.

The State Taxation Legislation (Further Amendment) Bill has been on the notice paper for quite some time, and again we are prepared to debate it at any time and would be happy to see the government bring it forward. This week we will be more than happy to advance at short notice debate on three bills that have now appeared on the notice paper — the National Crime Authority (State Provisions) (Amendment) Bill, the Theatres (Repeal) Bill and the Racing Acts (Amendment) Bill. Therefore we will be dealing with six bills this week, which is much better than we have done in the past.

However, I can see the legislative program starting to build up, and I forecast a heavier workload in the weeks ahead. We certainly do not object to that, as long as at the end of the sittings we do not find ourselves snowed under with bills — and there is some suggestion that we may have to sit an extra week to accommodate them. I hope that does not happen. We are prepared to debate the bills as soon as they are available, provided we have the opportunity for briefings and for consultation with the members of our communities who have something to say on them.

Another bill that has been sitting around for quite some time is the private member's bill on the gaming and tobacco acts. I wonder why it is that they are not prepared to debate that? We would like to see it brought forward and debated. There are also a lot of motions on the notice paper, many of which would make for very interesting debates. I notice one from the honourable member for Mildura, which says:

> That this house congratulates the Leader of the Opposition on his leadership style, notably his inclusive and consensual approach.

I would like to see that brought forward so the honourable member for Mildura could debate it. Likewise, there is a very good one from the honourable member for Monbulk:

> That this house condemns the Premier and the Labor government for failing to have legislation prepared in time for the first day of the Spring sitting and notes that this dereliction of duty has not occurred for 10 years and puts in jeopardy the whole parliamentary legislative program.

I think that motion is as current today as it was when the honourable member for Monbulk gave notice of it. We would have an excellent debate on the dereliction of duty and the failure of the government to bring forward its legislative program.

Although we will not be opposing the business program and are pleased to be able to debate the bills this week, I appeal to the government to get on with its legislative program. Let's get these bills in in sufficient time so that we can consult with our communities, can have our briefings and get on with the debate.

Ms DAVIES (Gippsland West) — I express some concern about the fact that, as with every sitting of Parliament since I have been in this house, we are facing a build-up of bills towards the end of the sitting. It is high time the government got its act together and made sure there is a better spread of legislation across the whole sitting. I suggest that is relevant to governments of whatever ilk, because, as I said, it has been a problem in every parliamentary sitting I have participated in.

The honourable member for Rodney kindly mentioned the private member's bill on gaming which I introduced at the end of last year. I agreed after some discussion that the government could have the opportunity to bring in its own version of that bill.

The Minister for Health made an announcement in very early January this year about his proposed changes to legislation relating to smoking in gaming rooms, and we have yet to see the minister table any legislation in this house. Likewise, a good month or so ago, if not more, the Minister for Gaming announced his intention to bring on some fairly pathetic gaming reforms, and we have not yet seen any attempt by that minister to bring legislation into this Parliament.

I suggest to the government that before it makes its announcements it should get itself together sufficiently to have legislation drafted so that we do not face the situation of having an announcement made about legislation and months and months down the track there still being no attempt to bring it into the Parliament. I have suggested to the government that if it is not sufficiently organised to bring its own legislation into this Parliament perhaps it should bring on the private member's bill, and then we could have a decent debate on that legislation instead.

I am pleased that the house has some more significant bills to debate this week. I do not believe that Parliament sits just to pass legislation. Every day that Parliament sits is, I believe, useful in that we have question time and time for members to raise important issues on behalf of their constituents. I used to raise that argument frequently with the previous Treasurer, who argued that governments should sit only when they have vast amounts of legislation to enact. As I said, I believe we sit for purposes other than just passing legislation.

I am happy that in this Parliament under this government as a general rule we have fewer bills and less controversial legislation to debate in any one week, but as per usual with both this government and the previous government, we are now facing a significant backlog of legislation in addition to the budget debate which will occur over the next couple of weeks. I am concerned that we will have too much of a build-up of legislation in the coming weeks. I do not believe it would be acceptable for the government to use this build-up as a reason for refusing to properly debate and vote on any amendments to legislation which may come up during that time.

Mr McARTHUR (Monbulk) — I will pick up a couple of the points made by the honourable member for Gippsland West, who said that Parliament has other functions apart from just debating legislation and that she was actually looking forward to having the opportunity to debate other matters. I see some sense in that.

Ms Davies — The first time, Steve!

Mr McARTHUR — Well, you have to break a rule every now and then!

There would be some sense in discussing matters other than legislation, but unfortunately under the draconian sessional orders that this government has forced through — with, I point out, the support of the honourable members for Gippsland West, Mildura and Gippsland East there — there is no opportunity to discuss anything other than government business. You cannot have notices of motion debated in this house, you cannot move censure motions against ministers who misbehave and you cannot have a private member's bill debated unless the government agrees with the thrust of it and is prepared to give it space during the time allocated for debate on matters of public importance.

However, I refer the honourable member for Gippsland West to notice of motion 1 in my name, which would

provide substantial opportunities for debates on private members bills and non-government business if it were to be adopted.

The honourable member for Gippsland East has mentioned to me several times that he is looking forward to an opportunity to discuss other non-government matters at some stage. Perhaps we can reach an agreement on that.

I also pick up the point made by the honourable member for Rodney, the honourable member for Gippsland West and the Deputy Leader of the Liberal Party about the impending logjam of legislation. When this sittings started the government failed to introduce a significant number of bills. Today we heard ministers give notice of eight bills, and there are already a couple of extremely contentious bills on the notice paper — namely, the Electoral Bill and the Crimes (Workplace Deaths and Serious Injuries) Bill, both of which will involve a significant amount of debate given the wide range of views on their relative merits.

With only four weeks remaining in this sessional period we have to debate the budget, which has just been introduced, and we have to debate some very significant bills that are already on the notice paper. We will be dealing with six bills this week, although they are less controversial and of less import than some others on the notice paper; and we have, as I said, eight more bills to debate, notice of which has been given today and the detail of which we will presumably see on Thursday, when they are second read.

I point out to the government that it is again about to commit a mistake it has been making all along. I suggest to the Leader of the House that he ask the Premier to impose a legislation deadline on ministers prior to the spring sittings. This is what Premier Kennett used to do: if ministers did not have legislation in a bill-at-cabinet format by a cut-off date prior to the start of the sittings, rather than waiting until the sittings started, they simply did not get it in. That provided a very significant incentive for ministers to keep the pressure on their departments and on the Office of the Chief Parliamentary Counsel to get the work done during the recess, because once the session starts it is very difficult to get that work done. We all get tied up in here and in a range of other processes, so the bulk of the legislative program that ministers undertake should be carried out — must be carried out — during the parliamentary recess.

The Leader of the House might care to raise that around the cabinet table with the Premier next week and suggest some sort of a deadline — maybe a month before we start the spring sittings.

Mr Batchelor interjected.

Mr McARTHUR — What a good idea. He spoke very glowingly during the Christmas felicitations, and I am sure he will see the merit in that, especially if you tell him that it was a program Jeff Kennett used to apply and that it actually worked in cabinet by getting a lot of legislation ready prior to the session starting.

Nevertheless, we are not opposing this week's program. It will be busy and will require a little bit of juggling and management, but I think we will get through it during the course of the week.

Motion agreed to.

MEMBERS STATEMENTS

Budget: major projects

Ms ASHER (Brighton) — The government's record on major projects is absolutely abysmal, this budget notwithstanding. So far we have seen no major projects at all from this government, and every single one of the seven state-funded infrastructure major projects it inherited from the previous government is or has been late. It is no surprise therefore that Major Projects Victoria, headed by that luminary James Cain, has advertised for a tender:

> … to establish a panel of project feasibility initiation and development managers to assist Major Projects Victoria officers with a range of tasks in the initiation of major projects for Victoria.

As I read the budget handed down today I can see why the government needs help in initiating major projects, because again there are no major projects in it.

I note that the government has now merged the retitled major public structure and land development output with a number of road announcements. Major projects have now been absorbed into the metropolitan transport infrastructure and public development projects section, which I guess was always going to happen once the Minister for Transport took over major projects. Again, if you compare like with like — as one always should — you see there are no major projects for Victoria in this budget.

Insurance: public liability

Mr DELAHUNTY (Wimmera) — The government and the Minister for Local Government are condemned

for failing to support councils, particularly country councils, on the issue of the non-feasance defence in public lability court cases.

Last week the National Party spokesperson for local government, the Honourable Jeanette Powell, a member for North Eastern Province in the other place, and I met with councils in western Victoria. They strongly supported the motion passed by the Legislative Council that the government urgently legislate to ensure that municipal councils in Victoria can continue to rely upon the defence of non-feasance which has been jeopardised by a High Court decision.

The Municipal Association of Victoria has surveyed councils, and they believe this High Court decision will add $100 million to their costs for further risk management, maintenance and signage on roads, bridges and footpaths. Last week there was community uproar when the Hindmarsh Shire Council put load limits and other restrictions on local roads because of its concerns that it is not legally protected.

The abolition of the non-feasance defence is jeopardising insurance cover for Victorian councils as this defence has been one of the reasons councils have been offered coverage. It may also lead to increased litigation. The increase of material risk will result in increased premiums or the removal or restriction of insurance cover.

I am informed the government has enough evidence to make an informed decision regarding legislation. I ask the Minister for Local Government to stop sitting on his hands and do something on this matter, particularly for country councils.

Schools: Asian language program

Mr LIM (Clayton) — The Howard government's decision last week to cut funding to the Asian language program in schools should be condemned by all Australians. The decision is short sighted, stupid and not in the national interest. We all know the federal government is American and European centric, but we never knew it could be so irresponsible. The national Asian languages and studies in Australian schools strategy was a 1995 Labor government initiative to encourage the learning of Chinese, Japanese, Indonesian and Korean languages in Australian schools. The program aimed to have at least 60 per cent of year 10 students studying at least one Asian language and at least 25 per cent of year 12 students doing the same. There is evidence that this is happening, thanks to the program. In 1994, in Victoria alone, only 75 000 students in 570 schools studied one Asian language, and by 2001 more than 200 000 students in 890 schools were doing the four languages.

I have grave concerns that stopping this program will harm the efforts and aspirations of young Victorians to be bilingual and internationally competitive, especially in the north-east Asian region, where the economies are growing so rapidly. The funding cut will further damage Australia's reputation in Asia, as such a cut will send a negative message to our neighbours.

Instead of positioning Australia to maximise its strength in the language skills of its young people, this federal government is engaging Australia in an act of cultural self-mutilation.

Prisons: community units

Ms BURKE (Prahran) — Today more than ever the elderly in my electorate are afraid — as afraid of being in their own homes as they are of being out in the streets. Crime in Victoria has increased alarmingly: a 44 per cent increase in aggravated burglaries; a 15 per cent increase in car theft; and a staggering 26 per cent increase in homicides.

The Prahran electorate has a large number of single-member households and a significant number of those households are occupied by elderly citizens. The community is feeling much more exposed, and I call on the Bracks Labor government to take initiatives and action to set up better networks with government agencies, home and community care services, local government and the police to find programs and systems to support and care for those elderly citizens who are now feeling alone and vulnerable to increasing crime elements in our society. The Labor government's continual reference to transitional units is seen as Labor's answer to a prison at the end of the street.

Member for Brighton: performance

Mr BATCHELOR (Minister for Transport) — I take up a point raised by the Deputy Leader of the Opposition in this house, and her failure to understand the budget. Today she rose to say she did not understand the budget, and I am happy to give her assistance and provide a remedial class for the Deputy Leader of the Opposition — —

Mr Leigh — On a point of order, Madam Deputy Speaker, given that an appropriation bill is before the house and the minister seems to be involved in some explanatory note, could you tell us whether that is appropriate for this section of proceedings in the Parliament?

The DEPUTY SPEAKER — Order! There is no point of order.

Mr BATCHELOR — The budget the Treasurer delivered today is peppered with major projects. There is the synchrotron, the showgrounds, the Wimmera–Mallee pipeline, the Austin hospital, Spencer Street station and the regional fast rail projects. There are major road projects, and you cannot get more major than the Scoresby freeway, both in terms of the freeway and the public transport upgrade. It just shows how bereft opposition members are — they do not understand the budget papers, and that is manifested here today by the Deputy Leader of the Liberal Party, the honourable member for Brighton.

Today the honourable member for Brighton demonstrated her ignorance and lack of understanding. She stands condemned by her statements and her contribution. The budget just delivered by the Treasurer is full of major projects. There is more activity in this state than under the previous Kennett government.

Police: numbers

Mr SAVAGE (Mildura) — Firstly, I wish to commend the government for the increase in police numbers. Despite the rhetoric and the dire warnings of non-achievement, a figure of 10 149 has been achieved. Instead of — —

Mr Leigh interjected.

Mr SAVAGE — Look, you are an intellectual void! Why don't you keep your mouth shut!

The DEPUTY SPEAKER — Order! The honourable member for Mildura will address his comments through the Chair, and will not respond to interjections. The honourable member for Mordialloc will be quiet!

Mr SAVAGE — This is a remarkable outcome and deserving of commendation from this place. Where were the voices for so-called country Victoria for seven years when numbers were reduced to below 8300? When I first raised this issue I was threatened with legal action by the former chief commissioner, Mr Neil Comrie. Since then we have had new police stations in my area in Murrayville, Beulah, Red Cliffs, Underbool, and one announced today at Merbein.

I also commend the government on choosing Christine Nixon. She is proving to be an excellent choice for chief commissioner and has taken the police force forward.

Orthodox Easter

Mrs PEULICH (Bentleigh) — I would like to extend my good wishes and the wishes of members of the Liberal Party to all observers of the Orthodox religion for a happy Easter Tuesday. In the Bentleigh electorate we have many who are Russian, Greek and Serbian Orthodox observers. Among the Orthodox observers are my mother, my husband and my son, as well as the Speaker, who was here earlier, and other honourable members of the Parliament.

During the celebrations a matter very close to the heart of the Greek community was raised with me in relation to a letter written to the government longer than a year ago. I quote from the letter dated 16 April 2002 to the Minister assisting the Premier on Multicultural Affairs:

> I write to you, once again, on behalf of His Grace, Bishop Ezekiel of Dervis, Bishop of Victoria and director of the Greek Welfare Centre, regarding the centre's application for a gambling project under the Community Support Fund, submitted to the Community Support Fund on the 30 January 2001 with your encouragement.
>
> Minister, I wrote to you expressing concern for the lack of communication with the Greek Welfare Centre from both the Community Support Fund as well as from you. I refer you to my two previous letters dated 27 November 2001 and 5 February 2002 respectively. In both these two letters a meeting with His Grace was also requested. Much to our dismay, Minister, to date we have not received any response.

This is disrespectful treatment of a key religious leader of the community, and I call on the government to do something about it.

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

Kristi Harrower

Ms ALLAN (Bendigo East) — On a day when we have seen many great announcements for Bendigo and central Victoria, I would like to inform the house of another fantastic achievement by a Bendigo sportsperson.

Bendigo born and bred Kristi Harrower was recently made the captain of the Australian national basketball team, better known as the Australian Opals. Kristi is just 27 years old, and this is a significant achievement for a young sportsperson from a country town. I pass on my congratulations to Kristi for her hard work and dedication in performing at the absolute elite level of her chosen sport. Congratulations should also go to her parents, Bernie and Janice Harrower, who have nurtured her talent and encouraged her throughout the junior ranks while she was playing in Bendigo, which

involved many, many hours travelling up and down the Calder Highway to Melbourne to participate in high levels of the junior sport.

Kristi is a great inspiration for young Bendigo junior basketballers, both boys and girls, who aspire to perform at their absolute best. The ultimate achievement is representing your country, and Kristi has achieved an even higher honour in that she is now captain of Australia. She was captain for the series against Japan, which was concluded last week. It was a clean sweep, which was a great achievement for Kristi, who also played her 100th game for Australia.

Victorian Interpreting and Translating Service: funding

Mr KOTSIRAS (Bulleen) — I condemn the government for not serving the needs of Victorians from a language background other than English.

A number of multicultural and ethno-specific organisations, like Action on Disability within Ethnic Communities, require the use of interpreters and translators to pass on valuable information to their members. Unfortunately this government is restricting the use of interpreters and translators. All Victorians have a right to fully participate in day-to-day life, but it seems that councils and groups are not receiving enough funding through the Victorian Interpreting and Translating Service for their interpreting and translating. This is despite the minister standing in Queen's Hall last month saying what a wonderful job VITS was doing!

In a press release issued in April the minister said that VITS had an excellent reputation for providing interpreting and translating services with a focus on customer service and community needs. While I agree with this statement, what is VITS doing with its huge profits? According to its profit and loss account its projected profit for 2002 is approximately $1.4 million and for 2003 it is $1.57 million. If this is correct, why not put some of this money back into the community? VITS was established to service the needs of members.

The government has also undertaken a review of language services but after two years nothing has come of it. I ask the government to hurry up and finish its review.

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

Hepburn Football Club

Mr HOWARD (Ballarat East) — Over the weekend I visited Hepburn Springs on both Saturday and Sunday. Saturday marked the street parade and the official opening of the Swiss–Italian fiesta — a great festival based on the Swiss–Italian origins of many of the original European settlers in the area. The festival which is organised by a voluntary community committee, has been successfully run for 10 years now and has provided a broad range of arts and cultural events involving displays of performing and visual arts. Local food and wine is also enjoyed in the wonderful environs of Hepburn Springs. As usual the event, which is run over five days, was enjoyed by thousands of people including local residents and many visitors to the region. I commend the organisers of this vibrant festival for the organisation of yet another successful festival.

While in Hepburn Springs on Sunday I was able to draw the major raffle for the Hepburn Football Club. Over the last two years the club has gone through challenging times, but because of the great work of the committee and the Hepburn community, it has got back together to become successful both financially and on the field — with a 3–0 success rate this year on the field. I commend all of those involved in the football club for the great success they are experiencing and I wish them — —

The DEPUTY SPEAKER — Order! The honourable member's time has expired and the time laid down for members' statements has also expired.

RAIL CORPORATIONS (AMENDMENT) BILL

Second reading

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

Mr LEIGH (Mordialloc) — I rise to put the Liberal Party's position in respect of this bill. I have some deep concerns, which I will set out in a few moments, about what the government is doing and why. At best this could be seen as the government's retribution against somebody that it does not like.

I am not here to represent the interests of Freight Australia — indeed, my interest is to make sure that the rail freight arrangements for Victoria advantage anybody who wants to use the system — but I know the vindictiveness of some members of the government, and particularly the Minister for Transport, and I will

prove why I say this in a moment. I want to quote from *Hansard* of 2 November 2000, when a very interesting comment was made. During that debate the Minister for Transport got upset with me because I had a document from Marinus van Onselen, the head of Freight Australia, to the government about its attitude to rail access and what the government was proposing to do.

He believed the government, after it had been in office a while, had decided to change the goalposts in respect of his company's position. That was his view; I am not saying it is my view. The minister believed Mr van Onselen had supplied me with the documentation he had sent to the Minister for Transport. The fact is that was not the case. What I had was some information which came from inside the government, not the reverse. Under oath — or whatever way you like — I did not get it from Mr van Onselen. The Minister for Transport got very peeved. This is what he said about — —

The DEPUTY SPEAKER — Order!

Mr LEIGH — I remember the quote exactly. I am not quoting it; I am saying what he said. Am I allowed to quote it or not?

The DEPUTY SPEAKER — Order! No. Under standing order 94 the honourable member is not allowed to quote it.

Mr LEIGH — But I can quote it from memory?

The DEPUTY SPEAKER — Order! The honourable member can give his version of what occurred.

Mr LEIGH — My memory of the events that day is that the minister said — and honourable members can look up the quote — that if you lie down with dogs you get up with fleas. That is what the minister, as someone who runs a major organisation, said in this house. By the way, this is the same company that the government has to negotiate with about its fast rail project. So I would love to see the correspondence that then took place between Mr van Onselen and the minister; I think it would have been fascinating.

I am not going to say what my discussions with the minister were after that. Suffice it to say that when he asked if I got the material from Mr van Onselen and I said no, he was a very unhappy man and believed he had been, in a sense, defamed. We should not be surprised when the Minister for Transport does that sort of thing, but I guess the point is that, from the beginning of this government's time in office, it has been against almost everything that had ever gone on in the past, but where it could it cherry picked — I guess that is how you would describe it. Government members will claim an idea; they were against City Link for years, but gee, it is a fabulous idea now! The government tried to convince Virgin Airlines that it was a good idea. It was against the franchising of the public transport system, but the Minister for Transport and the Premier almost fight to get in front of each other when photos are taken of events announcing investment by private companies in these trains. The same can be said about the freight issue affecting Victoria and other states.

Indeed, there is a revolution taking place in the way freight is dealt with across our country, with companies like Cole and Corrigan getting together, and indeed the access regimes taking place, albeit differently in New South Wales and Victoria; the fact is that a revolution has occurred. It ought to be remembered — and I would love to quote — what happened with Freight Australia. If I may — and I know I can quote from the *Age* in here — I refer to an article published on Monday, 5 February 2001, which states:

> Mr van Onselen said that governments had short memories. V/Line Freight had been bankrupt when Freight Australia bought it two years ago. In the past 20 months, his company had almost doubled revenue to $185 million, had taken truck traffic off the road, re-opened freight lines and made a profit.

I know that is true, because I have seen a very good example of where they have brought in a truck with bogies on it that goes on and off the system, carting logs — it is an innovation.

What has Freight Australia got out of this in dealing with the government? Basically, a slap in the face. Because what we had then — and I guess this further substantiates my argument — was the government bringing this legislation into Parliament. I rang Freight Australia to seek its views about this bill and spoke to senior office-bearers — they did not know about it!

They obviously knew discussions were going on. Indeed, I have a copy of a memo from the Victorian Rail Access Regime to stakeholders that was sent out by John McMillan, one of the deputy heads of transport in the Department of Infrastructure. He sent out a one-page memorandum to Freight Australia, which was faxed out the day after the legislation was introduced into this Parliament.

Given that you are trying to encourage someone to invest millions of dollars in Victoria and to attract more freight onto rail and off the road, thereby clearing our roads for better uses, it seems surprisingly unusual for such an open and democratic government that reviews

everything ad nauseam and has reviews on reviews to rush this in. However, there are one or two reasons for it, and I think they each have some relevance.

Firstly, the government has not had much to discuss until today, with the introduction of the budget, so it has needed fill-ins, which is why it has rushed out and brought in legislation and not told anybody about it. Secondly, it is about the vindictiveness that the government feels for people who it does not believe are part of its clientele. For example, Mr van Onselen would admit that he is a bit of a straightshooter, and I would describe him as such. I think the Deputy Leader of the National Party would agree with me that Mr van Onselen is a pretty straight, come-to-the-cut, no-mucking-around type of guy. Some people like that sort of approach while others do not, but I think his no-mucking-around attitude has probably not endeared him to the government in any sense.

At the same time this government is supposedly going to do a $550 million rail upgrade; but because it has no private sector funding, that in effect is a $260 million cut, given that originally it was $810 million. The government needs Freight Australia's involvement, because it is the one that for the next 43 to 45 years has to maintain the system to a certain standard.

Having Freight Australia as part of this legislation, the government is going to have to negotiate. For example, if it attempts to improve the track without Freight Australia's agreement, there will potentially be a serious problem, because Freight Australia has to accept responsibility for it. If the government wants to upgrade the track to take a faster train, the cost of maintaining that type of track will substantially increase as well. Once again Freight Australia is going to want to know who will pay for it.

There are issues involving crossings along some of the routes — for example, to Ballarat and Bendigo. If you are going to have a train zipping past at 160 kilometres an hour, who is going to pay for the installation of the crossings? I can tell you now that I do not think Freight Australia is favourably inclined towards doing those sorts of things. It is the government that will have to do it — but it has to do it to a standard which Freight Australia is prepared to accept responsibility for. It should also be remembered that, per tonne, the Victorian rail network is the most under-utilised in the country compared with other states such as Queensland, New South Wales, South Australia and Western Australia.

The aims of this bill are threefold: to implement what you would describe as the rail access regime in accordance with the national competition policy, which I will come to; to allow for greater documentation from the Essential Services Commission; and also, under these arrangements, to increase what you would describe as the biggest penalties in the country for the misuse of information which, as I understand it, go up to $120 000.

In looking at the Victorian system versus the New South Wales system — and this where the crunch is coming for this government — it ought to be said that if a line closes as a result of this the government should not come rushing back to the opposition and say, 'Privatisation has done this', because it will not be privatisation that has done it. There will be other reasons why there will be closures in the end part of the system over the next few years.

I suppose you would describe the former Liberal government's arrangements for Freight Australia as networking. If anybody else wants to use the rail system, negotiations would take place with Freight Australia, and if someone has a problem they can go to the Essential Services Commission. Perhaps there is an argument for improved documentation and a bit better transparency. Perhaps that is an issue that should be looked at to ensure that Freight Australia does not block somebody who wants to be involved.

For example, I know there is a company at Mildura called Wakefields which exports Greg Norman's wines, which sell in the United States of America for about US$90 a bottle. The last I was aware of it, the company wanted to run a train from its depot to the Melbourne ports. Now that is not an issue for me, provided it can sit down and negotiate with the company that bought the franchise arrangement. This is the issue we are now faced with.

The former government believed in the network and in ensuring there was competition in the system — for example, between road and rail. Obviously there were other people who wanted to gain access to the line, so there was competition there. As a result of that, when anybody applied to access the franchised arrangements the true cost was worked out and Freight Australia recovered the cost. For example, you may have one route that is very profitable. Under the minister's proposals, the only things that the costs are worked out on is the cost basis of that line — not the whole of the network.

There are sections of the rail network which have very few trains running on them during the course of the year. So in respect of that, what will happen is that if under the trigger in this bill, which I think starts from

September, Freight Australia wants to hand back rail lines, it will be able to. People need to be aware that, as from today, if a body like Freight Australia wants to come back to the government in several years time and say, 'This line is unprofitable. We are not going to continue this line, we are closing it', the government then has two choices. The first choice is to say, 'The line is closed totally. That is it. Goodbye'. The second choice is to offer it to somebody else. For the life of me, I do not understand why, if somebody found a particular line so under-utilised that it had to be closed, anybody else out there in the system would want to take possession of it, unless there was some sort of boutique arrangement across that part of the network.

Under a Bracks Labor government Victoria faces two things: there will be rail line closures in the end; and depending on where they happen, it will mean increased truck traffic. It is unlikely to happen with things like grain, because I know after speaking to the Australian Wheat Board that it clearly supports some changes. I know it leases at least one train in New South Wales, for example; and obviously it has a contract currently with Freight Australia, which I think lasts another five years, after which it will decide what it is going to do. I do not have a problem with that, but I guess the criticism that is most applicable to this government is about what happens if somebody takes the best section of the rail network and wants to utilise it but does not want to include it in the whole of the network?

It has been very interesting to research this legislation. You can understand why Mr van Onselen might think he is being brutalised by the Minister for Transport over this when you go to the *Age* of 5 February 2001 — and once again I will make it available to the house. Mr van Onselen is reported as saying:

> The government has chosen to prematurely open our business to 'cherry picking' by competitors — and will enable these opportunists to operate on the network at a lower cost than Freight Australia itself.
>
> This would also send the message to potential private investors that regulated assets in Victoria were a dangerous investment.

Interestingly in the same article the then Victorian director of the Australian Council for Infrastructure Development, Mr Raphael Arndt, said:

> … it was important that the pricing orders to be administered by the Office of the Regulator-General allow Freight Australia to obtain a reasonable return on its investments to encourage it to continue to invest in the track.

An article in the *Age* of 5 March states:

> Mr van Onselen said further investment since then had taken its investment to $263 million —

up from $163 million —

> 'We are the largest single rail investor in this state, but we are concerned about the long-term viability of that investment', he said.
>
> A key investment had been the reopening of the Sale to Bairnsdale line, which Mr van Onselen said had taken 300 000 logs off the roads.
>
> …
>
> 'Wooden sleepers last 25 years and concrete sleepers 50 years', he said. 'But how can we make 20-to-25-year investment decisions when our longest contract is five years and the pricing order does not allow us to recoup our investment and does not compensate us for risk?'.
>
> …
>
> Transport minister Peter Batchelor said Freight Australia's discretionary investment had so far been minimal. Accordingly, cancellation of this investment was unlikely to have any appreciable effect.
>
> Mr Batchelor said the access pricing regime would allow Freight Australia to recover operating and maintenance costs, a margin on these costs, and a return on any new investment it had made since buying V/Line Freight.

Interestingly, one of the issues with wooden versus concrete sleepers, considering this is a supposed greenie government, is that you cannot get a timber sleeper in Victoria now — they are all just about to be locked up. They cost about $30 each. A concrete sleeper costs $60 to $70. For those who are lacking in knowledge about the replacement of a sleeper — —

Mr Trezise interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Mordialloc should ignore interjections.

Mr LEIGH — I certainly do and I am happy to see that the honourable member for Geelong is asleep in the house. The fact of the matter is that this government, supposedly a greenie government, is encouraging a company like Freight Australia to invest in cheaper technology — timber sleepers and chopping down trees. By the way, you will have difficulty getting box-ironbark and I suggest you buy your red gum now because there will not be too much around with those sorts of pricing differences. Another significant issue is that you cannot simply replace a timber sleeper with a concrete one because the vibrations are different and the concrete sleeper will crack. As I understand it, to replace timber sleepers with concrete ones in a section of track you have to lay about a kilometre of track and this adds to the expense. I guess that what Freight

Australia sees is that it is being discouraged from investing.

What is going to happen to Freight Australia in the future? Is this government's arrangement — and I am going to be very interested to see this, Minister — —

Mr Carli interjected.

Mr LEIGH — It should be noted that once again by interjecting the minister's assistant who covers up for him is saying it is our contract, but his government is the one that is changing the arrangements. If you sit down and talk —

Mr Carli interjected.

Mr LEIGH — Yes, you are; you are changing the arrangements. What is even more appalling is that as part of the arrangements involving the introduction of this legislation the government has implemented some proposals from national competition policy. It is bringing this in now because Freight Australia has gone off to the Australian Competition and Consumer Commission. What this legislation does in part is ensure that any decision by the ACCC after September is irrelevant to the discussion because the decision has been made.

I just wonder what the screams would have been like if the minister was on this side and the opposition was on the other side implementing it. I can hear screams of 'outrageous', 'blocking someone's rights of objection', and 'scandalous'. He would be down there on the tracks with some of the workers saying, 'These guys will lose their jobs', and he would be up at Maryborough saying, 'This is an outrage; 200 people work here, and they will probably lose their jobs out of these arrangements'. Is the opposition doing any of that? No, we are not. All we are interested in doing is burying the hatchet with Freight Australia.

The government has to explain how it can operate a system — and I accept that the former government put the system in place — but change it. The honourable member for Coburg said it was our contract; well, the previous government's contract for that included the networking. This government is proposing to allow line pricing. What happens on those lines out there that are used several times a year? Will they continue to be used? What regime has the government put in place for the situation of a line being closed? What will it do about it? Will it guarantee to keep it open? Will it pay more money? Will it do what it did with the train companies when they cried poor the other week? It rushed out and chucked $105 million at them to help them. That was not in the contracts; that was because the companies went to the government and said, 'We want more money', and it gave it to them. They cannot have it both ways.

The issue is that if a private company wants something from the government, which is looking after taxpayers' interests, the government must ensure that it maximises the benefits to the taxpayer. It did not do that with the private train companies; all it did was chuck money at them. We will see what the Auditor-General says about that and whether everything was done appropriately. I hope so for the sake of the minister and Victorian taxpayers.

The opposition supports the concept of networking the system. I agree that if Freight Australia is not cooperating in a way that allows someone to pay a fair and reasonable price to be a participant in the system and to run a train, that is not right and something should be done about it. But a true price should be involved in that, not just a price for part of the system, the problem being the old argument of cross-subsidisation.

Another example of what the government has done is what it has done with electricity companies. It has chucked something like $180 million at country consumers. I will stand corrected if the figure is not right; it was over $100 million.

Mr Steggall — It was $118 million.

Mr LEIGH — It was $118 million; I apologise. I will not do what John Cain did and consistently change my figures after the Parliament sits.

In that instance the government cross-subsidised the system. It is exactly the same thing with rail. It will get to the point where the government will have to decide that a private company can operate in a system like this, and pay a lower fee because it is only involved in the maintenance costs of a section and will be responsible for maintaining that section, by upping the payments to Freight Australia to keep that section of the line open. I do not think that is appropriate. What is appropriate is to work out the costs of Freight Australia and to charge for it. I am sure that Freight Australia would be very happy for that to be done. I can see the honourable member for Coburg taking notes down there. I am sure he will rush to the minister and inform him of it. Notes are being taken on both sides of the house. I believe Victoria faces a serious problem with this issue. It is probably anywhere from three to five years away because it will have an effect over time. Obviously that will get the government past the next election and it will occur in the life of the next Parliament; and the

government of the day will have to deal with it. Hopefully it will be this side.

When you look at the whole process there is also the issue of fines and the $120 000, which begs the question of whether that is the largest penalty paid by anybody in the system. I believe that is so. It is one thing to set up the Essential Services Commission and put it out there away from government, but at the end of the day ministers of the Crown and their operational experts, like the honourable member for Coburg and others, get paid a lot of money to be involved in these things, and it is no good for the government to simply say, 'Look, it is nothing to do with us, it is everything to do with the Essential Services Commission. It is independent of the government and we don't make any decisions about this'.

I know from dealing with the Department of Infrastructure on other issues affecting other aspects of train company contracts that the problem with the department is that it is no longer looking at the big picture but is dotting the i's and crossing the t's. Let me assure the house — and I will have some further information in the near future — that some shocking decisions are being made in the Department of Infrastructure on the companies; and some of them are grossly unfair in my view. They are being made by middle-level bureaucrats, whose concept of a contract is not as a living, breathing document that will always be altered.

The government whinges about the contracts, such as those for the trains or the ticketing machines, and says, 'Oh, there is nothing we can do with that because these were the contracts', but then it happily goes out and gives National Express $55 million extra. But the Premier says, 'We don't do things like that'.

Mr Steggall — Because it was in the contract.

Mr LEIGH — 'It was in the contract; we can't change the contract so we can't go out there'.

Mr Steggall — But, 'For our mates it is different'.

Mr LEIGH — Yes, 'For our mates it is different'. Yarra Trams is an excellent example. It is run by David White, that former Guilty Party minister, better known as ET when he was here. Obviously he is into changing the arrangements to suit and advantage Yarra Trams, in some instances to the detriment of other individuals, because he wants to make a profit for his company. That is fair and acceptable, but obviously he has great access to government and uses it well.

The ticketing machines issue is another example of changing and varying a contract. On one hand the Premier says, 'No, no, we can't ever negotiate with the ticketing company about the ticketing machines on public transport because it is a contract', and on the other hand the Minister for Transport is out there negotiating with them about using the same machines for smart cards. That is using an existing contract to do the same thing. Those examples prove that this government varies a contract significantly when it suits it, but publicly says the reverse.

There is another example. In recent times the electricity companies were complaining about the same thing in the dealings with the pricing policies affecting the electricity arrangements. I am not saying I agree with their pricing and with what they sought, but at no time did the government ever sit down with the companies involved and say, 'Look, what do you need?', and, 'We'll agree to this'. It simply said, 'This is the scheme we will use and this is what we will do'.

If you want to attract people to Victoria to do business, particularly with regulated assets, you have to be a bit careful. It is a tricky thing to handle. So far with their arrogance this Minister for Transport and some of his colleagues have demonstrated that they believe these are regulated assets that are in effect still owned by the state. They are not. If you look at the operations of V/Line under the old regime when V/Line was run by the state you will see that it lost squillions. If ever you want an example of when not to put a parcel on a transportation system, V/Line would be one of the world's best for it not to be done. It was incompetent. It happened over many years, and this is not to say it was one government or another government's fault. I do not say that as a political statement, but it did not function well.

What is true and important about the changing mechanism of rail in Australia today is that we are far away from almost every area to which we sell our goods.

The second biggest pricing factor for anybody is the transportation of the goods. The first obviously is the production and the second is the transportation. The cheaper and more efficient we can make the transportation — whether it is wheat from New South Wales or outback Victoria or manufactured goods from somewhere closer to the city — the more we can do business as a nation, particularly at a time when we have a low dollar, and be successful. We as a nation need to export well to survive.

With this whole issue facing the Parliament, this particular bill has been dreamed up by the government. The government has accepted some parts of the national competition policy review, and some parts it has not accepted; we will never get an answer as to why the government took up some and not others. I understand that some people are enthusiastic changers of the system, because they believe Freight Australia has not been operated in the way they would have operated it. However, in effect a contract and an arrangement were entered into, and unless the government is careful it will face the closure of rail lines in the near future.

We should not be surprised by that because while members opposite talk a lot about the fact that Liberal governments closed rail lines, you can go back to 1983, 1984 and 1985 when the now Minister for Transport was state secretary of the ALP and the Cain Labor government was closing rail lines in Victoria. All this carry-on about the only party that ever closes rail lines is the Liberals is absolute nonsense. The fact is that history shows that the Labor Party has closed a significant number of rail lines over the years.

Supposedly — and we are still to see it in this budget — the government is now into standardising and upgrading the rail system. Of the $96 million made available last year, from memory the government spent $10 million and I still do not think it has driven a spike in — it was probably for a consultant somewhere. The government has set aside $25 million for the standardised gauge from Mildura. I will be curious to see what happens when they get to Ballarat and what takes place from there. My point is there is a lot of talk being done by this government and not a lot of eye for detail.

As I said at the outset, the opposition is not opposing the legislation. However, if after the next state election the opposition is fortunate enough to be the government of Victoria I think it will look at the rail access regime a lot more carefully. While I support anyone wanting to use the system using it, I also want to ensure that those lines which are under-utilised during the course of a year due to crops or whatever continue to be used and are not closed. This is one area where, from a policy point of view, the opposition will have a closer look as time goes by. The opposition will be watching very closely. Let the honourable member for Coburg and his minister be aware that it is no longer the responsibility of the opposition if rail lines are closed in the future. This is a deliberate policy decision being made by the Bracks Labor government that will probably result in the downgrading of rail lines.

There is also the issue of things like the workshops that Freight Australia is involved in. Hopefully people will still utilise those facilities, but what happens to those people who work in the depots which maintain the system if these other businesses are on the track and they take business away from Freight Australia? Again, unanswered questions. The opposition did not get answers to numerous questions it asked the office of the Minister for Transport; the easy ones were answered and the hard ones were avoided. That is pretty normal for this administration.

From my point of view, sadly the truth is that in the future this will be demonstrated to be an example of an arrogant minister taking it out on somebody who stood up to him on one or two occasions, a minister who decided that he was a much more powerful figure than the individuals involved. The Minister for Transport and his bureaucrats seem to believe they have better knowledge than those in the system, and I am not sure they do given what is going on with some of the other contracts affecting the Department of Infrastructure and rail.

I will watch with great interest what happens to the Premier's fast train. The new term for that is 'velocity train', for which we should read 'second-generation Sprinter hired by the former Liberal government with a turbocharger whacked on the back of it to make it go a bit faster for that $55 million'. Remember, Freight Australia is the one which has to say, 'Yes, we accept responsibility for the upgrade of the track', and, 'Yes, the government can do it'. The Premier is confused about part of that program. Last week when I had a go at the government about this whole program and said there was less financial involvement from the private sector, the Premier said I was wrong and all these people were interested in participating in the upgrading of the rail. I think the Premier is confused.

On the one hand the Minister for Transport said there was no private sector funding for the fast rail and the upgrade of these lines controlled by Freight Australia, so there is $260 million the government does not have, and on the other hand the Premier is correct that there is private sector interest from Laytons Freight Management and Transfield but that is to get the money from the state, not to give the state money. That is where the Premier is a bit confused in all of this.

The government is not after $550 million, which the minister runs around telling people is going to be spent upgrading the track. According to Treasury, the government has about $340 million to upgrade the track; that is the maximum. Quoting the Treasurer from memory in answer to a question from the then shadow

Treasurer, the honourable member for Brighton, when asked whether the total amount was $550 million or more, the Treasurer said it did not matter whether it was $600 million, $700 million, $800 million or $1 billion, all that would be put into this was $550 million. The Treasurer said that for part of this track upgrade he could do between 94 per cent and 100 per cent for the $550 million. Well, he does not have $260 million for a start, and he does not have $550 million. He has $340 million. Obviously we have Merlin back from the Middle Ages, someone who can wave his magic wand and get what we need for this system. As I said before, Freight Australia is involved in this to the degree that it has to say yes or no.

The government must seriously think about how it protects those lines that are not utilised to the maximum. As I said at the outset, there is no doubt that per tonne Victoria has the most under-utilised network in the country. This government will face a very serious issue in the future. Obviously it does not like the way the contract is written. It is entitled to do what it wishes while it is the government of the day, but it is also entitled to reap the consequences of the decisions it makes. On that basis the state opposition does not oppose the legislation.

Mr STEGGALL (Swan Hill) — It is always a delight to debate a bill straight after the budget has been brought down — it keeps everyone's interest and full attention. This is one of those pieces of legislation that not too many people would pay attention to, particularly members of the government, because it deals with and makes some changes to a privatised entity. It is a difficult issue and one that goes beyond what is in the bill.

At the heart of this there is a dispute, because under the sale contract the company that purchased the entity is obliged to ensure that the tracks remain open, that they can be handed back to the Victorian government if it so desires and that it would not charge too much for access. All bidders were informed that the access regime would place no value on the tracks up to the time of the sale. The access regime in the bill does not allow the access provider to recoup any of the costs sunk into the rail infrastructure for which it paid the lease.

A dispute has been going on for some time between Freight Australia and Rail America and the government, and maybe the minister. We have looked into that rather deeply. I have to admit that the Labor government has not been able to find the evidence we have been seeking to put that area beyond any doubt. However, I hope the information might turn up while the bill is between here and another place, because if it does not some of the stories that abound in the Freight Australia area may be correct.

I warn the minister and the government that we expect this evidence to be in the hands of the Honourable Barry Bishop before this bill is debated in the upper house. We have sought information and advice from the National Competition Council, and we are satisfied from its input that that understanding of the sunken costs was known to all when the contract was signed. I am very disappointed that the information has not turned up. It was promised to us — and we do not doubt it — but it would be handy if the government could provide the required proof.

There has been a lot of bad air between the government and Freight Australia over this issue, and I hope this may be the end of the dispute. Along with my colleagues in the other place, Mr Bishop, an honourable member for North Western Province, and Mr Hallam, an honourable member for Western Province, I have been going through some of the detail in this bill to try and unscramble what is and has been a confusing area for us all. We have not understood what is true and what is false. But we have come to the conclusion that this legislation needs to be passed, and as a result the National Party will not be opposing it.

As the honourable member for Mordialloc has mentioned, we have two types of track, or lines, in Victoria. One is the standard gauge line, which comes under the control of the Australian Rail Track Corporation and has its own access regime. The other is the Freight Australia broad gauge lines, which come under the access regime of the legislation passed some time ago, which makes up the major part of the Rail Corporations Act of 1996, whose amendments we are debating today. It is very true that Victorian lines carry the least amount of tonnes of any intrastate tracks in Australia. It is enormously low compared with the coal that is carried in Queensland and New South Wales. Even South Australia carries more than Victoria by a considerable amount, and Western Australia, with its freight, carries a lot more.

Victoria has a different set of circumstances, which everyone was aware of. There were no secrets when this contract was being drawn up, and there were no problems about fully understanding all the terms and conditions. But it has to be understood that the volume of tonnes carried on our rail tracks is considerably less than is carried in any other state. When we privatised V/Line Freight and the rail tracks, everyone understood that. Of course, the government — then in opposition — opposed it very strongly, believing that

the old way of doing business with V/Line and the government system was the way to go. We had a difference of opinion and a big battle in this place over that and many other privatised operations. Freight Australia has turned around the operation of Victorian rail to a considerable degree and should be congratulated on its efforts.

To go back to the start, V/Line Freight was privatised in May 1999, and the Grain Elevators Board (GEB) was privatised earlier than that. They then all started to come into play. Now two large companies — Freight Australia (then Rail America) and Graincorp (the former GEB) — are wrestling with the new rules to gain an advantage in the future. The bulk grain business of carrying wheat and barley is by far the largest sector of Victoria's intrastate rail business. This is largely controlled by the Australian Wheat Board and the Australian Barley Board. The AWB and, to a lesser extent, the ABB are the owners of the most freight carried on Freight Australia's lines. The major client of the AWB and ABB for storing and handling grain is Graincorp, which now finds itself in competition with the board's new storage and shipping facilities at Dimboola, Charlton, Sea Lake and Birchip, as well as the new terminal at the port of Melbourne. Freight Australia has seven-year contracts with the AWB for the movement of bulk grain throughout Victoria.

With the sale of V/Line Freight and the GEB and now the opening up of access to the railway lines, Graincorp and others are keen to get access to them. On everyone's understanding when this system was privatised it was paramount that access be granted to that line. Right through the discussions in our areas and with the then Treasurer before we ever got to the operation of the contract, it was understood that we were not selling a monopoly that would stay a monopoly but that the only monopoly would be the track and that access to that track would be via the regime contained in the legislation. It was vitally important that people understood that, and it was well and truly understood by those of us from country Victoria who were very involved with the sale of V/Line Freight and the Grain Elevators Board.

Freight Australia is keen to see that its new competitors like Graincorp are not given an advantage over Freight Australia trains through access charges imposed by the regulator. Access seekers like Graincorp are keen to see that Freight Australia is not able to charge too high an access rate for use of the lines. These are all normal and healthy economic pressures which will provide competition among all these players and keep the price at a reasonable level for Victorian grain growers who, after all, pay all the costs as their grain is received, stored, moved and shipped to their export destinations.

I ask honourable members to remember that the bankers at the back of all this are the grain growers of Victoria and some grain growers in southern New South Wales, so we have an interest. Anyone who thought that Victorian country members like myself did not take a huge interest in the sales of the Grain Elevators Board and V/Line Freight would be terribly mistaken, because we were very much involved. The Treasurer of the day kept us fully involved to the extent that some of the debates and discussions that took place around this place during that time are still legendary on the conservative side of politics, particularly for those of us in country Victoria, and at the end of the day we were satisfied with the results and the contracts that were put forward.

These pressures were expected and it was known that they had to be managed, but then something happened — we had a change of government in 1999, and soon after that the sale of V/Line Freight — and the leasing of the lines to Freight Australia caused a deal of concern. I have mentioned in this place before, and no doubt I will mention it again before we get through to the next election, that when a government brings in changes as we did when in government — we were a very strong reforming government in many areas and the results of that have been seen today in the type of money that can be handed out by a subsequent government — it needs to keep its hands on the wheel as these changes are introduced. Unfortunately for us, V/Line Freight and the rail lines were sold just before we lost government in 1999, and the friction that came about between the new government and Freight Australia made things rather difficult.

The Labor Party disagreed with the sale of the Grain Elevators Board and it disagreed with the sale of V/Line Freight and the leasing of the rail links. The minister has had, to put it nicely, a distant relationship with Freight Australia, and this has caused a deal of tension, so much so that the Minister for Transport did not consult with Freight Australia on the formulation of this legislation. I thought that was pretty terrible, but that is the way it is, so we have this gulf between the minister and Freight Australia over the operation of major freight services in Victoria.

How did we get to this point and what does this bill do? Part 2 of the principal act, the Rail Corporations Act, contains the regime allowing third parties to gain access to the rail infrastructure. When Freight Australia and a third party cannot negotiate suitable terms and commercial negotiations break down, the access regime

applies. One would hope in most cases involving access that commercial arrangements would come into play; however, because we have a monopoly, if negotiations break down there has to be a way through, and in May 2001 the government gazetted the access regime contained in the legislation. In July 2001 Freight Australia applied to the National Competition Council to use the NCC access regime, which covers the Australian Rail Track Corporation for the standard gauge lines in Victoria. When this happened Victoria then applied to the NCC to have the Vicrail access regime in the bill certified.

In December 2001 NCC published a position paper seeking comments on the Vicrail access regime. In most federal and state issues there is an acceptance that the federal law will take precedence. In fact, our law says that where a state law is in conflict with a federal law the federal law will take precedence. However, to our surprise following discussions with the NCC we find that the national access regime for rail is seen as a safety net and that a state regime has primacy over the federal regime. That has put a different perspective on this issue and the dispute going on between Freight Australia and the minister. The Freight Australia application to the NCC was going to be difficult, as any access regime declared by the NCC would fail if a certified state regime were in existence. For the state regime to be certified it was suggested that the amendments before the house be included in the legislation.

What does this legislation do? The bill inserts division 3 into part 2 of the act to provide for the protection of confidential access-seeker information from misuse by the access provider. The Essential Services Commissioner comes into play. He is the regulator for all Victoria's privatised utilities, and I am sure that between now and the end of the year the Minister for Environment and Conservation, the Treasurer and I will have many discussions about the role of the Essential Services Commissioner as the government wishes now to widen the ambit of the Essential Services Commission.

The Essential Services Commissioner is the regulator for all privatised utilities and may make a declaration that information is confidential if the access provider is a substantial competitor to the access seeker; if access to the line would not cause detriment to the access provider — a big call; and if the benefit or public good of access would outweigh any detriment caused by the provider. The public-good clause comes in under national competition policy and is subject to judgment by the Essential Services Commissioner. If you cannot get a commercial access agreement and if the access will cause detriment to the access provider — in this case Freight Australia — then the Essential Services Commission can judge whether the public good of that access would outweigh any detriment caused to Freight Australia. If the Essential Services Commission makes a declaration that information must remain confidential, then it remains confidential.

The bill also requires the access provider to keep certain information to assist the access seeker in formulating a request for access. Proposed section 38RA inserted by clause 7 gives the commission the power to obtain information and documents for the purposes of the Vicrail access regime. It also gives the commission power to verify that the provider is complying.

The amendment also clarifies the power of the commission to make more than one request for information from any person, because anyone seeking access is most likely going to gain access to the Australian Rail Track Corporation line. They might also have access to New South Wales or South Australia lines. The legislation rightly gives the Essential Services Commission the power to request information from any other person.

The third amendment directs the Essential Services Commission where possible to consult the owner or operator of another network where an access seeker requires access to another network apart from those under the jurisdiction of the commission.

The fourth amendment clarifies that the Essential Services Commission is not an arbitrator under the Commercial Arbitration Act. This means that a decision by the commission cannot be appealed except by the commission itself. Under this act the Essential Services Commission has a very powerful role.

However, when the privatised systems that now operate were set up they had to be nursed through their early years. That is where the Labor government has failed miserably, given its pig-headed attitude to what it found when it got into government — that is, a privatised system and a leased rail network. The government did not properly manage that change, and it has not managed it in many other areas as well. It was unfortunate that there was a change of government. We would have been better if the contract had been a year older and things had settled down. With the change of government a brick wall went up between the minister and Freight Australia, and no proper process was put in place to settle the new privatised operation.

Freight Australia has applied to the National Competition Council for access and has been rejected.

It is interesting to look at the NCC rules and laws to see what is required of an access seeker under the system. The designated minister responsible for the Trades Practices Act, Senator Ian Campbell, who is the parliamentary secretary to the federal Treasurer, cannot declare a service unless he is satisfied of the following six matters. I will refer to all six matters, but I will only go through a couple to see how they went. They are:

> … that access (or increased access) to the service would promote competition in at least one market (whether or not in Australia), other than the market for the service;
>
> that it would be uneconomical for anyone to develop another facility to provide the service —

obviously this one passes on that.

> … that the facility is of national significance, having regard to:
>
> the size of the facility; or
>
> the importance of the facility to constitutional trade or commerce; or
>
> the importance of the facility to the national economy …

We pass on all of those.

> … that access to the service can be provided without undue risk to human health or safety …

That is true.

> … that access to the service is not already the subject of an effective access regime …

That is where we have a problem with the access regime of the federal NCC and the Victorian state regime, because it runs into a block right there.

> … that access (or increased access) to the service would not be contrary to the public interest.

They are the criteria anyone seeking access via the NCC would have to meet.

I should read some of the senator's decision, which states:

> On 1 May 2001, the National Competition Council (NCC) received an application from Freight Victoria Limited, trading as Freight Australia, for declaration of the services provided by the rail network it leases from the Victorian government. The network extends through country Victoria and into southern New South Wales and is used for the purposes of transporting freight and passengers.
>
> The NCC's final recommendation concerning the abovementioned application was received by the ministerial office on 7 December 2001.
>
> The Trade Practices Act 1974 (section 44H) provides that, on receiving a declaration recommendation from the NCC, I (as the designated minister) must either declare the service or decide not to declare it.
>
> In deciding whether to declare a service or not I must consider, among other things, whether it would be economical for anyone to develop another facility that could provide part of the service (subsection 44H(2)). I cannot declare a service, however, unless I am satisfied of all six matters specified under subsection 44H(4).

That refers to the federal act, not the state act.

> The services under application comprise point-to-point rail line services provided by the use of the facilities under lease to Freight Australia. The interconnection of these rail lines provides the potential for access seekers to aggregate complementary rail line services in any viable and technically feasible configuration. This adds the dimension of a network service to the point to point rail line services.
>
> Following consideration of the recommendation by the NCC, I am not satisfied that access (to the rail network services provided by Freight Australia and described above) pursuant to a declaration under the national regime would promote competition in at least one market; therefore, I cannot declare those services, and I decide accordingly.

He went on to say that most of the others would naturally concur with the requirements of the bill, but because it failed on the first one and the second last one it was never going to get through. So Freight Australia is placed in an interesting position. If we amend the bill and put it through, the action by Freight Australia involving the NCC will fail, because there is already an access regime in place. Remember, the state regime has primacy over the federal regime.

If the bill is defeated or held over and Freight Australia goes on to win its appeal, which will be heard in September, the Victorian regime will still be in place. The access seeker would then go to Victoria and Freight Australia would go to the commonwealth system. The process would be jammed between the two jurisdictions and probably settled in the courts. If the bill is held over and Freight Australia were to win its hearings — and I believe its chances of doing that are slim, but that is a judgment I make — and the bill were reintroduced and passed — because there is nothing in the bill that anyone can argue against — the Victorian regime would take precedence and the National Competition Council regime would fail.

It is my hope that this long, ongoing saga of dispute between the minister and Freight Australia can be settled. In the last two weeks National Party members have tried to act as brokers in this area, particularly with Freight Australia, to assist it through the difficulty in which it finds itself.

At the end of its deliberations the National Party has come to the conclusion that it needs to support the

legislation because the legislation does not have anything unduly wrong in it. There are a few things that Freight Australia does not like about the bill. It does not like the fact that the director is able to take action. The National Party does not have a problem with the director seeking a declaration. He cannot have any role in the declaration, but he can instigate it.

National Party members are satisfied in relation to the sunk costs in the infrastructure of the rail line that evidence exists — the government has failed to present its evidence to us, although we have evidence from other places — that Freight Australia was well aware of the costs. We believe it was aware and would like the information the government had promised we would have last week. I am very disappointed that it did not arrive because we have been trying to properly broker a resolution to and finish a dispute which is very damaging to all of us in the grains industry in particular and for the future of freight and rail in the state.

That about sums up the National Party's position on the legislation. There is no doubt that the information drivers and the declaration by the Essential Services Commissioner to look after that information, make sure it is provided and to verify it, does have an impact on Freight Australia. But from the beginning the National Party's intention was always to have people able to get proper access to the lines. The National Party has decided not to oppose the legislation and seeks that while the bill is between here an another place the government provides it with that which it promised last week.

Mr CARLI (Coburg) — I rise in support of the bill, and I am pleased that the opposition parties are not opposing it. They largely share the government's concern that it not maintain a monopoly on the freight system, and also that there is an access regime available to third parties — to the access seekers — so that they can utilise the rail network in the state.

Clearly the honourable member for Mordialloc is concerned about what he sees as the potential victimisation of Freight Australia. That is not the function of the government, and it is not seeking to victimise Freight Australia. The government, too, is concerned about the viability of Freight Australia and the various rail services. It understands that Freight Australia's USA investors came into the market with goodwill and did their assessments of the proposals put in front of them. Part of the government's argument is that investors came into Victoria with their eyes wide open and knew what was being offered to them.

I understand the honourable member for Swan Hill when he says he accepts that, but that he has not seen the proof and would like to see it. The government will make the proof available. I am surprised that the documents that have been made available have not indicated that the nature of the access regime was well known to Freight Australia prior to its putting in its bid. It knew full well that it would not be able to recover the sunk costs of the project with the access charges. Basically the regime that was put together by the previous government meant that what it was bidding for was well known to it. The company knew it was purchasing infrastructure and lines, that that would be subject to an access regime and that within that regime it would be able to negotiate a price with the access seekers. It knew that if that price was not suitable there would be a mechanism for the Essential Services Commissioner to determine it, based fundamentally on the maintenance costs of the line plus a margin for Freight Australia.

The argument largely put by Freight Australia is that it does not see that as sufficient. It has a genuine concern about the potential for cherry picking behaviour where companies come in and take the best lines and operations away from Freight Australia. They are genuine concerns, but they are not the sorts of concerns that stop us moving towards a more open system and having a genuine access regime to break the private monopoly. That is what we are in agreement about. We have not heard arguments from Freight Australia saying anything other than that it is not happy with the prices. It is not happy with the fact that it cannot realise the sunk costs in terms of the access charges. That is something that it knew, and this is an argument that I will develop in my contribution.

It must be said that this bill arises out of an attempt by Freight Australia to apply to the National Competition Council for a declaration that part of the Victorian rail network be under an alternative access regime. That triggered a request by the Victorian government that the access regime which was in place and which was put together through Victorian legislation be certified. The National Competition Council took the view, as the honourable member for Swan Hill pointed out, that the state regime should apply. It raised a number of concerns, and those concerns are being met through this legislation. Although they are very much about the function of access in this state, they are not about the access issue itself, the issue of sunk costs or some of the concerns of Freight Australia. These are very practical issues, and it is necessary that we as a government address them in order to have the rail system certified.

The required amendments, as identified in the National Competition Council's paper on Victorian rail access, are about the need to protect confidential access seeker information from being misused, the need to strengthen the Essential Services Commissioner's information powers and the need to require the Essential Service Commission to consult with the operators of and the arbitrators for the relevant network. So they are very much about practical applications of the access regime.

I note the comments of the honourable member for Swan Hill that the government did not even tell Freight Australia about the nature of this amending legislation. It was very much part of the National Competition Council's report, and it was the thing we needed to do as a government for certification, so it was perfectly well known to Freight Australia. Again, it fundamentally does not alter one little bit the concerns Freight Australia has about the regime in this state, which have more to do with its wanting to maintain a private monopoly or wanting the access charges to include costs — for example, sunk costs. That is not an argument we accept. I do not think it is necessarily an argument opposition members share, given that they are the ones who made the case, presented the principles and put the privatisation of the Victorian freight system out there. It was very clear at the time that you could not recover these sunk costs through access charges. So it has always been there, and Freight Australia went in with its eyes open.

Another argument that Freight Australia has consistently used is that the government does not itself spend any money on rail freight and the rail system. That is one issue we can now put to rest. It is certainly very clear in today's budget that the Bracks government is very much committed to both freight and passenger rail throughout this state and has a massive investment in it.

I will quickly go through some of the initiatives of the state government. First of all there is the standardisation of rail freight through Victoria — —

An Honourable Member — When?

Mr CARLI — That is being done, and it is being funded. The comment from the opposition member is, 'When?'. We have waited over 100 years for standardisation, because no previous government has been prepared to commit itself to it. We have put in the resources, and we will do it.

Another important initiative is the standardisation of the grain loop at the port of Geelong, which means that the grain that enters the port can go on the standard gauge and broad gauge lines, so it will not just be the port of Melbourne that has dual gauges.

The construction of the regional fast rail links is another important initiative in improving the system. In the port of Melbourne area Dock Link Road — it is the link between Dynon and South Dynon, so it involves one of the terminals run by Freight Australia — will be extended. Money is also being spent on safety works.

It is a very substantial list. These are provisions that improve the system for Freight Australia. It is not sustainable to argue that the Victorian government is not contributing to our freight and rail systems. In fact it is putting in place investments of which Freight Australia will be one of the net beneficiaries. Clearly it is important to be up front and to say that we are committed to rail freight and to the system.

Equally we are not about sustaining and maintaining a monopoly in the freight system. That has to be broken. We have to provide an access regime, and it is not only the government that says that. I have a letter of 1 February 2001 from the Australian Wheat Board that says, 'Access to rail network means savings to growers'. The leading grain marketer, the Australian Wheat Board, has welcomed the announcement we made last year to allow open access across the standard and broad gauge rail network, and it sees it as offering a cost saving of $3 a tonne for wheat, which is a very significant reduction. I think the freight cost is around $17 at the moment, so it will be reduced from $17 to $14. Certainly the Australian Wheat Board is a company that has worked closely with Freight Australia and it sees the benefit of increased competition on the rail lines. So it is not only us; other major providers, access seekers and companies will benefit from this system.

I return to the issue of what Freight Australia actually knew. As we accumulate the correspondence, there is a period going back to 1999 where we find evidence of the knowledge of Freight Australia. We certainly know that was what was presented by the government of the time. A letter of 12 August 1999 from Marinus van Onselen, the chief executive officer of what was then Freight Victoria, to Dr John Paterson, Secretary of the Department of Infrastructure, states:

> As you would be aware, it is proposed that there be open access to railway infrastructure leased by Freight Victoria from the Victorian government.

This is part of its bid. It acknowledges there would be an access regime and it also acknowledges the provisions set out in that access regime. Equally, in that

letter from Marinus van Onselen there is another part which states:

> A draft set of pricing principles for the direction of the ORG has been provided to us prior to our acquisition of the railway …

The Office of the Regulator-General, or ORG, was the predecessor of the Essential Services Commission. The names keep changing so rapidly that it is often very difficult to keep up. Even at that stage, on 12 August 1999, very clearly the chief executive officer acknowledged that the ORG would be brought in in cases where there was no commercial agreement between the access seeker and Freight Australia. Part of that was that the ORG could make a calculation and the calculation would be a fair price. The price would be based on the cost of operation and the cost of maintenance, plus a margin.

The essential argument of the honourable member for Mordialloc is that what we seek is a fair price — that is, a fair price inasmuch as what was made available in all the materials that were issued in terms of the sale. Also the evidence cited by the unsuccessful bidders was that it was always very much up front, and that there would be an access regime in which the pricing would not include the sum costs. So what Freight Australia paid for within the sum costs — the costs of the actual rail and rolling stock — essentially should have taken that into account. That should have been part of the calculation. Part of the calculation would be that the company would have a period of time where it would be able to run the system and build a business. After that there would be an access system, an open system, put into place, and the returns on that system would be limited by the fact that the company would not be able to charge the sum costs. So clearly Freight Australia knew that the sum costs and the lease costs would not be recoverable.

What does that suggest? It may suggest that Freight Australia in fact miscalculated and paid too much for the system. That is a possibility — and that would be a real concern — but there is no argument that it did not have its eyes open when it went into the negotiations, when it put the bid in. That was certainly the case, and it is what we have been told by other bidders that were unsuccessful.

I believe it is unsustainable for a private monopoly to successfully run our freight system. I have listened very carefully to the arguments of the honourable members for Mordialloc and Swan Hill, and certainly they argue strongly that there should be no monopoly, that there needs to be competition and that competition will drive down costs. They are things we very much agree with. The issue is: what is a fair price? I believe the fair price is the price that was determined at the start.

What also needs to be said is that this bill does not deal with pricing issues, and the National Competition Council also did not deal with the pricing costs. This is very much about declaring the access regime. The pricing costs are not embedded in this. This is about the system we put into place and the powers of the Essential Services Commission. Certainly Freight Australia has issues; they are issues it needs to continue to bring to the government, and it does. Obviously it briefs the opposition parties as it briefs our ministers and backbench. They are serious issues and we have to be concerned about them. But to be fair, it is about a fair price for access to the rail.

Freight Australia argues that there should be other types of funding systems. It suggests, for example, that there should be a pricing system that applies to New South Wales and Queensland, where you have a regime that involves huge volumes of coal, so that the pricing system can work in a very different way to the Victorian system, where the volumes are not as great and tend to be very seasonal. With this bill we are dealing with a situation where we have to break a monopoly and provide competition. I am concerned, as no doubt every member of this house is, to ensure that Freight Australia is viable, that the system is viable. But that in itself is not an excuse to not have competition. That is not an excuse to not have an access regime.

Certainly in this legislation, as in our dealings with Freight Australia, there is no personal animosity. It is not about the Minister for Transport being in conflict with the chief executive officer of Freight Australia. There are clearly competing interests. Freight Australia wants to either maintain its monopoly or, if it cannot do that, it wants to make the sorts of access charges that would be very sizeable and therefore would affect the viability of the competition. Clearly it is in its interests to stifle competition. It is certainly not in the interests of this state to stifle competition. We need to promote it. We need to continue the dialogue with Freight Australia. We need to continue dialogue with all the access seekers. We need to ensure that our producers have access to the best possible freight system and that it is a freight system that gives them access to all the principal ports, and we do not exclude a port simply because it does not have broad or standard gauge.

This whole freight system is increasingly tied into a much broader strategy of the Bracks government, which is to standardise rail freight in Victoria and to substantially increase the volume of goods that go by rail, so clearly competition is good in that respect. And

so is the investment, and the public sector investment, of which there is a substantial part.

We see ourselves in partnership with Freight Australia and other access seekers in building a much bigger freight system. Ultimately the viability of Freight Australia, as with all the access seekers, is really in the expansion and success of our freight system, for which there are very promising possibilities now in Victoria with the commitment that has been demonstrated by the Bracks government.

Mr COOPER (Mornington) — Having heard the contribution of the honourable member for Coburg, I am somewhat reassured that the government has the same view in regard to the future of Freight Australia that is held by the opposition — that is, to ensure that Freight Australia remains a viable entity and that the provisions of this bill, as implemented, will not create a situation where Freight Australia could be significantly disadvantaged by other cherry picking access seekers to the rail freight network in country Victoria.

I know that both the honourable member for Mordialloc and the honourable member for Swan Hill went back a little in history, prior to the sale of V/Line Freight to what was then Freight Victoria, which was later renamed Freight Australia. It is important to understand that what we had in this state was a rail freight network that over many decades had gone into a serious decline and was almost moribund. If it had been run by private enterprise it would probably have been closed down.

Going back to the 1950s, and possibly the 1940s, we had a significant rail freight network throughout country Victoria. A lot of small freight was carried and a lot of country towns were very dependent upon rail freight. Over a period of time, as trucking businesses grew and competition increased, price became very important to both shippers and receivers, and the trucking networks took over to the detriment of the rail freight network. What this boiled down to was that we had a vigorous private sector road trucking industry competing with an incompetent, very badly run government rail freight business. The outcome was that the government rail freight business continued to decline.

By the time the Kennett government came to power in 1992 it was quite clear that something had to be done about rail freight in this state, and my predecessor as Minister for Transport, the Honourable Alan Brown, commenced to look seriously at what could be done. When I took over as Minister for Transport in 1997 it was very clear that the work of Alan Brown, which I continued, was going to lead to a sale of V/Line Freight at some stage. That sale took place in 1999, and V/Line Freight was sold to Freight Victoria for $89.7 million.

As the honourable member for Coburg said, the contract was quite clear with regard to access. Freight Victoria would not have a monopoly on access; it was going to be available to any other parties that were interested in trying their luck with regard to rail freight in Victoria on the broad gauge line. It was also clear, as the honourable member for Coburg said, that the same costs — that is, $89.7 million, which was the purchase price paid by Freight Australia — were not going to form part of the costs that could be developed into an access regime price. I know full well that Freight Australia would love to be able to include the same costs in an access price, but the contract was quite clear: everybody was quite clear, and today Freight Australia would be quite clear.

But that is not the point of dispute or the point of concern for Freight Australia. In its view there has been a significant changing of the rules and a shifting of the goal posts that could impact detrimentally on the development of its business throughout this state. It had the development program in mind when, as a fully owned subsidiary of Rail America, it decided to tender for the business. In a moment I will come to the plans it had, which I am sure it still has, to develop and expand rail freight here in Victoria.

This bill will create a new rail access regime. Implicit in all this is that there will be a change in the way access prices are created. In this state the network comprises a number of frequently used lines and a number of infrequently used lines. All the costs incurred by Freight Australia in the maintenance of that network are legitimate business costs which need to be recovered. As to the costs of keeping lines open for four or five freight trains a year — and the honourable member for Swan Hill pointed out their importance to the grain industry — it must be made clear that a lot of those lines are infrequently used. However, it is important that Freight Australia maintain those lines at a level that means they can be used when required.

Those lines will not be attractive to the people wanting access. An infrequently used line will be an infrequently used line — and it will be a line infrequently used only by Freight Australia. The people wanting access will want to come onto the busy major lines, where they can set up decent-size trains and make some profit.

Freight Australia has put to the opposition a legitimate concern, which is that the access pricing will be based

on line pricing rather than network pricing. In other words, its great concern is that a situation will occur where the access price to carry a load of freight on the broad gauge line from, for example, Melbourne to Albury will be based on the costs incurred by Freight Australia in maintaining that line, not in maintaining the network of lines throughout country Victoria.

Obviously if that is the case the access price would be considerably lower on a line basis than it would be on a network basis. The access seekers would not be required to pay a share of maintaining the network or of maintaining the lines that might be used only four or five times a year. Freight Australia is saying that if that situation develops under the new rail access regime the unfair pricing system will give the access seekers a considerable advantage by giving them a cheaper price, while Freight Australia will have to bear and maintain the costs of operating all the other lines but will not be able to recover them.

This is not an argument about sunk costs and access prices. As I understand the argument of Freight Australia, it is about whether, as part of the access price, access seekers should be required to pay a fair share of the maintenance costs, or the upkeep costs, of the entire broad gauge network. That would seem to be a reasonable argument, but it will certainly not be resolved by this Parliament, or indeed by this government. The arrangement between Freight Australia and the Victorian government is that access seekers are required to be given access at a fair and reasonable price. An appeal or arbitration mechanism has been set up to ensure that if a dispute arises over the price established by Freight Australia, the access seeker will not be dealt with harshly, will be able to get a fair and reasonable access price, and will get a quick decision.

At the time these arrangements were set up it was important to the Kennett government to ensure that access seekers would not be unnecessarily delayed by Freight Australia. It could see that the successful tenderer — in this case Freight Australia — could delay the process so that the window of opportunity for an access seeker might simply disappear. By doing that it could basically blow away access seekers and competition.

At the time the government said that a short time scale was applicable from the time an access seeker applied for access to a particular rail route and its receiving a price, and that if the access seeker was dissatisfied with that it could go off to the Office of the Regulator-General to appeal and have the matter arbitrated. As the honourable member for Coburg said, we all have to look at our notes on these things. The Office of the Regulator-General has now gone, and there is now the Essential Services Commission, or the ESC. Therefore the ESC has a significant responsibility in this matter, which is to ensure that both access seekers and Freight Australia are looked after fairly and that the legitimate costs of Freight Australia are taken into account in arriving at an access price.

It would have been wrong and would have run against the views of both parties if, when the sale had been concluded, access seekers had been given an unfair advantage over Freight Australia. At the same time back in 1999 it was very much in the former government's mind to ensure that Freight Australia would not be given an unfair advantage over access seekers. As the honourable member for Coburg said, the previous government was keen to encourage competition on the country rail freight network, but it certainly did not want to see one side given advantages that would be detrimental to the other party.

In the little while remaining I want to come back to some of the ideas and plans that were in the minds of those at Rail America, the successful bidder under the name of Freight Victoria, which, as the house has been told a number of times, has been renamed Freight Australia — and I will use that term to save any confusion in the minds of the huge number of listeners presently glued to this debate.

One of the interesting things about Rail America, the parent company, is that it has a significant record of achievement in both the United States of America and South America; it runs at least two rail operations in South America as well as those it runs in the United States. One of the significant things Rail America has done is develop small freight business using the rail lines. This is business which used to be very much the backbone of V/Line Freight but which over the years was lost to road freight businesses.

I remember having a number of discussions with the principals of the company about how they proposed to do that here. They were very keen to use lines, stations and country towns that had once been maybe not so much dependent on rail freight but certainly involved with rail freight; they wanted to see all of that come back to country Victoria. The principals could see a significant amount of profitable business being able to be developed by them throughout country Victoria. Of course, the first cab off the rank as far as they were concerned was to get the big business sorted out — to ensure that the contracts the company had inherited and the new contracts being negotiated were signed up so

that the company could have a basis from which it could go on and develop the smaller business.

The exciting thing about all of that is that it would have brought rail freight back to a lot of country towns throughout Victoria which had given up hope of ever seeing rail freight again. These towns had given up the ghost as far as rail was concerned and were content to believe that it would always be trucks bringing their freight into town. The plans that Freight Australia had were exciting for the government, and I believe they were welcomed by country communities throughout this state. It would be a great pity indeed if a situation developed now where with access pricing being on a line basis rather than a network basis Freight Australia is disadvantaged to the point where it has to recast its mind as far as those plans are concerned. That would be a significant blow to a lot of country towns throughout Victoria and particularly to smaller country towns — not the major centres but smaller towns, because that would be the inevitable effect.

What could happen is that Freight Australia could say that as far as many infrequently used lines were concerned it would no longer deal with those lines and after three years those lines would simply go back into the care, if I can put it that way, of the government and certainly back into the costs of the government; the government would have to pay its own money out to maintain those lines and keep them open if Freight Australia decided not to go on with them. To become competitive, to remain profitable and to keep the jobs it has in its company, Freight Australia might well have to take this line if this whole situation of a new access price regime goes awry.

As I said right at the beginning, I take comfort from the words of the honourable member for Coburg that that is not the intention of the government — that the government is keen to see Freight Australia remain viable and profitable and to proceed with its expansion plans, and its plans in the small freight area that will benefit country Victoria. My advice to the government today is to keep its hand on the wheel on this issue, and to ensure that the plans do not go awry and that Freight Australia is not left in a situation where it is cherry picked by eager beavers coming in on the profitable lines and taking business away. That would be of great detriment to Freight Australia and country Victoria.

With those thoughts in mind and with the view that the government must ensure that the Essential Services Commission keeps its hand on the wheel with regard to the access pricing regime, the opposition does not oppose the bill.

Mr LONEY (Geelong North) — I am pleased to make a small contribution to the debate on this bill. I might say at the outset that I am pleased to be part of a government which supports rail freight in this state. I think rail freight is a terrific way to move large amounts of cargo and freight safely and reliably around this state. It also takes great pressure off our road infrastructure if we can have a rail freight system carrying a large amount of the state's freight.

I might also say that the rail freight system is very important to my area of Geelong and to the whole of western Victoria, not least through access to the port of Geelong and through the western grain lines to the grain terminals. These things are very important to our regional economy. Ensuring that we have a viable rail freight system operating throughout Victoria and have a network that operates efficiently and competitively and delivers benefits is very important to our regional economy.

This bill essentially aims to provide for improvement in the rail accessing regime in line with national competition policy. That is the driving force behind this bill. In particular, the provisions of this bill relate to ensuring third-party access to the rail freight network throughout Victoria.

It has been interesting to listen to some of the opposition contributions. I accept that honourable members opposite say they are motivated by wanting to see a viable rail freight network throughout Victoria, one in which Freight Australia can operate profitably and efficiently. It is also the government's view that that should occur and that that regime should ensure those things. However, it is also the government's view that the rail freight regime in Victoria must have appropriate arrangements for third-party access. That is a view that is concurred with by the National Competition Council (NCC).

It was interesting to hear the previous speaker say that the previous government considered this to be a very important matter. However, one would have to add the comment that evidently the previous government did not think it was important enough to put an access regime in place when it introduced its legislation, because it did not do so. In fact, the previous government had no legislation to ensure access. It failed to set up a competitive regime. It was this government which legislated to ensure that access, and it did so on a basic principle — that is, that in disposing of these public assets out there into the marketplace you should not simply create a private monopoly; therefore the government introduced legislation to ensure third-party access regimes. That legislation stipulated that there

must be a regime which allowed access to others so we could achieve the best outcomes for Victoria and Victorian consumers and rail users in this regime.

The National Competition Council concurred with the view of the current government in relation to these matters that that access regime should be there and properly legislated. It concurred with the government's view but raised concerns in three areas and asked the government to address them.

Firstly, it raised concerns about the protection from misuse of confidential access-seeker information — a fairly straightforward thing about the protection of information. Secondly, it asked for some strengthening of the Essential Services Commission's (ESC) information powers. It is rather important that if you want access regimes and competition policy to work well your competition regulator must have the appropriate information-gathering powers to be able to ensure that what is going on is operating properly in the best interests of a competitive market. The government is moving ahead with that. Thirdly, it asked that the ESC consult with operators and arbitrators for other networks where that is necessary.

Those three areas are in fact the provisions in this bill. Those track access and responsibility issues are important across a range of areas and they have come to attention in my area on a number of occasions. As I said, there is a considerable amount of rail freight running through my electorate to the port of Geelong, to the grain wharves and elsewhere, and a number of companies currently use that line. Proper information is required to be held of those users in case a complaint arises. I have had one in my area at Nicholson Crescent where the rail line is close to the fence or gate line of the houses. The rail lines are closer to the back fences of those houses than I am to the other side of this chamber and as a consequence those householders have considerable problems with noise and vibration in their houses.

Mr Trezise interjected.

Mr LONEY — The honourable member for Geelong is absolutely right. I am not keen to revisit the other side of the chamber, Mr Acting Speaker, and I do not think I will be doing it for many years. Nonetheless when we tried to find out who had responsibility for the maintenance issues around the track near Nicholson Crescent we had the dickens of a time trying to get one out of the six or so users of that track to put up their hand and say they were the responsible authority whom we could talk to and who would or would not do something about it. We went round in circles for a long time before we could even speak to people. Having done that we are still trying to get something done, but that is another matter. What I am raising here is the issue of the keeping of appropriate information so you know who you should be talking to about matters that arise. It is certainly appropriate that the ESC has those powers.

The opposition has raised a number of things about Freight Australia. The honourable member for Coburg set out the government's position fairly well in relation to this. Essentially what he was saying was, as the honourable member for Mornington picked up, the government is committed to a proper, competitive access regime on freight lines throughout Victoria which will ensure that Freight Australia continues to operate viably. He also pointed out that many of the things that are now being raised as complaints are things that Freight Australia should have thought more about at the time it entered into the agreements, because they were covered in those agreements. If Freight Australia now wants to argue that it took over a rail network in poor condition, surely that is a matter of the due diligence it carried out at the time. It surely assessed the state and condition of the network at the time it was entering into the agreements. It seems to be an extraordinary suggestion that Freight Australia did not understand what it was buying. Surely it did some work on that! Either that or the honourable member for Mornington is a greater silver-tongued devil than we believe him to be, if he has talked it into something of that nature.

But the company also talks about the margins on costs. A number of things are simply not right. Freight Australia has made a claim, for example, that it can only be recompensed at the 10-year bond rate plus a margin of 4 per cent — a simple, factual inaccuracy. In fact, the 10-year bond rate plus 4 per cent is the minimum that it can be recompensed at, not the maximum as seems to be the story going around. It also says it should be allowed to recover sunk costs via its access charges. This argument was put by the honourable member for Mornington on its behalf — —

Mr Cooper interjected.

Mr LONEY — The honourable member may not understand what sunk costs are. Perhaps he had better have a look. But the thing here is — —

Mr McIntosh interjected.

Mr LONEY — No. Sorry, Mr Acting Speaker, I am being misquoted over there.

As I was saying, at the time they entered into these contracts they were fully aware of their obligations in relation to sunk costs and what could or could not be claimed back. To come in now and pursue this is to actually try to change the argument from when they contracted.

This bill is not about changing the whole basis of the contractual arrangement, although there seems to be some activity to try do so on a number of fronts. This bill is simply about ensuring that the competitive access regime to which the Australian Competition and Consumer Commission has consented can operate properly and to the benefit of all parties. If you want to have competition on the freight lines in Victoria it is important that you have a properly thought out access regime. That is what this bill is about — that is what it goes to and that is why it should be proceeded with now.

If we can get proper access regimes, proper contestability and proper competition on those lines it will be of immense benefit to areas such as mine that have a great deal of movement of rail freight driving their regional economies. I would like to see this go ahead as soon as possible for areas such as mine, and I certainly do not concur with the argument put by opposition speakers that it would be better to defer it.

Mr McINTOSH (Kew) — There is unanimity in this house about the significance of trying to improve the amount of rail freight that occurs in the state of Victoria. Indeed, many previous speakers on the bill have referred to the significance of the fact that if the enormous amount of road freight on Victorian roads can be reduced the cost of maintaining expensive infrastructure can be reduced, and indeed lives can be saved. I heard it mentioned today — I do not know if the figure is accurate — that only 5 per cent of all freight shipped from point A to point B here in Victoria actually travels by way of rail freight rather than some other form of transport. Even if that figure is not correct, transporting freight by other means is certainly a burgeoning industry, and the significance of maintaining an effective rail freight network is very important to the state of Victoria.

The honourable member for Mordialloc added weight to that argument when he indicated — and it is quite logical — that the second-biggest cost of any manufacturer or producer, apart from the labour and the raw materials used in the production of goods, is the cost of transport. If Victoria is to remain competitive in international and interstate markets it must lower the cost of transport, thereby lowering the bottom line and improving production and the economic outcomes for Victorians generally. Everybody is unanimous in saying that an improvement in the rail freight system in Victoria will have major advantages for the state.

There is no doubt that the Kennett government inherited V/Line, which I heard the honourable member for Mornington call moribund and the honourable member for Mordialloc call bankrupt. Whatever happened, it was being run into the ground and something needed to be done. Standing in juxtaposition to V/Line Freight at that time was a very viable and vital road transport industry based upon competition between private operators, who reduced the costs to the point where people would start using or would continue to use road transport, with all the implications that had for the state.

V/Line Freight was sold not only to reap the benefit of the nearly $90 million realised, which was to some extent above expectations, but also to introduce some form of competition into the Victorian rail freight network. I disagree strongly with the views expressed by the honourable member for Geelong North, because I do not think he quite understood that at the time of the sale there was an access regime in existence. Freight Australia maintained the transport system, but it also had to provide access. You would negotiate a price for access into the system. If that failed there was a mechanism of speedy and expeditious arbitration through the Office of the Regulator-General. That system has not altered. The only thing that has altered is that the ORG has dropped out and the Essential Services Commission is now the arbiter of the pricing mechanism.

The real concern is that there has been a substantial change, perhaps not directly in the rules but in the way that Freight Australia actually operates. That changing of the rules or the culture within which Freight Australia operates does two major things. Firstly, it sends a terrifically bad message to anybody else who may want to invest in Victoria. This is coupled with this government's single-handedly going out and attacking private contracts, which we have seen with the electricity market, with City Link and with the private operators of the transport system.

Ms Davies interjected.

Mr McINTOSH — I am glad the great socialist from Gippsland West agrees with me, because she is howling out in support of what I am saying. I thank her for her contribution in that regard.

This government is picking at the sides — it is picking at those contracts and sending a terrifically bad message

to anybody who wants to invest in Victoria. It is most important that private operators have some degree of stability upon which to operate, and picking at the edges and changing the rules necessarily reduces the state's capacity to draw private investors into the system.

We have heard the government talking about competition and what wondrous things it can deliver. The honourable member for Coburg was at pains to point out that the government is pro-competition and pro-private operators in a range of fields. We have seen the government generally asking for private participation in a large number of infrastructure projects, but one of the major problems is that that participation will not occur if the rules are changed by the government from time to time.

The second major change in this instance is the change in the culture attached to the way the pricing mechanism will occur — that is, going from network pricing to line pricing. Apparently there is an argument about what was known at the time those contracts were made, and I will speak about that in a moment. However, the most important thing about that change means that rather than Freight Australia being able to look globally at the whole network to recover an appropriate price, and that price ultimately perhaps being arbitrated on by the Essential Services Commission, that price will now necessarily be dependent on the individual lines.

The honourable member for Mornington and the honourable member for Mordialloc were at pains to point out why that was the case and why it would be a detriment for Victoria. It may not be a detriment to the users of the main lines between Albury and Melbourne, between Geelong and Melbourne, and between Ballarat and Bendigo and Melbourne, but it will be a detriment to those small country lines that may be used only two, three or four times a year, because the amount of money that will have to be spent on maintaining those lines may necessarily be out of all proportion to the amount that Freight Australia can recover as the price for access to those lines. Indeed, it is probably highly unlikely that anybody will want to have access on a regular basis to those small lines, and that will have a major impact on small country communities. We may see those lines either being closed or reverting back to the government, with an ultimate drain on the resources of the state, or some other operator, which is probably unlikely in these circumstances.

I will raise one final matter in relation to the contract. One of the matters that has concerned me about this bill, and it is not technically a legal argument, is that this initiation of the criticism of the pricing regime came through the National Competition Council and a discussion paper that it issued at the end of December last year.

That discussion paper was critical of the access regime in Victoria and the bill goes some way towards addressing that matter. The decision was appealed by Freight Australia to the Australian Competition Tribunal. I understand that decision is not due until September this year. By passing the bill now the rug is being pulled out from beneath Freight Australia and the parameters by which it says it operates. It may be quite wrong, but the dispute is being resolved at the moment. A piece of legislation that changes the rights and wrongs for the parties to litigation midstream is a matter of extreme concern.

The government needs to deal with this matter. It is sending another message to the rest of the country and to the world that if you want to invest in Victoria you may have the rules changed. That is the major implication of the bill

Sitting suspended 6.29 p.m. until 8.02 p.m.

Ms DAVIES (Gippsland West) — The Rail Corporations (Amendment) Bill purports to make provision for the improvement of the rail access regime in accordance with national competition policy guidelines. I do not have the faith in the national competition policy that members on both sides of this house seem to have. I have seen many times — and this is one of them — when it seems to me that it does not really work.

In 1998 the previous government put through the Rail Corporations Act, which permitted the state to lease its infrastructure to private operators and then provided for third parties to also access that rail infrastructure. In May 1999 the Kennett government sold V/Line Freight to Freight Australia with a 45-year lease over Victoria's intrastate country rail tracks and associated infrastructure. In 2001 the Bracks government proceeded with the regime that would provide for third parties to access those leased tracks. It started the rail access regime and gazetted pricing orders, and that effectively ended Freight Australia's monopoly over the intrastate rail network. As far as I can see, Freight Australia — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! I ask for less audible conversation in the chamber. It is rude to do that while the honourable member is on her feet.

Ms DAVIES — Freight Australia has more or less been in dispute with the government ever since arguing that it cannot get a good enough return on its original investment to make further investment in rail track and rail services worthwhile.

The Victorian government has applied to the National Competition Council to have the Victorian access regime certified as an effective access regime for the purposes of the commonwealth Trade Practices Act. It means that if a certification goes through the Victorian rail access regime will apply to the exclusion of the general access regime, which is the federal system. The state access regime can be certified as effective only if it complies with certain principles set out in the national competition principles agreement.

This bill makes changes to the Victorian rail access regime so it complies with that competition principles agreement. It will also stymie Freight Australia's efforts to be governed under the commonwealth rail access regime when Freight Australia believes that commonwealth regime gave it more scope for profitability than the state scheme.

The bill makes the following changes to ensure compliance with the Victorian access regime: it gives more protection to the confidentiality of commercial information that any third-party access seeker to the track must disclose to the infrastructure provider — that is, Freight Australia; it requires infrastructure providers to keep certain information available to assist track access seekers in formulating their request for access; it deals with interface issues, where an access seeker needs to access some other part of the rail network or to access interstate infrastructure; and it strengthens the role of the Essential Services Commission in ensuring that companies wanting access to the tracks are treated fairly and that charges and requirements given to them by the infrastructure provider are appropriate. Again, Freight Australia has been objecting to many aspects of this set-up.

I genuinely believe potentially the most successful way of ensuring fair access to the track would be for the government or for another independent body to control the track rather than to have it leased out to a private company which is also endeavouring to run a freight business. Having a business both controlling access to the track and running a freight business in competition with other freight businesses is a potentially incredible conflict of interest for the infrastructure provider. As I said, the best and most obvious way of ensuring good competition — indeed fair competition, if that is what you want in rail freight businesses — would be to have an independent body actually owning, controlling and running the track. The previous government did not seem to see that logic and this government has not yet done enough to get over the problems that have been created by the peculiar set-up that was started by the previous government. I urge the government to take whatever steps are necessary to settle this now very longstanding dispute with Freight Australia. The parties should not be having arguments of the type they have been having over this particular access regime, which is not conducive to encouraging the expansion of rail freight in Victoria.

I have a significant interest in this issue. In addition to having passenger services brought back to the South Gippsland rail line I want to ensure that one day, hopefully in the not-too-distant future, freight trucks will be rolling up and down that line rather than having large numbers of freight trucks on our roads.

I suggest that if the government is not capable of working out an amicable arrangement with Freight Australia it be encouraged to give it back. I note that other speakers thought that this would be a terrible outcome, but I must say I do not agree.

The government is already investing significantly in the upgrading of rail lines as part of the return of passenger services around Victoria, so even though theoretically we have a private company which has leased these tracks and has an obligation to improve them, it has not been investing in our track infrastructure. In fact, it is the government which is still investing in track improvement and the extensions of rail services. Again I would suggest that the best way to ensure a level playing field and an appropriate competitive market for freight in Victoria would be to have the state controlling the track, with an open access arrangement for different freight businesses. In the meantime we will have to wait and see.

I will support the Rail Corporations (Amendment) Bill. I do not believe it is in the interests of the Victorian people to have a private monopoly running freight on our railway lines, so I will support measures that will increase the potential for competition. I am not sure that this will be enough to settle a long-running dispute that needs to be settled as soon as possible.

Mr PLOWMAN (Benambra) — Clearly this debate is about access to the rail lines of Victoria. Equally clearly, everyone on both sides of the house wants to see more freight and passengers carried on rail than on road. If ever I had an illustration of that it was last night after driving from Wodonga to a meeting at Benalla and then leaving Benalla at about 11 o'clock to drive to Melbourne with a number of semitrailers and

B-doubles on the freeway. I do not agree with the honourable member for Gippsland West — I do not think they are horrible things at all — but if we could get some of that freight onto rail it would be far more — —

The ACTING SPEAKER (Mr Seitz) — Order! I ask the honourable member to address his remarks through the Chair.

Mr PLOWMAN — I thought I was, but I adhere to your judgment as always. Might I say, through you, Sir, to the honourable member for Gippsland West that I do not object to the movement of freight on the big B-doubles. I understand that they can be frightening to someone who is not used to driving with them, but when you see row after row of big B-doubles carting freight up the highway with the railway line only metres away, you begin to wonder why this is happening and what we can do to help.

I commend the government for introducing the legislation to try to improve access to the rail lines of Victoria, and with the unanimous support of both sides of the house I hope we will end up with more freight and more passengers on V/Line throughout Victoria.

Equally, you have to look back and ask what V/Line was like when the previous government determined to privatise it. V/Line was facing a very doubtful future at that stage. Its freight and passenger rates were dropping off and its profitability was getting worse. The logical thing to do was introduce a level of competition which would result in greater use of the Victorian rail lines for both freight and passenger services. To a large extent that has occurred. Certainly the introduction of Rail America, which is now Freight Australia, has put a different emphasis on the transport of freight on rail in Victoria and right across Australia.

Again I highlight the fact that last night I drove down to Melbourne with all the semitrailers and B-doubles. I live in Wodonga, where the rail runs straight through the middle of the town. I live pretty close to the rail. At night you can see very big trains running up to 1-kilometre long, with a lot of freight on them. We are headed in the right direction. We are getting more freight onto rail and hopefully this bill will assist that to occur even more.

Access has always been a consideration. The honourable member for Geelong North suggested that there was not an access arrangement until this bill was introduced. That is clearly not right. There was an access arrangement and hopefully this legislation will help to improve it, particularly for those third-party operators who wish to have equal access on the rail with equal competition, without the chance of being denied that equal opportunity from Freight Australia. This bill is really about making sure that fair access is available to both the third-party operators and to the owner or lessee, which is Freight Australia.

The honourable member for Gippsland West suggested that the only way to solve the problem is to have an independent body owning or controlling the track. I understand the argument but clearly we have tried that — that is what we had before. By having a body that has complete control and ownership you tend to deny the opportunity for free enterprise and improvement of the level of participation and patronage. There is no real risk of that, providing the legislation works.

One part of the legislation that worries me was highlighted by the honourable member for Mornington. At the moment the maintenance of all lines across the whole network is the responsibility of Freight Australia, but if we allow the system to revert to access on a line basis and not on a total network basis, there is a risk that those more valuable, equitable and profitable lines — like the lines from Albury to Melbourne, Melbourne to Geelong or from Melbourne to Adelaide — will be the lines to which Freight Australia gives access to its selected customers. If that were the case, the people using those lines would have a greater opportunity to have a cheaper access service. I am all for that but not at the cost of the smaller lines.

The thing that worries me if we do that is that if Freight Australia walks away from the smaller lines their maintenance will be left to the state government. If that happens, sooner or later the state government will say, 'We cannot keep footing a bill for these lines that are not profitable' and there will be the chance of one government or another closing some of those lines.

I have to say that in my area one of the most important issues we face is that we have a lot of grain, particularly wheat, moving out of New South Wales and into the port of Melbourne. How does it get there? It goes by broad gauge line rail transport. If some of those lines, like the Yarrawonga line, which is really only used for grain freight, is not one of those lines that Freight Australia maintains we will be faced with the possibility that that line might not be profitable enough to keep open for freight. If that happens we will either get more freight coming into Victoria by road transport, or more importantly, freight could go by road into New South Wales back to Sydney, and we would lose all that business through the port of Melbourne. Frankly, that is an outcome that we could not possibly accept.

I will restrict my comments to those views and say that I, too, was heartened by the words of the honourable member for Coburg when he said that he wanted to see freight rail remain viable, to continue, and to continue to provide the service it does throughout Victoria. If that is the case I have no argument with the vision of the existing system going into access on a line basis. But if it is not the case, and if by breaking up access on the network of lines to a line basis we end up with those individual lines being seen to be unprofitable, with the state footing the bill for the maintenance of those lines, then I am worried that we will possibly lose freight into the port of Melbourne and lose a lot of business through Victoria.

Mr TREZISE (Geelong) — I am pleased to also be speaking in support of the Rail Corporations (Amendment) Bill 2002. I am happy to speak in support of this bill because it is all about real, fair and open competition on our privatised rail system, a system that was privatised back in the late 1990s — in 1999, to be exact.

My electorate relies heavily on not only its freight rail service but also its passenger rail service, and this bill seeks basically to improve competition on a now privatised system, where a monopoly still exists to some degree. As I said, the rail service is a major issue for my electorate of Geelong, and the Bracks Labor government recognises this important point. Only today in the budget he delivered the Treasurer focused in part on rail services and rail structures within regional Victoria, including Geelong. For example, the commitment of more than $5 million for a rail link into Lascelles wharf in the port of Geelong is testimony to the government's commitment to a rail infrastructure in this state.

The government does realise the importance of rail and the interface with ports such as the ports of Geelong, Melbourne, Portland and Hastings. This bill seeks to achieve exactly what the $5.1 million contribution to Lascelles wharf does: that is, it is about more goods and more freight on our rail transport system — and in many instances rail systems and port systems are self-reliant in ensuring that we shift freight in and out of Victoria. This government realises the importance of this bill in providing open and fair competition on our rail structures.

As I said, rail services are absolutely vital to my electorate and to the community of Geelong. Tonight we are focusing essentially on freight systems, but thousands of commuters leave Geelong each morning and travel to Melbourne on National Express, the privatised and monopolised passenger service. It is not only the freight rail system that is important to the electorate of Geelong; the commuter rail system is important as well. In recent days the Geelong community has learnt that over the past 12 months National Express, the passenger service, has provided services for an extra 30 000 passengers to Melbourne on an annual basis.

On the subject of the importance of passenger rail services in Geelong, recently I spent three mornings at North Geelong, Geelong, and South Geelong stations surveying rail commuters about the services provided by National Express. Commuters raised concerns which included the reliability of the train service, punctuality, and overcrowding at peak times.

As I said, rail services to Geelong are vital both for passengers and from a freight perspective. In essence, the bill is about improving the rail access regime as it applies to the national competition policy guidelines. The bill assists in ensuring that our freight rail system operates or is open to competition and not operated under a monopoly-type situation. Prior to its demise in 1999, the Kennett government sold off the Victorian rail services that were at that stage called V/Line Freight. Honourable members are well aware that V/Line Freight was sold to Freight Australia, which is essentially an American company. Freight Australia had bought into what was, at that time, a monopoly business. As I understand it, the sale included a 45-year lease on the Victorian intrastate country rail lines and the related infrastructure.

However, at the time of the purchase of the system by Freight Australia, that company was well aware of the future rail access regime that was to be introduced by the state government. This rail access regime ensures that rival companies have access to what is essentially the on-track structure. These rail service access provisions were inserted into the Rail Corporations Act in 1998. On 1 July 2001 the Bracks government declared the commencement of the rail access regime which in effect declared operative the provisions as inserted into the Rail Corporations Act. Therefore, as of 1 July 2001, competition was available on Victoria's privatised rail system.

As I understand the issue, essentially Freight Australia was unhappy with the arrangements under the state's access regime and therefore sought some form of coverage under the commonwealth regime. Freight Australia's bid for such coverage under the commonwealth was unsuccessful and, as such, Freight Australia has appealed the decision to the Australian Competition Tribunal. In respect to Victoria's access regime, the National Competition Council has raised a

number of concerns about Victoria's access regime. These include the need for improved protection of access to secret information, providing the Essential Services Commission with wider information-gathering powers and establishing a mechanism for the interrelationship between the Victorian rail access scheme and other rail access schemes.

Therefore this bill, in addressing the concerns or issues raised by the National Competition Council, seeks to do a number of things. Firstly, it seeks to strengthen the protection offered to a rail operator seeking access to Victorian rail lines in providing sensitive or confidential information to Freight Australia, which in reality is the competitor of the company that may be seeking access to the rail service. The proposal also includes hefty fines to the owner of the rail infrastructure who seeks to use the information provided for commercial gain.

This bill also improves the powers of the Essential Services Commission in gaining access to the information when determining a dispute as it arises in relation to rail access. The bill is all about ensuring Victoria's rail infrastructure regime complies with the requirements as stipulated by the National Competition Council, thus ensuring a more competitive rail system that operates within Victoria for all Victorians, and accordingly I commend the bill to the house.

Mr SPRY (Bellarine) — Before I commence my contribution I should declare a possible pecuniary interest in this bill with an interest in some Patrick Corporation shares.

Firstly, I want to make it clear that from my perspective it is absolutely essential that the government gets this piece of legislation right. I say that for a number of reasons, including the principle of encouraging freight off the road system in this state. I mention that for a number of reasons, probably the foremost of which is safety. When you reflect on the incompatibility of the huge trucks that use Victorian and interstate roads nowadays in association with smaller vehicles — private sedan vehicles, motorcycles and even smaller vehicles than those — you see that obviously there is a desire by most people concerned with safety to try to separate bulk freight, in particular, from other road users on Victorian roads.

The second is a question of efficiency. When you compare the huge loads that rail can carry, replacing literally hundreds of trucks with one locomotive, and you consider the damage to the roads that is thereby relieved, I think that is another very good reason why we should concentrate on trying to attract freight off the roads and onto the rail system. Also included in that are the cost implications and the economic benefits from transporting bulk freight in particular by rail instead of road.

Thirdly, there are environmental considerations. The fact that one locomotive might pull the equivalent of the load that perhaps 50 or even 100 large trucks could carry — earlier I heard the honourable member for Benambra mention rail locomotives hauling a kilometre and a half of freight cars — gives some indication of the environmental benefits to be had from trying to encourage freight off the road system and onto the rail system.

The passenger rail business and V/Line Freight were privatised in 1999. The regime that was and still is administering the system is handled by the former Office of the Regulator-General, which has now become the Essential Services Commission. The Essential Services Commission operates under the provisions of the Rail Corporations Act itself. Conditions applicable to open access to the rail infrastructure currently leased by Freight Australia are defined at present in part 2 of that act.

The bill before the house is the result of an application by the government to have this access regime certified by the National Competition Council.

Several of the technical changes embodied in the bill are designed to clarify existing expectations and eliminate conjecture. But there is an insidious element in the bill, and it concerns access to the rail network by competitors. Access by competitors to a natural monopoly rail and infrastructure lease system in a considered and equitable manner is absolutely essential. That leads to the question of how access costs are set, and that is what at least part of this legislation is all about. There is danger ahead if the government fails to recognise that Freight Australia, if forced into a corner, could exercise its right to abandon high-cost rail lines if it cannot recover costs with cross-subsidies from more profitable lines. In rail jargon I understand that this preferential treatment to other access seekers is known as line pricing as opposed to network pricing.

Other speakers tonight have mentioned the aspect of cherry picking by competitors who see a cost advantage in simply seeking access to the most profitable lines and leaving the current lessee of those facilities to carry the costs on the relatively unprofitable lines. The opposition gives notice to the government that this legislation could therefore conceivably lead to line closures if not handled properly. I commend the honourable member for Benambra for highlighting that feature as a measure of the danger of this bill, along

with other speakers before him — namely the honourable member for Mornington and the shadow Minister for Transport, the honourable member for Mordialloc.

The rail system in Victoria is dogged by historical bloody-mindedness; I do not think there is another way to more accurately describe it. Mixed-gauge rail systems in Australia are probably the single biggest inhibitor to an efficient national rail network and the single most significant reason why the rail system lags behind the nation's very efficient road network. For the reasons I indicated earlier, that balance must be addressed and rectified for the more efficient transport of freight and passengers in this state and across the nation.

I trust that this legislation is not designed to return the operation and control of Victoria's rail system to public ownership by stealth. It is clear from remarks made in this house and referred to by the shadow Minister for Transport in his earlier contribution that the minister is hostile to private ownership of rail services. From remarks I have heard from the other side of the house, I do not think the minister is alone in that sentiment. I trust his and the government's natural antipathy does not get the better of sound judgment in this matter.

Mr HARDMAN (Seymour) — It is a pleasure to speak on the Rail Corporations (Amendment) Bill. The purpose of the bill is to amend the Rail Corporations Act 1996 by providing the Essential Services Commission with power to ensure fair access to our state's infrastructure, which includes our railways. It will enable businesses within Victoria to grow and provide freight in a competitive way to country Victorians. That means that more freight will be transported by rail, which will provide great benefits competition-wise for those businesses using rail and big benefits for the whole of Victoria.

Competition within our rail transport system is important, especially now that we have a privatised network. We must make it work. Maybe honourable members on this side of the house do not feel very comfortable with the privatised system but, by the same token, it is there and it has some benefits. Those businesses will now have a chance to grow and provide jobs in country Victoria — and specifically, of course, in the electorate of Seymour.

The bill complements the Bracks government's commitment to standardisation of railway tracks across Victoria, including a $98 million investment to try and move more of our freight from the roads onto the rail networks, and previous members have spoken about the safety and environmental benefits of moving freight by rail networks.

Locally, investment in the Shepparton to Seymour line and the rail standardisation to be provided under this bill will provide greater access to interstate rail services and make worthwhile our investment into standardised and increased rail services and the reopening of the lines closed by the Kennett government. It makes investment in this infrastructure far more worthwhile. We know that our rail infrastructure is under-utilised and that our roads are getting busier resulting in the bottlenecks we all see when we drive down the Hume Highway, for example, and hit the Western Ring Road. There is an incredible bottleneck there which I now avoid like the plague because it is a real problem.

We also know from our past experiences that if we keep on building freeways in the end we are just creating another bottleneck somewhere else that needs to be fixed. Another bottleneck I hit coming into town is where the Calder Freeway meets the Tullamarine Freeway. At that spot trucks and cars are all trying at once to get to the same place at the same time and running into a great deal of trouble. If we could move the freight those vehicles transport from the roads onto the rail network, businesses all around country Victoria would benefit. Those who produce fruit in Shepparton — for example, the canneries — and the producers of all the other wonderful agricultural products that are dramatically increasing exports from this state would have greater opportunities and better access to markets and to ports. That would be a marvellous thing.

Ever since I became a member of Parliament the CRT Group has complained to me about its difficulties accessing the rail network. It would like to be able to run smaller trains of perhaps two carriages to transport its product from Altona to Mangalore where it intends to build an inland port, or on to Sydney. CRT's problem is that it is being charged for those double-carriage trains the same amount as for a train that is 1 kilometre long. There is no fairness in that; there is no competition in that. The bill will give that company the ability to go to the Essential Services Commission (ESC) and argue a case for more competitive rates on our rail systems. That will be a great way to grow Victoria, which is the Bracks government's aim and something we have been very successful in doing since we have been in government.

The Seymour Railway Heritage Centre is another group that has spoken to me about its difficulties in gaining access to the rail networks. It will be interesting to see if this bill will assist it to utilise its magnificent rolling

stock across Victoria and to give it access not just from Seymour to Melbourne and on to Echuca, or something along those lines, but to get around the whole of the state and show off the magnificent work it does in preserving our state's rail history, which is very important. I hope that will be the case in the future.

I fully support this bill because it is a wonderful thing not only for my electorate but for country Victoria — for all of the state, as it is also about tram tracks and rail lines in the city. I commend the bill to the house.

Mr VOGELS (Warrnambool) — It is a pleasure to make a few comments on the Rail Corporations (Amendment) Bill. Many previous speakers have already outlined the purpose of the bill, so I will not go through it all. I will say that in April 1999 the V/Line freight business was sold for $89.7 million to Rail America, which was renamed Freight Victoria and later renamed Freight Australia. The $89.7 million payment gave Rail America the right to use the network and operate a rail business for a period of 45 years. Included in the sale was the rolling stock.

Victoria currently has a rail access regime which is based on a negotiate–arbitrate model. This means that parties seeking rail access — access seekers — apply to and negotiate with Freight Australia as the track owner. If an agreement between Freight Australia and the access seeker cannot be reached, the access seeker may ask the Office of the Regulator-General, since superseded by the Essential Services Commission, for a determination.

Under existing legislation the Essential Services Commission can seek information from Freight Australia, which can then be made available to access seekers. The existing regime also specifies how Freight Australia must maintain the business and financial records. Following this application, in I think December 2001, the National Competition Council issued a discussion paper because national competition policy was not being met.

The main concern I have with this bill is that the new rail access regime allows for competitors to Freight Australia to cherry pick, as a few people have already mentioned — to choose routes most profitable without paying due concern to the costs borne by Freight Australia for maintaining and operating the entire network. The regime does not allow for cross-subsidisation of unprofitable or non-viable routes. The difference between the current system and the proposed system is that the payment structure has been changed from network pricing to line pricing. This means there is no longer the cross-subsidy for unprofitable routes from the main line routes. This could mean that a clause of Freight Australia's contract, whereby if the track is not used or maintained for three years the ownership and responsibility reverts to the state government, would come into force.

The potential for the closure of rural branch lines which are deemed to be economically non-viable, without cross-subsidisation from the main lines, is a real threat. There is the potential liability for the state government in the event that some of these uneconomic routes are transferred back to the government's ownership, eventually becoming a burden on the taxpayer.

The previous system was based on network pricing, whereby access seekers would place a bid for rail access, which took into account Freight Australia's position as a company responsible for the maintenance of the network of rail corridors. Under the new regime is a system of line pricing, whereby costs are reduced to access seekers, as they only bid on the basis of the lines they want to access. This ignores the cross-subsidisation of branch lines by main lines.

Freight Australia has expressed concern that the $89.7 million it paid for the V/Line Freight franchise will be undermined by this rail access regime. It will allow competitors to enter the Victorian market without the burden incurred by Freight Australia, with its $89.7 million liability.

The bill also introduces some heavy-handed information-gathering powers to the Essential Services Commission, in addition to its existing powers, which Freight Australia describes as adequate. In reality, if there is no cross-subsidisation from profitable lines to uneconomic country lines, those tracks will either eventually close and have to go or be taken over by the government of the day. This government would like nothing better than to see Freight Australia fall over so that our rail network is once again owned by the public, which seems to suit Labor Party philosophy.

In conclusion, as mentioned by the honourable member for Bellarine, our country lines will close because it will become too expensive to use our railway tracks, which will eventually lead to more road transport. Is that what we really want?

Mr MAXFIELD (Narracan) — I speak in support of the Rail Corporations (Amendment) Bill. The purpose of the bill is to make provision for the improvement of the rail access regime in accordance with the national competition guidelines. In an era long gone we had private operators in the railway system.

Then many years ago the state found itself running the rail system.

Recently I had the pleasure of attending the reopening of the Walhalla railway. For the first time in many years the railway line went into Walhalla. It brought back to some older people memories of the days when the train travelled to Walhalla. In a bygone era the only transport option for a lot of people was by rail. In those days goods had to be transported via rail and people travelled via rail. If you wanted to get out of Walhalla, for example, you either had to travel a winding bush track, which was often very muddy and boggy, or travel on the train and enjoy the splendid scenery.

In those days there was not much choice. All your goods travelled on the train. With the movement to the modern era, when obviously there are many trucks on the road and road transport is a more viable option, rail transport has tended to wane. As we move forward, it is clear that having access to our rail system is important. We are finding our roads are often congested, there are major safety issues with heavy traffic, noise is a problem especially at night with people living nearby, and the options of rail travel and moving our goods as well as people by rail is starting to become more in vogue. We are starting to recognise the benefits of rail to the community.

With the privatisation of our rail system we cannot afford a situation where a private monopoly charges whatever it wants and acts however it feels to the detriment of people who want to use the rail system and to consumers who want to access those services, thereby forcing more people on to roads which are becoming increasingly congested.

The bill will enable a range of users to access the rail system. We must support and encourage as many people as possible to use our rail system. Obviously we need to ensure that the regulatory regime in the bill can deliver the required outcome. New companies wanting to move goods in Victoria and interstate must be able to access the rail network. They should be able to reach an agreement with a major company, for example, to be able to access the rail network to ship logs from a logging company in Gippsland by train through to Melbourne.

During my brief contribution I have spoken about the future and reminisced about an era gone by, which brings me back to where I started — the Walhalla tourist railway line which was recently opened by the Premier. I congratulate all those involved in the line, the volunteers who put the railway line back, built the bridges and showed us what was achieved in days gone by. I conclude my comments by supporting the bill.

Mr PHILLIPS (Eltham) — I would like to speak about the Rail Corporations (Amendment) Bill. I have heard other speakers raising points both for and against this bill. As someone who has driven heavy transport, I understand the concerns previous speakers have raised about large vehicles on main roads. If we look at large vehicles today, we see that the trucks are getting bigger and the roads are not necessarily matched to the size of the vehicles. Today we have B-doubles where we used to have semitrailers, as they were known. A lot of main roads need to be continually upgraded and have large amounts of money spent on them to cater for those large heavy vehicles so, as previous speakers have said, the suggestion in the bill is that we should be encouraging additional heavy freight back onto the rail. That is a good thing.

It is good to encourage freight and passengers onto rail. The use of public transport, whether it is rail, buses or any other form, leads to some savings to the community and the environment because of the pollution caused by heavy vehicles putting out diesel fumes. It also reduces the safety risk. We know that a lot of trucks are involved in accidents. Those accidents are not necessarily the fault of the truck driver but can be caused simply because of the size of the heavy vehicles that are competing with the number of cars on the roads. Sometimes drivers of cars try to move in front of heavy vehicles to beat them going up or down hills or around bends — I am sure all honourable members have all done it. I certainly have done it in a motor vehicle and I have had it done to me when I have been in a heavy vehicle. From the point of view of trying to encourage freight back onto rail this bill is excellent.

I should not do this but on the basis that I am filling in I will say that, as has been stated, the Rail Corporations (Amendment) Bill provides for the implementation of the rail access regime in accordance with the national competition policy guidelines. We should know about national competition policy. It is not relevant only to rail but throughout much of the legislation introduced and it is designed to allow competitiveness, not only in Victoria but also in other states throughout Australia. That is a good thing as it tests policies against those of other states.

The bill also provides greater document-seeking powers for the Essential Services Commission (ESC) which can use track-owner documentation to advantage access seekers. Along with increasing those document-seeking powers, a new clause has been included to restrict the

disclosure of released information and introduce a range of penalties for abuse of such information.

In reference to the bill, the V/Line Freight business was sold in April 1999 for nearly $90 million. The business was sold to Rail America, renamed Freight Victoria, and later renamed Freight Australia. The payment of the $90 million gave Rail America the right to use the network and operate the rail business for 45 years. Included was the sale of the rolling stock. Victoria currently has a rail-access regime based on a negotiate-and-arbitrate model: parties seeking access — that is, access seekers — apply to Freight Australia and negotiate with it for access to the track network. If agreement between Freight Australia and access seekers cannot be reached, access seekers may apply to the Office of the Regulator-General — which has since been superseded by the Essential Services Commission — for a determination. To date, that would be considered fair and reasonable.

Under existing legislation the Essential Services Commission can seek information from Freight Australia, which then can be made available to access seekers. The existing regime also specifies how Freight Australia must maintain its business and financial records, which is very important. We all have to be accountable and those organisations should be no different.

In July 2001 the Bracks government made an application to the National Competition Council seeking a new rail access regime. Following the application the NCC issued a discussion paper in December 2001. All honourable members will be aware of that paper on the new rail access regime. On the advice of the Bracks government the NCC questioned the effectiveness of the existing Victorian rail access regime. The regime recommended by the NCC was for competition to be introduced into the rail industry with a pricing mechanism determined by the ESC. That is what the bill implements.

The opposition has a number of concerns. There is no longer a cross-subsidy for unprofitable routes from the main line routes. The difference between the current and proposed systems is that the payment structure has been changed from network pricing to line pricing. The regime does not allow for the cost subsidisation of unprofitable or non-viable routes. The new rail access regime allows for competitors of Freight Australia to pick and choose the most profitable routes without due concern being paid to the costs borne by Freight Australia for maintaining and operating the entire network. That could mean that a clause could be inserted in Freight Australia's contract so that if the track is not used or maintained for three years, the ownership and responsibility reverts to the government.

The final two concerns are the potential for the closure of the rural branch lines that are deemed to be economically non-viable without the cross-subsidisation from the main lines and the potential liability for the government in the event that some of the uneconomic routes are transferred back to government ownership.

Those are the main areas of concern. Earlier I touched on the purposes of the bill and said it would be good if we could encourage heavy vehicles off the roads, but that will not be achieved with all heavy vehicles. A cost problem arises in having goods shipped from one area to another because trucks will need to be used to get some freight from the rail depots to the warehouses or wholesalers. However, if the transportation over the lengthy distances can be achieved efficiently in the first instance, the use of trucks for the shorter distances from the factories to the warehouses would be acceptable.

Another honourable member may have mentioned that the use of one train and one heavy diesel vehicle can be the equivalent to using many hundreds of transport trucks. It would be good to remove from our roads the diesel pollution emitted by those vehicles that carry the equivalent amount of freight. We should also be aware of the resultant increased safety on our roads, as well as the cost of repairing the damage caused to the roads, especially the main roads, by heavy vehicles. Of course the community has to pay for those repairs through rates and taxes. Having said all that, I conclude my small contribution.

Mr DELAHUNTY (Wimmera) — I am pleased to rise on behalf of the Wimmera electorate to speak on this very important Rail Corporations (Amendment) Bill. The bill amends the Rail Corporations Act of 1996 and makes provision for the improvement of the rail access regime in accordance with the national competition policy guidelines. As a person living in western Victoria who travels up and down the Western Highway, the second most popular road in Victoria, I am well aware of the implications of transport use. The number of trucks, buses and the like going along those roads and the amount of grain and freight that is carted by rail in western Victoria is very important in relation to this bill.

It has been spoken about before, and we are all well aware, that in May 1999 V/Line Freight was privatised and the government got nearly $90 million for the rail and rolling stock. It was unfortunate that the privatisation had to be done at that stage; it probably

should have happened earlier because it was becoming very expensive to use the rail freight system, and more and more fuel had gone off rail. Years ago, by law fuel had to be carried by rail. That requirement was removed and the fuel companies bought big transporters, B-doubles and the like, took their fuel off the railway and put it on the road, so those companies were lost forever from the rail network because of their purchase of this large trucking equipment.

However, it was important that privatisation gave them the opportunity to improve grain prices for carting by rail. About that time the Grain Elevators Board (GEB) had also been privatised, so there was concern to ensure efficient transport of grain, which is the largest freight component of the rail network in Victoria. There are now two large companies — Freight Australia, owned by Rail America, and Graincorp, which handles most of the bulk grain in western Victoria. These two are now wrestling with the new rules for an advantage to their companies now and in the future. Bulk grain business of wheat and particularly barley is the largest growing sector of Victoria's intrastate rail business. This grain is mainly controlled by the Australian Wheat Board and the Australian Barley Board, so now we have the owners involved in the biggest freight network — Freight Australia and the AWB and the ABB — looking for a competitive advantage.

In the last couple of years the AWB has built new facilities at Dimboola, Charlton, Sea Lake and Birchip and also a new terminal in Port Melbourne. It has done this because it has seen the opportunities and is working with Freight Australia to make sure it provides effective and efficient bulk grain transport to western Victoria.

The sale of V/Line Freight and the GEB opened up the rail access for Graincorp and others, and it has been mentioned before that competition is healthy. Even the government is saying competition is healthy, but it is important that the Essential Services Commission plays a role in making sure, as the Australian Competition and Consumer Commission (ACCC) does, that there is no collusion going on and that for the good of the public we get the most effective transport bulk grain rail freight in this state. Access seekers such as Graincorp are keen to see that Freight Australia is not able to charge too high an access rate for the use of its lines and, importantly, Freight Australia is also keen to see that new competitors such as Graincorp is not given any advantage over Freight Australia trains through the access charges imposed by the regulator, that is, the Essential Services Commission.

This is commonsense legislation. I know that my colleagues the Honourable Barry Bishop and the Honourable Roger Hallam in another place and the honourable member for Swan Hill in this place have worked very closely with Freight Australia and the National Competition Council, the AWB and others to come to the position that we in the National Party are taking of not opposing the bill, and I strongly support that.

I mentioned earlier that I travel up and down the Western Highway, which is a very busy road. It is duplicated between here and Ballarat — and thankfully, because of the federal government's support, bypass lines have been put in between Ballarat and the border — but trucks are still carting enormous amounts of freight on the Western Highway. It is therefore important to ensure that the regime is the best so that as much of this freight as possible goes by rail. Everyone would have to agree that the large bulk commodities would be best transported by rail, but unfortunately before May 1999 the rail transport service was not efficient enough to bring down prices and compete.

To touch on another point, standardisation was brought in by former Prime Minister Keating, but he put a line between Adelaide and Melbourne and disenfranchised all the other rail networks in Victoria. In a very difficult financial climate, the former coalition government spent $22 million standardising the three lines in western Victoria — from Ararat to Portland, from Murtoa to Hopetoun and from Dimboola to Yaapeet — so that enormous amounts of bulk grain could be transferred, mostly to Portland but also to Geelong.

What has this government done? Today I heard some honourable members say that this government is spending money on standardisation. I do not believe one spike has been put into a sleeper or one bit of rail laid to standardise the rail lines of country Victoria, but it must happen because of the opportunities with grain in the north-west of Victoria and the links into Geelong. Last year the government talked about how it was going to standardise the rail network into Geelong, and 12 months later it is a repeat performance — it has not happened. This government has done nothing about standardisation, which would improve the competitiveness of the rail freight network — and that is what this legislation is all about. It would be great if mineral sands — a very heavy commodity — from all of western Victoria right up into New South Wales could be moved by rail, but unfortunately the government has dropped the ball and it has not continued the standardisation process that was started by the previous government.

I looked back through the last year's budget papers when this government was going to do something about

fast rail. I think I will be an old man going very grey before we see the fast rail project! However, the money that was going to be put into that could now be put to other uses. I know there was talk of improving the passenger rail service, and people in western Victoria would like to see the completion of this government's commitment to link Ballarat to Ararat by rail so that the service could be utilised in western Victoria. There are other opportunities for special or tourist trains to service such things as the amazing Stawell Gift or to take people on tours of the Grampians or the Little Desert area. Again, this government has promised all of these things, which would improve the transport not only of freight but of passenger services in western Victoria, but it has not delivered.

The government could also look at other opportunities, such as the freight centres. We know there are possibilities for freight centres at Ararat, Horsham and Hamilton, where there are major road networks and where in some places there is also air transport. Freight centres would be good for the containerisation of many of the niche markets in grain, for mineral sands and for the small bulk containerisation of grain freight that is going into the Asian markets.

In finishing, on behalf of the Wimmera community I support this legislation because I think it will provide greater competition on the rail network, and importantly under the Essential Services Commission will make sure that is done in a very cost-effective way and give access seekers the opportunity to use this important rail network. I ask the government to deliver on its promise of standardisation so that all of western Victoria can reap the benefits.

Mr SEITZ (Keilor) — I rise to support the bill. We heard the honourable member for Wimmera speak about the situation in his area with the movement of grain, but in my area if Victoria had an improved train system that could move goods, especially from the Melbourne docks, we would have less congestion on the Western Ring Road in particular and fewer accidents.

The more attractive we can make rail movement for containers and other materials that have to be shifted around the state the safer we will make our roads and the more economical freight costs will be. This bill is another step towards encouraging private transport operators to be competitive and to quote and tender for these freight jobs. It is very important that we encourage private operators who are bidding for work and endeavouring to establish services on their own trains between Melbourne, Adelaide and Darwin, so that they can become profitable and take as much traffic as possible off the roads to make them safer for the general commuters and for the city and suburban delivery traffic.

Previous speakers spoke of the standardisation of rail gauges and the transport of wheat. Wheat silos were built in Sunshine in the days of the Grain Elevators Board for the wheat coming from the two rail lines from Bendigo and Ballarat, as Sunshine was the junction point for the delivery and storage of wheat. Since the abolition of that organisation those train services and silos have not been used because the wheat has been transported on roads by private semitrailers, which has created more traffic between Melbourne and Geelong. A large number of semitrailers travel to Geelong to bring malt and other requirements back here to the breweries for making beer, and traffic is constantly going backwards and forwards. Some of that freight could be put on a train service to a destination here in Melbourne to alleviate the traffic flow on the Geelong road.

Having made those points, I support the bill, but I dare say we will have to make further amendments to improve and develop the rail transport system. The bill will help make Victoria competitive within the national framework. Let us hope that private enterprise will take up the system in a way that will develop train transportation for bulk haulage. I commend the bill to the house.

Mr SMITH (Glen Waverley) — When one thinks railways one always thinks nostalgia and the things that made Australia great — that is, the railway systems that people really thought at the end of the 1800s and the beginning of the 1900s would open up the country as they did in America. And they did! They were wonderful systems for opening up countries. Before the advent of the motor car and motor transport as we know it today, the railways were the system. Even today the people in little country towns with a railway line running through them, wherever they might be, have a warm inner feeling about where they are going and what their railway lines are about.

The reality is that as far as passenger transport is concerned, cars, buses, aeroplanes and other means of transport have overtaken the wonderful dream of the railways. Today we have an expectation of getting from point A to point B in the fastest possible time, but when people think about going on a holiday they often think of a trip on a railway line, and they think nostalgically of what rail travel used to be like. The previous member for Bulleen, David Perrin, and I, and our families, travelled from Melbourne to Adelaide on the *Overland* and then went on a trip on the *Ghan* between Adelaide

and Alice Springs. These wonderful train experiences are things that stick in the minds of all of us.

Before you say, 'You must speak on the bill', Mr Acting Speaker, I turn to the bill before the house, which I know has the ability to bring Australia back to the rail system, and the ability not necessarily to get the passengers back but certainly to get the freight back.

The bill is all about getting freight back onto the existing rail systems. Where I have a holiday turnout, and where I will probably end up living eventually, is in the Gippsland area around Korumburra and Inverloch, an area where the people believe they would love to have a passenger system to take them to and from Melbourne. The reality is that they cannot do it with the time frames because it takes an hour to an hour and a half to travel by car and probably 2 or 3 hours by train to Melbourne. We must have a system that gets the thoughts going within the Australian rail-minded people that we have railway tracks that can be used for moving freight. Freight Australia bought the system from the state government and should be encouraged to use it. The people who produce wheat, meat, timber, or whatever it might be, must have a system for getting that produce from the country to the city.

The biggest problem today with the transport network is road accidents. The government came to power with the promise that it would reduce road accidents. It has not, for which I do not blame it, because there is a greater volume of transports using the roads. The incredible increase is out of proportion. The government has not encouraged people to drive more carefully; all it has done is put more police on the roads and use them as tax gatherers by catching motorists going 2 kilometres an hour above what they should be doing. As the shadow Minister for Transport said, it has increased by about 30 per cent — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! There is too much audible conversation in the house. The honourable member for Glen Waverley, on the bill.

Mr SMITH — The government has made a lot of noise about what it will do regarding safety, but the biggest thing it could do is to ensure that the bill works properly. Freight Australia bought the rail system outside of Melbourne for about $90 million in the expectation that it would make a profit, but realises that certain rail lines are not profitable and will not give it the expectations it would have hoped to achieve. The bill could work; but then again, knowing this government and knowing the Minister for Transport, given what occurred with the Nunawading Province re-election and so on, the opposition must be sceptical.

Freight Australia, an American company, is a reputable company which has the ability to make money. It is ready to open up the freight network of Victoria so that some of the transports that are currently on the road system can be reduced to make our roads safer for those who are prepared to use their cars.

If the government is serious about where it is going with the road safety campaign then this bill is one that will ensure it will make Freight Australia not only operating profitably for itself but make it equitable for all the other companies that wish to invest in rail Victoria.

Again I refer to the area where I have decided to spend the rest of my life, namely Gippsland, and where the people believe that they can get something with the rail system and use it for transport. It might be a good thing for jolly rides on trains: the rail links from Korumburra to Leongatha and all those areas are very good, perhaps, for Sunday rail trips — such as happens with Puffing Billy, which encourages people to go to that area — but they are going to be of real value if we can make those systems work as freight-carrying units. That is what we need. We need to encourage them to be able to be used for the movement of freight — stock, grain or whatever else it might be. As for passengers, I have my great doubts. However, that is not to say that that will not ever work. What we have to do is move the freight from the roads onto the rail in order to be able to ensure that we have a freight system that works efficiently, can make a profit, and will be of pride to all Victorians.

I started off by saying that this could well be a nostalgic bill because we are talking about railways. I remember the first time that I used the railway system. It was in New South Wales and I was 17, going from Sydney to teachers college in Wagga, leaving at 9 o'clock at night, and arriving at 5 o'clock the next morning, on a train that stopped seven or eight times — at all the major stations along the way. I will not go through all of them — —

Mr Spry interjected.

Mr SMITH — No, no, no. In those days the train system was used by passengers because the road system was not as efficient, but unfortunately it has been overtaken. The road system is now so efficient and our cars are so well designed that we know we can go from A to B pretty well without a traffic jam in a certain time. In those days people relied upon the rail system to be able to conduct their businesses and their

lives in general. Today we have a duty as responsible Victorians to ensure that the rail system is used very efficiently as a freight-movement system. This bill could be going along that line.

The opposition is not opposing the bill, which means that we will let it go through. However, the government must be aware that we are watching very carefully. We will scrutinise every movement and will ensure that eventually the freight system in Victoria will work for the benefit of all Victorians.

Mr PATERSON (South Barwon) — It is a pleasure to follow the honourable member for Glen Waverley, who has so ably painted a marvellous picture of the rail industry across Victoria, Australia, and indeed the world. He is a great historian, with knowledge of many issues that come before the Parliament, and the history of the rail industry is obviously no exception.

The house would probably be aware that the V/Line Freight business was sold in April 1999 for nearly $90 million — $89.7 million to be exact — to Rail America and was renamed Freight Victoria. The government now has a number of changes before the house. As previous speakers for the Liberal Party have made clear, we are not opposing the changes, but it would perhaps be appropriate to point out some of the potential pitfalls that may face the government should the changes be made.

The difference between the current system and the proposed system is that the payment structure will change from network pricing to line pricing, and this means there will no longer be a cross-subsidy to unprofitable routes from the main line routes. This could mean that as a result of a clause in Freight Australia's contract, if the track is not used or maintained for a period of three years the ownership and responsibility will revert to the state government. That presents the distinct possibility of the closure of rural branch lines which are deemed to be economically not viable without the cross-subsidy from the main lines.

One of the main issues that the current government went to the last election on was the reopening of rail lines. It would be a significant irony if legislation introduced by the very government that promised to reopen lines led to some country lines being closed.

There is a potential liability for the state government in the event that some of these uneconomic routes are transferred and go back to government ownership. It would be remiss of the opposition not to point that out, so that in the event that these eventualities take place the government will have been forewarned by the Liberal Party.

Rail is important to my electorate — both the freight lines and the passenger lines — with V/Line Freight going right through the Geelong area on its way to various parts of Victoria and into the port of Geelong. While the Liberal Party does not oppose the legislation it would be remiss of us not to point out some of the potential pitfalls of the government's proposal.

Mr CAMERON (Minister for Local Government) — I thank honourable members for their contributions to the debate on the Rail Corporations (Amendment) Bill. It has been a wide-ranging debate regarding rail matters. The honourable member for Barwon South and other honourable members supported the legislation, and the honourable member for Glen Waverley spoke in support of it as the honourable member for Bellarine was cheering him on.

It is pleasing to see the Liberal Party members from the Geelong area supporting the government not only on this bill, because I suspect they will support the government more broadly when it comes to the regional fast rail projects of which Geelong will be a beneficiary. Although they probably did not want to say it in here, they support what Labor is doing, and if the truth be known would recommend to people in their electorates that they go out and vote Labor.

The Warrnambool line passes through Geelong, and it is the Warrnambool line that today received a wonderful — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! The Chair is having difficulty hearing the minister.

Mr CAMERON — It is only Labor that can possibly do such a thing. I thank honourable members for their contributions.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL

Second reading

Debate resumed from 18 April; motion of Mr HULLS (Attorney-General).

Dr DEAN (Berwick) — The Liberal Party will not be opposing the bill, and there are a number of reasons for that. The Guardianship and Administration Act was significantly amended by the previous government. It did that to introduce the capacity to undertake special procedures and emergency dental and medical work for people who were unable to make decisions on their own behalf.

At the time it was hotly debated in the party room. It was difficult legislation because trying to make a decision about how doctors and others can take emergency action in relation to a person who is not in a position to determine their own future is very difficult. It puts enormous stress on doctors and those who have to make decisions about what might be quite important surgery or other medical procedures. In fact it includes abortions. There could be a situation where a disabled person is not in a position to make a decision but that person is pregnant and a decision has to be made as to whether an abortion will occur or whether that person will have a medical procedure to inhibit further conception.

There are horrific decisions to be made. The previous government introduced legislation which it thought had the appropriate safeguards to protect the rights of those people, going through the guardians but giving the Victorian Civil and Administrative Tribunal the right to make final decisions where there was some question as to whether a procedure should continue. That legislation has been successful, but over the period of its implementation the Public Advocate and VCAT have made recommendations to ensure that the bold steps taken at that time are streamlined and finessed so that they work better.

One of the recommendations relates to permanently disabled people. However, there are also people who are not permanently disabled but who have episodic disabilities, so that at the time the emergency procedure is required they are disabled and not in a position to make a decision about their own health — although there is a reasonable expectation that further down the line they will be. It may be because they are unconscious and there is an expectation they will regain consciousness. What do you do in those circumstances if there is a life-threatening problem occurring? What decisions are made?

Under the present act it must be difficult for doctors, because if they go ahead and do one of those things and it turns out that they are outside the act they do not have the protection of the act. We have seen lawsuits for millions of dollars, and doctors ought not be in a position where they have to face that sort of risk. If the person concerned was not permanently disabled and was not able to say that they were permanently disabled but were temporarily in that position, then a right-thinking doctor would say, ‘No, I cannot do this procedure. I do not have the protection of the act’.

The amendment will include those people who are not permanently disabled but who have an episodic disablement. They too can come under the fairly strong and difficult provisions where they need emergency treatment but are incapable of making the decision. Under this bill the doctor can go ahead with the procedure, whatever it happens to be, even though the patient has said nothing because they cannot. They do so because the guardian has said yes, and if necessary the doctor has gone to VCAT and VCAT has said that that is all right. So we do not have any difficulty with that.

I should put on record how much the Liberal Party admires people who act as guardians and take on those responsibilities — sometimes horrific responsibilities — simply out of love and affection and for no payment. Quite often it may be a son or daughter who acts as guardian to their father or mother and takes on very important responsibilities to try to protect those people. Let’s face it, if that ever had to be paid for by the state by way of a trustee association or something, I do not think the state could pay the bill. It is a bit like the Country Fire Authority. If the CFA volunteers suddenly said ‘We want to be paid for what we do’, that would be the end of the Treasurer’s wonderful budget. Well, it was not that wonderful actually, but — —

An Honourable Member — It wasn’t bad!

Dr DEAN — A shocking budget it was!

These are important things to take into account. I do not want to spend a lot of time talking about those things because I think we are all in agreement and there may be others who wish to speak about it. However, there is one aspect of this bill that the opposition is most concerned about. We have not drafted an amendment, and we have not at this stage written to the Attorney-General about it, although I probably will because I do believe this is something that needs to be

taken into account. There is a provision in the bill, presumably on the recommendation of the Public Advocate because at the moment the situation is unclear, that allows a guardian to make gifts, should they wish to.

Quite clearly, a guardian who is looking after and responsible for a disabled person has to make decisions on a day-to-day basis. It may be that the disabled person has given money to, say, the Lost Dogs Home every year of their life; so it is an appropriate decision for the guardian to make to say, 'Right, this year I, as the guardian of this person, will allocate money to the Lost Dogs Home on behalf of this person'. That is fine, and presumably they already have the power to do that, but it is probably a bit unclear. I can understand the Public Advocate saying, 'Look, we need some legislation to ensure that they can give these gifts if they wish to'.

It gets a little bit more tricky, because there is a specific provision that states that it is possible for the administrator to give a gift to themselves. Again, one can see that there may well be a need for that. Let's say that the administrator is the son or the daughter, and let's say the mum has been paying the school fees for the grandkids every year. Then mum, through Alzheimer's or whatever, drops into a situation where she is disabled and cannot make decisions and the son or daughter becomes the guardian. It is appropriate that those fees go on being paid. So effectively, the administrator or guardian is giving a gift to his or her own kids by making sure those fees keep coming across. That situation has to be taken care of.

Let's be absolutely clear about this: the opposition has no difficulty with this sort of thing happening. However, there is a very important concept in the law which is absolutely crucial and fundamental to anyone who is in a relationship with another person such as this. It is called a fiduciary relationship — that is, where one person has the responsibility for another. There are very strong principles of law surrounding fiduciary relationships — trustees are fiduciaries and even employers in some cases can be fiduciaries — and that is a thing called conflict. A fiduciary must never ever place themselves in a position of conflict. It goes further than that — it is not just that they cannot be in a position of conflict but that they must not be seen to be in a position of conflict. That is the law. The courts are incredibly strong on this.

Courts have been in a position where a fiduciary has gotten into a conflict situation and done something for the benefit of the person they represent and the courts have said, 'We don't care if it is for their benefit or not. You are in a position of conflict. It is an absolute rule and we are undoing what you have done'. It is a very important principle and keeps the whole system terribly clean, if you like. It protects everybody when the courts take this incredibly strong view of fiduciaries.

So we have a situation where the act says it is possible for the guardian and the administrator to make a gift, including, if necessary, a gift to themselves. As fiduciaries, that puts them in a position of conflict in that they might be seen to be in a position of conflict. The rule of law, which is absolute — there is no doubt about this and I am sure the honourable member for Richmond will agree — is that although it may be that they are doing everything right, they must not be seen to be in that position because it undermines the faith that other people have in fiduciaries. So what are we going to do about this?

Mr Cameron interjected.

Dr DEAN — It is! We have a lawyer here who agrees with that!

I believe the government will probably agree with us that this legislation has created a position where fiduciaries can be seen to be in conflict. As I said, everything may be perfect, but we need a way around this position. I believe the way around it is for there to be something in the legislation which will show people that such actions are above board. I do not know what that will be, but I have some suggestions. It may be that if administrators are going to give a gift to themselves they ought to notify the family members, or check with the Victorian Civil and Administrative Tribunal. Maybe they could make a declaration to VCAT which says, 'I'm just advising you, blah, blah, blah', so that the perception of conflict can be overcome.

The opposition does not want to make this into a political issue. However, we would like to ask the government to think of a way in which — obviously not now because the bill is before us, but maybe it could happen in another place — something is added to the bill which gives everyone the relief of knowing that when a gift is given to themselves, fiduciaries have some sort of protection so that other people can say, 'Well, I'm happy with that'. It is not a matter of whether what they are doing is right or wrong. They will probably do the right thing, but the law is very strict about it: it must appear to be okay because you must not have the appearance of conflict. That is very important, and we on this side of the house are very concerned about it because it does not set a good precedent. I understand perfectly why the provision is there, and I understand perfectly how that has all

happened, but I believe something needs to be done to handle that.

As I said, the opposition does not want to make it a political issue, but it will not lie down on the issue. We feel it is important and we ask the government if it can do something about it. The opposition will certainly take the issue quite seriously.

As far as the rest of the legislation is concerned, it is pretty simple in relation to fees, interest, accounts and so forth. It is quite appropriate that interest and not just the fees should go into the public accounts. I will finish on that note because many people want to speak and there are lots of things to say, but I say to the government that the opposition is very serious about this issue of conflict.

Mr WYNNE (Richmond) — I rise to support the Guardianship and Administration (Amendment) Bill and thank the honourable member for Berwick for his contribution. By way of commencement, the government indicates that the Leader of the National Party may wish to make a contribution this evening because we may not get back to this bill later in the week.

Dr Dean interjected.

Mr WYNNE — We may not get back to it. We have paged him, but — —

The ACTING SPEAKER (Mr Lupton) — Order! Are we ready?

Mr WYNNE — I am just seeking to assist, because there were some understandings in relation to this debate, and when the government makes understandings it attempts to abide by them.

The primary purpose of the bill is to provide an effective substitute decision-making regime for people with a disability in relation to medical and dental treatment while protecting their personal autonomy.

The bill aims to ensure that people with a disability receive appropriate and timely medical treatment. As was indicated by the honourable member for Berwick, this bill has been developed in close consultation with the Office of the Public Advocate, the Victorian Civil and Administrative Tribunal (VCAT) and the Department of Human Services. As the honourable member indicated, in 1999 the Guardianship and Administration Act was amended to include a substitute consent regime for what were colloquially called incompetent people to receive medical and dental treatment.

The amendment defined a patient to be a person with a permanent or long-term disability. The Public Advocate became aware of serious difficulties with this part of the act, part 4A, particularly the phrase ‘permanent or long term’. As we know, some disabilities are indeterminate or episodic in nature, and in practice where a person has had a temporary or indeterminate disability and has not been able to consent to treatment, the next of kin has been placed under undue pressure to consent to treatment. Clause 11 of the bill amends section 36(1) to delete the reference to the permanent or long-term nature of the disability. The bill makes clear that the substitute consent regime does not apply where the patient is likely to recover capacity in a reasonable period of time.

The government regards the preservation of the rights of an adult patient to make their own informed decisions about medical and dental treatment whenever possible as quite fundamentally important. Any non-emergency treatment can generally await the patient’s recovery, and they can determine whether or not to consent to the proposed treatment themselves. The decision about whether or not a patient is expected to recover in a reasonable time and therefore be able to make their own decision about treatment would be based obviously on specialist medical advice.

We would regard the best-interest test in section 38 of the Guardianship and Administration Act 1986 as an excellent guide. It requires that all decisions are to be made in the best interests of the patient, taking into account a series of prescribed factors. The Guardianship and Administration Act provides that only VCAT can consent to a special procedure. As the honourable member for Berwick indicated, these special procedures can include some of the most serious interventions that can be made in a person’s life, including abortion, sterilisation and for the purposes of medical research. These are incredibly serious interventions. The bill provides for an exception to this prohibition on VCAT consenting to special procedures for patients who are reasonably expected to recover soon.

I am quite conscious of the time. I want to pick up one point in particular made by the honourable member for Berwick in relation to an administrator and gifts. At present the Guardianship and Administration Act makes no mention of gifts, which means that VCAT, which has the job of monitoring administrators, cannot oversee the making of these gifts. As this issue has obviously come up many times in practice, VCAT clearly requested that — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! Perhaps honourable members will be quiet so that the honourable member for Richmond can continue with his contribution.

Mr WYNNE — In the 30 seconds that I have left, I think we can satisfy the concerns that have been expressed by the honourable member for Berwick. He raised a legitimate concern in relation to the question of administrators. I do not have the time here to take it up with him now, but certainly outside of the house, with the assistance of my legal colleagues here in the box, I think we can satisfy what are legitimate concerns that have been addressed, not forgetting of course that VCAT has on a regular basis to review the administration of any actions of administrators. I think we can satisfy that question. I commend the bill to the house.

Mr RYAN (Leader of the National Party) — It is my pleasure to join the debate in relation to the Guardianship and Administration (Amendment) Bill, which is a significant piece of legislation. I am aware of the time constraints which operate in the house; however, with the proverbial bit of luck and a fair wind we can adjourn the debate overnight and come back to it, hopefully even for a half an hour, as the rest of the week unfolds, because I know some other members want to make contributions on this bill.

I begin by mentioning a couple of issues that are not really pertinent to the bill in a direct sense. While I understand that the provisions contained within this legislation come from recommendations arising from commentary by the Victorian Civil and Administrative Tribunal (VCAT) and the Public Advocate, there are a couple of aspects of the bill, and more particularly the second-reading speech, that I want to briefly comment on without being picky about it.

When you look at the purposes of the legislation set out in clause 1 of the bill, you see there are essentially five. The first talks about consent to medical or dental treatment on behalf of persons incapable of giving consent; the second, the appointment of alternative enduring guardians; the third, gifts by administrators; the fourth, the powers and the duties of the Public Advocate; and the fifth, the Guardianship and Administration Fund. The second-reading speech, it seems to me, makes no mention of the second, third and fourth of those purposes. It certainly makes references to the first of them — that is the consent to medical or dental treatment on behalf of persons incapable of giving consent — and to the Guardianship and Administration Fund, but it says nothing with regard to the other three points.

I raise the issue because it is important for the purpose of the public record and the way these debates are interpreted in other places that when the minister introduces legislation which is to be debated the second-reading speech should cover the points which are regarded by the minister as being the primary function of the legislation; otherwise it makes having a second-reading speech absolutely pointless. I raise that issue for consideration by the minister in terms of future legislation because it is important that it is accommodated.

As well as the amendments to the Guardianship and Administration Act there are also amendments to the Mental Health Act 1986 and the Victorian Civil and Administrative Tribunal Act 1998. As the second-reading speech sets out, a problem has arisen with regard to the guardianship and administration legislation. That problem principally is to do with the definition of the word ‘patient’. When amendments were made in 1999 to include a substitute consent regime for what are termed ‘incompetent people’ with regard to their medical and dental treatment, a complication arose from the way that amendment occurred. The definition of the expression ‘patient’ was amended to mean ‘a person with a disability which is a permanent or long-term disability’.

It has come to the attention of both VCAT and the Public Advocate that complications arise in circumstances where a perfectly competent person has an accident or is injured and is thereby rendered incompetent on a temporary basis. It has emerged that the current definition of ‘patient’ is simply not appropriate for the purposes of the administration of the act. So the definition of the word ‘patient’ is sought to be amended by the terms of the legislation. That definition is now intended to be ‘a person with a disability’. The use of those words makes the expression much broader than was previously the case.

That in turn means that certain defences have to be built into the way the act is given effect in its amended form. They are essentially to do with personal autonomy being very important. It is only in the most singular of circumstances that any person or any other institution or organisation should be equipped with the power to make decisions on behalf of persons who are otherwise capable of making them if it were not for some intervening factor. So although that definition of ‘patient’ now reads ‘a person with a disability’, certain factors which go with that definition have to be accommodated by the terms of the bill.

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.

Buses: Bellarine Peninsula

Mr SPRY (Bellarine) — I draw the attention of the Minister for Transport to the fact that for decades there has been a bus stop at the intersection of Reservoir Road and the Drysdale–Portarlington road on the Bellarine Peninsula. Recently, without any prior notice, residents were informed that the bus stop would no longer function and the schoolchildren who use it regularly would be literally left out in the cold. Alternative pick-up and drop-off stops exist at Quarry Road and at Scotchmans Road, both of which are a considerable distance from Reservoir Road. No footpath exists to either stop, and both would involve children in a steep climb with heavy schoolbags on a narrow, overgrown and — when wet — muddy verge.

The Reservoir Road area is subject to a substantial growth of residential subdivision. Future school students, as well as older public transport users, can expect to be affected. Residents have written to me with several suggestions, including minor works to improve the line-of-sight problem, which caused this departmental decision; better signage to warn motorists that there is a bus stop in the immediate vicinity; and reduction of traffic speed from the current 100 kilometres an hour to 80 kilometres an hour.

I ask the minister as a matter of urgency to review this decision to remove the bus stop. Residents have relied on the service for many years and to have the bus stop removed so abruptly without prior warning let alone consultation is not only provocative but offensive to these local residents.

I know there are occupational health and safety issues at stake here, and I respect those concerns. I feel, however, that there must be a solution that would satisfy local residents. I repeat my request to the minister that he order a review of this closure decision forthwith.

Seniors: Internet access

Mr CARLI (Coburg) — I wish to raise with the Minister for Senior Victorians the issue of Internet access by older citizens. As the minister is well aware, I have been very active in the Moreland area over the years in the Skillsnet extension program and getting the local community online using the Internet, particularly with groups like ethnic communities, the unemployed and other groups that generally are not switched on to the Internet.

I am particularly interested to see whether in the Moreland area we have an opportunity in our residential care facilities to have some online capacity so that residents can utilise various opportunities online. In my experience the Internet is particularly successful with older people because it gives them new opportunities to make virtual friends, to get information and so on.

For example, a program I assisted years ago in the Italian community involved older Italians becoming able to read the local newspaper from their own village and to maintain contacts from their home country. This enabled them to feel as they became aged in Australia that they still had some relationship with and some existence back in their country of origin and, more importantly, the village from which they came. It seems to me that we can apply this idea very effectively in residential care facilities.

I ask the minister to consider programs to extend such possibilities to residential care facilities for older residents. It would be a worthwhile experiment. As we know, the digital divide is a major social issue in Victoria — and in the whole world — dividing us into those who can and those who cannot access the Internet. There are a number of factors creating that division: one is financial, obviously, and another one is educational. Another important one, however, is the age profile of the person.

I believe there is an opportunity to give people a very positive experience of the Internet. It would be particularly useful in my area because a lot of the aged persons are from ethnic communities. It would give them an opportunity to make contact with home and relive the experience of their youth, and it would maintain an important means of communication. I ask the minister to — —

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

Rail: Mooroolbark station

Mrs ELLIOTT (Mooroolbark) — I request the Minister for Transport to respond to a letter I wrote to him on 20 February this year. It was in response to a letter from a constituent of mine, Mr Clive Wilkie of Mooroolbark, who wrote to me complaining about the state of Mooroolbark station and the trains operated by Connex which depart from that station. In his letter Mr Wilkie said:

> I have been attempting to get the Mooroolbark station cleaned up for some time now. As a regular user of the system, I am appalled at the state of both the trains and facilities. It is my belief that Connex are not able to adequately provide a viable rail system to customers …

He went on to say:

> The Mooroolbark station, whilst a 'premium station', is dirty and littered, with stormwater drains blocked with cans et cetera —

and that Connex had informed him it would have to wait for Clean Up Australia Day for any improvement to happen.

I note that although the local community did clean up on Clean Up Australia Day, Mooroolbark station is in need of attention. I can attest from one or two trips I have made that the trains are not at a desirable level of cleanliness for my constituents or anybody else's constituents to travel on.

I have had good experiences with the Minister for Transport with prompt replies in the past. I received an acknowledgment of my letter of 20 February on 25 February from the minister's office saying:

> I refer to your correspondence of 20 February 2002 making representation on behalf of Mr Clive Wilkie regarding the above matter.
>
> Your correspondence is receiving attention and a response will be forwarded as soon as possible.

Three months later, I, Mr Wilkie and the other constituents in Mooroolbark who travel on the train from Mooroolbark to other stations are still waiting for a response from the minister. I request that he get a response to me as quickly as possible.

Trucks: Yarraville

Mr MILDENHALL (Footscray) — I request that the Minister for Environment and Conservation consider further testing and action on the issue of airborne particle pollution in Francis Street, Yarraville. Recent estimates indicate that between 4000 and 6000 trucks travel along Francis Street every day. It would be no news to this house that local residents, the municipal council and I have been raising the issue for many years. What distinguishes this government from the previous one is that it is prepared to do something about it.

The Environment Protection Authority (EPA) actively participates in the Yarraville working party, which I chair on the Premier's behalf, given that the area is in his electorate. The working party brings Vicroads, the Department of Infrastructure (DOI), local government, industry and resident representatives together to better coordinate a range of strategies aimed at reducing both the number and the impact of trucks in the area.

EPA monitoring in the area began between July and August 2001, with a mobile laboratory, the Molab. The results of that testing included some disturbing results, which indicated that noise and air emission levels were exceeded. The results of the tests were sufficient to play a role in triggering the night and weekend curfew which was announced by the minister and which took effect from 4 April. But it does not address the long-term impact of air pollutants during the day. The report also indicated that further testing was needed to look at areas further back from the road and individual needs of residents. Obviously action should be taken to reduce the source of those airborne particles.

I ask the minister to continue to broaden the monitoring program that was conducted last year to assure residents of a continuing commitment to the environmental health of the area and to ensure that this well-resourced and sensitive Environment Protection Authority program is integrated with a range of other traffic management, statutory planning and strategic work by DOI in an overall government response to this difficult issue in Francis Street, Yarraville.

Liquefied petroleum gas: relief grants

Ms DAVIES (Gippsland West) — I urge the Minister for Community Services, in cooperation with the Minister for Energy and Resources in another place, to extend the utility relief grant scheme to bottled gas users. Most Victorians have access to the reticulated gas network but people in rural areas, specifically in South Gippsland, Bass Coast shire and other areas around us, do not have access to mains gas. We have to use the much more expensive liquefied petroleum gas (LPG). We want mains gas extended into our area so that the already existing disadvantage to both businesses and domestic consumers does not continue to be further entrenched.

Even if, and hopefully when, we have access to mains gas, there will always be some rural users reliant on bottled gas. A family using bottled gas for cooking, heating and hot water could use as much as a bottle of gas every two or three weeks in the winter. I know families who use a bottle each week. In 1996 the cost of a bottle of gas was $39; it is now around $72, which is an enormous rise.

There is no access to any utility relief grant for those who rely on LPG. Utility relief grants are used to pay utility bills for consumers in a crisis. The grants are

available for electricity, mains gas or water, but not for bottled gas. There is no reason for and no justice or pity in this inequity. It needs to be addressed. Fortunately we have been blessed with some warm weather recently, but winter will soon bite. That will leave vulnerable people even more vulnerable.

There is a significant need to target this extra assistance into my area. The Bass Coast shire has the highest take-up rate for non-mains winter energy concession in Victoria and we need access to the emergency payments provided by the utility relief grants scheme as well. This scheme should be available to rural people using bottled gas just as it is available to metropolitan and other people who have access to mains gas, electricity and water.

Brimbank: levy

Mr LUPTON (Knox) — I refer the Minister for Local Government to the fact that the St Albans Business Group has expressed concern about a levy which has been taken from the local shopkeepers by the Brimbank City Council and has not been paid to the St Albans Business Group. Some 254 rateable properties are paying $150 a year, totalling about $38 000, which was supposed to be allocated to Brimbank City Council to enable it to promote the town of St Albans.

Apparently because the business group is very concerned to try to have the railway line put underground the Brimbank City Council has cracked it and has frozen all the deductions that have been levied so that the St Albans Business Group has not had the opportunity to get hold of the money. The matter was raised last November, the audit was cleared in December, and still the Brimbank City Council has refused to pay the moneys to the St Albans Business Group.

I ask the minister to conduct an urgent inquiry into the reason that the money is being withheld from the St Albans Business Group. It is quite obvious from the reports I have received that it is only concerned about looking after the business community of St Albans. It appears to be totally inappropriate for the Brimbank City Council to be withholding funds, particularly when they are being deducted from the same rateable properties.

Preston General Cemetery

Mr LEIGHTON (Preston) — I wish to raise a matter with the Minister for Health concerning the Preston General Cemetery. The action I am seeking of the minister is his assistance and that of the Department of Human Services to assist the Preston cemetery in proceeding with the construction of a crematorium.

The Preston cemetery board of management has been working on this proposal since 2000. In 2000 the trust of the Preston General Cemetery resolved to purchase from La Trobe University for the sum of $330 000 a strip of land between 10 and 15 metres wide for the crematorium and the next stage of the mausoleum. The Victorian Government Solicitor's Office is currently acting on this and a deposit of $33 000 has been forwarded to the Victorian Government Solicitor. I am advised by the cemetery that at the June meeting of the board of management it will have draft working drawings. I also understand that the necessary surveys and soil testings have either been done or are being done so the cemetery is in a position where it is ready to proceed.

Preston General Cemetery is one of Melbourne's older cemeteries, having been established in the 1920s. Initially it was in private ownership, but following a fire in around 1925 it was handed over to the then City of Preston. It is effectively owned by the City of Darebin, which appoints the members of the board of management. As with a lot of older cemeteries there is very little potential for new graves at Preston, and therefore the only income is generated from new activities. Several years ago the cemetery established a mausoleum, but unless it generates further income — for instance, through a crematorium — the cemetery will not be viable. One of the risks it runs is that, like many cemeteries in Europe, it could effectively become derelict. I think the crematorium would be a suitable way of generating future income. I have also been advised by the board of management that it believes it is financially viable.

I would like to thank my predecessor, the former member for Preston, Carl Kirkwood, for drawing this matter to my attention. Honourable members who have been here for a while will remember his role in chairing the appropriate parliamentary committee, and he continues to serve the Preston community on this board of management.

Geelong: maritime museum

Mr PATERSON (South Barwon) — I have a matter to raise with the Minister for the Arts. I ask her to consider favourably a Community Support Fund application from the City of Greater Geelong, should it be forthcoming, to potentially assist with the Geelong maritime museum. The museum would be part of the

heritage park tourist facility mooted for the Osborne House site in North Geelong.

The project is proceeding under the watchful and able guidance of Geelong councillor Stretch Kontelj, one of the most able councillors in Geelong. He advises me that a committee is to be formed to look at the future of Osborne House, with the prospect of having that eminent businessman Will Bailey as chair of the committee. Of course, Will Bailey would be well known to members of this house for his involvement in the ANZ Banking Group and Coles Myer, and for the many other hats he has worn in his business career. Hopefully it will be only a two-month process with a view to finding a permanent home for the Geelong maritime museum.

I am indebted to the historical work done by Bob Curwen. He says the Geelong maritime museum was housed in the stables of Osborne House on the shores of Corio Bay. Osborne House was originally the home of a pioneer Western District family, whose landholding covered many hundreds of square miles in the area. Should a Community Support Fund application be forthcoming to the government, I trust it would be considered favourably.

Schools: Keilor

Mr SEITZ (Keilor) — The matter I direct to the attention of the Minister for Education and Training as the representative of the Minister for Education Services in another place relates to schools in my electorate, particularly those that are subject to large construction contracts as a result of activity by the Bracks government.

A number of schools are being built and others, including the Copperfield Secondary College, are being extended or refurbished. Today's budget announced that more work, including fire reinstatement works, would be carried out at the junior campus of Copperfield Secondary College. I want to ensure that the jobs in hand that were to be completed by the end of May will be completed on time.

Alterations to a general purpose classroom and library at Keilor Downs Primary School are due for completion by the end of May, and similar works at Taylors Lakes Secondary College are due for completion by the end of September next.

In my electorate building growth is such that some building companies are finding it difficult to get suitable tradesmen. I ask the minister to ensure that the projects in hand are completed on time and that proposed new projects go ahead. The schools are anxious to plan for possession of the new facilities. They hope the new school buildings are completed on time so they can implement planning for the school year.

Polly Woodside Melbourne Maritime Museum

Mr SMITH (Glen Waverley) — I direct to the attention of the Minister for Planning my concern about the proposal to close the *Polly Woodside* site. I call on the minister to use her influence to keep the project open.

I had a letter from Bob Curwen, of 4 Wolseley Avenue, Glen Waverley, whom I saw at the club on Anzac Day. He is one of the officers from the local RSL, which is responsible for some of the work that has occurred at the *Polly Woodside*, and he is terribly concerned that there is a proposal to close the Melbourne Maritime Museum. In his letter Mr Curwen attached notice of a meeting to protest over the proposal:

> …
>
> (b) to return to the owners or place in storage the memorabilia on display in the museum
>
> (c) the leasing to commercial interests, the buildings presently housing the museum for development as restaurants, discos …
>
> (d) removal of the perimeter fencing …

He went on to say:

> This museum is an integral part of the barque *Polly Woodside* display and contains unique items relating to the early maritime history of Melbourne. Items on display have either been donated or loaned for display purposes and are irreplaceable.
>
> The *Polly Woodside* … is now generally acclaimed as one of Melbourne's premier tourist attractions as well as an educational experience for the younger generation. The ship is housed in the historic Duke and Orr dry dock which was, from the late 19th century until about 1975, the only commercial dry dock in Melbourne.
>
> The proposal to open up the area to commercial activities and the removal of security fencing will jeopardise the whole concept of the *Polly Woodside* exhibit and its attached museum.
>
> Unless the project fully incorporates the *Polly Woodside* and maritime museum we run the grave risk of losing these precious and irreplaceable artefacts from Melbourne.
>
> …
>
> If … the *Polly Woodside* … is destroyed Victoria would be the only state in Australia which does not possess a museum that tells the story of our dependence on and our close links with the sea and with ships.

My proposal, the idea for which I got from Bob Curwen, is that the *Polly Woodside* should be incorporated into a display as part of any government proposal.

In other words, rather like turning the Menzies into the Rialto, we believe the whole of the *Polly Woodside* concept down there could be incorporated into whatever the government wants to build. But to just pass back the materials that are part of this wonderful exhibit, to get rid of the barque itself, is just so irresponsible on the part of a government that claims to care so much about our heritage. I believe the minister has an enormous responsibility to stop this proposal and to take on the proposals of Bob Curwen.

Country Fire Authority: Nhill station

Mr DELAHUNTY (Wimmera) — I raise for the attention of the Minister for Police and Emergency Services the matter of the Nhill fire brigade station in the magnificent Wimmera electorate. A block of land has been purchased a couple of hundred metres from the existing site for the building of a new fire station which has been planned for many years but because of procrastination and now the lack of support by this government it does not look as if it will be built. I ask the minister to review the arrangements by the government and inform the Shire of Hindmarsh and importantly the Country Fire Authority volunteers at Nhill what is to happen with the new fire brigade station.

For the information of honourable members, the CFA fire station is situated on a sweeping bend on the Western Highway in Nhill. The highway through Nhill has been upgraded with the support of magnificent federal funding of many millions of dollars, but this has created a bigger problem. Because of the new dual lanes going each way through Nhill an enormous number of trucks using this busy highway often take the opportunity to pass other traffic as they go through the town. Only a couple of weeks ago a gas cylinder rolled off the back of a large tanker and landed in front of the shire offices, which are beside the CFA station. Currently fire trucks have to drive along the highway, then reverse into the fire station in preparation for the next call-out. This is very dangerous for the drivers of these fire trucks and the CFA volunteers, who are putting their lives at risk in this operation.

I bring this matter to the attention of the house again because it has been talked about at Nhill for many years, by members of the previous government and this government. I am informed that the proposal was to build a $600 000 fire station but the cost has gone up to $800 000 now because of new requirements allied to this matter and other matters. I am afraid that these magnificent volunteers are putting their lives at risk and I ask the Minister for Police and Emergency Services to review the situation and inform the local council and CFA volunteers what the future is for the new fire station at Nhill.

Seniors: Internet access

Ms ALLAN (Bendigo East) — The action I seek from the Minister for Senior Victorians is to expand the access in the area of information services throughout country Victoria, particularly for older people. Today has seen significant initiatives for country Victoria with the handing down of the 2002–03 state budget which provided for a number of innovative programs to be implemented right across country Victoria, including connecting people to information and communications technology.

One initiative in particular is associated with the fast rail links involving a fibre-optic rollout through Bendigo, Ballarat, Geelong and Gippsland along those rail links. This will be a fantastic way of not only connecting country Victorians by rail but also expanding the opportunity for them to be connected by information and communications technology. The honourable member for Coburg referred to the fantastic Skillsnet program that has been running for the past couple of years. I know that a number of older people in my own electorate have taken up the opportunity that great program offers to learn more about the Internet and become more comfortable with it.

Bendigo is a bit of a centre for old people. When they choose to retire from the country they like to come to a city that has fantastic health services — and the health services under the Bracks government are particularly fantastic because we are rebuilding the aged care system in Bendigo. As families spread out they like to be connected via the Internet and email, so expanding and improving access over the Internet for older Victorians is a key focus.

Responses

Ms PIKE (Minister for Housing) — The honourable member for Gippsland West raised with me the issue of the extension of the utility relief grants scheme to users of liquefied petroleum gas (LPG) — that is, bottled gas.

The utility relief grants scheme is essentially a safety net for households that are unable to afford energy or water bills. It provides assistance to eligible people at particularly difficult times in their lives when they are

threatened by disconnection as a result of an unforeseen financial crisis. As the honourable member reminded us, the scheme is currently available to low-income households using mains gas, electricity and water through referrals being provided by the energy retailers or the water authority. However, there is no provision currently for users of LPG to seek assistance if they have incurred a debt with their gas suppliers or cannot buy further LPG bottles because some particular unexpected financial crisis has happened.

I am happy to inform the honourable member that the government is very favourably disposed to assist low-income householders who are reliant on LPG gas. A draft discussion paper has been prepared and is currently being discussed with financial counsellors through the utilities working group, and I believe we will soon be in a position to respond on this issue.

Ms GARBUTT (Minister for Environment and Conservation) — I thank the honourable member for Footscray for raising the issue of airborne particle pollution, recognising that both he as the parliamentary secretary and the Premier as the local member in this area have been working very hard on this issue for a long time. Of course the previous government did absolutely nothing to fix this problem. It did not in any way think through the planning issues or handling it through local government or the ministry of transport or any other way — it simply did not turn its mind to this issue at all.

On the other hand this government has given a very clear commitment to improving air quality and ensuring that all Victorians have clean air to breathe. The Environment Protection Authority (EPA), with the assistance of Vicroads and Victoria Police, has been conducting regular blitzes on smoky and noisy trucks in this area. Six joint blitzes have been conducted along Francis Street over recent years. A total of around 450 trucks were inspected, which resulted in around 19 notices being issued for illegal emissions. I can assure the honourable member for Footscray that those blitzes will continue, so there has been action there.

The EPA has also used its mobile lab, Molab, which in the middle of last year measured noise levels and air quality in Francis Street, and is currently doing repeat monitoring to coincide with the commencement of the Francis Street truck curfew to see what results occur there.

The EPA has begun an extensive health study in collaboration with Professor Rod Simpson at the University of the Sunshine Coast. That study will be conducted this month, with a report going to the government and the community in August after analysis of the results is complete. It will be a questionnaire-based study. It will look at the impact of air pollution on the respiratory health of residents in Francis Street between Williamstown Road and Whitehall Street. At the same time there will be a control survey in the area of the EPA air monitoring station in Roberts Road, Footscray.

The survey will enable a comparison to be made between the air pollution levels at those two sites. The results of that health study will contribute to the overall planning and traffic management strategies the government intends to implement in the area to reduce any health risk to Francis Street residents. This government is continuing to take action, and I can assure the honourable member for Footscray that it is committed to improving the air quality in that area.

Ms CAMPBELL (Minister for Senior Victorians) — The honourable members for Coburg and Bendigo East raised the matter of access to computers and information technology for residents in state-run facilities. Many members would be conscious of the fact that the new generation of cybersurfers are people in their more senior years. We should never exclude people in nursing homes from having the opportunity to enjoy using the Internet and communicating throughout this state and internationally with family and friends.

This government recognises that while senior Victorians may be in nursing homes and may be a little physically incapacitated, they are very interested in being active, alert and continually learning. If you are frail and unwell the outside world can be a long way away, but computers can bring the world to your fingertips.

The government has had the opportunity to assess some pilot programs in relation to nursing home — —

Mr Spry — On a point of order, Deputy Speaker, I draw your attention to the fact that there were only two ministers in the house during the adjournment debate tonight. This situation, which is getting worse every time we sit, is an absolute disgrace, and I ask you to do something to bring — —

Mr Leighton — What is the point of order?

Mr Spry — The point of order is the fact that there are no ministers in the house right now apart from the Minister for Senior Victorians. It is an absolute disgrace that this occurs night after night with no-one here to answer the questions. They are serious questions we are asking and there is no-one here to answer them!

The DEPUTY SPEAKER — Order! The honourable member for Bellarine is raising a point in debate and not a point of order.

Ms CAMPBELL — Recently one nursing home resident put to me, 'On the Internet I can be anyone I want to be; I am not just a person in a wheelchair'. This government is absolutely committed to ensuring that people in nursing homes have the opportunity to engage in communication via the Internet.

To this end I am pleased to inform the honourable member for Coburg that in a new initiative $10 000 will be allocated to the Boyne Russell House to ensure that residents there have the opportunity to enjoy cyberspace and communicate with their friends and families via the Internet.

It is a really fantastic scheme that has opened up new opportunities not only for people in Brunswick but also in country Victoria, where the importance of Internet communication is well and truly recognised. As the honourable member for Bendigo East mentioned, in her particular part of the state the Mount Alexander Hospital in Castlemaine will also be a recipient of a $10 000 grant to ensure computer equipment and software are available and that residents there have the opportunity to communicate with the outside world.

The matter of a bus stop in Reservoir Road raised by the honourable member for Bellarine for the Minister for Transport will be passed on.

The honourable member for Mooroolbark raised for the Minister for Transport the matter of the Mooroolbark station and the ability of Connex to provide standards of cleanliness, and that will be passed on.

The honourable member for Knox raised a matter for the Minister for Local Government about Brimbank City Council. I shall refer that to the minister.

The honourable member for Preston raised a matter with the Minister for Health about assisting the Preston cemetery to establish a crematorium. I will convey that to the Minister for Health.

The honourable member for South Barwon raised a matter for the attention of the Minister for the Arts in relation to support from the Community Support Fund. I shall pass that on.

The honourable member for Keilor raised a matter with the Minister for Education Services on educational infrastructure in his electorate and his desire that projects be completed punctually. I shall refer that to the minister.

The honourable member for Glen Waverley raised a matter for the attention of the Minister for Planning about the continuation of the *Polly Woodside* museum. I shall refer that to the Minister for Planning.

The honourable member for Wimmera raised a matter for the Minister for Police and Emergency Services about the need to review arrangements for the Nhill fire brigade station. I shall refer that to the minister.

The DEPUTY SPEAKER — Order! The house stands adjourned.

House adjourned 10.41 p.m.

Wednesday, 8 May 2002

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.34 a.m. and read the prayer.

PAPER

Laid on table by Clerk:

Financial Management Act 1994 — Budget Paper No. 3 — 2002/2003 Budget Estimates.

MEMBERS STATEMENTS

Roads: Eltham

Mr PHILLIPS (Eltham) — I condemn the government for its lack of funding of major roads in the Eltham electorate. I would have thought my electorate would have greater priority than some other electorates because it has a green wedge through it, which is supported by both political parties. There is a suggestion there is a missing link relating to the connection of the proposed freeway, which is appropriate. I am saying that if the major political parties are not supporting the connection of the freeway through Eltham because of the environment, which I and many residents would agree with, additional funding should be provided to improve main roads so that they can take larger volumes of traffic such as heavy vehicles through Eltham.

The upgrading of roads is also required to handle public bus services to encourage people to get back onto buses in outlying areas. There is insufficient car parking space at railway stations. I ask the Bracks government to urgently allocate as much funding as is possible to Vicroads for the improvement of major roads in the Eltham electorate. We need more than our share of funding to improve the major roads that carry vehicles through Eltham.

Preschools: Burwood

Mr STENSHOLT (Burwood) — I honour the kindergartens and preschools in and around my electorate for the great work they do for the children of Burwood and surrounding suburbs. The teachers and parents are wonderfully dedicated and work extremely hard in looking after the children at kindergartens and in running playgroups.

The kindergartens are almost too many to mention, but include the Estrella Preschool in Ashburton; Rowen Street Kindergarten; Summerhill Park Kindergarten; St Scholastica's preschool centre at Bennettswood; Ashwood Childcare Centre and Preschool; Ashwood Memorial Kindergarten; Burwood Preschool Centre in Alfred Street around the corner from my office; Wattle Hill Kindergarten, which has a marvellous park setting; Surrey Hills Baptist early learning centre; Surrey Hills Preschool Centre; Fordham Avenue and St Dunstan's kindergartens in Camberwell; Box Hill South Preschool; Hartwell Uniting Church kindergarten, and the St James Early Learning Centre.

I am proud that the government has put an extra $28.5 million into Victoria's preschools to help repair the damage done under the previous government. I especially welcome funding going to the preschools and kindergartens in my electorate for capital works, particularly for fencing and internal works, and the help that will be given to the very hardworking committees of parents who have to look after kindergarten children. This will be a great help to them — —

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

Port of Echuca: shipbuilding

Mr MAUGHAN (Rodney) — I direct to the attention of the house the considerable and unheralded achievements of the port of Echuca in providing and maintaining the traditional skills of shipbuilding as practised during the last century.

At one time Echuca was, of course, the busiest port in Australia after Sydney and Melbourne. Since March 1975 and under the direction of shipwright Kevin Hutchinson there has always been a boat being restored at the port of Echuca with full access to the public. The boats include the *Pevensey*, the *ADA Barge*, the *Adelaide*, the *Enterprise*, the *D26 Barge*, the *Alexander Arbuthnot* and the paddle-steamer *Hero*.

As all those boats have required a considerable amount of time to restore them, it has given the port of Echuca the opportunity to train people in a variety of skills. They include 3 new fully qualified shipwrights, 15 steam engineers and 8 qualified captains, and they are all currently working on the magnificent Murray River.

In addition, another six paddle-steamers have been built and one restored by private individuals. All this has been achieved without 1 cent of government funding. I congratulate the port of Echuca and its shipwright, Kevin Hutchinson, for the magnificent contribution they have made to preserving an important part of our heritage and at the same time providing — —

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

Warragul saleyards

Mr MAXFIELD (Narracan) — I congratulate all those involved in the successful transfer of ownership of the Warragul saleyards. I also congratulate the buyer of the saleyards, Bill Dineen, on having purchased the saleyards. It has been a contentious issue in the town in recent times with many disputes and the threatened loss of the saleyards to Warragul and surrounding districts. I congratulate United Dairyfarmers of Victoria, Tony Sayers, all the agents who have worked hard during this difficult issue, the mayor, Ian Clark, the Baw Baw Shire Council and Livestock Marketing Australia, which successfully negotiated the sale of the saleyards to the new owners.

It was of concern that the saleyards were at risk because of a dispute. That dispute threatened the viability not only of the saleyards but many businesses in the town. The fact that the saleyards have been successfully sold and negotiated is of credit to those involved in the transfer of ownership. As a result, we look forward to the saleyards now going into the future. The sale will enable local farmers to sell their animals in the best possible manner and will also ensure that they will get a good price for them. They have a good reputation for fine animals which reflects on the wonderful farming community in my electorate.

Palliative care: grief counselling

Mr ASHLEY (Bayswater) — Seven years ago I had the privilege of chairing the coalition government's ministerial palliative care task force. As it transpired, all the recommendations of the task force were accepted and progressively implemented during the Kennett government's second term. Those recommendations related to the development and equitable delivery of support services to those in the terminal phase of their illnesses and the provision of appropriate bereavement services to family members following death.

Regrettably, the task force report was silent on one substantial dimension of the grief experience — that is, what to do for those who encounter the consequences of sudden or untimely death, especially of young children and young adults in the full flush of life, or death by suicide, misadventure or violence.

Seven years on, and with the recent distress that has resulted from the imminent closure of an organisation called Outreach Grief Services, the time has come for government to reassess the role of the delivery of bereavement services to the mass of people who experience at first hand the profoundly disturbing, often deeply traumatising consequences of untimely and horrific deaths.

Without professional intervention some grief-stricken people will struggle to get their lives back together again. The collateral damage can be massive. It is not enough to merely transfer the current service to Eastern Palliative Care. The time has come for government to adequately fund this critical dimension of grief response, however it is auspiced and whichever may be the responsible agency, to ensure that the service is readily available to and accessible by Victorians across the whole state.

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

Liberal Party: Pakenham preselection

Mr HULLS (Attorney-General) — I want to remind the house what a great budget was brought down yesterday. I had the good fortune this morning of attending a business breakfast where it was overwhelmingly supported.

The budget is supported by the business community, but it has totally divided the Liberal Party. We now know that because of the budget the honourable member for Pakenham this morning threatened to resign unless he received preselection. He did that because he realises what a great budget it is and he is trying to blackmail the Liberal Party by threatening to resign and force a by-election in Pakenham.

The only person who is rubbing his hands together is the honourable member for Berwick because he and the honourable member for Pakenham have been involved in a bitter dispute over preselection. We now have the Methuselah of the house standing up — —

The SPEAKER — Order! I ask the Attorney-General to address honourable members by their correct titles and not use any other words to describe them.

Mr Maclellan — On a point of order, Mr Speaker, politeness normally involves waiting for the death certificate before conducting the post-mortem. I remind the Attorney-General that I have not yet received the medical reports.

The SPEAKER — Order! I will not permit the honourable member for Pakenham to continue. He is clearly not taking a point of order.

Mr HULLS — I conclude by saying that the honourable member for Pakenham will be sadly missed by some. Those who do not support him could not give a damn. However, I think it is inappropriate to blackmail the party by saying unless he gains preselection he will resign. It shows that the Liberal Party is divided. The Leader of the Opposition is going nowhere and is the only person in Victoria who does not support the budget. He now has to put up with blackmail by the honourable member for Pakenham.

Stamp duty: conveyancing

Mr WILSON (Bennettswood) — According to the 1996 census figures 17 per cent of Mount Waverley residents are aged between 60 and 74 years. I am sure this percentage has significantly increased over the past six years. Many of these residents are making important lifestyle decisions to downsize their family home from a three or four-bedroom house to a two-bedroom unit.

A unit in Mount Waverley valued at $315 000 will attract stamp duty in Victoria of $14 560. For the same unit value in New South Wales the stamp duty payable is $9665, a difference of $4895. In Queensland it is $9500; in Western Australia $10 637; in South Australia $11 430; and in Tasmania $10 150.

Yesterday's state budget offered no immediate relief for senior residents in my electorate, nor is there any indication that the Bracks government has any intention of ever reducing stamp duty rates for Victorian home buyers. The Treasurer stands condemned for his lack of action in yesterday's state budget on the issue of stamp duty and how it impacts upon older Victorians.

Joyce Rollason

Ms OVERINGTON (Ballarat West) — Whilst I intend to speak about something else I want to say what a good day it was for Ballarat yesterday with the great state budget.

On another issue, I wish to place on public record the work and determination of a Ballarat woman, Joyce Rollason, who with the support of other members of the Ballarat Health Services Relatives and Friends Association raised $70 000 over two years to buy a bus specifically modified for people in wheelchairs. This bus will assist frail and disabled people from nursing homes and hostels to get out and about in our beautiful community of Ballarat.

Joyce and her team's efforts demonstrate the power of seniors — that is, that they can make a difference. Joyce and her crew are all seniors. They went out and lobbied every organisation and committee in Ballarat to raise the money. Last week the Minister for Senior Victorians came to Ballarat and launched the bus that has been nicknamed Joyce's Bus in recognition of the wonderful work that she put in.

One of the other organisations that made a major contribution to the purchase of the bus was the VIP flower shop at the Ballarat base hospital. The flower shop is run by volunteers, and through their efforts they contributed a sizeable amount to the donation — —

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

Mornington Peninsula: bus shelters

Mr DIXON (Dromana) — On the Mornington Peninsula pensioners and others waiting for buses, when they do come, are standing out in the rain or under the sun, and where there are bus shelters they are clapped out, weatherboard lean-tos that look a bit like outside dunnies — they are dark, have absolutely no visibility and certainly are not safe.

The bus stops are on the beach side of Point Nepean Road, which is Crown land, but the Department of Natural Resources and Environment will not allow these eyesores to be replaced by modern safe, clean and unobtrusive bus shelters that would be fully maintained and supplied by a private company. It says that the shelters are not an appropriate use of foreshore land. This is a ridiculous and short-sighted approach. The Mornington Peninsula Shire Council is responsible for and maintains the existing bus shelters and is happy for a private company to move in and erect new ones. The people who use public transport are very supportive of this.

The Department of Natural Resources and Environment must get real and accept that this commonsense approach is worth considering.

Georgies Soccer Club

Mr SEITZ (Keilor) — I congratulate Sylvia Fenech, who has been elected as the vice-president of George Cross Soccer Club, now known as Georgies Soccer Club. It is a big step ahead for soccer, particularly in Victoria, to have women in that sort of important position, because in the past the roles of president and vice-president were the domain of males, and women usually finished up maybe with secretarial jobs, basically writing for those individuals. To have a woman in such an important position is particularly important in building up the Georgies Soccer Club, which has a number of women's teams. Last year I had the pleasure of attending the women's soccer final held

at the Italo-Australian Social Club in Furlong Road. The enthusiasm for women playing soccer is growing all the time. Yesterday I met with one of my constituents, Katy Psaila, who is a very good soccer player — —

The SPEAKER — Order! The honourable member's time has expired, and the time set down for members statements has expired.

MATTER OF PUBLIC IMPORTANCE

Natural resources: management

The SPEAKER — Order! I have accepted a statement from the Deputy Leader of the National Party proposing the following matter of public importance for discussion:

> That this house condemns the government for its lack of public policy in the area of natural resource management, particularly as it relates to timber, fishing, public land, water management and land use.

Mr STEGGALL (Swan Hill) — We live in rather strange times at the moment in this place where the politics of blame is really denying our society a proper public debate and discussion on the issues that are vital to us all. The government has three answers every time it gets to its feet in this place in question time or during the adjournment debate: it blames the former government, it blames the federal government and it blames the GST. We are getting a bit sick of it, and I think everyone else is too.

There is in this place now no debate on public policy at all. I will give the house an example. Last Friday night my colleague the Honourable Barry Bishop, a member for North Western Province in the other place, and I met with the Pipe It Right committee — the people for the Wimmera–Mallee pipeline — who have expressed concerns about where it is going. We had to put our policies and principles forward so that they could understand the principles involved in what was going on. We had to do that because the government has no public policies in that area.

The government does not address the detail. It does not have a public policy on natural resource management as it affects, in this case, the Wimmera–Mallee pipeline. Those people now seem to have to rely on my colleague and me to get the public policy right on the management of recreational waters, lakes and streams; the cost of water; and the cost of on-farm works. In this area there is no public policy and no direction from the government on the set of rules for the debate. The government continues to blame.

The government has its own policies, which seem to be ad hoc and incoherent to those who have to follow them. In the area of natural resource management this chamber does not hold a debate except from a green perspective in respect of the metropolitan area. In this house the government does not debate natural resource management as it affects those of us who live in the country areas.

Ms Garbutt — It's in the budget!

Mr STEGGALL — 'It's in the budget!' the minister says. The government puts the money up in the budget, but the policy principles and direction by which it operates are not there.

As I said, the government has its own principles and an ad hoc and incoherent set of policies, and those who have to follow them have great difficulty. There are not even public policy principles such as: managers of public land will manage; compensation on just terms; good neighbour policies; and, could I say, consultation! This government is the best I have seen at paying lip service to consultation and not delivering in practice at all.

Ms Garbutt — Look at the budget!

Mr STEGGALL — 'Look at the budget!' the minister says. If we had been left in 1992 with the budget we gave the government when it came to power we would have had a lot more things going in Victoria today than it does.

I want to discuss several areas which the government and the minister may wish to respond to on the subject of the lack of a public-land policy. As to grazing leases on public land, the government does not have a public policy on grazing leases in state forests. There is a lack of certainty on public policy for those people involved; there are no consistent rules or policies in this area. We have always used grazing as a tool for management, but this government does not have a policy direction or anything else that can be used as a guide for those people who are using grazing.

What is the public policy on timber? It is confusing to say the least, and no-one knows what to expect. There is no public policy on the guarantee of available timber harvesting areas. When a recent rally called for it the Premier sent an agent out to the front of Parliament House, one of the Labor union members, to give the response on behalf of the government that it would legislate or consider legislating. It has not done it. It has

been a case of, 'No response, Your Honour'. There is no public policy in the area and the timber communities of Victoria lack certainty because of that. It is time the government engaged in a public debate on how we will manage timber.

Marine parks are near and dear to the Labor Party.

Ms Garbutt — Something you hate!

Mr STEGGALL — It is something I hate, because the government's policy is to lock them up, shut them up, and deny our society access not only to marine parks but to a lot of other areas, such as the box-ironbark forests. There is no public policy on management methods. The government just locks them up.

There is no public policy addressing, for example, pollution from ocean outfalls, stormwater, the quality of water from rivers and creeks entering the ocean or exotic pests. The government does not have a public policy. It makes policy on the run, and those who live in places affected have great difficulty understanding it. There is no clear public policy on pest animals such as foxes and rabbits. I notice we have a little foxing in the budget, but there is no public policy. There is no direction or clear policy on Crown land or private land coming from this government.

There is a discussion paper on wild dogs — isn't that wonderful! It is the only area where I can say that the government is heading towards a public policy, although it has not got there yet. It is a first step, but by crikey it is hard to get directions.

On the subject of recreational shooting, it might be horrible for anyone in Melbourne to think that recreational hunting sports go on, but we do have them and they will continue. But there is no public policy or principles or a clear public statement on deer hunting or duck hunting. We know the government seems to be restricting access to hunting areas. Just quietly, every year it draws back a little, but there is no public policy. Through you Mr Acting Speaker, I suggest to the minister that maybe a game management council might be a good way to get some public policy and understanding.

Those of us who live on the border have to use the public policies of two states. At least it is clear in New South Wales, but by crikey in Victoria we go from month to month and year to year with no clear statement on how it is going to be. We know there are people in the Labor Party who want to wipe it out and close it down, just like they want to wipe out and close down participation in marine parks and national parks. We know the government has those pressures. That is why this place should be the place where public debate takes place.

Those of us who live not in the metropolitan area but in those areas where the natural resources are can have some input into proper public policy. The minister will stand up and ask, 'Where are the National Party's policies?'. I refer her to the speech of the Honourable Peter Hall in another place in the last sitting week if she wants to know where the National Party's public policies are on those things.

On the subject of public land, there seems to be a policy of having no further revocation of reservation bills — that is, where public land goes back to private land. Honourable members will remember that there used to be one every parliamentary session, but there has not been one! We have not had a statement to say that the government has another policy, that it has changed its mind and that now all public land is going to remain as government land and any organisation or person who will be advantaged by it will have to lease it on the government's terms. If that is the government's policy, it should let us know about it — but there is no policy. It seems to those of us who are developing communities, particularly in country areas where we run into problems with Crown land, that we cannot now go to the government clearly understanding that if a proper case is put, then that land can be put aside.

Changes to land use are dear to the minister's heart, I would assume. Land use change is something that is going to happen throughout Australia, and Victoria is probably going to be one of the early ones as the government goes about making changes to land use practices — for example, in flood plain management. Honourable members may not have heard of that in this Parliament, because there is no public policy on where Victoria is going. I do not oppose the direction in which the government is going, but I am opposed to the fact that the minister will not tell anyone about it. She will not tell anyone what she is doing, what the government's principles are and what it is trying to achieve. There is no public policy in those areas. The plan to return land to the flood plain is good — it gets a tick — but there is no public policy. If government is going to intervene on private land to that extent, it should have a policy based on a principle that if government requires that land it assumes ownership on just terms.

The other area I wish to give a little time to is water and natural resource management. We have heard a lot from this government about how clever it is and what it is going to do to take water off the Murray River and

put it into the Snowy River and downstream in South Australia to change the whole face of water management. We have had some argument and debate on the Snowy River: the government has not achieved much yet, but it is there. Two hundred and twelve gigalitres of water is to come from the Murray and Murrumbidgee rivers into the Snowy River, 53 gigalitres of which is from Victoria. An extra 70 gigalitres is to come to the Murray River via the commonwealth. Honourable members should add the figures up as I go, and I will help them with their maths at the end!

A couple of weeks ago the Premier stood on the banks of a river somewhere in South Australia and promised South Australia another 30 gigalitres from Victoria. There are a few dollars in the budget for it, and National Party members are interested to see how we get it. The Murray-Darling Basin Commission came out with its report as part of the environmental debate which is going to take place. I am pleased to say that Victorians will be part of a 12-month discussion on whether we should be returning 350 or 1500 gigalitres of water to the Murray–Darling Basin and how it would go. That is a lot of water. The amount of water the government is going to be part of returning to the system is greater than the total Victorian take from the Murray.

Victoria gets 1621 gigalitres a year on average for its consumption. If 1500 gigalitres went to the Murray–Darling, 1865 gigalitres a year would be clawed back. Honourable members should think about it! There are a few of us who live on the Murray River who are saying, 'That is fair enough. But if we are going to achieve our ends, there had better be some rules in place and some public policy'. I would dearly love to have some principles to address, because I can assure honourable members that if this government does not soon start making mention of what its public policy and principles are on those areas, we are going to have a lot of unrest on the Murray River. You can add to that the difficulty in achieving political argument in the debate in this place, because there are only a handful of us. There are 3 or 4 politicians representing people along the Murray River, against 72 representing the greater Melbourne area. It is very hard for us to get our message up.

There are some public policies which need to be agreed by all governments, not just the Victorian government, before this journey begins on the clawing back of water. For example, with the Snowy there is the argument that capital works on distribution systems should be met by government. The National Party has agreed with the principle of that, and the government has agreed. However, it will not commit only to the Snowy clawback coming from savings, but it should.

Water rights must be acknowledged, here and in other parliaments of Australia, as property rights. Any clawback of these property rights should be legislated and compensated for under just terms, so that we understand the issue of where we are going, the communities understand what the public policy is and we can have a debate and a discussion. I hope this discussion comes out in the next year, but Victoria should be leading it.

The integrity of the water market and property rights must be continued to allow the movement of irrigation water to higher value production. In natural resource management we are going through some enormous changes, and we need to make sure that the public policies and understanding of these are up front, before the government rips aside and rips apart many of our communities that are going to face the brunt of this.

Governments need also to work with river communities — which they do not do at all — for the ongoing improvements in river quality so that the target of river quality improvements can be seen to be being achieved. We bring this motion to the Parliament today in an attempt to get on the record the fact that we are short of proper public policy.

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

Mr McARTHUR (Monbulk) — It is a pleasure to follow the honourable member for Swan Hill on this issue because, as he has said, this government is completely lacking in the public policy and vision aspect of natural resource management. This government has been in office for over two and a half years now, yet still lacks any direction, any focus, any genuine understanding of any long-term natural resource management across the state. It is purely reactive. All it does is run around and deal with spot fires, and put up the me-too response when somebody else comes up with a good idea. We have seen plenty of examples of this. In fact, government members are acting more like an opposition than a government — they are acting like the Democrats. They are simply looking for headlines, looking for controversy, looking for a bit of public traction, but not looking to provide any leadership or vision.

The honourable member for Swan Hill has dealt with a number of major issues and I will pick up some specific issues to show the minister's failings in this area. I will

deal particularly with one statewide issue and three local issues to make my point.

Let's look at ground water management. There is a widespread perception in country Victoria that ground water management is simply not occurring, that the permissible annual volume (PAV) system has fallen into significant disrepute. The minister herself, to her credit, has acknowledged this. She said that she will commission a review of ground water PAVs. They are the levels established which limit the amount of water that can be taken from an aquifer in any one year, and they are aimed at creating a sustainable use of aquifers. What has the minister done? She has said, 'Yes, there is a problem. Yes, we admit the department cannot cope with ground water management any more, so I will have a review'. She has promised a review of the 62 ground water management areas across the state, after significant public comment in the *Weekly Times*.

This is review no. 701, and this minister is the review queen of Parliament, but how has she structured this review, and what resources has she put behind it? She has recently commissioned one officer — one single departmental officer in Bendigo — to do between 30 and 40 PAV reviews. And what budget has she given this poor, unfortunate officer? She has given him $15 000, and told him he has to do it within three months. So he has roughly $500 budget per aquifer, and roughly two working days per aquifer to do a complete audit of the PAVs in this area. That is scandalously inadequate; it is a token gesture. It cannot provide any meaningful information or any meaningful outcome in respect of ground water management. The minister should be ashamed to treat any of her staff this way and to give them such paltry resources to carry out what is an essential task.

Let's look at three local issues now. I will go first to Gippsland. The Moe main drain is in desperate need of rehabilitation works. It needs significant amounts of work done on the beds and banks along the 22-kilometre channel. That channel drains some 6000 hectares of prime agricultural land in Gippsland. It directly services about 160 to 180 properties and provides a significant public and economic benefit to Victoria. What has the government done on this?

The West Gippsland Catchment Management Authority has been crying out for assistance to refurbish the drain for some time. The West Gippsland authority has limited resources, but has committed some $503 000 to upgrading the Moe main drain. The federal government has come to the party and has put in $503 000. What has the state government given? Not a single solitary dollar! The honourable member for Narracan has called out for money, but he has been totally ineffective and has been completely ignored by his minister. Not a lousy dollar has been made available. What was the response from the department? It said, 'We are changing our focus to urban issues. Sorry, you miss out'. The minister is changing the focus to urban issues because she knows she has failed in the country.

Let's look at another Gippsland issue — the Tarago Dam. I seem to recall some three years ago, prior to the last election, the putative member for Narracan claiming that he would open the Tarago Dam for recreational use if a Labor government was elected. He was supported in that promise by none other than the then Leader of the Opposition, now the Treasurer, and this minister — this one sitting right here. She said, 'Yes, we will open the Tarago Dam'. What did she do after Labor got elected? She said, 'We had better have a review'. Then she stacked the review committee with Melbourne Water-types to make sure that the recommendation was not to allow recreational use.

Despite this, there was a minority report, and the minister has had both the committee's report and the minority report since last year. Do you know who signed the minority report which called for increased public access to allow a recreational use of Tarago Dam? None other than the honourable member for Narracan! He signed the minority report. What result did it get from the minister? Nothing! It has been sitting on her desk since last year and nothing has happened. So where is her resource management program? It is not here. The government and the minister make promises, but they never deliver.

Let's look at a couple of other issues. I refer the house to a little town called Porepunkah in north-eastern Victoria — an area in the electorate of Benalla — again an area where there was some controversy before a by-election. The now honourable member for Benalla went to the community in Porepunkah and promised she would play hell with a big stick and that she would get government funding and force the local water authority to upgrade the Porepunkah sewerage treatment plant before the township was forced to abandon its septic system and go on to a sewerage system.

There is a problem with that. The Porepunkah community has shown that the sewerage treatment plant which is on the outskirts of town and which services the township of Bright is substandard. There is a substantial loss of effluent from that plant which, under its current operating conditions, is just taking the effluent from Bright, and the additional load from

Porepunkah would simply increase that leakage. There has been objective measurement done of that, and even the minister now admits that yes, the Porepunkah system leaks.

But what has happened about it? Have they promised to upgrade it? No. Have they promised the tertiary treatment plant that the honourable member for Benalla was making a lot of noise about before the by-election? No. What has happened? The honourable member for Benalla has told members of the Porepunkah sewerage action group that she will not even meet with them. In fact, when she was talking to one of the journalists from a local newspaper and the journalist asked the honourable member for Benalla, 'Why did you not meet with the working group and why did you not accept their petition and table it in the Parliament?', the honourable member said, 'Who do they think they are? It is not up to me to make an appointment with them. It is up to them to make an appointment with me'. 'Who do you they think they are?'.

Was that not a remarkable response from somebody who a mere few months prior was out there saying to the very same people, exactly the same individuals, that she would do wonders for them if they elected her to be the member for Benalla, and that she would get their sewerage treatment plant fixed, that she would bring North East Region Water Authority under control and make sure the job was fixed before they went on to a sewerage system. The honourable member has failed and the minister has failed because this is yet another important resource management issue where the minister has taken no action.

The Porepunkah sewerage plant ponds are leaking into the local ground water. Guess what that is next to, Minister? It is right next to the Ovens River. It is a very sandy and gravel-based soil and the water goes straight out of the sewerage treatment plant and into the ground water table, and just a few hundred metres away there is the pristine water of the Ovens River, or there was. But now it is getting a lot of nutrient loading from the sewerage plant at Porepunkah. And the minister is doing nothing about it, not a thing! So where is the government's natural resource management credibility? Where is the action? Where is the delivery? Where is the commitment to country people? It ain't there!

The message has now gone out widely across rural Victoria.

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

Ms GARBUTT (Minister for Environment and Conservation) — What an extraordinary matter this is, and what bizarre timing. The honourable members for Swan Hill and Monbulk really did get the short straw today, obviously — a day after a great budget for natural resource management, especially in water and forests. That demonstrates our commitment, not just to natural resource management, but to rural and regional Victoria.

This is a government that has presented a budget that delivers the Wimmera–Mallee pipeline to western Victoria. It is funny that the opposition was campaigning for it, but it took the government to deliver it! And now the opposition is saying it is poor public policy. How ridiculous! This is a government and a budget that have delivered a sustainable timber industry — one that will have a bright future for the long term. In contrast, the previous government inflicted a fraud on the timber industry which refused to guarantee its own figures and refused all requests for an inquiry. I will come back to the timber industry in a minute. This is a government and a budget that have delivered $12 million to the Gippsland Lakes action plan and $11 million to a healthy rivers program. This opposition either was not listening or does not know what natural resource management is, and I suspect it is both.

It is also bizarre, coming as it does after our farm dams debate — good public policy that this government has delivered on. It is ironic that the National Party, whose representative moved this matter today, actually had to support our policy on that. He admitted it was good policy, and it was the previous government that could not get this right. What an irony that the Liberal Party has the gall to stand up here and criticise us about public policy. Look at its policy on farm dams, which changed every day. Liberal members could not make up their minds. Their somersaulting was enough to make us all sick and dizzy!

After our forest reform initiatives, how bizarre that the National Party could stand up here and move this sort of matter after seven years in government when it could not tackle this issue. Our reform was made necessary by the previous government, which covered up the real figures and would not inquire into the sustainable yield figures which everyone was criticising. No-one believed the figures — not the community, not environmental groups, not even industry — but the previous government did absolutely nothing and sent that industry lurching towards disaster. Obviously that is what it still supports. This matter reveals how absolutely out of touch and how irrelevant both parties are in opposition.

The Liberal and National parties are still not listening. The National Party is a declining rump of a political party. It is barely recognised in this house as a party. Both parties are losing seats to the Labor Party, the only party that is now listening to and delivering to country Victorians.

Both these opposition parties disappeared into a coalition government and forgot their constituents outside Melbourne. It treated them like toenails — what an insult! The former leader, after he had lost, finally fessed up to exactly what he thought of rural and regional Victorians, saying they were the toenails of the state! Our policies for natural resource management are based on promoting sustainable development while protecting the environment for the future. That underpins all our actions and initiatives. We have shown national leadership in the management of natural resources and protected our environment for the future, but we are also taking clear action to support regional communities and long-term jobs.

I thought it was ironic that the National Party spokesman talked about a lack of policies. I wrote down off the top of my head some of the policies and strategies that have been released by this government: a salinity framework; a healthy rivers strategy; a weeds and pest strategy; a native vegetation strategy; an alpine leasing policy; and an alpine 2020 strategy. It is unbelievable that somehow the shadow minister has missed them all. He has his head in the sand. It is absolutely unbelievable!

Let's examine some of the issues raised in this matter of public importance (MPI), the first of which is the timber industry. The mess that this government inherited showed that the previous government covered up the real figures on the amount of timber resource available to the timber industry. It had deceived the timber industry and local communities and failed to give reliable estimates of available resources. Arguably it inflicted a fraud on the timber industry and the communities that depend on it. As part of the previous coalition government the National Party was implicit in this fraud, and yet it dares put up this MPI today.

What was the previous government's commitment to delivering certainty to the timber industry? It cooked the books! It sent the industry lurching down a path that would have ended in disaster. The problem could have been fixed much more easily five to seven years ago. There would have been less pain in the industry if the previous government had made that adjustment, but it failed to act.

The Liberal Party shadow minister has gone missing. He has not made a single statement on forest reform. Where is he? He usually cannot shut up, but he has not said a single word in the three months since that statement.

We have delivered reliable estimates of the available timber resource, checked by interstate and international experts. We have taken a tough decision to secure the long-term future of our forestry industry and the communities and workers that depend on it. This budget commits $80 million to help the industry cope, to help workers and to help timber communities. For the timber industry certainty comes from knowing what resources are available and knowing that when operators get licences the timber can be delivered. We are completing the process of giving the industry certainty.

It is interesting that fishing is mentioned in this matter of public importance. What did the previous government do? The two honourable members that have just delivered their speeches sat around in the previous cabinet and accepted a decision to sell off our ports, which resulted in fishermen being denied access to jetties and piers.

Honourable members interjecting.

Ms GARBUTT — There was not a peep out of those honourable members then. That was very positive for fishing, I don't think! No-one is surprised that the National Party opposes marine national parks. It has opposed every national park ever proposed in this house.

National Party members are absolute dinosaurs when it comes to that, because the community knows that a healthy environment means healthy farms and healthy communities. At the moment they are looking for any pathetic excuse to oppose marine national parks. International scientific evidence and experience elsewhere shows that marine national parks are good for fishing and that once they are in place they result in more and bigger fish.

The National Party trotted out its own second-rate process, whereas the government relied on a 10-year investigation by the Land Conservation Council, its successor the Environment Conservation Council, 4500 submissions, and six periods of public submissions. The National Party came up with its own process — which took 6 months, not 10 years — and it received 60 submissions, compared to 4500. It then came up with a dodgy proposal.

The government's public policy is sound. We will protect the representative 5 per cent of our coastline, but we will offer support and compensation to those affected. That is the Labor way of doing things. We do not leave people behind: we support them and offer assistance.

With the few minutes remaining I will turn to water management, where this government has been a national leader. Our policies are based on the following commitments: clean water, healthy rivers and catchments, smarter water use, regional growth and jobs, and prosperous communities. A major policy focus of this government involves taking that triple-bottom-line approach and implementing vast changes. If the opposition has not noticed that, you have to wonder where it has been and who it has listened to. It has certainly not listened to the community, nor is it tuned in to what the government is doing.

I will not go through our amazing record but will concentrate on what was in yesterday's budget.

Mr Maxfield interjected.

Ms GARBUTT — I have to cull this quite a lot because of the time limit. The government is allocating $12.8 million to the Gippsland Lakes action plan, which is based on a CSIRO study detailing that the priority has to be nutrient reduction. The government is allocating $15 million to improving Murray River environmental flows. Everybody knows that the Murray is in danger of closing over at its mouth and that 15 years ago you could drive a car across it — and that that is about to happen again. It is also allocating $77 million for the Wimmera–Mallee pipeline — something the opposition has been calling for but which this government is delivering.

Mr McArthur interjected.

Ms GARBUTT — In government the opposition did absolutely nothing!

The ACTING SPEAKER (Mr Nardella) — Order! The honourable member for Monbulk has had his opportunity, and I ask him not to act that way across the table.

Ms GARBUTT — The previous government would not even fund the feasibility study for this project. This government has not only funded the feasibility study but has put up the money — $77 million — for the whole project. Instead of putting up bizarre matters of public importance like this, members of the Liberal and National parties would be much better engaged in lobbying their federal counterparts to ensure the delivery not just of another feasibility study or easy little extensions in the north but of the whole project. That is what has been put on the table by this government, which of course is contingent on federal funding. That is what these members should be doing, instead of whingeing, carping and complaining about what this government is doing.

The budget also contains an allocation of $11 million for the healthy rivers strategy, because our aim is to improve all our rivers. We have delivered on our commitments on the Snowy and Murray rivers, and the Wimmera–Mallee pipeline will deliver for the Wimmera and Glenelg rivers, but we want to deliver for all rivers across the state. The healthy rivers strategy will do that. The government is making major commitments, based on excellent and sound public policies. We are turning around water management in this state.

Public land and land management are two other areas to which I want to refer, but time will prevent me from going through them in any detail. However, I will say that our policy on box-ironbark forests and woodlands is about protecting fragile, degraded forests while supporting the local communities and their interests in the transition. We will not leave anyone behind, and we have committed $20 million to work with communities to achieve that transition.

Communities will be more involved in the management of these forests than ever before. When it comes to land management, I have three important words for the opposition: Landcare, foxes and the budget. They are all in there! This opposition is outdated, has its head in the sand and has been outfoxed.

Mr MULDER (Polwarth) — I rise to make an input on the matter of public importance in the areas of timber, fishing, public land, water management and land use. What an opportunity, following on from the Minister for Environment and Conservation, who spoke at length about the consultation process with the timber industry that she and her government have been involved in.

I refer to an article in the *Colac Herald* of 1 May, which says:

> Conservationists and loggers have criticised the Department of National Resources and Environment for its short notice announcing and then scrapping an information session to explain next summer's logging plans.
>
> The government decided on Monday to cancel Tuesday night's meeting.

> Acting on instructions from conservation and environment minister Sherryl Garbutt DNRE staff began calling people who had registered to attend the meeting, but did not get through the list in time to stop people attending the Colac Otway Performing Arts and Cultural Centre.
>
> About 10 people — including the Colac Otway Shire mayor … and people who had travelled from Lorne, Geelong and Beeac — waited outside a locked —

building —

> for forestry officials who did not turn up.

This is the minister's consultation process with the timber industry. The honourable members for Ripon and Gisborne are in the house at the moment. What happened to the reference groups the minister set up to consult on and get an understanding of what is happening in the timber industry? Did theirs go? Mine went about a month ago. On top of that there was the absolutely outrageous situation of the Minister for Environment and Conservation setting up meetings and cancelling them at a day's notice without any thought for the time put in by all those involved. So much for the consultation process.

It gets better than that with this minister. On the issue of ragwort in the Otways, the minister's department was called to a meeting with local farmers and Colac-Otway shire representatives. All those people put aside an enormous amount of valuable time to make themselves available to attend this meeting. What happened? The Department of Natural Resources and Environment (DNRE) staff did not turn up. Councillors, council officers, local farmers and other people concerned about ragwort spreading throughout the Otway Ranges were all there wanting to consult with the government to resolve the matter yet the minister's staff did not turn up. That would have resulted from a decision by the minister.

The reason I say this is that on one occasion when a DNRE officer did front, nicely decked out and in a four-wheel drive, at one of the properties badly affected by ragwort — it had come onto the person's land from adjoining public land — he told the person, 'Out of sight, out of mind'. Out of sight, out of mind! That is the attitude of the Minister for Environment and Conservation to the rapid spread of ragwort throughout the Otway Ranges.

Environmentalists are jumping up and down about the logging issue, but believe you me, this is critical. I travelled to some properties in the area over the summer months. The beautiful clean properties of two farmers I visited whose families have been in the area for generations look across to DNRE-owned and controlled land that is riddled with ragwort, yet the minister does not even have the decency to come and consult and address these matters. Her department says, 'Out of sight, out of mind. We are not really interested in looking at these particular issues'.

What about the DNRE budget? There has been a 15 per cent cut but the staff numbers have gone up. That tells me that there are no on-ground services and the cardigans are back on the scene; more people, more staff, but no on-ground services. How can the Minister for Environment and Conservation come into this house and applaud her government's budget when it has delivered a cut in services across rural Victoria? I can assure honourable members that the people in the Otway Ranges and in the Ripon and Gisborne electorates who have been badly affected by mismanagement of our public lands and lack of consultation by the minister will not in any way, shape or form applaud this budget as the minister has tried to do.

What are the issues in other parts of the state? We have a very poor situation with public land management when I as the honourable member for Polwarth start getting emails and letters from and running consultation processes with people involved in the Ripon electorate. I have an email in front of me which says:

> Mr Broad said that he has tried Mr Helper a dozen times but he has done nothing.

The honourable member for Ripon has done nothing to address the concerns Mr Broad has in relation to the box-ironbark implementation process and he has done nothing to consult with the people of his electorate.

I went to the parliamentary library and pulled out a number of issues in that electorate to see how active the local member is. The only comment made by the honourable member for Ripon that I found in a handful of clippings from the Ararat and Maryborough newspapers on issues relating to this matter of public importance was his comment on farm dams where he accused the Liberal Party of trying to scuttle the process. Everyone who was involved in that debate knows very well that the first people who were out trying to get amendments through and assist the farmers in their regions were members of the Liberal Party. The Liberal Party was the last party standing. It was the Liberal Party members who delivered the crucial amendments on issues such as one-off registration and a better rate of water transfer for farmers in the north-east. That is the only comment from the honourable member for Ripon about public land issues that I could find.

There is a host of matters in which the honourable member could have taken an active interest in his electorate. These include issues relating to the Central Goldfields Shire Council, which cannot afford environmental officers — no comment from the honourable member for Ripon; a newspaper article headed 'Minister Garbutt inspects local bush/tender project' — no comment from the honourable member for Ripon; and an article headed 'Government grants short-term sawlogging licences' — this is a government which, on one hand, says that it is here to support the timber industry but, on the other hand, says that people should not worry about investing for the future because they do not have one and cuts licences which should encourage and enable people to invest back to two-year licences — again no comment from the honourable member for Ripon. Earlier I raised an issue about an article headed 'Minister set to suspend forest reference groups'. The honourable member for Gisborne is sitting quietly over there looking at the floor, as well she may, because it is a disgrace. Once again, on this matter there is no comment from the honourable member for Ripon.

The next headline is 'Landowners unite', which relates to opposition to a treatment plant, and once again if you go through the *Ararat Advertiser* and the *Maryborough District Advertiser* there is still no comment from the honourable member for Ripon about what he thinks about land use, water treatment processes in his electorate, timber and fishing. I welcome the honourable member for Ripon into the house.

I turn now to tackle the issue of water and the so-called water policies and great water initiatives of the Department of Natural Resources and Environment. Again it is going to deliver with a 15 per cent cut in its budget. I remind the government and the Minister for Environment and Conservation of the fantastic initiatives of the previous government in relation to small town sewerage schemes. When I look at the infrastructure that was put into my electorate of Polwarth I see a new multimillion-dollar waste water treatment plant at Apollo Bay, a new treatment plant at Lorne and multimillion-dollar treatment plants at Bannockburn, Mortlake, Timboon and Skipton. Where is the infrastructure money from the government of the day to continue these very vital projects? It certainly did not appear in the budget.

The government's commitment to water will add up to nothing more than a number of cardigans floating around the countryside in government vehicles, directing, giving information and spreading the bad news as they did in the Otways to the farmers who had the ragwort problem. The minister and the DNRE treated the problems in the Otways by saying, 'Out of sight, out of mind, we have not got the money for it'. However, they said they could certainly send someone out to talk about the problem.

This is the process the government is going down. It is the exact same process we saw in the Cain–Kirner years with the government building the public service up but reducing the services on the ground. Those services are what DNRE should be all about. It is not about talking about weeds; it is about getting rid of weeds. It is not about talking to people in the logging industry, it is not about talking to the environmentalists, it is about having the ticker to make the final decisions. This government has not indicated in any way, shape or form in relation to fishing, timber, water or public land that it has any gumption to follow through with any positive policy decisions. This is all about delay, delay, delay and for heaven's sake do not make a tough decision, it might tip us out of office so we will do nothing. It is the do-nothing government!

Mr HOWARD (Ballarat East) — I am pleased to present the government's case in response to this absurd matter before the house today. The matter is absurd in terms of the people who moved it and its timing. Only yesterday the budget was brought down with an outstanding list of achievements and commitment from this government in the environmental area in this state. We know about the forestry package of $80 million in the budget. We know that the honourable member for Wimmera, who has now left the house, should have been very pleased that the Wimmera–Mallee pipeline received $77 million in the budget. There was significant money for healthy rivers and for work in the development and following through of the government's policy of protecting box-ironbark habitats in this state. It is a significant budget and the timing of the matter before the house is absurd.

It is also absurd that the matter came from the Deputy Leader of the National Party, a party that for the seven years of the previous government simply joined a coalition with the Liberals. There was no sense of representation of country Victoria from the Nationals in those seven years, and at the last election National Party members found out how the people of country Victoria felt about their representation, or the lack of it, over that time. The honourable member for Swan Hill did not know the result of his seat on that night, and we know that many National Party members lost their seats because in seven years of government the Liberal–National policy in regard to land management issues was one of slash and burn.

I am not just talking about forests here. The former government's policy was to pull money out of the Department of Natural Resources and Environment (DNRE) and so many areas of significance in land management in Victoria and put it into monuments and big facilities in Melbourne. The former government treated country Victoria as toenails. Its policy of land management in this state was to turn a blind eye to issues of significant concern and reduce funding in those areas while making sure Melbourne looked pretty jazzy and had the catchcry 'We'll be right, mate!'.

That was the coalition's policy and government changed at the last election as a result of the people of rural Victoria feeling they had been significantly let down. I am very confident of what they will say about this government at the next election. They will see that this government has been serious about land management issues.

This year the government made the most significant policy statement in regard to forestry management. The announcement in February of the Our Forest, Our Future package showed that the government had made the hard decisions in regard to the forestry industry in this state. It recognised that we need a forest industry but it must be sustainable. It is no good hiding our heads in the sand as the previous government did and allowing the forestry industry to keep harvesting at whatever figures it seems to think are appropriate and not worry about the future of the workers and investment in that industry. Prior to February this year the government decided that it wanted to know the facts about sustainable harvesting levels in the state forests. The government sought that information because it was getting feedback from so many groups that our forests were being harvested unsustainably.

The Wombat State Forest takes up a significant area of my electorate and I was getting feedback from many people that the harvest level in that forest was unsustainable. Guess what we found when we got back the figures, verified by Dr Jerry Van Clay? They showed that across the state we were harvesting way above what could be allowed to continue. In the Wombat forest area we needed to cut logging by 80 per cent — by 8000 cubic metres per year — to get it to a sustainable level. It is a fact, and it is horrendous to find out this information. It is going to hurt the timber industry in my electorate, but the only way to move forward is to do so in a sustainable way.

To hide your head in the sand, as the former government did, and to have no policy to ensure sustainability and to just let things happen until the crunch comes, is not the way this government works. It has a policy for our forests which is based around sustainability. With the commitment in the budget of $80 million we want to ensure that the transition of the industry over the coming year is done with community involvement and in a way that ensures that support for rural communities is protected. In regard to forests there has been a significant and real policy shift that relates to sustainability.

In regard to water management, what did the former government do? It did a few reports. I remember the Baxter report on how we should deal with the farm dams issue, but did any legislation follow from that? No it did not. We had no clear policy about how to deal with this report. The previous government said, 'It's a hot potato; we can't deal with it', so it sat on a back shelf collecting dust and no headway was made in terms of sustainability of water use by land-holders across this state until the government did the consultation with Blackmore and others and worked up a solution to provide security for farmers who rely on irrigation waters and have dams.

What happened when we brought that legislation before the house? Interestingly enough the National Party and the honourable member for Swan Hill were right on the bandwagon. He said, 'At last, we have been trying to tell our supposed friends in the Liberal Party that this is just what we need — some sense of security'. The National Party was saying, 'Yes, at last the Labor Party has got this right and has had the guts to deal with this serious issue and try to put the water resources of this state on a sustainable footing'.

What did the Liberal Party do? It came up with all sorts of really absurd outcomes in regard to how it wanted to deal with water management. Its members could not sort it out among themselves and it delayed that legislation for six months. Eventually commonsense ruled and the views of the rural community which wanted water use sustainability won out. We saw very significant legislation brought down in the form of the farm dams bill which is now in place to ensure that we can work towards sustainability.

With the healthy rivers strategy — another strategy of this government and significantly funded in this budget — the government is also looking at all those other issues of stream management to ensure we have good quality water and protected environments, and to see that in the future this state will be in a good situation in terms of the sustainability of this vitally important resource to both rural and urban Victorians. It is this government that has put in place the legislation and the policy, and the funding to support that.

In terms of land management this government has again started to increase funding. There are so many important issues that it is a pity we only have 10 minutes to talk about the vast array of significant policy decisions taken by this government. In terms of land management I am pleased to see that in the budget the government has supported an increase in funding for Landcare, which is an important component of land management in this state, where people in both rural and urban communities can have input and involvement in improving aspects of their local natural environments.

In the budget speech we heard that over the last few years there has been an increase in funding for weed management and in compliance areas. The government has put 50 per cent more funding into weed compliance and other issues — —

An honourable member interjected.

Mr HOWARD — Notes sometimes move around, don't they? But I have them now, so the honourable member can hear that we have increased our funding by $70 000 in this state to deal with Paterson's curse, and there is $60 000 for blackberries and $60 000 for ragwort. Yes, in some ways it is laughable, but it is an increase on the very laughable amount the former Liberal government put in place. In last year's budget the government allocated $2 million for weed management across the state. Yes, there is still a big task ahead and work to be done in this area. We need as a government to work in partnership with other levels of government and the community to address weed management issues. But this government has committed significantly more funding in this area than the former government.

We know that with regard to animals — foxes and wild dogs — —

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

Mr PERTON (Doncaster) — It is a great pleasure to follow the honourable member for Ballarat East, the parliamentary secretary to the Minister for Environment and Conservation, who in his speech very much resembled a snake-oil salesman. He talked about the edifices of Melbourne, and as we know, he finds those attractions more than he can bear. It is quite obvious to his constituency and to those interested in his constituency that he spends more time in Melbourne than he does in his own electorate. Certainly if one looks at the budget figures and his commitment to improving office accommodation for himself, his minister and his public servants it is quite clear that his needs and his desires certainly prevail over the needs of the environment and his constituency.

Some weeks ago I was at a protest meeting in Blackwood on the issue of logging and its impact on the Blackwood community. The honourable member for Ballarat East was invited to attend, but he was too busy in Melbourne. I understand there is a meeting in Daylesford tomorrow on the future of the mineral springs and related problems in terms of water flow and quality.

Where is the honourable member for Ballarat East? He will be too busy in Melbourne tomorrow night to attend to the affairs of his constituents. When he talks about the Wombat forest and the forests in his electorate what he does not acknowledge is the fact that there has been a fivefold increase in logging since the regional forest agreements (RFAs), a doubling of woodchipping in his electorate since the RFAs and the people know that.

When we talk about land management we talk about the performance of this parliamentary secretary, the honourable member for Ballarat East, who is so attracted to the edifices of Melbourne that he has completely lost touch not only with the issues of his own constituency but his responsibilities in respect of the environment.

This matter of public importance is about a lack of public policy and a lack of action. If you look at the announcements in the budget it is clear that it is fluff, double accounting and the creation of a set of new measures that prevent the community being properly able to assess the environmental performance of this government.

The honourable member for Ballarat East talked about weed policy. Weeds are one of the most important issues relating to land management in this state, on both public and private land. The budget contains no new initiative on the issue of weeds on either public or private land. The honourable member spoke about $70 000 in respect of Paterson's curse, which is laughable. In this state we have iconic national parks like the Wilsons Promontory National Park. The government's own document, 'State of the parks 2000 — park profiles', talks about the Wilsons Promontory National Park being infested with pest plants and pest animals.

Before the election and subsequently the government promised that it would nominate Wilsons Promontory National Park for World Heritage listing. It promised a consultant's report on the Web, but that promise has

been quietly dropped and the material has not been produced. It is a completely broken promise in respect of the management of the public land known as the Wilsons Promontory National Park.

In the limited time available to me I cannot go through all of the descriptions in the report on the state of the parks. Suffice it to say the weed issue is so severe in our parks, with over 700 exotic plant species recorded, that in the words of the government's own documentation some of these species are aggressively invading new areas, displacing indigenous fauna and modifying fauna habitats. All this government can say is that it is spending $70 000 a year more on fighting Paterson's curse! Clearly it is not living up to its promises to manage our national parks in an appropriate way. The evidence is that our national and state parks are being more severely attacked by weeds some two and a half years after the election of this government than they were at the time of its election.

Small issues with respect to the environment have been dealt with in this budget, and I turn now to the issue of fox control. There are some 3 million foxes in Victoria. The estimates are that they consume at least 200 000 native mammals a day. One knows that if one goes to the parks where lyre birds, for instance, were commonplace, it is now very rare to see one. One can go to the western national parks where the mallee fowl are prevalent, and the evidence with respect to Wyperfeld National Park is that less than 1 per cent of that park is being baited for fox control.

If all this government is doing is increasing funding by $1.5 million, and $500 000 of that is going to bounties on private land, I put it to you, Mr Acting Speaker, that baiting of a park going from 1 per cent to 2 per cent will hardly have an impact on these endangered species and will have a minimal impact on preserving them.

In the last 3½ minutes available to me let me deal with that question of endangered species. What is extraordinary in the budget documents is that the honourable member for Ballarat East in his Melbourne snake-oil salesman performance said that in respect of endangered species the government has created a whole set of new measures that were not used before — in other words, let's remove all the measures on which we could compare their performance year on year and start a new set of measures.

With respect to endangered species there is only one continuing measurement that remains in the budget documents, and that relates to the preparation of action plans under the Flora and Fauna Guarantee Act. One of the central promises of the government before it was elected was that it would better implement the Flora and Fauna Guarantee Act.

In its last budget the government promised that there would be 50 new action statements. The budget papers indicate that they will not even reach 35 this year, so something has clearly gone wrong in the government's administration of its own department. I suspect it is the honourable member for Ballarat East as the parliamentary secretary who is responsible. The budget papers state that next year the number of action statements will be reduced even more. Obviously what has happened is that the money that ought to be spent on endangered species protection is being spent on some frolic of this government in building cages at a cost of $5000 per fox and shifting 200 flying foxes to Banyule. That is the entire sum of its endangered animal protection program on public land.

What has happened to the helmeted honeyeater? The helmeted honeyeater re-establishment program in the Bunyip Sate Park has been defunded by this government. The program was established by a former Premier Joan Kirner and was continued by the Honourable Mark Birrell in another place and the Honourable Marie Tehan. This government has so stuffed up endangered animals protection programs that it cannot even protect the state emblem.

That is the responsibility of the parliamentary secretary, and he has again put on a snake-oil performance, making claims about big numbers — for example, the $80 million which has been spent wiping out the timber industry is included in the environment programs. That is double counting by anyone's standards. This is its third announcement, and it hides the fact that on the environment this parliamentary secretary and his minister have lost out. They do not have the respect of the Treasurer, and they have been unable to deliver the budget and the programs necessary for the protection of the environment.

Ms Duncan — What would you do?

Mr PERTON — The honourable member for Gisborne is shouting from the other side of the chamber. All I can say to her is that the woodchipping in her electorate has doubled! That is the only thing the government will have succeeded in doing in its term of government. The voters are coming to get you for your lack of performance, your lies and hypocrisy before the last election and the fact that you are personally responsible for the degradation of the environment!

Mr HELPER (Ripon) — What an extraordinary performance! This is astounding! For those who cannot

observe the chamber at the moment, I point out that although this matter of public importance (MPI) was raised by the Deputy Leader of the National Party, only one member of the National Party is in the chamber carrying the can — —

Mr Perton — Seeing that the honourable member wants an audience, Sir, I draw your attention to the state of the house.

Quorum formed.

Mr HELPER — Let *Hansard* show that although a quorum is now present the National Party is still represented by only one member — —

Mr Maughan — Two!

Mr HELPER — Two members! For the first time the Leader of the National Party has come into the debate to support his deputy leader's matter of public importance. He will probably have to stay in the chamber — and I am sorry if I have put him on the spot in that regard.

The MPI is indeed a bizarre thing to immediately follow the magnificent budget delivered by the Treasurer yesterday. It is a budget that delivers on the environment and on land management issues in a significant and constructive way. It does so in many areas that are dear to the hearts of members of my electorate, such as forests, the box-ironbark forest and the Wimmera–Mallee piping strategy, which this government is committed to funding. Let's hope that the absence of National Party members in the chamber means that they are all in their offices on the phone to Canberra to ensure that the federal government also supports the strategy.

The government has addressed the hard issues. We inherited a forestry regime run by the previous Liberal–National Party coalition which resulted in 79 per cent overharvesting in the Midlands forest area. For those honourable members from the opposition who do not go beyond the tram tracks of Melbourne, that forest extends into my electorate at Mount Cole. It is ridiculous for the opposition to argue that the government does not have land management policies when we are tackling these difficult issues in a positive and constructive way.

What we have done in that regard, and the budget confirms it, is to invest $80 million to put the state timber industry on a more sustainable base.

The government is also investing $13 million through the ministerial task force to ensure that communities affected by the adjustment of the industry do not suffer any adverse affects and can look forward to a prosperous future. I look forward to those adjustments playing a positive role in redressing some of the adverse affects that have resulted from the opposition's mismanagement and lack of policy, direction and vision during its seven dark years in government.

I move on to another important issue in my electorate, and that is the box-ironbark forest. Again the budget demonstrates that the government is committed to implementing its publicly stated policy, in consultation with affected communities, on the reserve system to ensure that the process of adjustment and implementation is positive and constructive for the community.

Mr Ryan — Big trouble is coming Joe!

Mr HELPER — The Leader of the National Party interjects that big trouble is coming. This government does not duck the difficult issues that it inherited from an inept, lazy government — a government which left us with a legacy of overcommitted resources, not only in water but also substantially in forests.

I move on to the issue of water. What gross hypocrisy and what stunningly inopportune timing for the Deputy Leader of the National Party to introduce this matter of public importance the day after the budget was brought down, which from the government's perspective funds the most significant water infrastructure project this state has seen and will see for a very long time indeed.

The government recognises that a number of issues need to be worked through, but the commitment is there to proceed with the project and work through those issues. They are issues such as the allocation of recreational water, how we can get the most mileage out of environmental water to the best effect and benefit to the environment and water pricing once the scheme is in place. All of those issues are important and need to be worked through, and this government does so in consultation with the community. It will go down in history as having supported in a positive and constructive way one of the most historic infrastructure projects in this community.

In the little over 2 minutes remaining to me, I want to dwell briefly on farm dams. Again I have acknowledged a number of times the positive and constructive work that the National Party and the Victorian Farmers Federation played in getting that legislative regime through the Parliament, and I am sure they will play a constructive role in its implementation. However, their previous coalition partners are now

pretending not to be coalition partners. I wish to correct the minister. I know it is not necessarily the role of a backbencher to correct a minister, but in her address she suggested there were daily flip-flops by the Liberal Party. I suggest there were flip-flops on this issue by the Liberal Party at least twice daily! I hope the minister will accept that correction.

What may be motivating this bizarre matter of public importance is a recognition by the opposition that not only is this government a fantastic Labor government that delivers to its communities, on the environment, to industries and to the prosperity of the state, but it could be argued — and I would think there is resounding support for the proposition — that this is the best country party government that Victoria has ever seen. The National Party has until the next election to play a bit of catch-up politics. I wish it luck in trying to achieve that, but I have a sneaking suspicion that it may well fall short of the mark and suffer further electoral embarrassment.

This matter of public importance is an absolute sham. It is a bizarre matter of mistiming that it was introduced the day after a budget that delivered so enormously to regional Victoria, to the environment, to resource management and on the big, hard issues that we have to work through as a state, particularly given the absence of any policy leadership by the former government.

Mr PLOWMAN (Benambra) — I support the matter of public importance raised by the National Party. In so doing it has introduced areas of real concern to all country Victorians, and in fact they should be of concern to all Victorians. This government is failing the public of Victoria in respect of its lack of public policy on all natural resources issues. The issues related in this are timber, fishing, public land, water management and land use — and that is pretty comprehensive.

In the timber industry this government is continuing to look at reducing the areas available for harvesting a renewable resource. It means we are in the extraordinary situation where more pressure is put on those areas that remain, and as a consequence the government has decided to restrict the volume being harvested. By doing that it is putting enormous pressure on all those country areas where there are timber mills. There are two in Corryong and one in Mount Beauty, and those three mills are essential for the wellbeing of those two communities. In the electorate of Benalla there is the Ryan and McNulty mill, the mill at Mansfield and another mill at Whitfield. Again those three mills have a large value-adding component. All three are dependent on the resource, and this government is hell bent on reducing that resource available to them.

The government is saying it would sooner see those mills close and the effect on those communities occur rather than look at the special protection zones which were set aside under the regional forest agreements (RFAs) to allow additional areas of resource to be harvested, if that were required under the RFA process. This government is failing to recognise that. I finally got a response to a matter I raised in the adjournment debate. It was some three months late, but it said that the government will not even look at the special protection zones.

Look at the softwood industry. How much additional softwood has been planted or is proposed to be planted by this government? There were massive plantings in the former government's era, but what is happening in this government's era? It says that the renewable resource of hardwood is not going to be harvestable, but it is doing nothing about providing an alternative resource.

Look at the government's position at the moment on the fishing industry and the marine national parks debate. It does not understand the interests of those fishing communities; if it did it would have a totally different approach to its recommendations with regard to the report of the Environment Conservation Council on the marine national parks. The government has no comprehension at all of the rights of recreational fishermen. The ECC report does not allow multiple use in those marine national parks.

To be honest, it is the only state in Australia that does that. I believe this government does not represent the interests of recreational fishermen, and it needs to look again at whether those recreational fisherman could be better looked after in the introduction of marine national parks.

Having been responsible for the management of public land in the high country, I can say again that this government does not understand the interests involved in public land management. The weed problem is getting worse by the day. If you travel over the high country you will see the spread of blackberries right through the higher rainfall areas of Victoria, and there is no evidence at all of an increased willingness by this government to look at the problems associated with that.

The main area of concern involving public land in north-eastern Victoria is the problems associated with wild dogs. We have had a continual increase in the

number of wild dogs, and that is certainly reflected in the number of sightings and the amount of stock losses on the perimeter of public land. A national summit on wild dogs convened in Wodonga about six weeks ago. Every state of Australia was represented there in one way or the other — although Western Australia was not there, it certainly sent a paper across. The worst representation at that national summit in Wodonga — in Victoria — was from the Victorian government.

I have to say that this minister and this government do not understand how serious the wild dog problem is getting. If they did, they would have put forward a far better representation at the national summit. I think it reflects the fact that this government does not understand the issues that prevail on public land. This government certainly does not understand its responsibility for the wild dog issue. Quite simply, the dogs are breeding in the back country and on public land, and we are not prepared to control and reduce their numbers by poisoning them there. We are still looking at the perimeter issue — that is, the interface between public and private land.

Water management is an area very close to my heart. The government is looking at clawing back an incredible amount of water for the Murray River. I concede that the Murray River certainly does need improved management, but looking at the extent of the clawback suggested by this government I suggest that that, together with the extraordinary amount of water the government is planning to put down the Snowy, means that water use in this state will have to be reduced. When you consider that the state's irrigation areas, and the value-adding of those irrigated products, actually support major industries in country Victoria, you realise that this is a very serious situation.

At a domestic level we have Lake Mokoan in the electorate of Benalla, which is going through a study which will probably last one to two years. I believe that study is effectively designed to put off the decision on the lake's future until after the next state election, because there is an enormous level of opposition in Benalla to the possibility of decommissioning Lake Mokoan. The lake is after all one of the best fishing sites in country Victoria. It is a major recreational site for that central area of Victoria, and it plays a real part in providing water for irrigation users downstream from and around it. Quite a lot of wine growing has been developed around Lake Mokoan directly because that water is there and entitlements have been granted.

All of those people and all of those industries are going to be at risk from the proposal to decommission Lake Mokoan. If this government is fair dinkum about looking after all of those people in this area it should say that decommissioning is not a proposal it would accept.

I went to the meeting the night before last. About 50 to 60 people were there, and everyone was concerned about this decommissioning issue. The honourable member for Benalla was there, and she was supporting these issues, saying, 'This is part of the program of this government, and it has to be supported for a period of at least 12 months'. It concerns me that this government can have the decommissioning of Lake Mokoan as its no. 1 priority in this study.

I would like to close by saying that all of these issues reflect on the government and its inability to manage the natural resources of this state in the way they should be managed to the betterment of country Victorians and to the whole of Victoria.

Mr MAXFIELD (Narracan) — I rise this morning with a bit of surprise. I note that only one member of the National Party is here, so it shows how important it regards this debate. Its members pretend it is important — they cry crocodile tears — but when it comes to the debate, where are they? There is one here; the rest are off falling asleep in their chairs. What are they doing? Who knows!

That is typical of the National Party, which had seven years of slumber during the Kennett years. It sat in government — and what did it do for rural Victoria? It allowed rural Victoria to be downgraded. It ensured there was no funding for rural Victoria. It would not stand up for its rural communities. All it was interested in doing was making sure a couple of National Party members had their backsides in some leather seats and said to Jeff Kennett, 'We know country Victoria is the toenails, and we will support you in that'.

What a contrast to what we have here now under the Bracks government. This is what I find quite strange. It has put forward this matter of public importance about what our policies are in regard to natural resource management and it tries to pretend we do not have any. If you look at what we have been doing and look at our record over two and a half years in government what you see is strong support for rural Victoria and strong policy decisions that are welcomed and recognised across the state.

We need merely go to the farm dams debate. In seven years what did the National Party do on farm dams? It ignored it. It hoped it would go away, because it did not want to upset some city people. That was really its attitude. Its view was not to look after the bush; its view

was to keep Kennett's city-centric policies going. The farm dams issue is a classic example of the Labor Party discussing matters with rural communities. It is great to see probably the best agriculture minister this state has seen in many years here in the house to listen to this debate. We have a minister who is switched on to rural Victoria, who lives in rural Victoria and who is committed to rural Victoria. In every case the answer to that in terms of the National Party and the Liberal Party is no, no, no. It is not committed. It is not interested in rural Victoria.

Mr Baillieu — On a point of order, Acting Speaker, is that why the Minister for Agriculture is retiring?

The ACTING SPEAKER (Mr Seitz) — Order! There is no point of order.

Mr MAXFIELD — All I can say in response to that point of order is we have had about the best performing Minister for Agriculture we have seen in many, many years. He is delivering. The government has policies and has commitment. We can go to over two and a half years of great government support in this area, but to see what we are doing in rural Victoria you can merely go to this week. On the front page of today's *Weekly Times* is the headline 'Money flows'. Does it flow in areas of natural resource management? Does it flow in the area of timber? Does it flow in the area of public lands and water management?

Let's go back to the list the *Weekly Times* has made up of the budget — not our list, the *Weekly Times* list. I will quote a few items: on environment and pests — we have some pests opposite, but the electors are getting rid of those — there is $3 million over three years for foxes; on the Gippsland Lakes rescue package, $12.8 million over four years; on the healthy river strategy for the Mitchell and Ovens rivers, $10.45 million; on the Murray River flow strategy, $15 million; on the Our Forests, Our Future program to assist timber communities, $80 million; on Landcare, $6 million over four years; on the expansion of box-ironbark parks and reserves, $20 million; and on the establishment of the energy and greenhouse technology centre in the Latrobe Valley, $12 million.

What an environmentally fine project that centre is going to be. As one of the members representing the Latrobe Valley, along with the Minister for Agriculture, I look forward to this new centre of energy and greenhouse technology. It is going to be a wonderful centre that will drive the environmental credentials of this government — good greenhouse results, good jobs for the Latrobe Valley, jobs for regional Victoria — and it is sustainable. We will have sustainable policies into the future.

In seven years we did not have a sustainable government. We had a government that was squandering resources. For seven years it allowed the timber industry to log more timber than we had available. The Bracks government did not ignore that issue. It tackled it head on. It said, 'We are overlogging. We are going to put together an $80 million package to restructure the industry to guarantee sustainable logging into the future'. The Kennett government wanted to continue logging at the current levels, and the National Party was part of that, so that eventually the whole timber industry would have collapsed. All the mills would have closed down because we would have overlogged, and it would have decimated rural communities. The Bracks government is not going to allow the Kennett policy to continue. It is intervening. It is stepping in to protect rural communities and rural jobs — to ensure we have a sustainable timber industry for the future.

Pages 4 and 5 of the *Weekly Times* carry the headline 'Student travel subsidy plan'. This wonderful budget for rural Victoria provides assistance for public transport school bussing. What did the National Party say in the lead-up to this budget? It ran around rural Victoria saying that the government had abandoned rural Victoria and was going to direct its funds to metropolitan Melbourne during the budget. Of course the government has looked after metropolitan Melbourne, but it has delivered to the country in spades. We have a Bracks government that is totally and utterly committed to rural Victoria — to the regions, the regional cities and the rural towns. As a country member of Parliament I have seen that great growth in jobs. I have seen the improved confidence within our communities.

Our farmers are doing better than they did under the Kennett years. In my area, for example, cattle underpasses are making things easier for farmers. Our farmers are becoming a lot more environmentally aware. In my area farmers are very conscious of the nutrients coming off their farms and are taking many steps to address the issue. With the budget rescue package for the Gippsland Lakes and river management work we are going to see a lot of work done on the nutrient run-off from farms in partnership with farmers and rural communities. This government will deliver fantastic economic outcomes as well as environmentally sustainable projects. We will have cleaner rivers, a cleaner Gippsland Lakes system and more viable farms into the future. These are the policies of the Bracks Labor government. It has strong and very

important policies that will support the rural community into the future.

On the other side of the house there is a deathly silence — a silence of policy, a silence of truth and a silence of support for rural Victoria. Under Kennett those on the other side accepted that rural Victoria was the toenails of this state, and their policies to date have shown that they are committed to ensuring rural Victoria remains the toenail of the state. But if they keep up their current policies they will never get the chance to reintroduce the toenails policy in this state. They will never get those opportunities, because rural Victoria will recognise that the Bracks government is delivering to it in spades. It is delivering in a way that certainly only a few dared hope for. We have a government that is focused on rural Victoria. We have country Labor MPs and ministers with strong rural backgrounds, and all are ensuring that we can move forward into the future in a wonderful way.

Certainly there are challenges for the future, and it is great knowing we have a fantastic team on this side of the house to support that. It is going to be tough as we negotiate the timber industry restructure. It is going to be painful at times; it is going to be difficult; but what we have at the heart of that package is a commitment to rural Victoria and a commitment to jobs in the area. Certainly as a local MP I will be working very closely over the next few months with those in my community in regard to the timber industry. I will be standing shoulder to shoulder with those who rely on the timber industry for their future to ensure that we have a long-term and sustainable timber industry.

The government will not fail those who live in rural Victoria. We will support them. We will not sit by and allow jobs to be ripped out of rural Victoria as they have been in the past. If there are some job losses in some areas, we will put in place the rescue packages that are needed, because we have the policies and we have the structure in place to support rural Victoria.

It is just wonderful to be a member of this fantastic government as we support rural communities. When I travel in country areas I see cattle underpasses and I see farmers who know they have an MP who is committed to their future. I go the local United Dairyfarmers of Victoria meetings to hear the concerns of farmers and discuss issues they may have and ensure that they flow through to the government. The Minister for Agriculture is following the consultation process. But it is not just consultation, it is consultation followed by a responsible government taking action in an environmentally friendly way.

The headline in the *Weekly Times* of 8 May is 'Money flows'. Support and money is flowing to rural Victoria, accompanied by a strong policy platform. Another National Party MP leaves the chamber because he is not interested in this debate at all.

Mr Maughan interjected.

Mr MAXFIELD — They threw this debate in, knowing full well that they were pretty gullible and shallow. What we have on this side of the house is a strong commitment to our regional areas, to our natural resources, to our water and land management, to our timber industry. It is a wonderful industry — —

Mr Maughan — Mr Acting Speaker, I draw your attention to the state of the house.

The ACTING SPEAKER (Mr Seitz) — Order! It is up to the Chair to decide whether a point of order is a frivolous one called just to disrupt the debate. I will accept the reference to the state of the house this time and ask the Clerk to ring the bells.

Quorum formed.

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

Mrs FYFFE (Evelyn) — This house should condemn the government for its lack of public policy in the area of natural resource management, particularly as it relates to timber, fishing, public land, water management and land use.

I have nightmares that for the next six or eight months I will be following the honourable member for Narracan's inarticulate — I was going to say 'drivel' but that is probably rude — renderings. He talks the biggest amount of garbage I have ever heard in my life. If he really understood what damage this government is going to do to the timber industry he would already be preparing for his next career because his term in Parliament will finish at the next election. He has no understanding and no comprehension; he just delivers rhetoric. He should get out and meet the people a little bit more.

This government's lack of public policy is to be deplored. It lacks a public policy on weeds and pest animals — foxes and rabbits. The integrated pest management framework was due out in October 2001, seven months ago. Where is it? Where is this government's public policy on Crown land? Where is the public policy on private land? A discussion paper on wild dogs was produced. Isn't that wonderful — a discussion paper? That is really going to help the issues.

Where is the action? This government has no comprehension of the damage that is being done to rural Victoria by dogs that are breeding so rapidly. There is no understanding of what is happening to farm stock or native animals. Nothing is being done. There are no clear statements, no direction.

We can look at ovine Johne's disease (OJD) and at the lack of staff and the lack of will to enforce OJD management, and we can look at the fencing issues involved. Still there is no clear and enforceable definition for erecting an effective barrier around a property. Where is the policy? Where are the strong guidelines? Good fencing is needed, but where is the definition? It is not clear; it is not precise. How are the officers supposed to do their work properly when for farmers there is no concise definition of an effective barrier?

The bureaucrats run the departments. Given the lack of will in handling OJD, farmers will end up having to go to court, which will mean more stress and more expense — and they have already been through a long period of stress over this disease. I accept that it is a difficult disease to diagnose and manage, but why add more stress to farmers by giving no clear guidelines on effective barriers?

One policy that seems to have been made is that if OJD is discovered in a line of sheep going through the abattoir, up to eight producers could be considered suspect. Why not the 'up to five', as recommended by departmental staff? The abattoir at Yea is caught up in this. What is the honourable member for Seymour doing about it? His response to this is probably as effective as his response to the bushfires that ripped through 6000 acres near Puckapunyal and destroyed two houses, several sheds, 1000 sheep and kilometres of fencing. This government was slow to act: it did too little, too late. The honourable member for Seymour was ineffective for weeks, and then all he did was say that he hoped he could get assistance from the state government.

What was the assistance? It was a miserable $40 000 when kilometres of fencing had been destroyed. An amount of $40 000 would only cover 16 kilometres of fencing; so only 16 kilometres of assistance was given to these people whose livelihoods had been destroyed. It was far too little, far too late, because it took weeks for a response.

An article in the *Wallan Times and Wallan Chronicle* reports:

> Cr Don Paterson — a vocal advocate of substantial government assistance for fire victims — pulled no punches in condemning the $40 000 as being totally insufficient.

He said:

> Ten times that amount would be a realistic starting point …

The same article reports Mr Hardman as saying that:

> … he would be happy to take up any further concerns, with lines of communication still very … open.
>
> He also suggested that perhaps the federal government could make an allocation, and the council could also look at providing further assistance.

I would really like the honourable member for Seymour in his contribution to tell us what he did, how much more work he did and what other assistance he got.

The article continues:

> Cr Paterson was critical of the time delay in reaching a decision; he said council was not expecting a full-cost allocation, but $40 000 would not go very far at all.
>
> The shire council had already spent around $40 000 on fire assistance, he pointed out.
>
> 'Whoever dreamed this ($40 000) up has no idea at all …

That encapsulates what this government is doing. It has no idea of how to handle and make policies for rural and regional Victoria. The article states further:

> The VFF's general manager on policy, Clay Manners, said it was pleasing — —

An Honourable Member — Give us some ideas!

Mrs FYFFE — The government member interjects asking for ideas. There are plenty of ideas in the Liberal Party. It is quite interesting that in the budget brought down yesterday — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Evelyn, without assistance.

Mrs FYFFE — The budget brought down yesterday takes up Liberal Party ideas, including the Wimmera–Mallee pipeline and other things.

Honourable members interjecting.

Mrs FYFFE — This government will pick up and run with every Liberal Party policy that has been released, because it knows the Liberal Party continuously produces good policy — unlike Labor, which responds to newspaper articles and does what is

populist but is not good for the long-term future of Victoria.

Staying with the Seymour fires and the lack of policy and direct help, I again refer to the article, which states that Clay Manners of the Victorian Farmers Federation said:

> … it was pleasing the government had at least acknowledged some assistance is warranted —

but he said it was not sufficient. That is basically what it is all about: this government did not provide sufficient help.

What is the government doing about weeds and pest animals in the Kinglake National Park? Where is the public policy on how to handle it? Where is the commitment to country people?

In her contribution the minister talked about how this government has delivered a sustainable timber industry. But the timber industry is still reeling in shock from this government's decision to take 500 000 hectares away from it. The government has taken away 40 per cent and left 32 per cent of unsustainable forests. Its mishandling of timber industry issues saw woodchipping increase by 60 per cent last year, but sawlog production was down by 25 per cent. Now that is good policy!

This government shafted the timber industry, stabbed the environmentalists and cost the taxpayers $80 million. The lack of clear, open and accountable public policy from this minister and this government on natural resource management is resulting in a slowdown in investments and in the development of rural industries, and needless worry for country people.

What a debacle the policy on flying foxes is. Thousands of dollars have been allocated to transport 200 foxes to Banyule to create another colony. That will really help the fruit growers and other people of Seymour, Yarra Ranges and Yan Yean. It will increase the number of flying foxes, not get rid of or decrease them.

There is no policy and no support for the helmeted honeyeater, Victoria's faunal emblem, in the Bunyip State Forest. How can this government walk away from one of the state's emblems? How can it leave the helmeted honeyeater in danger of extinction?

The $80 million for the timber industry has been included in environmental programs, yet there is supposed to be an increase in overall funding. This government has no understanding of rural and regional issues. It does not listen; all it wants is more public servants, more consultants and more spin doctors. So much time is spent on talking, but much less is spent on service delivery on the ground and on getting out there and doing it.

People in the country who had high expectations are now finding out that they need not more consultants or public servants but action on the ground. Country people are very practical and hardworking, and they expect taxpayer-funded bureaucrats to be the same. They expect this government, which is also paid by the taxpayer, to get out there and do the job, not just talk about it and produce glossy brochures.

Ms DUNCAN (Gisborne) — It gives me some amusement to address this matter of public importance brought on by the National Party. I must say that I agree with the comments made by previous government speakers that this is really quite laughable. I am surprised the National Party has brought on such a topic, because its record is appalling.

I will address some of the issues raised by the honourable member for Evelyn. First of all, I would love to hear the Liberal and National parties' definition of public policy. There are pages and pages of government public policy; I can only assume that they either cannot read or will not let the facts stand in the way of a good story.

We heard that from the honourable member for Evelyn on several occasions. I did not think she would repeat the comment she made some weeks ago about woodchipping volumes across the state. It is the second time I have heard the honourable member for Evelyn refer to the figure of 60 per cent. Just once I would love opposition members to say where they get their figures. 'Let's not let the facts stand in the way of a good story. "A 60 per cent increase in woodchip volumes" rolls off the tongue and sounds quite good. Let's not forget that it is not true, but it sounds good and sounds damaging, and I will continue to run that line', says the honourable member for Evelyn, whose contribution on wild dogs I listened to intently some months ago.

I suggest that the honourable member for Evelyn read Darwin's theory on natural selection. If she does she may find that some of the things she suggested are happening in Evelyn are scientifically impossible! I would really love to see the source of some of the data she refers to and statements she makes.

It has been a bit extraordinary to sit here listening to some of the debate from members opposite because they seem to be all over the place. One minute they are criticising the government for not consulting, but their

view seems to be that they agree with consultation as long as you do not have to speak to anybody to do it. It is a bit like supporting the timber industry. The government has had to announce some of the biggest cuts in the sustainable yield of our native forests because of previous mismanagement, and it has been accused of trying to close down the timber industry and of not understanding the timber industry. Similarly the government has been accused of not understanding the fishing industry. What I understand about the timber industry is that it needs trees. What I understand about the fishing industry is that it needs fish.

We heard the honourable member for Benambra talking about the rights of recreational fishermen. He seems to think that as long as recreational fishermen can drop a line in a body of water that will satisfy them, that we should not worry about whether they will ever catch a fish, and that we should be seen to be supporting recreational fishermen by allowing them to continue to fish at whatever levels they like, wherever they like and without any restrictions, because having restrictions would be impinging on a personal right, and we could never do that.

This debate is disappointing because in some areas of natural resource management the National Party has shown itself to be much more insightful than the Liberal Party. I refer particularly to the farm dams debate and the National Party's view of that. The way I saw that was that the National Party was interested in outcomes and wanted an outcome that it knew could work, could be sustainable and was as equitable as possible when we have a very limited natural resource.

The honourable member for Monbulk talked about the government having no idea about managing natural resources, and he spoke at some length about ground water. I would like to draw the attention of the house to a letter written to the then Minister for Conservation and Land Management, Marie Tehan, in 1998. That letter was signed by environmentalists and the timber industry — quite an unusual alliance — and sought to draw the minister's attention to a range of environmental issues, one of which was ground water and mineral springs.

In 1996 a hydrologist working for the Department of Natural Resources and Environment produced a mineral and spring water resource protection discussion paper, often referred as the Shugg report. That report showed that further work needed to be done in the field to define and explore the effects of urbanisation, land clearing and other human impacts on the mineral springs and recharge areas, and the findings needed to be incorporated into forest management where appropriate. What happened to that report and to that hydrologist? He was sacked by Kennett because the former government did not want to hear what he had to say.

Now we have Liberals for Forests going up to Daylesford and Hepburn Springs and squealing about some contamination of a couple of springs and suggesting it is created by all manner of things. We have no idea whether elements of that were shown in the Shugg report because we never saw the outcome of it; the Kennett government put an end to it. I would call the honourable member for Monbulk two faced, except that if he were two faced he would not be wearing the one he has on, and therefore I can only assume that he has only one face.

It was extraordinary to hear the honourable member for Monbulk repeat that the purpose of the government's forest policy is to lock up the forests. Members opposite do not seem to understand that in order to cut a tree down you must have a tree. If the resource is not there, it is not there. It is fairly simple, but we must remember that these people either cannot read or cannot listen. I am sure their ears are painted on because they ask a question, you give them an answer and they ask the same question again. If they could hear I am sure they would understand it, so I am assuming that their ears have been painted on.

I find the suggestion that the government does not understand resource management audacious. I am stunned and surprised that members opposite should raise this issue and that anyone from the Liberal Party should get up and speak on it. I thought that at least the National Party members would run this on their own and not get any support from the Liberal Party, because that would be the pot calling the kettle black and even opposition members would not have the audacity to do that. But we have seen today that they do; these Liberals are fairly thick skinned.

It is a case of the Liberal members saying, 'Do not do as I did but do as I say'. The honourable member for Doncaster is a classic example. He is the shadow who does not leave a shadow. He is never to be seen except when he walks around the state and sits and listens with great earnest. When you ask people what he said or suggested or proposed they reply that he never said a word or proposed a thing. What would be the response of the Liberal Party if it were in government and had these state forest resource inventory figures and this problem with resource management? This is the view that I get people from people in my electorate.

When I watch the honourable member for Doncaster walking around like he is some great guru, they are all laughing behind his back because they know absolutely his track record and that of his government. The honourable member for Doncaster is saying nothing because he has nothing to say. He knows that there is no alternative but to reduce the yield, because if the wood is not there, the wood is not there. We see that from the honourable member for Doncaster.

The honourable member for Doncaster and other members of the Liberal Party have talked about a lot of environmental issues that are still out there. They are issues into which the government is trying to make some inroads, but it cannot do everything at once. The government acknowledges that these problems exist, and it is moving incrementally to improve them, but honourable members opposite ask what the government is doing about bats somewhere and do their best to ignore what the government has done.

It has been quite amusing to listen to some of the most obscure points members opposite have tried to make, because it is only around the periphery that they can criticise this government. They know that the government's policies are there, that it is committed to the environment and that it is prepared to put its money where its mouth is. The honourable member for Polwarth talked about people on the ground. We had numbers of Department of Natural Resources and Environment staff in the Wombat State Forest five or six years ago, and those numbers were cut dramatically under the previous government. It is hypocritical and quite amazing that members opposite should raise these issues. This government has a very proud record on the environment.

Mr MAUGHAN (Rodney) — I am pleased to participate in this debate and support my colleague the honourable member for Swan Hill, who has proposed what I believe to be a very important matter of public importance condemning this government for its lack of public policy in the area of natural resource management.

I will refer briefly to the speech made by the honourable member for Swan Hill because in the limited time he had available to him he spelt out a range of areas in which this government is lacking a clearly defined and articulated policy. I do not intend to repeat all of those items, but I will deal with some of them.

I enjoyed the contribution of the honourable member for Gisborne. I think she made some very good points. I take on board her congratulations to the National Party for its interest in outcomes in natural resource management. National Party members are interested in looking after the people we represent in country Victoria and trying to get reasonable and sustainable outcomes — and we do. We have worked hard to develop policies that will provide long-term sustainable outcomes, and that is why we are critical of this government. We fail to see that strategic plan. We fail to see the vision. We fail to see the government articulating its policies and its long-term vision for where it is going on a lot of these natural resource issues. It seems to be far more an ad hoc approach of responding to issues as they come up rather than having a strategic framework and dealing with them within that framework.

A couple of things we are dealing with at the moment include the marine parks legislation and the notion that you lock up great areas by way of marine parks almost irrespective of the evidence, believing it will somehow protect the marine environment without asking about all the effluent and nutrients going into that environment. Why do we not put more effort into that, which we can do something about and which will change the marine environment for the better, without kidding ourselves that, for example, simply by excluding recreational fishers from the marine parks we are somehow going to make that environment even better?

Likewise, with the forests — in particular the box-ironbark forests, but other forests too — and the notion that by simply locking up a forest or piece of land, without providing the management plan or resources to do so, we are somehow preserving the environment. Let's get on and effectively manage the public land we have right now and then look at putting in more national parks, if that is what the government of the day wants to do. But the government seems to have the notion that by simply putting a big fence around it we are doing a marvellous job for the environment. That is not the case because our state lands are overrun with weeds and pests and we are not doing anything about managing those.

The honourable member for Gisborne was constantly interjecting, 'What would you do?'. This matter — —

Mr Nardella — What would you do?

Mr MAUGHAN — I'll tell you about that. I just suggest that in response to the interjection by the honourable member for Melton — —

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

Mr MAUGHAN — I will ignore it, but I will take this opportunity to invite the honourable member for Melton to read the excellent contribution of my colleague in the other house, the Honourable Peter Hall, who spelt out what we would do and what our policies are. I also invite other members of the government to read the Honourable Peter Hall's contribution and they will very soon know where we stand and what we are doing.

This matter before the chair today is not about the National Party and what it would do, it is about the government and its policy — or lack of policies. I have listened to the contributions of many government members and have not heard them responding to the points made by the honourable member for Swan Hill about the lack of clearly articulated policies or any overall vision of natural resource management. I put on the record that when the honourable member for Ripon was complaining about there not being a lot of National Party members in the house, there were only two government members here to hear that very important debate. Likewise, when the honourable member for Narracan was rabbiting on and drawing attention to the fact that there were not a lot of National Party members present, there were again only two government members other than the minister at the table.

We have been concerned about natural resource management and have been treating it seriously for quite a number of years. Everybody accepts that we cannot just go on using our natural resources without having some long-term strategic plan about sustainable use of those resources. Our worldwide history has been that from time immemorial we have tended to use our natural resources up without acknowledging that they are finite. We now have to learn to live with the natural resources we have. This is all about a plan for their sustainable use.

I will refer to one that is of great interest to me, our water resources. The Rodney electorate which I represent and those electorates of my colleagues the honourable members for Shepparton, Murray Valley and Swan Hill are heavily dependent on continued supplies of irrigation water, so the use of water is very important to that part of northern Victoria. It is fair to say that under the coalition government very significant changes were made in public policy with regard to utilisation of such a very scarce resource as irrigation water. As I say, this is very important to the electorates of Rodney, Shepparton, Swan Hill and Murray Valley.

We need to acknowledge there is a Murray–Darling Basin cap and to apply that cap to our entitlements. That was done under the previous government. The honourable member for Swan Hill played a significant role in that process with the document he was basically responsible for, *Sharing the Murray*, and my upper house colleague the Honourable Bill Baxter played a significant role in the farm dams legislation. In these two issues dealing with water the National Party played an important role and the government when in opposition did not have any strategic plans — and still does not — about where it is going with a lot of those water issues.

There are other issues concerned with public land. About 35 per cent of the state is public land and almost half of that is in state or national parks. What is the government's policy on public land use? We believe public land is owned by the public and should be available for use by the public for both recreational and commercial use. Where does the government stand on this? What is its policy? Likewise with grazing on public land, we believe there is a use for cattle on public land to keep down the undergrowth, to protect our forests and to have multiple use. Where is the government's overall policy on grazing on public land?

With the timber industry, the Liberal Party was accused of flip-flopping on a number of issues. The government has been doing exactly that with the timber industry. Here is a sustainable industry that creates jobs in country Victoria. There are huge resources out there. There will be debate about what is sustainable and what is not, but we need to provide security for all those who have invested in the timber industry so we can sustain those jobs in country Victoria. I just wish the government would articulate very clearly its policy on the timber industry.

With regard to pest animals and weed control, where does the government stand? We heard yesterday about the difference in view on, for example, fox control. There is a whole range of issues we can talk about, but I conclude by saying that this matter of public importance submitted by the honourable member for Swan Hill drew attention to the government's lack of public policy in the area of natural resource management.

This side of the house has given numerous examples of the lack of public policy. Government members opposite have failed to respond to that, and have failed to clearly articulate government policy on any of these matters. The government stands condemned for its lack of clear public policy, which as I said earlier is a long-term strategic plan on managing our natural resources.

Mr NARDELLA (Melton) — What an absolutely lazy opposition we have here today! After the magnificent state budget of yesterday this opposition comes here with a spurious argument that the Bracks government is not managing our natural resources, that it is not doing the right thing by the community and that it is not spending enough money on the things the previous government cut back on — the things it saw as one of the lowest priorities ever. That is why the previous government made the Honourable Marie Tehan the Minister for Conservation and Land Management in its second term — it gave those things such a low priority that it put the worst minister in its government into that position.

The opposition comes here today and says that the government has no strategic approach to natural resources and land management in Victoria, yet it has absolutely no policies. I was in the house when the honourable members for Monbulk and Doncaster made their speeches, and they did not put one single, solitary policy on the table. As the honourable member for Gisborne said, whenever the honourable member for Doncaster goes anywhere within Victoria he must clock up the miles, but it is a pity there is no-one behind the wheel! He clocks up the miles, goes in and sits down — I can talk about this because I have a bit of lard around my midriff — eats the cakes and has the teas and the coffees, but when it comes time for him to put his party's position on the table he has no idea. Even if he did have an idea in his vacuous head — his vacuous mind — he would not be able to get it through his own party, because he has no credibility and is not listened to.

The only thing the honourable member for Doncaster is good at is being like the Little Toaster. I do not know if honourable members know of the Little Toaster, but if they have kids or grandkids they will know what I am talking about. Like the Little Toaster, come question time the honourable member for Doncaster has one strategic approach to conservation and the environment — getting up from his seat on the other side and putting up points of order. He is a brave Little Toaster that goes up and down putting points of order against us. So far as the Liberal Party's policies, ideas or any concept of vision for the environment are concerned, it is zippo, zilch, nil.

Even worse, the white knights, the National Party, that wanted to change its name to the National Country Party but got knocked off in its national conference, what ideas does it have? Again, it is zippo. The honourable members for Rodney and Swan Hill are here today and that shows how important the National Party believes these natural resources issues are. It put the second-rater on — the deputy leader — to lead the debate for it. It is not important enough for the Leader of the National Party to lead the debate because the hearts of National Party members are not in it. The National Party has no ideas or policies either, yet it comes into the house with this ridiculous matter of public importance.

What was the position of the honourable members for Monbulk and Benambra regarding a strategic approach to farm dams? Let me inform the house that their strategic approach was that once the water and catchment systems were under massive stress, and once the management had collapsed, then they would do something about it. That was the policy of the Liberal Party, if you could call it a policy. It is more of a mishmash of things that it put together to oppose us because it has never had any original ideas.

Liberal members come in here and say to us that we have no strategic approach. They have no policy, no ideas and no vision; nor do they have any leadership, and that is half their problem. They have no leadership whatsoever on this issue or other issues.

Mr Maughan — On a point of order, Mr Acting Speaker, the honourable member for Melton is dealing with issues relating to the leadership of the Liberal Party. I fail to see how that has any relationship whatever to the matter before the Chair, which is to do with natural resource management. I suggest that you bring him back to the matter before the house.

The ACTING SPEAKER (Mr Kilgour) — Order! Will the honourable member for Melton please note that I uphold the point of order.

Mr NARDELLA — The matter of public importance says:

> That this house condemns the government for its lack of public policy in the area of natural resource management …

Obviously that is nonsense. There have been more public policies and strategic approaches put in place in the last two and a half years than under the former Kennett government in seven years. It is not just the policy, it is the action. It is about implementing the principle. The honourable member for Monbulk talked about no principles being involved. There are principles: looking after our natural resources while we look after our environment and doing it in a sustainable way. They are the three guiding principles this government has put in place.

Let's look at the government's strategic approach to a sustainable timber industry. The former government

stuffed it up; it had no idea. It did not even know what the sustainable yield was anywhere in Victoria — it did not have a clue. It had Marie Tehan, the former Minister for Conservation and Land Management, running its environmental timber policy. That is how much it had no idea, yet the government has had to fix up the problems the former government had seven years to deal with.

There is an $80 million transitional program in place. The Gippsland Lakes strategy action plan includes $12 million to fix up this valuable resource. That is point 2.

Let's go to point 3. I do not mind giving credit where credit is due, and the Liberal Party and the National Party have been talking about the Wimmera–Mallee pipeline for a while. However, they had seven long, desolate years to put in place their policy and never did. It was up to this government to put a policy in place. Not only is ours a strategic approach, but there is $77 million behind that important environmental construction project. For every 10 litres that goes into the Wimmera–Mallee pipeline only 1 litre of useable water comes out the other end, because the rest of it seeps out or evaporates.

Where were the National Party and the Liberal Party with their salinity strategy? Nowhere to be seen! That is point 4. Point 5 is the alpine 2020 plan. Where was their alpine strategy? Where is their policy on alpine national parks? There is none.

Point 6 is about river plans. We have the Gippsland River plan and the Snowy River plan, with a 28 per cent flow to be restored to the Snowy after extensive talks between state and federal governments. We also have the Wimmera River plan, the Glenelg River management plan, and $15 million for Murray River flows.

Let's keep on going and name a few more of the strategies and plans the government has put in place in the natural resource management area. The government has invested $20 million in the box-ironbark forest strategy. According to the opposition that is chickenfeed, or not enough, but it is $20 million that it did not even think about putting into box-ironbark forests.

Let me give the house another one. The second-generation Landcare grants are helping Landcare groups in Toolern Vale and Rowsley. But there is more! Last year the government allocated $2 million to the serrated tussock task force as part of its weeds strategy. The government has also dedicated $1.5 million to the management of foxes. That is $1.5 million more than the National Party and the Liberal Party ever thought of — and we could keep on going.

The government has dealt with these matters seriously. We are concerned about the environment, which is why we are putting these programs in place. It is fallacious and facetious for the opposition parties to say we have done nothing. I have just gone through a number of strategies that the government has put in place. The opposition parties are wrong!

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Warrnambool has 8 minutes.

Mr VOGELS (Warrnambool) — I join in condemning the Bracks government for its lack of public policy in the area of natural resource management, particularly as it relates to timber, fishing, public land, water management and land use.

What an indictment yesterday's budget proved to be in this area. According to the economics editor of the *Age*, Tim Colebatch, expenditure by the Department of Natural Resources and Environment went from $1.2105 billion down to $1.0601 billion, or a massive 14.19 per cent decrease — and that is in real terms.

If you further dissect the figures you will find that a lot more money is now spent on people in cardigans sitting around in offices than on field staff working in the environment and with the people out there. Services have been reduced. The Department of Natural Resources and Environment has lost touch with the farming community in rural Victoria. Instead there are faceless people hidden away in call centres. If you can get through to someone at one of these call centres you find that they do not know what you are talking about, and if you say you are from Scotts Creek or Timboon you might as well say you are from Mars.

I will quote from an article in the *Weekly Times* of 3 October 2001 which is written by Xavier Duff and explains the situation well. The headline on the article is 'Familiar face disappears':

> It used to be quite simple. You had a query about footrot, the best variety of subclover or how to treat coddling moth.
>
> And everyone knew where to go.
>
> Officially it was known as the Department of Agriculture, but everyone called it the 'ag department' and it had a local face.
>
> Nearly every town had an office of some sort and most farmers had some contact with it.

> You phoned them and a friendly extension officer would answer your query. Sometimes they jumped in a car and came out to your place to have a look and a bit of a chat.
>
> Once there was even a monthly publication, *The Journal Of Agriculture*, full of the collective wisdom of the department's many officers in helpful articles on everything from treating mastitis to the latest in cattle yard design.
>
> The 'ag department' was visible and it was everywhere.
>
> Then the amalgamations started. First it was the blokes from soil conservation, who would help you site a dam, and then the land department, who looked after the weeds.
>
> Not too much of a problem there, being under the one roof. After all, it was all to do with farming.
>
> But then some increasingly unlikely additions to the family followed. The foresters moved in, followed by rangers and fisheries inspectors and then water managers. Anything to do with land and sea, it seems, was united in a mixed marriage of huge proportions.
>
> Then it was anything under the land and sea, with energy, minerals and petroleum moving in to the crowded family home.
>
> The name and logos changed to reflect the clan's changing face. One day agriculture disappeared from the title altogether. With so many changes, something had to be done to save on stationery costs.
>
> But the title 'Agriculture Victoria' and its logo lived on, even if it was only on an organisational chart or the odd sign outside a local office.
>
> But now even the logo is going, the aggies and the vets surrendering their identity for the greater good.
>
> Apparently, agriculture and farming are just another natural resource to be managed by a faceless bureaucracy.
>
> Extension officers and scientists are merely 'service providers' and farmers just another departmental 'client' along with the home gardener and the tourists.
>
> They are still a dedicated bunch, the aggies and vets who work for the government. Some of the old ag department faces are still there.
>
> But rationalisation has reduced their reach. There are fewer of them, and face-to-face contact is increasingly rare as tight budgets and new priorities keep them tied to their desks.
>
> Even the friendly voice at the end of the phone has been replaced by the anonymous voice of a call centre operator.
>
> At a time when you need them most and customer service is a mantra, the 'ag department' has slipped from view.

That is a good article which explains a lot about what is happening out there in rural Victoria.

I am pleased to see the government continue the tradition commenced by the Kennett government of piping the Wimmera–Mallee water supply system. This is great news. It is great for the environment. We know that approximately 80 per cent of the water is lost through seepage and evaporation. The channel system has basically decimated the Wimmera rivers, so this is good news, and I congratulate the government on the initiative. Hopefully with the huge amount of water that will be saved some will be made available to fill the lake beds and wetlands that are now dry and are causing the build-up of fairy grass and other weeds which have become a fire hazard for local communities.

Where is the funding for wheat control? This is another issue which is causing huge problems in rural Victoria but which seems to receive scant attention from this government? We grow wonderful crops in the Western District, much of which are exported. Our customers demand quality assurance, especially if premium prices are required. Research and development and resources need to be made available to fight weed infestations, especially coming from public land. A perception that there is more help out there than ever before is created by the spin doctors employed by the government. In fact, there is a leadership vacuum.

In the field of animal welfare the government has completely abrogated its responsibilities. There is no Department of Natural Resources and Environment wildlife officer at all in the south-west. Clearly the government has resolved to ignore all calls of concern from the region for assistance, and has ignored the plight of volunteers. This issue has been raised many times but has been completely ignored. Basically the Royal Society for the Prevention of Cruelty to Animals, which is a charity organisation, is running an enforcement policy. Imagine if the police force were run by a charitable organisation! Volunteer organisations are not coping, and we have headlines like the one in this week's *Warrnambool Standard* saying 'RSPCA shelter in turmoil'. People are resigning and no one will be left to carry on the job.

It appears that if you are involved in the fishing industry at present you are a pariah. We are seeing more and more restrictions and quotas, but they are not backed up by any scientific research to see if they are having an impact or what the benefits are for the future. You only have to speak to the rangers out there to understand that they are understaffed and underresourced.

This government is swimming in money. Since it came to power the average family is paying $1500 a year more in taxes and charges than it was in 1999. I therefore call on the Bracks government to spend some of its surplus money on natural resources and to not cut

the budget of the Department of Natural Resources and Environment by over 14.9 per cent this year.

Mr DELAHUNTY (Wimmera) — I am pleased to support the matter of public importance. I will quickly say that the government seems to be working on the squeaky wheel syndrome — and there are a few squeaky wheels in my area. There is a fairy grass problem. I am pleased to see the minister in here, but the reality is that the government has problems with weeds, exotic pests and pest animals — foxes and wild dogs. The government has done nothing about the dry lakes and weeds coming out of public lands. I am not opposed to national parks, reserves and marine parks, but I criticise the lack of maintenance of these protected areas. Public land is owned by the public and should be used by the public for recreation, commercial use — —

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member's time has expired, and the time for debate on the matter of public importance has also expired.

TRANSPORT (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) — I move:

> That I have leave to bring in a bill to amend the Transport Act 1983, the Essential Services Commission Act 2001 and the Melbourne City Link (Further Miscellaneous Amendments) Act 2002 and for other purposes.

Mr BAILLIEU (Hawthorn) — I ask the minister to give a brief description of the bill.

Mr BATCHELOR (Minister for Transport) (*By leave*) — This bill seeks to make a series of amendments to transport issues, including the recently announced advantage provided to largely country users on the City Link project — they will have an extended time to purchase their passes if they use City Link without having a pass or an e-tag — plus a number of other initiatives.

Motion agreed to.

Read first time.

ENVIRONMENT PROTECTION (RESOURCE EFFICIENCY) BILL

Introduction and first reading

Ms GARBUTT (Minister for Environment and Conservation) introduced a bill to amend the Environment Protection Act 1970, the Local Government Act 1989 and the Magistrates' Court Act 1989, to repeal the Litter Act 1987 and for other purposes.

Read first time.

CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL

Introduction and first reading

Mr PANDAZOPOULOS (Minister for Gaming) — I move:

> That I have leave to bring in a bill to amend the Casino (Management Agreement) Act 1993 and for other purposes.

Mr BAILLIEU (Hawthorn) — I ask the minister to give a brief description of the bill.

Mr PANDAZOPOULOS (Minister for Gaming) (*By leave*) — The house would be aware of an announcement the government made that the lyric theatre would no longer have to be built at Crown Casino, subject to a payment to the state. This bill puts that into effect.

Motion agreed to.

Read first time.

TRAVEL AGENTS (AMENDMENT) BILL

Introduction and first reading

Ms CAMPBELL (Minister for Consumer Affairs) introduced a bill to amend the Travel Agents Act 1986 to make further provision for the Travel Compensation Fund and for other purposes.

Read first time.

JURIES (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Juries Act 2000 and for other purposes.

Read first time.

CRIMINAL JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Crimes Act 1958, the Corrections Act 1986, the Police Regulation Act 1958, the Magistrates' Court Act 1989, the Confiscation Act 1997, the Sentencing Act 1991, the Bail Act 1977, the Children and Young Persons Act 1989, the Interpretation of Legislation Act 1984, the Surveillance Devices Act 1999, the Transport Act 1983 and the Appeal Costs Act 1998 and for other purposes.

Read first time.

ALBURY-WODONGA AGREEMENT (REPEAL) BILL

Introduction and first reading

Mr BRUMBY (Minister for State and Regional Development) — I move:

That I have leave to bring in a bill to repeal the Albury-Wodonga Agreement Act 1973 and the Wodonga Area Land Acquisition Act 1973, to dissolve the Albury-Wodonga (Victoria) Corporation, to provide for the transfer of assets, contractual rights and obligations, and liabilities of that corporation to the Albury-Wodonga Development Corporation and for other purposes.

Mr PLOWMAN (Benambra) — I ask the Minister for State and Regional Development for a brief explanation of the bill before the house.

Mr BRUMBY (Minister for State and Regional Development) (*By leave*) — This gives effect to the agreement that was signed some years ago by the commonwealth government, the New South Wales government and the then Victorian government to dissolve the Albury-Wodonga Development Corporation and to repeal the Albury-Wodonga Agreement Act.

There have been some logistical issues associated with that which have now been fully and satisfactorily worked through. So this legislation gives effect to Victoria's obligations. New South Wales and the commonwealth — as, I think, the honourable member is aware — have already legislated through their parliaments for the repeal of this act.

Motion agreed to.

Read first time.

STATE TAXATION ACTS (FURTHER TAX REFORM) BILL

Introduction and first reading

Mr BRUMBY (Treasurer) — I move:

That I have leave to bring in a bill to amend the Duties Act 2000, the Land Tax Act 1958 and the Pay-roll Tax Act 1971 to implement further tax reform and for other purposes.

Mr BAILLIEU (Hawthorn) — I ask the Treasurer for a brief description of this bill.

Mr BRUMBY (Treasurer) (*By leave*) — This legislation gives effect to the tax cuts which were announced in the government's business statement some weeks ago and also makes some amendments to concessional arrangements for first home buyers and pensioners, as outlined in the budget yesterday.

Motion agreed to.

Read first time.

AGRICULTURE LEGISLATION (AMENDMENTS AND REPEALS) BILL

Introduction and first reading

Mr HAMILTON (Minister for Agriculture) — I move:

That I have leave to bring in a bill to amend the Plant Health and Plant Products Act 1995 and the Sale of Land Act 1962 and to repeal the Wheat Marketing Act 1989 and the Egg Industry (Deregulation) Act 1993 and for other purposes.

Mr PLOWMAN (Benambra) — I ask the minister to give us a brief explanation of the bill before the house.

Mr HAMILTON (Minister for Agriculture) (*By leave*) — The acts are being repealed because they are no longer effective. The amendments to the Plant Health and Plant Products Act will improve this state's ability to maintain the integrity of its plant and cropping industry, and the amendment to the Sale of Land Act is very much the second-last part of the implementation of the right-to-farm recommendations.

Motion agreed to.

Read first time.

FISHERIES (FURTHER AMENDMENT) BILL

Second reading

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

Government amendments circulated by Ms GARBUTT (Minister for Environment and Conservation) pursuant to sessional orders.

Mr PLOWMAN (Benambra) — It gives me pleasure to speak on this bill, because it amends the Fisheries Act 1995 to improve the legislative framework for ensuring the sustainable use of Victoria's fishery resources in a range of different ways, and as such the Liberal Party does not oppose it.

We have some areas of concern that I will mention as I go through the bill. As I said, this bill aims to improve the sustainable use of Victoria's fishing resources. I start with clause 3, which requires anglers to carry the original recreational fishing licence, so they are not able to carry a copy of the licence. For those who are not carrying the fishing licence, there is a provision allowing fishermen or women to present the original licence within seven days either to a Department of Natural Resources and Environment office — or in the case where they have been picked up by a policeman, it might be to a police station. They are also able to present the licence by mail.

Although that is covered in the bill, it does bring up a concern. When they go fishing most fishermen — and I think the same applies to all of us — tend to wear pretty rough togs, because they know they are going to be near water, whether it is sea water or fresh water, and they know they will have to maintain either their gear or their boat. In those situations they usually do not carry their wallets with them — and in most cases people carry their fishing licences in their wallets. It would seem far more appropriate if they were able to carry a copy of that licence and for that licence to go back to the department, which can check whether it is part of the register, or whether it can be identified as a copy of the true licence of a person. That is an area that I think a lot of people who fish will be concerned about.

Although you will have the opportunity to present your licence within seven days, that is not something anyone wants to go through. If they are picked up at any stage, I am sure they would prefer to be able to present a copy of their licence. It would be well within the bounds of the department to be able to verify the licence one way or the other. Therefore I suggest this bill would be far better if the requirement to carry an original licence were changed to allow a fisherman to carry a copy of the licence.

The next issue is about allowing for limitations on the catch size in the subzones of a quota fishery. Clauses 7 and 9 declare that a quota fishery includes a subzone, and they then set the portion of the total allowable catch for the quota fishery that applies in respect of that specified subzone. I would have to say that this is a good idea. Victoria leads the way in very many areas of regulating fishing, which means that our fisheries are not overfished. This also means that if there is a subzone where additional protection is required, that can be effected.

The question I have, though, is how, when they are out in a tinnie or out in a powered vessel, fishermen know exactly where those subzones are.

Mr Maclellan interjected.

Mr PLOWMAN — In some cases, I believe, as the honourable member advises me, some of these areas are buoyed, but in very many cases they are not. It makes it difficult for fishermen, particularly in non-protected waters, to know exactly where they are and whether they are complying with the law, because in fact they might not be. A lot of fishermen have navigational devices that can identify exactly where they are. Those people will, I think, have a level of certainty, providing the maps given to the fishing industry detail those subzones.

I again question the timing of this. If a subzone is declared there needs to be some time for those maps to be provided to the peak fishing bodies and then made available to their membership and at launching ramps, or whatever, in the major marine fishing areas. This creates a problem in inland waters as well, because it could be difficult for people on inland waters to know exactly where they are.

You have a problem with knowing whether you are fishing in Victorian or New South Wales waters when you are above the bed of the Murray River. That has been dealt with in Lake Hume by identifying the waters south of the Bethanga Bridge as Victorian water and all the areas north of the bridge as New South Wales water. But in the rest of the area it is very hard to be sure about that. I would suggest some time frame needs to apply once a subzone is declared.

The next issue applies to the size and catch limits of fish landed in Victoria but caught in an area outside Victorian coastal waters where no such limits apply. That is dealt with in proposed section 68B, to be inserted by clause 10, which states:

(1) Unless otherwise permitted or authorised under this Act, a person must not have in his or her possession fish taken in waters of the Commonwealth or another State or Territory of the Commonwealth —

(a) That are less than the minimum size, or that are more than the maximum size, specified for that species of fish …

The difficulty is in knowing where you caught those fish. There was a case on Lake Hume, an inland waterway, where a fisherman from New South Wales launched his boat in New South Wales, went into Victorian waters and caught fish appropriate to the bag limit in Victorian waters. He went back to New South Wales, took his boat out and was then prosecuted for having fished beyond the bag limits of that state. The same sort of thing could happen here. In the case I have just outlined there was a hue and cry. After a lot of publicity both states reviewed the rights of fishermen on inland waters.

It concerns me that this situation might occur again, particularly where someone is fishing in New South Wales waters close to the east coast of Victoria and then comes back into Victorian waters. It is very hard to prescribe exactly where the fish are caught. As I understand it, it also applies to the waters outside the fishing areas which fall within the commonwealth territorial limits. That issue is also of concern to the opposition.

The next issue I want to highlight applies to the requirement for sellers of priority fish species to keep records. This is part of the paper chain that is required. I seem to remember we introduced that paper chain in the legislation in respect of the sale of abalone. This is dealt with in clause 14 — and it applies to abalone and lobster — which requires a person who receives a priority species of fish for the purpose of sale to keep a document. That is fine; I can see the need for an effective paper chain so that when illegal fish are picked up by the authorities they can be traced.

This requirement will apply to restaurants and also to fish and chip shops. It will put a responsibility on fish and chip shop owners that I do not think they will recognise as their responsibility. It is certainly — —

Mr Maclellan — The government's answer to the GST!

Mr PLOWMAN — It is a bit like that, as the honourable member points out. The government has a strange way of recognising these things and I suggest it is the government's responsibility to make sure all of those smaller handlers of fish products, such as fish and chip shop owners, are aware of this obligation.

The next issue introduced by the bill is strengthening the requirements for the provision of certain business information and financial records. Again, part of this paper chain is dealt with in clauses 15, 17, 18 and 24. I will deal briefly with some of those clauses. Clause 15 provides that the categories of information previously related to the harvesting of fish will be expanded to apply to the production of fish by aquaculture. Again the names and addresses of people engaged in taking and producing the fish are required, as are the details of persons to whom the fish are consigned.

I can understand the need for that provision, but as the aquaculture industry is far more easily observed than the marine fishing industry, I wonder whether that level of documentation is necessary. Assuming that an aquaculture industry could be conducted illegally, the opposition would certainly support the need for the provision of additional information.

The next issue relates to strengthening the powers of entry and inspection. The bill provides for increased powers in relation to business information and financial records, and rightly so. Clause 16 substitutes for the specified purpose a proposed new paragraph stating:

(h) inspecting any document which the … officer … reasonably believes to be relevant for the purpose of ascertaining whether or not the provisions of this Act, the regulations or a fisheries notice are being —

complied with. That is certainly justified. It allows an authorised officer or member of the police force to enter land, protected waters or any premises other than a house or other dwelling, and it falls in line with many other entrance requirements in legislation. The bill also strengthens pursuit provisions in relation to commonwealth waters managed by the state and improves evidentiary provisions.

The bill provides for continuing improvements in service delivery, and I will briefly touch on them. It facilitates them by: clarifying arrangements for variation and transfer of licences; removing certain restrictions regarding the ability to declare fisheries reserves; streamlining the process for changing levies where the change has been agreed to with the affected licence-holders; allowing the linking of levies to quota holdings for quota-managed fisheries; and other minor amendments, most of which are technical in nature and are not worth going into in detail.

The bill also deals with another interesting area — that is, the improvement in the recognition of indigenous fishing. It does that in two ways: by allowing fishing permits to be issued for indigenous cultural activities provided for by clause 5, and by clarifying that the collective expertise of Fisheries Co-Management

Council members is to include expertise on indigenous fishing issues.

Clause 5 provides for the insertion after section 49(2)(g) of the Fisheries Act 1995 of the following proposed paragraph:

> (h) to take fish (in areas where recreational fishing is authorised under this Act) for a specified indigenous cultural ceremony or event.

The taking of fish could apply to the taking of abalone. Knowing the value of abalone, at the departmental briefing the opposition asked for examples of those cultural ceremonies so it was clear what the bill allowed the taking of fish for. To date we have not been given examples or details of those cultural ceremonies, except for the one at Port Fairy, and whether it coincides with the Port Fairy festival or is a separate cultural activity is still a little unclear. We certainly do not oppose this provision but would like clarification of exactly what it means.

By way of summary, the Liberal Party does not oppose this legislation but supports the government in its attempts to improve and ensure the sustainable use of Victoria's fishing resources. Everyone on both sides of the house would certainly applaud that motive. We can be proud of the fact that we have a well-regulated fishing industry and that in almost all cases our fishing areas are not exploited. Anything that can ensure that that continues and improves is supported by this side of the house.

Mr KILGOUR (Shepparton) — I rise to speak on the Fisheries (Further Amendment) Bill, which supports a very important industry in Victoria. At the outset I say that the National Party does not oppose this legislation. What we are really seeing is an improvement of the management of the fisheries, and we would like to look at a number of issues concerning that.

The fisheries industry is very important to Victoria. Everybody in this house wants to make sure that regulations are in place which will enable the industry to be sustainable and will ensure that the bay and other areas that fish are taken from are not denuded of fish and what the fish live on, et cetera.

When one looks at the commercial fish production in Victoria one can see the activity that takes place in the zones along our coast. The fisheries along Victoria's coast and in the bay are zoned so that the separate fisheries can be seen and treated separately.

For instance, a tremendous amount of work has been done on the rock lobster and giant crab fisheries in the western zone. In 2000–01, 487 tonnes of rock lobster and 19 tonnes of giant crab were taken from the western zone alone. We can see the amount of work that has to be put in to ensure that those fisheries remain in a viable position. In 2000–01 just in the eastern zone there were 213 pot lifts, with 70 tonnes of rock lobster valued at $2.6 million. I am not talking about small fish here; I am talking about an industry that is worth a lot to Victoria. Rock lobster in the eastern zone is a very important part of our fisheries.

We also need to look at what fisheries are worth across Victoria. For instance, with abalone when one looks at the catch and effort by quota one can see that in 2001 there was a total of 3262 diving days across the Victorian zones — in the western zone there were 683 days, in the central zone there were about 1500 days and in the eastern zone there were 1050 days — with 15 000 hours put in and 14 000 tonnes of abalone caught.

That is a lot of work, and a lot of produce has come from the sea. When we look at what this is worth to the ports around Victoria we realise how important the industry is. For instance, in 2000–01 from the Nelson to Portland area we had a total of 396 tonnes, which was worth $14 million. From Port Fairy to Warrnambool there were 363 tonnes, worth $15.2 million. There is lot of product taken from these areas. From Port Campbell to Apollo Bay there were 234 tonnes, worth $9 million. From Lorne to Barwon Heads there were 51 tonnes, worth $1.2 million. And at Queenscliff they took 94 tonnes, worth $2.9 million. That gives honourable members an understanding of the sort of take that we have from our fisheries.

I was interested to look at the amount of money that came into our economy from these fisheries in 2000–01. From St Leonards to Geelong it was $1.1 million; Werribee to Sorrento, $8 million; and Flinders to San Remo, $17 million — a total of 398 tonnes in 2000–01. Even in Gippsland, from Paynesville to Lake Tyers they took $9 million worth of catch and from Tamboon to Eden they took $23 million.

We have a tremendous industry right along the coast and across the bay. We need to ensure that we have a sustainable industry so we can continue to see money being expended by the fishermen on the equipment they own and in the towns along the coast and the bay. That economic activity is good for the future of Victoria.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

Budget: payroll and land tax

Dr NAPTHINE (Leader of the Opposition) — I refer the Premier to government claims that it has cut payroll and land tax. Is it not a fact that the state budget shows that Victorians will pay 17.7 per cent more in land tax and 3.9 per cent more in payroll tax next year?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. After the tax cuts, which will now amount to $1 billion over four years of this government — —

Dr Napthine interjected.

The SPEAKER — Order! The Leader of the Opposition has asked his question.

Mr BRACKS — Victoria will have the second-lowest payroll tax in the country. Illustrative of this is the fact that today I had representatives of a major company in my office discussing another potential development for Victoria. The first thing these people, representing one of our big manufacturers, said was, 'Thank you for the budget and for the $400 000 less we will pay in payroll tax after this budget'. That is indicative of business after business. The government has lifted the threshold and reduced the rate, and Victoria now has the second-lowest payroll tax rate in the country.

Any elementary reading of the budget papers shows that we have more people in work, lower unemployment and an expanding economy. If we have more people in work then more people will be paying payroll tax. However, businesses can be assured that the rate they pay will be less, and they can use that spare cash for research and development, for new employees and for new jobs. This is a reasonable and appropriate way of dealing with business taxes, and it has been applauded by the business community. Every section of the business community has applauded it, including the Victorian Employers Chamber of Commerce and Industry and the Australian Industry Group. One by one industries have recognised that this government has reduced the cost of doing business in Victoria.

The Leader of the Opposition has now come up with six different tax plans. They add up to a total of $1.4 billion a year. They are irresponsible and can never be met. I believe we will soon see the Leader of the Opposition dumping those plans. If he does not dump them he will be sacking teachers and nurses and putting off police officers. There is no doubt about that, but then again, he does not care.

Budget: education and innovation initiatives

Mr CARLI (Coburg) — Will the Premier advise the house which key initiatives in the budget will drive new opportunities in education and innovation in Victoria?

Mr BRACKS (Premier) — I thank the honourable member for Coburg for his question. The budget was based on the framework the government developed and released at the end of last year called Growing Victoria Together. That was a 10-year outlook for Victoria aimed at making Victoria the innovative state with caring communities. That was the principle on which the government framed this 1-year contribution to that 10-year outlook. I am pleased to say that the concentration in this budget has been to maximise our effort to ensure that we are the best educated and most innovative state in Australia.

I am pleased that this budget contains a significant boost to education, with an extra $550 million going into education for both capital works and new teachers. The money is going in not only to provide new teachers and capital works but for outcomes. It has been allocated to improve the literacy and numeracy levels of students in our primary system. We already have the highest numeracy rate of any state in Australia, and we are above the average on literacy; but we can do better, and we need to do so consistently. The government is doing this for another reason — that is, to lift the completion rate to year 12 or equivalent to 90 per cent by 2010. It is all about outcomes and the development of the process for achieving those outcomes.

In relation to innovation, the government has committed $100 million towards the synchrotron, the first of its size in the Asia–Pacific region. That will enable important scientific research to be done onshore in Victoria. We will have the only synchrotron in Australia. That is coupled with a doubling of medical research — the biotech research and development initiatives — which will position us among the five top countries for biotech over the next 10 years. The government has made an outstanding contribution to that goal of Victoria being the innovative state, having high skills and high-wage jobs. We will ensure we drive that through the contributions we make in the budget.

Finally, I want to congratulate the Treasurer. I have quipped in a couple of forums that we have had three budgets to date; I delivered the first one and the

Treasurer the second and third. I hate to say this, but the third one is the best of all. Congratulations, Treasurer!

Budget: insurance taxes

Mr RYAN (Leader of the National Party) — I refer the Premier to the fact that the budget papers forecast an increase in taxes on insurance of 12 per cent this year, which represents a 51 per cent increase since this government came to power. How does the government justify this tax grab when Victorian communities are already struggling under the weight of ballooning public liability insurance premiums?

Mr BRACKS (Premier) — I am very happy to answer the question. I thought the Leader of the National Party might be getting up to congratulate the government on the Wimmera–Mallee pipeline, but he made a — —

Mr Ryan — On a point of order, Mr Speaker, the Premier is debating the question, but the fact is that we went hard on that issue and I am delighted that the government has seen fit to deliver it.

The SPEAKER — Order! The latter part of that point of order is out of order. I ask the Premier to answer the question.

Mr BRACKS — I will come back to the question. Insurance premiums have gone up, so the basis on which tax is charged — both state taxes and the GST — has also been applied at a higher rate. Therefore it is obvious that the tax collected by the state and federal governments will increase because premiums have gone up. That is the principal reason and the answer to the question from the Leader of the National Party.

If I could digress briefly, the Leader of the National Party claims that he wants to have the balance of power, and he said that at the National Party conference recently.

Mr Ryan — On a point of order, Mr Speaker, the Premier is very clearly debating the point. While he may well be right — and we will yet see — this is not the time to debate it, and I ask you to ask him to come back to the question.

The SPEAKER — Order! In responding to a question the Premier should confine his remarks to the answer to that question.

Mr BRACKS — I accept your ruling, Mr Speaker. This is based on the fact that the premiums have gone up overall; therefore the tax collected after the premiums is collected on an increased base.

As I said, I welcome the question from the Leader of the National Party. He wants the balance of power, so long as it is with the Liberals only; that is the balance he wants. He cannot have a balance the other way; there is no balance there. He wants to get into bed with the Liberal Party, as he said at his conference, and he is itching to get back in with them.

Budget: rural and regional infrastructure

Mr HELPER (Ripon) — Will the Minister for State and Regional Development inform the house how the new initiatives in yesterday's budget — especially funding for the Wimmera–Mallee pipeline — will deliver better services and infrastructure to rural and regional Victoria?

Mr BRUMBY (Minister for State and Regional Development) — I thank the honourable member for Ripon for his question and for his strong and enduring support for government policies in country Victoria and for the Wimmera–Mallee pipeline in particular.

Yesterday's budget continues the program of unwavering support for country Victoria which has been a regular feature of the Bracks government. We have worked hard in government to turn around country Victoria. We have seen strong jobs growth, strong building approval figures and unemployment at the lowest level in more than a decade — and yesterday's budget provides more initiatives for country Victoria to strengthen its opportunities. We have $40 million for regional public hospitals, health centres and aged care facilities, the upgrading of 40 country schools, the replacement of 12 police stations, an investment of $25 million to boost our food and fibre industries, and $5 million to upgrade rail access at the port of Geelong. It is a great package for country Victoria, and it has been universally applauded right across the state.

The cornerstone of yesterday's initiatives was our $77 million commitment to the Wimmera–Mallee pipeline. This is not just a major project for country Victoria, this is iconic. It is a major project for Victoria, and we believe it is a major project of national significance.

Most honourable members know the history of this project, which will benefit 40 communities. In the existing channel system, for every 10 litres that go into the channels just 1 litre comes out the other end. This project is long overdue. Earlier this year during a visit to Hamilton, the Deputy Prime Minister, the

Honourable John Anderson, and the federal Minister for Trade, the Honourable Mark Vaile, voiced their support for the piping of the Wimmera–Mallee system. At the time the Leader of the National Party said, 'The next step is for the state government to show some leadership on this issue and put forward its share'. We did that yesterday!

All across the state we have had people like Peter Walsh, from the Victorian Farmers Federation (VFF), Environment Victoria, the Wimmera–Mallee pipeline steering committee and other councils, which I will mention, supporting this initiative. But this morning we read the following in the *Herald Sun*:

> Pipedream a $77 m reality.
>
> Bush the big winner in funding rises.

Here we go:

> But spokesman for federal agriculture minister Warren Truss, Andrew Hall, yesterday said the project had little national significance.
>
> 'The Wimmera–Mallee project seems very worthy, but the benefits are entirely restricted to Victoria', he said.

That's wrong, and I will come to it.

> There's going to have to be a lot more work done before funding.

The federal budget will be announced next Tuesday. Peter Walsh, from the VFF, says this $300 million project would generate major economic, social and environmental benefits. He has called on the commonwealth government to match the state's commitment in next week's federal budget. Dr Paul Sinclair of Environment Victoria has said:

> 'Today the government has recognised the importance of our rivers and moved to protect them'.

Mr Perton — On a point of order, Mr Speaker, your guidelines with respect to questions indicate the need for succinctness. The Minister for State and Regional Development has now exceeded 5 minutes, and I ask that you ask him to conclude his answer.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Doncaster as I am not of that opinion.

Mr BRUMBY — Dr Paul Sinclair of Environment Victoria states:

> Today the government has recognised the importance of our rivers and moved to protect them … The allocation of $77 million … is welcome.
>
> The state government has shown commonsense … Now all that is needed is for the commonwealth government to come to the party and to match the state's commitment.

Others have supported this project. The honourable member for Prahran who was there recently strongly supported it. What we want is for the federal government to now fund this project. We want it to get behind the project and show support. I mentioned the honourable member for Prahran who was there recently. She visited the site and she said, 'Wow, this region really needs water'. Too right it does!

The SPEAKER — Order! I ask the Minister for State and Regional Development to conclude his answer.

Mr BRUMBY — The Bracks government is providing the funding. The project is of national significance. It affects the Murray River; it affects salinity; it affects the Wimmera River; it affects the Glenelg River; it affects the whole of western Victoria.

Mr Steggall — Rubbish!

Mr BRUMBY — Yes, it does, and if you read the report of the National Competition Council you see that the salinity goes into the Murray River. The honourable member is wrong and ought to know better.

Honourable members interjecting.

The SPEAKER — Order! I ask the Deputy Leader of the National Party to cease interjecting, and I ask the Minister for State and Regional Development to cease responding to interjections.

Mr BRUMBY — Here we go! One day after this historic announcement and the National Party is already backing off and slipping and sliding away. This government has provided the money. It is a national project. We want the federal government in next week's budget to put up the money. We sincerely hope it will so that this great project of national significance can get under way.

Mr McArthur — On a point of order, Mr Speaker, question time is devoted to issues of state administration. The Minister for State and Regional Development is debating federal issues and I understand he has never written to the federal government to ask it to fund this project.

The SPEAKER — Order! Clearly that is not a point of order. Nonetheless, I ask the Minister for State and Regional Development to conclude his answer.

Mr BRUMBY — I have finished.

The SPEAKER — Order! The Minister for State and Regional Development has concluded his answer.

Electricity: special payment

Dr NAPTHINE (Leader of the Opposition) — I refer the Premier to the fact that his government abolished the very successful and well-received winter power bonus and that yesterday's budget shows the special power payment for outer suburban and country Victorians will be scrapped next year, and I ask: is the Premier's decision to dump the special power payment after one year simply another indication of his gradual abandoning of country Victoria?

Mr BRACKS (Premier) — Apparently it is now the gradual abandoning of country Victoria. I thought the rhetoric was that we had abandoned it — we weren't there. The rhetoric has changed.

The special purpose payment was put on to fix the mess made by the former government, which did not handle contestability in the electricity industry properly. It was put on to assist those regions which were going to be hard hit with the full force of competition by ensuring that they paid no more than the average highest rate paid by people in metropolitan Melbourne.

We will examine this special purpose payment. Our wish and hope is that the competitive market works well and brings down prices. That is the best instrument for ensuring that customers get the lowest possible price. If it does not, the government reserves the right to intervene in the market to assist consumers around Victoria, and we will do that again if need be.

In relation to the winter power bonus referred to by the Leader of the Opposition, there was no forward estimate or allocation for the future for that. It ceased as the estimates ceased. As I said, with the competitive market we want to ensure that it works effectively and well. If it does not, we reserve the right to ensure that country and regional Victorians suffer no disadvantage, as is the hallmark of this government.

Budget: major projects

Ms ALLAN (Bendigo East) — Will the Minister for Major Projects advise the house how new initiatives announced in the budget as part of the government's $7 billion major projects strategy will benefit residents and businesses, particularly those in Melbourne suburbs and country Victoria?

Mr BATCHELOR (Minister for Major Projects) — Through our Growing Victoria Together strategy the Bracks government is delivering major projects right across Melbourne and country Victoria. The strategy is a 10-year plan designed to drive new jobs and investment in Victoria, and it follows the 7 years of neglect of the previous Kennett government.

The budget brought down by the Treasurer is a fantastic budget and is another example of how this government is delivering to the suburbs of Melbourne and the regions of country Victoria.

Projects that will be delivered through this year's budget include: the redevelopment of the showgrounds, $101 million; the Scoresby freeway, a $1 billion project — and the state government will fund $445 million, which follows a previous purchase by the state of $110 million; the second stage of the sports and aquatic centre; and the Spencer Street station redevelopment. The opposition is opposed to the Spencer Street station redevelopment, but it is a project with a value of between $200 million and $300 million. As was mentioned earlier, there is the synchrotron, which is a $100 million project to boost scientific research; there is the electrification of the Craigieburn rail line to the north of Melbourne, at $105 million in capital and operating costs; and there is the extension of the Knox tramline to Vermont South, at some $42.5 million in both capital and operating expenses.

It can be seen that the government has an enormous capital works program, with major projects all over the place. This follows the inability in the past of the National Party and the Liberal Party to fund these types of projects.

We have heard the Leader of the Opposition say that he was 'Gunna redevelop the showgrounds, gunna do the Wimmera–Mallee pipeline, gunna fund the Scoresby freeway', but the Liberal Party did not do any of it. The Leader of the Opposition should change his name to Gunna Napthine!

The SPEAKER — Order! The minister should come back to answering the question posed by the honourable member for Bendigo East.

Mr BATCHELOR — These projects are only those that have been announced in this year's budget and are in addition to major projects that the government has already announced in previous budgets.

There is the regional fast rail project of some $550 million; the rail standardisation of some $96 million; the Austin hospital redevelopment of some $325 million; the accident black spot program of some $240 million; and the Hallam bypass of $175 million. This budget also includes the announcement of

additional funding for the duplication of the Kyneton to Faraday section of the Calder Highway.

I call on the Prime Minister and the Deputy Prime Minister to ensure that commonwealth funds are made available in the forthcoming federal budget to match our contribution for the Kyneton to Faraday section. This next section of the Calder Highway duplication and upgrade could be delayed if the federal government does not match the state government's contribution. This is a road of national importance and we need the contribution from the federal government. We call on not only the federal government but the National Party and the Liberal Party in Victoria to make a demand, to stand up for country Victoria and to send — —

Mr Ryan — On a point of order, Mr Speaker, the minister is clearly debating the point. I ask you to have him return to the question, and while standing up for country Victoria to indicate where the other $4 billion is.

The SPEAKER — Order! That latter part is out of order. I uphold the point of order related to debating the question, and I ask the minister to come back to answering the question.

Mr BATCHELOR — If we cannot get the Leader of the Opposition or the shadow Minister for Major Projects to stand up for Victoria, perhaps the current honourable member for Pakenham could stand up for Victoria! The honourable member for Pakenham — —

Dr Napthine — On a point of order, Mr Speaker, the minister is defying your ruling and continuing to debate the question. I hope he stands up for funding the Pakenham bypass.

The SPEAKER — Order! The latter part of the point of order is clearly out of order. I have already asked the minister to come back to answering the question.

Mr BATCHELOR — Apparently all roads lead to Pakenham, or all roads lead out of Pakenham! What we want to know is whether the Leader of the Opposition will put up with the attempted blackmail of the process by the honourable member for Pakenham.

The SPEAKER — Order! I have already asked the minister to come back to answering the question and to cease debating it.

Mr BATCHELOR — The government has peppered the whole of the budget process with major projects and puts a lie to the line run by the Liberal Party that there are no major projects in Victoria. Nothing could be further from the truth.

I can understand why the Leader of the Opposition has had such a terrible time in recent days, because this budget is a terrific budget for all of Victoria — in the suburbs, in the country — —

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

Mr BATCHELOR — In the suburbs and in the seat of Pakenham — and if the honourable member for Pakenham wants to blackmail — —

Mr Perton — On a point of order, Mr Speaker, during the last two sitting weeks we have had a pattern of points of order resulting in your finding that a minister has been debating the question, only for the minister to immediately return to the material that you found amounted to debating. This minister has now done it twice during the course of his answer. The only way you can uphold the traditions of the house is either to sit a minister down when they do it or suspend them. On this occasion, I ask you to sit him down.

Mr BATCHELOR — On the point of order, Mr Speaker, I did not bring up the subject of the Pakenham bypass. I had not even mentioned it!

The SPEAKER — Order! A point of order was taken and the minister has been called to put his point of view in regard to it. I will hear him on that aspect, and that aspect only.

Mr BATCHELOR — Thank you, Honourable Speaker. We were trying to see if the opposition and the National Party were prepared to join the government in calling on the federal government — their colleagues and party members — to support funding for the Calder — —

The SPEAKER — Order! I will not allow the Minister for Transport to continue speaking to the point of order along the line he is pursuing. He is clearly not speaking to a point of order. In relation to the point of order raised by the honourable member for Doncaster, I have already asked the minister to conclude his answer. I do so for the final time.

Mr BATCHELOR — It is best to refer to an editorial in today's *Weekly Times*, which says that it will wait to see if the federal government has the same vision as that shown by the Premier and the Treasurer in their budget. People want these projects to proceed. There are projects that need assistance from the federal

government, and the Bracks government is calling on it to contribute.

Budget: drug programs

Mr DOYLE (Malvern) — My question is to the Premier. I note the statement in the budget that there has been a reduction in the demand for drug services due to a reduction in the current availability of heroin, and I ask: instead of cutting harm-minimisation strategies like peer education programs and alternative pharmacotherapy programs as the budget does, is a heroin drought not exactly the time to maintain funding for these strategies and help as many drug users as possible?

Mr BRACKS (Premier) — I thank the honourable member for his question, although I totally reject his suggestion that the government has cut funds to drug programs, because it has not. In fact under this government an additional $77 million has gone into drug prevention, saving lives, funding rehabilitation and opening more beds. Across the board the government has increased funding for drug prevention programs in the state.

Mr Doyle — On a point of order, Mr Speaker, the Premier indicated that my question was wrong. Page 77 of budget paper 3 should clarify it.

The SPEAKER — Order! That is clearly not a point of order — it is a point of clarification — and therefore I will not allow it.

Mr BRACKS — I reiterate that the facts are clear for everyone to see. Since the government came to office it has put an extra $77 million into drug prevention, drug education, saving lives and rehabilitation services. I am proud of the fact that we are a government that is making a difference in this area. Waiting times are down, more people are in beds and in rehabilitation, and more lives are being saved as a result.

Budget: teachers

Mr HOWARD (Ballarat East) — Will the Minister for Education and Training inform the house what impact the extra 925 teachers referred to in yesterday's budget will have on education for young people in Victoria, and is the minister aware of any other policies relating to teaching in Victoria?

Ms KOSKY (Minister for Education and Training) — I thank the honourable member for his question and his interest in education in the state. Yesterday's budget was a fantastic budget for education.

Dr Napthine interjected.

Ms KOSKY — I'll come to that.

The budget provides for an additional 925 teachers to the number the government has already put into its public schools in Victoria. An extra 925 teachers in the system is fantastic news for teachers, parents and kids. It was terrific when this morning I went to a number of schools and they all said what fantastic news it is and what a difference it will make for educational outcomes in Victoria.

The teachers will be provided across a number of programs, including 300 teachers employed under the Access to Excellence initiative; 285 to further reduce P–2 class sizes; 150 through the early years numeracy initiative; 120 for the new Victorian certificate of applied learning; and 70 for the middle years reform and innovation initiative.

These teachers will be focused on the areas of education that matter in the state. That is around numeracy and literacy and also around fostering innovation and excellence in our schools. All schools will benefit from the budget, and schools in Pakenham will clearly benefit.

It is essential that we rebuild the education system after the damage that was done by the previous government. This government is putting 925 extra teachers back into the system, on top of the 3000 extra teachers and staff that have already been put in since we came to office. That needs to be compared with what the government inherited.

The previous government sacked 9000 teachers and closed 300 schools. It did not care about kids in our schools. It sacked, as part of those 9000 teachers, 1000 special needs teachers. That had a massive impact on those kids and those schools that are struggling to keep up to standard with the other schools in terms of meeting the government's goals and targets. There were mass sackings, and we saw retention rates drop as a result. They dropped by more than 8 per cent in the period in which the previous government was in office — to 69.8 per cent when it finally left office.

In just two and a half years we have turned those retention rates around, and they are now sitting at 73.7 per cent — the best state in the country — an increase of nearly 4 per cent since taking office. Everyone around the state is pleased about what the budget means for education — everyone, it appears,

apart from the opposition. The honourable member for Warrandyte was reported in this morning's paper — —

Honourable members interjecting.

Ms KOSKY — One person, that's right, only one person unhappy. He was reported in this morning's paper as saying that education got a 3 per cent increase in the budget. The honourable member for Warrandyte needs to read budget papers carefully. I would like to give him a lesson in reading: read the footnote; that is why they are there — —

Honourable members interjecting.

Ms KOSKY — That's right, page 25. If you read the footnote it indicates that there were machinery-of-government changes and that employment had been transferred from the Department of Education, Employment and Training to the Department of Innovation, Industry and Regional Development.

Dr Napthine — On a point of order, Mr Speaker, page 25 clearly indicates there was only a 3 per cent increase, and that is in school education. That is the truth, and the minister is trying to mislead the house!

The SPEAKER — Order! Clearly the Leader of the Opposition is not taking a point of order. If he wants to make that point in debate, he will get an opportunity to do so at the appropriate time.

Ms KOSKY — Just a bit of advice to the honourable member for Warrandyte: read the footnotes, understand the budget. The footnote is very clear, and the honourable member would do well to understand the budget, which he does not.

As for other policies that relate to teachers, there is one policy that we did not pick up in this budget. It was a policy that was put forward that every primary school student be taught music each week. The honourable member for Warrandyte put this policy forward, and he said it was important because of what he called the Mozart effect — that it was found that exposure to the music of the great composer increased spatial IQ. We have not funded that initiative, but we have dubbed it the Phil-harmonic policy! But it will not be funded this year.

The extra teachers in this budget will be fantastic for students, teachers and parents. They will raise the educational standards in this state, and I am very proud of this education budget.

Road safety: fines

Mr LEIGH (Mordialloc) — My question is to the Premier. I refer the Premier — —

Mr Batchelor interjected.

Mr LEIGH — Another day, Pete!

The SPEAKER — Order! I ask the honourable member for Mordialloc to desist and to address members by their proper titles.

Mr LEIGH — I refer the Premier to the fact that the collection of police fines will skyrocket to $336 million next year and ask: can the Premier outline what proportion of these fines will be put back into additional road safety initiatives?

Mr BRACKS (Premier) — I can indicate that there is more going into road safety initiatives than we collect in fines — much, much more. If you look at all the programs the government has, all the assistance in road funding and trauma, you see that we put much more in than we collect in fines.

Budget: fiscal responsibility

Mr MILDENHALL (Footscray) — I ask the Treasurer to advise the house how the budget delivers on the government's commitment to fiscal responsibility and whether there are any alternative approaches.

Mr McArthur — On a point of order, Mr Speaker, I draw your attention back to the sitting of this house a couple of weeks ago when the government tried a strategy of raising several questions like this which invited the minister responsible to debate an issue rather than to provide information on government programs and government administration. I ask you to draw to the Treasurer's attention the rules of the house and that he is not entitled to debate.

The SPEAKER — Order! On the point of order raised by the honourable member for Monbulk, I can assure him that I shall intervene, as I would with any minister and as I have done on a number of occasions today, if the Treasurer transgresses and begins to debate.

Mr BRUMBY (Treasurer) — Certainly a feature of the three budgets brought down by the Bracks government has been our commitment to fiscal responsibility. In our first budget we delivered a surplus of in excess of $1 billion — $1.2 billion of surplus! In our second budget we budgeted for a surplus of

$508.5 million, and on the latest estimates that looks like coming in at $765 million for 2001–02. For 2002–03 we are budgeting for a surplus figure of $522 million. This approach has been strongly endorsed by the ratings agencies Moody's and Standard and Poor's, which have again acknowledged the government's responsible financial management and have again confirmed the government's AAA credit rating.

But we have some alternative approaches to the Bracks government's approach of responsible financial management. The opposition has released six different tax plans.

Mr Perton — On a point of order, Mr Speaker, the Treasurer is now heading precisely down the line of debate that was the issue two weeks ago and which the honourable member for Monbulk has just raised. This is a time for the government and a minister to refer to government administration and not to use question time as a platform for attacks on the opposition. The Treasurer is heading down that track, and I ask you to call him back to order.

The SPEAKER — Order! I am not prepared to uphold the point of order at this point in time.

Mr BRUMBY — Today I focus on two aspects of the opposition's plans. It goes to the question of the budget surplus. The opposition has promised to cut payroll tax to 4.95 per cent. A Napthine Liberal government would immediately cut payroll tax by 0.5 per cent. There have been numerous quotes of that in the press and in the leader's media statements. More recently the opposition has also committed to returning at least half of any stamp duty windfall in refunds to home buyers — this was confirmed most recently in the *Sunday Age* — with a cost to revenue of around $350 million.

The point I want to make is this: the cost of reducing payroll tax immediately to 4.95 per cent is $203 million. The cost of returning half of the windfall on stamp duty is $350 million. If you add those two together, they total $553 million, and if you were to apply them to the 2002–03 budget position they would put the budget into deficit. This is just two of the six tax plans — $203 million on payroll tax, $350 million; it is unworkable and was ridiculed by the Real Estate Institute of Victoria — for a total of $553 million. The budget position for Victoria — in deficit! Deficit Denis! What this would do for Victoria is that it would drive — —

Mr Perton — On a point of order, Mr Speaker, the Treasurer is violating your previous rulings in respect of debating the question. We are delighted that he espouses our policies, which are eminently affordable. While we would love to debate them, and we will debate them, it is clearly outside the standing orders.

The SPEAKER — Order! On the point of order raised by the honourable member for Doncaster, I ask the Treasurer to come back to answering the question posed in regard to fiscal responsibility by the government.

Mr BRUMBY — Here we go: the Bracks government had strong budget surpluses in the first two budgets. The budget brought down yesterday has a surplus in prospect of $522 million. But if you adopted the policy approach of the opposition it would push that surplus into deficit, or alternatively you would have to sack teachers, nurses or police to pay for these irresponsible — —

Honourable members interjecting.

The SPEAKER — Order! I have invited the Treasurer to respond to the question about government responsibility and I ask him to cease now debating the question in regard to opposition policies.

Mr BRUMBY — Here we are with a AAA rating under the Bracks government. It would go to a DDD rating under an opposition. We are committed to fiscal responsibility. It is no wonder when you look at those numbers that the honourable member for Pakenham is jumping ship. When you cannot get the numbers right, you throw it into deficit.

The SPEAKER — Order! I ask the Treasurer to address his remarks to the Chair and not to the honourable member for Pakenham.

Mrs Fyffe — On a point of order, Mr Speaker, I realise that it is unruly if a member of Parliament communicates with the public gallery, and I ask for your guidance on the situation when a member of the government communicates with the media gallery. The Deputy Premier has been signalling to the Premier's media adviser in the gallery.

Mr Cooper — He just wants his lipstick!

The SPEAKER — Order! The honourable member for Mornington is warned!

Honourable members interjecting.

The SPEAKER — Order! The Deputy Premier is warned!

On the point of order raised by the honourable member for Evelyn, it is correct that it is disorderly to communicate with members of the public gallery, or indeed the press gallery. However, on this occasion the Chair did not witness such an offence.

Mr BRUMBY — We have a strong surplus position. We have AAA credit ratings in this state. We have general government net debt coming down. We have financial liabilities as a proportion of GDP coming down. It is a strong fiscal position. The only people who would destroy the fiscal reputation of this state are the opposition, with their unfunded and irresponsible tax promises.

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

Mr Haermeyer — On a point of order, Mr Speaker, I seek your advice on the rule relating to attendance in the house. I want some clarification as to whether knocking on doors in Gembrook is an appropriate reason for the honourable member for Berwick not to be present.

The SPEAKER — Order! The Minister for Police and Emergency Services is clearly not taking a point of order.

FISHERIES (FURTHER AMENDMENT) BILL

Second reading

Debate resumed.

Mr KILGOUR (Shepparton) — Whilst speaking on this bill prior to the lunch break I was talking about the importance of the fisheries industry to industry as a whole in Victoria and to Victoria's economy. What we are really talking about in this bill is the future management of fisheries, particularly in relation to improving compliance provisions in the act. Without effective compliance, fisheries resources may become depleted and no longer support sustainable commercial catches or provide recreational anglers with the opportunity to catch fish.

We already have a management plan for abalone. No doubt the honourable member for Gippsland East will have a full understanding of this plan, and I hope he will cover that in his contribution to the debate. Fisheries Victoria has put out a document called the 'Victorian abalone fishery management plan', which states in part:

> The prime objective of this plan is to formalise the management of abalone fishery firmly within a framework of ecologically sustainable development (ESD).

There is probably no person in the house who is better equipped to speak on the abalone bill than the honourable member for Gippsland East. Some honourable members have suggested that members of Parliament can talk under water. Obviously the honourable member for Gippsland East often did most of his work under water fishing for abalone, so it will be interesting to hear his comments on the management plan for abalone and his understanding of how it can be protected. The document continues:

> To this end, the plan specifies fishery objectives, performance indicators, reference points and trigger responses. In association there are formal processes for monitoring the effectiveness of management, and deciding on appropriate actions in the event of adverse outcomes.

Of course there is an enforcement regime involved in this management plan which:

> … aims to strengthen significantly the enforcement arrangements required to reduce resource theft. Enforcement will be improved through better strategies, a planning and cost-recovery process in which industry will participate, and through the quantification and monitoring of enforcement targets.
>
> The abalone quota management system (AQMS) will require beach weighing with catch weights recorded at the landing sites, rather than at processing establishments as at present.

That is talking about the new Victorian abalone fishery management plan, which provides for zones, as I mentioned earlier.

The Victorian government has jurisdiction over the Victorian abalone fishery under an offshore constitutional agreement with the commonwealth government. The commercial fishery is divided into three zones for the commercial abalone fishery, as stated in the plan:

> The eastern zone is all Victorian waters east of longitude 148° east (Lakes Entrance). The western zone is all Victorian waters west of longitude 142° 31' east (Hopkins River mouth).

The central zone includes the area between the east and west zones. That is a very busy zone because it includes the Port Phillip Bay area.

I will not go through the issues on that commercial fishery except to say that it is good to see the management plan seems to be working very well. One

might wonder why this government needs to introduce the marine parks legislation. It can already be proven through management of this type that our fisheries and waters can be managed without no-take zones and without many Victorians having to change their way of life because of legislation that we believe will come back into this house.

There is a requirement for all traders in the priority fish species of abalone and rock lobster to obtain and keep receipts of those species purchased for sale. The government is trying to sort out the paper trail to see that nobody does the wrong thing in the industry, but I do not know of any system that can stop anybody who really wants to do the wrong thing from doing what they want to.

One issue covered by this legislation that my constituents will be interested in is angling licences. Angling licences for Victorian inland waters have been in for many years. I remember upon reaching the age of 16 years suddenly having to purchase an angling licence. Then I found that my twin brother was using my angling licence and nobody knew the difference anyway. It meant that I only had to buy an angling licence every two years.

Mr Cooper — Or for half price!

Mr KILGOUR — Yes, or for half price, whatever was the nearest. But for those people who live on inland waters who really get no support from inland fisheries or the Department of Natural Resources and Environment, one wonders why an inland angling licence is needed. One might suggest that there is not much stocking of waterways like the Boosey and Broken creeks around Katamatite and Numurkah, et cetera. However, on a statewide basis we must ensure compliance; we must ensure that people do not take more than their bag limits or do not use fish traps or drum nets. No doubt the honourable member for Monbulk knows all about drum nets and has probably seen them in use in his area.

I have certainly seen drum nets in use. In fact when I was growing up in Katamatite and fishing on the Boosey Creek I came across the local policeman fishing with a piece of wire. Later we fished his drum net out of the creek. It was not very long before the policeman could not find his drum net because it was shifted to another part of the creek! When we rode past with three pounds of redfin hanging from the handlebars of our bikes and the policeman wanted to know where we got them from, we were not in a position to tell him — but he could not do much about it because they came out of his drum net.

Be that as it may, it is important to ensure that people who are required to have an angling licence carry their licence with them. I do not have a problem with that. Just as you carry your driver's licence, so should you carry your angling licence, so that if an inspector comes along you are able to immediately advise them that you have a licence.

However, people can make an honest mistake and decide to go fishing and not have their licences with them. Those persons will now be able to produce their licences within seven days at a police station. I understand from amendments circulated today by the minister that taking a copy of the licence to either a police or Department of Natural Resources and Environment office will suffice. I do not think anybody has too many concerns about the angling licence issue. It just needs to be well advertised that people going fishing in inland or any Victorian waters must make sure they carry their licences with them.

There is another provision in the bill which still needs some clarification. I expect that in the committee stage in the other place my colleague the Honourable Peter Hall will ask the minister to provide the answers to the issue of indigenous ceremonial cultural events and the bill's provision for a class of permits to allow the non-commercial harvest of fish beyond recreational bag limits.

One would wonder why this is necessary, but at the briefing we were told that guidelines will be developed. I would hope that acceptable guidelines will be developed to ensure that people do not do the wrong thing and use this as an excuse to go out and catch massive amounts of fish beyond the bag limits under the guise of doing it for indigenous and ceremonial occasions. But a permit needs to be applied for, and under certain circumstances it will be allowable for a group or a person to collect a certain amount of fish for a specific event, which at this stage has not been clarified.

Another interesting provision of the bill is that relating to appointments to the Fisheries Co-Management Council. The required collective expertise of the Fisheries Co-Management Council has been extended to include experience and knowledge of indigenous fishing issues. I would hope the right people can be found to provide the required information.

As I have mentioned, the bill provides for a paper trail so that people who deal with fish sales across Victoria can keep a trace of where they purchase their fish. Already businesses are required to keep receipts for taxation purposes. However, this provision will

facilitate tracing to the source of the fish so that an eye can be kept on somebody who is illegally taking fish and putting them onto the market.

The proposed changes to the Fisheries Act include: applying size and catch limits to fish landed in Victoria but caught in an area outside Victorian coastal waters where no such limits apply, and strengthening powers of entry and inspection and the ability to pursue someone who is believed to have been poaching or taking more than their bag limit of fish out of Victorian waters. The pursuit provisions relating to commonwealth waters managed by the state will be strengthened, so that even if they move into waters covered by other jurisdictions, somebody taking more than their limit will be able to be pursued and caught — or, if they land in Victoria, they will be able to be checked up on.

There will be a streamlining of the process for changing levies, where the change has been agreed with affected licence-holders, allowing the linking of levies to quota holdings for quota-managed fisheries.

In looking at the bill in its totality most of what we see is commonsense. It seems the department has done a good job working with the people in the industry. I hope through this legislation a sustainable fishing industry worth so much to this state continues to be successful.

Mr HOWARD (Ballarat East) — I am pleased to contribute to the debate on the Fisheries (Further Amendment) Bill. The government is again showing through its legislative program that it wants to build on sustainability as the direction in which the state needs to head, and that certainly applies to the state's fishery resources.

The bill helps to tighten the existing legislation in a number of ways to ensure that we can support that drive towards sustainability within our fisheries. As the house has heard, the latter part of the bill recognises the need to allow particular fishing practices for the ceremonial and cultural activities of our indigenous Australians.

The bill clearly aims to encourage people who are doing the right thing to continue to act in that way. They will be supported because the legislation strengthens the ability of inspectors to detect people who are not doing the right thing and ensure they are dealt with. Those who are not doing the right thing would, in effect, be threatening the fishing industry in Victoria, including the processes that have been developed to ensure Victoria has a well-balanced industry.

The first major part of the bill deals with inspectors being able to require people to have their licences with them when they are fishing. The original act put inspectors, whether they be with the police or from the Department of Natural Resources and Environment, in a difficult position. An inspector could ask somebody who was fishing if they had a fishing licence. The answer could be, 'Yes, but I do not have it with me'. The inspectors were restricted in their power and could not follow up on their queries.

The bill stipulates that anglers must have their licences with them. That provides a greater policing power for inspectors in that, as the house has heard, it is recognised that sometimes people will not have their licences with them. The amendment would require a person who is fishing without having their licence with them to provide evidence that they have a licence within seven days to a police station or a Department of Natural Resources and Environment office. In other words, the bill gives the person who is fishing a range of means to demonstrate that they have a legitimate licence, and the onus is on that person to do so.

As with all aspects of its legislation, the government has again consulted widely with the relevant stakeholders — that is, the peak bodies involved in commercial or recreational fishing, people practising aquaculture, fishing conservation interests and the Fisheries Co-Management Council. The government has worked through the issues with the interested parties, who support and very much favour the thrust of the bill.

The honourable member for Shepparton talked about licences and his fishing exploits as a boy. I wonder whether the bill should have introduced an ability to retrospectively fine people who admit to having fished when they did not have a licence! However, it is not part of the legislation, and I trust that the honourable member for Shepparton and others who have been in the same position will ensure that in the future they have suitable licences and acknowledge the importance of following through on getting one.

They and others will be contributing to the trust fund that the government has established, as it committed to do when it came to office. Licence fees will be directed into a trust fund that can be used to improve the sustainability of fishing and benefit associated projects into the future.

The other aspect of this particular area relates to recognising that there may be need to set limitations on fish catches in subzones. That may be done for a number of reasons. For example, the subzones may be

areas that are recognised as important for spawning or hatching, as critical parts of habitat areas, or as areas where aquaculture is practised. There may be a need to recognise particular subzones and therefore set limitations on the right to catch fish there.

Another provision deals with applying size and catch limits to fish that are handled in Victoria but have been caught in areas outside Victorian coastal waters where no such limit applies. The legislation will attempt to close the loophole relating to catching fish in non-Victorian waters.

Another issue relates to rock lobster and abalone areas. The people selling those types of fish will be required to provide inspectors with records that show the source of the fish they have caught. That is not a particularly onerous provision, because those people would hold receipts for taxation purposes. The bill provides that they present those receipts to inspectors so that the source of their catches can be validated. That is an area of high-value fishing and one that the government, in cooperation with the industry, is intent on ensuring is kept legitimate. The people breaking the rules and taking those particular fish illegally will be able to be detected and dealt with appropriately.

Subsequent parts of the bill provide that an inspector can confiscate fish that he believes have been caught illegally. The bill helps provide a clear pathway to protect people who have been doing business correctly but who may be suspected for the wrong reasons of being involved in illegal fish trading. They will be protected through the provisions which provide that inspectors can act to ensure illegal actions are dealt with.

Another aspect of the bill that has been discussed by me and other honourable members relates to indigenous communities in Victoria who may want to go beyond what have been the existing catch limits for particular ceremonial and cultural purposes. The bill enables the Fisheries Co-Management Council to recognise that and put in place procedures by which specific applications can be made to vary the normal catch limits.

In addition, the government has changed the expertise required for membership of the Fisheries Co-Management Council. The criteria for membership used to stipulate that only people with experience in ‘traditional fishing uses’ were wanted. That has been changed: the term is now more specific and refers to ‘indigenous fishing uses’. That provision will ensure that somebody on the Fisheries Co-Management Council will relate to issues concerning indigenous communities and be able to put in place appropriate arrangements that enable legitimate fishing for cultural and ceremonial activities.

This government has been keen to recognise the special needs of indigenous communities in a range of activities and has worked in a cross-government way to ensure that they are addressed. This is one example of the government identifying the special needs of our indigenous communities. I am very pleased that this has been included in the bill.

As I said before, it is pleasing to see that this legislation is being supported by the Liberal and National parties. It is a commonsense bill. It looks at ensuring that the legislation is realistic and does what it is intended it will do — that is, it supports people who are doing the right thing in looking after the sustainable interests of the fishing industry in this state and puts in place procedures whereby people who are doing the wrong thing and threatening the ongoing sustainability of the industry can be detected and dealt with appropriately and effectively. Therefore, as I said, the bill has gained the active support of the majority of the peak fishing bodies. For that reason I am pleased to commend this bill to the house.

Mr COOPER (Mornington) — I note that the honourable member for Ballarat East talked about the sustainable fishing industry and that this bill is directed at ensuring that we sustain our fish resources. That is very important and one of the reasons the opposition has thrown its support behind this piece of legislation.

We do have a sustainable fishing industry in this state. I noted with some interest a statement made recently by the Minister for Ports in the other place. She said that Victoria’s fish resources are in excellent shape and our fisheries are sustainable in the long term. The thrust of this bill, particularly the enforcement provisions, is directed towards ensuring that that situation, which was so correctly described by the minister, is maintained into the future.

I want to make a brief contribution on the enforcement provisions. While I am certain that all of the other points this bill addresses are important, in my view the enforcement provisions are very important in the part of the world I represent. Some years ago I went out with my local Department of Natural Resources and Environment officers on the Mornington Peninsula for a whole day. The thing that many people do not realise unless they take some interest in the matter is that these enforcement officers have more than fisheries on their plate; they have a lot of other things to do, including looking after our bird life. They have a wide range of

responsibilities and fisheries have to take their turn in the parameters of the officers' responsibilities.

Spending a day with these officers was very educational indeed. It was educational to see just how far the resources of our enforcement officers are stretched and how easy it is to poach, how simple it is to get away with doing things that are against the law with regard to our fisheries.

In some of its provisions this bill directs itself towards poaching and illegal activities on the borders. I note that one clause talks about hot pursuit of offenders over the border into New South Wales and I assume into the waters of South Australia. However, poaching is not restricted to areas that would be well known to the honourable member for Gippsland East in regard to abalone. Many people would not realise how much poaching goes on in and around the Mornington Peninsula. Abalone is found there in abundance, and people are poaching it in abundance. A trip by anyone who has an interest in this matter down to the Cape Schanck area — in fact, anywhere between Flinders and Cape Schanck and maybe even as far as Gunnamatta Beach — on a pleasant Saturday or a Sunday will reveal the extent of the poaching that goes on. We have fleets — that is the only way I can describe it — of families arriving, each member of which is allowed to take 10 abalone of a legal size. So you have 15 or 20 or even more people arriving in a number of cars, parking and going down and then they start diving to collect their abalone.

These people are taking full advantage of the law and in one afternoon, or probably in the space of an hour or so, they will remove 200 or 300 abalone from the waters around Cape Schanck. This is not restricted to one group; there will be dozens of these groups operating over a weekend. It is interesting to note that if regular visitors to Cape Schanck and the area around the lighthouse park their cars and walk and look out over Bushrangers Bay they will often see a single boat moored with no-one in it. That means there is a diver under the water and more times than not it will be a poacher.

On this day I stood there with the enforcement officers and waited for the diver to appear. The diver knew we were there, and we spent an hour or so waiting for this diver to come up, but they did not. They stayed where they were or hid where they could observe us and wait for us to leave. These are the activities that are going on.

I do not know how they do this — they must have a sixth sense, as enforcement officers do in any field of endeavour — but to cap the day off, the enforcement officers stopped a couple of cars, seemingly to me at random, in the main street of Flinders, which for those who have not been there is a small village, and asked the occupants to open their boots. In both cases there was a large bag of abalone, most of which was undersized. Remember, this goes back three or four years, and at that time the enforcement officers told me that they were very careful about the way they approached these people because if they approached them on the paths coming up from the beach — long and lonely paths — they could and had been attacked on many occasions by a large number of people when they were attempting to inspect what they were taking off the beach.

The enforcement officers believed they needed far greater protection to carry out their work properly and efficiently without putting their personal safety at risk. Nothing has happened from that day and we now have a situation where if enforcement officers believe there could be a problem or a danger to themselves they have to call the Victoria Police to come and support them. With the police resources being what they are — fully stretched with all sorts of other activities; despite the boastings of the Minister for Police and Emergency Services — the police put the poaching of shellfish and abalone along our coastline as a reasonably low priority.

You can understand why they do that. In those cases where the enforcement officers believe there is going to be violence or physical problems those poachers quite often get away with it because those officers are not going to put their personal safety or lives at risk, and I can well understand their thinking.

We must get serious about the poaching problem because it is a significant problem, not just with abalone but with all of the food chain that exists in shellfish along the shorelines of Port Phillip Bay, Western Port and certainly along the shorelines of the Mornington Peninsula. Between Flinders and Cape Schanck particularly I have seen bucketloads of small shellfish being stripped from the rocks and taken away, clearly to end up either in a family cooking pot or perhaps that of a restaurant, but certainly being taken illegally. Added to that is the problem we have with the stripping of undersized abalone from areas like the southern shores of the Mornington Peninsula. If we are going to get serious about all of that we need to get serious, firstly, about the numbers of law enforcement officers, and secondly, about giving them the protection they need to do their job to the peak of efficiency, as most of them would want to do.

There have been arguments and suggestions that they be allowed to carry side-arms. That is an issue that needs to be revisited, because these officers are operating in lonely areas with very few people around, where many times each year they are confronting people who are prepared to take any steps to escape being apprehended or charged. As the courts become more aware of the seriousness of abalone poaching and start to impose penalties that really do reflect the seriousness of the offence clearly the escape measures that poachers will take to avoid being charged will escalate as well.

I hate to think that the safety of the people whom the citizens of the state charge with the responsibility to protect our sustainable fisheries could be put at greater risk than at present. They should not have to go through this; they deserve to be given greater protection and the increased powers that this bill gives them, but at the same time those powers will generate increased activity by those who are breaking the law.

The first point I want to make is to say to the government that it needs to start thinking about these enforcement officers and how it can best assist them in carrying out their important work on behalf of the general community in protecting this valuable resource.

The second point I want to make is that we are asking a very few people to stretch themselves over a very wide area to carry out this enforcement role. I do not know what is in the minds of the minister and the government regarding the number of enforcement officers, but I have to say that if they are not intent upon increasing that number significantly they are wasting their time. Huge areas just in my little part of the world, the Mornington Peninsula, need greater law enforcement and special officers in regard to fisheries, but not officers with the current overarching role of being enforcement officers. As I said before, they deal with all fauna in the areas they are entrusted with — birds and native animals of all kinds — and the fisheries too. Perhaps the government or the minister needs to think about having specialist fisheries law enforcement officers to do this job — and a significant number of them.

I know that the honourable member for Gippsland East, with his experience in the abalone industry, will probably want to address this issue. His view may be different from mine. In his part of the world things may be a little different, but I can assure him that on the Mornington Peninsula and in the Port Phillip Bay area we need a lot more enforcement officers on the ground or in or on the water to do the best they can to achieve the aims of this bill — to protect and enhance our sustainable fishing industry.

I am sick and tired of seeing poachers and unthinking people — they are two different groups — going about these activities without being apprehended or charged. The question of stripping the shoreline of the food chain by taking away small shellfish off the rocks has been going on for years and has certainly had a detrimental effect, particularly in Port Phillip Bay. The number of people who are out there taking undersized abalone in excessive numbers still has to be properly addressed. If it is not all we will be able to say is that we have done a bit of window-dressing with this bill and we have not actually addressed the real issue — putting into place the kinds of resources needed by those entrusted with ensuring that our fisheries remain sustainable, and ensuring that these law-breakers are not allowed to get away with it. With those few words, I support the bill.

Mr INGRAM (Gippsland East) — I rise to support the bill. From the outset I indicate that, as I declared in the members register of interest, I have an interest in an abalone licence and I therefore declare that. I do not believe it is a direct pecuniary interest nor that there will be a division on the bill anyway. I also have an interest as a very keen recreational fisherman, so I have an interest in a couple of aspects of the bill.

A number of issues and concerns have been raised in relation to specific provisions in the bill. I have had discussions with the government and I am pleased that it has agreed to make some amendments to give recreational fishers and anglers the option of sending a certified copy of their licence, if they are required to do so, to the appropriate authority rather than the original. I will expand on that later.

The government's plan to reserve all marine waters as recommended by the Environment Conservation Council (ECC) is addressed in clause 11. Industry representatives have expressed concern in relation to this proposition and are seeking more information from the government regarding its plans to reserve those waters. The issue needs to be discussed seriously in the house, and there is the potential for the government to do that by Governor in Council order. There are some potentially serious implications in making the entire coast a coastal reserve.

My understanding of why clause 11 is in the bill is that there was an implication for the fisheries division of the Department of Natural Resources and Environment in declaring aquaculture zones. The fisheries division declares fishing zones and it would be unable to do so if

the entire area as recommended by the ECC were locked up in a coastal reserve. The amendment enables the fisheries division to still declare those aquaculture areas. We probably need to have that implication discussed in the house and fully explained by the government. I am pleased that the Minister for Environment and Conservation will look at that and explain the government's position.

As I said, I have both a direct and personal interest in the recreational fishing licence aspects of the bill. Several years ago I was pulled up by a fisheries enforcement officer and asked to present my recreational fishing licence. In my previous job I worked in a small boat out in Bass Strait. When the sea was choppy it was fairly wet both outside and inside the boat.

As most people would be aware, the recreational fishing licence is basically a piece of paper. It can now be laminated if one wishes but that was not the case a number of years ago. When I was asked to present my licence I explained to the fisheries enforcement officer that I did not have it on me and was told, 'You have to bring it back here'. Where I was working at the time was a drive of about an hour and a half from my home, and it was agreed that next time I was down I would drop my licence in.

The next time I saw the officer I was again out at sea. As I explained, I did not carry my licence with me because it would be destroyed if it got wet, and I told him that I would fax a copy through to him. He told me that was not suitable. I suggested that I take it to the local police station but that was not enough; the licence had to be sent to the officer. My concern about that was that if it got lost I could be booked for not having a licence.

That is the reason the provisions are in the bill, and it makes far more sense. We do not want to go down the line of having a plasticised licence with a photo ID that proves your identity because of cost, and it would defy the purpose of the licence. So long as a certified and verified copy of the licence can be sent through to the officer that should be good enough.

I fully support the recreational fishing licence. It is a very good system. Buying out the latent effort in the bay and estuaries was a good start in the use of the money raised by the recreational licence. I believe the licence also has wide community support. There is a range of projects in the future for using the money because the original buy-out is now basically complete. A number of recreational fishing organisations in my area will be putting up proposals, like the removal of commercial fishermen from small estuaries like Lake Tyers. There are also many environmental projects, such as returning snags to some of our rivers for fish habitat.

The honourable member for Shepparton said there was not a lot of benefit in his area, but there is if you look at the environmental benefits to fisheries. If there is a large amount of money available that angling organisations can apply for, either for stocking programs or for improving the condition of our waterways by revegetating and returning snags, he will end up with more fish like Murray Cod in the river systems in his area. That is obviously a benefit to all recreational anglers.

A further main point in the bill is subzone quotas, which establish the ability for the fisheries division to create those zones. In my previous livelihood I was an abalone licence-holder, a diver, which I clearly explained before. There is a number of reasons why subzones would be set up in quota fisheries. They are already in existence. In Western Australia there is the fishery from Esperance, east along the coast. It is an area which is extremely isolated, difficult to fish and more expensive to fish, but the quota tonnage from the Western Australian abalone fishery has increased because part of everyone's licence says it can only be caught from that area. That makes the people fish from that area. It improves the return to the community through royalties, improves the performance and ensures that the fishery is sustainable. Because we are not catching all the fish out of a particular area we can separate the zone.

Hypothetically a fishery like the central zone abalone fishery in an area like Port Philip Bay can come under increasing pressure if the market determines there is a need for smaller fish. In the abalone industry smaller fish are a higher priority. Because they are an expensive product smaller fish have a higher market price. We could end up with a market incentive to catch more fish out of a particular area, which could have implications for the sustainability of a particular area. The zone could be split into subzones to make sure that it is not overfished.

Although we do not have this provision, for a number of years in the eastern abalone fishery there has been an area called the airport fishery. Because of a significant stunting of stocks, it could not be fished in the normal way. The fishermen in the area decided they should take only a portion of their catch from that area and fish down to a smaller size so that the stunted stock could be taken away. Basically, what happens in that situation is that the fish do not grow to the right size. That is

environmental: we can fish it down as long as it is managed properly. You can get a greater return from the entire fishery, and the environment performance is enhanced if you can take your catch from the other areas.

This is also relevant in fisheries like the southern rock lobster fishery. In my area, where the fishery is divided into two zones, there has been great concern. After a number of fishermen in the far east came to me, I led a delegation to the minister and requested that the zone be split into two. They were so concerned about the sustainability of the fishery before it went to quotas that they were asking the minister to shut it down for at least one season, possibly two. But they did not want the fishery shut down for two years only to have all the work and effort involved in not fishing it to be undone by fishermen from other areas coming in and reaping the rewards of their efforts.

That closure has not yet happened, but it needs to be looked at because there are two distinct areas. By splitting the zone up the middle and having different areas, you could potentially manage the two differently if they were under different pressures or stressors. Subzones are a management tool to allow fishery managers to actively make sure we are not overfishing particular areas and that we spread the effort more evenly. The fishermen were keen to do that, and they recognised that by stopping fishing in the eastern section of the eastern zone the fishery would benefit in the longer term.

Clause 8 ensures that the minister must consult with the relevant bodies if making, revoking or amending subzone orders, and that would be put to the relevant industry groups on the co-management council. It is a good and necessary measure.

The honourable member for Shepparton mentioned the abalone management plan. There was a push in the early stage of the plan to have one zone right across the state. I am glad that has been resisted, because it would be a move away from sustainability and would create a problem in some areas.

The honourable member for Mornington talked at length about enforcement. I concur with him that there is a problem with fishery enforcement and the impact of the overharvesting of shellfish in some areas. However, I also point out that there needs to be a change in the structure of fisheries. Currently on-ground fisheries officers are very active. Unfortunately some of them do not have any fuel to put in their boats so they cannot go to work, which is not a great outcome for ensuring the monitoring of the fishery. In some areas officers are restricted from working on weekends or doing overtime, and I would not consider that a great method of enforcement.

There are a lot of dedicated and hardworking people within the organisation. The promotion structure is difficult, because we are basically talking about an enforcement body. In policing there is a chain of command, and all the way up the chain there are active people with experience of enforcement. In fisheries the culture has been to have active enforcement officers on the ground. There is no promotion structure that allows active enforcement officers to get into the bureaucracy, so at the top you end up with bureaucrats who dictate down — and on the top couple of rungs of the ladder there are bureaucrats who determine operational enforcement activities. It would be much better if we had a chain of command so that a local enforcement officer did not necessarily have to go to the regional or the district office but could go directly to an operational head, someone who actually spent some of their time out there on the ground and who understood the operational issues that all on-ground fisheries enforcement officers come up against all the time.

The bill makes a number of changes to keeping records for priority species. That is a good idea. It also makes some changes to indigenous cultural activities and allows for licences to be issued so they can take above recreational limits. It clarifies the circumstance of when indigenous fishing expertise must be represented on the Fisheries Co-Management Council and basically tightens up the definitions to ensure that representation. A whole range of issues are raised. Concern has been expressed in some quarters about some issues but on the whole there are some good provisions in the bill. I support the bill.

Mr SPRY (Bellarine) — After that instructive contribution from an honourable member who obviously knows his stuff, I am pleased to join the debate. Honourable members do not get the opportunity to hear somebody who is involved in the industry too often and I appreciate what he had to say.

There are several aspects to the Fisheries (Further Amendment) Bill. In general the Liberal Party supports the thrust of the legislation. In Victoria wild-stock fisheries, especially the high-value abalone industry, is subject to sophisticated and systematic poaching. The improved inspectorate and enforcement provisions contained in the bill are therefore welcome. Provisions requiring recreational fishers to carry their licences with them when they are engaged in that activity are also commonsense.

However, there is one additional aspect of the bill on which I wish to concentrate this afternoon. In her second-reading speech the Minister for Environment and Conservation asserts that the Bracks Labor government:

> … has made a commitment to ensure Victoria's food production industries, which include the fishing and seafood industries, are sustainable into the future …

The minister goes on to say that the proposals in the bill will support that particular commitment.

This morning honourable members listened to debate on a matter of public importance. Speaker after speaker on this side of the house condemned the Labor government for its lack of public policy in the area of resource management. Some speakers concentrated at least some of their remarks on fisheries. Public policy should mean managing the resource on a sustainable basis in the public interest. As far as one specific aspect among many others of sustainable management is concerned — and that is aquaculture — the government's performance to date can only be described as lamentable.

Starved of funds, deliberately or otherwise, the Victorian Aquaculture Council's excellent work under the active guidance of its executive officer Louis Vorstermans has come to a virtual standstill, despite the demonstrated commitment of members of that council and the aforementioned executive officer. Funding promises by the Bracks Labor government have sadly failed to materialise and it is tragic to see the endeavours of this particular organisation being systematically frustrated.

The importance of the aquaculture industry as a supplement to or replacement of wild-stock fisheries cannot be overestimated. It is sad to say, but I do not believe this factor is even recognised by the government. Worldwide commercial ocean fisheries are in decline and in some cases particular species are being fished to the point of extinction. Conversely worldwide demand for seafood products continues to accelerate. Translated into economic opportunity, quite apart from the issue of sustaining biodiversity, aquaculture presents an opportunity in Victoria's relatively pristine marine waters, which has been virtually ignored to date by the government. It is ironic therefore that this bill, in the minister's own words, talks about the objective of sustaining Victoria's seafood industry. The government completely ignores the fledgling aquaculture industry.

In this regard Victoria is put to shame by the efforts and commitment of our sister states, particularly Tasmania and South Australia and to a lesser extent Western Australia, not to mention our neighbour across the Tasman Sea, New Zealand. In those states and in New Zealand aquaculture, in the cultivation of oysters, green lip mussels in New Zealand particularly, various species of fin fish including flounder, barramundi and other species and also in the high-value abalone industry, is quite sophisticated.

Opportunities undoubtedly exist in the state; in fact they are staring the government in the face. They are often brought to the attention of the government, but sadly so far to no avail. Several enterprising individuals have defied bureaucracy and the odds to initiate high-grade aquaculture projects in Victorian marine waters. Mussel growers on the Bellarine Peninsula were pioneers in marine aquaculture. That first occurred over a decade ago. They hung on by their fingernails and stuck to it and now have a viable industry. I pay tribute to some of the pioneers of that early industry. I cannot mention them all, but I single out Lance Wiffen, Warwick Mackenzie, Geoff Searle and David Harris — who sadly left this state for greener pastures to coin a phrase — and others engaged in that industry. In more recent times, more highly capital-intensive operations have commenced on land in the Geelong region.

I specifically include Ken Carlyle's barramundi operation in North Geelong, which is undercover in an industrial area; Peter Rankin's Ocean Wave abalone hatchery and grow out facility in Port Wilson, which I dropped into the other day; Barry Smith's operation at Point Henry; and finally, significantly, Steve and Melinda Rodis's operation at Indented Head called Great Southern Waters. This latter enterprise, which I inspected last week, can only be described as truly exciting. Steve Rodis has demonstrated amazing persistence, not to mention doing a great deal of hard work, in nurturing this dream of his over the past five years. Finally that enterprise is on the point of fruition and will have a dramatic impact on the local economy.

The 1000 hectare Pinnace Channel aquaculture zone in Port Philip Bay, which was identified by the Environment Conservation Council in its report on marine parks recently, offers virtually unlimited opportunity for Victoria's aquaculture industry to finally reach maturity and to match some of the efforts in those other states and countries I have mentioned.

In the context of this bill, in this brief contribution I therefore urge the government to acknowledge the opportunity that exists, and to act on it forthwith.

Ms OVERINGTON (Ballarat West) — I, too, am very pleased to make a short contribution to this

Fisheries (Amendment) Bill. The main thrust of this bill is to continue to ensure the sustainability of our fishing industry and for recreational fishing to continue. We all know what the Bracks government and the minister have done over the last two and a half years to ensure that that is happening and will continue to happen.

When we talk about sustainability and how shores — people automatically think of beaches — relate to Ballarat, Lake Wendouree — —

An Honourable Member — Beautiful Lake Wendouree!

Ms OVERINGTON — Beautiful Lake Wendouree! As part of ensuring the sustainability of fishing — and it is mostly trout fishing in Lake Wendouree — we actually close the lake for three months to allow the fish to breed up.

Part of this bill allows for inspectors and police to require a person who does not have their licence with them to produce it within seven days. Sometimes when you are fishing it is totally impractical to carry a licence in your purse, particularly if you are out in a boat, because most times you are in your trackies and all the rest of it and you do not take your wallet. In that situation where is the practical place that you leave your fishing licence? I hope honourable members who speak on this fisheries bill do actually have licences, because I do. At times it is not practical to carry your wallet and you can be caught out, so it is simply commonsense to allow someone to say to an officer, 'Yes, I do have a licence, and yes, within seven days I will present it either at a Department of Natural Resources and Environment office or a police station.

Provisions for buying licences have improved dramatically over the last few years. In most small coastal towns you can actually purchase licences at the local milk bar, but the ability to do this all over the state has caught the officers up in paperwork. Putting the onus back on the fisherperson to prove they are licensed is of course the best way to go.

I have stated in this house on another fishing bill that fishing is one of the cheapest recreational sports that a family can pursue. Children under 18 are not required to have a licence, and there is always the concession or non-requirement that people with recognised pensions are exempt. But for others it is $20 a year to fish in any Victorian waters. As I said, I believe that to be extremely cheap recreation. Not only that, it is very good for family life. It is a fine family sport.

One of the other amendments to this bill is the permit to take fish for indigenous cultural activities. While there was reference to this in the previous act, it needed to be clarified as a stand-alone so that it could be easily identified that we were referring to indigenous cultural activity. As part of that provision there will be a requirement that a person on the Fisheries Co-Management Council has an understanding and expertise in indigenous cultural activities. I have heard comments such as, 'We do not know what these activities are going to be'. Those cultural activities will be identified by and nominated by the indigenous communities, and who better than the indigenous communities to identify what those activities will be?

This is only a short contribution. I support everything in the bill, and I commend the bill to the house.

Debate adjourned on motion of Mr MULDER (Polwarth).

Debate adjourned until later this day.

RACING ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 24 April; motion of Mr HULLS (Minister for Racing).

Mr MULDER (Polwarth) — I rise to contribute to the Racing Acts (Amendment) Bill and indicate that at this point in time the Liberal Party does not oppose the legislation. However, I will raise some concerns about the legislation during my contribution. The indications from industry and the government are that the industry will have to work through those issues to see how they flush out during the early stages of the implementation of the legislation. The major thrust of the bill is good for the racing industry. However, there are some minor issues in relation to the implementation of the legislation.

I do not think it is any secret to honourable members that for a very long time I have had a tremendous interest in the racing industry. I took out an owner-trainer's permit when I was 21 or 22 years of page and handed it in when I became a member of Parliament. So as an owner, a current committee man of a country turf club and an ex-trainer who used to break in and shoe his own horses and get involved with all the grassroots issues, I have an enormous passion for racing. I must admit from time to time I have had the odd flutter or two — sometimes a bit bigger than it should have been; nevertheless I do enjoy a punt.

I was fortunate recently to visit the Terang trotting track and be asked to participate in a trial, where I had the

opportunity to drive a trotter, which I had not done for some years. Once again the old memories came flying back and it was a very enjoyable experience, something that I miss and possibly will head back to once my career in this place draws to a close.

Mr Lenders interjected.

Mr MULDER — And not too shortly, I would hope!

This bill is the result of a bookmakers reform working party and also some national competition policy recommendations which indicated that bookmakers as sole traders were treated in an unfair manner in not being able to form partnerships or companies in order to improve their business opportunities and compete on an equitable basis. What this meant was that bookmakers in the past were unable to offer a service to a selected group of clients at a selected race meeting, and there was also a lack of continuity. There was also that issue of not being given the opportunity to share resources and marketing initiatives and progress their business as would normally be expected in the commercial world that we operate in today.

All honourable members would know and appreciate, particularly those who were fortunate enough to attend the recent May racing carnival, the great contribution and the colour that bookmakers add to a race meeting. I cannot imagine attending a race meeting without the bookmakers being on course. I have always been a great supporter of the bookmakers if I have been going to have a bet. There is always that human element. It is not a matter of going to a wall and money being passed through a window. If you happen to lose on the punt, there is always the thought that perhaps you are educating the bookmaker's children or putting something on his table tonight. I must admit that if you are lucky enough to have a considerable collect from a bookmaker, it is always done with a little bit of, 'I hope that hasn't hurt him too much'. There is a great human element to the bookies. I have on various occasions seen them knocked about in relation to some of the collects that have been taken from their bags. But inevitably they always seem to drive away in a much better car than what I have and seem to eat and dine in the same fashion.

This bill also removes the reference to a monetary limit in the borrowing authority vested in the Victoria Racing Club (VRC). The borrowing limit in the legislation was set at $10 million. This section of the bill restricts the VRC in relation to carrying out any major developments and improvements at the Flemington racecourse, including improvements to the course proper and the training facilities.

We all know and appreciate the significance of the Flemington racecourse and the VRC to the state of Victoria during the Spring Racing Carnival — the huge benefits of tourism and the money that flows into the state at that time. It is only right and fitting that the VRC be given the opportunity to develop its facilities to a degree that caters for those international tourists and the great carnivals that it runs.

I think a lost subject in racing quarters is training facilities. Often owners or groups of owners will head off to the yearling sales and invest hundreds of thousands of dollars in livestock. Many of those livestock end up with a breaker and finally with a trainer at a training facility. I believe we owe it to the industry to ensure that we can provide the best opportunity for those horses to be trained in such a manner that restricts them and the riders from being injured.

This legislation, by lifting that borrowing limit of $10 million by the VRC, will ensure that the training facilities at Flemington racecourse are at a level that gives all of the trainers who train there and the owners who invest in the livestock the ability to recoup the best possible dividend from their investment in the racing industry.

As much as this particular legislation refers to the Flemington racecourse, I think there is another issue down the line. Trainers often raise issues about training facilities. They believe their investments and the owners' investments do not always get put to the fore, particularly when considering the funding of rural and regional racing centres. Although their investment may not be quite as high as those people who buy and keep horses in the larger metropolitan stables, nevertheless it is quite significant and in line with their local economy. People who invest in the racing industry in country and regional areas deserve and should have the best possible training facilities made available to them to ensure once again that the investment made by owners is not in vain.

There is nothing worse than to have a horse in training in a stable and to find that it has been injured by something that could have been avoided — perhaps a hole in the track, a rail that is sticking out because it has not been repaired or a surface that is either too hard or too wet because it has not been drained properly. There is enough luck involved in the racing game as it is without having to deal with the problem of inadequate racehorse training facilities.

This bill has met with cautious approval by Tabcorp. This is understandable, because back in about 1994 it paid $597 million for wagering and gaming licences in Victoria. In terms of the overall carnival atmosphere at the races, Tabcorp would appreciate the added excitement that bookmakers bring to the day, but they are in many regards Tabcorp's opposition. Bookmakers have been lifted another rung by the introduction of this legislation, which is why Tabcorp has welcomed it cautiously. It does not want to see this process undermining its position, given that it has paid a significant amount of money for a licence to operate wagering and gaming facilities in this state.

There is always the issue of creep, or the thin end of the wedge — in other words, how much assistance Tabcorp will receive down the line for this — but I think one has to take an overall view of the racing industry and appreciate the fact that if we lose the bookmakers, racing will lose a certain amount of character and flair. Considering the very small impact that this legislation may have on Tabcorp, there may be an overriding benefit in bookmakers being able to attract people to race meetings. People may bet with bookmakers, but there are always trifectas, which I love and have had a bit of success with. People have a bet with the bookmakers, and then they go and have a bet with the TAB and try to put their systems in place to pick up a dollar or two. Tabcorp does not want any other form of betting introduced because it paid a significant amount of money to become the licence-holder and its shareholders have a vested interest in the issue.

Throughout the state we currently have 172 bookmakers who field on thoroughbred racing, 43 who field on harness racing and 12 who field on greyhound racing. I recognise that harness and greyhound racing have perhaps not enjoyed the significant growth that thoroughbred racing has. The challenge for the Minister for Racing is to lift the profile of both harness and greyhound racing. We initially had huge marketing incentives and programs in metropolitan areas, but it took quite a while for these to flow on, particularly in the thoroughbred industry, to regional and rural racing. Country racing is now running at a peak, with tremendous crowds and great turnover. But this huge success was only due to the fact that we started to market it.

I was fortunate to be the head of the marketing committee at Colac when some of the incentives from the Victorian Country Racing Council were implemented and we began to have people assisting us with our marketing. The club went ahead in leaps and bounds. Country clubs around the state have continued to follow that pattern, and they do very well. The issue here is how we roll that success story on to harness and greyhound racing, because clubs in smaller country and regional centres contribute an enormous amount to the amenities and entertainment in their towns.

I have always said, in relation to country racing, that we should be fighting for the lowest and last club on the rung, because your turn comes up very quickly if you start to lose clubs underneath you. Over many years we lost a number of smaller clubs, to the detriment of racing. Some clubs had to amalgamate because they were located close to each other, but there were some very picturesque little clubs in country areas that had they been saved early in the piece, would today provide a further incentive to run those great little carnivals and create picnic racing-style atmospheres.

The bill allows bookmakers to form partnerships and companies subject to the approval of the Bookmakers and Bookmakers Clerks Registration Committee, providing all partners are registered bookmakers, but at this point in time nobody is getting knocked down in the rush. A huge number of bookmakers have not come forward saying, 'We want to go into partnership; we want to get involved'. I can understand this, having had a significant background in business and in a number of partnerships. Many years ago when I had several different types of businesses I visited my accountant over various issues, and I spoke on the partnership issue. There always seemed to be a number of partnerships in dispute at the practice; they were dissolving over a number of different issues that could not be resolved.

Mr Hulls — Like the Libs and the Nats!

Mr MULDER — Don't worry about the Libs and the Nats.

I will look with interest to see how you can get six blokes together with a bag of cash to form a good partnership with a long-term relationship. It will be quite testy as to who wins and who loses. I will look to the implementation of some of those partnerships to see what they provide for the racing industry.

The legislation allows bookmakers to form companies, providing all directors and shareholders of the bookmaking companies are registered bookmakers. On that matter I raise the issue of why persons outside the bookmakers code were not allowed to be part of these companies. I always throw it back to the trainers; I think if trainers were allowed to form partnerships and companies and bring on board the expertise they need some of them would survive and run better in the

industry. Many people who go into the industry as a trainer can feed, train and race a horse but have difficulty with some of the business aspects of it. I wonder whether down the line the Victoria Racing Club may look at that, and at allowing participants in the harness racing and greyhound codes to expand their types of operations.

When I have raised the issue of why people outside the bookmakers code could not be involved, I have understood the explanation — that is, that it would allow conglomerates to get involved. It would allow people outside the industry, people who run the overseas betting shops, to come in, take up a position on one of the companies and start to dominate and dictate the operation. That could cause enormous damage to the industry. As I said, it would have been good for people outside of the bookmakers code to become involved and for their expertise to be brought into some of these companies and partnerships, but I understand the reason behind that issue.

This legislation also allows for an increase of the membership of the Bookmakers and Bookmakers Clerks Registration Committee from seven to eight members, to include a person who has expertise in corporate law or finance. I do not know whether it will be possible, but for the person appointed to also have a sound background in racing would be good and would add to the expertise and ability of that committee to make the decisions required.

Mr Hulls — It might be a woman.

Mr MULDER — It could be, too; it doesn't matter. We could have a woman; I would be happy with that. As long as it is not an old bloke; you would hate it if they gave the job to an old bloke, wouldn't you? You don't like the old blokes in racing! He hates the old blokes. Have you got rid of them all yet? There are still a few on the gates.

Mr Hulls — We are working on you next.

Mr MULDER — I will get back to the bill. It would be good if the extra member appointed to the committee had a background in racing, because they will require expertise in that area. It is a very different form of business, and the types of structures put forward to the board will create some very interesting challenges.

Some questions we raised at our briefings remain unanswered. Who gets called in if a partner or director, being one of the bookmakers, does an over-the-odds horse on a dog, a pacer or a thoroughbred? Will the individual partner or the company get dragged in? Who is responsible and how will the committee handle that? Will someone be stood down? Will one of the partners of the company be stood down? How complex is the issue at hand? How quickly can it be resolved? This is groundbreaking legislation to a degree in the racing industry, and some of these issues need to be addressed. Does the peak body that controls the bookmakers supervisor at a race meeting have a duty of care in relation to any reckless behaviour on behalf of a partner or director? If a partner or director, being one of the bookies, is out there offering 500 to 1 on a 5 to 4 favourite and the bookmakers supervisor is off having lunch and a drink at the time, does he have a duty of care in relation to the other partners with his supervisory role over the bookmakers?

As I understand it, bookmakers are given licences to bet at clubs based on their performance, turnover and what they have to offer to the club. Will partnerships be treated collectively — in other words, will there be the collective turnover of the partnership or the company — and will that automatically give them special rights and privileges over and above smaller bookmakers who decide, for the reasons I have outlined, that partnerships are not always successful? Many people will treat the process of having to go into a partnership or company as being entrapment; they will be forced out of the industry unless they take on a role as a partner or director in a bookmaking company and may therefore decide to stand alone. Will this put them at a disadvantage? In fact, will it spell the end of some of those smaller bookmakers?

These are the issues I have raised some concerns about. From having been involved in business in the past I know that anywhere and at any time a dominant force or major business or conglomerate moves into an industry people will always fall out the bottom end. As I understand it, this legislation is designed to assist bookmakers and to keep them in the industry, but I raise that concern with the minister. What would he do if this proved to work against the interests of bookmakers, particularly smaller bookmakers? There has to be some form of a circuit-breaker in there. No-one is jumping forward at the moment, because I think everyone understands some real issues need to be sorted out.

Mr Hulls — Just thank the minister.

Mr MULDER — I haven't thanked the minister yet; I haven't got to the minister yet. I will get to you in a minute, as you say to me quite often.

There is the issue of partnerships being formed in a very volatile industry. I wonder how some of those

directorship or partnership meetings would go if when people returned at the end of the day the fellow who had been at the greyhounds said, 'I have done the bag', the fellow from the harness racing said, 'I have done the bag', and the guy who had been to the Colac races said, 'I've made $10 000; let's split it up.'?

Mr Hulls interjected.

Mr MULDER — There will be some interesting disputes, and the committee will have quite a deal on its hands sorting out some of the issues.

Earlier in my contribution I raised the matter of bookmaking in the harness and greyhound codes having experienced a serious decline over the past decade, and the harness racing market as a percentage of the bookmaking dollar having fallen from 10 per cent to 2.5 per cent, which is one hell of a significant fall, and greyhound racing having fallen from 9 per cent to less than 1 per cent. This issue has to be addressed. As I said earlier, we have made significant inroads in turning that around in country racing. There is an opportunity to assist those codes by looking at some of the great initiatives thoroughbred racing has taken on board.

I will close on the following issue. The last page of the second-reading speech states — —

An Honourable Member — What about the minister?

Mr MULDER — I will get to the minister:

> The review is under way and has been partly subsumed into the recently established whole-of-government working party to develop uniform legislation for crowd control at sports venues.

I am not sure how far this goes and what role racing industries will have, but as someone who has attended race meetings on numerous occasions I can say that we still have not got to the point of welcoming people onto racetracks. Racetracks are still set up around the country so that wherever you seem to walk there is a barrier and someone with a hand up saying, 'You can't come in here, you are not welcome in here, you haven't got this particular badge, you cannot get that today, you will have to turn away. I know your friend is a member, but you are not a member'. There just seems to be this issue to me.

If we are going to try and attract people to the racing industry, more needs to be done to provide flexibility for the people coming onto the course. A lot more also needs to be done with the people who work on course in terms of their roles as ambassadors for the industry. It is a great day out, but punters can be turned off when aggressive people are put into roles which I consider to be on the welcoming side of the industry. I hope that when this working party works through the crowd control issue and looks at its implications for racing clubs, the racing industry will in its own right consider how to change that image. It has not been good, and a lot more could be done in that regard.

At the club of which I am a committeeman there are no locked doors or gates and people wander freely throughout all areas of the racecourse. That has done an enormous amount to attract people to the club. They can bring friends and visitors with them knowing very well that they will not be met with, 'You cannot come past this point, you are not welcome beyond this point'. Irrespective of what type of explanation you offer to those people they still think, 'I don't fit in', and the industry must address that issue.

As I said, I am a great supporter of racing and the bookmaking fraternity. I have some concerns about the legislation and whether its impact will be positive or negative, particularly in relation to partnerships and companies. I believe that down the line they will have some significant disputes, and some of the legal agreements will be put before the bookmakers committee for it to sort out. Maybe we should be looking at some form of template agreement, whereby only certain types of agreements will be accepted by those committees.

Those issues all are up in the air at the moment, and unfortunately I think they will only be sorted out as disputes arise — and there will be disputes. Provided those matters can be resolved and the smaller bookmakers who decide not to form partnerships or companies are not squeezed out as a result, this legislation will provide the great benefits to the industry that we hope it will.

In closing, I do not oppose the legislation, despite the questions and issues I have raised and the concerns I have. I wish the bill a speedy passage through the house.

Debate adjourned on motion of Mr MAUGHAN (Rodney).

Debate adjourned until later this day.

THEATRES (REPEAL) BILL

Second reading

Debate resumed from 24 April; motion of Mr HULLS (Attorney-General).

Ms McCALL (Frankston) — The Liberal Party is not opposed to this bill. However, there are two issues that its members will raise about it: one of them relates directly to the Theatres Act itself, and the second concerns the Anzac Day provisions.

I will begin by commending the Law Reform Committee on its *Review of the Theatres Act 1958*. I am a member of the committee, and what a splendid committee it is, chaired as it is by my colleague the honourable member for Sandringham. If anyone wants some interesting reading I commend to them the history of this particular piece of legislation, and members may well enjoy reading the *Review of the Theatres Act 1958*, which was published by the committee in May last year.

I will read into the record the recommendations of the committee that relate to the repealing of this act:

> Recommendation 1
>
> That the provisions in sections 3 to 5 of the Theatres Act, which impose a general licensing scheme for theatres, be repealed.
>
> Recommendation 2
>
> That the provisions in sections 7 to 10 of the Theatres Act, which require a theatre production or cinema to obtain a permit to operate on Good Friday or Christmas Day, be repealed.
>
> Recommendation 3
>
> That the Anzac Day Act be amended so as to prohibit the performance of live entertainment before 1.00 p.m. on Anzac Day.

I will mention that later. Recommendation 4 has not been adopted in this piece of legislation.

> Recommendation 5
>
> That no additional legislative provisions be enacted to substitute for s. 6 if s. 6 is repealed.
>
> Recommendation 6
>
> That the Theatres Act 1958 (Vic) be repealed.

The bill before the house needs to be placed in some historical context, which I am happy to do in relation to the review undertaken by the Law Reform Committee. Like a great deal of the legislation that finds its way into this chamber to be amended, updated or repealed, the Theatres Act is very much based on the Westminster tradition and can be placed in the historical context of the United Kingdom legislation that existed prior to Australian Federation.

One of the acts which is of particular interest and which had an effect on, I dare suggest, the then Australian colonies was the Sunday Observance Act of 1677. The second act I particularly like is the Act for Preventing Certain Abuses and Profanations on the Lord's day called Sunday, which was enacted in 1780. Both are British pieces of legislation, and in historical terms they were totally appropriate for their time and when they become part of Victorian legislation.

We may recall that in 1677 — although most of us were not alive in those days, nor in 1780! — the historical composition of the United Kingdom was largely Christian and the observance of silent or family duties on a Sunday was sacrosanct.

Mr Wynne — Silent?

Ms McCALL — Yes, silent family duties, but also silence in the sense that there was no use of profane language, no obscene behaviour or anything else that could contradict any of the teachings of the then church. By then it was predominantly the Protestant church, but needless to say there was strong support within the UK for those other communities — Catholics, Presbyterians, Methodists and other religious groups, and perhaps even the more extreme ones who went to America for liberation.

However, according to the Law Reform Committee report:

> The intention of the 1780 act was not so much the promotion of religion as the restriction of any assembly for political purposes on the one work-free day of the week.

Here we are in 2002, and I defy any of us to suggest that we do not work in any respect on a Sunday and in particular on those days of observance, Christmas Day and Good Friday. I can remember that when I first started work in the United Kingdom I worked on Good Friday because a number of UK companies considered it to be a standard day no different to any other.

The Law Reform Committee conducted extensive consultations with a number of groups, and not only religious groups. The committee consulted quasi-religious groups such as the Salvation Army as well as the RSL, and it invited submissions from a large number of other groups. My colleague the honourable member for Sandringham, who as I said chairs the Law

Reform Committee, will no doubt discuss some of those submissions in some detail.

This is a very simple bill that repeals a piece of obsolete legislation. The point it tries to make is about whether we recognise the importance of Good Friday, Christmas Day and Anzac Day. There is no question that those of us who have been brought up with a Christian background would recognise that Good Friday and possibly Easter Sunday are the most important days in the Christian calendar. However, we also recognise that the composition of the overall Victorian and Australian community means that it no longer regards Good Friday and perhaps Christmas Day to be as important as some of us from a Christian upbringing do. This is a recognition of the maturity of a state that recognises its multicultural nature. It in no way detracts from those who wish to observe those religious holidays. An important point in the thrust of the Law Reform Committee's recommendations is that to a certain extent it is not the place of legislation to govern the way people carry out their religious observances.

It is not up to us to dictate that because a percentage of the community recognises Good Friday or Christmas Day as being important from a religious perspective that we should impose those beliefs on other people. After all, one would argue that the indigenous inhabitants of Australia were anything but observers of Good Friday, Easter Sunday or Christmas Day.

I do not intend to touch in great detail on those issues relating to the Anzac Day provisions except to say that when the committee looked at the role of the Theatres Act 1958, as it then was, it recognised provisional anomalies that would be more appropriately placed after the repeal of that act in the Anzac Day Act. It is for this reason that the Liberal Party has decided not to oppose this legislation. If we totally supported it, it would appear that we had no reservations about the Anzac Day provisions. We do have some reservations about those, but it would be inappropriate for us to continue to support a piece of obsolete legislation and at the same time recognise that the Anzac Day Act and the observances within Victoria and Australia on Anzac Day are currently being reviewed by another joint parliamentary committee. Without pre-empting any of its results we are comfortable with not opposing this legislation, but we have certain reservations which we hope and believe will be addressed when the review of the Anzac Day Act, under the Scrutiny of Acts and Regulations Committee, proceeds.

I commend all the submissions that the Law Reform Committee received from the groups that chose to approach it. We understand that this was a slow process, although it has ended up with quite a small report — unlike some of the other reports that joint parliamentary committees produce. It is a simple piece of legislation in honest recognition that times have changed and things have moved on and recognising that the purpose for which the Theatres Act was enacted — to protect certain days for predominantly religious purposes — no longer has a reasonable part to play in the Victoria of today and, I am happy to say, in the Victoria of the future. Therefore on behalf of the Liberal Party I have no difficulty in not opposing the bill.

Mr RYAN (Leader of the National Party) — It is my pleasure to join the debate on the Theatres (Repeal) Bill. This legislation arises out of deliberations by the parliamentary Law Reform Committee. A report was tabled on 31 May last year and the legislation is a consequence of that report. There were six recommendations in it, and in essence this legislation reflects those recommendations. On behalf of the National Party I do not oppose the legislation. I say that in the sense that I know there will be people in the community, as I do myself, who have reservations about Good Friday and Christmas Day no longer being the subject of consideration as they have been historically under the Theatres Act, but equally I recognise the pragmatic position referred to in the committee report which I have scanned and with which I am in general agreement. The bottom line is that change needs to be made to accommodate the reality of the way in which society functions today and so it is that this legislation is before the house.

The Theatres Act of 1958 has two regulatory purposes, the first being the provision of a permanent scheme for cinemas wishing to show films on Good Friday and Christmas Day and the second being a scheme in relation to the licensing of live entertainment. Pursuant to the terms of this legislation the Theatres Act is being repealed within part 2 of the bill, and then the provisions regarding sport and the use of cinemas on Anzac Day and issues of live entertainment are being transferred across to the Anzac Day Act. Those particular provisions are set out in part 3 of the bill which I want to address.

Clause 5 refers to sport on Anzac Day. In essence it will mean that after 1.00 p.m. it is in effect open show and sports may be conducted. In clause 6 provisions regarding the use of cinemas on Anzac Day will be introduced. There is an interesting provision under proposed new section 5(1), which states in part:

> a person must not, without a written permit from the Minister, show any film or allow any film to be shown before 1.00 p.m. on Anzac Day at a cinema or other place (whether indoors or outdoors) to which persons are admitted …

The responsible minister in this instance will be the Minister for Sport and Recreation in the other place, the Honourable Justin Madden. The provision goes on to say:

> (a) on payment of a fee or charge; or
>
> (b) after a donation is sought from them —
>
> for the showing of the film or to enter or remain at the cinema or place …

They are interesting options. I do not know that I have seen these options replicated in any other form of legislation. Because of prevailing circumstances I was unable to obtain a briefing from the department about this. I emphasise that it was a matter entirely of my own making and had absolutely nothing to do with the minister or the department. It was just that I did not have the time to do it. Nevertheless the options offered of a fee or charge or a donation are interesting. Presumably it is on the basis that the donation might be made for what is thought to be an appropriate cause as a mechanism for entry to the show in question as opposed to applying an obligatory fee.

One can understand, for example, that if there were some program on in the morning where the features of Anzac Day were on display it might be felt more appropriate to have entry by donation as opposed to a fee or a charge. Presumably that option is made available. In any event, if the film is to be shown a permit must be sought through the minister and the person or corporate entity who seeks the permit must comply with its terms.

Subsections (4) and (5) of proposed new section 5 of the Anzac Day Act contain some interesting provisions. Subsection (4) states:

> If a body corporate is guilty of an offence against sub-section (1), any person who is concerned, or takes part, in the management of that body corporate is also guilty of the offence and liable to the penalty for the offence.

Potentially this is a cause for concern. It is the notion of a corporate responsibility being passed across to individuals within the organisation, and that principle is something about which we have to be very careful. We will have this discussion when further legislation we have come to know as the manslaughter legislation is debated in the house. Of course, that will come up in another context altogether.

Provisions of this nature are always potentially very difficult to accommodate. One can easily understand a position that might apply where a person who is concerned with or takes part in the management of a body corporate might unwittingly find himself or herself being charged with an offence for breaching this provision where they had no idea at all as to the offence in question. For example, a person in a management role may have gone on holidays and be overseas, be ill or any number of options that readily come to mind, and the offence as described be committed in the complete absence of knowledge of that individual. As a matter of principle that is a concern.

Subsection (5) goes on to set out the defences to the charge and says that the charge will not be proven if the person concerned demonstrates that:

> (a) the offence was committed by the body corporate without his or her consent or knowledge; and
>
> (b) he or she exercised due diligence to prevent the commission of the offence.

Although at first blush the defence sets out a response to the position I have just postulated, the onus of proof has been reversed so that people who are otherwise subject to this charge will have to establish their innocence. I have concerns about that principle also.

Those are two issues that we need to be very careful about in the sense of public policy to do with this style of matter. According to persons who are associated with bodies corporate in the way described in the legislation, one is the notion of guilt which otherwise attaches to the body corporate itself. The second is the further principle of reversing the onus of proof so that people are innocently caught in the dilemma of being charged when they ought not bear the responsibility of having to demonstrate to a court that they are not guilty. Again, that is a cause for concern.

Clause 7 provides for the insertion of proposed section 5A into the Anzac Day Act relating to other entertainment on Anzac Day. Principally it talks about the notion of live entertainment. As I understand it, that definition will be very inclusive to the point where the second-reading speech somewhere in its content reflects the fact that even if people who operate a coffee shop want to have a guitarist, for example, play live music prior to 1.00 p.m. on Anzac Day they will have to obtain a permit. As a principle that is a very good idea. What we are talking about is honouring and continuing to honour Anzac Day and everything that goes with it in an appropriate fashion. The broad nature of that definition is very appropriate.

There is also an exemption that says, in effect, that under the Liquor Control Reform Act if services are provided from a facility which has attached to its licence a capacity to provide live entertainment as defined in the act, that facility is exempt from the provisions of this legislation. In the case of pubs with a late licence, for example, when the clock ticks over to 1 minute past midnight and the band is rip-roaring and flying into it and has been doing so pursuant to the licence which usually applies to that establishment, then that live entertainment can continue into Anzac Day without a permit having to be sought under the terms of the legislation.

In subsections (6) and (7) of proposed section 5A there are those same provisions to which I have already referred as representing a cause for concern in the proposed new section. Again we see the notion of persons associated with a body corporate in the manner in which the legislation sets out being prospectively accorded responsibility for a breach of the law. Furthermore, in their defence they have to establish the facts which represent that defence. Therefore they face having the onus of proof reversed against them. In essence, those are the terms of the legislation.

I wish to refer to one other issue. Anzac Day in Victoria will never again be the same because this year, after 23 years of faithful service as the state president of the Returned and Services League, Bruce Ruxton, a legend in his own time, has decided to stand down from his role.

I have taken part in only the last two Anzac Day marches along Swanston Street and St Kilda Road up to the shrine, eventually to the dais and subsequently on to the steps. I have done so over these last couple of years in my current role as Leader of the National Party. It has afforded me the opportunity to witness events which I will carry with me forever.

Marching up Swanston Street and St Kilda Road and up onto the steps of the Shrine of Remembrance in the company of Bruce Ruxton is truly an experience. Last year, and again this year, I was part of the ranks which were led by the Governor, the Premier, the Leader of the Opposition and various other dignitaries and members of the armed forces. There was a common feature last year, repeated this year, which I reflected on before we started the march with John Hamilton, who writes for the *Herald Sun*. The organisers had accorded John the honour of participating in the march because it was his role to write an article on Bruce Ruxton.

As we marched to the shrine up Swanston Street and St Kilda Road there were columns of people on both sides of the street. Amidst all the clapping and cheering and all the wonderful and justifiable reflections by the crowd on the march and everything it represents there was a singular theme, which was to accord to Bruce Ruxton the congratulations appropriately due to him on behalf of the many people he has assisted over the years. From the crowd came the incessant call, 'Good on you Brucey!'. On occasion, if I may be forgiven for saying so, there were calls of 'Stick it up 'em, Brucey'. I'm not sure if that is parliamentary or not, but I am simply quoting what was being said. There were many other occasions where people called out 'Thank you, Bruce'. This year in particular others called out, 'Good luck!' or 'Good on you!' — all variations on the same theme.

I told John Hamilton he would hear that about every three steps along the way, and so it turned out. This year was a fitting tribute to a man who has given two decades and more of service to an organisation which he loves and the members of which absolutely love him. There is one thing about him: whether you agree with him or not, you are never left in any doubt as to his point of view. That was reflected also on this particular Anzac Day, when comments were made about prospective participants in future marches. Bruce had no hesitation in putting his view on who he believes ought to be able to continue to participate.

Bruce's wife, Jill, has been a magnificent support to him over the years. She is a delightful lady, and she rightly features in John Hamilton's story, which was published the following day in the *Herald Sun*. She has been a magnificent stalwart for Bruce during the years of their marriage.

The article written by John Hamilton is a good read, and it also reflects a moment when we had some concern because the engines almost ran out of fuel as we were heading up the last couple of hundred metres. Bruce had to take a momentary pause while he gathered himself, but in the face of the assistance ably offered to him by a properly concerned police officer he shrugged it all off and strode those last couple of hundred metres under his own steam. He then took his place on the dais, where for the next 3½ hours we collectively reviewed the march.

At the conclusion of the review we went up to the steps of the shrine. There were 12 or 15 of us on the front steps during that most solemn and compelling of occasions. The weather, which had been threatening to play a part in proceedings all morning, then joined in.

That same morning at the dawn service, in which Bruce participated and Tony Charlton played his part, it was

extraordinary to stand at the grave of the Unknown Soldier and read carved across the top the words: 'Greater love hath no man …'. Again Bruce participated magnificently in that component of the day's events.

Later as we stood on the steps of the shrine the heavens saw fit to see him off. We were almost washed away, because it fairly bucketed down. I could not help but recall as I stood there being drenched that there were many parts of Victoria that would well and truly have enjoyed what we were then copping. Had I had my choice it would not have been us just at that moment, but be that as it may. John Hamilton finished his article with these words, and I conclude my contribution by quoting them:

> But here on the steps of the shrine at 12.25 p.m. was the enduring memory of Bruce Ruxton, a World War II soldier from the days of king and empire.
>
> He stood there as the sky opened and the rain bucketed down in sheets.
>
> The water plastered his silver hair, cascaded off his medals, drenched him.
>
> He had spurned an umbrella because Bruce Ruxton, AM, OBE, Chevalier of the Legion of Honour, was standing to attention.
>
> Standing to attention, singing *God Save the Queen*.
>
> It wasn't only rain coursing down those cheeks. There were tears as well. In all our eyes.

On behalf of the National Party and, I am sure, all members of the Parliament I use this occasion, given the context of the legislation, to convey to Bruce Ruxton and to Jill our best wishes for whatever may lay ahead of them, and I thank Bruce Ruxton for his magnificent service to a cause to which, throughout the whole of his life, he has been utterly dedicated.

Mr WYNNE (Richmond) — I rise to support the Theatres (Repeal) Bill and, in following the Leader of the National Party and the tenor of the latter part of his contribution, to pay my respects to Bruce Ruxton. I also witnessed that memorable finale for Mr Ruxton on the steps of the Shrine of Remembrance, and as the Leader of the National Party indicated, the downpour which many had to endure that day was extraordinary.

I do not wish to make this a eulogy to Bruce Ruxton. My only brief experience of him in public life was when I held a public position with the City of Melbourne, where we crossed swords — —

An honourable member interjected.

Mr WYNNE — Not hard to do indeed! I think he regarded me as something of a socialist devil at that time, but nonetheless in my capacity as an adviser to the then Minister for Housing and Construction, the Honourable Barry Pullen, he rang me to seek support for some of his veterans who had difficulty accessing public housing. He was a most persuasive and eloquent advocate on behalf of his constituency, and we were able to satisfactorily resolve the problem. His public utterances are a hallmark of this extraordinary gentleman — some of them could best be described as provocative, colourful and offensive — and in my brief experience of him he would do virtually anything in support of and as an advocate for returned servicemen. Anzac Day is part of the bill, and I appreciate your leniency, Madam Acting Speaker, in allowing me that brief digression.

To return to the bill, the Theatres Act is a consolidation of previously existing laws and reflects elements of the Theatres Licensing Act of 1850, so it goes back that far. The only part of the Theatres Act currently being administered is the permit scheme allowing cinemas to show films on Good Friday and Christmas Day. The need to review what has obviously become outdated legislation has been recognised for some time, and in February 2000 the government gave the Law Reform Committee a reference to inquire into the relevance of the act.

The bill implements the recommendations of the bipartisan report of the committee, which was requested to report on a range of matters: firstly, the need to retain a licensing scheme for live entertainment which is performed for reward; secondly, the appropriateness of requiring that licensed entertainers obtain special permits if they wish to perform on particular public holidays — namely, Good Friday, Anzac Day and Christmas Day; thirdly, the appropriateness of retaining a permit scheme for cinemas that are not licensed if they wish to operate on Christmas Day and Good Friday; and finally, the impact of repealing the Theatres Act 1958.

We are well aware of the thorough and rigorous process by which committees of this Parliament operate. Public hearings were held in Melbourne, and the committee sought input from a whole range of organisations. In its report the committee noted that the Sunday Entertainment Act 1967 prohibited the holding or conducting of entertainment on a Sunday without the written permission of the minister, which seems somewhat archaic in this day and age. When the act was repealed in 1993, nearly 10 years ago, the government of the day believed the legislation had become irrelevant because it no longer reflected

obvious community standards relating to entertainment on a Sunday.

There was bipartisan agreement in the house in 1993. Community attitudes were such that allowing public entertainment on Sunday was obviously not a controversial issue. In Victoria today two acts — the Theatres Act 1958 and the Anzac Day Act 1958 — still regulate live entertainment and the operation of cinemas. I shall return to the Anzac Day Act, because it will now be in the expert hands of the Scrutiny of Acts and Regulations Committee.

Obviously Sunday trading is no longer restricted in practice, although in theory — I stress 'in theory' — anyone providing live entertainment at any time still requires a licence to operate under the Theatres Act. The bill lifts an inappropriate restriction on cinemas operating on Christmas Day and Good Friday. The government recognises that these days continue to have important religious and historical significance. However, we believe the restrictions are no longer appropriate in our multicultural society of 2002, in which there are different aspirations for both those symbolic days.

For some Christmas Day is sad as they are no longer associated with their families because they have disjointed family situations or have lost their family links. Those of us who live in a family unit enjoy all the wonderful excitement associated with it, particularly in my instance as I watch the enjoyment my children get from receiving Christmas presents and taking part in the festivities around Christmas Day. But as I said, that is not always the case for many people for whom there is often great sadness. A number of crisis organisations find this period particularly stressful. For some people, having an opportunity to seek other forms of social outlet, be it at a cinema or wherever, is a sensible recourse.

For many in our multicultural society Christmas Day is either not relevant or plays no part in their religious calendar, while others celebrate Easter and other religious occasions at other periods of the year.

The Law Reform Committee of this Parliament received, I think, six written submissions — which is relatively modest, I might say — in relation to the issue of opening hours on Christmas Day and Good Friday. Three were from industry representatives and three were obviously from religious organisations, presumably seeking to put different aspects of the argument before the committee. My understanding is that the committee was of the view that if the purpose of restricting the opening of cinemas on Good Friday and Christmas Day is to encourage the Christian religion it would be difficult to accept that as a legitimate activity of the modern state. The need to review the Theatres Act, therefore, to determine its continuing relevance has been obvious for some years, and as I indicated, its content has become less and less relevant in the society that we enjoy in this state.

The committee tabled its report in Parliament on 31 May 2001, and made six recommendations, including obviously the repeal of the Theatres Act and the transfer to the Anzac Day Act of the prohibition against live entertainment prior to 1.00 p.m. on Anzac Day. My colleague the honourable member for Werribee, as chairman of the Scrutiny of Acts and Regulations Committee, had as one of her tasks, along with her colleagues, the investigation of this matter.

I want to pick up a couple of points which were raised by the Leader of the National Party and which I think should be properly dealt with by the Scrutiny of Acts and Regulations Committee. They relate to the question of reverse onus and the potential impact on individuals of the body corporate provisions. I think we should ensure that when the Scrutiny of Acts and Regulations Committee deals with this it picks up what I regard as two quite reasonable matters that were raised by the Leader of the National Party. I indicated that the government accepted the recommendations of the committee virtually in total, and it is appropriate that we recognise the contribution made by these bipartisan standing committees to important areas of social and economic policy in the state. Three members of the committee are in fact here in the house today. The bill implements in total the recommendations of the committee.

Ms McCall — Not recommendation 5.

Mr WYNNE — Not 5. On my understanding the bill implements the committees recommendations, apart from recommendation 5; repeals an inoperative licensing scheme for live entertainment; ends opening restrictions on cinemas that wish to operate on Good Friday and Christmas Day; and transfers restrictions which restrict live entertainment until 1.00 p.m. on Anzac Day to the Anzac Day Act. Clause 3 of the bill repeals the Theatres Act. Clause 6 substitutes proposed new section 5 in the Anzac Day Act 1958. Clause 7 inserts proposed section 5A into the Anzac Day Act, which restricts the provision of live entertainment on Anzac Day.

I will finish on these brief points. The Office of Film and Literature Classification — quite appropriately it is a federal office; and I think my former colleague Des

Clarke is still the chief censor in Canberra — will continue to provide an appropriate level of scrutiny of film content throughout the year but most specifically on Good Friday and Christmas Day, to regulate potentially offensive entertainment in theatres.

Restricting live entertainment prior to 1.00 p.m. on Anzac Day reflects what I think would be a bipartisan position of this Parliament — that this is a sacred day. It is a sacred day not only in the life of Victoria but in the life of Australians, and is a day when we recognise the contribution of Australia's brave men and women, and those who initially landed and fought in that fateful attack at Anzac Cove at Gallipoli. Of course it lives on in spirit only now because there are no surviving Anzacs who contributed through the Second World War — —

An honourable member interjected.

Mr WYNNE — No, there's not — I think he's gone. Is there one left? Perhaps there is one surviving Anzac. I think he might be 103 now, but he is certainly the last remaining Anzac.

That spirit now lives on through those who made extraordinary contributions in other conflicts in which Australia was involved. We see the power of that in the Anzac Day march and the dawn service. People both young and old are now crowding to those events to acknowledge that contribution. Restrictions currently apply to shop trading hours, sport and racing activities, gaming, the operations of Crown Casino, the sale of liquor and the operation of cinemas. There is consistency in that, and it is obviously supported by both sides of the house.

This bill is an example of the Parliament working at its best. A social policy issue has been tackled in a systematic way by the Law Reform Committee, which brought matters immediately to the attention of the government, which acted upon those recommendations. The Anzac Day matter has been dealt with by a parliamentary committee chaired by my colleague the honourable member for Werribee, which will no doubt report back on its deliberations in due course. Clearly the bill enjoys the support of both sides of the house, and I wish it a speedy passage.

Mr THOMPSON (Sandringham) — In rising to address the bill I acknowledge the contribution of my colleagues in this chamber who serve on the Law Reform Committee — the honourable members for Frankston and Burwood, both of whom are present in the chamber, and the honourable member for Sunshine. This is a result of consultations with stakeholders, a large number of whom were corresponded with, including those who actually attended or made formal submissions to the committee.

One particular result of the work of the parliamentary committee is recommendation 3, which notes that the Anzac Day Act should be amended so as to prohibit the performance of live entertainment before 1.00 p.m. on Anzac Day. The committee made this recommendation in its review of the Theatres Act because it felt that the regulations which governed activities on Anzac Day should be harmonised under the one act so that the merits of individual activities could be debated under the one umbrella.

My own grandfather was one of the Australian soldiers with the 6th Battalion who landed on the shores of Gallipoli on 25 April 1916. It was only a matter of weeks later that he was buried in a trench collapse in Gallipoli, which is mentioned in the history of the 6th Battalion, which has the title *As Rough as Bags*. Despite that description, those early soldiers stood alongside many other Australian soldiers who left these shores to serve. They are numbered among the 100 000 Australian soldiers who gave their lives there and in other foreign lands.

A number of my colleagues have paid tribute to the work of Bruce Ruxton. Bruce and his wife Jill happen to be constituents of mine and I have had the honour of hearing Bruce make addresses on more than 20 or 30 occasions at Anzac and Remembrance Day gatherings, both within my electorate and beyond. With thousands of other people alongside him, Bruce has honoured the tradition of remembering those Australian soldiers who gave their lives in an arena of combat.

Bruce is a well-known character who has been a strong and valiant fighter for the rights of veterans. He has always been prepared to think outside the square. He has made comments which the news editors of daily television would have had some difficulty in sifting through in trying to work out which line to run with on a particular day at the state Returned and Services League (RSL) conference. He has made a significant and substantial contribution to the welfare of Australian veterans in a number of arenas.

Alongside Bruce and in other RSL clubs there have been other Australians who have honoured the memory of the people who have gone before them. In my electorate the Hampton RSL, under the leadership of Wally and Elaine Bencraft, and the Beaumaris RSL, under the current leadership of John Moller, who served in Korea, have continued the tradition nobly and honourably. There have been some outstanding

gatherings at RSL-based ceremonies in my electorate at Hampton, Mentone, Cheltenham and Beaumaris, including the 6.00 a.m. dawn service when the piper plays and the camaraderie is enjoyed, but there are also the moments of silence as one contemplates the work of those who have gone before.

The English poet John Masefield, as well as C. E. W. Bean, the war historian, have magnificently captured in great illustrative terms the spirit of Anzac and the exploits of the Australian soldiers both in the arena of combat and in the towns they passed through on the way to the battlefield. For example, the writings of C. E. W. Bean captured the heroism of Albert Jacka, who in 1915–16 received three military decorations. Some people would argue that he deserved three Victoria Crosses, but he ended up with one Victoria Cross and two military medals with bar. Bean remarked that in the history of the Australian Imperial Force no greater act of daring or audacity had been made by any other Australian soldier.

In Jacka's particular circumstances his trench had been overrun, Jacka himself had been badly wounded around the face and neck, and his compatriots had surrendered. But they were so inspired by Jacka's conduct — he refused to surrender — that they rejoined the fray and recaptured the ground.

As well as Jacka there were many other Australian soldiers, some of whom served in ways that did not receive the same degree of renown or distinction but whose commitment to the cause was no less significant.

In my electorate just prior to Anzac Day this year, the former federal leader of the National Party, Tim Fischer, launched a book of photographs taken by Australian soldiers who served in Vietnam. Cardboard boxes tied together with string and held together by rubber bands were sent to the person who compiled the book with the strong encouragement of Terry Earle, who had helped conceive the notion of publishing the book. They are about the lives of the Australian men and women who served in the arena of Vietnam.

With this particular spirit in mind, the RSL made submissions to the committee about the importance of Anzac Day. The Law Reform Committee decided that any decision regarding the conduct of activities on Anzac Day should be passed through to another parliamentary committee that might be reviewing these matters so that Anzac Day could be considered discretely. For clarification's sake, at the time the committee considered this matter it received an understanding that the RSL was working towards some sort of national coordination of events and activities on that day.

The committee also had the obligation of considering the role of the Theatres Act and the observance of Christmas Day and Good Friday. It was the wider and on-balance view of the parliamentary committee that the observance of such days should not always be seen to be dependent on government enforcement. That was the spirit of one of the remarks in a submission from the Presbyterian Church — that is, that the observance of those other days are matters for private consideration. Activities on Christmas Day and Good Friday are governed and regulated by a number of acts, including those affecting shops, casinos, liquor outlets, gaming machines, busking, sport, racing, television, pay TV and video hire.

In Queensland, New South Wales and South Australia theatre and cinema performances are broadly unregulated. In the United States of America, partly due to the establishment clause in the first amendment to the constitution, Good Friday and other days of religious observance are seen as principal days for launches of films. In England there is broadly no regulation of films on those particular days.

It was in this both comparative state and international review, noting the discreet nature of the screening of films, that the committee formed the view that it would be on balance appropriate to allow a system to operate where those activities could take place unregulated and provide some wider level of choice to people who may choose to not celebrate those days of religious significance in the manner in which others might and that might reflect the origin of the establishment of those provisions.

With those remarks I round off my contribution. Suffice it to say that I draw attention to the excellent work done by the Australian Hellenic Memorial Foundation under the patronage of Bruce Ruxton, George Veis, the then Consul-General at its inception, Dimitris Anninos, the current Greek Consul-General in Melbourne, and Sir John Holland, which saw the idea that was conceived by members of the Cretan community in Melbourne, and Peter Kalimnakis in particular, generated in the fulfilment of the concept of a memorial being established within the precinct of the Shrine of Remembrance that commemorated the lives of the 800 and more Australian soldiers who were killed or wounded in the battle of Crete.

The work of Bruce Ruxton was particularly significant in enabling this matter to be processed through the City of Melbourne and to enable the idea of individuals to be

fulfilled. There is an appropriate commemoration that is now able to take place within the precincts of the shrine as an adjunct to the battle of Crete and as a timely reminder of Australian–Greek soldiers serving side by side.

Mr STENSHOLT (Burwood) — I rise to support the Theatres (Repeal) Bill, which essentially has two purposes — namely, to repeal the Theatres Act 1958 and amend the Anzac Day Act 1958. This bill deals with significant days in the calendar of the Australian people. Good Friday and Christmas Day have been and continue to be acknowledged as important holidays, and indeed regarded by a significant section of the community as important religious festivals. Anzac Day is very much a national holiday when we show respect for and remember those who have fought for Australia and have paid the ultimate sacrifice. Like other speakers before me I pay tribute to them.

I also pay tribute to those who maintain and commemorate the spirit of the Anzacs through the Returned and Services League. In my own area, for example, I acknowledge the Camberwell City sub-branch of the RSL, of which I am a member, along with John Frewen, John Daly and secretary Arthur Pearce. It publishes the *Sniper* magazine and plays a strong welfare role in looking after its members. The branch maintains the oldest war memorial in Surrey Hills, which was built before the end of the First World War. Other sub-branches of the RSL are located nearby at East Malvern and Box Hill. Right in the centre of my electorate is the Burwood RSL, which includes an active ladies' committee.

A number of local activities are associated with the commemoration of Anzac Day. The Lone Pine memorial service in Wattle Park was reinstituted last year and is of great historic significance. The lone pine has obviously grown from a seedling of the lone pine of Gallipoli. For many years it was the site of the trooping of the colours, which many thousands attended, including the former and the current Governor-General. A full day of ceremony was had by all. I congratulate the units involved and the tramways board for organising the reinstitution of the ceremony and for conducting it this year and the last, on which occasions I have been able to be present.

The bill reinforces the standing of Anzac Day in our society in Victoria by proposing to amend the Anzac Day Act so that films in cinemas are not able to be shown before 1.00 p.m.

This bill comes from the review of the Law Reform Committee. One of my colleagues on the committee, the honourable member for Sandringham, has already mentioned that he and others including the honourable member for Sunshine, who is present in the chamber, and I undertook the review of the Theatres Act. We also looked at the Anzac Day Act. There were some aspects of that which seemed to a number of people, indeed some of the witnesses, to be somewhat outmoded.

The committee received nine submissions and heard nine witnesses. It looked at the total context in this regard and what actually happened under legislation on Good Friday, Christmas Day and Anzac Day, whether it be in terms of liquor licensing, gaming machines, busking or racing. It found that there were no restrictions though on pay TV. The committee also looked at comparative jurisdictions in terms of what was happening in Australia and some international jurisdictions, particularly in the United States of America. It found that particularly on Good Friday and Christmas Day the Theatres Act should be repealed.

I am pleased that the government has picked this up and has brought it forward to the house today in this bill because one of the comments that was made in the report was that in relation to the two religious days it is not easy to identify the aim of the restriction insofar as if it aims to encourage the observance of the Christian religion it would be difficult to accept this as a legitimate activity of the modern state, even though historically it has been an explicit objective of the forerunners of present legislation going back 100 years or more.

There is one aspect though, provided by section 6 of the original theatres legislation, which deals with offensive matters. It states:

> It is lawful for the Minister, whenever he is of the opinion that it is fitting for the preservation of good manners decorum or of the public peace so to do, to forbid by writing under his hand the acting or presenting any stage play or any act scene entertainment of the stage …

This was obviously discussed at some length by the committee in preparing its report, but it looked at this and felt that there were other provisions which may well cover this. The suggestion of using the act to ban *The Exorcist* recently was seen as being not very good policy.

Indeed it is felt that there are other acts available — for example, the Summary Offences Act 1966 insofar as it proscribes obscene, indecent and threatening behaviour in a public place. Other speakers have already mentioned the Office of Film and Literature Classification, which can and does provide an appropriate level of scrutiny of the content of films for

Good Friday showings. In other words, provisions were available to cover these particular aspects. These are the main aspects that are dealt with in this bill and are its main concerns.

I have already mentioned the Anzac Day Act, which covers what can be done on Anzac Day. There are some limited provisions for exceptions to this in terms of commonsense arrangements, and they are set out in the bill. I believe this bill appropriately reflects current-day practice and thinking, and it is appropriate. I commend the bill to the house.

Mr WILSON (Bennettswood) — I am pleased to make a contribution on the Theatres (Repeal) Bill that is currently before the house. The bill has two purposes, which I will deal with separately.

The first is to remove any requirement to obtain a licence to show movies or to operate theatres on Good Friday and Anzac Day. The proposed change, which has come from the recommendations of the all-party Law Reform Committee, is that the requirement to obtain a licence to show films on Good Friday and Christmas Day should no longer exist. This is interesting when one considers the wording of the report of the Law Reform Committee, which concluded:

> If it is to encourage the observance of the Christian religion, it would be difficult to accept this as a legitimate activity of the modern state even though it has historically been an explicit objective of the forerunner to the present legislation.

That is probably a correct assessment. However, I note and I wish to place on record that those religious days, Christmas Day and Good Friday, are still very significant days in the Christian faith. In Australia and Victoria we observe them in a traditional fashion. What we are enacting here is a very significant step in how those two traditional religious days will be observed. We do enjoy holidays for both those days, and it is interesting that those people who choose not to follow the Christian faith, or faiths, are always willing to accept the holidays.

Other countries and jurisdictions deal with these matters quite differently. I was in Los Angeles one Good Friday and I thought there would be little to do, but I was quite shocked to find that in the United States of America — certainly in California — there were no limitations on activities whatsoever on that day. Perhaps — and I emphasise the word 'perhaps' — the decision of the Law Reform Committee reflects the evolution of our modern society.

The second part of the bill is very important, because it goes to the integrity of Australia's most important day — Anzac Day. The bill seeks to guarantee, and I am confident it will, the integrity of the morning hours of Anzac Day. You do not have to look very far to understand why Anzac Day is very important to most, if not all, of us. My grandfather served in the ambulance corps of the Australian Army during World War II and was a prisoner of war after the fall of Singapore. My father was in the Royal Australian Air Force (RAAF) and served in Great Britain. My mother was in the Royal Air Force, and my brother-in-law served in Vietnam. My wife's uncle, Fred Dawborn, served in the RAAF during World War II and was also stationed in Great Britain. My father-in-law, Ken Dawborn, did his national service in the Royal Australian Navy during the 1950s.

My family is very typical of Australian families. We all have many connections, memories and dealings with people who served in the armed forces, perhaps in Vietnam, in World War II, in World War I, and as far back as the Boer War. The spirit of Anzac Day is alive and well in our society, and it is excellent that the bill before the house seeks to preserve its importance and integrity.

Recently I was invited to the Anzac Day march and service in the City of Monash, and it was one of the best occasions that I have experienced since being a member of Parliament. Along with a member for Waverley Province in another place, the Honourable Maree Luckins, I had the pleasure of leading the parade alongside Mal Carson, the president of the Waverley Returned and Services League. When I got home I remarked to my wife and children that I thought leading a parade which was commemorating the courageous work of the men and women who served our country in peacetime and during war was my proudest moment since I had been a member of Parliament.

I note that the honourable member for Glen Waverley has come into the chamber. I am sure he would agree with me that each Anzac Day we have the honour of attending the Anzac Day morning service at St Stephen's Church in Mount Waverley. That service is very moving, and on each occasion I have attended since becoming a member of Parliament the honourable member for Glen Waverley has delivered a reading. At those services you get a vivid impression of how important Anzac Day is to so many people.

When you go either to the marches that commemorate Anzac Day or to the early morning services you also see that the number of young children who now come to those services is growing. That is a very good

development, because we want our children to understand and to appreciate the sacrifices made by many people in the armed services during wartime.

The bill seeks to ensure that there is no way the integrity of Anzac Day will be compromised. I reflect on last Anzac Day, when all restrictions were lifted after 1 o'clock so that we could have the wonderful occasion of the traditional Anzac Day football match between Collingwood and Essendon at the Melbourne Cricket Ground. This year was of particular significance because Collingwood trounced Essendon by what I think was a margin of 33 points. It was a magnificent day and a magnificent result. Hearing 87 000 people roaring for Collingwood against its archenemy will long be remembered.

Before that match took place there was the moment when the last post was played. There were 87 000 people at that ground, but not one person broke the silence. It was one of the most special moments I have experienced. Indeed it was an eerie moment. The honourable member for Bulleen was also present, and a number of people have mentioned to me how moving that moment was. It was special because Australians have a great respect for the traditions of Anzac Day. The bill before the house will ensure that that respect and those traditions continue.

Mr LANGUILLER (Sunshine) — I rise to support the Theatres (Repeal) Bill. From the outset I wish to put on record my acknowledgment to the members of the Law Reform Committee: its chair, the honourable member for Sandringham; its deputy chair, the Honourable Dianne Hadden from the other place; the Honourable David Davis, who was a member of the committee at the time, and the Honourable Peter Katsambanis, both also from the other place; and my parliamentary colleagues in this chamber the honourable members for Frankston, Kew and Burwood.

In acknowledging the work of the committee, I wish to put on the record the fact that I found working through this quite an enjoyable experience. I have recollections of our committee having very interesting debates where a range of issues arose out of precisely reviewing and addressing the references the committee had been given.

The committee had been requested to report on the need to retain a licensing scheme for live entertainment which is performed for reward, the appropriateness of requiring that licensed entertainers obtain special permission if they wish to perform on particular public holidays, namely Good Friday, Anzac Day and Christmas Day, the appropriateness of retaining a permit scheme for cinemas which were not licensed if they wished to operate on Christmas Day or Good Friday, and the impact of repealing the Theatres Act 1958.

This exercise inevitably brought a range of subjects into discussion, namely, the relationship between the church and the state, the role of government, and the issue of the censorship debate and the levels or otherwise of tolerance that exist in our society. It took place at a time when the film *The Exorcist* was being screened. For a period of time it was banned and subsequently the ban was reversed. Not surprisingly, the committee went through interesting debates. But it is important to place on record that all of us formed the view on balance that we needed to bring ourselves to a view as a committee, and indeed recommend to government and to our community that it was time, in the most respectful way, for us to acknowledge in this act that we have a multicultural community, a multi-religious community, a multilingual society, and that consequently, in order to acknowledge all of that in the context of this act, we needed to make some changes to the Theatres Act.

We indeed recognised that there are communities like the Muslim and Buddhist communities which have very significant days in their religious calendars that are not recognised — and as a matter of fact, and with no disrespect, nor should they be, because we are a multicultural society. I believe the best way of managing these matters is to ensure that there is a separation of the church and religious beliefs from the operations of the state — in this case the entertainment community.

Public hearings were held in Melbourne and the committee sought input from a range of organisations during its inquiry. In the report the committee noted that the Sunday Entertainment Act 1967 prohibited entertainment from being held or conducted on a Sunday without the written permission of the minister.

When this act was repealed in 1993, nearly 10 years ago, the government of the day believed the act had become irrelevant as it no longer reflected community attitudes to entertainment held on Sundays. There was bipartisan agreement in the house in 1993 that community attitudes to Sunday were such that allowing public entertainment on that day was not a controversial issue. In Victoria today two acts still regulate live entertainment and the operation of cinemas — the Theatres Act 1958 and the Anzac Day Act 1958.

The committee also looked into overseas experiences and found that in other jurisdictions, for example in the

United Kingdom, there are no restrictions on the opening hours of theatres and cinemas on Christmas Day and Good Friday. Neither the Theatres Act 1968 nor the Cinemas Act 1985 make mention of these occasions. We found similar experiences in the United States of America. New York is one of the 37 states where Good Friday is not a public holiday. The New York consolidated laws appear to make no special provision in regard to activities that are permissible on that day and Christmas Day.

I could mention other examples where this is the case in other jurisdictions. I believe that in bringing about this reform, we are in line with international experience. What it also recognises — and I believe it is important that we put this on the record — is that it is a modest but important contribution to the recognition of our society as a multicultural and multi-religious society.

Like many members in this chamber I represent an electorate which is so incredibly diverse, where of the order of 90 languages are spoken and possibly the same number of religions are practised. I feel that, modest as it may be, the bill is an important move towards recognition of other religions and their importance. I think it would be very much in line with the upbringing that I was given among Jesuits, where tolerance was the order of the day. We were taught at that time, as I clearly recollect — and I am sure my mother reminds me from time to time — that we need to be very tolerant of other cultures and religions whilst they may not necessarily be majorities. I think the measure of a good and democratic society is one which looks after not only the 'mainstream' but many other minority groupings that coexist peacefully in our community.

I wish to now briefly refer to another important matter. I have heard with interest many of my colleagues mentioning the importance and significance of Anzac Day. As you would know, I was not born in Australia. While many may think my accent is Irish, as a matter of fact it is not! But I have a lot of respect for Anzac Day and those people that were born in Australia and their ancestors who made contributions to Australia and to the international community because their engagement in war was undertaken with the best of intentions at heart, namely, to defend democracy and civil liberties in the way we know it in democratic societies. So my respect goes out to all of them, and while I was not directly, nor were my parents or ancestors, involved in that particular conflict as many of my colleagues and their families were, I can assure you that I have an understanding of war and I know how important it is to pay tribute and respect, not to war, but to the efforts that are made more often than not with the best of intentions to defend the values and the society which we all believe in. I say this with the utmost respect.

I have, incidentally, had my encounters of the most friendly nature with Mr Bruce Ruxton. He and I, whether you believe it or not, have some things in common because on many occasions when Mr Ruxton and I met in the western suburbs, we engaged in interesting discussions about something which he knew quite a bit of, which is what was known as the Battle of the River Plate, and he brought to my attention on more than one occasion the significance of that particular battle in South America. I, too, know that there are other individuals in this chamber who are equally aware of it. I put that on the record because, while we may have different views in relation to matters like the republican debate, I have a lot of time and respect for the contributions of people like Bruce and others and the way in which they have represented their organisations.

I am very confident that these provisions that have been put in this chamber today ensure that Anzac Day remains to be treated in the manner it deserves and that activities that should not be taking place prior to 1.00 p.m. on that day do not take place. I wish speedy passage to this bill.

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak briefly on the Theatres (Repeal) Bill. Before I do so, I endorse the views expressed by the honourable member for Bennettswood about Anzac Day at the MCG.

The purpose of the bill is to repeal the Theatres Act 1958, to make amendments to the Anzac Day Act 1958, and to amend the Anzac Day Act 1958 to restrict the provision of certain entertainment before 1.00 p.m. on Anzac Day. As a parliament we often need to look at legislation to make sure it is relevant, up-to-date and workable. That is exactly what this bill attempts to do, and that is why the opposition does not oppose it. The main thrust of the legislation is to govern the operation of cinemas and live entertainment on Christmas Day, Good Friday and Anzac Day.

I wish to speak first on the requirement for a person to get a licence to operate a venue on Christmas Day or Good Friday. Forcing people to attend church goes back to 17th and 18th century England. One way to force people to attend church and therefore show their Christian values and practices was to not allow any other activity to take place, thus compelling people to go to church. Today we have an act that requires a person to have a licence for any entertainment venue to operate on Christmas Day and Good Friday, and on

Anzac Day before 1.00 p.m. The bill proposes to repeal the provisions requiring that a person needs to get a licence to operate a cinema or live entertainment on Christmas Day or Good Friday.

Many would argue that this is good legislation because we live in a multicultural society where individuals practice different religions. It is true that in Victoria we have over 160 different religions, cultures and traditions. That is one of our greatest assets. Our population speaks the languages of the world, practises the different religions of the world and understands the different customs of the world, and those are assets we need to keep and maintain.

When I go to functions one of the things I express is the need to pass on the traditions, religions and customs to the next generation because it is very important to do so. However, there are two reasons why we should do away with the requirement for a licence. First, when I say people need to pass on their religion and culture to the next generation I also say that they must respect the different religions and cultures. I say, 'It is a two-way thing; while we respect your religion, you need to respect our religion as well'.

Second, going to church involves more than just forcing people to attend. It is about education, information and the need to advise people about why they need to go. As an example, this year Orthodox Easter was celebrated four weeks after Catholic Easter, on a day when venues and cinemas were open. Yet my family, including my children, went to church. It is up to the parents to educate their children about the need to attend church. One cannot force people to go to church; it has to be a choice, and it is up the community, the society and the parents to assist in that choice. I therefore support the removal of the requirement for a person to obtain a licence to operate a cinema or live entertainment venue on those days.

Anzac Day, however, is different. It is a national day, when everyone recognises one important part of Australian national history. It does not belong to any one particular group, whether religious or cultural. Anzac Day provides an important opportunity to remember the sacrifices of many Australians during times of war, one of the reasons why many people arrived in Victoria and Australia.

My parents and I arrived here after the Second World War to find a new life and so that my parents could ensure that their children could live a better life. We found a country that was free and where there was a feeling that everyone was equal and promoted a fair go for all. All that did not come easily. It came about because in the past many have sacrificed their lives or been injured to ensure that we live in a democratic society. It is therefore very important that we all think about Anzac Day. I support retaining the provision that states that no cinemas or live entertainment venues can be open on that day.

I note that in a submission on the review of the Theatres Act by the Law Reform Committee, Mr Fotis Kapertopoulos, the director of Multicultural Arts Victoria, said:

> I make a distinct separation between Anzac Day and the holy days. I think Anzac Day is very much a secular national day and that needs a special understanding … I revere national symbols and I believe it is very important to have national days, as long as they bring the community together …

I was disappointed to see in that review that no submission was made by the Victorian Multicultural Commission or the Ethnic Communities Council of Victoria. I would have thought one of the priorities of the VMC and ECCV would have been to discuss these things with all the churches and ethnic groups and to then make a submission. It is a good bill and I wish it a speedy passage.

Ms GILLETT (Werribee) — At the outset of my contribution, I state that it is my privilege to make a contribution to debate on the Theatres (Repeal) Bill and to signify my complete agreement with my colleague the honourable member for Richmond and parliamentary secretary to the Attorney-General that the piece of legislation we have in front of us demonstrates the Parliament of Victoria working at its absolute best. I say that because we in Victoria have a very healthy and robust parliamentary committee system. It is an absolute pleasure to see the parliamentary committee system and the Parliament working in conjunction with each other.

That the Law Reform Committee was given a reference in the first place to review the Theatres Act was an important inclusion of the parliamentary committee system into the operation of this Parliament. That the members of the committee then handed down their excellent report and the Attorney-General acted so expeditiously to embrace all but one of the recommendations of the committee and then produced a piece of legislation that translated those recommendations into life, is a tribute to all the people involved.

It is my privilege as the chair of the Scrutiny of Acts and Regulations Committee to honour the work of the Attorney-General and his parliamentary secretary in this matter and the Law Reform Committee in the work

they have done, as we take forward the inquiry on the legislative framework that surrounds the whole of Anzac Day.

As members of this chamber would know, there are not only two but an absolute plethora of acts of Parliament to do with Anzac Day. It will be our task to look at the whole range of legislation that surrounds the operation of Anzac Day and bring forward recommendations to the Attorney-General and the Parliament about just what sorts of changes need to be made to the legislative framework that will make Anzac Day work in a more efficient manner, causing less confusion and offering fewer obstacles to people who wish to honour the day as it has been honoured in the past and also take it into a new generation of appropriate arrangements that will enable the day to be honoured in a way that suits this century.

The bill repeals the Theatres Act 1958 and, importantly, also amends the Anzac Day Act 1958 to restrict entertainment on Anzac Day prior to 1.00 p.m. As I said, the repeal of the Theatres Act is important because it implements the recommendations of the Victorian Law Reform Committee.

The committee noted that only part of the Theatres Act is still operating. There is a restriction on the operation of cinemas on Christmas Day and Good Friday. Those provisions create a permit scheme for people to operate cinemas on those days. The question is whether that should be authorised by the Attorney-General or his delegate. The committee conceded that if the purpose of the Theatres Act is to encourage the observance of Christian religion on those days, then it is an illegitimate activity of the modern state. The committee therefore recommended that the Theatres Act be repealed and this is supported by both sides of the house.

The licensing system for theatres is aimed at regulating potentially offensive entertainment. However, repeal of the licensing scheme will have no significant effect in relation to the exhibition of potentially offensive material, as section 17 of the Summary Offences Act 1966 proscribes obscene, indecent or threatening language and behaviour in a public place. Breaches of the peace are also an offence under the Summary Offences Act. Equally, there are laws in place that regulate the showing of potentially offensive films on Christmas Day and Good Friday. The Office of Film and Literature Classification takes care of that and will continue to provide an appropriate level of scrutiny of film content on Good Friday and Christmas Day. The Law Reform Committee was of the view that this is a sufficient level of scrutiny for films shown on these days.

In concluding my contribution I must say that when the Theatres (Repeal) Bill came to the Scrutiny of Acts and Regulations Committee for examination we were able to address some of the concerns expressed by the Leader of the National Party about strict liability offences being created. In quoting from *Alert Digest* No. 4 of 2002 I draw to the attention of the Leader of the National Party and the house the fact that:

> New section 5(4) provides that where a body corporate is guilty of an offence under sub-section (1), any person who is concerned or takes part, in the management of that body corporate is also guilty of the offence and is liable to the penalty.

But the committee also noted that:

> However, sub-section (5) provides a defence if the person proves that the offence was committed without his or her consent or knowledge or that he or she exercised due diligence to prevent the commission of the offence.

The *Alert Digest* then states:

> The committee notes the strict liability offence proposed by section 5(4) for persons concerned in the management of a body corporate. The committee accepts that the absence of knowledge or consent and the exercise of due diligence by a person involved in the management of a body corporate is an appropriate provision providing a defence to such a charge.

Because of the provision of a defence the committee felt reasonably comfortable with the creation of a strict liability offence.

That was also the case in the new section 5A(6) which also creates a strict liability offence but also provides the defence. The comment that the committee made was the same. I make those comments in the hope that they will assist the Leader of the National Party because I have the honour of succeeding him as the chair of the Scrutiny of Acts and Regulations Committee and I hope he still regularly reads the *Alert Digest*.

Dr DEAN (Berwick) — I only want to say a few things because this bill has been discussed by others in detail. It will have been stated, I am sure, on this side of the house that we are in total agreement with the repeal of the Theatres Act and also with the ramifications in relation to Good Friday and Christmas Day. It is interesting that the Presbyterian Church, when asked how it felt about the bill, was obviously keen that people did not go to live theatre and so forth on Christmas Day and Good Friday, but it was also keen to say that it did not believe it was a matter that the government or the legislature should legislate about. Hopefully if people want to go to Christian functions

they go because they want do so, not because the law says they cannot go somewhere else. I thought that was an interesting and enlightening way for the church to look at it.

If you look at the act in relation to permits that can be granted on Anzac Day for live entertainment, you see there is a restriction on the minister in granting a permit. The minister should be satisfied that the entertainment is a genuine commemoration of Anzac Day or, if it is not a genuine commemoration of Anzac Day — I presume that does not mean that it is non-genuine — would not detract from or adversely affect the commemoration of Anzac Day.

The Liberal Party does not oppose the bill, but while it is between houses we hope to convince the government that the same restrictions should apply in relation to liquor licences and films where permits are also granted, in one case by the Minister for Small Business in the other place and in the other by the minister who is responsible for liquor licences. I do not believe the government has necessarily looked at this, because the whole point of the committee was to do with the Theatres Act and was not about making other changes. In other words, whether it is a liquor licence extension into Anzac Day morning or a film that is allowed to be shown on Anzac Day morning, the minister should satisfy himself or herself that it is a genuine commemoration of Anzac Day or, if it is not, that it will not adversely affect Anzac Day. That would create a uniform situation where any entertainment on Anzac Day, whether it be a film, live entertainment — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I ask government members to take their seats and be quiet, please.

Dr DEAN — The Attorney-General is now in the house. I am proposing that when the bill is between houses the opposition will approach the government to see if the restriction on permits can also cover both films and liquor.

Mr Wynne — We have responded to that.

Dr DEAN — Have you? Are you okay with that?

The DEPUTY SPEAKER — Order! The honourable member for Berwick should address his remarks through the Chair, and the honourable member for Richmond should cease interjecting.

Dr DEAN — You are quite right, Deputy Speaker. I was encouraging the honourable member, so I take part of the blame.

The opposition hopes there will be a uniform system whereby all permits for any entertainment, films or whatever, would have those restrictions — either it commemorates Anzac Day, or if it does not then it does not hurt Anzac Day. That is all I wish to say. The opposition will proceed on that basis.

Mr ROBINSON (Mitcham) — I am pleased to speak briefly on the Theatres (Repeal) Bill, which is a worthy bill and follows very much the reforming tradition of the Attorney-General. The bill emerges out of recommendations of the review of the Theatres Act conducted by the Parliament's Law Reform Committee. I had the pleasure of serving on the Law Reform Committee in the previous Parliament, and it has a very fine reputation. What makes the work of members of parliamentary committees all the more worthwhile is having a minister who responds positively to their recommendations. Such is the case with this report.

The bill touches on Anzac Day insofar as clauses 3 to 8 amend the Anzac Day Act. They are fairly mechanical and are what might be called housekeeping measures to try to make better sense of the administrative arrangements governing theatres and the way they operate on Anzac Day. It highlights the significance of Anzac Day as a day of the year, and the arrangements which attend it. A number of speakers have referred to that in their contributions.

I briefly want to give a personal observation of the rising popularity of Anzac Day, which reflects a growing mood in the community. That reference relates to the public transport services that this government has boosted on Anzac Day in the past couple of years, particularly the free bus services to the dawn service at the shrine. The Deputy Speaker is familiar with this service and knows how popular the response was this year. There were about 1400 bookings across Melbourne's 10 bus routes. I know the honourable member for Glen Waverley has been promoting the service, and I think his service had more people on it this year than anyone else, but only just. It is growing in popularity and reflects the significance of Anzac Day in the minds of people across the state, which is very good.

The Anzac Day Act is also, as the honourable member for Werribee said in her contribution, subject to an inquiry at the moment by a subcommittee of the Scrutiny of Acts and Regulations Committee. I have the

pleasure of being on that subcommittee, and we have been doing some good work and talking to a wide variety of people.

Mr Hulls — Any trips?

Mr ROBINSON — No trips, only to Canberra, and I am not sure if that counts nowadays. We did get to meet Peter Cosgrove and others, and it has been a stimulating inquiry. The Attorney-General knows that a series of recommendations will be made as a result of that inquiry — hopefully by the end of this year — that will offer a series of further recommendations, which will again enhance Anzac Day.

I conclude by congratulating the members of the Law Reform Committee on their work. I also congratulate the Attorney-General. As I said at the start, the work of members on committees is made all the more worthwhile when the ministers responsible not only take up those suggestions and embrace them but do the hard work, the hard yards as we say, to turn those recommendations into legislation.

Mr SMITH (Glen Waverley) — I have a few personal views to add to the debate on the Theatres (Repeal) Bill in respect of Anzac Day. I reiterate what the honourable member for Berwick said about ensuring that the minister's discretion in awarding licences to allow theatres or cinemas to be open on Anzac Day is strictly observed. As the honourable member said, we hope to convince the government of that when the bill is between the houses — unless the Attorney-General wishes to comment on it when he is speaking later on this issue — because all honourable members feel strongly about it.

It has been fascinating to listen to the support for Anzac Day, particularly from the honourable members for Sunshine and Bulleen, who are newcomers to this country and who have caught on to the spirit of Anzac. My two Vietnam veteran colleagues the Honourables Bob Smith and Geoff Craige in the other place — there are only three of us here who are Vietnam veterans — feel strongly about it and are grateful that these people have embraced Anzac Day to the degree they have. I am sure the Attorney-General will take that on board.

The Attorney-General might also take on board that the Liberal Party is anxious that the penalties for breaching this act are only $500 fines compared with small business fines in parts of other acts which are up to $10 000. The Attorney-General might well look at that as well, because $500 is not much of a disincentive for Greater Union theatres or whoever else might be thinking of opening a cinema on Anzac Day. Severe penalties would be great incentives for them not to do that.

The other personal view I wanted to express was about the opening of cinemas et cetera on Christmas Day and Good Friday, to which I am opposed. I know the honourable member for Berwick and others have spoken to the churches, which have been very tolerant about it. It is just giving up another restriction on the community and is giving yet another incentive for people to not attend church services on the two greatest Christian festivals of the year. I am sure that in Muslim countries the Friday is observed pretty solidly. I know when we were in Israel a couple of years ago the Saturday was observed in the same way. I am making that point. It is a personal view and not the Liberal Party's view. The Liberal Party is going along with the general consensus on this.

Finally I want to thank honourable members for their contributions to the Anzac Day appeal here. Through honourable members' contributions I raised $740, a receipt for which I got the other day. That was all done voluntarily. One or two honourable members gave their contributions through their own local media — I see the Deputy Speaker and other honourable members nodding in approval — and that is very good. That so many people responded in the way they did was excellent.

The bill has the support of and is not opposed by the Liberal Party. I hope in his summing up the Attorney-General takes those points on board. We three Vietnam vets here are grateful to honourable members for the generous views they expressed towards Anzac Day and what it represents.

Mr HULLS (Attorney-General) — I thank all honourable members who spoke for their contributions to this debate, many of which I had the opportunity to hear. It must give a real fillip to the Scrutiny of Acts and Regulations Committee to know its work ultimately comes to fruition by way of legislation. This is a typical example.

In his contribution the Leader of the National Party pointed out that this year he had the opportunity to walk in the Anzac Day parade with Bruce Ruxton. I think he said he was walking side by side with Bruce and noticed that everybody was yelling out to Bruce, 'Good on you, Bruce', 'No worries, Bruce', and, I think he said, 'Stick it up them, Bruce'. Everybody has their view about Bruce Ruxton. As the Leader of the National Party said, Bruce Ruxton leaves no-one in any doubt about his view. In the past he has expressed some views about some law reforms I have introduced into

this place, and we have continued to disagree about that. What the National Party leader did not say were some of the other things being yelled out to Bruce Ruxton as he walked beside Bruce, such as, 'Who's that you're walking with, Bruce?'. It is probably important for the Leader of the National Party to attempt to raise his profile somewhat.

This legislation is appropriate. A number of people have made some comments about the Anzac Day legislation. This legislation repeals the Theatres Act, and those parts of the Theatres Act that relate to Anzac Day and the issuing of permits on Anzac Day will now be moved over to the Anzac Day Act.

This bill brings to a close the work of the parliamentary Law Reform Committee on the theatres legislation. I repeat that this government has established a fairly solid record of implementing parliamentary committee recommendations. I also noted the references in the contributions to — certainly in the last contribution the honourable member for Glen Waverley made a point about it — the current inquiry by the Scrutiny of Acts and Regulations Committee (SARC) subcommittee into the Anzac Day Act. That subcommittee is being well co-chaired by the honourable member for Tullamarine, with assistance from the honourable members for Werribee and Mitcham and some other members in another place. The government expects a report from the SARC subcommittee with comprehensive recommendations for Anzac Day, and that may impact on the way theatres and cinemas may operate on Anzac Day. We look forward to the report. I understand the honourable member for Tullamarine has set a cracking pace with that inquiry.

In the short time available I will address some of the other issues raised. For the information of the house, the terms of reference for the review of the Anzac Day laws are that the committee inquire into, consider and report by 31 October 2002 on the Anzac Day Act 1958 and any other relevant laws on ways to further enhance the significance of Anzac Day as a national day of commemoration. I am sure anyone who attended the Anzac Day ceremonies, either in the central business district or their own electorate, will agree that this year there was one of the biggest turnouts for Anzac Day.

I recall, Honourable Deputy Speaker, that on the Sunday before Anzac Day you were with me at the East Keilor Returned and Services League (RSL). I have attended that ceremony since I have been the honourable member for Niddrie, and I have to say it was the biggest turnout at the East Keilor RSL I have seen since being a member. I think all honourable members would agree it is important that we further enhance the significance of Anzac Day as a national day of commemoration.

The honourable member for Glen Waverley raised the issue of the penalty. Yes, $500 is the penalty for prohibited conduct; however, a point he made reinforces my view — that is, it is expected that community expectations and attitudes about the importance of observing Anzac Day as a national day of commemoration are probably the most significant deterrent and even more of a deterrent than any monetary penalty that could be imposed. There is a growing view that Anzac Day is a very important day. Any theatre that attempted to breach this legislation would certainly face the ire of the community, which believes the day to be sacred.

I thank all honourable members who spoke for their contributions. I congratulate the Law Reform Committee for its work in examining the Theatres Act, and the government looks forward to receiving the report of the Scrutiny of Acts and Regulations Committee subcommittee on Anzac Day. I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

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

RACING ACTS (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Minister for Racing).

Mr MAUGHAN (Rodney) — The Victorian racing industry is an important part of Victoria's economy. It goes without saying that it is part of the Australian culture to have a bet, a flutter — most Australians like a punt. For those like me who do not spend much on wagering, we enjoy the spectacle, the thrill and the social aspects of racing. Racing is a great spectacle and social event. It is an important part of Victoria's and Australia's culture and of the economy.

It is important because of the great national carnivals, and we attract horses, owners and trainers from other states and countries, which adds to our economic activity. Our major racing carnivals, such as the Spring

Racing Carnival and the Melbourne Cup are certainly appreciated worldwide.

Apart from the direct economic activity involved with racing there is also an important tourism component associated with it, such as the hospitality, airline and coach industries and so on. Racing is not only an integral part of our culture but an important part of the total economy. It is very important in country Victoria, perhaps even more so, because it has many trainers, owners and racing establishments. The economic activity associated with that comprises the feed industry, transport, veterinarians and caterers, which creates a considerable amount of employment that is again an important part of country Victoria.

I say that by way of introduction because the bill is essentially about bookmakers. Bookmakers are a colourful part of the racing industry. Stories abound about bookmakers, who are a crucial part of the racing industry, although in Victoria it is a declining industry. The number of bookmakers over the years has roughly halved from what it was, and it is also an ageing industry. Currently in Victoria about 170 bookmakers operate at thoroughbred meetings throughout the state: 48 of them operate in country Victoria, another 43 operate at harness racing meetings and another 12 specialise in greyhound racing.

The legislation is a consequence of the report of the bookmakers reform working party, of which I have a copy, which is an interesting, well-written and reasoned report. All honourable members would be aware that national competition policy requires — as was agreed to by all state, territory and commonwealth governments — each state and territory government to examine all legislation to ensure that it does not restrict competition unless it can be demonstrated that the benefits of the restriction to the community as a whole outweigh the costs and that the objectives of the legislation can only be achieved by restricting competition.

Governments have been engaged for a number of years in examining many professions and industries. Much legislation has been introduced in that time and one by one we have gone through the various professions and industries to see whether there are impediments to free and open competition and ensure that whatever barriers there are to fair competition are removed. I stress again that this is not something that was dreamed up by one government or one political party; it was agreed to by all state governments and the commonwealth — of different political persuasions — deciding that national competition policy was in the best interests of all Australians.

We have seen some of the benefits of that over recent years with removing barriers to competition. The healthy state of the Australian economy has been assisted greatly by the provisions that are now starting to flow through where we are able to make our exports more competitive and encourage import replacement. All of that is in the national interest.

Where some people have difficulty with that competition policy is in ensuring that those benefits are equally distributed among all Australians. We all have difficulty with trying to ensure that those benefits are equally distributed. That does not mean that national competition policy is not a good thing: it is, and it is something that I certainly subscribe to strongly and support.

The national competition policy review of the Victorian racing and betting legislation was conducted by the Centre for International Economics in 1998. It is four years since that review was conducted. The government in due course issued its response to the report in August 2000, and the minister as a consequence established a working party to make recommendations on how the government may implement those reforms.

Essentially the suggested reforms were to allow bookmakers to accept telephone and Internet bets 24 hours a day and to allow bookmakers to incorporate and to form partnerships. Currently only natural persons who are 18 years of age or over can register as bookmakers. To some degree that obviously restricts competition in terms of the bookmaking industry.

The times of operation are also limited. Traditionally they have been 1 hour before the scheduled start of the first race and 1 hour after the actual start of the last race, and that has been extended to 3 hours before and 3 hours after. I understand that Flemington racecourse is the only racecourse that is currently approved for bookmakers to trade 20 hours a day.

Another important aspect of the bookmaking industry is that traditionally it has been heavily taxed by government. Over time those taxes have been progressively removed as people have supported more the electronic gaming — the totalisator industry as opposed to the bookmaking industry — and government taxes and charges on bookmakers have been reduced over the years. Currently the only government tax on bookmakers is the GST and consequently they pay one-eleventh of their gross profit to the commonwealth government by way of GST. There is also another tax that is not a government tax; it is a tax of 1 per cent of turnover that goes to the racing industry.

By way of background Tabcorp — a very important organisation in the gaming industry — paid $597 million for wagering and gaming licences that it currently holds. It is worth noting, when looking at the contribution that Tabcorp makes versus the contribution that bookmakers make firstly to the government and secondly to the racing industry, that Tabcorp certainly pays more than the bookmakers. We can look at it this way: for every $100 lost by punters Tabcorp pays $28.20 to the Victorian government and the racing industry benefits to the extent of $32.81, or thereabouts. In the bookmaking industry for every $100 that the punter loses the Victorian government gains $9.09, to be precise, and the racing industry benefits to the tune of $18.20.

I will refer to the report again because it includes an excellent table of comparison of legislation on bookmaking in the various states of Australia. It is a good indication of how this state is going in comparison to other states and where this state should be heading.

Dealing with the size of the bookmaking industry, turnover for the last financial year, 2000–01, was of the order of $370 million. As I indicated earlier there has been a long-term decline not only in the number of bookmakers but also in bookmakers' turnover. That has been reversed somewhat over recent years but it is still on a long-term downward trend compared to where it was before.

It is also interesting to look at how these trends have impacted on country Victoria. The share of bookmaking turnover in country Victoria now is about half of what it was in 1994. The bookmaking turnover for harness racing and greyhound racing is in a very serious decline — some would say it is terminal — and the number of bookmakers attending greyhound racing is very few.

I attend harness racing in my local town of Echuca as I do the gallops at the Echuca Racing Club, which is an excellent club with an excellent track, and I really do enjoy the spectacle of the gallops in Echuca, the social side of it, and also the harness racing. Another great event is the Gunbower Racing Club's annual event which is held in the early part of each year. It is a picnic event and great fun is had by all. The temperature is usually in the high 30s or low 40s.

The number of bookmakers is declining and their ages are increasing. Bookmaking is becoming concentrated in fewer hands as a smaller number of bookmakers handle more of the turnover. The gambling market continues to be extremely competitive. Bookmakers need to alter their business approach.

The bill essentially allows bookmakers to form bookmaking partnerships and bookmaking companies. It increases the membership of the Bookmakers and Bookmakers Clerks Registration Committee from seven to eight members and amends the Victoria Racing Club Act 1871 — would you believe it has been in vogue for well over 100 years! — to remove the $10 million borrowing limit currently imposed by the legislation on the Victoria Racing Club. The removal of that restriction is a sensible provision because the VRC has quite a number of expensive projects that it wants to implement. The existing limitation restricts the way the VRC can operate.

The National Party, as it usually does, has consulted widely on the bill and has found widespread support within the racing and gaming industries for the provisions in the bill. I refer to a few of the responses received by the National Party. The chief executive of Harness Racing Victoria, Richard King, replies:

> I wish to advise that Harness Racing Victoria supports the changes as proposed.
>
> …
>
> In relation to removing the borrowing limit imposed on the Victoria Racing Club, Harness Racing Victoria has no issue with this proposal.

Another response received was from the chief executive of the Moonee Valley Racing Club. He states:

> Moonee Valley Racing Club is fully supportive of the amendment and thanks you for seeking our views on the matter.

As one would expect, Tabcorp, which is adversely affected by the proposals, is not overly enthusiastic about the changes. David Charles, general manager of government affairs for Tabcorp, states:

> Although Tabcorp does not have any objection to the legislation, we do not exactly welcome the legislation with opened arms.

One can understand why. He further states:

> Tabcorp supports the removal of the borrowing restriction on the Victoria Racing Club and looks forward to the development of the marvellous facilities at Flemington in the future.

All honourable members would share the vision that the world-class facilities at Flemington will be even further improved.

The National Party has some minor concerns about the responsibilities of members of companies and partnerships. For example, if there were a partnership

between the honourable member for Knox and me, and the noted bookmaker Robbie Waterhouse, where would that leave the other partners in the event that the bookmaker who is part of a partnership somehow or other breaches the regulations or, even worse, engages in unlawful actions or is simply incompetent? What about the responsibilities of other members of the partnership? That query needs to be answered. That issue concerns some people in the bookmaking industry, but I have no doubt that my query will be answered in due course.

The National Party is not opposing any of these sensible recommendations. They are sensible reforms that should and, I am sure, will assist the bookmaking industry. The National Party will not oppose the legislation.

Ms BEATTIE (Tullamarine) — In many ways I feel that tonight is like my inaugural speech. I am certainly not as nervous, but it is the first speech I have given as the new Parliamentary Secretary for Tourism, Sport and the Commonwealth Games. The Minister for Racing was in the house earlier this evening, but other commitments prevent him from being in the house now.

This bill comes out of national competition policy, and you could say it is pretty much a mechanical bill, unlike the very colourful people who are in the racing industry, and I will touch on them later. When I talk about colourful people I am not referring to the honourable member for Rodney or the honourable member for Knox, I am talking about other colourful characters indeed.

Along with Australian Rules football, racing is one of the great egalitarian sports in Australia. Everybody loves to go to the racecourse, have a bit of a punt and try their luck at guessing the winners, some more successfully than others and almost all more successfully than me. I will recount to you, Mr Acting Speaker, my last experience at the races, which was at the Labour Day race meeting. Its being the traditional Labour Day race meeting, I went with some friends from Trades Hall as a guest of the Victoria Racing Club (VRC). In the main feature race, which was the Australian Cup, the — —

Mr Wells — Mr Acting Speaker, due to a technicality we need to call a quorum.

Quorum formed.

Ms BEATTIE — I will recount my experience at the Australian Cup race meeting on Labor Day when I was a guest of the VRC along with some other people from Trades Hall. We had a flutter and against all the odds I chose Northerly, choosing to disregard all the omens around the place. Unfortunately for me and my colleagues from Trades Hall the horse that won was called Old Comrade and it paid nearly $10 for the win, so we were all a bit unfortunate. The horse was certainly not our comrade on that day, Mr Acting Speaker. I believe the minister presented the trophy for that race, too.

I thank Gavin Marantelli and Alex Bell, who have worked tirelessly in bringing this bill to the house.

As I said, the proposed changes to this legislation implement the recommendations of the bookmaking reform working party. That joint government-racing industry working party included representatives from Racing Victoria, Harness Racing Victoria — a very vibrant industry — and Greyhound Racing Victoria — which has a fine facility at the Meadows in Broadmeadows; I urge anybody who has an urge to watch the dishlickers to get up there and have a flutter. The bill is also supported by the Victorian Bookmakers Association and Tabcorp.

The honourable member for Rodney referred to Tabcorp supporting the lifting of the limit on the monetary value the Victoria Racing Club (VRC) can borrow. That is a good thing and I know that David Charles is in favour of it.

The bookmaking reform working party's terms of reference were based on an examination of the outcomes of the national competition policy review of racing and betting legislation conducted in 1998 by the Centre for International Economics. The centre's report was released publicly in January 2000 and the government response was announced in August of that year. We have seen some great reforms from the Attorney-General in both that role and that of Minister for Racing. He is a most reforming man — or a reformed man, perhaps!

The report recommended a number of legislative changes in bookmaking partnerships and corporations. The proposed changes were subsequently endorsed by the government and form the basis of the bill before the house. One of the borrowing restrictions came into force in 1871, which shows that the principal act is outdated and needs updating! The principal act contains a number of provisions about the administration and constitution of the VRC and the tenancy and management of Flemington racecourse. The VRC regards the borrowing limit as an anachronism that unfairly restricts the club's operations given that no other racing club has such a restriction. In a moment I

will touch on some of the plans the club has for Flemington.

The VRC has planned an extensive program of forthcoming track works which may be unduly delayed if the borrowing limit remains. We know the importance of good track work. If track works are not done there will be a real health and safety issue for the jockeys — and nobody likes to see beautiful thoroughbreds come to an untimely end because of terrible track conditions.

I will now detail some of the plans the VRC has for Flemington racecourse. I am sure that when honourable members hear about these plans they will be thrilled and will much anticipate going to Flemington when these terrific works are done. The club has a master plan incorporating nearly $50 million worth of work over the next five years — that is a major project by anybody's standards. The club wants to construct horse and vehicle tunnels to enable safer training access and remove crossings from the course proper. That work is estimated at $8 million. The reconstruction of the course proper is estimated at $10 million, with replacement of the stables estimated at $5 million. We are all very fond of Chiquita Lodge but we know what a state those stables are in and that they must be brought up to date. Relocation of the Flemington Tabaret to a high-profile Epsom Road frontage will cost $7 million.

Other works include the nursery car park extension at an estimated $2 million; a substation and water treatment plant at $3 million; the upgrading of the course centre at $2 million; landscaping and beautification at $4 million and new workshops at $3 million — a total of approximately $50 million worth of work. This work will see Flemington beamed all over the world on Cup Day as the fine example of Australian racing that it is, so all parties support the lifting of that borrowing restriction.

Regarding bookmaking reforms, at present bookmaking is unlawful under the Racing Act 1958 and the Lotteries Gaming and Betting Act 1966 unless conducted by a natural person registered by the Bookmakers and Bookmakers Clerks Registration Committee (BBCRC) and licensed by Racing Victoria, Harness Racing Victoria or Greyhound Racing Victoria. The legislation does not provide for the conduct of betting by bookmakers, partnerships or companies. Clause 11 of this new bill inserts new sections that allow for the approval of partnerships and companies. The majority of the remaining clauses in parts 2 and 3 of the bill make consequential changes to the Racing Act 1958 and the Lotteries Gaming and Betting Act 1966 relating to these new approvals.

Partnerships requiring approval will include firms of bookmakers who wish to conduct their betting in the name of a partnership. There is also provision for bookmakers who wish to maintain separate betting operations but who seek to form partnerships in respect to other substantive aspects of their bookmaking business such as sharing client bases, pooling administrative and financial resources and conducting joint marketing campaigns. There are many other clauses but bookmaking companies will be restricted to Victorian-registered proprietary companies where each director and shareholder is a registered bookmaker. These restrictions will ensure that the use of corporate structures is limited to legitimate and active bookmakers, whom we are all keen to preserve.

The BBCRC currently comprises an independent chairperson and nominees of Victoria Police, Racing Victoria, Harness Racing Victoria, Greyhound Racing Victoria, the Victorian Bookmakers Association and the Australian Services Union. In order to equip the BBCRC with additional capability to regulate bookmaking partnerships and companies clause 8 will expand the membership to include a person who has expertise in corporate law and finance. That is a very important aspect when millions of dollars are passing through on a racecourse.

As I touched on earlier in the speech, there is nothing more egalitarian than going to the races where you walk into the betting ring and king and pauper are absolutely equal. Most come out as paupers; the kings are usually the bookmakers, but that is a secret which only the bookmakers know. It is indeed my pleasure to have such a bill for my first bill as Parliamentary Secretary for Tourism, Sport and the Commonwealth Games. You will see me on my feet more often talking about these bills, and possibly I will be seen more at the racecourse from now on, too, because I will be on fact-finding missions to see how the industry is going and how these reforms are working on the track, as well as participating in the fun of the occasion of those great sporting events, the races.

My colleague the honourable member for Mitcham has given me great advice on some of the tracks that I should visit and some of the odds I should be looking for. He has not yet made his first million dollars so I doubt I will be taking his betting advice. However, this bill has the support of all parties concerned, and once again I thank the bookmakers reform working party and Gavin Marantelli, whose brother Ted trains horses in my electorate. He is a great constituent with a great social conscience.

The opposition had some 22 questions which required clarification, and all those questions have been satisfactorily clarified so that the bill has the support of all parties in the house. I conclude by saying that this is a terrific bill. It is a great pleasure to speak on it. I am going to the line strongly, as suggested, and I will cross the line first and commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Wantirna).

Debate adjourned until later this day.

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL

Second reading

Debate resumed from 24 April; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Mr WELLS (Wantirna) — As shadow Minister for Police and Emergency Services I am pleased to contribute to the debate on the National Crime Authority (State Provisions) (Amendment) Bill. From the outset let me say that the opposition will support the bill and recognises the need for the National Crime Authority (NCA) to have the necessary legislative regime in which to undertake its important law enforcement duties in a coordinated, multijurisdictional manner.

I thank the minister for ensuring that the opposition had ample time and resources to be briefed on the bill. I particularly thank his chief of staff, Rob McDonald, Neil Robertson and Sarah Stokes who provided the briefing. I have to say in fairness that in every briefing we have had since I have been shadow minister we have had nothing but total cooperation. I certainly hope I have not placed in jeopardy the positions of the people I have mentioned. They were excellent in the briefing, allowed us unlimited time and have never placed restrictions on the number of people we have taken to the meetings, and I thank the minister for that.

The main purpose of the bill is to ensure consistency between the commonwealth legislation for the NCA and the state legislation. When there is an amendment to the commonwealth act relevant to the NCA it is important that the states follow suit to ensure there are no loopholes and that the effectiveness of the NCA is secure. In its support of the bill the opposition fully recognises the importance of maintaining this commonwealth–state legislative consistency.

It is worth looking at the profile of the NCA. There is no doubt it plays an important role in today's law enforcement landscape. It was conceived in 1984 and today the NCA remains a unique investigative body and an integral part of the country's law enforcement community. Its goal is to work in partnership with other agencies across Australia and internationally to counteract complex, national organised crime.

The commonwealth National Crime Authority Act — the NCA act — is underpinned by legislation in all states and territories and this gives the NCA jurisdiction to investigate relevant criminal activities, as defined in the act, against commonwealth, state and territory laws including offences perpetrated across state and territory borders. That is an important point which I will return to soon.

The NCA is made up of a team of lawyers and seconded officers — for example, from the Victoria Police, partner law enforcement agencies, financial investigators, intelligence analysts and support staff — which bring together a wide range of skills necessary for combating increasingly sophisticated and entrepreneurial organised criminal activities.

The background to the formation of the NCA is that, as I said, it was brought in under the National Crime Authority Act of 1984, and came into effect on 1 July 1984. It was established as an independent statutory authority in recognition of the need for a specialist law enforcement agency to combat organised crime. Whilst being the creation of an act of federal Parliament, the NCA is empowered under complementary legislation in each state and territory to operate within its jurisdiction. The major functions and powers of the NCA are to ensure it is given special powers beyond any of those given to any police service. Those functions include investigating relevant criminal activity, which is defined as involving two or more offenders, substantial planning and organisation, and sophisticated methods and techniques.

The NCA does not have the power to conduct prosecutions, but it collects and provides admissible evidence to the appropriate commonwealth state or territory prosecuting authority, which then decides whether or not to proceed. That is an important point: you cannot have the policeman being the police and prosecutor in one unit. That is why it is important that criminals face a court system, whether it be on a federal or state basis. The powers of the NCA are utilised in a confidential manner to protect not only the integrity of the investigation but also to protect the privacy and safety of people called to give evidence or in relation to whom documents are requested.

The NCA is accountable to the commonwealth, state and territory ministers responsible for administering its legislation through the intergovernmental committee (IGC), which is chaired by the federal Minister for Justice and Customs. The IGC is responsible for generally overseeing the work of the NCA and establishing an overall investigative priority. The NCA determines the relative priority of investigations in consultation with partner law enforcement agencies through the national coordination framework. Of course, the focus is on the impact of criminal activities. The IGC's membership includes the Honourable Chris Ellison, federal Minister for Justice and Customs, and our Victorian Minister for Police and Emergency Services, who represents Victoria on this important body.

The commonwealth government also determines investigative priorities through specific-purpose funding such as the national illicit drugs strategy. At the moment, the NCA has a number of priorities for its investigations. Priority 1 is South-East Asian organised crime, aiming particularly at heroin trafficking — under the Blade task force — and fraud against the commonwealth, including tax and duty evasion, predicate offences, particularly drug trafficking, together with associated money laundering, under the Swordfish task force.

Priority 2 is established criminal networks, under the Freshnet task force. Priority 3 — which will be an interesting one — is the outlaw motorcycle gangs, being dealt with under the Panzer task force. Priority 4 is Italo-Australian organised crime, under the Cerberus task force. This ensures that investigations are seamless; not restricted to any border controls or by different police forces not being able to hand over particular information to ensure criminals are dealt with the way they should be.

Why should we have a National Crime Authority? The value of the NCA's work in detecting major organised criminal activities across Australia and its borders cannot be overestimated. The following quotation from former United States President Bill Clinton in his address to the commonwealth Parliament on 20 November 1996 is probably relevant. Mr Clinton said:

> … international crime and drug trafficking are forces of destruction that have no tolerance for national borders … It means … giving, each in our own nations, our law enforcement officials the tools they need to cooperate and succeed.

Athol Moffitt, in his book *A Quarter to Midnight*, published in 1985, stated that it is:

> … beyond argument there is a serious organised crime problem in Australia … it is escalating and … it poses a most serious threat to this country.

During the 1970s and 1980s a series of royal commissions conducted by Justices Moffitt, Woodward, Williams and Stewart, and Mr Frank Costigan, QC, reported that organised crime existed in Australia and that there was a need for immediate action to combat it. These commissions, and the disappearance of the anti-drugs campaigner Donald Mackay in Griffith, drew the spotlight of public attention to the significance of organised crime in this country.

One of the reasons the National Crime Authority was set up was a perception at that time that police forces lacked resources and the specialist expertise to crack criminal syndicates — and they lacked the power of a royal commission. The setting up of the authority allowed the government to give the NCA the special powers that the normal state police forces did not have.

During 1993–94 the commonwealth undertook a review of the commonwealth's law enforcement arrangements. The review team saw the original logic justifying the NCA as a specialist agency addressing organised crime as very perceptive for its time. Now more than ever the logic still applies. The NCA has had enormous success over the years. A review was done in 1997, and in June 1997 the then Acting Assistant Commissioner Lambert of the Victoria Police said:

> We see them (the NCA) as being a very important addition to law enforcement in this state and interstate as well … We believe that their contribution in relation to strategic assessments, the analysis of criminal information and the distribution of that information, which of course is not bound by state borders, is very vital to successful investigations involving interstate crime.

In a media release in March this year the federal Minister for Justice and Customs, with responsibility for the NCA, said:

> The National Crime Authority has continued to play a valuable role in the fight against organised crime within the Australian law enforcement community — as indicated by its annual report tabled today in federal Parliament …
>
> The report outlines the agency's specialist focus on complex organised crime and highlights its intelligence-driven approach and achievements in 2000–01.
>
> The minister observed that during the reporting period the NCA effectively targeted organised crime groups and national organised crime issues. Its results included intelligence assessments on a wide range of organised crime topics including gold bullion and money laundering, illicit tobacco, outlaw motorcycle gangs, criminal use of the Internet … the abalone industry and heroin importation.

I note with interest some of the crimes that the NCA has been focusing on in its 2000–01 annual report. It made the comment that the more information technology progresses the more it is open to the general community, but that while it is open to the general community it is also open to criminal gangs. A body such as the NCA will have the expertise to address the needs of the Victorian and Australian communities to ensure that these gangs are curbed and cannot go along with their organised crime regimes.

The NCA has targeted the seizure of illicit drugs, which represents a small proportion of the amount of substances available in the Australian community. Organised crime encompasses myriad complex activities from illicit drug importation, distribution and manufacture to fraud, money laundering and tax evasion. The illicit drug trade in Australia is centred on heroin, cocaine, cannabis and amphetamine-type substances, including ecstasy. In the report the total figure of crime-related costs is estimated to be equivalent to about 4 per cent of gross domestic product or $1000 per capita per annum. The estimated cost of illicit drug abuse to the Australian community is at least $1.7 billion annually.

The annual report goes through some of the authority's results. For example, it shows the success and otherwise that the Blade task force has had. Obviously it has had success with the drug people who have been supplying, growing, making and importing drugs. The one that I am sure the minister will be suitably impressed with concerns a fellow from South-East Asia who was caught with a supply of a commercial quantity of a prohibited drug, as a result of which he received nine months home detention. That happened in New South Wales.

I would like to address the issues in the bill. As was mentioned earlier the Intergovernmental Committee on the National Crime Authority, of which the Minister for Police and Emergency Services is a member, adopted the situation that there would be a model bill that would be drafted up by the national parliamentary counsel, and each state would put that bill into their state legislation to ensure that the commonwealth and state legislation line up exactly with each other. Part of it was to deal with the High Court decision in *The Queen v. Hughes*. This has already been addressed by the Victorian Parliament in the Co-operative Schemes (Administrative Actions) Act, which we passed in this house last year.

This bill now in front of us will ensure that the NCA remains effective by removing the defence of reasonable excuse. In the past people called up before the NCA were using this excuse for not providing documents, for not attending hearings and for not answering questions if they did attend hearings. The effect of that was that people were just paying the fines and not turning up to an NCA hearing, or they were taking it through the magistrates courts and state courts. This was delaying the NCA hearings, in some cases for a couple of years.

The bill also removes the existing derivative use immunity from the National Crime Authority (State Provisions) Act 1984. What this means — it is a very interesting point for a non-lawyer to understand — is that in the past when a person went to an NCA hearing and gave self-incriminatory evidence all the information around that particular evidence was protected. Under this amendment that is no longer the case. A person appearing before an NCA hearing has to answer the questions. He or she says, 'Well, this is what happened: I was here, I was there'. The actual statement is still protected, and the police, the magistrate and the prosecution cannot use the statement in future trials. However, the police or the NCA officers can go back and look at the evidence. For example, they can go to a milk bar or wherever the offence took place and find DNA samples, fingerprints or any other sort of forensic evidence, which can then be used against the person who gave the self-incriminatory evidence in the first place, and the person can still be charged.

I think that this is a good move, although I am sure a lot of people from civil liberties organisations and some of our barrister friends would not agree. It is a very effective crime fighting tool. You might get low-life criminals believing they can get away with a particular crime by declaring that they are going to give self-incriminatory evidence and thinking, 'This is great. We'll be able to get off this crime; we'll be blaming someone else', but by the removal of this defence they will now be stuck in a catch 22 situation. They have to give evidence and their statements are protected, but the actual evidence such as fingerprints or other evidence that is found at a later time by NCA officers can and will be used in a further trial and they may or may not get charged. This legislation will make the NCA significantly more effective.

The bill also increases penalties for non-compliance and failure to attend a hearing or to answer questions and will see the penalty increased from six months jail and a $1000 fine, which in anyone's terms is pretty pathetic. If you are part of an organised criminal gang you would be better off paying a $1000 fine and spending six months in jail instead of having to appear before an NCA hearing, so the penalty is increasing from six months jail and a $1000 fine to five years jail

and a $20 000 fine. The maximum penalty for obstructing or hindering the NCA will increase from six months jail and a $2000 fine to five years jail and a $20 000 fine. You will no longer be able to bribe or injure witnesses or prevent them from attending hearings, and that is a very reasonable move. Any of those actions will attract a maximum penalty of five years jail and a $20 000 fine.

One of the problems with the old act was that a search warrant could only be applied for by an NCA officer. Through this legislation applications for search warrants will be able to be made by Victoria Police officers who have been seconded to the NCA. That is an important point because it gives wider powers and allows greater investigative powers in actual operations to the NCA for it to be able to go out and investigate crime. It adds to the operational effectiveness of the NCA's investigations. Search warrants will also be able to be issued by federal courts and by Victorian judges thereby improving the administrative effectiveness of the NCA investigations.

A further amendment will provide the ability to appoint officers to conduct hearings on behalf of the NCA, and these appointments will be made by the Governor in Council. These people must be legal practitioners with five years or more legal experience. Currently only NCA members can conduct hearings and, once again, this amendment will improve the NCA's investigatory capacity.

A further amendment clarifies legal professional privilege as it applies to providing evidence at a hearing. A legal practitioner is not compelled to provide incriminatory evidence against a client, but is obliged to provide the name of the client. It should also be noted that at the recent states and territories leaders conference held on 5 April it was agreed that a new body should be created to replace the NCA. It will be called the Australian Crime Commission. However, this bill and its amendments are necessary to ensure the effective operation of the NCA until this new agency is ready.

In conclusion, the opposition supports the bill. We think it is a very effective piece of legislation. Organised crime is becoming more sophisticated. As information and communications technology races ahead in leaps and bounds and becomes available to the public, it also becomes available to criminal elements. Having the NCA as an effective crime-fighting organisation will ensure that we have a body that is able to combat organised crime in this country. I certainly commend the bill to the house.

Mr KILGOUR (Shepparton) — It is with pleasure that I rise on behalf of the National Party to support the National Crime Authority (State Provisions) (Amendment) Bill, although it will not be around very long due to it being an interim fix for a situation which is developing nationally and the fact that Australian government leaders have recently agreed to a plan to replace the NCA with the Australian Crime Commission.

I understand that the Minister for Police and Emergency Services has been involved in those discussions across the nation and the decision has been made, but the amendments contained in the bill that we are debating in this house are necessary to ensure the effective operation of the National Crime Authority scheme until the new body comes into operation.

Other states will also be adopting this template legislation in the near future. I understand that the legislation is also before the Western Australian Parliament at this time. So what we are doing is amending the old act to ensure that the National Crime Authority can operate as normal until the new act is passed and the new commission is put into place.

The National Crime Authority does a very important job. The National Crime Authority Act of 1984 created the National Crime Authority as a national body exercising both commonwealth and state functions. The authority was established in 1984 as the only law enforcement agency in Australia whose investigations would not be limited by jurisdictional boundaries and its existence reflects the seriousness with which the commonwealth and states view organised crime.

This organisation is fairly similar to, or has a similar job as, the Federal Bureau of Investigation (FBI) in the United States of America. When we visited the United States of America the honourable member for Knox and myself were able to see at first hand the sort of work the FBI does on a federal basis, and those are the sorts of investigations that have been undertaken in Australia by a federal body.

This particular body, the National Crime Authority, has three members. The chairman of the body is Mr Gary Crooke, QC, who was appointed to take office on 18 September 1999. He is based in the Brisbane office. Mr Crooke has had a distinguished legal career spanning 33 years, and I have no doubt that the minister would agree with me that Mr Crooke may have had quite a chuckle on the night he was appointed to this position. Fancy having a Crooke as the chairman of the National Crime Authority!

However, Mr Crooke carries out his responsibilities extremely well, along with two other members: Marshall Irwin, who has been a barrister for 23 years and has had extensive experience in criminal administrative law; and James Bennett, a barrister with considerable experience in the fields of criminal, personal injury insurance, medical negligence and anti-discrimination law. Those three people sit at the head of the National Crime Authority, and now seconded police and people in that department look after the day-to-day operations of the authority.

In the authority's annual report for 1999–2000, Gary Crooke, the chairman, said:

> The NCA is an independent statutory authority. Independence carries with it a level of accountability, through the relevant minister, the intergovernmental committee —

which meets with the heads of each government department in that particular area —

> on the NCA (comprising commonwealth and state/territory ministers) … The NCA is a national body — the creature of both the commonwealth and the state/territory Parliaments …

This is something quite different and something that needs to be well looked after as far as the legislative process is concerned to make sure that this body can operate across state borders.

The chairman says:

> As its core business, the NCA conducts investigations. It does this by the use of multidisciplinary teams in which all members play an important role. In turn, other members of the larger team provide essential corporate support.
>
> Vital members of the investigative teams are seconded serving police officers from the state or federal jurisdictions.

So you can have police officers from Victoria, New South Wales, Western Australia or any of the jurisdictions working together with federal police officers to take part in investigations across this country. They are very skilled and valued personnel available on secondment from the states.

The National Crime Authority operations are undertaken using task force arrangements and need significant and valued support of its law enforcement partners. If it does not have the support of the law enforcement partners in each state the NCA is not in a position to operate correctly. Its essential obligation is to combat national organised crime. Like all bodies funded by government its resources are limited, and its basic budget is of the order of $41 million.

The annual report also looked at the future directions of the authority:

> … organised crime constitutes a major threat to society. Its categories are wide reaching and it pays no regard to borders …

That is the whole thing; that is why the legislation needs to be passed. The criminals of this world have no regard for state or federal borders, so we need a well-resourced group that is able to utilise the latest in technology and the best expert advice to ensure that the job is done properly.

A concrete example of a field where the NCA's powers and jurisdiction can be put to best effect is the field of interstate drug trafficking. Many people who are behind bars today would not be there if it were not for the NCA and its ability to cross state borders and work together with the law enforcement bodies in each state. Another example is the investigation of money laundering by organised criminals on a national and international basis. The authority moves into all those sorts of areas to make sure they can catch the criminals concerned.

According to its chairman:

> The future direction of the NCA should be advanced, not by resort to any immediate and sudden change, but by reference to a goal towards which it will move over the next couple of years.
>
> By this time, subject to the above qualifications and consultation, the NCA will:
>
> > concentrate its resources upon the investigation of major serious and complex organised crime;
> >
> > embark upon investigations directed to pursuing those at the pinnacle of the criminal organisation …

People in the NCA, in other words, are at the very pinnacle of law enforcement and are working assiduously to ensure that Australia is a better place in which to live and that Australians do not suffer from the amount of crime we see in other countries.

The amendments proposed in the bill implement the commonwealth government's response to the third evaluation of the National Crime Authority by the parliamentary Joint Committee on the National Crime Authority; so there is a parliamentary joint committee in Canberra that has now made its third evaluation of the authority, and its recommendations are being brought forward not only in the federal Parliament but in parliaments all around this country.

Proposed amendments include measures to enhance the National Crime Authority's effectiveness by deterring people from obstructing or frustrating the NCA's hearing process. That is one of the things we found was happening — that people were frustrating the hearing

process and could not get the hearings on. People were having to wait years and years before they were able to bring criminals to justice.

Other provisions in the bill clarify the powers, functions and duties of the NCA following a High Court decision which cast doubt on the capacity of a commonwealth authority such as the NCA to perform functions or exercise powers under state laws that are coupled with a duty. As the court decided that the conferral of such functions or powers must be supported by an appropriate commonwealth head of power, that head of power is being brought in through this legislation.

The bill, in seeking to progress hearings a lot more quickly, provides for hearings not only by the authority but by special people who will be appointed by the Governor in Council to hold hearings on behalf of the National Crime Authority. These hearing officers will be appointed by the Governor in Council on the recommendation of the minister. The minister must recommend only four appointments of hearing officers, persons who are hearing officers for the purposes of the commonwealth act. The hearing officer will hold office for a period not exceeding six years.

Clause 10 of the bill inserts new section 16A, which deals with those people who are not members of the National Crime Authority but will have the ability to hear evidence of crimes. It states:

> (5) A hearing officer may regulate the conduct of proceedings at a hearing as the hearing officer thinks fit.

I was concerned that there did not seem to be any guidelines as to whether these hearing officers might go off at a tangent and hear evidence in a way which was not necessarily applicable. I asked the members of the justice committee at the briefing if they would look into that. The information I have says that proposed section 16A provides that a hearing officer may regulate the conduct of proceedings at a hearing as the hearing officer thinks fit, as I have just mentioned.

The proposed section, together with the other proposed provisions relating to hearings before hearing officers, is modelled on existing section 16 of the state act, which apply to hearings before the NCA, so there is a set of guidelines under state legislation under which these hearing officers will have to conduct hearings of the National Crime Authority. In this regard it is considered appropriate that the NCA member or a hearing officer should be empowered to regulate the conduct of hearings as he or she thinks fit, subject to the state act. So as long as they stay within the state act they can conduct those hearings in that way.

The state act itself contains specific provisions regulating the conduct of hearings. Proposed section 16A(6) provides for a person giving evidence at a hearing before a hearing officer to be represented by a legal practitioner. Proposed section 16A(10) provides for a legal practitioner representing a person at a hearing before a hearing officer to examine or cross-examine witnesses. That can be organised by the hearing officer as he or she is hearing the case. I am quite satisfied after receiving that information from the department that hearings of the National Crime Authority will be conducted in a manner which we would expect in this state. Even though I feel this is basically a commonwealth jurisdiction, we still need to do this in Victoria.

This bill provides for the appointment of hearing officers to conduct hearings on behalf of the National Crime Authority. I think this will increase the capacity of the authority to hear a lot more cases more quickly, and that must be good for law and order in this country. The bill also provides that the classes of persons who can apply for search warrants will be expanded to include a member of the staff of the National Crime Authority who is also a member of the Victoria Police. As I mentioned earlier, we are going to see senior police seconded to the NCA who will have the ability to issue a search warrant. That capacity also extends to the officers working for the NCA, because they are sworn police officers already.

One of the other things this bill does is significantly increase the penalty for non-compliance with the state act, such as by failing to answer questions at a National Crime Authority hearing. These penalties are being substantially increased. The maximum penalties for failing to produce documents or other things when required to do so, or failing to attend a hearing or answer questions, will be increased from six months jail and a $1000 fine to five years jail and a $20 000 fine. We can see therefore that that deterrent has been greatly increased, and I hope people will understand what they could be in for if they are found guilty of crimes under the National Crime Authority.

There will also be an increase in the maximum penalty for obstructing or hindering the National Crime Authority from six months jail and a $2000 fine to five years jail and a $20 000 fine. In addition, the bill incorporates a corresponding increase in the maximum penalties for other offences under the current section 25, such as bribing a witness, injuring a witness or preventing a witness from attending a hearing. Such offences will now also attract a maximum penalty of five years jail and a $20 000 fine.

Generally we do not come across these sorts of things. My learned colleague the Leader of the National Party has come across these things in his many years in the legal profession. Although I do not think he appeared before the National Crime Authority, he would understand that there are criminals in this state who are fixed on bribing various people as they come before courts.

Mr Ryan interjected.

Mr KILGOUR — The honourable member for Gippsland South advises me that none of his colleagues has ever done that, and that is not surprising!

As mentioned by the previous speaker, the bill will also remove the uncertain defence of reasonable excuse for a person who fails to comply with a notice to produce documents.

The legislation basically tidies up the whole act, following the commonwealth joint parliamentary committee which looked closely at this and came up with these recommendations. It is good to see them now being brought into legislation across the country, and I hope Victoria will be the first state to complete the introduction of the legislation to the Parliament.

I was interested to read a press release dated 6 April from the office of Senator Chris Ellison, the federal minister, titled 'Groundbreaking leaders summit takes fight to criminal elements', which states:

> Minister for Justice and Customs, Senator Chris Ellison, has welcomed the historic arrangements agreed on at yesterday's leaders summit on terrorism and transnational crime.
>
> 'Today we have achieved a groundbreaking result in relation to Australian law enforcement. For the first time ever, Australia will have in place a set of national laws dealing with cross-border investigations. Within the next year commonwealth, state and territory leaders have agreed to legislate for mutual recognition and a national set of powers for cross-border investigations covering controlled operations, electronic surveillance devices and witnesses anonymity', Senator Ellison said.

I welcome that comment and the fact that this state has the opportunity to support the federal government in ensuring this country is a safer place in which to live because our law enforcement authority now has the power across borders to do what is necessary. I wish the bill a speedy passage.

Mr WYNNE (Richmond) — I thank my colleague for his contribution. I support the National Crime Authority (State Provisions) (Amendment) Bill. In doing so I acknowledge that the National Crime Authority (NCA) was established under a national cooperative scheme. Its very intent was to combat serious and organised crime within the limitations imposed on it by jurisdictional boundaries. Those cooperative scheme laws enable the NCA to attempt to fight serious criminal offences across commonwealth, state and territory boundaries.

The sort of crime that the NCA seeks to deal with is by any measure at the top end of criminality, including serious fraud and major drug-related matters, which are not only national but can be transnational in their scope and reach. The NCA is invested with a number of coercive powers, including the power to obtain documents and other evidence, and the power to summon a person to appear at a hearing to give evidence under oath. These serious and coercive powers have been made available to the NCA. They are found in both the commonwealth and the state acts, with the principal source being the commonwealth act.

Following a number of amendments to the commonwealth act, the state act under which we function is no longer consistent with that commonwealth legislation. To address these anomalies the intergovernmental committee on the National Crime Authority instructed the relevant parliamentary counsel committee to draft a model state amendment bill. The amendments to the commonwealth act will clarify the powers, functions and duties of the NCA following the High Court decision in *The Queen v. Hughes* and implement measures to deter persons from obstructing or frustrating the NCA's hearing process.

As honourable members will be well aware, enormous implications arose out of *The Queen v. Hughes* in relation to a whole range of cooperative schemes that were established between the commonwealth and the states. The Attorney-General has had to sponsor a number of pieces of legislation through the house to deal with the practical implications of the decision in *The Queen v. Hughes* relating to cooperative schemes, and here is yet another example of that. It is important that there is template legislation across the states which mirrors the commonwealth legislation to ensure that these cooperative arrangements are maintained and enhanced.

The Bracks government has already taken action to validate past activities of the NCA following the High Court case. This bill subsequently amends the state act to make it consistent with the relevant commonwealth amendments. These amendments, which are based on the model state bill developed through the intergovernmental committee on the NCA, will be adopted by all states with necessary local modifications.

To date legislation based on the model bill has been introduced in the Western Australian and Tasmanian parliaments. It is understood that the remaining states will introduce similar legislation in the near future. Hopefully in the next couple of months there will be template legislation in all the states, which should ensure the ongoing integrity of the NCA's activities.

The proposed amendments include the removal of the defence of reasonable excuse. The conduct of investigations by the NCA has been unduly hindered as the meaning of 'reasonable excuse' for the failure to attend and answer questions at a hearing or produce documents has been unclear. Lengthy delays of months — and in some cases, years — have occurred while disputes have been battled out over whether a reasonable excuse exists for a person's failure to appear or for documents to be submitted, and extensive litigation has occurred on this matter. In that context the model bill seeks to clarify the meaning of reasonable excuse.

To overcome the uncertainty as to the scope and application of these offences the bill will remove this uncertain defence. The defences available at common law such as duress will apply to the offences under the state act.

We are seeing some checks and balances in the capacity of the NCA to rightfully go about its obligations while ensuring that duress is not evident in its seeking evidentiary material. The state act will be amended to make it clear that conduct such as failing to comply with a notice to produce documents will only be an offence when the failure to do so is intentional. That is a fairly clear test, and will apply when somebody is seeking to obstruct the lawful inquiry of the NCA. It would generally be regarded as a reasonable test.

This is to ensure that offences will not apply where, for instance, a person is unable to comply with the notice to produce documents as they do not have them in their possession or have the power to obtain them. That is obviously a reasonable defence. If you do not have the relevant set of documents in your possession, or you have no capacity to obtain them, you would surely argue as a reasonable person that that is an adequate defence.

These changes will ensure that the offences are clearer and apply more consistently under both the general criminal law in this state and, of course, the commonwealth act. The changes will reduce the potential for witnesses to delay hearings while disputes are resolved, often through lengthy litigation which our legal colleagues are well known to undertake in a vigorous way — —

Mr Ryan — In the interests of their clients.

Mr WYNNE — In the interests of their clients, as the Leader of the National Party informs me.

The bill will enable the National Crime Authority to deal with witnesses in a more efficient manner. It will remove the derivative use of immunity that exists under the state act so that an investigatory body will be able to derive self-incriminatory evidence given by a person at a National Crime Authority hearing for use at a later trial.

However, and this is important, the self-incriminatory admissions themselves will not be able to be used against a person in later proceedings. The proposed provisions are comparable to those contained in the corporate regulatory regime administered by the Australian Securities and Investments Commission.

The bill also clarifies a number of matters under the state act, including the application of legal professional privilege, the use of reasonable force in the execution of a warrant, the NCA's power to allow persons to be present at a hearing, and provisions relating to the disclosure of information by legal practitioners.

Penalties will be significantly increased for non-compliance, such as failing to answer questions at hearings or failing to produce documents — recognising the caveat that I indicated earlier in relation to a person's capacity to produce those documents when clearly they do not have them or do not have the capacity to access them.

The penalties for these offences have been relatively modest in the past. As was indicated in the briefings that both sides of the house were able to get from officers of the department, the penalty that had been imposed in the past was a modest amount of some $2000. Clearly if you are a person of substantial criminal means, a penalty of $2000 is hardly any imposition. There will be substantial increases, which will act as a deterrent to the obstruction of NCA investigations.

The maximum penalties for failing to produce documents, attend a hearing or answer questions will be increased to $20 000 and five years jail from the initial penalty of $1000 and six months jail. It is a serious deterrent. If you choose to obstruct the legitimate processes of a NCA investigation you run the risk of incurring a significant fine of $20 000 or, in the most

extreme circumstances, a sentence of up to five years in jail.

There will be a corresponding increase in the maximum penalties for other offences, such as attempting to bribe a witness and preventing a witness from attending a hearing. The amendments in the bill are necessary to provide the NCA with full investigatory powers and the deterrence mechanisms required for its effective operation.

In conclusion I indicate, as I did at the start of my contribution, that this is in effect template legislation. It arises out of that High Court case of *The Queen v. Hughes*, where a whole range of cooperative schemes between the commonwealth and the states were thrown into serious question, particularly around the capacity for the exchange of financial transactions. At every point where an amendment has needed to be made the Victorian government has been more than willing to take the lead on behalf of the states in ensuring that this template legislation, with appropriate state modifications as required, has been put in place in this state. This is another example of that.

Clearly this legislation enjoys the support of both sides of the house. With that brief contribution to the debate on behalf of the government, I wish the bill a speedy passage.

Mr LUPTON (Knox) — As has been indicated, the National Crime Authority (State Provisions) (Amendment) Bill has the support of the Liberal Party. It is interesting to look at the case that brought this whole thing into being, *The Queen v. Hughes*. The case notes contain a longwinded explanation, and you would have to draw a long bow to work out the implications. The end result is that any changes have to maintain consistency between the state and federal powers. If we alter one we have to alter the other to ensure that the state and federal legislation are compatible at all times.

I believe the National Crime Authority (NCA) is an important arm of law enforcement. When you look at what this bill is trying to do you realise just how important it is and how there have been so many holes in the legislation which have not been fair on the general citizen. As is explained in the second-reading speech, the bill includes measures to enhance the NCA's effectiveness by deterring people from obstructing or frustrating the authority's hearing process. For a person who is called before the NCA and who fails to produce documents, answer questions or attend hearings to be able to use reasonable excuse as a defence is to me absolutely ludicrous. This legislation will, I hope, address these particular problems.

The bill also removes the derivative use immunity that currently exists under the state act so that evidence can be derived from self-incriminatory evidence given at an NCA hearing for use at a later trial. However, the amendment protects a self-incriminatory admission. Forensic evidence — fingerprints or DNA — found as a result of a hearing when self-incriminatory evidence is given can subsequently be used against a person or others at a later trial. The whole thing is very convoluted.

The legislation attempts to address a great number of things. The part I am pleased about is that the bill will significantly increase the number of penalties. While some people may say I am being a bit of a redneck or something like that — —

Mr Hulls — Who would say that?

Mr LUPTON — You, probably! I was about to say before the interjection, 'The Attorney-General would say I am a bit of a redneck!'. But I believe it is essential that the people of Victoria, and indeed Australia, have the protection of the law. If we have to introduce penalties that cause pain and suffering to those who are convicted of crimes, so be it. The second-reading speech states:

> Accordingly, the maximum penalties for failing to produce documents or things when required to do so, or failing to attend a hearing or to answer questions, will be increased from six months jail and a $1000 fine to five years jail and a $20 000 fine. The maximum penalty for obstructing or hindering the National Crime Authority will also be increased from six months jail and a $2000 fine to five years jail and a $20 000 fine.

The second-reading speech further states:

> In addition, the bill incorporates a corresponding increase in the maximum penalties for other offences under the current section 25, such as bribing a witness … and preventing a witness from attending a hearing. Such offences will now also attract a maximum penalty of five years jail and a $20 000 fine.

I have a problem with maximum penalties. I firmly believe that we, as a Parliament, and the government should be trying to ensure a minimum penalty is introduced to ensure — —

Mr Hulls — You're a redneck!

Mr LUPTON — When summing up on the bill I hope the Attorney-General will say how many people have incurred the maximum penalty for anything dished out in this state. How many times has the government introduced a maximum when, in fact, the community expects something fair and reasonable? I honestly believe that if we introduce a minimum

penalty that is fair and reasonable, it gives the court a level of penalty from which it can move up rather than having to come down from the maximum penalty. You, Mr Acting Speaker, and many honourable members will realise that in recent weeks there has been a lot of criticism about penalties handed down.

I return to the case of *The Queen v. Hughes*. I did some research and found it extremely interesting to discover that the case had such ramifications. I refer to the case notes of *The Queen v. Hughes* contained in volume 24 of the *Melbourne University Law Review*. The introduction states:

> During 1999 and 2000, the national corporations scheme suffered a number of serious setbacks. First, the High Court invalidated provisions that purported to allow the Federal Court to determine matters arising under the Corporations Law of the states. In two later cases the High Court held that the commonwealth Director of Public Prosecutions … could not bring appeals against sentence in relation to offences against the former cooperative scheme, because the relevant commonwealth and state provisions did not, as a matter of statutory construction, confer that power. So, when Craig Hughes brought a constitutional challenge to the power of the commonwealth DPP to prosecute state Corporations Law offences, some feared the worst.
>
> Mr Hughes was charged in the District Court of Western Australia (together with a Mr Bell) with offences under the Corporations Law of Western Australia. He applied to the District Court to quash the indictment on the basis that:
>
> (a) the commonwealth and Western Australian corporations acts invalidly attempted to convert offences against the Corporations Law of Western Australia into offences against a commonwealth law; and
>
> (b) if they were state offences, the commonwealth DPP did not have the power to prosecute these offences, because there was no link between the subject matter of the offences with which Mr Hughes was charged and commonwealth heads of legislative power.
>
> This part of the District Court proceeding was removed into the High Court, and a case stated by Gummow J for the consideration of the full court.
>
> The High Court's decision provided something of a reprieve for the national corporations scheme. In a joint judgment six members of the court rejected both of Mr Hughes's arguments.

The review continues with a number of convoluted references. Without going to the heavy detail of the law I summarise by referring to page 487 of the review, where it states:

> The question of whether the commonwealth DPP had power to prosecute Corporations Law offences generally was left unresolved.

I refer to page 22 of the August 2000 edition of *Constitutional Law and Policy Review*, which states:

> The basic solution is for each state to give a narrow reference enabling the commonwealth to have power only in the areas of the Hughes uncertainties outlined above — that is, a reference from each state covering:
>
> > the matter of the imposition of duties with respect to the exercise by any commonwealth body of state powers and functions conferred by the state on the body with commonwealth consent; and
> >
> > the matter of consent to the exercise of state powers and functions by any commonwealth body.
>
> Pursuant to these references, the commonwealth could impose whatever duties were needed to meet the possible 'constitutional imperative' suggested in Hughes and to give its consent to the exercise of the state powers and functions (thereby meeting the characterisation problem lingering from Wakim). Such references would, of course, preserve the schemes in the states as schemes of state legislation administered by commonwealth authorities.
>
> It would be possible for each state to refer simply the matter of the exercise of state powers and functions conferred by the state on a commonwealth body with commonwealth consent. Commonwealth provisions imposing the duties and giving the consents would be laws 'with respect to' that referred matter. However, references in those terms would legally permit commonwealth legislation affecting the exercise of the state powers and functions in ways not intended by the states. It would therefore be necessary, by means such as outlined above, to limit the scope of the legislation that the commonwealth could enact pursuant to such references.
>
> The state legislation (as now) would not be directly affected by chapter III or other restrictions that would apply to a commonwealth law enacted pursuant to —

various references. The review further states:

> However, it would be indirectly affected if such restrictions apply to laws made for the ACT, since the state legislation only 'picks up' and applies the ACT laws to the extent to which they are valid.

It is extremely difficult to work out why this particular case has had such large and wide-reaching ramifications. It is quite evident that this particular legislation is there to block the loophole which has been created by the decision in *The Queen v. Hughes*. As I indicated before, I believe this bill addresses many of the problems.

It is unfortunate that the legislation is going to be here for only a short time, because I understand that under commonwealth legislation the National Crime Authority will cease to exist very shortly. However, this bill attempts to rectify those matters and address the problems which have been brought down by the case of *The Queen v. Hughes*. It is a very good bill. The Liberal Party supports it and I hope it comes into enforcement very shortly.

Mr STENSHOLT (Burwood) — I also rise to support the National Crime Authority (State Provisions) (Amendment) Bill. It is a great pleasure to speak after the honourable member for Knox who self-styled himself a redneck but who keeps trying to give adequate explanations for that. I am sure that very shortly we will be able to take a tram out to Knox, following the budget that has just been brought down. That is an excellent result, and of course it will be the Burwood tram that goes out to Knox.

This bill deals with the National Crime Authority, which is the national law enforcement agency that deals with serious and organised crime. It is meant to be able to cross jurisdictional boundaries and combine various expertise and police forces together in order to tackle such crime. Typically, as has been mentioned already, it tackles drug-related crimes, and I note that it has also dealt with quite extensive white-collar crime. It is quite important that the National Crime Authority also deals with broader issues, particularly given that some crimes can involve tens of million of dollars and in some cases maybe even hundreds of millions of dollar. We know that drug-related crimes can run to those figures, but corporate crime may also be in that sort of order, and the National Crime Authority has been set up to deal with that.

We have been put on notice that there may well be some changes to that particular agency and institution, although that is yet to be tested and worked through; indeed, there is a whole discussion yet to be had in regard to the future of the National Crime Authority.

The National Crime Authority basically operates with the commonwealth and the states working together. It is a cooperative scheme set up with federal legislation and complemented by state legislation, and it was established between the commonwealth, the states and now the two territories. Its main role is to go out there and collect admissible evidence which it then provides to the appropriate prosecuting authority which can decide whether or not to seek justice in the courts.

The National Crime Authority has been given a large number of special coercive powers to implement its mandate. It can obtain documents and summon people to appear at hearings to give evidence under oath. The NCA can be quite intrusive in its powers, but that is what it is designed to do to get results. I do not have a problem with that, although I note that the more extensive powers an agency is given the more care we should take in looking at those powers before giving them to an agency or organisation. There is a responsibility on us as legislators and on the executive to make good decisions about investing such powers in agencies such as the NCA.

In this case the National Crime Authority takes it lead from the commonwealth act. In recent times, following the High Court decision in *The Queen v. Hughes* some changes have been made to the commonwealth act. That affected not only the NCA but also a whole lot of other relationships between the commonwealth and the states and officers acting in regard to cooperative activities between those bodies. We have already dealt with those issues here in Victoria; last year we made related amendments which are reflected in the Co-operative Schemes (Administrative Actions) Act 2001. Some other states are yet to act in that regard. I understand that Western Australia is doing so at the moment, for which I commend it. I also understand that the Tasmanian Parliament is looking at this, and I hope the other states and territories will follow suit in the near future.

Other changes have been made to the commonwealth act in response to an evaluation of the National Crime Authority by the parliamentary Joint Committee on the National Crime Authority. That committee takes a strong role in overseeing the work of the NCA and has conducted a number of evaluations of it. It is sound policy and good governance that it does so. The committee's recommendations flowed through to the commonwealth act in this regard and included measures applying to people frustrating or obstructing the hearing processes of the NCA. The committee made a number of recommendations which were taken up in the commonwealth act.

The task of this bill is to put those changes into effect at a state level. In order to do that a model state bill was drafted by the national Parliamentary Counsels Committee and this bill includes the necessary local modifications.

The bill contains a large number of amendments which deal with, for example, the removal of the defence of reasonable excuse; the removal of derivative use immunity in relation to self-incriminating material; and the clarification and application of legal professional privilege. It seeks to remove the defence of legal duty that is available to legal practitioners in relation to certain offences concerning the disclosure of information.

The bill significantly increases penalties, expands the classes of persons who can apply for warrants, provides for the appointment of hearing officers, clarifies that only reasonable force can be used in executing search and arrest warrants, and removes redundant provisions,

including the reference to a police power to interview. That is a brief summary of what is contained in this bill. I will address a number of those things.

One relates to the amendments relating to reasonable excuse, which can be found in clause 12. Currently people can claim the defence of reasonable excuse, which can be found in a range of other legislation. As part of its work the Law Reform Committee has been doing some research, and this has come up in other Victorian acts, so it is not an unknown concept. If you are talking about people who go to hearings and spend a lot of money on QCs to defend themselves, the ability to cloud the definition of reasonable excuse seems to be well and truly there. This provision seeks to clarify that by changing the term from 'reasonable excuse' to 'intention', so there has to be a clear intention. It amends sections 18 and 19 to make it clear that an offence under this legislation will only be committed when a refusal or failure to comply with the state act is actually intentional.

The increase in penalties has already been described by other speakers before me. It is very much time that the maximum penalty was increased. I view the increases from $1000 to $20 000 and six months to five years as very timely. I should note in passing that the move to a penalty of $20 000 will in many cases still be very much insufficient. When you are dealing with drug barons or corporate raiders who flout the law for tens of millions of dollars, $20 000 is a mere slap on the wrist. I know there are issues of proportionality and that this is how they have to be dealt with in the total scheme of things, but I note that sometimes even the increase here may well be too small.

I will conclude, because I know other honourable members wish to speak on this bill. I see this as very much about good governance, because it brings into line the commonwealth, the state and a very important agency, the National Crime Authority. As such I commend the bill to the house.

Mr THOMPSON (Sandringham) — A strong feature of our federal system of government is its devolution of power so that local decisions are made at the local level. Sometimes that system has great strengths, and at other times matters need to be refined to ensure that there are effective outcomes. The National Crime Authority performs a very important role in law enforcement, but that involves cooperation with a number of law enforcement agencies — unlike the situation in the United States of America, where myriad law enforcement agencies are involved.

There are some clearly defined powers at the federal and state levels that deal with law reform and law enforcement. This particular case arises out of *The Queen v. Hughes*, and I will leave it to the Attorney-General to run through the finer features of that judgment in his summing up of the debate. However, it is notable that the bill deals with a number of important but practical matters in relation to search warrants, including telephone warrants, the role of hearings and their authority, the power to summon witnesses and take evidence or to obtain documents, and the situation when a witness fails to attend or to answer questions. It provides for warrants for the arrest of witnesses and covers situations dealing with the protection of witnesses and contempt of the authority. Therefore some very broad-ranging features are required.

Regarding rectification, some excellent work has been done in the Victorian sphere by entities like the Scrutiny of Acts and Regulations Committee, originally under the chairmanship of the honourable member for Doncaster and later under that of the honourable member for Gippsland South, now the Leader of the National Party. It recommended that there be a role for the development and appropriate scrutiny of template legislation to ensure there is a harmonisation of laws throughout the nation and that people do not have to deal with a complexity of different laws in different jurisdictions.

This bill goes some way towards that end. I note that the entity will later devolve into a new body and the National Crime Authority will become the Australian Crime Commission as a consequence of a leaders conference held on 5 April 2002. We on this side of the house support the legislation.

Ms DUNCAN (Gisborne) — It gives me great pleasure to speak on the National Crime Authority (State Provisions) (Amendment) Bill. The bill continues to ensure that the cooperative system that currently exists between the National Crime Authority (NCA) and Victoria and all other states continues and that any inconsistencies that have come about as a result of *The Queen v. Hughes* are dealt with.

As previous speakers have said, changes will be made to what we now know as the NCA but in the meantime it is important to ensure that consistency prevails. The bill makes a number of amendments to the state act to ensure consistency with the federal act and in part it has arisen as a result of the commonwealth government's third evaluation of the NCA.

One of the things the NCA does and that we all applaud is the ability to cross jurisdictions and to deal with serious organised crime much of which is drug-related and often difficult to trace and track. The NCA has considerable power to collect information for further prosecutions. Because of its special powers we need to make sure that at all times the various pieces of legislation are consistent across states and that we do not have anomalies in them that create loopholes.

I wish to address particular parts of the bill, one of which relates to self-incrimination. Currently if a person believes that to provide information to the NCA would be self-incriminating or that material they present could be self-incriminating then they can seek immunity from the Director of Public Prosecutions in relation to the use of that evidence or any evidence that may result from the tabling of that information in any subsequent proceedings. Once that immunity has been granted the person is then required to answer the question or provide the relevant documents to the NCA. If the person is not given that immunity by the Director of Public Prosecutions then he or she has a reasonable excuse for not providing the information sought.

Under the proposed amendments a person who claims that the answer to such a question or the provision of such information is self-incriminating he or she will have to provide that information. However, they will have a statutory immunity in relation to the use of that material in later criminal proceedings or in proceedings for the imposition of a penalty. This immunity will not extend to the use of evidence derived from information not disclosed to the NCA — for example, police would not be precluded from relying on forensic evidence derived from answers to questions a person gives at the NCA hearing so that information would still be useful in order to gather evidence for that particular crime.

It is considered that the public interest is served by the NCA having full and effective investigative powers and the use of incriminating material derived from evidence given to the NCA would outweigh the merits of affording full protection to self-incriminating material. The bill does a number of other things that most honourable members would see as making the NCA more efficient and effective without reducing rights.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

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

McKinnon Basketball Association

Mrs PEULICH (Bentleigh) — I would like to raise with the Minister for Education and Training a matter I raised with her previously in the chamber pertaining to the McKinnon Basketball Association. The association, which has some 700 children as players, has suffered a lockout as a result of a health order imposed at its venue at Brighton Secondary College and issued, of course, by the council and effected by the education department.

A gymnasium the association was using was not developed with the appropriate sound attenuation, which was a problem for local residents. It now finds itself in need of additional funds to build a sound attenuation wall so it can continue playing there. It was locked out and there were problems finding alternative venues. I called on the minister, first of all, to help mediate, and to provide funding as well.

We had a meeting at the Bayside City Council, following a public meeting of some 700 people at the McKinnon Secondary College. The education department sent a couple of very capable negotiators; and lawyers, a planner and the principal of the school attended, as well as the Bayside City Council and the McKinnon Basketball Association. An interim arrangement was made. However, we need to look at some permanent resolution of the issues, and that requires funding.

I have received a copy of a letter from the McKinnon Basketball Association to the minister. I quote:

> We would like to remind you, Minister, of what you publicly stated in the *Sunday Herald Sun* on page 21, in an article titled 'School for all in class revolution'. You stated, 'Schools are not islands, schools have incredible resources and they should not be locked up'. You were also quoted as saying 'there were fantastic opportunities for schools to share assets with the communities'. The article goes with another quote from you 'that schools should be centrepieces of the communities, with facilities and infrastructure clustered for communal use of entire towns and suburbs'.

The McKinnon Basketball Association is calling on the minister, via me, to provide $100 000 as a contribution to the $180 000 cost of the sound attenuation at Brighton Secondary College. I call upon the minister to facilitate that as soon as possible.

Back to Back Theatre

Mr TREZISE (Geelong) — I raise an issue for action with the Minister for Community Services. It relates to the Back to Back Theatre company — a theatre company comprised of disabled artists based in my electorate of Geelong.

Back to Back Theatre is a leading exponent of the disabled in the arts and is internationally recognised as such. The company, in seeking to build on its work, wishes to attend and perform at the Sixth Conference and International Festival of Theatre for Handicapped People, which is being held in Almagro, Spain, later this year. There is a major financial cost to be met in order for it to attend this conference, and I therefore, ask the minister to provide financial support to Back to Back Theatre to ensure its attendance at this internationally recognised and important event in Spain.

Back to Back Theatre employs actors with intellectual disabilities and provides a positive and practical role model for other people with disabilities. Through its work the theatre company provides an environment in which artists are challenged and supported in the development of their work. Back to Back Theatre was established in Geelong in 1987, and operates around a core ensemble of five performers with intellectual disabilities, as I mentioned before. The goals of the organisation are to provide a high-profile advocacy organisation for people with disabilities, and also to produce an outstanding body of original work in the area of the arts.

Each year the Back to Back Theatre produces one new and original major theatrical work. It also coordinates a training and development program and develops smaller scale projects such as films and visual arts. By attending the conference in Spain later this year Back to Back Theatre will have the opportunity to research new work and evaluate its own work in an international context. It will also be able to expand its own international networks and seek further international opportunities for its future repertoire.

This is an exciting and important conference for Back to Back Theatre, which is based in my electorate of Geelong. Therefore I look forward to the minister's action on this matter.

Echuca Regional Health

Mr MAUGHAN (Rodney) — I raise a matter for the Minister for Finance concerning unallocated trust funds held by Echuca Regional Health. Echuca Hospital has $147 000 in unallocated funds. They are funds that have been held on behalf of patients and those who have been associated with the hospital and have been left in the trust fund because the owners cannot be found in spite of the hospital having made vigorous attempts to do so. The funds have accumulated over a long time — I think it goes back 40, 50 or even more years. But it would be impossible now to sort out the allocation of the interest on the component, even if the hospital were able to determine the owners.

The proposal is that the hospital is prepared to surrender the $147 000 for which it cannot find any owners to the Minister for Finance on the understanding that it gets a comparable amount back from the Department of Human Services. The reason is that the hospital is in stage 2 of its building program. It is getting close to completing a new nursing home and it needs to find a lot of money to furnish it.

So the hospital is prepared to surrender to the government the $147 000 that is sitting in the trust fund and which is of no use to the hospital or the community because it cannot use it on the understanding that it gets back $147 000 to assist it with the furnishing. I am aware of precedents for this sort of thing, and I seek the minister's consent. I ask him to investigate the possibility of acceding to the request that has been put by Echuca Regional Health with a view to accommodating its wishes.

Small business: online project

Mr HELPER (Ripon) — I raise a matter for the attention of the Minister for Consumer Affairs. The action I seek is that she provides reassurance to the business community, particularly small business, about the stages of the Bracks government's reforms to cut red tape for business through the online project.

As a former small business proprietor of a service station and garage in Newstead, just one of the areas that I have personal experience in is the area of business name renewal. The circumstances that faced me and which face so many people in small business throughout my electorate and indeed I imagine throughout the whole of Victoria is that small business people work for 10 or 11 hours a day and during business hours there is rarely any time to attend to administrative work.

I well remember facing the week's mail on those days that I set aside to try and plough through the administrative tasks. On one sequence of occasions I remember receiving a renewal notice for my business name, which was Newstead Motors. The first letter arrived on white paper and was a very polite suggestion that I should renew my business name registration.

The second notice arrived, if I recollect correctly, on blue paper and put the suggestion just a bit more firmly. A little while later the third notice appeared in red ink and put it fairly bluntly that I had an obligation to renew my business name.

The picture I wish to paint for honourable members is that it is indeed difficult for businesspeople even in this small way to respond to the administrative pressures that arise in a business. At the end of the day we are there to try and make a few dollars for our families, and we try to grow and develop our businesses. Quite frankly not too many of us think that re-registering our business name is as important as it is. I understand the requirements to do so, but nevertheless it is hard to see that in the context of actually making dollars.

In the few seconds remaining to me I seek the minister's reassurance to the business community — —

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

Harcourt bypass

Mr BAILLIEU (Hawthorn) — I raise for the attention of the Minister for Planning the issue of the Calder Highway upgrade between Faraday and Ravenswood. Specifically I invite the minister to revisit the brief given to Vicroads by her predecessor when he required Vicroads to undertake a supplementary environment effects statement (EES) in consideration of a route determined by a panel hearing last year.

The Calder Highway upgrade between Faraday and Ravenswood is essentially a Harcourt bypass or deviation. Many options have been put up over the years, and the consideration of the issue goes back a number of years. There are no forward estimates on the project, so we cannot anticipate that it is going to happen very quickly, particularly given the track record of this government in getting projects up and under way. The panel last year considered half a dozen options — four main ones and two merged ones.

Ms Allan interjected.

Mr BAILLIEU — There were half a dozen considered and two of them were merged options.

Ms Allan interjected.

Mr BAILLIEU — Sorry, that is six.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Hawthorn will address his remarks through the Chair, and the honourable member for Bendigo East will be silent.

Mr BAILLIEU — The panel reported in September last year, and the minister then took a decision to exclude all but the westernmost option, otherwise known as FR4. As a consequence the supplementary EES will not have the opportunity to consider design alternatives which may be better. It is certainly suggested by representations I have received from the Coalition against the Calder FR4 Option — and I raise this matter on its behalf — that it has the view that consideration will not be given to better design options.

The decision taken by the minister and the panel was a consequence of the inclusion at the last minute of a criterion which had not been considered before — that is, ensuring that the Midland Highway traffic was also diverted from the Harcourt township. As I said, that had not previously been a consideration and obviously as a consequence only one option was available to the panel. I ask the minister to reconsider the brief given to Vicroads so that the design options can be considered in full.

Melbourne General Cemetery

Mr ROBINSON (Mitcham) — The issue I raise this evening is within the responsibilities of the Minister for Health. It relates to the disquieting media reports recently regarding grave site purchases at the Melbourne General Cemetery. This evening I am seeking the minister's consideration of an investigation into the circumstances surrounding the sale of those sites.

By way of background, on the evening of 25 April, Anzac Day, a queue was formed outside the Melbourne General Cemetery of persons wishing to purchase burial grave sites which were going to be made available for offer the following morning. There is nothing unusual about that; the actual procedures by which the cemetery had organised that sale are not uncommon. It is a fact that people are prepared in this city to queue for different things.

We have a great tradition in this city of queuing for finals tickets and, among young people, there is a great tradition of occasionally queuing for entry to nightclubs. And of course on polling day we queue at polling booths, whether they are in Mitcham — or even, hypothetically, in Pakenham. There is some suggestion that people might be queuing there a little earlier!

Nevertheless, reports of the event that took place on 26 April suggest that there was some disorder in the queue and some complaints were tabled in the *Herald Sun* the following morning. One chap, Mr Philip Gahan, aged 57, missed out on a prime plot that he wanted to buy and said he was duped:

> We asked at the cemetery whether queuing would be allowed and they said 'no'.

If the minister chooses to take up the issue, the investigation might touch firstly on the procedure for future sales so that all persons interested in purchasing a grave site might do so with the rules being understood fairly and squarely beforehand. Secondly, there needs to be an examination of deterrents to purchasers who may seek financial gain. I note that section 27A of the current Cemeteries Act outlaws unauthorised payments and what is effectively the trading of sites, but when car parking spaces in the City of Melbourne can go for almost $50 000 there may be people who are attracted to the sale of burial sites for the purpose of financial gain. That would be unsatisfactory, so I ask the minister to consider an investigation into this matter.

University of the Third Age: Glen Eira

Mrs SHARDEY (Caulfield) — I wish to raise an issue with the Minister for Senior Victorians and ask her to take action to ensure the interests of the Glen Eira University of the Third Age (U3A) are being met and to repair the damage caused by her letter to them that claimed land on which their premises is situated in Glenhuntly Road is to be sold despite the fact that Victrack, which is responsible for such a sale, has said that a decision has not been made to sell that land.

With some 800 members, the Glen Eira U3A is one of the biggest in Victoria. I tabled a petition in this Parliament that asked that the government-owned land not be sold and that the land be retained in perpetuity for the purposes of use by older citizens and their lifelong learning pursuits.

In addition, a letter was written to the Minister for Senior Victorians by Glen Eira U3A which informed the minister that it had raised the issue with the former Minister for Aged Care. The letter states:

> The former minister for ageing, Bronwyn Pike, may have passed on to you our deep concern about our future … Many letters have been sent to the Minister for Transport, Peter Batchelor …
>
> …
>
> In February 2002 a petition to the Victorian government signed by 420 of our committee and membership was presented by Mrs Helen Shardey …

The minister wrote back to this group on 24 April, saying:

> I am advised that the land is not required for future transport purposes and will be sold. I regret there is nothing within my capacity as Minister for Senior Victorians I can do to alter this arrangement …

The minister wrote to me and claimed:

> The Minister for Transport, the Honourable Peter Batchelor, MP, has responded directly on the issue to Mrs Margaret Robinson, president of the Glen Eira U3A.

The Glen Eira U3A and Mrs Robinson claim they never received such a letter from the Minister for Transport. I ask the Minister for Senior Victorians to take this matter in hand and to act appropriately.

Consumer affairs: second-hand vehicles

Ms ALLAN (Bendigo East) — I also raise a matter for the Minister for Consumer Affairs. I want the minister to take action to combat the dealing in motor vehicles by unlicensed backyard traders. Quite clearly this is a significant issue and many of us have probably had experiences such as purchasing a vehicle from someone who is not an authorised dealer.

The matter I raise for the minister's attention deals more specifically with people who trade in a number of motor vehicles over a 12-month period. The issue here, of course, is with the industry being unregulated. There is a concern about the threat to unwitting buyers who may be unaware that the vehicles they are buying from these backyarders may not carry a statutory warranty. That is a significant concern for the people who purchase these vehicles.

Clearly country people possibly more than city people rely on having access to their motor vehicle at all times. They do not have access to the public transport system. As a result we need to have a good road network, which is why I was very pleased to see that the budget handed down by the Treasurer yesterday allocated $70 million for the Calder Highway upgrade between Kyneton and Faraday. The Bracks government has this commitment to the completion of the Calder Highway by 2006. What we need, however, to meet that deadline for the people of Bendigo and central Victoria is for the federal government next Tuesday to match that commitment of $70 million for the Kyneton to Faraday section.

The Calder Highway is a road of national importance. It requires matching state and federal funds, but continually we have seen the federal government try to renege on its deal on the Calder Highway and try to stall progress on this important transport link for the people of Bendigo and central Victoria.

Certainly it is a significant issue for people who purchase vehicles and drive up and down the Calder Highway between Bendigo and Melbourne. It is also an issue for these people who are purchasing vehicles and who may drive up and down the Calder Highway, because at the end of the Calder Highway is the Tullamarine Freeway. As many people in the Bendigo

region and central Victoria are aware, the Tullamarine Freeway is now a tollway, so a road that they were previously travelling into Melbourne on for nothing — —

The ACTING SPEAKER (Mr Savage) — Order! I remind the honourable member that she is limited to raising one issue with the minister, not two.

Ms ALLAN — This is a significant issue of importance for central Victorian motorists, as is the issue of backyard traders in the motor vehicle industry.

Prisons: community units

Mr WELLS (Wantirna) — I ask the Minister for Corrections to immediately investigate and to re-read the document he tabled in Parliament yesterday and to immediately correct the *Hansard* record, because he has misled Parliament.

The minister yesterday claimed very strongly that the previous government was going to introduce suburban prisons into Melbourne. He said that when he became minister he called for a document. He tabled this document yesterday. When we got hold of this document we found that the previous government was going to complement the current prison system with a 20-bed metropolitan reintegration facility which would intensively supervise and support prisoners. But then we looked at which suburb was going to have this facility. Does anyone know which suburb it was? It was a place called Fulham. Let me tell you that Fulham is 220 kilometres east of Melbourne, and Fulham is actually a prison facility.

This minister deliberately misled Parliament by saying that the previous government was going to build a prison facility in metropolitan Melbourne. It clearly says in this document that it was going to build it at the Fulham prison, which is 6 or 7 kilometres outside Sale. This is a clear breach of the rules of this Parliament. We want the minister to come in here and make sure that he corrects the *Hansard* record to ensure it is very clear that what he was saying yesterday about this document was incorrect.

The previous government made it very clear that it was going to build a 20-bed reintegration unit and it was going to be at an existing prison site at Fulham, near Sale.

Mr Helper — On a point of order, Acting Speaker, I did not want to interrupt the matter the honourable member was raising, but I understand that if he wishes to accuse a member of this chamber of deliberately misleading the house, he needs to do so in a substantive motion. It is inappropriate to raise this matter during the adjournment motion.

Mr WELLS — I understand the words 'deliberately mislead', so I would use the word 'mislead'.

The ACTING SPEAKER (Mr Savage) — Order! I take it the honourable member is saying he withdraws the word 'deliberate'?

Mr WELLS — Yes.

Werribee: technology precinct

Ms GILLETT (Werribee) — I raise for the attention of the Minister for State and Regional Development the technology precinct established in Werribee almost 20 years ago by the then federal Labor member for Lalor, the Honourable Barry Jones. He was a fine member; and we now have a new fine member in the Honourable Julia Gillard.

I ask the minister to report back to me by letter, if that is appropriate, on the progress that has been made on the feasibility study with a view to looking at just how that technology precinct can be developed, bearing in mind the government's overall budget objectives of increasing innovation, connectedness, and the development of educational opportunities for all of Victoria but in particular for Melbourne's outer suburbs, of which Werribee is one, and our growth corridors, which are particularly important.

The technology precinct in Werribee has been growing at a reasonable pace but slowly and haphazardly. It desperately needs the impetus that can be given by a feasibility study, which will give it a framework to work within and some guidance into the future about where it can develop and how it can enhance the lives of the people in our community.

It is an incredibly important development, because it is important that the western suburbs, particularly the outer western suburbs, are able to develop a precinct of excellence where we can integrate a range of innovation and education and the commercialisation of our resources.

Mr Helper interjected.

Ms GILLETT — Yes! Exactly like Maryborough. I take my lessons from Maryborough.

It is important that we establish a legacy, a history and a forward-thinking strategy of progressive innovation in the outer western suburbs. It is critical to our community generation and the development of our

people that we encourage this sort of development more.

Water: Geelong supply

Mr MULDER (Polwarth) — I raise for the Minister for State and Regional Development the fact that on many occasions in this house the minister has sung the praises of the economic performance of south-west Victoria with its strong economic growth, low unemployment and potential for tremendous growth in the food processing and food production areas. The minister would recognise that a secure water supply is one of the major factors in that success.

That potential, however, is under genuine threat. The resource on which the area relies, its water supply, is being targeted by Barwon Water to supplement Geelong's water supply. A discussion paper put forward by Barwon Water identifies potential new water resources for the Geelong region, being Bambra ground water supplies; extension of the Barwon Downs ground water bore field; interconnection of Melbourne's and Geelong's supplies; and potable reuse of sewage effluent. Further expansion of the Barwon Downs bore fields or tapping the Bambra ground water supplies should not proceed as there is insufficient research into the long-term environmental impacts of increased ground water harvesting in the area.

The major point of contention, however, that Barwon Water put forward is interconnection of West Gellibrand reservoir, being Colac's supply, to West Barwon reservoir, which is Geelong's supply. Such a proposal would put at immediate risk the future economic development of Colac, Warrnambool, Camperdown, Cobden, Terang, Noorat, Glenormiston, Simpson, Allansford and Derrinallum. This option would also have significant environmental effects downstream.

As an example of what would happen if this proposal went forward, if Geelong was forced to switch to Colac's storage system, it would drain Colac's water storage in a matter of days, and if it is not Colac's water storage Barwon Water is targeting — which it is not going to say — then it is Gellibrand River's environmental flows or flows which supply cities and towns to the south.

Such a proposal could not proceed without significant support from the state government. I call on the minister to treat any proposal from Barwon Water to interfere with Colac and other south-western Victorian city and town water supplies as predatory, with the potential to undermine investment and growth currently experienced in the region. They should keep their hands off Colac's water supply.

One only has to look at the sprawl currently taking place between Geelong and Melbourne to appreciate what direction Geelong and Barwon Water should be looking to for their future — —

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

Responses

Ms CAMPBELL (Minister for Senior Victorians) — The matter raised by the honourable member for Ripon is very important. It relates specifically to business affairs being online. This government has been extremely proactive in this regard to enable people throughout the state to register their businesses online 24 hours a day, seven days a week.

The government will be progressively stepping up its business online project during this year. It is moving to online delivery, and the renewal of business names transaction was made available in January 2001. It is great news that residents across the state can go online. It is also excellent for people who wish to check current names and registrations. I will leave it to the honourable member for Ripon to decide whether he could have come up with a better name, but I am sure his reputation, whatever the name, was one of the highest standard.

In order to put all the intended transactions online some changes to business processes will be necessary, and we will be implementing these. Extensive consultation on the proposed changes has been undertaken, and I look forward to introducing that legislation into the house as soon as possible.

The second matter was raised by the honourable member for Caulfield in relation to the Glen Eira University of the Third Age. I had the privilege of meeting some of the outstanding members of Glen Eira U3A when they were here in Parliament House. They explained to me their dilemma in regard to their need for a site big enough to accommodate a really vibrant U3A. The Minister for Transport has the ultimate responsibility in relation to their current site.

As I have been advised and have communicated to them, that matter has already been communicated to the U3A. Over the loudspeaker in my office I heard the honourable member raise this issue and I will follow up with the Minister for Transport as to whether perhaps there has been a change of office-bearers and that letter never reached the person that — —

An honourable member interjected.

Ms CAMPBELL — I was advised and communicated to the U3A exactly what was expected to transpire. I will follow that up again with the Minister for Transport.

In relation to the matter raised by the honourable member for Bendigo East, as Minister for Consumer Affairs I am extremely pleased to work with the Victorian Automobile Chamber of Commerce and local government to make sure that motor car traders are registered. I am sure the honourable member for Ripon is also very interested in ensuring that motor car traders are registered and that unlicensed backyard traders are quickly pulled into line and all trading is done in strict accordance with the Motor Car Traders Act.

In the past couple of weeks I have communicated with local councils encouraging them to alert Consumer and Business Affairs Victoria or me if they become aware of unlicensed traders. I encourage honourable members who are aware of any unlicensed traders to dob them in to consumer affairs. Unlicensed traders are a threat to car buyers in that the vehicles they sell are not covered by the appropriate statutory warranty. Often it is the most vulnerable consumers who are targeted by such traders: kids with their first cars and people on low incomes. They need the assurance that their — —

Mr Helper — And they don't pay GST!

Ms CAMPBELL — And they do not pay GST, that is true. The honourable member for Ripon raises an important point. However, for kids and disadvantaged consumers the government has to ensure that with local government and the Victorian Automobile Chamber of Commerce we run out of town anybody who is trading illegally.

Ms PIKE (Minister for Community Services) — The honourable member for Geelong raised a matter with me regarding funding for the Back to Back Theatre's anticipated journey to perform at the Conference and International Festival of Theatre for Handicapped People in Spain and the London International Festival of Theatre in May 2002. I understand that the Back to Back Theatre has received funding of $11 900 from the Australian Council for the Arts towards its tour.

I am happy to advise the honourable member that through the Futures for Young Adults program, which received an additional $1 million in the most recent budget, I will be able to contribute $5000 towards the Back to Back Theatre group's tour, which means it now has only a couple of thousand dollars shortfall. I am sure with fundraising and support from the Geelong community it will be able to reach its target.

The honourable member for Wantirna raised a matter for the Minister for Corrections seeking clarification of documents tabled in Parliament yesterday regarding the previous government's commitment to reintegration facilities for offenders. I will pass that matter on to the minister.

The honourable member for Bentleigh raised a matter — —

Mrs Peulich — On a point of order, Mr Acting Speaker, I ask that you take up with the Speaker the matter of reminding ministers — there are 18 of them, but there are 2 here — that the day starts with the ringing of the bells and it finishes with the ringing of the bells. This is a part of their responsibilities and they ought to be here answering questions from constituents.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Bentleigh well knows that there is no point of order on that issue.

Ms PIKE — The honourable member for Bentleigh raised a matter with the Minister for Education and Training regarding contributions to a building for the McKinnon Basketball Association, and I will pass that matter to the minister.

The honourable member for Rodney raised with the Minister for Finance the matter of unallocated trust funds at Echuca Regional Health, and I will raise that matter with the minister.

The honourable member for Hawthorn raised with the Minister for Planning the Calder Highway upgrade and has requested that the minister reconsider the planning brief for that upgrade. I will ensure that the Minister for Planning responds to that matter.

The honourable member for Mitcham raised a very interesting matter with the Minister for Health about the purchase of grave sites in the Melbourne General Cemetery. I was particularly interested in this matter because it happens to be in my electorate, and I can only assume that everyone is dying to get into my electorate!

An Honourable Member — You can bury that joke!

Ms PIKE — Yes, we can bury that joke.

The honourable member for Werribee raised for the attention of the Minister for State and Regional

Development the future development of the technology park in the Werribee electorate.

The honourable member for Polwarth again raised a matter with the Minister for State and Regional Development concerning water supply in the south-western area of Victoria. I am absolutely confident the Minister for State and Regional Development will respond to that matter.

The ACTING SPEAKER (Mr Savage) — Order! The house now stands adjourned.

House adjourned 10.40 p.m.

Thursday, 9 May 2002

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.36 a.m. and read the prayer.

PAPERS

Laid on table by Clerk:

Planning and Environment Act 1987 — Amendment No. 114 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No. 20.

MEMBERS STATEMENTS

Agriculture: farmers rights

Mr McARTHUR (Monbulk) — I refer to the government's appalling failure to deliver on its own election promises and on the recommendations of its own working party. The Labor government's agricultural policy, announced during the 1999 election and entitled 'World class and green', states:

> Victorian Labor recognises the need for legislative protection of farmers 'right to farm'. Labor will ensure that there are mechanisms in place to avoid farmers becoming tied up in expensive and time-consuming legal battles resulting from conventional farm practices that predate the arrival of the complainant.

The Minister for Agriculture appointed the Right to Farm Working Group. On Monday, 19 March 2001, the minister issued a media release entitled 'Right to farm report released', in which he trumpeted the government's proposals for action in response to the group's recommendations. Recommendation 1 of the minister's working group was:

> That legislation be introduced to amend section 32 of the Sale of Land Act to require vendor statements to include a warning about possible amenity impacts of agricultural practice and processes on adjacent properties.

The government's response was:

> The government supports this proposal.
>
> The required legislative changes will be considered in a review of the Sale of Land Act later this year.

That was issued in March 2001 and we are now in May 2002. It might be the minister's birthday, but he has not woken up yet.

Anzac Day: free buses

Mrs MADDIGAN (Essendon) — I congratulate the approximately 150 Essendon residents who got up in time to catch the 5.00 a.m. bus to the Shrine of Remembrance for the Anzac Day service.

This initiative was suggested by the honourable member for Mitcham — who, honourable members will be interested to know, turns 40 today — and has really taken off in the suburbs. Last year the bus from Essendon had only about 15 people on it, and this year it had 150.

I was asked by a number of the people on the bus to pass on their thanks to the Minister for Transport for this great initiative. I know that throughout the state the number of people taking the opportunity to use the free bus service rose from something like 300 to 1500.

It is a great experience for residents, especially older residents, to be able to avail themselves of this opportunity to get to the shrine. Certainly those of us who were on the bus could see how difficult it was for people to get parking anywhere near the shrine entrance. It really is an excellent initiative and I would like to see it continue in the future.

The program also provides an opportunity for young children to accompany their parents to a ceremony of great significance to the people of Victoria. I think we can look forward to this program continuing in the future, and we thank very much the honourable member for Mitcham and the Minister for Transport for making this service available to so many residents of Victoria on Anzac Day.

Water: Wimmera–Mallee pipeline

Mr RYAN (Leader of the National Party) — I am delighted to tell the house that the National Party has again delivered for country Victoria. Today the Deputy Prime Minister of this great nation has confirmed that the commonwealth government will put up the $3.5 million which is necessary to complete the planning and design process of the Wimmera–Mallee pipeline — one of those great projects that this party has campaigned on for years and years.

Honourable members interjecting.

The SPEAKER — Order! The government benches will come to order.

Mr RYAN — I am pleased to see we eventually forced the Victorian government into making some semblance of a commitment. It said it would put money

up as soon as that design was completed, and the federal government is saying, 'Yes, we've got our money available for the design stage'.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House!

Mr RYAN — When that work is done I am very confident we will go to the next stage. This government needs to go through the proper process.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Springvale!

Mr RYAN — It has to make the proper applications to the government through and to the department. Just as we did with the northern Mallee pipeline, just as Victoria put up $27 million and the federal government put up $27 million to complete that project, that is exactly what will happen with this project.

These idiots opposite could not run a pie shop — with due respect to those who do — and they know that instead of talking cheap politics, which they have done, and instead of strutting around and preening themselves like peacocks as they have done over the past couple of days, what they should have done and what they should now do is go through the proper process. The federal government is there to do it, and the National Party has delivered again.

Honourable members interjecting.

The SPEAKER — Order! I ask the opposition to come to order immediately. The honourable member for Malvern!

Mr Batchelor — Can we have that again?

Honourable members interjecting.

The SPEAKER — Order! I ask the Leader of the National Party to take his seat. The Leader of the House ought to know that he must not interject in that vein.

Budget: child protection

Mr LONEY (Geelong North) — I congratulate the government and in particular the Treasurer on the fantastic state budget announced on Tuesday which has picked up a great reaction across the state. I want to pick up on one particular item in that budget — an additional $60 million for child protection. As chairman of the Public Accounts and Estimates Committee I tabled a report in this Parliament last November on this very sensitive and complex issue. I am delighted to see the reaction of the government through its commitment to that area, as delivered in the budget.

That $60 million will go a long way to assisting in this area. It includes $16.8 million for 60 extra child protection workers; $20 million over four years for intensive therapeutic services to assist 1300 children and young people; $14.8 million to support vulnerable families; and $2.4 million to assist Aboriginal communities, which is a particularly vulnerable area.

This is a wonderful commitment by the government. I wish to pay tribute to the current Minister for Community Services and the former minister, now the Minister for Senior Victorians, for their genuine commitment to improving the lot of children in protection in Victoria.

Tertiary education and training: student concessions

Mr HONEYWOOD (Warrandyte) — The Minister for Education and Training ran around country towns and regional centres promising that apprenticeship students, TAFE students and tertiary students would have the same student concession card deal that all high school students receive.

In a press release dated 27 March 1997 — as the minister leaves the chamber — the minister may like to recall that she said Labor would introduce a common student concession card, cutting the current tertiary concession fee from $108 to $6.20 for all university, TAFE and apprenticeship students.

She went on in the same release to say that:

> Under a state Labor government, tertiary students would only pay $6.20 for a public transport concession card. This is a fairer system and will encourage more students to use public transport and help reduce fare evasion.

Come the 1999 election, commitment 8 of Labor's education policy talks about cheaper public transport for tertiary students and says that these commitments are not just hollow political promises but undertakings that it will honour and commitments that it is prepared to be judged on.

What is the situation in 2002? A tertiary student concession card for apprenticeship students on public transport costs over 10 times more under Labor than a high school student will pay. So much for the undertaking in 1999; so much for the commitment on which it wants to be judged for young people struggling on the breadline to travel on public transport.

In the current budget a further $50 million has been taken out — —

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

William Johnston

Ms BEATTIE (Tullamarine) — I would like to take this opportunity to congratulate a young man from my electorate, William Johnston. Will is a year 12 student at Sunbury Downs Secondary College. He has been selected by the National Youth Science Forum to represent Australia in this month's Canada Wide Science Fair.

The Canada Wide Science Fair is supported by the Canadian government and attracts the best science students from all over the world. Will Johnston has clearly proved that he is one of the best.

Will was chosen by his local Rotary Club as one of 276 students to attend the National Youth Science Forum in Canberra earlier this year. Of those students who attended the forum only a handful were selected to represent Australia's young people at overseas events.

Will has demonstrated outstanding academic results and great leadership qualities and will be an excellent ambassador for his home town of Sunbury, his school, his family and his country.

Will is a wonderful role model and great motivator to other young people who may be considering a career in the field of science. I congratulate Will on his excellent achievements and wish him well in representing his country at this prestigious international gathering.

I am sure Will has got there, and many other students will get there, through the Bracks government's commitment to science and technology and its focus on delivery in science and technology.

Prisons: community units

Ms McCALL (Frankston) — An information leak from the Department of Justice, totally denied by the Minister for Police and Emergency Services on Tuesday during question time, suggests that sites have been selected and that negotiations are proceeding for suburban mini-jails in Thornbury, Frankston and Dandenong.

I raise the issue of Frankston yet again. The current site on the preferred list is 800 metres from an old people's hostel, a high dependency unit, and 80 metres from a family restaurant. The Frankston community has not been consulted about this, in spite of assurances from the Bracks Labor government, and particularly from the Premier, that they would be consulted. The people of Frankston are tired of being the butt of jokes, whether it is the idiocy of Sam Newman or suggestions that we are Dandenong by the sea or that we are the chroming capital of the state.

The Frankston community is proud and stands high. It says that it will not allow the government to open a mini-jail in its suburb and its city. I reassure the house that if the government goes down that track, when we are re-elected we will close it down.

Darebin: community-building program

Mr LEIGHTON (Preston) — Last week I attended the launch in East Reservoir of the Darebin community-building project by the Minister assisting the Premier on Community Building. I welcome the announcement by the minister that the project will focus on the East Reservoir–East Preston area.

This area is the most socially and economically disadvantaged part of Darebin and my electorate. The program will not only direct resources to an area of disadvantage but also empower people by encouraging local community leadership.

The community-building program will also increase opportunities for businesses to contribute to their local communities, and I hope it will drive change in government departments. Using a SEIFA — socioeconomic indexes for areas — index, East Preston and East Reservoir are the areas of most disadvantage — that is, they are the lowest socioeconomic areas. For instance, according to the index, East Preston and East Reservoir rank 640 to 873 compared to over 1000 for West Preston. Darebin also rates low in health status, high unemployment and other growing social problems.

In addition to the minister and other dignitaries, several local residents spoke, one of whom was Mr Bob Nemarich, a tireless campaigner for people with disabilities, especially those using public transport. I congratulate Bob on his speech and on his contribution, and I thank the minister for her support for my local community.

Budget: bayside projects

Mr THOMPSON (Sandringham) — I wish to raise the strongest possible concern on the part of the electors of Sandringham, Mordialloc, Carrum, Frankston and Dromana as a consequence of the withdrawal of funding for the Dingley bypass. The blueprint for this

project was on the drawing board for a long time — over three years — and many decisions were made on the part of industry to ensure the swift transport of goods into central Melbourne. The local council, the City of Kingston, is incensed at this extraordinary backflip on funding allocation.

Not only is there a problem on land, but it is also around the coastline and on the foreshore of Port Phillip Bay. The Labor government has withdrawn from its commitment to beach renourishment funding. From Dromana right around to Point Lonsdale there has been a lack of action on important beach renourishment projects. According to the current budget documents, the Department of Natural Resources and Environment has reduced funding for important projects that would advance the interests of all Victorians. That reduction will lead to a deterioration in the quality of beaches as a result of the further erosion of cliff faces and of the removal of sand along the coastline.

Both the roads and beach of areas south of Melbourne will be affected. The electors in those areas will be left between a rock and a hard place — in a traffic jam!

Heathcote Heartland Festival

Mr HARDMAN (Seymour) — I rise to congratulate the thriving community of Heathcote on the wonderful week of activities it ran this year for the Heathcote Heartland Festival. The activities, auspiced by Heathcote Tourism and Development, were absolutely wonderful in the many ways that they showcased education and the many community organisations.

I would particularly like to congratulate Debbie Hill, Peter Virgona, John Hicks and the many other committee members of Heathcote Tourism and Development on their rededication of the Valley of the Liquidambars last Sunday. I also congratulate Nancy Cornwallis for a fantastic inaugural Young Performers Award at Mia Mia Hall on Saturday, 4 May.

TOBACCO (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Ms PIKE (Minister for Housing) — On behalf of the Minister for Health, I move:

That I have leave to bring in a bill to make miscellaneous amendments to the Tobacco Act 1987, to amend the Gaming Machine Control Act 1991 and for other purposes.

Mrs SHARDEY (Caulfield) — I seek a brief explanation of the bill.

Ms PIKE (Minister for Housing) (*By leave*) — The government has been progressively making a number of amendments to the Tobacco Act to ensure that there is no smoking, firstly, in restaurants, and secondly, in certain areas in hotels and clubs. This bill takes those initiatives further and ensures that there will be changes to the smoking regime in certain areas in gaming institutions.

Motion agreed to.

Read first time.

RESIDENTIAL TENANCIES (AMENDMENT) BILL

Introduction and first reading

Ms PIKE (Minister for Housing) — I move:

That I have leave to bring in a bill to make various amendments to the Residential Tenancies Act 1997 and for other purposes.

Mrs SHARDEY (Caulfield) — I seek a brief explanation of the bill.

Ms PIKE (Minister for Housing) (*By leave*) — After an extensive period of consultation this bill makes amendments to the Residential Tenancies Act in a number of areas, particularly in relation to notices to vacate and the capacity to remove tenants for reasons of violence and damage to property.

Motion agreed to.

Read first time.

BUILDING (FURTHER AMENDMENT) BILL

Introduction and first reading

Ms DELAHUNTY (Minister for Planning) — I move:

That I have leave to bring in a bill to further amend the Building Act 1993 and for other purposes.

Mr BAILLIEU (Hawthorn) — I ask the minister to advise the house briefly of the content of the bill.

Ms DELAHUNTY (Minister for Planning) (*By leave*) — This bill implements the government's policy of improving and enhancing both the quality and

standards of workmanship in our building industry. The bill also complements the government's intention to sustain as much as possible the strength of the building industry and the building boom we are enjoying at the moment by ensuring that standards are maintained and indeed lifted, and it complements the work being done by the Building Commission.

Motion agreed to.

Read first time.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (PLANNING PROCEEDINGS) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Victorian Civil and Administrative Tribunal Act 1998 in relation to the constitution of the tribunal for the purposes of proceedings under a planning enactment, to validate certain things done by the tribunal and for other purposes.

Read first time.

SPORTS EVENT TICKETING (FAIR ACCESS) BILL

Introduction and first reading

Mr PANDAZOPOULOS (Minister for Gaming) introduced a bill to regulate the sale and distribution of tickets to certain sports events to ensure fair access to tickets and for other purposes.

Read first time.

GAMING LEGISLATION (AMENDMENT) BILL

Introduction and first reading

Mr PANDAZOPOULOS (Minister for Gaming) introduced a bill to amend the Casino Control Act 1991, the Gaming and Betting Act 1994, the Gaming Machine Control Act 1991, the Gaming No. 2 Act 1997, the Interactive Gaming (Player Protection) Act 1999 and the Public Lotteries Act 2000 and for other purposes.

Read first time.

UTILITY METERS (METROLOGICAL CONTROLS) BILL

Introduction and first reading

Ms GARBUTT (Minister for Environment and Conservation) introduced a bill to enact trade measurement legislation in respect of utility meters, to consequentially amend the Water Act 1989 and for other purposes.

Read first time.

TRANSPORT (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Second reading

Mr BATCHELOR (Minister for Transport) — I move:

That this bill be now read a second time.

The bill serves a broad range of purposes designed to improve Victoria's public transport system, including reform of the taxi and hire car industries and regulation of security cameras in taxis. It also includes further reform of the tow-truck industry and gives the secretary of the Department of Infrastructure power to inspect and audit medical records of public transport safety workers to ensure a safer transport system. The bill clarifies the power of an authorised transport enforcement officer to request a person suspected of a transport offence to provide verification of their name and address. Finally, the powers of the Director of Public Transport will be extended to facilitate the performance of his functions.

The bill also amends the Melbourne City Link Act 1995 by extending by two days the period in which Transurban may backdate temporary registration.

The thrust of the taxi industry reforms in the bill is to retain regulated entry into the industry while improving the quality of service provided to the Victorian public by means of an accreditation regime for taxi depots and communication networks which dispatch bookings on behalf of the taxi industry. These initiatives will complement further proposals to develop accreditation requirements for taxi operators and licence-holders under new powers set out in the bill. The reforms have been designed to introduce gradual change to the industry in an effort to protect existing interests while also stimulating a dynamic industry environment which is more responsive to consumer and driver needs. It is proposed to introduce a late-night tariff on taxi fares, and the bill provides for a new condition to be applied

to taxicab licences which will ensure that this tariff is paid entirely to taxidrivers — a change that is expected to improve the availability of taxis during times of peak requirement.

Other changes include removal of the public interest test as a barrier to market entry for small commercial passenger vehicles other than taxis, with the introduction of a commercial fee based on the market rate payable for a hire car or special purpose vehicle licence. These two changes to the licensing provisions for small commercial passenger vehicles other than taxis are applicable to all licences applied for from today.

In order to improve safety for taxidrivers and their passengers, amendments have also been made to the Transport Act to enable the regulation and control of security cameras in taxis and the images taken by the cameras. The installation of security cameras commenced in the last few months of 2001, and is expected to be completed by the end of June 2002. To date, control of the cameras has been maintained under taxi licence conditions. However, the new legislation will allow a process for the Secretary of the Department of Infrastructure to enter into an agreement with a person or body authorised to download the images and provide them to police in appropriate circumstances for law enforcement purposes.

The proposed agreement has been prepared in consultation with the Victorian Privacy Commissioner to ensure that the provisions are sufficient to protect the privacy of people using taxis. Other than authorised persons who work under an agreement with the secretary, only staff of the department and the police will have access to the images. The new provisions also provide substantial penalties for any person who unlawfully possesses, downloads, publishes, transmits or discloses the images from a taxi security camera.

A review of the tow-truck industry recommended the addition of objectives to the tow-truck provisions of the legislation to emphasise the role of the provisions in the protection of consumers — particularly accident victims — when dealing with tow-truck operators and vehicle repairers as well as timely clearance of accident-damaged vehicles from accident sites and prevention of undesirable behaviour by tow-truck operators. The bill removes non-accident-related towing of motorcycles from regulation by the Transport Act but accident-towing of motor cycles will still be regulated. The cooling off period for an authority to repair accident damage has been extended to 72 hours with provision for a written waiver after 48 hours, to allow an owner of a vehicle, for example, a taxi or commercial vehicle, to arrange quicker repair when needed. The new legislation also provides for extension of police powers to enable police to maintain control of an accident scene. The new powers are necessary, particularly at heavy vehicle accident scenes, to prevent touting for repair work and to ensure the orderly salvage and recovery of damaged vehicles and their loads.

The bill provides that responsibility for determination of taxi fares and tow-truck fees, currently determined by the Secretary of the Department of Infrastructure, will now rest with the Minister for Transport, after evaluation by the Director of Public Transport and an independent assessment by the Essential Services Commission. The commission will be able to exercise its usual powers of investigation and inquiry in conducting evaluations and its report will be tabled in Parliament.

The bill amends the powers of the Director of Public Transport in order to clarify the director's ability to construct, maintain and operate public transport infrastructure and to run public transport services. The director is also given power, to be exercised with the minister's approval, to compulsorily acquire land for public transport purposes. This provision will facilitate projects which are funded or managed by the Department of Infrastructure.

The bill also inserts a power for the Secretary of the Department of Infrastructure to audit rail safety workers' medical records for the purposes of accreditation of operators. This amendment is to allow safety accreditation auditors to ensure that an accredited rail operator or a contractor has appropriate medical examination procedures and health monitoring systems in place to ensure that safety workers are medically fit for their work. This measure will further improve the safety of public transport operations in Victoria.

The bill clarifies the power of authorised officers to request a person suspected of a transport or ticket offence to provide evidence to verify the person's name and address. The information is necessary to ensure that enforcement proceedings or an infringement notice can be expeditiously served on the correct person. The information has always been requested and recorded by transport enforcement officers and for many years the Magistrates Court has upheld that practice. However, in view of the requirements of privacy laws, the bill includes a number of measures to clarify the power of authorised officers to request verification information and to record the information. The bill also introduces a substantial penalty for misuse of the verification information, and only permits the information to be

used for enforcement purposes. To ensure the protection of privacy, guidelines governing the collection, use and disposal of personal information gathered in the process of detecting and enforcing public transport related offences are currently being developed.

Relevant to the proposals for the Minister for Transport to determine taxi fare and accident-towing fees, after independent assessment by the Essential Services Commission, I wish to make a statement pursuant to section 85(5) of the Constitution Act 1975 of the reasons why the bill alters or varies section 85.

Clause 22 of the bill inserts a new section 255E into the Transport Act 1983 which states that it is the intention of section 189(7) of the act (as inserted by clause 20 of the bill) to alter or vary section 85 of the Constitution Act 1975.

The combined effect of proposed sections 255E and 189(7) is to confer an immunity on persons as a consequence of their making of a statement or giving of a document or information to the Essential Services Commission in good faith, in connection with an investigation under division 9 of part VI of the Transport Act. The protection applies whether or not an oral statement is made or a written document or information provided in connection with a written submission or public hearing. These provisions have the same effect as the equivalent provision in section 63 of the Essential Services Commission Act 2001, which was inserted to cover section 51(7) of that act.

The reason for limiting the jurisdiction of the Supreme Court with respect to these matters is to give persons who wish to make statements or provide information under division 9 of part VI of the Transport Act, a degree of confidence that their statements or information can be made or given without fear of litigation. This is likely to enhance the quality of the submissions and information made available to the Essential Services Commission, and thus enhance the quality of its reports.

These provisions are important to improve the quality of service provided to the Victorian public and to facilitate a more efficient and customer-focused small commercial passenger vehicle and tow-truck industry.

The bill amends section 73C of the Melbourne City Link Act 1985 to allow the backdating of temporary registration by an additional two days. Motorists will have until midnight on the Tuesday immediately following the weekend of travel on City Link to purchase a weekend pass, enabling payment with cash. Motorists will have three days after first travel to purchase other City Link passes such as the 24-hour pass and the Tulla pass. This amendment was negotiated by government and delivers a significant improvement to City Link products for occasional users and country Victorians.

I commend the bill to the house.

Debate adjourned on motion of Mr LEIGH (Mordialloc).

Debate adjourned until Thursday, 23 May.

CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL

Second reading

Mr PANDAZOPOULOS (Minister for Gaming) — I move:

That this bill be now read a second time.

The Casino (Management Agreement) Act was passed in 1993; it ratified the management agreement between the state and Melbourne casino operators. Section 15 of the Casino Control Act provides for the management agreement to be varied by the parties, however the variation has no effect unless it is ratified by Parliament.

The purpose of this bill is to ratify the seventh deed of variation to the management agreement for the Melbourne casino complex. This deed of variation provides for Crown to be released from its contractual obligation to build a lyric theatre. In return, Crown will pay to the state $18 million over five years. This contribution by Crown will be allocated towards a major arts project in the arts precinct near the Yarra River. Crown will have no equity or interest in this project.

Crown will still be required to construct an alternative capital development of no less value than $42 million, the cost of the lyric theatre as determined by an independent quantity surveyor on 9 March 2001. The nature and timing of the development will be up to Crown to determine. Crown will be responsible for obtaining the necessary permits and approvals for the alternative project, however the state retains the right to approve or not approve the project being included as part of the casino complex.

This deed of variation has been approved by the government, as the construction of the lyric theatre would have severely undermined the viability of Melbourne's historic theatre precinct, and the payment

of $18 million to be made by Crown will benefit the Victorian community.

I commend the bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Thursday, 23 May.

ENVIRONMENT PROTECTION (RESOURCE EFFICIENCY) BILL

Second reading

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That this bill be now read a second time.

This bill is an integrated legislative package that will deliver on commitments made by the Bracks government to work in partnership with the Victorian community to achieve greater efficiency in our resource use and to reduce waste.

Our landmark document, *Growing Victoria Together*, outlines the government's vision for Victoria and identifies a range of strategic issues and priority actions to help us achieve this vision. Not surprisingly, a number of these strategic issues and priority actions are fundamental to ensuring the sustainability of Victoria's environment, and include increasing recycling and effective waste management, as well as creating and promoting new ideas and technologies to stimulate investment and employment in Victoria.

This legislative package addresses these issues by enhancing the government's demonstrated commitment to reducing waste and strengthening our relationships and partnerships with industry, local government and the community to achieve this vision. This is achieved through four key elements.

First, it introduces sustainability covenants to enable industries and companies to identify resource efficiency gains and reduce their ecological impact.

Second, it clarifies the respective roles of key statutory bodies involved in waste planning and management.

Third, it provides additional funding and increased incentives for Victoria's environmental priorities through changes to landfill levies.

Finally, the bill integrates and improves the operation of legislation governing the prevention of litter.

International trends show that societies which can develop successful strategies for increasing resource efficiency and reducing waste will reap environmental, social and economic benefits. They will be best placed to develop new products and services across a range of industry sectors. These will be the products and services that 21st century markets demand.

This bill provides the statutory basis for Victoria to remain at the forefront of these developments. This is achieved by providing a framework for recognising progressive companies that are seeking to operate sustainably; clarifying the roles of bodies responsible for waste management and planning; providing sufficient funding to ensure that waste programs and initiatives are successful; and enhancing our framework for preventing litter.

This bill provides the means for companies, industry associations and other organisations to develop voluntary sustainability covenants with the Environment Protection Authority. These voluntary covenants will identify the means by which the provision of their goods and services will have a reduced environmental impact. These means will also deliver increased profitability and ensure long-term sustainability.

The voluntary covenants are innovative and unique. They give statutory backing to industry leaders willing to grasp the opportunities the sustainability agenda presents. These industry leaders will derive certainty and credibility from entering into a covenant. The legislative status of the voluntary covenants provides a strong signal to industry that the Bracks government is willing to foster leadership through partnership approaches.

Since the Premier announced our intention to introduce sustainability covenants in early April, many industry leaders have expressed their keen interest in developing voluntary covenants. The enthusiasm with which industry leaders have embraced the voluntary covenant model is proof of the visionary nature of the covenant system.

The Bracks government is determined to support industry innovation. Innovation will deliver sustainable outcomes. The voluntary sustainability covenants will empower progressive industries to choose their own pathways to a sustainable future.

To ensure that progressive companies suffer no short-term disadvantage from entering into a voluntary sustainability covenant, the bill provides a regulatory underpinning. The Governor in Council may declare an

industry as having the potential for significant environmental impact.

The bill builds in strong consultation mechanisms prior to a declaration proceeding. Companies within the industry and other interested stakeholders will be able to comment on the proposed declaration. This will ensure community and industry experience and knowledge will be factored into the decision-making process.

Once an industry has been declared, companies that are not already members of a voluntary sustainability covenant may be required by notice from EPA to publish a statement of ecological impact assessing their impact on the environment. If this statement demonstrates that the impact is significant, the company may then be required by EPA to examine alternatives to reduce those impacts and other key actions. This two-step notice process enables EPA to only require actions from companies with a demonstrated significant impact on the environment.

While regulatory underpinning is essential, this component of the bill is designed to encourage voluntary approaches through sustainability covenants. This will enable industries to set the pace and the nature of their own environmental management agenda without the need for extensive regulatory action.

The combination of a voluntary covenant with regulatory underpinning is modelled on the accepted national packaging covenant, which currently has around 500 signatories.

The second component of this bill will modernise and strengthen Victoria's institutional arrangements for waste management planning.

This bill recognises that our waste management practices and needs have become increasingly sophisticated and that disposal is now clearly identified as the least desirable option. It implements government commitments to strengthen regional waste management and will enhance current programs which emphasise waste avoidance and minimisation, reuse and recycling in preference to disposal.

The changes this bill introduces are the product of extensive consultation. In October 2000, the government convened a panel chaired by Ms Cheryl Batagol to review and report on the adequacy of legislative and administrative arrangements of regional waste management groups, in regard to their direction and management, planning, operations, resourcing and accountability. In reaching its recommendations, the panel consulted widely with interested stakeholders.

Following release of the panel's report, the government directed that a round of further targeted consultation be undertaken.

This bill responds to both the panel's report and the outcomes of this further consultation with key stakeholders, particularly local government. It provides the legislative basis for the government's vision for waste planning and management in Victoria.

This bill clarifies the roles and responsibilities of the various players in waste management planning, specifically, regional waste management groups, Ecorecycle Victoria and EPA.

Regional waste management groups and their member councils have produced significant results in reducing municipal waste over the past few years. The government has recognised that these groups, together with their member councils, should remain the key agencies for planning and managing municipal waste.

One of the key thrusts of the panel's report was that we need to accelerate programs for the reduction in commercial and industrial waste, and establish clearer mechanisms to better engage the community, including generators of this waste, in the planning process. Ecorecycle Victoria has the appropriate skills and expertise to take the lead in planning for commercial and industrial waste streams. This bill provides Ecorecycle Victoria with the statutory responsibility for commercial and industrial waste planning.

The bill also provides EPA with the ability to recommend to the Governor in Council waste management policy. This complements existing arrangements and ensures a comprehensive framework of statutory policy can be maintained and strengthened, from which Ecorecycle Victoria's solid industrial waste management planning and the groups' municipal waste management planning will flow.

In addition to clarifying roles and responsibilities, this bill will strengthen governance and accountability mechanisms for waste management bodies. The potential for conflict between the groups' primary planning role and commercial waste management activities will be removed. Requirements around financial management and employment of staff by groups will be clarified. The failure to disclose a direct pecuniary interest will be a ground for removal of office for members of Ecorecycle Victoria. Business planning requirements for groups and Ecorecycle Victoria will be enhanced.

In making its recommendations to government, the panel also addressed the planning process, identifying a

need for all sectors of the community to be engaged in the development, amendment and review of statutory waste management plans. Engagement of the community is something that this government values highly, and this bill will introduce statutory consultation requirements for plans produced by Ecorecycle Victoria and regional waste management groups. The bill also tightens compliance with plans by ensuring that both public and private sectors are bound by plans and enables EPA to refuse applications for works approval that are not provided for, or are inconsistent with, approved plans.

As I have made clear, this bill implements the government's vision for reducing waste and making Victoria a centre for the sustainable industries of the future. Innovation needs direct support. This government will make sure that funds are available to those with key roles in the search for better ways of reducing our waste and delivering sustainable outcomes. Local government and industry will be the major beneficiaries.

This bill will achieve this by progressively increasing Victoria's landfill levies over a five-year period. This is a move which is fully in line with the conclusions of the Batagol panel and with the case put forward by a number of key bodies, including the Victorian Local Governance Association.

Landfill levies serve two purposes. Firstly, they provide sufficient funding to enable the establishment of education programs and waste management infrastructure (such as recycling facilities and transfer stations), they provide funding of regional waste management groups, and assist in funding EPA's enforcement program on waste and its cleaner production programs. Secondly, having a levy on disposal to landfill provides a signal that encourages waste minimisation and the promotion of alternatives to landfill.

The increases this bill will introduce will generate additional moneys to sufficiently fund activities undertaken by regional waste management groups, support Ecorecycle Victoria's expanded role, and accelerate programs to assist all sectors of the community, especially industry and local government, to reduce waste and improve resource use efficiency.

These increases will also assist in preventing low landfill disposal costs from sending the wrong signals. Low landfill disposal costs undermine efforts to improve standards of landfill operation, encourage poor practices and consequent loss of local amenity, fail to meet the community's expectations for reducing reliance on landfills, and stifle industry innovation. The progressive increases for all landfill levies in Victoria over a five-year period will send a clear signal to industry, focusing waste generators' attention on the need to plan for and implement cost-saving measures to minimise their waste. By staggering the increases over this period, we give generators the opportunity to implement desired changes in a planned and orderly manner. Very importantly, the levy increases also send a signal to the environmental technology industry that the state's pricing regime will now provide appropriate incentives for waste reduction alternatives to compete on their economic, environmental and social merits.

To support changes to landfill levies, administrative arrangements will be enhanced and distribution of levy moneys altered.

The use of landfill levy funds for supporting waste management bodies, particularly local councils, has been fundamental to the major improvements which have been made to waste management infrastructure in Victoria over the past 10 years. However, despite these considerable gains, Victoria still faces major challenges in waste management. Using the levy money to fund the strengthened institutional arrangements outlined earlier and to expand programs to assist industry to apply innovative approaches to waste reduction is critical, as is the expansion of assistance to regional groups and councils to improve infrastructure and promote waste avoidance, reuse and recycling. Levy moneys raised will continue to be channelled to Ecorecycle Victoria, regional waste management groups and EPA to achieve these ends.

Regulations will therefore be developed which will distribute municipal and industrial landfill levies back to regional waste management groups, Ecorecycle Victoria and EPA. It has been agreed that the proposed distribution will provide sufficient funding to ensure that these bodies are able to undertake their statutory functions under the Environment Protection Act 1970. Hazardous waste levies will continue to flow to EPA Victoria to assist industry with cleaner production programs.

The bill also establishes a sustainability fund to ensure that a portion of levy moneys is made available for projects and initiatives that will foster the environmentally sustainable use of our resources and best practices in waste management, thereby advancing the social and economic development of Victoria. Establishing this fund is essential to build the capacity of small business, local government and the broader community to pursue environmental improvement and

resource use efficiency through the development and implementation of innovative environmental initiatives.

The government is committed to ensuring that the broader community is engaged in the distribution of fund moneys. The public will be able to make submissions regarding the environmental issues they consider to be priorities for Victoria to an advisory committee, which will be established following passage of the bill. The advisory committee will consist of representatives from industry, the environment movement, local and state governments. The advisory committee will assist the government in identifying the environmental priorities for allocations of fund moneys on an annual basis.

This bill will also integrate the Litter Act into the Environment Protection Act.

Litter is one of the most visible and frequently encountered signs of pollution in the community. In addition to its visual effect on the environment, litter also poses potential threats to wildlife and human health. Victorians have made it abundantly clear they will no longer tolerate litter.

Integrating litter provisions into Victoria's primary overall environment protection legislation is an important step to ensure that litter is not perceived as a trivial or minor environmental problem. In addition, the bill ensures that important principles such as product stewardship are explicitly applied in the context of litter. It establishes a new offence which will ensure that those who commission the production of documents take reasonable steps to ensure those documents do not become litter.

This bill responds to stakeholder views, in particular, the views of local government. A review conducted by EPA last year found that legislative amendments would improve the ability of councils to enforce litter offences. The bill provides these necessary amendments. Other new offences which respond to recommendations arising from the litter review include a specific offence prohibiting bill posting without consent and the delivery of unwanted advertising material.

The bill increases penalties for litter offences to ensure that there is adequate funding for litter enforcement programs. The new penalties better reflect the seriousness with which the community views the nature of littering and brings Victoria into line with other Australian jurisdictions.

Finally, the bill provides for a couple of housekeeping amendments to remove minor inconsistencies and anomalies to improve the operation of the act.

This bill demonstrates the Bracks government's genuine commitment to protecting our precious environment.

The bill is also an excellent example of how this government is practically implementing its triple-bottom-line agenda.

Economically, it will foster industry innovation.

Socially, it will create new job opportunities and support local communities.

Environmentally, it will reduce waste and generate greater resource-use efficiency.

This bill truly grows Victoria together.

I commend this bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That the debate be adjourned until Thursday, 23 May.

Mr PERTON (Doncaster) — I ask the minister for an undertaking that if more time is required it will be made available. There are 16 bills coming into the house. I have already had phone calls from industry participants who have not seen this legislation. It is quite complex and runs to some 73 pages and a 15-page second-reading speech. I ask that if more time is needed, the government would allow the bill to lie over.

Ms Garbutt — I will consider that. I am prepared to accept that.

The ACTING SPEAKER (Ms Davies) — Order! At the moment, the motion is that debate be adjourned for two weeks.

Mr PERTON — Madam Acting Speaker, the minister has moved that debate be adjourned for two weeks. This is a serious piece of legislation that alters the way in which waste management is regulated in this state. It also has some significant impact on the laws relating to littering. As you are aware, Madam Acting Speaker, the recent government attempts to change the way in which hazardous waste is dealt with — even the relatively benign treatment of hazardous soils — have required months and months of consultation and have invoked very angry community responses.

In this case I have already had phone calls and I suspect you, Madam Acting Speaker, will have had similar calls from people interested in this field who wish to cooperate, to be helpful and to participate in the legislative process, but who, if this legislation is rammed through within the next three to four weeks, may not have that opportunity. So I ask that the minister give proper consideration to having this legislation lie over during the winter break so that the opposition — —

Ms Campbell interjected.

Mr PERTON — A very stupid minister is laughing at the table! I still do not know how you made it to the front bench.

The ACTING SPEAKER (Ms Davies) — Order! I ask the ministers at the table to cease interjecting and I ask the honourable member — —

Mr PERTON — You are hanging on by your fingernails!

The ACTING SPEAKER (Ms Davies) — Order! I ask the honourable member for Doncaster not to address the ministers across the table, and I did ask that the ministers at the table not interject with inappropriate comments.

Mr PERTON — As I indicated, Madam Acting Speaker, I am sure that were you not in the chair you would form the same view. This is a very important piece of legislation. While there have been some inquiries in this matter and there has been some consultation, the final form of this legislation has not been made available to industry, or indeed to local government or community activists.

The minister and I are both involved in discussions about the marine parks legislation, which will be a significant debate in this Parliament. Given the time constraints of the government, the opposition and the community, I believe she should give proper weight to the notion that all members of Parliament — the Liberal Party, the National Party and the Independents — also require the opportunity to consult with the community on those provisions. We will require more than a two-week adjournment.

Ms GARBUTT (Minister for Environment and Conservation) — On the question of time, Acting Speaker, the four weeks suggested by the shadow minister clearly takes us right through the winter recess. The government wants this matter dealt with this session. I can give the honourable member the assurance that we will be able to progress this through Parliament in a manner and timing satisfactory to him, but at the moment the two-week adjournment is our proposal.

Motion agreed to and debate adjourned until Thursday, 23 May.

TRAVEL AGENTS (AMENDMENT) BILL

Second reading

Ms CAMPBELL (Minister for Consumer Affairs) — I move:

That this bill be now read a second time.

The purpose of the Travel Agents (Amendment) Bill is to amend the Travel Agents Act 1986 —

to enable the trustees of the Travel Compensation Fund to sue and be sued in the name of the Travel Compensation Fund; and

to enable the Victorian Civil and Administrative Tribunal to review a decision of the trustees of the Travel Compensation Fund concerning the payment of compensation.

Victoria participates in a cooperative scheme for the regulation of travel agents. The Travel Compensation Fund, which is established by a trust deed, forms an integral part of that scheme.

The trustees of the Travel Compensation Fund are responsible for the operation of the compensation scheme established by the trust deed. Its purpose is the protection of certain consumer rights in participating states. Becoming a participant of the fund, by payment of a contribution fee, is necessary to be eligible to obtain registration as a travel agent in those states.

The Travel Compensation Fund is available, amongst other things, for the payment by the trustees of compensation to consumers in certain circumstances — for example, where a travel agent has misappropriated money paid for travel services, or otherwise fails to account for the money paid. In this way, the fund fulfils an important consumer protection function.

In the course of administering the Travel Compensation Fund, the trustees may take action against a travel agent to recoup moneys they have paid from the fund to a consumer by way of compensation for action of the travel agent. This can help reimburse the fund for payments that have been made.

When the cooperative scheme for the regulation of travel agents was originally established in 1986, it was envisaged that all participating states would adopt a number of uniform legislative provisions. One such provision was to enable the trustees of the Travel Compensation Fund to sue and be sued in the name of the fund, instead of in their own names as trustees.

This was not adopted in Victoria however. Whilst this does not affect the operation of the fund itself, it can result in the trustees encountering administrative difficulties and delays in any legal action it may wish to take in Victoria. This is because the signatures and consents of all the trustees are required instead. This difficulty has in fact been encountered in the past in a Supreme Court action initiated by the fund. There can be up to 15 trustees, some of whom reside interstate and some of whom may be overseas at the time that their signatures are required.

This unnecessarily complicates the bringing of recovery actions in Victoria, inconveniences trustees, and provides an avenue for procedural delay by defendants.

To correct this anomaly, the bill amends the Travel Agents Act 1986, to allow the trustees of the Travel Compensation Fund to sue and be sued in its own name.

In addition, the bill amends the act to change the appeal process available to a consumer who is aggrieved by a decision taken by the trustees of the Travel Compensation Fund about the payment of compensation.

Consumers who are dissatisfied with such a decision can seek a review of their decision. At present in Victoria, such a review is heard by an appeal committee appointed by the minister.

This means that each time a review is requested, a separate appeal committee needs to be established. This is an administratively cumbersome process that can result in inconvenience and delay.

A further disadvantage is that an appeal committee does not have the power to subpoena people or documents to assist it in determining the review. It is therefore significantly limited in the way it may obtain information relevant to an appeal. This in turn may create significant difficulty in satisfactorily resolving a consumer complaint.

By contrast, the Victorian Civil and Administrative Tribunal can subpoena people and documents to assist it in determining a matter that is brought before it.

The result of these amendments will be both reduced administrative burden and an improvement in consumer protection.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Wantirna).

Debate adjourned until Thursday, 23 May.

JURIES (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The Juries Act 2000 was an important reform of the jury system in Victoria.

The act implemented many of the recommendations made by the parliamentary Law Reform Committee in its 1996 report on jury service in Victoria.

The Juries (Amendment) Bill amends the Juries Act 2000 to address a small number of operational difficulties that have been encountered since the act commenced in 2001.

Jury districts

The Juries Act 2000 currently provides for the assigning of jury districts to the courts in Melbourne and all circuit towns. The act states that a jury district is the area comprising the electoral districts for the Legislative Assembly assigned by the Governor in Council by order published in the *Government Gazette*.

The jury districts are assigned on the recommendation of the Electoral Commissioner, after consultation with the Juries Commissioner and having regard to the needs of the courts in Melbourne or a circuit town.

This bill removes references to Legislative Assembly electoral districts as a basis for the creation of jury districts.

This amendment is necessary because the latest electoral boundaries, which will come into operation upon the calling of the next election, have restricted access to potential jurors for various courts throughout Victoria.

For example, the proposed electoral boundary for the new Legislative Assembly district of Lowan encompasses both the towns of Horsham and Hamilton. Both the Supreme and County Courts sit in these towns.

As section 18 now operates, under the new electoral boundaries jurors for the court in Horsham could not be selected from a nearby town such as Warracknabeal (which is less than 60 kilometres away) as it is located in a different electoral district.

The combined effect of section 18 and the new electoral boundaries will make jury pools for some towns too small.

The amendments to sections 18 and 19 of the act therefore remove references to electoral districts.

Instead, jury districts will be developed administratively by the Electoral Commissioner in consultation with the Juries Commissioner (an office created under the Juries Act 2000) before being assigned by the Governor in Council by order published in the *Government Gazette*.

The amendment bill also provides for a further automatic amendment to the Juries Act 2000 upon the commencement of the Electoral Act.

This automatic amendment will ensure that the Juries Act 2000 reflects the new terminology under the electoral bill, such as the new register of electors.

Appeals against decisions of the Juries Commissioner

Currently, under section 10 of the act potential jurors can appeal to the Supreme or [County] Court against a decision of the Juries Commissioner about deferral of jury service, excusal from jury service for a good reason or permanent excusal from jury service.

The act currently provides that the appeal can be lodged within 14 days after notification of the decision or before the date on which the person is required to attend for jury service, whichever is the sooner. Under the current jury selection process, potential jurors are forwarded a questionnaire. At this point, the potential juror may apply for deferment or excusal from jury service.

When the questionnaire is returned to the office of the Juries Commissioner, the juror may be contacted informally by telephone about their application for deferral or excusal.

If the office is not satisfied that the person should be excused or their service deferred, a summons to attend for jury service is issued.

Questions have, however, arisen as to whether the telephone call or the service of the summons constituted notification of the decision. In order to clarify and give flexibility to the appeals process, clause 3 allows appeals to be lodged at any time before the person becomes a member of a panel.

Calling out of jurors' names

Since the commencement of the act, jurors have expressed concern about the repetitive calling of their names in court which may compromise their security during and after their jury service.

While some of these concerns have been addressed by changes in court procedure, section 31 of the act requires calling out the names of the potential jurors when they come to the court prior to their empanelment.

In order to address this concern, section 31 has been amended to make this preliminary process discretionary rather than mandatory. In this way, the only time the potential jurors' names are called out before the accused is during the empanelment process.

Section 31 continues to provide that a court may direct that panel members be identified by number only during the empanelment process where the court considers it appropriate for security or other reasons.

Majority verdicts in civil trials with jury of five

Section 47 of the act provides for majority verdicts in criminal and civil trials. In criminal trials (other than those punishable by life imprisonment), majority verdicts will be accepted from juries that have been reduced by a juror's death or discharge under section 43 of the act.

However, section 47 does not currently provide for the acceptance of majority verdicts in civil trials where the jury has been reduced from six to five jurors.

Clause 7 provides for such a situation. This amendment will enable such trials to continue rather than requiring a retrial, at great cost to the parties and the community.

Remission of fines and imprisonment ordered summarily

Section 81 of the act empowers the court to deal with a person (by way of a fine or imprisonment) for failing to comply with a summons for jury service or an instruction to attend for jury service, or having been empanelled, for failing to attend as a juror.

It does not however include a power to remit the fine.

Clause 8 amends section 81 to include a power of remission of the fine where the person dealt with satisfies the court that they had a reasonable excuse for failing to comply or attend.

This amendment ensures that while the court may deal with a breach summarily, any subsequent reasonable explanation for the breach can be dealt with just as easily.

Disqualification of jurors

Clauses 2 and 3 of schedule 1 disqualify persons who have served terms of imprisonment of varying lengths from jury service.

The amendments seek to clarify these clauses to ensure that a person is disqualified on the basis of the length of sentence (or period of detention) that they have been ordered to serve rather than the actual time spent in prison or in detention.

Ineligibility of jurors

Clause 1(f) of schedule 2 currently provides that persons are ineligible for selection as a juror where their duties or activities, whether paid or voluntary, are connected with the investigation of offences, the administration of justice, or the punishment of offenders.

The phrasing of this clause has led to persons claiming ineligibility on the basis of their roles as traffic by-laws officers, Neighbourhood Watch committee members and bank fraud investigators.

It is inappropriate that such persons could be ineligible for jury service.

Therefore, clause 1(f) has been amended to limit such persons to those who are employed or engaged (whether on a paid or voluntary basis) in the public sector within the meaning of the Public Sector Management and Employment Act 1998.

Conclusion

The Bracks government is committed to an open, transparent and accountable judicial system. Juries are an essential part of such a system, allowing the community to contribute directly to the judicial process.

These amendments seek to ensure the smooth running of the jury system in Victoria and improve confidence in our legal and courts system.

I commend this bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Thursday, 23 May.

CRIMINAL JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill embodies the major legislative reforms of the criminal justice enhancement program. These reforms will help improve access, quality and efficiency in the criminal justice system. The bill reflects the commitment of the Bracks government to providing Victorians with a modern criminal justice system that capitalises on new technology to provide fairer and more efficient criminal justice processes.

The criminal justice enhancement program (or CJEP) was formed within the Department of Justice early in 1999 to give effect to a range of key recommendations identified in the Project Pathfinder stage 2 report of July 1998.

During 1999 and 2000 CJEP project teams developed detailed process redesigns in a number of areas in the criminal justice system. Substantial opportunities for procedural improvements across the criminal justice system in Victoria were identified in the process redesign reports. A significant feature of the process redesigns is the development of major new information technology (IT) systems.

Recognising the benefits to be gained in the development of information technology in this area, this government funded the introduction of new IT systems in the 2001–02 budget.

In addition to the development of new IT systems, CJEP proposed a range of legislative reforms needed to give effect to CJEP's overall program. Most of the proposals sought to utilise the new information technology systems in various ways. Others proposed more efficient or effective procedures.

The legislative proposals were presented in a consultation paper released in July 2001 and subject to consultation with major stakeholders across the criminal justice system. These stakeholders included Victoria Police, corrections (both public and private), the Office of Public Prosecutions, Victoria Legal Aid, the courts, the Law Institute of Victoria, the Criminal Bar Association and Victoria Legal Aid.

The result is the reforms that are embodied in the present bill. The reforms contained in this bill will

improve the criminal justice system in a wide range of ways. These are:

- increasing access to justice through early and progressive disclosure;
- improving care of accused persons through improved means of identification and exchange of information;
- streamlining processes by allowing electronic commencement of criminal proceedings and widening the authority to issue summonses;
- expanding the capacity of the Magistrates Court to deliver justice in flexible ways by providing a legislative framework for diversion programs; and
- improving efficiency by reforming the procedure available to the Magistrates Court when a defendant fails to appear at court.

I will now explain to the house these various reforms in more detail.

Disclosure

(i) Electronic progressive disclosure

Currently, there is no positive obligation on the prosecution to provide information to the defendant about the case against them in relation to summary offences and indictable offences being dealt with summarily. The defendant must send a form requesting the police brief, and the police will only send the information once they have the complete brief.

The bill will improve this situation by utilising the new electronic brief preparation process introduced by CJEP. The bill will enable a defendant's legal representative to be provided automatically with electronic copies of the police brief via the Internet. Such electronic disclosure will also be progressive as new matters of evidence become available in the police brief preparation process.

This new form of electronic and progressive disclosure will result in:

- more timely and systematic release of evidence being provided to the defence;
- improved opportunity for defence preparation, particularly for duty lawyers;
- increased opportunity for resolving, narrowing or clarifying issues in dispute at an early stage;
- fewer adjournments in the Magistrates' Court; and
- greater accountability by police for brief content, time lines on disclosure and workloads.

This new disclosure process utilises a new IT infrastructure that will be available for prosecutions initiated by Victoria Police. When other prosecuting agencies utilise this IT infrastructure, the disclosure process can be invoked to apply to them also.

Because of the importance of security of the police database, access to the new disclosure process will be limited to registered legal practitioners who have entered into a contract with the Department of Justice concerning the use of the process.

(ii) Early service of outlines of evidence

This bill provides a further improvement in disclosure processes by allowing police to serve an outline of evidence on the defendant at the time he or she is served with the charge sheet. An outline of evidence is a signed statement by the informant which describes the nature, background and consequences of the offence, and comments made by the defendant when interviewed by police, and includes a list of exhibits and witnesses.

Where a defendant is served at this early stage with an outline of evidence, they will have a much better awareness of the police case against them and will be able to make more informed decisions about how to respond to the charges. An outline of evidence will also help a defendant's legal representatives to provide more informed legal advice earlier in the proceedings. This will help to resolve, narrow or clarify the issues in dispute, thereby reducing delays and costs.

Identification and exchange of information

(i) Improved means of identification

Identification of accused persons is essential in ensuring that at various stages along the criminal justice process the correct person is being dealt with. Each time a person is charged by police, and each time a person in custody is transferred into another authority's custody (e.g. from Victoria Police to Corrections), they must be identified. Currently, identification relies on the person being asked their name, address and date of birth.

The bill will allow police and corrections staff to take digitally recorded fingerprints, known as 'fingerscans', as an additional means of identification. Fingerscans will facilitate positive and reliable identification, and

will reduce time spent securing and checking identification, to the benefit of all parties.

Appropriate safeguards in the bill include: only permitting fingerscans to be taken in circumstances where the law already permits a fingerprint to be taken; prohibiting the admission of fingerscans as evidence in court proceedings; and destroying fingerscans where the charge is not proceeded with or the person is found not guilty.

(ii) Exchange of personal information

The state has a duty of care to any person within its custody or under its supervision. Access to relevant information is essential in fulfilling that duty of care in relation to the management of an accused person. For example, a particular person may be a suicide risk. Immediate access to that sort of information will enable police and corrections authorities to take appropriate preventative action.

Currently, there is limited scope for the sharing of relevant information between Corrections and Victoria Police. The bill will remedy this by allowing the Minister for Corrections and the Chief Commissioner of Police, in their respective areas of responsibility, to authorise in writing the disclosure of certain kinds of personal information about accused persons for certain kinds of purposes. Only people who have official duties within an agency will be able to make such disclosures, and only in performance of those duties.

Electronic commencement of criminal proceedings

In order to streamline the process of commencing criminal proceedings in the Magistrates Court, the bill will permit an informant to file a charge either in hard copy with the court (which is the existing method) or by using an electronic method approved in regulations.

The defendant will still be entitled to receive a signed copy of the charge sheet.

Authority to issue summonses

Currently, a person may be compelled to attend the Magistrates Court to answer a charge either by summons or by being arrested and then either bailed or held on remand. Summonses are to be preferred, as being the least intrusive means of ensuring that the defendant attends court. Currently, only court registrars and members of the police force of two years standing may issue summonses, with the police only able to do so for a limited range of offences. Because of these limitations and inefficiencies in the summons processes, it has become common practice for police to arrest and bail a person rather than apply for a summons.

The bill will allow any member of the police to issue a summons at the time of signing a charge sheet. This will save time both for police and the Magistrates Court, and will help limit the use of the arrest and bail procedure to more appropriate cases.

Diversion programs

In the 2001–02 budget, the Bracks government allocated funding of $3.2 million over three years to support the establishment of a diversion program in the Magistrates Court. Diversion has been shown to work, but the program now needs a clearer legislative framework. The bill provides that framework and gives proper recognition to the valuable place diversion proceedings have in dealing with criminal behaviour. It is part of this government's commitment to providing new ways to break the cycle of offending.

Diversion proceedings allow low-risk offenders to be diverted from the criminal justice system where greater harm may be caused by drawing the individual further into the criminal justice system.

The bill provides that, where an offender acknowledges the offence and the police support diversion, the court may adjourn the proceeding to allow the offender to comply with certain conditions which form part of a diversion plan. Such conditions can include apologising to the victim, compensating the victim, receiving counselling, or performing community work. The content of a diversion program is flexible and can be tailored to the particular needs and situation of the offender. The aims of diversion are to:

prevent reoffending;

assist the offender's rehabilitation;

utilise community resources for appropriate counselling or treatment; and

ensure that appropriate reparation is made to the victim and, where appropriate, to have the offender apologise to the victim.

If the offender satisfactorily complies with the conditions, the court will discharge the offender without conviction. If the offender does not satisfactorily comply with the conditions, the charge will be dealt with in the normal manner.

Ex parte hearings

Under the current process, where a defendant charged with a summary offence fails to appear at court on the first listed date, the hearing may be (and often is) adjourned for an ex parte hearing — that is, a hearing in the defendant's absence. The Magistrates Court may only hear a matter ex parte if either the police have served a full brief of evidence on the defendant or the informant and other witnesses attend court and give evidence on oath. It is common for numerous adjournments to be made before the matter is finally dealt with ex parte. This process has proved cumbersome and inefficient.

The bill will reform the ex parte process by allowing the court to hear and determine the charges and sentence the defendant on the basis of an outline of evidence which has been served on the defendant.

Service of an outline of evidence was explained earlier, in the context of early disclosure of the police case. The present reform to ex parte procedure will provide for more efficient and timely disposal of ex parte criminal proceedings. The savings in police time will be considerable.

At the same time, strong safeguards will be in place to ensure that the rights of defendants are properly protected. The safeguards include:

the court must be satisfied that the outline of evidence was served on the defendant;

the outline of evidence must be signed by the informant, who will be guilty of an offence if he or she knows it to be false;

the outline of evidence will be accompanied by a warning as to what could happen if the defendant fails to attend court;

no offence likely to result in a custodial sentence or community-based order will be dealt with ex parte; and

the total fines that can be imposed in ex parte hearings will be capped at 50 penalty units ($5000), with no single fine of more than $2000;

prior convictions, other than those for traffic offences, may not be disclosed to the court;

the defendant is to be informed in writing of their sentence under the ex parte procedure and their right to apply for a re-hearing;

a defendant will have an automatic right to a re-hearing within 28 days of being notified of the outcome; thereafter, leave will usually be required; and

the existing re-hearing and appeals processes will be preserved, including rights of appeal to the County Court.

Other reforms

In addition to these reforms based on CJEP's recommendations, the government has included in this bill further reforms to the criminal justice system. These concern:

improving access to bail justices;

improving the capacity of magistrates to order corporations to attend trial;

making more effective use of court time in relation to appeal costs; and

technical corrections relating to the Drugs, Poisons and Controlled Substances (Amendment) Act 2001.

Bail justices

The law currently provides that Magistrates Court registrars and other court staff who hold 'prescribed offices' are bail justices. However, certain acts greatly restrict the capacity of these bail justices to exercise their powers. This bill will amend the definition of 'bail justice' in those acts so as to give to registrars and other holders of prescribed offices the appropriate capacity to act as bail justices.

Section 85 statement

It is the intention of clause 18 of the bill to limit the jurisdiction of the Supreme Court.

In 1989 the function of deciding bail applications was removed from justices of the peace and given to the new office of bail justice. Bail justices are either people appointed by the Attorney-General or people who hold certain prescribed offices in the courts, such as Magistrates Court registrars. Since 1989, prescribed office bail justices have provided a valuable bail justice service, particularly in rural and regional areas where magistrates are not always available for bail matters. That service has been provided in good faith and on the understanding that proper bail justice powers came with the office of bail justice. However, it has recently emerged that the powers of prescribed office bail justices were not as broad as was commonly thought to be the case.

Prescribed office bail justices, who performed those functions in service to the Victorian community, deserve protection. Clauses 16 and 18 of the bill ensure that acts or decisions are not invalid simply because the bail justice had not been appointed under section 120 of the Magistrates' Court Act and thereby preclude legal challenges to those acts or decisions on that ground.

Bail for corporations committed for trial

Currently, when a defendant charged with an indictable offence is committed for trial, the magistrate must remand the defendant in custody or grant bail. However, where the defendant is a corporation, such an order does not makes sense, since it is an artificial entity with no physical existence. The bill will remedy this gap by allowing the magistrate to order the defendant corporation to appear at its trial and making it an offence to breach such an order.

Appeal costs

The Court of Appeal recently decided that a court could not issue an indemnity certificate under the Appeal Costs Act 1998 unless it was satisfied that appeal costs had actually been paid. Before that decision, the established practice had been that a court issued a certificate if it was satisfied that the party was eligible for a certificate. The Appeals Costs Board then had to determine whether a costs liability had been incurred. The bill will amend the act to restore the earlier practice and ensure a more efficient process and use of court time. The bill will also clarify that deemed adjournments include appeals.

Technical corrections relating to the Drugs, Poisons and Controlled Substances (Amendment) Act 2001

The Drugs, Poisons and Controlled Substances (Amendment) Act 2001 introduced new offences in relation to drug trafficking and cultivation of narcotic plants. The present bill will make technical corrections to that act's consequential amendments so as to ensure that certain drug offences remain within the scope of such regimes as the confiscation of proceeds of crime and the collection of forensic samples.

Conclusion

This important bill introduces a wide range of amendments. These changes will result in improvements to the criminal justice system from all perspectives. The bill will improve access to justice, improve the efficiency and quality of criminal processes, and improve care for the accused. The capacity of the courts to tackle the causes of crime will also be increased by this bill by providing for alternative ways of dealing with offenders.

Delays in court processes can be particularly distressing to victims of crime. This bill will help the Magistrates Court to complete criminal cases more quickly, complementing the new case management techniques already introduced in the County Court. The bill will also help police and defendants to manage cases more productively and effectively.

This bill is a key part of the government's commitment to improving services in the justice system for the Victorian community.

I commend the bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Thursday, 23 May.

AGRICULTURE LEGISLATION (AMENDMENTS AND REPEALS) BILL

Second reading

Mr HAMILTON (Minister for Agriculture) — I move:

That this bill be now read a second time.

The bill makes a number of amendments to the Plant Health and Plant Products Act 1995 which aim to maintain productivity and market access for Victorian plant produce by enabling more effective measures to prevent, report on and respond to incursions of exotic pests and diseases, such as fire ant, fire blight, branched broomrape and fruit flies.

The bill amends the Sale of Land Act 1962 to require vendor statements to include a warning to prospective purchasers of land that commercial agricultural production could affect their enjoyment of the land. The bill also repeals the Wheat Marketing Act 1989 and the Egg Industry (Deregulation) Act 1993 which are both redundant.

Proposed amendments to the Plant Health and Plant Products Act 1995

The presence of branched broomrape and fire ants in other parts of Australia increases the urgency for Victoria to improve its product movement and certification measures to minimise the risk of such exotic pests and diseases entering this state.

Early reporting and rapid response capability is essential for effective containment of exotic pests and diseases. Experience has shown that the current provisions in the act do not allow for a sufficiently rapid incursion response because of delays in diagnosing the organism prior to its declaration by Governor in Council for purposes of the act. Under a new section 5A, the minister will be able to make an interim order for maximum of 28 days duration to declare — —

Mr Plowman — On a point of order, Mr Acting Speaker, I understand the minister's desire to get through this quickly but I cannot understand what he is saying. I am reading it and I would like him to go slightly slower so that it is comprehensible to anyone listening.

The ACTING SPEAKER (Mr Kilgour) — Order! I uphold the point of order. I was having trouble keeping up with the minister myself. I was wondering which racecourse we might have been at. I ask the Minister for Agriculture to slow down his presentation.

Mr HAMILTON — I thought I was reading fairly slowly.

Under a new section 5A, the minister will be able to make an interim order for maximum of 28 days duration to declare a suspected pest or disease to be an exotic pest or disease if he or she is of the opinion that it is harmful to the growth or quality of plants or plant products. As the order can be made on the basis of a description of the organism or on symptoms or the condition of the affected plants, it should reduce the response time to a few days rather than the two to three weeks currently being experienced. This provision reflects similar legislation in other states.

The act is clear about the reporting requirements for plant pests and diseases by landowners and other persons, who grow, own or possess plants and plant produce. An amendment to section 7 will also make it mandatory for consultants and contractors who are employed by growers as pest monitors and laboratory owners to report suspect or identified exotic pests and diseases without delay. It has been necessary to clarify the reporting responsibilities for laboratory owners as many have confidentiality arrangement with clients.

Bees, livestock and livestock products are known vectors of pests and diseases such as fire blight and branched broomrape. Livestock and livestock products within the meaning of the Livestock Disease Control Act 1994 are to be defined as plant vectors. The bill amends sections 17 and 20 of the act to include plant vectors which will enable the making of orders to restrict their movement both within and from quarantine and restricted areas where pests, such as branched broomrape, are present.

Other amendments to section 24 will allow the minister to place controls on the movement of plant vectors from interstate quarantine or restricted areas into Victoria and to make it mandatory under section 6 for persons receiving plant vectors from such areas both within and outside Victoria to obtain the appropriate certification. The livestock industry has accepted the need for such powers provided that industry is consulted before the making of any order and on the basis that the need for such an order is likely to be rare.

Other amendments under section 6 seek to ensure consistency by requiring Victorian importers of produce from fruit fly outbreak and other pest affected areas within Victoria to obtain certification similar to what is required for produce from quarantine or similar restricted areas interstate.

While the amendments emphasise prevention, the new provisions will also allow importers of plant material, plant vectors and equipment more flexibility to deal with consignments that do not comply with the act. Rather than having to treat, dispose of or destroy the consignment, an amendment to section 10 will allow importers to opt to have an inspector authorise its reconsignment back to the owner or to an alternative market under security. An amendment to section 6 will also relax movement conditions so that only a general ministerial approval is needed for the entry of routine plant samples for diagnosis within Victoria provided the laboratory observes certain conditions. However, ministerial approval will still be required for individual introductions of material that is affected by exotic pests and diseases for the purposes of scientific research. This approval can be sought for entry of material designed to protect the environment, for example, biological control agents and for use in trials and varietal testing designed to further agricultural interests.

There has been some concern expressed by producers and market users about dirty packages transferring unwanted pests and diseases particularly back to farms. The word 'clean' has been defined in section 34 of the act to enable inspectors and package users to benchmark a standard for the cleaning of such packages, including bins. Changes to section 35 will enable growers and packers to incorporate electronically or otherwise, place of production codes on packages of fruit and vegetables. For many producers and packers who use generically branded packages, this will remove the need for packages to be

printed with the full name and postcode of origin, as is required at present.

Section 38 of the act and associated sections, which require packages of fruit and vegetables to be labelled with the grade description where such a grade system is in operation, have been revoked. This followed a recommendation from a national competition policy review of the act, which found that these sections have no direct bearing on the main purposes of the act, which are about plant health. The provisions had been retained in the event that horticultural industries elected to adopt industry grade standards but industry has not developed such standards. Alternative arrangements are being discussed with the table grape industry, which is still interested in implementing national grade standards.

Seed labelling provisions under sections 30 and 31 have been revoked because the Australian seeds association has successfully implemented a national code of practice for labelling. Discussions with various seed industry sectors have indicated that they are happy for the legislation to be revoked because there is a high degree of compliance with the code and it has received widespread support from seed producers, packers and consumer groups.

Further amendments will improve existing enforcement and offence provisions. Changes to section 59 will allow inspectors to seek information from landowners and owners of plants and produce that are suspected of being infested or infected with exotic pests and diseases. Under amendments to section 48 a minimum time of two days, rather than the current minimum of seven days, will be able to be fixed for a person to comply with an order, direction or notice. This is particularly important for situations where pests or diseases could quickly spread if prompt action is not taken to control them.

Changes to section 66 are designed to increase the time limit for commencing proceedings for a number of offences from one to three years. This has become necessary because a significant proportion of compliance is now checked through periodic audit arrangement, rather than ongoing inspection, which can lead to later detection of offences.

The list of offences in section 60 for which an infringement notice can be issued has been increased. The option to use infringement notices for an expanded number of offences reflects a need to back up compliance programs with an appropriate penalty, particularly for first offenders or for minor infringements, without the need for court proceedings that may prove expensive and time consuming for all parties.

Proposed amendment to the Sale of Land Act 1962

Last year the government endorsed the six recommendations of a right-to-farm working group the Minister for Agriculture set up to tackle mounting tensions in urban–rural areas of Victoria. Increasing numbers of people are seeking rural lifestyles but their expectations are not always compatible with the realities of modern agriculture. This, combined with inadequate knowledge of rights and responsibilities, leads to conflicts and disputes that can be very time consuming and stressful for all concerned.

Adoption of the six recommendations of the right-to-farm working group forms the basis of the Victorian government's strategy Living Together in Rural Victoria. Progressive implementation of the recommendations saw the launch, in February 2002, of a rural disputes settlement centre to improve mediation services across regional Victoria. In April the Minister for Agriculture launched an extensive education campaign to deliver information about rural living so that complaints against farmers engaged in legitimate business activities will be minimised. The education campaign particularly targets people thinking of moving to rural areas, as does the recommendation implemented by this bill, an amendment to the Sale of Land Act 1962.

This bill amends the Sale of Land Act 1962 to insert, in section 32(2), a warning to purchasers that the property may be located in an area where commercial agricultural production activity could affect their enjoyment of the property. It is therefore in the purchaser's interests to undertake an investigation of the possible amenity impacts from nearby properties and the agricultural practices and processes conducted there.

The extensive educational material developed, and now widely available in printed form and electronically, will allow potential purchasers of rural property to access information on agricultural impacts such as noise, odour, dust, visual amenity and livestock on roads. They will also find, at the same time, information on responsibilities regarding matters such as controlling weeds and animal pests, as these can also be an underestimated impact of moving to the country.

Repeal of redundant acts

The bill repeals the Wheat Marketing Act 1989 and the Egg Industry (Deregulation) Act 1993 which are both redundant.

The Wheat Marketing Act 1989 repealed the Wheat Marketing Act 1984 and conferred certain functions and powers on the Australian Wheat Board to allow the board to trade within Victoria.

The Wheat Marketing Act 1989 became redundant when the commonwealth amended its legislation and privatised the Australian Wheat Board. The Wheat Marketing Act 1989 now refers to arrangements which no longer exist and is inconsistent with the relevant commonwealth legislation.

The Egg Industry (Deregulation) Act 1993 repealed the Egg Industry Act 1989 and provided for the transfer of the property, rights and liabilities of the Victorian Egg Marketing Board to the Egg Industry Cooperative Ltd on 12 June 1993, which was the day on which the Egg Industry Act 1989 was repealed. Repealing the Egg Industry (Deregulation) Act 1993 does not adversely affect the transfer of the Victorian Egg Marketing Board's property, rights and liabilities to the Egg Industry Cooperative Ltd.

I commend the bill to the house.

Debate adjourned on motion of Mr McARTHUR (Monbulk).

Debate adjourned until Thursday, 23 May.

STATE TAXATION ACTS (FURTHER TAX REFORM) BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

This bill contains the government's tax measures for the 2002–03 budget. The government's business tax initiatives have already been announced in the Building Tomorrow's Businesses Today package that provides business tax cuts of $262 million over the next four years. These initiatives build on the government's Better Business Taxes package of last year which followed the most comprehensive business tax review undertaken in Victoria for nearly two decades. All of these initiatives bring the total business tax cuts announced by the Bracks government to over $1 billion — a significant achievement in a first term of office. The budget also contains targeted measures to assist first home buyers with families to purchase their own homes and it also assists concession cardholders who wish to move to other accommodation.

In formulating the Building Tomorrow's Businesses Today package, the government has focused on measures to grow the whole of Victoria and deliver more high-quality jobs and better living standards.

These taxation measures are financially responsible and target improved outcomes for businesses and families. They provide a solid basis for the continued improvement in living standards for all Victorians.

I now turn to the major features of the bill. The bill contains a number of important changes to the Pay-roll Tax Act 1971 that will stimulate employment in Victoria and encourage business investment.

Effective from 1 July 2002, the rate of payroll tax will be lowered to 5.35 per cent, one year ahead of the schedule previously announced in *Better Business Taxes*.

The rate of payroll tax will be further reduced to 5.25 per cent, effective from 1 July 2003. These initiatives mean that the Bracks government will have reduced the payroll tax burden for business by 9 per cent since coming to office.

The payroll tax-free threshold will also be increased from $515 000 to $550 000, effective on 1 July 2002, one year ahead of schedule. This will free around 300 small businesses from the burden of paying payroll tax. In addition, hundreds more that would have become liable for the tax will now remain below the threshold. This increase in the payroll tax threshold is the first threshold increase in a decade.

The land tax threshold will also be increased from $125 000 to $150 000, effective from 2002–03. This will remove around 21 000 taxpayers, or around 15 per cent of all taxpayers, from the burden of land tax. In total, almost 6000 properties in regional Victoria will become exempt from land tax.

Stamp duty on unquoted marketable securities will also be abolished from 1 July 2002, one year ahead of schedule. This stamp duty impedes investment decision making and financing by small business and its abolition will save businesses over $10 million each year.

This bill also recognises the government's community obligations. The government will reform, streamline and expand the concessions system presently in place to assist first-home-buying families and concession cardholders. The existing concessions were last reviewed in 1998 and the two schemes currently have different exemption requirements and cut-off levels. Both schemes will now be consolidated for the first

time and expanded with a full exemption applying for both first-home-buying families and concession cardholders up to $150 000 and a partial exemption from $150 000 to $200 000. The removal of the income test for first home buyers with families will simplify administration. It will also remove any unfair discrimination where, in a family situation, one of the partners might be moving in and out of the work force.

These reforms mean the value of the maximum concession for both schemes will increase to $4660. Previously, the maximum concession for concession cardholders was $2200 and for first-home-buying families, it was $2560. As a result of these reforms, up to 4000 additional families, pensioners and lower income-earners will be eligible for relief, bringing the total number estimated to benefit from these concessions to about 8000 — many of whom will be in regional Victoria. Common arrangements will provide improved accessibility, ensure efficient streamlined administration and eliminate any current confusion in the marketplace regarding the present variations between the two schemes.

The government's Building Tomorrow's Businesses Today package cements Victoria's position as a good place to do business. Furthermore, our reform and expansion of the concession arrangements will assist first home buying families, lower income earners and pensioners.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 23 May.

ALBURY-WODONGA AGREEMENT (REPEAL) BILL

Second reading

Mr BRUMBY (Minister for State and Regional Development) — I move:

That this bill be now read a second time.

Background

In 1973, the Victorian government, along with the commonwealth and New South Wales governments, signed the Albury-Wodonga Development Agreement to plan and develop a growth complex in Albury-Wodonga.

With the commonwealth's decision in 1995 to wind up its corporation — the Albury-Wodonga Development Corporation — it makes sense for both Victoria and New South Wales to withdraw and leave the final winding-up process to the commonwealth. The decision for the states to withdraw was endorsed in principle at the 1997 meeting of the Albury-Wodonga Ministerial Council.

To enable the states to withdraw, the development of complementary legislation by the three governments is required. Both the commonwealth and NSW governments have passed their legislation to give effect to this decision. They are respectively the Albury-Wodonga Development Amendment Act 2000 and the Albury-Wodonga Development Repeal Act 2000. The bill that I am introducing today complements this legislation.

Protecting Victoria's and the Wodonga region's interests

During the preparation of this bill and the negotiations with the commonwealth and New South Wales governments, the Bracks government has sought to protect Victoria's and the Wodonga region's interests.

There will now almost certainly be a substantial land bank remaining after the proposed winding-up date of the Albury-Wodonga Development Corporation in 2007. It is estimated that around 80 per cent of the present 8800 hectares will still be in corporation ownership at 2007. The majority (5517 hectares) of the land bank is in Victoria.

There is also the need to ensure that the Victoria Corporation land, on its disposal by the Albury-Wodonga Development Corporation, meets all planning requirements.

Consequently, the Bracks government, in its handling and negotiations on this matter, has ensured that:

there will be effective administration and application of state and council planning laws and powers for the Victoria Corporation land being transferred to the commonwealth;

the regional property market will not be distorted by the sale of the Albury-Wodonga Development Corporation land bank;

Victoria, including the Wodonga region, will be consulted regularly and formally by the commonwealth prior to the final winding-up of the Albury-Wodonga Development Corporation; and

the payment of rates by the Albury-Wodonga Development Corporation to the Rural City of

Wodonga will be considered by the commonwealth as part of a review process.

The One City initiative

While the Albury-Wodonga growth complex experiment is drawing to a close, a different approach to addressing regional growth and cross-border anomalies and barriers is being investigated by the joint Victorian and New South Wales One City initiative.

While there are some common aims between the two approaches, it would not be correct or appropriate to confuse them. They are separate matters and need to be treated accordingly. The bill and the winding-up agreement will have a neutral impact on the 'One City' concept.

Purposes of the bill

I would now like to turn to several key aspects of the bill.

The purposes of the bill are to:

repeal the Albury-Wodonga Agreement Act 1973 and the Wodonga Area Land Acquisition Act 1973;

dissolve the Albury-Wodonga (Victoria) Corporation;

provide for the transfer of assets, contractual rights and obligations, and liabilities of the Victoria Corporation to the Albury-Wodonga Development Corporation; and

provide for the winding-up agreement between Victoria and New South Wales and the commonwealth for those purposes.

The effect of the bill and the winding-up agreement is therefore to wind up the Victoria Corporation and transfer its assets, contractual rights and obligations, and liabilities to the Albury-Wodonga Development Corporation with Victoria having no further involvement in the administration of the corporation.

The withdrawal of the states will also allow a more flexible, simplified management structure and streamlined functions to be implemented for the remaining Commonwealth Corporation.

The bill's commencement provisions

The bill comes into operation on a day or days to be proclaimed. There is no fixed day for commencement as the precise date of commencement will depend on the time of the signing of the winding-up agreement and the commencement of the commonwealth and New South Wales acts.

The Albury-Wodonga area development winding-up agreement

The bill provides for the three governments to enter into the Albury-Wodonga area development winding-up agreement (winding-up agreement) which, on commencement, will terminate the Albury-Wodonga area development agreement.

The winding-up agreement is currently being negotiated between Victoria, New South Wales and the commonwealth. It will deal with a range of transitional arrangements.

When negotiations are completed, the government will table in each house of Parliament a determination that a specified form of agreement is the approved form of winding-up agreement. Either house may disallow the determination within 15 sitting days. The New South Wales and commonwealth governments will also undertake this exercise.

If this determination is not disallowed, the bill authorises the Minister for State and Regional Development (or another minister) to execute on behalf of Victoria an agreement substantially in accordance with the approved form of the winding-up agreement. If the agreement is signed by Victoria, New South Wales and the commonwealth, then the agreement is approved by Parliament.

Functions, powers and duties of the Albury-Wodonga Development Corporation

The bill, under clause 16, provides that the Albury-Wodonga Development Corporation will have the same duties that the Victoria Corporation had to comply with Victorian laws. Once this provision is enacted, the relevant commonwealth minister will be able to make a declaration under section 8 of the Albury-Wodonga Development Act 1973 of the commonwealth that clause 16 is complementary to the commonwealth act.

The effect of that declaration would be to impose the duties on the Albury-Wodonga Development Corporation.

The bill also provides in a similar way for the Albury-Wodonga Development Corporation to have the powers and functions conferred on it by the winding-up agreement.

Development covenants

The bill also provides the Wodonga Rural City Council with the power to enforce, vary and release a development covenant that the corporation had immediately before the commencement of this section.

This is to ensure that there will be ongoing enforcement of the covenants when the Albury-Wodonga Development Corporation is eventually wound up.

The Wodonga Rural City Council's agreement to undertake this role reflects the high level of cooperation that the council has provided in this and other matters regarding the winding-up of the Victoria Corporation.

Repayment of moneys to Victoria

While the commonwealth provided the bulk of moneys for the development of the Albury-Wodonga growth complex, Victoria also has a financial interest as it made several funding contributions, totalling about $1.5 million, towards the project. New South Wales does not have a financial interest of this nature.

Based on a previously agreed formula that was part of a financial agreement made by the three governments in October 1984, an amount of around $3.6 million will be returned to Victoria. It has been confirmed with the commonwealth that the process for the refund of Victoria's equity will be agreed by an exchange of correspondence between the Victorian and commonwealth ministers. The government expects that this payment will occur by or on the signing of the winding-up agreement.

Conclusion

In conclusion, I emphasise that in the handling of this matter, the Bracks government has ensured that the interests of the Wodonga region and of Victoria are being protected now and into the future.

I also take the opportunity to note that the first decision to withdraw Victoria from the Albury-Wodonga Development Agreement was taken by the previous Victorian government and so this bill should receive bipartisan support.

The introduction of this bill will implement the decision of the Albury-Wodonga Ministerial Council.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 23 May.

GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL

Second reading

Debate resumed from 7 May; motion of Mr HULLS (Attorney-General).

Mr RYAN (Leader of the National Party) — I rejoin the debate on the guardianship and administration legislation. I cannot remember precisely what point of the debate I was at when this debate started a couple of days ago.

Mr Wynne interjected.

Mr RYAN — The honourable member for Richmond says I was just kicking off, and I thank him.

In looking at the bill before the house I think the best starting point to gain a better understanding of it is to look at the Guardianship and Administration Act 1986. It is very difficult to put these proposed changes into perspective without quickly having a look at the legislation as it currently exists.

I refer specifically to part 4A under the heading 'Medical and other treatment'. This was the provision inserted in 1999. Under the preliminary aspects of division 1, section 36 contains a statement as to the persons to whom this part applies. Subsection (1) reads:

> In this part 'patient' means a person with a disability which is a permanent or long-term disability …

It is intended by the bill under clause 11 to delete the words 'which is a permanent or long-term disability and', which will mean we are left with a definition of 'patient' that will read:

> … means a person with a disability.

Section 36 then goes on to talk about the other aspects of the definition of 'patient'. They are there to be read, both subsections (1) and (2), and I shall not go through them.

Section 37 goes into the definition of the term 'person responsible', and it contains paragraphs (a) to (h) of subsection (1). It is best for the purpose of following this debate for people to pick up the principal act and have a look at it.

The pivotal point though is that consequences flow from amending the definition of 'patient' simply to refer to a person with a disability. It means that it becomes a much more all-embracing form of the definition and if it is to take effect literally it will have a very broad context to it. It would bring into its purview,

for example, those who have a temporary incapacity. These might be people who have taken a knock of some sort. In fact, even as I speak I can think back to my very non-illustrious career as a footballer, where I had the dubious honour of being knocked out about seven times. I can see the interjection coming from the Minister for Agriculture, who is about to say, 'That explains it'. I could see it coming and I was just able to get out of it before he said it!

There are instances where it is not difficult at all to imagine people suffering from a disability which is of a temporary nature. So the bill goes on to deal with the necessity to accommodate that situation. Sometimes when — and this is what Victorian Civil and Administrative Tribunal (VCAT) and the Public Advocate have reported — someone has a temporary difficulty which creates the need for medical or other treatment in accordance with the terms of this part, it is the next of kin who are under severe pressure to actually do something about it. So what this legislation does is to set up a regime where that can be accommodated. It is very important to protect the notion of a personal autonomy.

The legislation is careful to ensure that the community, with the best will in the world, does not usurp the capacity of an individual to make the sorts of decisions to which they would normally be perfectly able to commit themselves but which they are temporarily unable to do because of some episodic event, and that is what these provisions deal with.

If the person is usually competent and capable then the best thing to do is to leave the situation be, particularly with regard to non-emergency treatment the best thing to do is to wait. If there is the likelihood of recovery, the best thing is to wait so that the person who is temporarily affected can make the relevant decisions as and when he or she is able. But sometimes it might be that the person responsible, that being one of those provisions defined under section 37 of the principal act, feels it may be appropriate for some sort of intervention to occur. If that is the case, then the person responsible can only consent to intervention pursuant to the provisions of clause 19 of the bill.

In essence, what those provisions say is that a registered practitioner can only carry out the treatment if certain qualifications are fulfilled. I pause to say that in the definitions section of the principal act 'registered practitioner' is defined as meaning:

> … a registered medical practitioner within the meaning of the Medical Practice Act 1994 or a dentist within the meaning of the Dentists Act 1972.

It is one of those two categories of professionals. If that consent is to take effect, it can only happen if, as set out in proposed section 42HA(2):

> (a) the registered practitioner reasonably believes, and states in writing in the patient's clinical records, that a further delay in carrying out the treatment would result in a significant deterioration of the patient's condition; and —

I emphasise the word 'and' —

> (b) neither the registered practitioner nor the person responsible has any reason to believe that the carrying out of the treatment would be against the patient's wishes.

If either the registered practitioner or the person as defined under section 37 of the principal act has a concern that the proposed treatment might be against the wishes of the person who is temporarily incompetent within the sense of the act, then an application has to be made to the Victorian Civil and Administrative Tribunal, as provided for in clause 9(3) of the bill. The exemption to that instance is where there is a refusal of the treatment certificate that has been issued under the terms of the Medical Treatment Act. In that event, and for the reasons set out in the relevant provision of the legislation, none of those matters need apply. It is in the circumstances though where you have a person who was temporarily rendered incompetent because of some intervening cause that these provisions are to apply.

The structure of the bill is sensible. In accordance with the second-reading speech — that is, it has been recommended by VCAT and the Public Advocate — the National Party supports the intention behind the provisions. There are then provisions with regard to special procedures, and in general terms the regime which is set up is similar to that which applies in the circumstances I have just outlined.

I shall not dwell on most provisions, but refer to the exception to the prohibition on VCAT consenting to carrying out of a special procedure on a patient who is likely to recover capacity in a reasonable time where the carrying out of treatment is for the purposes of medical research on that person. That is again a term defined in the legislation. The example given in the second-reading speech is that:

> VCAT would be able to consent to the participation of an involuntary patient experiencing their first psychotic episode in a clinical trial of medication which is expected to prevent the patient from acquiring a long-term or permanent disability.

I turn to the issue of gifts, which have been the subject of a deal of comment and concern in various quarters by the National Party and the opposition. Since the matter was first raised by each of us in the course of recent public commentary and in debate, I have been afforded a briefing note from the department, for which I record my thanks, and shall make reference to and comment on clause 21 of the bill. It is appropriate to make broad reference to the issues after giving some background. The briefing note says:

> At present, the act makes no mention of gifts, which means that VCAT cannot monitor the making of gifts under the current act. The issue of whether an administrator can validly make a gift on behalf of the represented person has come up frequently in practice. VCAT has requested that this matter be clarified (as it has been clarified in other jurisdictions, such as Queensland and Tasmania).
>
> The bill only allows administrators to make gifts where the gift is reasonable with respect to the size of the estate. In addition, the gift must be seasonal in nature, and a donation must be of a kind which the represented person has made in the past or would be expected to make.

It then goes on to give an example. The briefing note continues:

> Clause 21 provides that neither administrators nor charities with which they are associated are precluded from receiving a gift or donation from the estate of the represented person.

It then gives examples. The next paragraph states:

> There are a number of safeguards in the act and the bill.

Basically, the thesis is that these provisions provide protections for inappropriate gifts, and sets out a series of dot points as being:

> the making of gifts by administrators is supervised regularly by VCAT in accordance with section 61 of the act …
>
> under section 58 of the act, VCAT may appoint a person to examine or audit the accounts and lodge reports. It is very rare in practice that VCAT will not require formal accounting by administrators;
>
> the bill gives VCAT the power of its own initiative to give directions to administrators. This may extend to additional accounting for gifts or the disapproval of a gift;

and finally:

> section 58(4) of the act gives the tribunal power to disallow an item of expenditure after an audit of the accounts. If the expenditure is disallowed, the administrator is liable for that amount.

It concludes by stating:

> The opposition have suggested —

perhaps I should read that as 'the opposition parties have suggested' —

> … that the administrator be required to notify VCAT of any instance in which they are making a gift to themselves or a charity with which they are associated. This would be unduly cumbersome for an administrator and VCAT given the number of small gifts or donations of this nature which are likely to be made in practice. In addition, all of the safeguards outlined above apply equally to gifts or donations which are made to the administrator or a charity with which the administrator is associated.

That is the end of the memo. However, I think the difficulty still remains that even as you consider each of those propositions which are regarded as being the safeguards, there is amongst them a common theme that VCAT has a power to do things of its own initiative. It may appoint a person and give directions; it may disallow an item; it may do all manner and means of things. But the core issue remains as to how these matters are initially brought to its attention and how VCAT can be put on guard concerning the gifts in question.

I mean this in the broader sense that you have to give this a general context. We are talking about affairs of individuals being managed in circumstances where people are entrusted to the role in a way that imposes upon them a very heavy onus and a very high duty. For the main part, that is appropriately discharged; we are talking here about at the edges. But you cannot get away from the fact that the courts are very careful about these sorts of issues. The courts have repeatedly highlighted their concern to make certain that appropriate measures are in place to accommodate the necessity for absolute transparency about the way these things happen, because it is an unequal status. On the one hand you have a person with assets — an individual who by definition is incompetent, incapable and unable to go about this sort of role — and on the other hand you have people who are fulfilling that role.

That leads me to the conclusion that it would add to this legislation to impose a duty that if these gifts as defined were to occur, particularly in circumstances where the administrator was to be the personal beneficiary, the beneficiary would have to communicate that fact to VCAT and to put VCAT or the department or any one of a variety of available entities and individuals on notice that this is occurring. It might be the Public Advocate, for example. There are various ways in which to establish a structure to impose a discipline upon the person who is exercising this important role to actually have to do something that is reflective of the discharge of this very significant responsibility, more particularly when that individual is the beneficiary.

That would ensure a discipline is imposed. It would accommodate a perception which I think the public reasonably expects, and it would better accommodate the concerns which have been expressed by the courts. It could be done by setting some sort of threshold so the recipient knew there was a requirement to notify receipt of anything worth more than $100, for example. That would accommodate the bits-and-pieces, lightweight sorts of things that happen on a day-to-day basis but would otherwise ensure that this important issue is complied with.

So I support the concern the honourable member for Berwick raised the other day in his address, and I simply invite the government to consider it while the bill is between houses. It is an issue, and the legislation would be the better for the incorporation of something of this nature.

The provisions within clause 4 to do with adding to the powers of the Public Advocate seem to me to be sensible. Obviously a need has arisen whereby those additional issues have been sought to be accommodated. I notice that under the principal act the added matters are to apply to:

> … a person, government department, public authority, service provider, institution or welfare organisation …

to provide information.

The bill then goes on to provide that in appropriate circumstances it may be that that information does not have to be provided. But it seems to me in essence to be a reasonable ask on the part of the Public Advocate.

Finally, clause 7 provides for the appointment of an alternative enduring guardian, which again for practical purposes seems to me to be sensible.

The only issue I raise is the use of the word ‘incapable’ in proposed section 35A(1B), inserted by clause 7, which states:

> An alternative enduring guardian takes the place of, and has the same powers as, the original enduring guardian if that person is incapable of acting as the enduring guardian or is absent for a period.

I envisage that the use of the word ‘incapable’ may be the subject of some discussion in time to come. If some means of defining that word in that context could be offered to us, then that would also be of assistance.

On the whole this is sensible legislation to accommodate the matters that have been raised by the Public Advocate and by the Victorian Civil and Administrative Tribunal, and so it is that the National Party does not oppose it.

Mr STENSHOLT (Burwood) — I rise to support the Guardianship and Administration (Amendment) Bill before us today. One of the foundations of our democracy is the right of the individual to pursue his or her life in freedom, and it behoves us as a society to ensure that individuals who have disabilities, in particular mental illnesses, are properly protected and that their rights are also fully recognised. We have in the state of Victoria a system for protecting certain rights through the Office of the Public Advocate, through the community visitors scheme and through the Victorian Civil and Administrative Tribunal (VCAT). It is this system of checks and balances which ensures that the rights of people who are not fully competent are properly protected.

This piece of legislation has come about through a process of reflection on and experience of dealing with people with mental illnesses and disabilities on the part in particular of the Public Advocate and VCAT. As such it is a very good bill indeed which makes a whole range of amendments to the legislation. As can be seen throughout the bill, it makes quite extensive and detailed amendments and adjustments, many of which were mentioned by the preceding speaker. For example, it makes changes to the powers and duties of the Public Advocate, to the powers to enforce guardianship orders and to appoint alternative enduring guardians; and towards its end the bill amends the powers of an administrator to make gifts, seek advice, deal with accounts and interest on accounts and provides for how those moneys may be spent. The bill even requires an administrator to notify the tribunal in writing without delay if the represented person dies, so it is very complete.

Clause 19 is significant as it inserts proposed section 42HA into the Guardianship and Administration Act and deals with consent to treatment where a patient is likely to recover capacity to consent within a reasonable time. This provision is obviously a product of experience which individual cases have thrown up. It ensures that a patient’s rights are fully preserved, in particular if there is an understanding that the patient may object to some treatment, in which case the matter has to go before VCAT and the tribunal has to then make a ruling.

I believe on the whole that the state’s putting this bill before us is very good governance indeed. It will ensure that an updated list of provisions are in place for the guardianship and administration of the rights of people

who need that protection. I commend the bill to the house.

Mrs ELLIOTT (Mooroolbark) — I will make a brief contribution on the Guardianship and Administration (Amendment) Bill. As previous speakers from the opposition have said, we do not oppose this bill. However, I share the concerns of the honourable member for Berwick and the Leader of the National Party about clause 21, which inserts proposed section 50A into the act.

I have recently had to assume responsibility as power of attorney and enduring medical power of attorney for a close relative. I share that responsibility with my brother, but he lives and works overseas, and I am acutely aware of the responsibility that the power of attorney entails every time I sign a cheque on behalf of my mother.

Proposed section 50A, which allows gifts to be made to an administrator, needs some safeguards built into it, as the Leader of the National Party said. This is particularly so when a large estate is involved. I know of families where it is the practice of parents who are in the later years of their lives to take their entire families for trips to Queensland and sometimes overseas on a regular basis. I know of other families where gifts of considerable monetary value are usual at birthdays and Christmas.

The occasion could arise, for instance, that an administrator acting on behalf of a person who had become disabled and was unable to make their wishes known might think when a great-grandchild was born, 'My mother or father would wish this new baby to have the very best of prams, cots or nursery equipment, and I am sure they would wish me to purchase something on their behalf'. It is easy to see that without safeguards it could be difficult to make those decisions in a responsible way, although most people would.

The advice that has been received from the department since the second-reading speech of this bill was made is contradictory. According to the second paragraph, at present the act makes no mention of gifts and therefore the Victorian Civil and Administrative Tribunal (VCAT) cannot monitor the making of gifts. However, according to the second page of the advice provided by the department the making of gifts by administrators is regularly supervised by VCAT in accordance with section 61 of the principal act, which requires that unless otherwise ordered VCAT must reassess an administration order each year and that such reassessment must be conducted at least once every three years. If the principal act makes no mention of gifts and VCAT cannot monitor their provision, that would not be picked up by the regular reassessment of the administration order. As the Leader of the National Party pointed out, VCAT would not know that such a gift had been made unless it was notified, and as it is possible for a reassessment to take place only every three years it could occur long after the gift was made.

I do not think it is too cumbersome for gifts, perhaps those above a certain threshold so there is some monetary value, to be notified to VCAT, the department or the public guardian. That would mean a check and balance was built in to prevent misuse of an estate by an administrator. There may be only very few cases of this, but it is important that the fiduciary relationship between the trustee and the estate or assets which he or she is administering on behalf of another person is wholly transparent and as that person would probably wish.

It is a good bill, and it is obviously very necessary. The right thing needs to be seen to be done as well as our trusting that people will do the right thing. The temptation might be there in some cases to second-guess the person who is no longer competent to make their own decisions. The Parliamentary Secretary for Justice has indicated that the concerns held by the opposition and the National Party will be addressed when the bill is between the houses, and I am sure that will happen. I wish the bill a speedy passage.

Mr LEIGHTON (Preston) — Honourable members on this side of the house have been asked to limit their contributions to a few minutes to allow other members the opportunity to speak, so by necessity I will keep my comments brief.

I always welcome an opportunity to speak on any of the acts contained in the package of mental health reforms passed in 1986, the genesis of which goes back a couple of years before that. Previously we had the Mental Health Act 1959, and in 1986 the Parliament enacted a package of legislation including the Mental Health Act 1986, the Intellectually Disabled Persons' Services Act and the Guardianship and Administration Act 1986. In my view that was one of the major social justice reforms of the previous Labor government. I have been involved with the reforms, firstly, professionally, and since 1988 as a parliamentarian. That legislation very much recognised the civil liberties model because prior to that time patients and clients had very few rights.

There will always be conflicting goals. On the one hand we aim to give the individual as much right to accept or refuse treatment as possible but on the other hand we need an ability for society to intervene and make

decisions on an individual's behalf when he or she is not competent to do so. In my view there will be continuing tensions between those two goals. That is why I am sure that in future years we will be back here dealing with further amendments to the three acts I have mentioned.

I have worked clinically in mental health so my comments are directed more to that area. I have no difficulty with intervening on a clinical basis when an individual is not competent to give consent. However, I wish to make the comment that we should remember that psychiatric illness is transient in nature, it is episodic. While other disabilities may be long term, there will be people who are at times acutely psychotic but who at other times are quite competent to make their own decisions about any care and treatment.

The area of the bill that has given me the most difficulty is clause 17, which amends section 42E of the principal act. I have had difficulty coming to grips with the notion that a procedure can be carried out for the purposes of medical research. As I said, I have no difficulty with intervening and carrying out procedures and treatment if it is necessary on a clinical basis. I have been assured regarding the reference to medical research, firstly, that it must be in the patient's best interest, and secondly, that it really relates to matters such as new drugs which have not yet been approved but are very close to being approved and which if administered during the patient's first psychotic episode could dramatically affect their prognosis.

I am still uneasy with the notion of being able to undertake research without the individual's explicit consent, and I am also not quite clear on why we need to refer to a drug that is in its latter stage of development as research. However, I hope that, particularly with the use of the Victorian Civil and Administrative Tribunal (VCAT) and the ethics committees, any use of proposed new section 42E is very much limited to that definition and no attempt is made to apply a wider definition of medical research. If any such attempt were made but an individual was incapable of giving explicit consent, the procedure should not be carried out.

With those comments I will end my contribution to give other honourable members an opportunity to speak.

Mrs FYFFE (Evelyn) — I am pleased to speak on the Guardianship and Administration (Amendment) Bill. Much work has been done on the Guardianship and Administration Act by the previous government to enable emergency dental and medical work to be performed for those who at the time of the need for the work were unable to make their own decisions. For doctors and others there was the responsibility for and resulting stress from making decisions about quite important surgery, particularly in the case of pregnancy and decisions as to whether an abortion would be carried out, and further stress as to whether steps should be taken to prevent further pregnancy. Since then the Public Advocate and the Victorian Civil and Administrative Tribunal (VCAT) have made recommendations, and so the house is debating this bill today.

The changes regarding people who are not permanently disabled but have intermittent disability are needed to provide protection for the guardians and doctors who decide that medical procedures are necessary. The responsibility of being a guardian, whether it be a family member or a professional guardian, is enormous. Often those of us who are considered normal have difficulty in making decisions about many things. I admire anyone who takes on the responsibility of being a guardian and making decisions for another adult, especially when it is so often done without payment, for love and affection.

A parent of an adult child or an adult child with a parent, a brother or sister, an aunt or long-time friend — people from all walks of life take on these responsibilities. We on this side of the house have some concerns over the making of gifts from a disabled person's estate, and these concerns apply equally for the guardian's sake as they do for the disabled person, particularly if the disability is episodic.

It is feasible that guardians could give a gift to themselves, and I believe it is very important that there is some mechanism introduced into the bill that avoids any accusations of conflict. Perhaps while the bill is between the houses the government could consider amending it to set up a simple procedure — that is, a notification to VCAT or to family members.

As to the rest of the bill, the provisions for payments and fees and collection of interest are sensible and appropriate. It is important that we always make decisions in the best interests of the disabled person, but it is equally important that we continue to ease the burden on the guardians. I appreciate the briefing notes provided by the government but, although they answer many of our concerns, I feel other mechanisms could be introduced. They could be as simple, as I said earlier, as ensuring the guardian sending a note to VCAT or other family members advising of their intentions about the gift. If we do not look closely at implementing mechanisms in relation to gifts we could be

unintentionally creating future problems for guardians, in particular guardians of family members.

There are many instances of guardians who had been administering estates making decisions that they knew were what the persons with the disabilities had in mind before they became unable to make those decisions but about which other family members were perhaps unaware.

In most families individuals have needs about which only the adult parents or adult brothers or sisters may know and about which others do not know. A verbal promise may have been given several years before that the person who is now disabled would have made an outright gift of the full or part amount for housing, the purchase of a car, fees for school or university education, or whatever it may have been.

So that we do not have families becoming divided over these issues it is very important that a person who may be a guardian and also a member of the incapacitated person's family cannot be accused of doing the wrong thing. Some form of notification, whether to VCAT or other family members, about the intention to make a gift from the estate of the disabled person would alleviate a lot of those problems because questions and concerns can be raised before the gift is made. Often in this place we introduce legislation with good intent, as is the case with this legislation, but when we do things with good intent we can sometimes miss the unintended consequences.

I realise other honourable members wish to contribute to the debate, so I will finish my contribution. I hope the bill has a speedy passage.

Ms GILLETT (Werribee) — It is a pleasure to make some brief remarks on the Guardianship and Administration (Amendment) Bill, which amends the Guardianship and Administration Act 1986, the Victorian Civil and Administrative Tribunal Act 1998 and the Mental Health Act 1986.

The primary purpose of the bill is to provide an effective substitute decision-making regime for people with a disability in relation to medical and dental treatment, and to improve the effectiveness of services provided by the Office of the Public Advocate and the Victorian Civil and Administrative Tribunal (VCAT) to people with a disability who are or may come under a guardianship or administration order.

The underlying principle of the bill is to balance the personal autonomy and bodily integrity of individuals with the need to ensure that people with a disability receive appropriate and timely medical treatment.

Many of the proposed amendments to the bill are technical in nature but I will remark briefly on the main amendments.

Concerning consent to medical treatment and dental treatment, in effect the bill changes the definition of 'patient' in part 4 of the Guardianship and Administration Act to resolve some practical problems associated with a definitional issue of whether people have a permanent or long-term disability. The change has been made simply from 'patient' to a new definition of 'person with a disability'.

To protect the personal autonomy of people with a disability the bill provides that there may not be substituted consent where the patient is likely to recover capacity in a reasonable time. In addition, where relevant people have reason to believe that the patient would object to the medical or dental treatment, the treatment would await the person's return to capacity. However, to provide some flexibility the bill enables an application to be made to the Victorian Civil and Administrative Tribunal for consent for the proposed medical treatment or dental treatment in special cases.

Where a patient is covered by the Mental Health Act it was proposed to amend the act to apply to the medical and dental treatment regime in the Guardianship and Administration Act to involuntary patients as defined under the Mental Health Act in relation to their non-psychiatric treatment. The proposed changes would have operated to regulate non-psychiatric treatment for involuntary patients in the same way that medical and dental treatment is regulated for any other person with a decision-making incapacity.

However, as is the hallmark of this government, after extensive consultation with key stakeholders it was identified that a significant concern with the proposal was that the scope of the Guardianship and Administration Act regime is narrower than the current non-psychiatric treatment regime in the Mental Health Act. Therefore, the Department of Human Services has decided to retain the non-psychiatric treatment regime for involuntary patients in the Mental Health Act. So the bill instead amends the Mental Health Act with respect to the consent-to-treatment provisions. The amendments clarify the circumstances in which substitute treatment decision-makers can make treatment decisions on behalf of involuntary patients for psychiatric and non-psychiatric treatments.

Obviously, the bill before the house was examined by the Scrutiny of Acts and Regulations Committee with special care. Any piece of legislation which may trespass on a person's rights and freedoms is given

special care and attention. It was the view of the committee that the bill balances that fine arrangement between necessary treatment and respect for the integrity of the person being treated. With those very brief remarks I commend the bill to the house.

Mr VOGELS (Warrnambool) — I would like to comment on the Guardianship and Administration (Amendment) Bill. The purpose of the bill is to make amendments to the act as requested by the Public Advocate and the Victorian Civil and Administrative Tribunal (VCAT).

It seems to me that being a guardian is fast becoming one of those challenges that most people reject — in fact they will run a mile to avoid it. I would like to refer to a constituent of mine who has an administration order for a member of the family. This person has just been told by VCAT that in future there will be a charge or an administration fee payable to the guardianship list of VCAT. What does this order request? Remember that a lot of people who are guardians look after loved ones as volunteers. They get an order from VCAT which states:

> Subject to any further order of the tribunal, the tribunal orders and directs that:
>
> The administrator shall, no later than 31 July 2002, lodge with the tribunal a statement setting out the income, expenditure, assets, liabilities of the estate of the represented person for the period commencing …

Again, the order states:

> The administrator shall, no later than 31 July in each subsequent year …

And so on. For someone who is elderly and looking after a son or daughter this is big-time stuff.

As you can imagine, there is a lot of responsibility and work involved in being a guardian. A group certificate from Centrelink is also required with the statement. In other words, if you are a guardian you now have the added responsibility of dealing with gifts and making sure adequate provision is made to enable interest on fees to be collected.

I feel that the requirement to pay to help a disabled person and the responsibility which governments seem to keep adding to will lead to guardians throwing up their hands and walking away. I understand exemptions on all these issues can be applied for, but that requires more paperwork on the part of the guardians. It never ceases to amaze me that governments of all persuasions never really appreciate the contributions guardians make to their budgets: they make this contribution, usually out of love and affection, and for no payment. It is usually a parent who acts as guardian for their son or daughter, or it can be vice versa as an elderly person starts getting dementia and a daughter or son looks after them.

In conclusion, it appears to me that in this time of computers it should be possible for the disabled person's bank accounts to be checked directly by VCAT and guardians saved all the paperwork and additional responsibility with all parties understanding that checks and balances are in place using this method. Surely that would be a simpler way to go: just checking the bank accounts and assets. VCAT can check them so if gifts are being made everybody knows that checks and balances are in place and the guardians are saved all the paperwork and other responsibility that goes along with it.

Ms McCALL (Frankston) — My contribution will be brief because one of my other colleagues would like to make a contribution to the debate. The state of Victoria has an ageing population. Many in the chamber will become the carers and perhaps the guardians of our relatives and close friends. As an only child, I will bear the responsibility of currently ageing parents, both of whom, I am delighted to say, are in reasonably good health both physically and mentally at the moment. Therefore, I am very aware of the provisions in the act as they may directly affect me and my family.

The opposition has no difficulty in not opposing the bill in areas where there are temporary disabilities or temporary illnesses where there may be a requirement for an immediate decision to be made, particularly in relation to medical or dental treatment — nothing could be worse than being temporarily incapacitated and having the most awful toothache. Someone would have to be able to refer the person to dental treatment fairly speedily. We all understand that.

The safeguards that have gone into the amendment of the original 1986 act are appropriate, particularly in relation to the Mental Health Act. I thank the department for the excellent briefing it gave a number of us on the bill and for the additional briefing note they supplied to members of the opposition in relation to the gifts component. I would like to take a few moments to discuss the issue of the gift.

The issue of conflict of interest raised by the opposition was valid. I would like to think that anyone who was a guardian or administrator for a person who was incapacitated would be acting above all else in the best interests of the person for whom they were responsible. I have no difficulty with that. However, we do not live

in a perfect world and regrettably sometimes people do not behave as perfectly as we would hope.

The conflict of interest concern raised by the opposition was about there being no particular safeguard for a family who may not be the guardian or the administrator to appeal for information or to go to the Victorian Civil and Administrative Tribunal for additional support. I understand the briefing note produced by the department and its belief in the safeguards that are in place, but I still have some reservations.

I understand that the majority of the time administrators and guardians in this area will be talking about small gifts. They may well be small gifts for a birthday, a marriage, a divorce party perhaps, or another sort of party. I do not know, but I have no difficulty with that. My concern is in relation to a gift going from an estate to an administrator, and the perceived conflict of interest; or a bequest or a gift seen as a substantial amount of money, be it for an overseas holiday or something as substantial as the purchase of a property or a car.

The opposition still retains its reservations. It is grateful to the government for having produced the additional briefing note at short notice. It understands the need behind the amendments. Anything that will protect those who are less able or less capable than ourselves, either in a permanent or temporary sense, is good legislation. I am comfortable to say on behalf of the opposition that it does not oppose the bill and wishes it a speedy passage.

Mr WILSON (Bennettswood) — I am pleased to make a brief contribution to the debate on the Guardianship and Administration (Amendment) Bill. Like other honourable members I place on record my congratulations and gratitude to those people who serve as guardians for people who require that service in Victoria. The service that they provide is exemplary, and as a society we rely upon what they do for those they care for.

The bill makes some sensible provisions for people who are not able to make decisions for themselves about their medical and dental treatment at a particular time. Those of us who have witnessed people in that position would understand that once in a while — and as the honourable member for Frankston said, those times are ever increasing — people need to have decisions made for them by other people when considering their medical and dental treatment. The bill goes some of the way to solving those problems.

Other honourable members have touched on the fact that there are a sufficient number of protections in the bill, and it has indeed been well drafted. Other honourable members have made comments about the issue of gifts and how the provisions in the bill amend other pieces of legislation to allow certain gifts to continue when a person does not have the ability to communicate their ongoing wishes.

I wish to touch on a slightly different area to that touched on by other honourable members. I presume that at some stage the Public Advocate and his office will read the speeches that accompany the passage of the bill through this house and when it goes on to another place. The Office of the Public Advocate overwhelmingly does a marvellous job. At all stages it must ensure that it always deals with issues fairly and with an open mind.

In recent months I have been dealing with the Office of the Public Advocate on behalf of a constituent. Obviously I will not mention any name or any of the circumstances surrounding that case so that the anonymity of my constituent can be preserved. On a few occasions I have got the impression that the Office of the Public Advocate was more concerned with protecting the processes of the office than having an open mind about all the circumstances that can lead to a person's guardianship. We all know that when it comes to guardianship there are sometimes very conflicting views, and whatever one member of a family might think, another family member might have a very different viewpoint. Both the Office of the Public Advocate and the Victorian Civil and Administrative Tribunal, when considering the guardianship of persons who are facing those circumstances, must maintain a very open mind.

When it is dealing with members of Parliament who are simply trying to guarantee that the rights of the person who is under a guardianship order are being protected and preserved, the Office of the Public Advocate must keep an open mind and make sure that that person is receiving the most appropriate treatment.

With those few words — and noting that the Attorney-General has returned to the chamber — I conclude my contribution and wish the bill a speedy passage.

Mr HULLS (Attorney-General) — I thank all honourable members who spoke in the debate for their contributions to this very important bill. As they would be aware, most of the amendments included in the bill have been requested by the Office of the Public

Advocate and the Victorian Civil and Administrative Tribunal (VCAT).

The bill was developed after fairly extensive consultation with the Office of the Public Advocate, VCAT and the Department of Human Services. A whole range of other stakeholders were included in the consultation process. I will not go over all the issues raised by speakers in relation to the bill, but I am glad it has bipartisan support.

One particular issue concerned gifts given by administrators. The amendment in relation to gifts by administrators generally comes about as a result of a recent unreported County Court case, *Tuppen v. Norris*, 6 March 2001. In that case, the question of whether an administrator could make a valid gift from the protected person's estate was raised but, based on the facts of the case, it did not need to be decided. The Victorian Civil and Administrative Tribunal has asked that this matter be clarified; hence the amendments in the legislation. To address the issue, the bill inserts a new provision into the Guardianship and Administration Act to make it clear that the administrator may make certain gifts on behalf of the represented person and sets out the circumstances under which the administrator may do so. For the information of honourable members, this provision is based on section 38 of Queensland's Powers of Attorney Act 1988.

I understand that the issue raised is whether safeguards or some mechanism of notification ought to be put in place whereby administrators are actually in a position to and do give gifts to themselves. Of course the purpose of allowing administrators to give gifts is because the protected person may have for years given gifts to members of the family on Christmas Day, birthdays, anniversaries, or the like. It is absolutely appropriate that the administrator have the power to do the same, because that certainly would have been the wish of the protected person based on what has occurred in the past.

The issue of administrators giving gifts to themselves has been raised. I am prepared to have this matter looked at further while the bill is between here and the other place to see whether the current safeguards in the bill are appropriate and whether we can perhaps look at a process whereby gifts over a certain amount have to be notified to the Victorian Civil and Administrative Tribunal. I will have officers from my department look at the matter. They will be only too keen to do so.

Mr Wynne — Indeed!

Mr HULLS — And they will do so posthaste and will advise me so that, hopefully, we can have this matter further clarified in the other place.

Having said that, I thank all honourable members for their contributions and I also wish this important bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

FISHERIES (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 8 May; motion of Ms GARBUTT (Minister for Environment and Conservation).

Mr MULDER (Polwarth) — I rise to make a brief contribution on the Fisheries (Further Amendment) Bill. As most honourable members will be aware, my electorate of Polwarth has a tremendous role to play in both commercial and recreational fishing throughout the state of Victoria in that the electorate runs from Point Addis right around almost to Port Campbell and so takes in a tremendous coastal fishing area, along with some significant inland lakes in and around the Colac and Camperdown area. For example, Lake Colac is the largest freshwater lake in Victoria. Significant numbers of both recreational and commercial fishermen spend considerable amounts of leisure time and generate considerable income from the activities carried out in areas along the Great Ocean Road and also in and around the freshwater lakes of the Colac and Camperdown regions.

We have significant fishing industries based around abalone and rock lobster and many of our inland fishermen now are turning to fishing for eels, which are being processed regionally and exported overseas.

In many regards there is significant emphasis on the Polwarth electorate and south-western Victoria in this particular piece of legislation.

The legislation deals with the matter of producing a fishing licence. I can understand the reason behind allowing a grace period for fishermen to produce their licences if they do not have them when they are approached by fisheries officers.

In relation to recreational fishermen, one only has to look at the way they conduct their activities to understand that it would not be all that hard for a fishing licence to get wet or to be lost. If a fisheries officer were to make his way, say, from Artillery Rock at the top of the Great Ocean Road down onto the rocks area where the fishermen fish from, or even Mount Defiance on the Great Ocean Road, and a fisherman were to say, 'I haven't got my licence with me, but it is in my car', and the car was somewhere of the order of 45 minutes to an hour straight back up the cliff face, if the fisherman were required to try and dig out their fishing licence, I can understand that grace period being provided.

I do have some reservations or concerns as to how, if a fisherman usually carries his fishing licence in his wallet or with other documents and papers, and perhaps with his drivers licence, a fisheries officer is expected to be able to guarantee or verify the bona fides of the person they are speaking to. There will be that particular issue in relation to a fisheries officer approaching a recreational fisherman who does not have any identification with him at all, other than the fact that he says, 'I do have a recreational fishing licence. I understand I have to present it within a period of time, and I am prepared to do that in relation to this particular issue'.

The bill goes on to secure and give further powers in relation to securing some fisheries that may be under pressure in relation to subzones. One has only to look at the great work that has been undertaken particularly by fishermen in and around the Apollo Bay area, where off their own bat they handed back pots at one stage to secure that fishery and ensure it was not going to be overfished to the detriment of the marine environment. I know those fishermen had considerable input, as did the commercial fishermen of Port Campbell and the Anglesea area, in relation to the report of the Environment Conservation Council that proposed a series of marine national parks around the state.

One needs to look at our resource management in marine national parks as well as other forms of resource management around the state and ensure that we have a great environment in the south-western area and along the Great Ocean Road. However, all parties involved in that environment should be allowed to enjoy that wonderful amenity we have along the Great Ocean Road, whether they are people who have an environmental interest in the area — and that really means nearly of all of us, I would have to say — or recreational fishermen and commercial fishermen who have an interest in being able to continue with a recreational activity or a commercial activity.

There are significant works in relation to the protection of our fisheries that will need to take place over the next 5 to 10 years in that particular area. I know and understand that there has been a consultant's report in relation to work that is required on Lake Colac, which is Victoria's largest freshwater lake. It is a great facility, but due I suppose to some planning issues, a lack of understanding of what nutrient run-off was doing to the lake, introduced pests such as carp, several industries being located on the edge of the lake and a waste water treatment plant which was discharging into the lake, over a period of many years a certain degree of degradation has taken place, and that has had a negative impact in terms of its ability to operate as both a recreational and commercial fishery. However, this report highlights a whole host of recommendations to bring that lake back to its pristine state so it can be enjoyed by both recreational and commercial fishermen into the future.

There are matters relating to the ability to develop further fisheries inland because of the great water resources we have in and about that area. I know that there is an eel processing plant at Skipton, for instance, that has grown up purely and simply because of some of the great initiatives in and around the south-western district. The ability of our great rainfalls to wash eels down out of the high country into our lakes and streams has provided people with the opportunity to enter into an industry and a business that has really never previously had the opportunity to expand.

The spin-off effects of these particular operations are amazing. I know particularly around Lake Colac there was a midge problem. A midge is a very small insect that used to flourish in those areas and cause a great deal of discomfort to people who lived there.

Ms Duncan interjected.

Mr MULDER — Yes, a great deal of discomfort to people who lived in the areas.

The introduction of more and smaller eels into the lake system has ensured that they feed off the midges and keep them under control. That has produced a positive for people in the community who live in and around that area. Once again it is a matter of identifying our fisheries — whether they be coastal or inland — and working out what is the best way to manage them, working with the community and the industries involved and coming up with an outcome.

Commercial fishermen in their own right are always prepared to live and work with communities in that regard. It has been a tremendous example to see the

work put in by our coastal fishermen in and around Port Campbell and Apollo Bay, in particular, in coming to the fore and saying, 'We know and understand there has been a problem in the past with that fishery even prior to quota. We are prepared to hand back pots and to take a stance in relation to protecting our fisheries for future generations', and once again protecting their ability to hand on those businesses as they are to either family members or other persons who may wish to enter the industry.

With that closing comment I conclude my contribution. I wish the bill a speedy passage through the house.

Ms DUNCAN (Gisborne) — It gives me great pleasure to speak on the Fisheries (Further Amendment) Bill. This is part of an ongoing commitment by the Bracks government to protect our waterways and fisheries. I am in the privileged position of being a member of the Environment and Natural Resources Committee, and several of our references have been in relation to fisheries. One of the disturbing things that has come about is just how threatened many of our fish stocks are. One of the issues that came up yesterday in the National Party's matter of public importance was the criticism of this government for proposing, for example, to introduce marine national parks, do nothing else and assume that by their introduction all would be well with fisheries.

This bill adds to the range of bills previously introduced by the government, including an amendment in 2000 which set up fishing licences. This bill clarifies some of the issues that were introduced in that bill as well as seeking to further protect our fisheries resource. The provisions in this bill relate to that protection by improving the compliance provisions in the act. It demonstrates that the government acknowledges that not just one approach is the right approach, and that we have to tackle the multi-faceted problems of our natural resources — whether they be fisheries, timber resources, waterways, rivers, or whatever — with a multifaceted approach.

This bill goes towards clarifying some of the provisions contained in the 2000 bill and is further evidence of the Bracks government's commitment to protecting Victorian fisheries and all natural resources. I commend the bill to the house.

Dr NAPTHINE (Leader of the Opposition) — I rise to speak on the Fisheries (Further Amendment) Bill to raise a number of issues that are relevant to south-west Victoria, and particularly to ensure that the views of local commercial fishermen are reflected in this debate. Prior to moving on to the commercial fishing matter, I refer briefly to the requirement for recreational fisher licence-holders to carry their licence while they are fishing. This is obviously a reasonable provision; however, I would suggest to the Minister for Environment and Conservation and to the house that they need to look at what type of licence they provide for recreational fishers if they are going to be required to carry their licences at all times while they are fishing. The current recreational fishing licence is a cardboard or paper document; it is not waterproof. Certainly when one is out recreational fishing there are times when the requirement for a waterproof document becomes obvious. Therefore the provision that fishers have seven days to produce their licence, if they are asked for it, is not unreasonable. It is also reasonable that the minister consider very seriously producing a recreational fishing licence which is laminated or in some waterproof form so that recreational fishers are able to carry it at all times when they are fishing.

One of the other provisions in the bill relates to the allowance of indigenous communities to undertake the collection of fish for indigenous ceremonies or events. I support those provisions because there are a number of indigenous communities in my part of the state, in south-west Victoria, including the Kerrupjmara and the Gunditjmara communities. Indigenous communities from the geographical areas of Framlingham, Portland and Heywood have had a long connection to the sea in both cultural and historical terms.

Indeed, if you walk along the coastline in many parts of south-west Victoria you can clearly see areas of middens and evidence of other cultural and indigenous activities associated with many centuries of Koori and Aboriginal communities having come down to the sea and collected fish, shellfish and other creatures from the sea. It is reasonable to encourage and support these activities. It is important that our indigenous communities are well aware of their culture and history so that they maintain their sense of understanding of their very strong and important Aboriginal culture and history as well as having the benefits of being part of a modern Western society.

The area that I want to address mostly concerns the management of commercial fisheries. By way of introduction, I refer to a couple of letters I have received about this legislation. The first is from Mr Steven Nathan, president of the Portland Professional Fishermen's Association, who states:

> The following points are concerns we have with the Fisheries (Further Amendment) Bill 2002.

1. We would like to express concern at the increased use of enforcement to manage Victoria's fish stocks. There should be a more cooperative (government and coastal communities) approach to management and not the big-stick approach, which will only lead to confrontation between the government and stakeholders.

   Irresponsible management of fisheries can be just as damaging as irresponsible actions of stakeholders, so it is vitally important that a cooperative approach should be pursued.

   Why is the fisheries department implementing management regimes that lead to increases in the department's work force and operational costs when there are alternatives?

2. It is disappointing that commercial fishermen in Portland were not consulted with in regard to the amendments in relation to indigenous issues. It is not that we disagree or agree with the amendments, but we should have been consulted.

3. The rock lobster industry has not been consulted in regard to the use of subzones in its industry. The improper use of subzones in the Victorian rock lobster fishery could lead to serious social, environmental and economic problems within the fishery. It will also lead to increased cost to the industry to enforce the subzones.

   The western zone rock lobster fishery has already got one subzone (the Apollo Bay paddock). At a recent meeting (18/3/02) at MAFRI in Queenscliff, in which representatives from fisheries, MAFRI, the co-management council rock lobster subcommittee and SIV rock lobster subcommittee were present, it was decided that the future of the Apollo Bay paddock should be part of the rock lobster management plan, which is to be developed over the next 12 months.

   Note:

   The abalone industry has been discussing subzones with the fisheries department, but there have been no discussions with the rock lobster industry.

4. We are also concerned about the amendments in regard to fisheries reserves and what effect they will have on the commercial fishing industry. There has been no consultation with industry.

He concludes:

> There is a reference to 'areas where recreational fishing is authorised under this act'.

He asks:

> Is the government intending to make recreational reserves similar to New South Wales?

I think the thrust of the letter from Mr Nathan, who represents the rock lobster industry particularly in the Portland area, is about the lack of consultation of this government on these fisheries changes. The commercial fishermen are very concerned that they seem to be at the pointy end of any issues with fisheries and that the fisheries division and this minister do not seem to be at all interested in a cooperative approach or in discussing these issues with the fishing industry — they just seem to be interested in imposing these changes.

I would suggest, as Mr Nathan suggests, that a more cooperative approach would be much better in getting fair and reasonable outcomes. It is in the interests of the commercial fishermen, the rock lobster industry and fishermen, abalone fishermen, and commercial fin fishermen to have a sustainable managed industry in the long-term best interests of themselves, their families and their coastal communities. They want sustainable management and they want to have input into that sustainable management approach. They have expertise and experience from many years of successful fishing, which could be vital to the fisheries department in ensuring ongoing and sustainable management.

Yet we hear time and time again from local commercial fishermen that they are not consulted by the fisheries division, by the minister or by the government on changes that affect them. I think that is the nub of the issue raised by Mr Nathan.

Similarly, Mr Rodney Crowther, a very successful abalone fisherman, wrote to me on 29 April. He makes the same point. I will not read the whole of his letter, but he says that while he does not see any specific objections to what is proposed in this legislation, he finds it frustrating that the fisheries division and the government have not seen fit to consult with leading stakeholders in the industry.

That is the very important message I would like to send on behalf of the commercial fishing interests in south-west Victoria: that the fishing industry is an important industry. It employs a lot of people directly and indirectly in servicing the commercial fishing industry. It supplies high-quality fish products to the local market and to our export markets. It is a very economically important industry not just to south-west Victoria but to Victoria as a whole and to Australia.

It is vital that these industries are managed properly and well, and they can only be managed properly and well if there is a sense of partnership, cooperation and involvement of fishermen in the management plans, the legislation and in what happens to run those fisheries.

The fishermen say to me time and time again that this government is ignoring their interests; it is not calling upon their experience and expertise. This government is not consulting with them — it is fundamentally thumbing its nose at them. My plea to the government

and the minister, in a sense of frustration and desperation on the part of my community and the fishing industry, is for the fisheries division and the minister to sit down and discuss with them how sustainable management can be provided for fisheries. They want to be involved. Over many years they have taken steps to improve their industry to make it more sustainable; they want to work in cooperation with the government.

They tell me that the local professional fisheries officers are people they can work with; they have a very good relationship with them. But they have real dilemmas in dealing with head office and a minister who will not talk to them, listen to them or involve them, and do not seek to cooperate with them to get a better outcome. While we do not take any specific exception to this legislation, any fisheries legislation would benefit from a cooperative, consultative approach.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

Police: prisoner accommodation

Dr NAPTHINE (Leader of the Opposition) — My question without notice is to the Minister for Police and Emergency Services. If Victorian police cells are designed to hold a total of only 120 prisoners, why are there now a record 350 prisoners currently in these police cells?

Mr HAERMEYER (Minister for Police and Emergency Services) — I am caught totally unawares by this question and I had no idea it was coming at all! I just happened to note that as of today there are just over 200 prisoners in police cells. We have another 27 coming out today and over the next six weeks we have another 150 beds being provided. But we have to understand how we got to the point we are now at. How did we get to that point?

Throughout the 1990s we had a growth of over 1000 prisoners and a growth in prison bed numbers of around 100: no planning for the future and no prisons strategy. This government is providing an increase in capacity of the existing prisons, and those beds are coming on line. We are also providing additional prisons, so we will have a net increase in prison capacity of over 1100 beds.

We have planned for the future; we have planned our prison strategy for the next 10 years. We know what the demand is going to be and we are providing the infrastructure to meet it, unlike the opposition, whose interest in overcrowding in police cells is very sudden. Had the Leader of the Opposition or the honourable member for Wantirna, when they were sitting on this side of the house, expressed some concern about the overcrowding of police cells back in 1996 or 1997, this government would not have to play catch-up with their mess now. I can assure the house that, come the next election, we will have more police on the streets.

Mr McArthur — On a point of order, Mr Speaker, the minister is trying to shift the blame. Is he trying to advise the house that those 350 prisoners have been in police cells for two and a half years?

The SPEAKER — Order! That is clearly not a point of order.

Mr HAERMEYER — I can understand the opposition's sudden concern for the welfare of prisoners because at the last election every criminal in the state was going into the polling booth with one of Jeff Kennett's how-to-vote cards, so I can understand its concern for its constituency. I know its plan is to empty out police cells — it is called 'less police'! If you do not have any police, you do not catch any crooks!

The opposition's policy is quite simple, but the government has a completely different approach. I can assure the house that, come the next election, this government will have more police on the streets and very few prisoners in police cells. To make things perfect in the run-up to the election I hope we also have the Leader of the Opposition doing what he is doing now!

Major events: rural and regional Victoria

Mr LONEY (Geelong North) — I ask the Premier to advise the house about recent developments concerning major events the government has secured for regional Victoria.

Mr BRACKS (Premier) — I thank the honourable member for Geelong North for his question and his commitment to the Geelong region — in association with the honourable member for Geelong, who shares his commitment — and his efforts to ensure that major events and activities occur right across Geelong.

I am very pleased to say that since this government came to office it has changed the focus of major events in this state from being solely on international events for Melbourne to being on international events for the

whole of Victoria. We have changed the name from the Melbourne Major Events Company to the Victorian Major Events Company. I can report to the house that that new emphasis or focus has borne fruit.

Already we have had the announcement of the 2004 World Hot Air Ballooning Championship in Mildura, which will be a great event.

Honourable members interjecting.

Mr BRACKS — We have had the announcement — —

Honourable members interjecting.

Mr BRACKS — The honourable member for Doncaster is interjecting: I think he is some authority on hot air ballooning! This government has secured the 2004 World Hot Air Ballooning Championship to be held in Mildura and the 2004 Commonwealth Youth Games to be held in Bendigo. It has already secured and held very successfully in Geelong the triathlon world cup and the world cup of polo has been held at Werribee.

I am pleased to announce that at 3.00 a.m. today an important announcement was made about a new major international event of great standing that will bring some $18 million to regional Victoria. We secured that in competition with the South African government, which had bid to hold the event at Port Elizabeth. I am pleased to report that the World Lifesaving Championships have been secured for Geelong and Lorne. They will be held in February 2006 — just before the Commonwealth Games. The 2006 World Lifesaving Championships will bring some 5000 athletes to Geelong and Lorne, and will also bring some $18 million of economic activity for both those regional centres. This is a great win for Geelong, for Lorne, and for regional Victoria.

I congratulate the Victorian Major Events Company on its work. Steve Vizard and his team have worked extremely well with the Geelong major events corporation in a partnership arrangement to secure this event. The government is pleased about the prospect of staging the World Lifesaving Championships because they will bring enormous economic and tourism benefits to Geelong and Lorne in February, as a prelude to the Commonwealth Games in March.

The success of the triathlon world championships showed what can be done in Geelong, and I am pleased that, through the lobbying and support of local members and the Geelong community, we have been able to secure this great event for Victoria.

Rail: regional links

Mr RYAN (Leader of the National Party) — I refer the Minister for Transport to appendix G of last year's budget paper 2 which allocated $32 million for the fast rail links project for the current financial year — that is, 2001–02 — an allocation confirmed by this week's budget papers. Has that money been spent this year; if so, on what?

Mr BATCHELOR (Minister for Transport) — I thank the Leader of the National Party for his question; it continues his negative interest in this project. The Leader of the National Party does not support the fast rail project, which is designed to deliver not only improved train services to regional Victoria but also to provide jobs and economic growth.

Mr Leigh interjected.

Mr BATCHELOR — The shadow Minister for Transport is saying it is a velocity train. That is right. He is talking about the $400 million-plus agreement the government has entered into to identify and purchase rolling stock capable of providing travel at 160 kilometres per hour.

As honourable members know, this project currently has a number of elements to it. There is the element of providing upgraded rolling stock, and announcements have already been made about that. The contract in relation to the infrastructure upgrade is being evaluated at the moment and the tenders are in, including all the country works packages, and recommendations will be made to the government shortly.

Mr Ryan — On a point of order, Mr Speaker, the minister is debating the question. The question was specific as to the $32 million in the budget papers of last year. I ask you to have the minister return to the question.

The SPEAKER — Order! I do not uphold the point of order that the minister was debating the question. The question sought information on some spending in last year's budget, and I am of the view that the minister was providing information about that project.

Mr BATCHELOR — It is information in relation to last year's budget for the current financial year. As I was explaining, the tender process for the country works component of this project is shortly to be finalised, and the expenditure on the fast rail project for this financial year will be advised at the end of the financial year.

Budget: medical research

Ms BARKER (Oakleigh) — Will the Minister for Health inform the house of how new initiatives in the budget will help make Victoria an international hub for excellence in medical research?

Mr THWAITES (Minister for Health) — I thank the honourable member for her question. The central thrust of this week's very widely supported budget is to invest for the future of Victoria. Today I was very pleased to join the Premier and scientific stars of our medical research community to announce a $35 million boost to Victoria's medical institutes, an initiative that promotes innovation and certainly invests in our future.

This will double the level of government support for medical research into the future and ensure that we maintain our lead in the medical and biotech areas. We certainly have some of the best scientific brains in our community — indeed, in the world. Now we are able to keep these medical stars here in Victoria. Today the Premier and I were given a sneak preview of the proteomics laboratory, one of the first initiatives of the new Bio 21 initiative. The proteomics laboratory will map — —

An honourable member interjected.

Mr THWAITES — It never happened. They never could deliver. It is this government that is delivering!

We are delivering on Bio 21; we are delivering on the proteomics. This new laboratory, which will open next month, has already attracted 25 of the brightest scientists in the world to Melbourne. An extra $35 million on top of that will ensure we will be a magnet for the world's top scientists.

Today the government's medical research initiatives received ringing endorsements. I was pleased to hear Professor Alan Trounson say that Victoria could now become the Silicon Valley of this quarter century and that Victoria was now attracting the attention of venture capital from the USA to commercialise our biotech discoveries. Professor Trounson said there was no doubt he would now be staying in Melbourne.

Also because of what the Bracks government is doing, Professor Mathew Gillespie, the associate director of St Vincent's Institute of Medical Research who researches diseases of the bone to prevent cancer and other disease, said he had rejected offers to move his research team overseas or interstate. He said that with an ageing population the government's budget initiatives were 'an astute investment and a sound insurance policy for our future health'.

Professor Suzanne Cory, the director of the Walter and Eliza Hall Institute, who has just attracted eight young scientists back from around the world, also said she loudly applauded not only the investment in medical research institutes but the major boost to health and education in this week's budget. Professor Cory said she hoped the federal government would follow our lead. We hope so, too.

The Bracks government is investing in our future — all our futures — unlike the opposition, which is simply interested in the cheap daily grab. They stand for nothing. The opposition leader's half-baked tax cuts — —

Mr Perton — On a point of order, Mr Speaker, the minister is now debating, and I ask you to bring him back to the question.

The SPEAKER — Order! I ask the minister to come back to the question.

Mr THWAITES — This initiative is about investing in our future and attracting back the medical stars to Victoria. Half-baked tax cuts will either send Victoria into deficit or send these medical scientists back overseas.

Police: prisoner accommodation

Mr WELLS (Wantirna) — I refer the Minister for Police and Emergency Services to his press release in which he states that police are not jailers. How does the minister explain that the budget papers show that the Victoria Police spent an extra 150 000 hours this year babysitting prisoners rather than being out on the beat?

Mr HAERMEYER (Minister for Police and Emergency Services) — I congratulate the honourable member for Wantirna; he is on a roll this week. He had not asked a question since 20 September last year, but he has now asked two in a week. I congratulate him; I think that is great.

As I have explained to the house before, I have said consistently, even when the Labor Party was in opposition, and I will state it again, that the role of police is not to be jailers. When in opposition the Labor Party persistently raised the issue of corrections prisoners spilling over into police cells. The then Liberal government did nothing about it — absolutely nothing about it. The Bracks government's first budget provided 357 additional beds within existing facilities. Those beds are coming on line now. Approximately 100 of those beds came on line in the last few months, another 150 beds will come on line in the next four to six months, and two more wings at Barwon and

Loddon prisons will come online at the end of this year. The Labor government is fixing the problem that the former Liberal government created.

Infrastructure takes time to build. If the honourable member for Wantirna were to put on his wellies, get into his overalls and help to push the wheelbarrows, we may be able to do it more quickly. I inform the honourable member that there are a lot more police out there at the moment so there are more hours available for them to do things.

Water: Wimmera–Mallee pipeline

Mr HELPER (Ripon) — Will the Minister for State and Regional Development advise the house about the latest involvements concerning the government's new budget initiative to fund the construction of the Wimmera–Mallee pipeline?

Mr BRUMBY (Minister for State and Regional Development) — I thank the honourable member for Ripon for his question regarding the Wimmera–Mallee pipeline and reiterate that the budget brought down on Tuesday committed the Bracks government to $77 million of funding as requested for this great Victorian and national project. It is a great project. It is one that the government has looked very closely at and is one that it was delighted to support in Tuesday's budget.

Mr Bracks interjected.

Mr BRUMBY — I will come to the Leader of the National Party in a moment.

In March this year, in a document it circulated, the Liberal Party stated:

> The Bracks Labor government has, unlike the Liberal Party, made no commitment to build the much-needed Wimmera–Mallee pipeline.

I think we have done it, haven't we? Didn't we do that on Tuesday? The government did that to the tune of $77 million! The community is asking for $77 million from the federal government over a 10-year period. The federal government has a big budget that is coming down next week — it is about $160 billion — so the ask from the federal government to fund the pipeline would represent .000000005 per cent of its budget. But it is slip-sliding away. It is saying it cannot afford it. Back in February the Deputy Prime Minister and Leader of the National Party visited with the trade minister, Mark Vaile — —

An Honourable Member — He visited, did he?

Mr BRUMBY — He actually visited the area and put out a press release in which he said they:

> … voiced their support for the piping of the Wimmera–Mallee … system …

And following that the state Leader of the National Party says:

> The next step is for the state government to show some leadership on this issue and put forward its share …

We have done that. Then we had — this is the classic — the *Sunraysia Daily* of 23 April quoting the National Party conference resolution:

> The conference supports the appropriation of state and commonwealth funding for the full completion of the Wimmera–Mallee stock and domestic pipeline —

full completion —

> and commends the state and federal members of the parliamentary National Party for instigating and driving this great initiative.

We have made this commitment. We were disappointed, to say the least, that on 8 May, as I referred to in Parliament yesterday, a spokesperson for the federal agriculture minister, Warren Truss, said:

> … the project had little national significance.
>
> … There's going to have to be a lot more work done before funding.

The *Weekly Times* yesterday reported:

> … a spokesman for agriculture minister Warren Truss said no commitment —

by the federal government —

> would be made at this stage.

No commitment. We have our proposal in the budget paper. It is fully costed and fully funded over the next 10 years, as requested. Yesterday the *Wimmera Mail-Times* published an editorial — it is a very worthy editorial — headed 'Labor leads with vision'.

Honourable members interjecting.

Mr BRUMBY — I will just read it for the National Party:

> Generations can rejoice — —

Honourable members interjecting.

Mr BRUMBY — Isn't it a pity that the people of Horsham and the people of western Victoria cannot see you rabble on television!

Honourable members interjecting.

The SPEAKER — Order! I ask the honourable member for Mordialloc particularly to cease interjecting, and similarly the honourable member for Berwick.

Mr BRUMBY — Here is the editorial:

> Generations can rejoice in the Victorian government's courageous and visionary commitment to completing piping of the Wimmera–Mallee water supply.
>
> …
>
> There is an irony in a Labor state government leading the way on this issue, and the up-front commitment emphatically drops the issue at the feet of Liberal and National parties who purport to care more for regional Australia.

It concludes:

> Generations past have fought for realisation of the vision splendid. Generations of the present and the future will rejoice in their foresight if the federal government matches the money and accelerates the region's most important project in several lifetimes.

Honourable members interjecting.

The SPEAKER — Order! Would the house come to order! I also remind the minister of the need to be succinct.

Mr Perton interjected.

The SPEAKER — Order! At the point where I call on the Treasurer to be succinct the house does not need the interjection from the honourable member for Doncaster inviting the likely response from the Treasurer that that elicits.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc.

Mr BRUMBY — We have the Leader of the National Party interjecting across the table saying, 'We only want $3.5 million'. The government has put up $77 million over the next 10 years and funded, with the federal government, the pre-feasibility study for this, which shows that for every 10 litres that goes in only 1 litre comes out the other end.

The Premier has written to the Prime Minister, by the way, and the Prime Minister replied in February after you made a fool of yourself on ABC radio.

The SPEAKER — Order! I ask the Treasurer to address his remarks through the Chair.

Mr BRUMBY — We have obviously been in regular contact with the Prime Minister's office about this. We are funding it, we are getting on with the job, we are providing the vision and the leadership. What we want is for the National Party and the Liberal Party to tell Prime Minister Howard to make the $77 million available in next week's federal budget.

Police: prisoner accommodation

Mr WELLS (Wantirna) — If the Minister for Police and Emergency Services is so sure he has police cells under control, why at 2.00 p.m. yesterday were there eight prisoners in the Craigieburn police category B cells which, under police operational rules, should only hold prisoners on a temporary basis and for no more than a few hours?

Honourable members interjecting.

Mr HAERMEYER (Minister for Police and Emergency Services) — They do not have a branch in Craigieburn, so I can imagine they are trying to start one!

The SPEAKER — Order! The Minister for Police and Emergency Services, answering the question posed by the honourable member for Wantirna.

Mr HAERMEYER — Nobody denies there are people in police cells who do not belong there. I have just spent time answering two questions from the people on the other side as to why they are there. It is a problem they created, and it is a problem that we are turning around, and turning around rapidly. I have to say — —

Honourable members interjecting.

Mr HAERMEYER — A couple of years ago we did not have any police at Craigieburn police station; now we have actually got a lot more police at the Craigieburn police station. As a result of the 800 additional police on the ground we will have almost 2 million additional police hours out there this year fighting crime, out there creating Liberal Party branches in the police cells! There are more police than ever before. We are getting on top of crime, which means we will arrest a few more criminals as well. I know the opposition does not like that, because they are about the only constituency they have left!

Employment: government performance

Mr HOLDING (Springvale) — Will the Minister for Employment inform the house about the latest developments concerning employment in Victoria, and

in particular today's Australian Bureau of Statistics employment figures?

Mr PANDAZOPOULOS (Minister for Employment) — I am pleased to inform the house that today Victoria has the lowest unemployment rate in the country at 5.7 per cent, well below the national unemployment rate of 6.3 per cent.

I am pleased also to inform the house that it is only the second time since July 1990 that Victoria has had the lowest unemployment rate in Australia, the first time being September 2001 under the previous employment minister, now the Minister for Education and Training, when it was 6.1 per cent. Twice since July 1990 Victoria has had the lowest unemployment rate — that was under this government — but nothing from the previous government, which governed for most of that time!

Significantly, the unemployment rate in Victoria has been at or below the national average in 29 of 31 months since October 1999. We should remind ourselves that under the previous government, Victoria's unemployment rate was consistently above the national rate.

In the seven and a half years of the previous government, 143 700 new jobs were created. In the following two and a half years under the Bracks government, 124 000 more people were in work than in October of 1999 — an increase of 5.6 per cent.

We do not rest on our laurels, and we understand that certainly the figures show the government is delivering on jobs. We understand also that the opposition has an interest in one particular job and that just about every single member of the opposition wants the job of the opposition leader.

Honourable members interjecting.

Mr PANDAZOPOULOS — I ask opposition members who do not want his job to put up their hands! They all want it!

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

Mr PANDAZOPOULOS — The third Bracks government budget will continue to build on this great news in employment.

Honourable members interjecting.

Mr PANDAZOPOULOS — That's the way you guys are going!

The third Bracks budget will continue the work we are doing in partnership. We are about facilitating new investment and economic growth in Victoria, leading to increased job opportunities. The government is all about facilitating skill development through education and training, and also through the $158 million targeted over four years to community jobs and youth employment programs.

The government is focusing on creating jobs; that is what this budget is about. The opposition is about division; its members are only interested in one job, and that is the job of the Leader of the Opposition!

STARS Supernova program

Mr ROWE (Cranbourne) — I refer the Premier to the STARS Supernova program being undertaken by students at Glen Waverley Secondary College, where the local students have conducted an experiment which will be taken into space by the American National Aeronautics and Space Administration in July. Further, after more than two years the government has withdrawn funding for this program. Given that two weeks ago the Treasurer gave an undertaking to review the matter I had raised in this house but has still not responded, will the Premier advise the house and these students if they will have government funding for their work to go into space?

Mr BRACKS (Premier) — I thank the honourable member for Cranbourne for his question. I think he said he wrote to the Treasurer two weeks ago. I am very confident that the Treasurer will obtain that material for the honourable member for Cranbourne and report on it.

I am not familiar with the detail of this particular funded program, but I can say that if we look at our previous two budgets and at this week's budget we will see that we have committed to education more than $2 billion extra, including $550 million extra in this budget. We have committed not only to new schools but also to new teachers.

Mr Rowe — On a point of order, Mr Speaker, the Premier is debating the question. With in excess of a $500 million surplus, we are talking about only $65 000 for these children!

The SPEAKER — Order! The latter part of the point of order is out of order. I do not uphold the earlier part of the point of order that the Premier was debating the question.

Mr BRACKS — As I indicated, I have no doubt the Treasurer will provide the detailed answer as requested some two weeks ago by the honourable member for Cranbourne. I reiterate that the honourable member for Cranbourne can be absolutely satisfied that this is a government that is committed first, second and third to a better education system. We are turning around what was the lowest spending per capita per student of any state in Australia when we came to office to what is now the equal-highest spending per capita.

Dr Napthine — On a point of order, Mr Speaker, the Premier is now debating the question. The reality is that the funding increase for education is 2.3 per cent below inflation!

The SPEAKER — Order! The latter part of that point of order is also out of order. I ask the Premier to confine his remarks to comments relevant to the question posed by the honourable member for Cranbourne.

Mr BRACKS — Yes, Honourable Speaker. The honourable member for Cranbourne can be satisfied that we have turned around what was the case when we came to government. We have gone from being the lowest spending state of any state in Australia to now being the equal-highest spending state of any state in Australia. The specific matter requested by the honourable member for Cranbourne — —

Honourable members interjecting.

Mr BRACKS — The honourable member for Pakenham keeps interjecting. Get up on your feet and say something if you want to!

The SPEAKER — Order! The Premier well knows that he must make his remarks through the Chair in the third person and not directly to any particular member.

Mr BRACKS — I did not mean to impugn the honourable member for Pakenham. He is very good at defending himself in the house, and I am sure he will do that at some point.

I reiterate that the matter will be replied to in detail by the Treasurer, but the honourable member for Cranbourne can be assured that we are investing more in education.

Budget: fiscal responsibility

Mrs MADDIGAN (Essendon) — I ask the Treasurer, who handed down such an excellent budget on Tuesday, to advise the house about the latest developments concerning new tax initiatives and the government's budget commitment to fiscal responsibility.

Mr BRUMBY (Treasurer) — I thank the honourable member for Essendon for her question. Today we have seen at first hand the benefits to our state of responsible financial management in the best unemployment figures in this state for many, many years indeed — the lowest in Australia and at or below the national rate for the last 23 months.

One of the hallmarks of the Bracks government has been fiscal responsibility, as I pointed out yesterday. Our first budget had a surplus of $1.2 billion and this year the figures look set to come in at a $765 million surplus and a surplus going forward at $522 million. I pointed out to the house yesterday that if the policy proposals that have been enunciated by the Leader of the Opposition were to be implemented, the payroll tax cut to 4.95 per cent would cost the budget $203 million and the retrospective stamp duty windfall rebate reimbursement scheme would cost the budget $350 million, which, added together, would push the 2002–03 budget into deficit.

Mr Clark — On a point of order, Mr Speaker, the Treasurer is both debating the question and misleading the house, and I ask you to bring him back to order.

The SPEAKER — Order! The latter part of that point of order is out of order. I ask the Treasurer to come back to answering the question posed by the honourable member for Essendon.

Mr BRUMBY — As I pointed out to the house yesterday, that would push the budget into deficit. I want to advise the house of the risks posed to the budget bottom line by these proposals, particularly the stamp duty windfall rebate proposal. On Tuesday the *Herald Sun* ran an article written by Enzo Raimondo, the chief executive of the Real Estate Institute of Victoria. He says this about the Leader of the Opposition's plans — —

Dr Napthine — On a point of order, Mr Speaker, the Treasurer is continuing to debate the issue. The purpose of question time is for the Treasurer to provide information about government policies and actions, not to simply read from newspapers.

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

Mr BRUMBY — The question asked me to examine possible new tax initiatives and the government's commitment to fiscal responsibility. The government is totally committed to fiscal responsibility.

What I am pointing out to the house is that the tax initiatives proposed by the Leader of the Opposition would be fiscally grossly irresponsible.

Mr Perton — On a point of order, Mr Speaker, as I said to you yesterday, for two weeks we have had ministers being called to account by you for debating the question, and on each occasion the minister has flouted your ruling and returned to exactly the same point. The Treasurer is utterly guilty of this. Mr Speaker, you have shown great tolerance and forbearance to this point. If the Treasurer persists in this I ask you to either sit him down or suspend him.

Mr BRUMBY — On the point of order, Honourable Speaker, I listened very carefully to the question asked by the honourable member for Essendon. Here we are in budget week with a budget with a surplus of $522 million having been brought down. I have been asked a question about the government's commitment to fiscal responsibility and I have been asked to comment on alternative tax proposals which might threaten that surplus. That is what I am doing. It is a relevant question. The public of Victoria is entitled to know about the government's commitment to fiscal responsibility and about alternative proposals that would throw the Victorian budget into the red — into deficit. That is what we have been talking about; that is what my answer is about.

Ms Asher interjected.

Mr BRUMBY — The Deputy Leader of the Opposition says no-one believes that — —

The SPEAKER — Order! I remind the Treasurer that he is speaking to the point of order.

Mr BRUMBY — The fact of the matter is, as I am explaining to the house, that the two propositions put forward by the Leader of the Opposition would throw the Victorian budget into deficit. That is the question that I am answering.

The SPEAKER — Order! The question posed by the honourable member for Essendon asked about developments in regard to the government's commitment to fiscal responsibility. Although the Chair has shown some tolerance to the Treasurer's canvassing of alternative policy proposals in regard to fiscal responsibility, I will not allow him carte blanche to simply explore the opposition's policy in this area in continuing his answer.

Mr BRUMBY — Let me outline the REIV's response to the canvassing of proposals for a retrospective stamp duty rebate. It says:

> As for the opposition's plan to provide stamp duty rebates in so-called 'boom years' — —

Mr Perton — On a point of order, Mr Speaker. This is the third time the Treasurer has flouted your ruling in respect to debating the question. I have it as now about 16 times in the last two weeks. On behalf of yourself and the house, Mr Speaker, enough is enough, and you should sit the Treasurer down.

The SPEAKER — Order! I am not prepared to uphold the point of order. However, once again I remind the Treasurer that he must come back to answering the question about fiscal responsibility by his government.

Mr BRUMBY — I am attempting to do that by advising the house about the flaws of this proposal, which would force the budget into deficit. The Real Estate Institute of Victoria said that this plan to provide stamp duty rebates in so-called boom years is 'a half-baked proposal fraught with problems'.

Mr McArthur — On a point of order, Mr Speaker, there have been numerous rulings from the Chair in the past relating to the reading of extracts from newspapers. I ask you to uphold those rulings and point out to the Treasurer that there is a parliamentary library and that anyone who wants to read that article is welcome to go there and have a look at it themselves.

The SPEAKER — Order! I do not uphold the point of order. The precedent in this house has been that honourable members and ministers have been allowed to quote from different publications. However, once again I will not allow the Treasurer to make extensive quotations in his response.

Mr BRUMBY — What a remarkable thing it is. You would think that opposition members would be standing behind their leader's tax policies, wouldn't you, but here they are one after another — —

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

Mr BRUMBY — The Bracks government is totally committed to fiscal responsibility and budget surpluses, and it rejects absolutely these half-baked proposals which would throw the budget in this state into deficit. The shadow Treasurer has walked away from the Leader of the Opposition in the media today. He is not backing his plan — —

Dr Napthine — On a point of order, Mr Speaker, I suggest to you that the Treasurer is debating the question, and I ask you to bring him back to order.

The SPEAKER — Order! I uphold the point of order and ask the Treasurer to come back to answering the question.

Mr BRUMBY — The point is, Honourable Speaker, that if you want to get the sort of business investment, jobs growth and interstate migration to Victoria that has been occurring under the Bracks government, you have to have responsible financial management. We have got it, we have delivered on it and we will deliver on it in the future. But if you implement the sort of half-baked proposals of the opposition you will throw the budget into deficit.

Mr Perton — On a point of order, Mr Speaker, I have to put it to you that the Treasurer is taking you on and taking on your role of authority on behalf of this house. On five occasions during that question you drew him back to order and each time he violated your ruling. I ask you, Mr Speaker, on the next occasion he does this — I think he has concluded his answer now — in respect of your own authority and in respect of the privileges of this house to either suspend him or sit him down.

The SPEAKER — Order! I am not prepared to uphold that point of order raised by the honourable member for Doncaster. As a matter of fact, upon his taking of the point of order, the Treasurer was speaking about the fiscal responsibility that his government was undertaking. The Treasurer has concluded his answer.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc is warned.

The time set down for questions without notice has expired, and a minimum number of questions has been dealt with.

Mr McArthur — Mr Speaker, my point of order relates to the authority of the Chair — —

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order so that I can hear the point of order.

Mr McArthur — My point of order relates to the authority of the Chair and the respect due to the Chair by all members of this place. Can I point out to you, Sir, that you have exercised that authority on numerous occasions, and I can give you some examples of occasions when you have warned members that if they continue to take certain a course of action you will suspend them under sessional order 10. That has happened in the taking of points of order that you consider frivolous, and in the continuation of interjections that you consider unruly.

Can I point out to you, Sir, that in recent weeks you have on numerous occasions drawn to the attention of a number of ministers, particularly the Treasurer and the Attorney-General, that they have breached the rules of the house in continuing to debate matters when they should be answering them. Can I point out to you that despite your rulings and your advice they have consistently and repeatedly flouted your rulings and challenged your authority. While I accept, Sir, that you have a difficult role, I suggest that the leniency shown by the Chair to some ministers on some issues is far greater than the tolerance shown by the Chair to other honourable members on other indiscretions. Can I put it to you that that undermines the authority of the Chair and brings into question the respect due to the Chair by all members of this place. I seek your assurance, Sir, that it will cease.

Mr Thwaites — On the point of order, Mr Speaker, there was no point of order in that statement. The honourable member was purporting to tell the Speaker how to do his job, which is for the Speaker to determine, not the honourable member for Monbulk. During question time I recall the Speaker on two occasions calling an honourable member back to the topic, and in both cases the honourable member returned to the topic. On other occasions, in an endeavour to interfere with the flow that was coming from the person speaking, opposition members repeatedly rose to their feet and raised spurious points of order aimed merely at stopping the minister from responding to the question asked.

The SPEAKER — Order! The honourable member for Monbulk has raised a point of order in regard to the authority of the Chair. I am cognisant of the heavy responsibility that the Chair has in trying to administer the affairs of the house. There have been numerous occasions when the Chair would have liked the cooperation of all honourable members in trying to achieve the outcomes we have been sent here to achieve on behalf of our constituents. On each and every occasion I endeavour to be fair and impartial. If the honourable member for Monbulk has a contrary view he is well aware of his right to move a motion of dissent from the Chair.

FISHERIES (FURTHER AMENDMENT) BILL

Second reading

Debate resumed.

Ms ALLAN (Bendigo East) — I am pleased to make some brief comments in support of the Fisheries (Further Amendment) Bill. The bill makes a number of changes to the legislative framework for the sustainable use of Victoria's fisheries resources, improving service delivery and recognising issues around indigenous fishing. The bill continues the Bracks government's approach to protecting our waterways and fisheries but recognises the need to maintain the sustainable use of Victoria's natural resources.

Only this week the state budget again put in black and white the government's continued commitment to a healthy river and waterway system and from that flows a better use of our fisheries resources, with initiatives such as $77 million for the Wimmera–Mallee pipeline, $10.6 million allocated for healthy rivers, $15 million for improving the Murray River and $12.8 million for the Gippsland Lakes, all tying together the Bracks government's approach to protecting our waterways and looking at protecting them for the future. When you consider the environment for the fish, it is important for these budgetary measures to have been introduced.

I turn briefly to clauses 5 and 12, which deal with issues of indigenous fishing. The bill provides for the collective expertise of members of the Fisheries Co-management Council to include experience and knowledge of indigenous fishing uses. The bill provides for a class of permits that will allow the non-commercial harvesting of fish for indigenous ceremonial or cultural events. Clearly this recognises that fish are important to Victoria's indigenous people, both symbolically and culturally, and it is important that their uses are protected by the legislation.

The bill also makes amendments to the recreational fishing licence system. It requires all anglers to carry their fishing licence with them. Those who do not have their licence with them will have a seven day grace period in which they can show their licence. Alternatively I understand an amendment to be proposed by the minister will provide for a certified copy of the licence to be presented within that seven day period. It is important to have the licensing system; we have it for a reason. A trust account has been established following the passage of legislation in 2000 to establish the licensing regime. The trust account is pumping resources back into the fishing area, whether improving areas for access or improving the environment for fish. There is provision for education for people who go out to fish, and it also encourages those people who might want to take up fishing but require more information.

I will briefly pick up on a point made by the honourable member for Polwarth when he spoke extensively about fishermen. I point out to him that there are not just fishermen out there but also a number of fisherwomen. I much prefer to use the terms 'fishers' or 'anglers'.

Mr Dixon interjected.

Ms ALLAN — No, it is important because fishing is a very popular recreational activity that both men and women enjoy. I had the great pleasure of chairing the Bendigo regional fisheries management plan steering committee on behalf of the minister. It exposed me to a whole range of issues about fishing use in central and northern Victoria. It is important to recognise all people who participate in fishing activities. Bendigo and central Victoria are significant fishing destinations, with a number of major waterways such as Lake Eppalock and the Campaspe and Loddon rivers. The management plan looked extensively at those waterways from both an environmental and an access point of view, ensuring that the waterways are stocked so that people can go out and enjoy catching the fish.

With those brief comments I conclude my contribution and support the legislation.

Mr DIXON (Dromana) — I, too, support the legislation. It is all about a sustainable fishing industry. Overall our industry is sustainable in Victorian waters and the bill will enhance that. The responsible minister in the other place says we have a sustainable fishing industry, and I think all honourable members who have some experience, especially those with coastal electorates, would agree that that is the case.

The angling licences addressed in the bill have gained a degree of acceptance in the wider fishing community, but when you talk to anglers, especially those who have been asked to produce their licence, while a lot of them vaguely understand why they need to have a licence they are not convinced about where the money from that licence is going.

As the honourable member for Bendigo East said a minute ago, the money was going into a trust account for a range of uses. My understanding is that at this stage it is being used only to buy back licences that are being used by commercial fishermen. In most cases they have been dormant — not a lot of them are active. Whether that is right or not, it is the general

understanding and perception of the fishing community. I think what members of the fishing community want is more visible proof of where their fishing licence revenue is going in terms of things like artificial reefs, education and research.

An area of research that needs to be boosted — and I have not noticed it in my reading of the budget at this stage — is research on the pests we find in the bay, especially the northern Pacific sea star. That is very high on the agenda of recreational fishermen.

They would also like to see improved boating facilities. I know that when the licence buyback has been completed money will go to those areas, but we need to address that pretty quickly otherwise the good acceptance of the fishing licence will melt somewhat.

Recreational fishermen are very aware of these sorts of things because a lot has been asked of them. They often have their hands in their pockets: they have to insure and register their boats, have boat licences, have trailers that are insured and registered, pay boat-launching fees, and now they must have angling licences as well. For the number of fish that I catch I am deeply in deficit at the moment! I am yet to get my boat licence, but I am sure I will do so before next Christmas.

The practicalities of having a licence with you in a boat are very different from those that come into play when you are in a car and are carrying a wallet. There are plenty of places to keep a wallet in your car or on your person. When you are fishing there are problems and they have been addressed in this piece of legislation. There are practical concerns about having a piece of paper with you when you are out on the water where it can be messy and wet, not just when you fall in the water but also during the general activities of fishing. I am glad that we now have a seven-day period during which you can produce your licence to the relevant authority. That is a practical concern and, again, it goes some way to addressing some of the general concerns that anglers have in general about fishing licences.

The other aspect of the bill that I wish to talk about briefly is the concept of compliance and enforcement. Of all aspects of fishing activity, whether commercial or recreational, this is the most important. It is very important that people see a visible presence and that they understand that if somebody breaks the law — such as exceeding bag limits, not complying with licence conditions, or whatever — they will be punished. If everybody complies then we have sustainable fisheries and the load is shared equitably amongst all people who fish. If there is less compliance because of less enforcement and less rigorous enforcement, the efforts of those who do the right thing are doubled because of those people who do not comply with the various fishing laws. It is important that we have a visible, understandable and transparent compliance and enforcement system.

I have spent a fair bit of time reading the contribution to the debate made yesterday by my colleague the honourable member for Mornington who spoke about his experiences with the fisheries officers. I have had the same sorts of experiences. Fisheries officers have a very onerous duty and there needs to be a lot more of them. I understand more are coming on stream. A visible presence of people who follow up all aspects of fishing, whether recreational or commercial, is very important. You often see fisheries inspectors out on the water but you rarely see them at boat ramps. That is where it all happens. Most boats — or 95 per cent of them, not including the ones that come off moorings — go in and out of the water at boat ramps. That is where the visible presence should be and where education should occur. I would certainly like to see more of that. With those few remarks, I support this piece of legislation.

Mr SEITZ (Keilor) — I rise to support the Fisheries (Further Amendment) Bill and congratulate the minister on the step taken in this bill in recognising our indigenous people and their right to fish. Because of white settlement, it seems always to have been considered as commercial fishing, the prerogative of white settlement in the area, forgetting that our indigenous people were living on the sea shores, the estuaries and the inlets and used those areas as a source of food as well. It is a very significant step forward, particularly for our bureaucracy when it advises the minister and the government on the biomass of fish species to be taken out of the water, that there is a percentage allocated for indigenous people and we are not just dividing it up between the environmental sector and the professional and recreational fishermen. There is a fourth organisation that needs to be considered, so I am very pleased with that amendment.

The Environment and Natural Resources Committee, which I chair, visited New Zealand and we had explained to us the fishing situation there. In the past the government and bureaucrats over there had neatly developed the biomass and quotas for each fishery that they considered — recreational, environmental and professional — but forgot about the Maoris' fishing rights, and there was no quota or biomass left — no tonnage for them. The New Zealand government eventually had to be forced into buying back some of the quotas it had issued to professional fishermen, so I see this as a very progressive step.

This matter was mentioned in the report that the committee tabled to Parliament on the Fisheries Co-Management Council, so I am pleased to see that this step has been taken by the minister, and I hope our indigenous people also appreciate the steps that have been taken by the community and the representations people have made to the committee.

For the white settlement and people who think it is their prerogative, a hunter–gatherer mentality still exists, although when we had public hearings there were submissions from a number of responsible professional fishing organisations and representatives of the recreational fishermen who understood the need for control and conservation and that to have a sustainable fishing industry there must be sufficient stock left in the environment for breeding and the development of fisheries for future generations so some fish species do not become extinct.

This is still something that we as a society do not really look at in depth or consider as much, and there is not a general campaign for saving our endangered fish species, which is an important and integral part of the strategy, and I think what the minister is trying to introduce in relation to our marine parks goes a long way towards that.

I had the opportunity of having a look first hand at marine parks in New Zealand. The fish species there are completely different, and so are the attitudes of both the professional and recreational fishermen and the public in general, living in harmony near the marine parks that were established there. It has not endangered the professional fishermen.

The licensing that has been introduced for recreational fishermen is an important and integral part of the system, particularly when we look at some of the fish species that are very lucrative and the poaching that takes place, so there needs to be a strict enforcement of bag limits, quotas and the type of fishing gear that is used, and we must ensure that there is no illegal use of netting by unlicensed people and that everybody complies with those rules. That also means enforcement.

In the bill the expression ‘coastal waters’ has been changed to ‘regional Victorian waters’, which means that the marine police can pursue suspected poachers or people who break the law, and if they are trying to get out of the 3-mile limit on Victorian waters the police can pursue them on those matters. That is another important step towards enforcement of the fisheries laws and regulations.

In many cases the Department of Natural Resources and Environment fishery people even have to look at fish caught in commonwealth waters that have landed in Victorian waters, so this brings us another step closer to recognising the importance of our aquatic creatures and of the food chain. A major aquatic industry can be developed, as we have done with dolphins and whale watching at Warrnambool. If we further develop those opportunities it will create an industry in that field for fishing charters or simply ecotourist charter boats taking people out and showing them how marine life exists and interacts.

This process is just in its beginning phase in Victoria and needs to be developed further. It is hoped that these amendments will assist in developing further the recognition of the importance of our fishing industry and the general fish and other aquatic creatures in all Victorian waterways, estuaries and inlets, including our 3-mile limits. I wish the bill a speedy passage through the house.

Mr VOGELS (Warrnambool) — The purpose of the Fisheries (Further Amendment) Bill is to strengthen our fishing laws by making a number of housekeeping amendments.

Housekeeping amendments always worry me. These are the rules and regulations that seem to state that you are no longer allowed to catch sandworms on a beach which you are no longer allowed to dig from — your spade is ever diminishing, your bucket is getting smaller, et cetera — thus making it much more difficult for families to go out and enjoy a day’s fishing. I am talking about recreational fishing.

Requiring recreational fishers to carry their licence at all times when fishing and to produce that licence on request is actually not a bad idea. I have my fishing licence here — it is just a little soft piece of paper. If I were to take this with me in my pocket on a fishing trip it would last one outing — it would get wet, as I would be forever changing, putting on and taking off bait — yet the law will require fishers to carry their licences with them all the time.

I implore the government if it requires fishers to carry their licences all the time to ensure that the document is in the form of a waterproof card, perhaps similar to a driver licence or shooter licence, which is a plastic card that can be carried in one’s pocket or wallet and is more durable than the fishing licence is now.

The bill also allows the secretary of the Department of Natural Resources and Environment to issue a general permit for the taking of fish from recreational fishing

zones for a specified indigenous cultural ceremony or event. It allows the minister, by order, to declare an area as a subzone quota fishery and to set the allowable catch for that subzone.

This also concerns me in the sense that if the government of the day is not getting its way it can by stealth reduce quotas year in, year out, and eventually squeeze a fishing industry out of existence. We do need to monitor carefully what fish are out there and ensure that the fisheries are not overfished, but we need to do that with scientific research to keep tabs on what is actually happening out there.

The bill strengthens the enforcement provisions of the Fisheries Act, which most people in the fishing industry seem to think is important. There is no doubt that we need to stop poaching of our fish resources — the poachers need to be caught — but I do not believe that our inspectors need more powers. We do, however, need more inspectors — we need more people to catch the poachers. You can strengthen the laws all you like but if you do not have the people on the ground — out there catching the poachers — there is no point in strengthening the provisions. Already boats can be confiscated and the penalties are extreme, but poaching still happens. The answer is to have more inspectors on the ground.

I know that the budget provides for the Minister for Environment and Conservation this year, through the Marine Parks Bill, to have more inspectors employed, which is a great start, but we need to make sure that we have got people on the ground — out there, monitoring the situation. That would achieve a much better result than just strengthening the powers and making fines heavier. I support the bill.

Ms DAVIES (Gippsland West) — I am pleased to speak upon these amendments to the Fisheries Act 1995, and note that they have the stated aim of better managing fisheries and arrangements in place to hopefully ensure the sustainability of the industry. The legislation has various parts — it is a bit of a grab bag — and I will just go through the parts that have caught my attention.

There has been quite a bit of discussion in the house on the requirement that is introduced in this legislation that recreational fishers carry their fishing licences and produce them on demand to fisheries officers or police. I note that a house amendment, largely at the instigation of the honourable member for Gippsland East, suggesting that fishermen carrying paper licences in open boats in rough weather does not necessarily facilitate the longevity of the paper licence. It is suggested that carrying a licence on your person while fishing can be quite difficult — let alone the fact that you might forget to have your licence with you.

That house amendment suggests that it is not the actual fishing licence but a certified copy of it that needs to be posted in to a police officer if you are not able to produce it at the time. That is a very commonsense amendment, and I am glad it has been prepared.

There is an obvious conflict with recreational fishing licences at the moment. I appreciate that the minister is aiming to make it easy for people to get a recreational fishing licence, but I think that when you have a simple paper licence with no photo identification on it there is still an opportunity for fraud. Perhaps people should have to show some sort of identification when they get a licence and be able to demonstrate that the name they are giving is actually their own. We will wait to see whether this particular provision works in practice.

The bill also means that the secretary will be able to issue permits that will enable those who are seeking to fish as part of a particular indigenous cultural activity to in some circumstances exceed recreational bag limits. I understand that an expert on indigenous issues is already on the Fisheries Co-Management Council. An amendment in the bill will clarify the traditional fishing issues language that is used in the legislation.

Clause 7 provides for catch limits in subzones of a quota fishery such as rock lobster or abalone fisheries. The minister will be able to declare subzones and set the proportion of the total allowable catch that applies in that specified subzone.

The second-reading speech states that the Department of Natural Resources and Environment would work with industry to determine the best mechanism to allocate quotas within those subzones. I note that some concern has been expressed to me by the abalone and rock lobster industry about the uncertainty of that provision. Given the extreme trauma that was caused in my electorate around the implementation of the rock lobster quota, I urge the minister to ensure that that consultation is satisfactory to the industry.

I have a letter from the Victorian Abalone Divers Association referring to that part of the bill and stating:

> Clause 7 does not guarantee that the quota allocated under a subzone will be allocated equally. VADA wishes to ensure that where there is an initial quota order and an allocation method under that quota order then the allocation for a subzone order must be the same.

I would urge the minister to take very careful note of the industry's concern about those subzones.

Other elements of the bill aim to improve the enforcement of quotas and catch limits for recreational licence-holders. Sellers of rock lobster and abalone are going to be required to keep records documenting the quantity, date and source of any fish given a quota — priority species fish we are talking about — and the records must be kept for three years. I note there has been an obvious increase in enforcement of recreational catch limits and marking requirements for abalone caught under recreational licences.

We had an instance locally where a very legitimate recreational fisher was caught not marking the abalone as is officially required under current law. I respect the increased enforcement effort to ensure that there is not excessive abalone poaching — it is part of the government's notion of marine parks legislation that there would be a very substantial increase in enforcement efforts — and I assume that this is perhaps an early beginning to that. However, I would like the minister to note — and I have written on this issue — that legitimate recreational fishers of abalone have expressed to me their concerns about the current regulations requiring them to slash and mark the abalone they catch.

The theory behind this requirement is that it is then very clear to any purchaser of abalone whether these are abalone that have been caught legitimately for commercial purposes or whether they are abalone that have been caught under a recreational licence and are being illegally sold. The impact of marking such abalone is that it can spoil the abalone, and certainly bleed it and mark it to the point where it is inedible.

I have been asked to ask the minister to review that regulation requiring abalone to be marked and to see if there are alternatives. Other states use other alternatives, including New South Wales, where abalone are tagged when they are caught under a recreational fishing licence. The advantage of tagging, it seems to me, is that it would be much easier for the department to determine the number of abalone that have been legitimately caught under recreational fishing licences. I believe that would be of definite assistance in working out the numbers of abalone available for catching.

I see real benefits in changing the way the government currently enforces the recreational take of those abalone and lobster. It has also been suggested to me that the way rock lobsters are supposed to have their tails cut at the moment can damage the fish, and that there are other less cruel ways of marking lobsters as well as marking abalone. I ask the minister in the other place, but also the Minister for Environment and Conservation, to have a look at that.

At the same time, however, I do approve of the measures in this bill which are specifically aimed at better enforcing the law to stop poaching in valuable fisheries, since any poaching is liable to reduce the sustainability of the fishery. Some of the other measures in the bill that will increase the enforcement of the law involve giving officers new powers to enter and inspect premises to take copies of documents. Officers are able to demand the production of records. Records are supposed to be kept for over three years. Officers will be able to require, upon reasonable notice, that financial information and business records be produced. I support those measures.

It is very important, particularly with the introduction of marine parks legislation in this house, that all efforts be made to ensure that legitimate fishermen who are obeying the law have access to the source of their catch and that the catch is not depleted by illegal poaching, as has happened in the past. Some of that illegal poaching is highly organised and very professional and some of it could perhaps be described as hunter–gatherer activity which might have a commercial end in mind when people go fishing with recreational licences and exceed their catch and hive some of it off for a few dollars. That type of poaching is not the main problem. It is the very organised commercial poaching operations that is sometimes featured in the media that I see as the main problem for commercial fisheries and for DNRE enforcement efforts.

I urge the minister to clarify as soon as possible the details of the enforcement effort the government plans to bring in as part of the proposed marine parks legislation. The industry has clearly expressed to me its concern that the extra enforcement of fishery controls that are going to be brought in under the marine parks legislation will not be definitive enough, that the real effort will need to go into a special task force made up of not just fisheries officers but also police, properly equipped and resourced so that they can match the highly organised criminal activity of full-scale commercial poachers. I believe the minister could set the fears of a lot of commercial fishermen to rest if she were prepared to make it very plain that that kind of highly organised enforcement effort is part of her intention when the marine parks legislation comes before the house.

In the meantime I see this Fisheries (Further Amendment) Bill as one more step along the road to making sure that fisheries are managed properly. It is

essential that these fisheries are managed properly. I commend this bill to the house.

Mr TREZISE (Geelong) — I am also pleased to support the Fisheries (Further Amendment) Bill. This bill is about a providing a sustainable fishing industry and recreational fishing for Victoria. It deals in part with ensuring the tightening of current controls or existing legislation with regard to recreational fishing in Victoria.

I am happy to support the bill because my electorate of Geelong is based around Corio Bay, and there are many thousands of recreational anglers who enjoy fishing, not only in and around Corio Bay but also down through the Bellarine Peninsula in areas such as St Leonards, Indented Head, Queenscliff and along the surf coast. When one talks about fishing, the fishing industry and also recreational fishing, one has to mention towns like Queenscliff which is of historic value to the fishing industry. Many decades ago Queenscliff was essentially established around the fishing industry. As the honourable member for Geelong, I am happy to support this important legislation.

A key part of the legislation is the amendment requiring anglers to carry licences while out fishing, or to produce them within seven days of being asked to produce them. That will ensure that people who are fishing will carry their licences, and in many ways it will protect anglers who are doing the right thing by purchasing a licence. The funds from the sale of licences go towards the sustainable fishing industry and improving recreational fishing through the trust fund that has been established. Therefore it is important and fair that all anglers contribute to the fund through this licensing system. As I said, it will protect the conscientious angler who is doing the right thing, because to a large degree it ropes in those people who to date have not purchased a licence. Therefore as far as I am concerned, the requirement to carry a licence is a good initiative.

It is fair to say that the requirement for fishermen to carry a licence while out fishing can be a nuisance, especially when they are based on water. If you are out in a boat it can be wet inside the cabin and wet outside the cabin, and to be required to carry a piece of paper — a licence — would not be practical. To be able to produce a licence within seven days, either in person or, as I understand it, by posting it to the required spot, is not only fair but also practical.

I also support the provisions in the bill for indigenous communities in Victoria who may wish to exceed the existing catch limit quotas for ceremonial or cultural purposes. As I understand the bill, it enables the Fisheries Co-Management Council to recognise this and to establish procedures to give legitimacy to vary existing catch limits for indigenous communities who may wish to use the fish for ceremonial and cultural purposes.

Another part of the bill that is important to fishermen is the amendment that relates to rock lobster or abalone catches. Under the legislation people dealing in rock lobster and abalone will be required to produce records to show the source of their catch. Fishermen selling rock lobster or abalone will be required to produce taxation receipts to inspectors to validate the source of their catch. That is important because the government and the fishing industry are intent on protecting this high-value industry. As such this initiative will not only be welcomed by this house but also by the fishing industry, because it is a valuable industry to this state.

I am also pleased that because this is important and commonsense legislation which is about protecting and providing a sustainable recreational fishing industry for Victoria it is supported not only by the government but also by all members of the house.

This is an important bill. It takes steps to make a more sustainable fishing industry and improve fisheries for all anglers across Victoria. Therefore I support the bill and wish it a speedy passage through this house.

Mr PHILLIPS (Eltham) — As someone who is not an expert in fishing, a recreational fisher or a hobby fisherperson, I am not necessarily the most qualified person to speak on this bill. However, we are talking about the principles rather than the reality of having first-hand experience. Previous speakers have mentioned the benefits of the bill. No doubt we have all had the opportunity in our childhood days and or when growing up to become adults of going with a father, grandfather, uncle or friend and dangling a line either off a rowboat or off a pier or bank somewhere and trying to catch a fish.

My understanding of the bill is that its purpose is to protect the unnecessary taking of fish and ensure the sustainability of fishing in the future, which is good and in many respects is probably no different to what has been done in other industries — whether it be in the forestry industry with pines and old growth forests or wherever we are trying to protect for future generations a resource that is becoming scarcer for whatever reason.

This bill sets out a number of conditions and puts in place a number of penalties. One of the purposes of the bill is to require holders of recreational fishing licences

to produce their licences for inspection when fishing. In short, that is saying to people that there is no problem with their going fishing but they must have the appropriate licence to do so and must understand there are certain obligations involved in getting a licence. Those obligations include carrying the licence and producing it on demand to either a fishing inspector or a member of the police force. A set of conditions go with taking out a licence. The predominant reason for having a licence is about being responsible in the use of that licence.

The bill also enables general permits to be issued for indigenous cultural ceremonies or events. That is fairly self-explanatory. Members of Australian Aboriginal cultures may need to obtain a temporary general permit to allow them to catch fish and use them for either ceremonial or other traditional events. The bill also enables allowable catch limits to be set for subzones. That is designed to protect the resource and put in place certain standards and conditions.

The bill will strengthen the enforcement provisions. Clause 3(2), which inserts proposed section 44 (2), sets out the penalties that will apply for people who do not comply with the provisions. It states that a person who:

> … takes or attempts to take fish from inland waters; or
>
> (b) takes or attempts to take fish from marine waters; or
>
> (c) uses or possesses a recreational hoop net or a recreational mesh net in, on or next to Victorian waters —

will be fined 5 penalty units.

Most responsible recreational fishing people fish, as suggested in the bill, for recreational purposes. I know that a number of my constituents in Eltham enjoy fishing, because as I drive around my electorate I see both the larger, more expensive boats and the small dinghies with 2 to 5-horsepower motors parked in their driveways or on their front lawns.

The legislation is a start and I believe it is important to protect our resources for generations to come — for our children into the future.

Mr CAMERON (Minister for Local Government) — The Fisheries (Further Amendment) Bill does a number of things. One of the key things it does is clarify that a fishing licence has to be produced when requested and if it is not available it must be produced within seven days. It puts in place a sensible regime because the government wants to make sure that people who fish are licensed. We have very precious fishing resources and those who seek to fish must be licensed. The government must ensure that what is in place is an appropriate regulatory regime.

Although the government is legislating to put in place a better and more sensible regulatory regime, supported by both sides of the house, we cannot legislate to do things that we might like to do with fishing, such as legislate that all carp would suddenly disappear. Unfortunately, that menace involves human toil and effort to combat. I believe over time we will get there.

Fish stocks, particularly of larger fish, are under threat in many areas of our inland waters. We want the fish stock built up over time, and the positive initiatives to bring that about are supported by the community, in particular by fishermen, who are keen to build up the fish stock because it will mean they will have more fish to catch, more fish to take home and ultimately more fish to eat.

The legislation does a number of things, and honourable members have spoken about them. I support the bill. We enjoy fishing and we must make sure we have a regulatory regime in place to protect the industry for the future. The sustainability of fishing resources is most important, and that is why the legislation is important.

Mr THOMPSON (Sandringham) — The management of fisheries is a very important aspect in the natural resource area of government administration. One of my colleagues, who is of Koori heritage, noted in an earlier contribution the importance of making sure appropriate provision is made from one generation to the next so that those who come after us have the opportunity to appreciate the resource.

In the records of the early exploits of the travellers to Victorian coastal waters there are some reports of the abundance of fish and marine life in Port Phillip Bay. One need only read the diaries of Matthew Flinders or the expedition of the *Lady Nelson*, the *Calcutta* — or the *Cumberland*, in which I think Charles Grimes travelled. In one particular case they recorded that they collected 500 or so lobsters in the coastal foreshore precinct at Sorrento. In another region they reported on the proliferation of oysters and mussels. I dare say that any fisher who works Port Phillip Bay these days would not be able to catch fish to the same level of abundance as fishers could in earlier years.

The early settlement of Victoria was founded principally on the whaling industry, which is allied to the fishing industry. One element of resource protection is that in 1978 it was a Liberal government that led the

world, really, in banning whaling, and a ban was imposed on whaling in Australian coastal waters.

At the time of the early settlement of Portland and other areas of the Victorian coastline, whaling was a thriving industry and a by-product of whaling, whale oil, was used for machinery back in England, for paraffin lamps and also for the lubrication of watches. The whale bone was used for a range of brushes. It was a highly valued resource that led to the development of one of the first industries on Victoria's coastline. However, it was an unregulated industry. As a consequence of the breadth of the take at the time, whereas at one time there might have been 100 whales in the Portland harbour it did not take long for the southern right whale to be in such diminished quantities that the industry could no longer be pursued.

In more recent days we have seen the collapse of international fisheries. We have had the example in Canada of the collapse of the cod industry in Newfoundland. It was once a prolific industry but through inappropriate management regimes the total industry collapsed and led many families and fishers to lose their means of employment and livelihood. There has also been a decline in the numbers of blue whale and orange roughy; and in Port Phillip Bay the tiger flathead, sand flathead and the gurnard perch are in diminished quantities.

For many years now Victoria has had regulatory regimes governing fishery management and practice which have dealt with bag limits, size limits and seasonal limits. It is a great thing to engage in dialogue with recreational anglers as they unfold their own experiences of favourite places for catching fish.

In a conversation I had earlier today mention was made that one of the problems with fishing is that, with modern technology, position indicators and the scientific understanding of fish breeding grounds, effective management of the resource is more difficult — or more simply expressed, there are too many fishermen and not enough fish. That has led to concerns about the sustainability of the industry in the longer term.

The bill before the house makes some practical reforms which are supported by both sides of the house. They include the requirement that holders of recreational fishing licences produce their licences for inspection when fishing. An interesting element of that is the practical provision that allows fishers who do not have their licences with them when asked to produce them to do so subsequently. Proposed section 44(2) develops that practical reform or improvement.

A purpose of the bill is to enable general permits to be issued for indigenous cultural ceremonies or events. In metropolitan Melbourne that may not be of quite the same significance for members of the Kulin nation or the Bunurong tribe, who once inhabited the coastal shores of southern Melbourne, but there are remnant grounds where in the earlier years the fish collectors gathered: the middens and waterholes around the foreshore of Port Phillip Bay.

Developing an understanding of these unique issues is important for future generations. The indigenous rights will certainly be more important to some of the outlying coastal areas in Gippsland, western Victoria and other regions of Victoria's coastline where there are stronger indigenous communities, such as Tidal River or at Framlingham in western Victoria, where that particular clause will be of importance.

The bill also enables an allowable catch to be set for subzones, which is important where catch limits are set. I have a constituent who has done some impressive fishing in the Bemm River region of eastern Victoria around the precinct of the Croajingolong National Park. It is one of the outstanding areas of Victoria, where the water runs eastwards off the mountain ranges into a range of very impressive inlets and lagoons and into part of the Gippsland Lakes structure. My constituent fisherman has recorded his catch of the bream in that area on a yearly basis for the past 50 years. He is an architect by profession and has carefully graphed the progressive size of his catch. He is cautious and is concerned about maintaining the catch and bag limits to ensure the sustainability of the resource.

A number of other provisions in the bill deal with enforcement and the facilitation of the operation of the Fisheries Act. I am pleased to support the bill.

Mr MILDENHALL (Footscray) — I also join with honourable members on both sides of the house in congratulating the government on its far-sighted legislation, the Fisheries (Further Amendment) Bill. In all these matters the task is to find the balance and to have a sufficient level of regulation to provide not only for a viable industry but also the preservation of the species, the breeding grounds and the habitat to allow for a sustainable environment for both commercial and recreational fishing.

I am glad that the debate has not become one of the exchange of fishing stories, because if it were not for the ability to drop a piece of bait into a trout farm my fishing success would be very thin indeed! I am conscious when I see legislation like this of the need to balance competing demands and competing rights. It

was only the other day that I had in my office a recreational angler who is a member of a club demanding that more consideration be given to recreational anglers than commercial fishers in the bay. He wanted to know why the practice of netting within the bay could be condoned or continued under any circumstances. It rang a bell, and given the huge numbers of recreational anglers in suburbs like mine where to take a tinny out on the bay and catch a flathead is regarded as a very attractive option for a good afternoon of fun and recreation, I am glad to support the legislation.

The recognition of indigenous fishing rights and the inclusion of appropriately skilled and experienced representatives on the Fisheries Co-Management Council are long overdue. It is another indicator of the path the government is taking in recognising the importance of the reconciliation process, the recognition of indigenous rights and the integrity of the culture that still remains among our Aboriginal people.

I am also pleased to recognise that many in my local area have reported to me that increasing numbers of fish are being seen in the Maribyrnong River. This is indeed a welcome development.

Debate interrupted pursuant to sessional orders.

The DEPUTY SPEAKER — Order! The honourable member for Footscray will be disappointed to learn that the completion time ordered by the house for the consideration of items on the government business program has arrived.

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 3, page 3, lines 24 to 26, omit these lines and insert —

   "demand is made —

   (a) the licence and a stamped addressed envelope for the return of the licence; or

   (b) a copy of the licence certified to be a true copy by a person specified in section 107A of the **Evidence Act 1958**.".

2. Clause 3, page 3, line 33, after "produce" insert "the licence".

3. Clause 3, page 3, line 34, after "licence" insert "or a certified copy of the licence".

Remaining stages

Passed remaining stages.

RACING ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 8 May; motion of Mr HULLS (Minister for Racing).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL

Second reading

Debate resumed from 8 May; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr CAMERON (Minister for Local Government).

ADJOURNMENT

Mr CAMERON (Minister for Local Government) — I move:

That the house do now adjourn.

Beechworth: preschool and child-care centre

Mr PLOWMAN (Benambra) — I wish to raise for the attention of the Minister for Community Services the matter of recurrent state funding of the Beechworth kindergarten. On Thursday, 24 January, I convened a meeting of that kindergarten with the day care centre. A representative from Kindergarten Parents Victoria, Gerald Mansaur, was there, and the mayor of the Shire of Indigo, Peter Graham, attended.

Immediately after that meeting I wrote to the minister about funding because the kindergarten had had a reduction of funding due to its co-location with the day care centre. I raised that matter with the minister in Parliament as well. I received a response from the minister saying that while the government is committed to implementing funding policies across the state it recognised this funding policy was not implemented in all cases. Therefore to manage the changed financial arrangements where children access both a preschool and a day care centre at the one location they will continue to receive the standard rate until 31 December 2002, and it will be reduced from then on.

Recently the honourable member for Benalla came into my electorate and advised the kindergarten that the full funding would be returned. The concerns were that the funding was reduced from $1260 to $660 per child. When the honourable member came into my electorate she was reported in the *Beechworth News* of 1 May as telling the president of the Beechworth Preschool's committee, Ms Featherstonhaugh, that 'all of her concerns were put to rest'. The article continues:

> 'The preschool will receive the higher level of funding, and will not be penalised for its co-location. That should never have been an issue', Ms Allen said.
>
> Addressing the local crowd, Ms Allen said she was rapt to be making these arrangements.

I found this very hard to understand because there was no announcement of this funding. I obtained a copy of the letter from the minister which Ms Allen had brought with her. The letter states:

> … funding to the Beechworth Preschool was reduced from the rural rate in 2001–02 due to funding provided to another preschool service in Beechworth. This other service became funded due to the removal of the minimum enrolment funding requirement in 2001 and the exemption from the minimum requirement provided in 2002.
>
> In recognition of the impact these decisions have had on the Beechworth kindergarten … funding will be reinstated to the rural rate …

The DEPUTY SPEAKER — Order! The honourable member's time has expired. I am not quite sure what action the honourable member has asked the minister to undertake.

Mr PLOWMAN — My apologies, Deputy Speaker. I wish the minister to take this up and to assure the house that these funds will be reinstated.

Footscray: shopping precinct

Mr MILDENHALL (Footscray) — I seek from the Minister for Planning additional funding for improvements to the Footscray shopping centre streetscape. The Maribyrnong City Council currently has a $335 000 project under way to upgrade the streetscape of Hopkins Street, which is the main shopping spine in the Footscray shopping centre. Of that amount the government contributed $145 000 through its Pride of Place program. The council is seeking an additional $200 000 to fund the completion of the street works, and at the location where Hopkins Street becomes Barkly Street the works would extend from the intersection with Nicholson Street up to Victoria Street at the famous Plough Hotel.

It is no secret that the Footscray shopping centre has declined over recent years as a result of competition from Highpoint Shopping Centre and other regional shopping centres, but it is still a major retail and activity centre for the multicultural community and a community service centre. I am pleased to report to the house that there has been a renewed interest in Footscray's residential and trading activity built on the back of the 30 per cent reduction in the crime rate as a result of this government's doubling the number of police stations in the area and its proximity to the booming areas of Yarraville, Seddon and West Footscray. Hopkins and Barkly streets need upgrading to make pedestrian activity easier and more comfortable, and to make them more accessible to the aged and disabled. An improved urban character that reflects both a contemporary and multicultural theme would give the centre a real shot in the arm.

If the government assists with a grant it would raise the total expenditure for the project to around $900 000, and combined with the recent magnificent announcement of a $12 million new police station, the coming transit city upgrade, the announcement of the $2.7 million theatre development at the Footscray Community Arts Centre — one of the pre-eminent centres of its type in Australia — it would no doubt lead to a revitalisation of Footscray's heart. This is a vital project for the future of the Footscray shopping centre, which is ideally situated between the huge campuses of the Victoria University of Technology and the TAFE college and close to one of the busiest rail stations, and which is the place that many of our multicultural communities are proud to call home. I ask the minister to give her earnest attention to the possibility of providing this grant.

Border anomalies: P-plates

Mr JASPER (Murray Valley) — I say at the outset how disappointing it is that we have only one minister coming in for adjournment debates, and also that the Minister for Tourism did not accept my challenge to

come up to Rutherglen for the grape-treading competition. However, it will be a great day without him, just the same.

I raise for the attention of the Minister for Transport another border anomaly. Many of us who live along the border between Victoria and New South Wales are very much aware of the difficulties for people living in that circumstance. I bring to the attention of the minister the recent case of an 18-year-old from New South Wales who came into Victoria and purchased a car — not from Jasper Brothers — and then travelled back into New South Wales, but not before buying Victorian P-plates, which happen to be white on a red background.

He was apprehended by a policeman in Culcairn in New South Wales for speeding and received an infringement notice. On inspecting the car and talking to the driver, the policeman found that the driver had Victorian P-plates on the car but a New South Wales provisional drivers licence. The driver then suffered a further penalty because he had the wrong P-plates on the car, as in New South Wales they are red on a white background.

The driver paid the infringement penalty, but the situation has subsequently been checked up and followed through, in particular by the *Border Mail*, which reported a New South Wales police inspector as saying:

> It is a trap for young players.

This is an obvious border anomaly which should be attended to. A legal representative who was spoken to about this matter said that this young person should not have paid the infringement notice fine but rather should have taken it to court to highlight this border anomaly — a New South Wales P-plate driver using Victorian P-plates for identification while driving in New South Wales being apprehended by a New South Wales police officer and suffering two infringement notices: one for speeding, which he accepted at the time, and one he later agreed to pay for using P-plates which are illegal in New South Wales.

Information is now being delivered by Vicroads through its pamphlets indicating that P-plate drivers need to have the proper P-plates on their motor vehicles but there is no indication that if they are driving in another state they must have the applicable P-plates for that state. I ask the Minister for Transport to address this issue immediately and eliminate yet another border anomaly between Victoria and New South Wales so people seeking to do the right thing are not fined because of the illegality of using the wrong P-plates.

Seniors: Internet access

Mr MAXFIELD (Narracan) — I raise an issue for the Minister for Senior Victorians and ask her what action she can take to overcome the barriers to new technology faced by seniors in rural communities. New technology is an issue that is close to my heart and the hearts of many people in rural communities. For example, upon my father's retirement my parents purchased a computer for the first time, and they are now using that computer to participate in many community activities such as printing things out for church groups.

Many retired people are still contributing a huge amount to our community through a raft of activities, volunteer and otherwise. Of course, so much information is transferred through emails these days that that affects our ability to communicate. Seniors are a growing group, especially in rural Victoria, and we find ourselves in a situation where they have a need for computers and new technologies.

Honourable members interjecting.

Mr MAXFIELD — It is disappointing to hear the negative comments being made by members on the other side about this very serious issue. The community can gain so much if our seniors can access and use computer technologies.

These sorts of computer technologies would give them a chance to contribute to our society and to access, via the Internet, a range of information sources which they might otherwise have difficulty getting to; sometimes getting out and about and going to libraries can be difficult for those who are getting a bit older. Accessing computer technology and the Internet can assist those people in gaining information.

Mr Leigh — I reckon you're a oncer.

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

Mr MAXFIELD — Honourable members know how much they use emails and computers as a matter of course. Obviously some members on the other side of the house are unable to tackle it, but we must do everything we can to assist those in our rural communities who want to access computers and computer technologies. At times it can be a little bit daunting to tackle computer systems, but we know that with a little bit of training and expertise we can make it a lot easier for people to access computers. This government is very much at the forefront of assisting not only rural Victorians but also seniors in this way.

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

Budget: drug programs

Mr DOYLE (Malvern) — I wish to raise a matter for the Premier. Yesterday in a question without notice I asked the Premier to maintain funding for drug harm-minimisation programs and specifically mentioned the peer education program and the pharmacotherapy program. Today I repeat that call to maintain these programs. In his answer yesterday the Premier said:

> … I totally reject his —

that is, my —

> suggestion that the government has cut funds to drug programs, because it has not.

The DEPUTY SPEAKER — Order! The honourable member should not be quoting from yesterday's *Hansard.* He can tell us what the Premier said.

Mr DOYLE — Indeed, I will use that to paraphrase, Madam Deputy Speaker. The Premier was wrong in that answer. At page 77 of budget paper 3 it makes it clear that the peer education program in 2001–02 budgeted for 350 participants but in 2002–03 it only budgets for 300. Again, for pharmacotherapy clients — that is, methadone clients — in 2001–02 it budgeted for 8800 clients yet in 2002–03 it budgets for only 7000 clients. In other words, as I said yesterday, those two nominated programs are being cut back. The reason is given in the footnote (a) on page 80 — that because of the reduction of heroin on the streets there is apparently a reduction in the demand for services.

I ask the Premier, firstly, to correct the record and state that I was not wrong in that claim about the budget and, more importantly, to correct the anomaly and restore those programs. It seems to me that even if there is a heroin drought — and the paper reported yesterday that that may be beginning to ease and there may be more heroin on our streets — but either way, whether more heroin is available or there is a drought, that is exactly the time to maintain effort, to get our most intractable users into programs and get better penetration with those programs. In particular, if there is a heroin drought our methadone program should be maintained because those people do not use heroin. After all, it is about a replacement for heroin, and there is a need to maintain the program. I ask the Premier to reconsider his answer of yesterday on a non-partisan basis and to restore those two important harm-minimisation programs.

Housing: child-free estates

Ms DUNCAN (Gisborne) — The matter I wish to raise today is for the attention of the Attorney-General. It concerns a proposal by a developer, Craig Gore, to introduce child-free residential communities in Victoria. I ask the Attorney-General to examine this proposal and take appropriate action. I would have though that such a proposal would breach all manner of antidiscrimination laws. The proposal was mentioned in an article in the *Sunday Herald Sun* on 5 May, which stated that Mr Gore, whose father built Queensland's Sanctuary Cove, is proposing a number of sites for such estates. He states:

> We are searching for land in Eltham … It is certainly on our agenda. There is huge potential in Victoria …

The same developer has also indicated to the press that he has looked at possible sites in Bacchus Marsh but preferred somewhere closer to Melbourne. I find this proposal quite bizarre, especially in a place like Bacchus Marsh. I can assure this developer that it is a very child-friendly town which takes great pride in being a cohesive and diverse community that respects people of all ages, genders and races and that he would not be welcome in Bacchus Marsh. Such a proposal poses a direct threat to this government's Growing Victoria Together strategy.

Banning children — and, one presumes pregnant women — from living on such estates would clearly have a significant impact on important issues such as the healthy development of communities. The proposal disregards this state's balanced approach where the government and the community listen, act and work together to achieve a better and more caring society.

One can only imagine what sort of community Mr Gore's would be — an incredibly selfish one, and a form of apartheid, in a sense. I am curious as to how the developers would go about achieving it and whether everyone applying to buy a block of land or a unit would have to have a pregnancy test — and I presume only women would have to have a pregnancy test.

Honourable members interjecting.

Ms DUNCAN — I will ignore the interjections from the opposition! But it also raises the issue of what your standing would be if you had actually purchased a property and later became pregnant. It would in fact require a pregnancy test for each prospective buyer.

I find the proposal extraordinary. I am sure it breaches various antidiscrimination acts, so I ask the Attorney-General to examine this proposal to see what its legal status would be. I think it would be outrageous and unwelcome. The proposed houses also have four bedrooms. I wonder why they would bother!

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

Balcombe Road, Black Rock: traffic control

Mr THOMPSON (Sandringham) — I wish to raise a matter on behalf of St Joseph's Primary School in Black Rock, the school principal, Mrs Annette Brewer, and one of the strong parent contributors at the school, Mr Alby Bardoel. They are concerned about traffic safety in Balcombe Road, Black Rock, and I seek the — —

The DEPUTY SPEAKER — Order! Which minister is this for?

Mr THOMPSON — I seek the intervention of the Minister for Transport to see whether he can accelerate the development of pedestrian-operated traffic signals outside the school site. According to Vicroads guidelines it does not meet the immediate criteria of the black spot funding program, that a certain number of accidents must have already occurred, so there is not that relevant accident history at the site. However, there may be scope for funding to be allocated under what is termed a potential black spot funding program.

In recent times there have been a number of accidents and near misses at or near the crossing. The school community is very keen to ensure there is an effective signal operation in place to ensure the safe transit of students at the school and the adjoining church over Balcombe Road, which is a very busy road.

This busy road will be made all the more busy as a consequence of the failure of the government to proceed forthwith with the Dingley bypass. This inaction by the government could lead to the extraordinary circumstance of increased traffic moving along Balcombe Road, Beach Road and the Nepean Highway as a consequence. The least the minister might be able to do in this particular case is ensure there is an effective operating pedestrian crossing at this location.

Budget: schools

Mr STENSHOLT (Burwood) — I ask the Minister for Education and Training to take action to ensure that new facility upgrades in the budget happen quickly and efficiently so that local school communities can enjoy them as soon as possible.

One of the matters I am very passionate about is education, having come to the house from an educational institution. I am a strong supporter and advocate for schools in my local community. Indeed, on being elected I was very much struck by the poor condition of state schools in my community. Clearly they had been run down after many years of neglect and quite a few had actually been closed.

I was very pleased that the Bracks Labor government took immediate action, for example, to upgrade Solway Primary School with new buildings which are due to be opened in a few weeks. Last year I had the pleasure of opening new buildings at Wattle Park and Hartwell primary schools where there were extensions. In the upgrades over the Christmas holidays and this term a number of schools received mod 5 portables, including Surrey Hills Primary School for a new library, and Wattle Park Primary School.

In the recent budget two of my local schools were delighted to hear the news that funds would be available to them for upgrades. I refer to Camberwell South Primary School, where I have worked very closely with the principal, Brigid O'Keefe; the deputy principal, Prue Boyd-Gerny; the president of the school council, Colin Jevons; and the people on the planning committee — Tony Pritchard, Phillip Carpenter, Margaret Henderson, Bruce Longdon, Stuart Bett, Peter Sala and Leh-Anne Engel. I also congratulate the architect, Michael Taylor, who has worked on it considerably. They are aiming to get 14 new classrooms, which will get rid of the enormous nest of portable classrooms they have had following many years of neglect.

I am also delighted for Camberwell High School, another local school which many children in my electorate attend. I remember the principal, Elida Brereton, the assistant deputy principals, Ken Tenner and Glen Linton, and the president of the school council, Marg Stephens, talking to me and saying, 'We need a library; the library is only big enough for 600 and we have 1400 kids'. I am very pleased that they have actually got over $2 million for the upgrade, to deliver a library and home economics facilities and to change the administration area and the front of the building. This is an excellent result from an excellent minister in the budget — rebuilding our schools.

Dingley bypass

Mr LEIGH (Mordialloc) — I wish to bring a matter to the attention of the Minister for Transport. It concerns yesterday's disastrous decision taken by the Bracks Labor government to take away a $180 million project from the south-eastern suburbs. The Dingley bypass, which is part of the Scoresby Road connection, was cancelled. The Bracks Labor government has lied. From the honourable member for Carrum to her Premier and all the way through to telling the Labor councillors of Kingston — they lied!

At a City of Kingston business breakfast on 29 October 1999 the Premier said that the Dingley bypass would be completed with funds from the $250 million which the government would release from the Transport Accident Commission. The Treasurer said that the bypass would be begun one year into the Labor Party's government. What have they done? They have lied! It is an economic disaster for the south-eastern suburbs. It is $180 million in total and to move the money ultimately for the extension of the Burwood tramline is a disgrace.

The honourable member for Carrum said that she had to look at the big picture. As the honourable member for Carrum she is looking at the big picture in Burwood. I do not know what the honourable member for Burwood has done to her to get her to agree to this, but it is an outrage! I call on the Bracks government, which has over $700 million in surplus, to make a truthful decision in the Parliament.

Where is the Minister for Transport tonight? Where is that coward? He is the Leader of the House! The honourable member for Carrum said that the Mornington Peninsula Freeway and the Dingley bypass would be completed. The government has not told the truth. I call on the Treasurer, the Premier and the Minister for Transport to come into the chamber tonight, and I call on the Minister for Transport to do something that he is not normally capable of doing — that is, to tell the truth for a change and to undertake a proposal that the government has said it would do.

Road safety: toll

Mr LANGDON (Ivanhoe) — I ask the Minister for Police and Emergency Services what action he has taken to reduce the road toll. As deputy chair of the parliamentary Road Safety Committee and having been a member of that committee since 1996, I am well aware that the road toll is of paramount concern to everyone in the house and previous governments of all political ilks. We are all endeavouring to reduce the road toll and save lives, so I specifically ask the Minister for Police and Emergency Services what action he has taken to do that.

My concerns are based on the latest figures to come across my desk. In the 12 months to January this year, 6379 people received serious injuries in more than 5000 traffic collisions across Victoria. This number comprises 257 bicyclists, 3182 drivers, 781 motorcyclists, 1447 passengers and 678 pedestrians. I think all honourable members would agree that those are horrific figures and we really should do something about them.

Those collisions were spread right across Victoria, from Melbourne to the regional centres and country Victoria, and across every age group. Over 1500 collisions occurred at intersections, and over 2000 collisions were single-vehicle crashes — that is, where just one vehicle crashed! Nearly 500 were head-on collisions. Nearly a quarter of the drivers and riders who were killed and tested had a blood-alcohol content over the .05 limit. That is a serious matter. Clearly the Transport Accident Commission and other people are doing lots of advertising to try to reduce alcohol consumption and drink-driving, yet people are still drinking and driving. Looking at the figure for March this year compared to last year, there has been a 45 per cent increase in road deaths, from 31 to 45. Again this is a step in the wrong direction.

Despite recent improvements motorcyclists continue to be overrepresented in statewide statistics, because they are about 20 times more likely to be killed than car drivers. Over half the motorcyclists killed or injured in 2000 were aged between 18 and 30. That is a tragic loss of life. We need to ensure that those young people are protected.

Human behaviour is known to be involved in about 90 per cent of accidents, whereas problems with vehicles are a factor in around 5 per cent of accidents. Those are serious figures, and I ask the Minister for Police and Emergency Services what action he is taking hopefully to reduce the road toll and save the lives of many young people in Victoria.

Insurance: public liability

Mr CLARK (Box Hill) — I raise a matter for the Minister for Finance relating to public liability insurance. I refer to a media release dated 8 May which was issued by the Municipal Association of Victoria. The MAV announced that its pooled insurance scheme for not-for-profit community organisations was to come into effect on 1 June. I congratulate the MAV and ourcommunity.com.au on getting this scheme up and

running. I certainly hope that everything falls into place for it and that it proves to be successful.

However, I was concerned to read confirmation in the media release that the scheme is not going to cover sporting and adventure activities or emergency services. This means that organisations such as pony clubs and football clubs will not be eligible. I also understand that no community groups within the municipality of Dandenong will be able to take part, because Greater Dandenong City Council is not part of the MAV scheme. That should be a matter of concern for the Minister for Gaming, who is at the table.

From a local government point of view these exclusions are perfectly reasonable because of the risk profile within which they need to work. But the government has put a lot of weight on the impending existence of this scheme and has used it to disclaim responsibility for taking more vigorous action to attend to public liability insurance issues across the state. I realise the current minister has received a hospital handpass from his predecessor on this issue, but he too has fumbled the ball.

I again ask the minister to pick up on some of the initiatives that the opposition put forward months ago and to put the government's weight and the expert advice of the Victorian Managed Insurance Authority behind helping other pooled schemes to get up and running very quickly before a lot more public liability policies expire at the end of this financial year.

Responses

Ms DELAHUNTY (Minister for Planning) — The honourable member for Footscray raised the issue of the revitalisation of the centre of Footscray, particularly around the Footscray shopping centre. He is absolutely right! Already substantial funds have been invested by this government to try to revitalise what is an important part of Melbourne.

The last government turned its back on Footscray; it was treated as though it did not belong to this city or to this community. Of course a variety of social problems arose because of that savage neglect, but since this government has come into office Footscray has suddenly become a centre of investor and retail interest. The community is led by an outstanding local member, who is a great advocate for what he might argue is urban renewal.

Under the Pride of Place program the government has already spent substantial funds to begin stage 1 of the refurbishment and revitalisation of the Footscray shopping centre, and I can see why it has done so. It fits centrally with the government's policy of revitalising areas around transport hubs, and attracting retail, residential, and investor interest into activity centres. Of course we know that Footscray has been chosen as a transit city destination and site as part of the government's Transit City project. Footscray has a new $12 million police station, and the government has invested $2.7 million in the outstanding Footscray Community Arts Centre. Footscray is only 12 minutes from the city, and it is the place to be.

By the time this government finishes, all roads will lead to Footscray. I think it is clear that not only do others want to go and live in Footscray, but half of the members of this Parliament are interested in looking at the revitalisation of the Footscray centre. I am delighted to announce that Footscray has been selected for an urban improvement grant from the Minister for Planning. Some $200 000 has been awarded to the Maribyrnong City Council, which will allow stage 2 to proceed, and we will find that images of the west will feature Footscray as its centre.

Ms CAMPBELL (Minister for Senior Victorians) — The honourable member for Narracan with his normal strong interest in his community has stressed the absolute importance of the Internet and computers for seniors.

I am pleased to inform the honourable member that our government will provide $30 000 to fund a Skillsnet seniors roadshow that will be visiting regional Victoria to provide Internet training. I am sure that the residents of Narracan and Gippsland will be pleased to know that this roadshow will be visiting their areas. The roadshow bus will have eight computers on board and will visit 30 rural and regional locations this year offering training to any interested senior. An estimated 700 to 1000 seniors will have their first lesson on the Internet this way. I am sure the honourable member for Narracan will find this of great interest. No doubt he will go along and enthuse his local community with his computer skills and encourage them to enter cyberspace on the roadshow.

The mobile Internet classroom for seniors will come calling at senior citizens clubs, universities of the third age, Probus clubs and Returned and Services League (RSL) clubs in towns across Victoria. The Skillsnet staff will train older people in a supportive environment which will enable them to develop the skills and confidence to hit the Internet. This is particularly important for country Victorians so that seniors can communicate with their children and grandchildren should they not happen to live in the same town or city. The honourable member for Narracan will be enthusing

his senior citizens, universities of the third age and RSLs to encourage them to come to the roadshow bus, get on to the Internet training site and enjoy that wonderful experience of the Internet.

Mr HULLS (Attorney-General) — The honourable member for Gisborne raised an issue of a proposal by a developer by the name of Craig Gore, who I understand is the son of the late Mike Gore, who was part of the white-shoe brigade in Queensland. His proposal is to set up a child-free estate in Victoria. He has already set up a child-free estate on Hope Island on the Gold Coast and he wants to set up a similar estate here. One wonders whether he has had too many margaritas in sunny Queensland and slapped on a bit too much sunscreen to be making an archaic decision like this. You have to ask yourself what sort of person would want to build areas where kids are not allowed, where any kid who visits the estate would be banned from communal areas unless supervised by an adult and where, if women become pregnant, they have to leave the estate.

The pleasantville of Sanctuary Cove is obviously not enough for the Gores. Mr Gore has already gone ahead and established an estate in Queensland called Aurora. As I said, it is a child-free estate on Hope Island. I would hope that most honourable members would be opposed to such an estate being set up here. It is true that we all go through babysitting blues from time to time. However, it is hardly time, I would have thought, to pack up our suitcases and have adults in one area and kids outlawed. It would be very difficult to describe Victoria, as we all do now, as the place to be if it is the place to be only if you are not a parent with kids, if you are not under 18 and if you are not pregnant.

We have a very clear understanding as a government of the types of communities we want — that is in our Growing Victoria Together strategy — and we are working together with the community to achieve a better and more caring society. A caring society, though, hardly involves having an apartheid estate. If we were to allow this development to occur in Victoria the next thing we might see is a Maclellan-free estate, which would be called Deanville, or perhaps a Napthine-free estate called Doyle Heights, or even a Liberal-free estate, which we would all agree would be heaven!

This type of idea clearly undermines the inherent value of every child, just when Australia and the international community are working so hard to bolster the need for kids to be involved in decision making that affects them. Placing an embargo on kids is not only ridiculous, it is childish. If Mr Gore and his mates want to start up a big playground and live in a big playpen like Aurora, then they will not be able to play in our sandpits here in Victoria, because such plans appear to be in breach of the equal opportunity legislation, the sex discrimination legislation, and potentially Victoria's planning laws, on the grounds that neither children nor pregnant women would be allowed to live on such an estate.

Mr Doyle interjected.

The DEPUTY SPEAKER — Order! The honourable member for Malvern should contain himself.

Mr HULLS — The equal opportunity legislation prohibits discrimination on the basis of age and pregnancy or potential pregnancy in the provision of a good or service. To set up a child-free estate, Gore would have to be granted an exemption under the act, and this would only be granted if the Victorian Civil and Administrative Tribunal believed it would further the promotion of equal opportunity — hardly the rationale behind Gore's warped and crazy concept of community! An estate where kids are banned may have slipped through in sunny Queensland, but such barbarity will not be tolerated here in Victoria.

I am writing to Mr Craig Gore in no uncertain terms so that he is clear about my position and is fully aware of what is and is not allowed under Victorian legislation. Indeed, if there were any further movement to develop a child-free estate in Victoria I would obviously have more to say about it.

Mr Doyle interjected.

The DEPUTY SPEAKER — Order! The honourable member for Malvern should cease interjecting.

Mr HULLS — Although many people might like the concept, we are not going to allow Gore to come down here and set up these child-free estates. I understand his next proposal is to set up a Geoff Leigh-free estate, and he wants to call it Utopia! But we are going to protect Geoff Leigh and we are going to protect kids in Victoria. These types of estates will not be allowed.

Ms KOSKY (Minister for Education and Training) — The honourable member for Burwood raised a matter in relation to schools in his electorate that have been given capital funding in the budget that was brought down on Tuesday, and he wanted to ensure that we moved very quickly to build those

schools and make sure that students get the benefit of the new facilities.

Mr Doyle interjected.

Ms KOSKY — Very good members of Parliament argue very strongly for their schools; some honourable members do not argue strongly for their schools.

In this year's budget the government allocated $216 million for more than 110 schools and TAFE institutes around the state to be either rebuilt or refurbished — that is an enormous amount of money — and 98 of these undertakings were school modernisation projects worth $141 million. The government is making a major investment in the eastern suburbs, where 20 projects will be developed involving upgrades to schools totalling $28.9 million.

It will benefit students and teachers who work in these facilities by making sure of excellent and modern teaching with up-to-date facilities in science, technology, libraries, home economics, music and physical education, as well as other enhanced spaces. The government really is putting in an enormous amount of money to make sure that education in Victoria is the best in Australia.

Camberwell High School, in the honourable member's electorate, received $2.18 million for stage 2 of its redevelopment which includes a new library and new food and information technology areas. Under the recent $2.4 million stage 1 of the redevelopment, new arts and technology facilities were built.

Camberwell South Primary School, also in his electorate, is receiving $2.5 million for 14 new general-purpose classrooms, an art and craft facility and staff work areas. The project also includes a new physical education facility, music room, canteen, extra toilets and change and shower amenities. The capital works are really about driving education in this state. This government has made a major investment — $216 million for more than 110 schools and TAFE institutes — —

Mr Honeywood — On a point of order, Madam Deputy Speaker, $51 million was underspent from last year — —

The DEPUTY SPEAKER — Order! The honourable member for Warrandyte will not come in here and hop up under the guise of taking a spurious point of order to enter into debate. There is no point of order.

Ms KOSKY — The honourable member for Warrandyte has difficulty getting on in either the adjournment debate or question time, so he uses points of order to make spurious comments. He is a bit upset that this government has made the investment that he would have loved to have made but could not convince any of colleagues of — if indeed he made the argument at all in his party room.

We are investing money in education in this state. The honourable member for Burwood will be very pleased that we are investing money in capital works, and he will also make sure that we deliver those new buildings as soon as possible so students can get the benefit of the extra investment.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Ivanhoe raised the very serious issue of our road toll, and I commend him for his longstanding interest in this matter. He is the deputy chair of the parliamentary Road Safety Committee, and I think that committee has over many years been representative of the bipartisanship that has traditionally governed matters pertaining to road safety and the road toll in this state.

Mr Leigh — And you wrecked it — $336 million ripping off people!

Mr HAERMEYER — You're a sick puppy!

Last year 421 people lost their lives on our roads. In the 12 months to January this year some 6379 people received very serious injuries in some 5000 traffic collisions across Victoria. So this government takes road safety very seriously. It is a major concern to this community; certainly higher than heroin deaths and higher than homicides. It is the largest cause of unnatural death in this state and the largest cause of traumatic injury of anything. For that reason the government has committed to, and the Minister for Transport will take significant credit for, spending virtually billions of dollars on improving the roads in this state and making them safer. We are also making significant investment in improving road safety through road accident rescue with the State Emergency Service and through the Country Fire Authority and the fire brigade — improving their capacity to get there quickly and get the people out. We are also improving the trauma facilities in our hospitals. All of that costs us many billions of dollars.

We are also putting significant investment into enforcement because unfortunately, despite the many millions of dollars spent by the Transport Accident Commission in advertising and in community

education, some people just do not get the message. They just will not learn, so enforcement really is the only way to change their behaviour.

Mr Leigh interjected.

Mr HAERMEYER — Unfortunately the bipartisanship I mentioned earlier that has traditionally been demonstrated in this Parliament — —

Mr Leigh interjected.

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc will cease interjecting.

Mr HAERMEYER — That bipartisanship has been breached in a most despicable way. In this budget the government provides for 50 red-light speed cameras, which are basically about stopping people running red lights and speeding into intersections. Of those 5000 traffic collisions I spoke about, 1500 occurred at intersections, and many of them were fatal or extremely serious.

Mr Leigh interjected.

Mr HAERMEYER — They occurred because people run red lights; and these are the people that this despicable individual over here is defending!

The DEPUTY SPEAKER — Order! The minister will address his comments through the Chair. I ask the honourable member for Mordialloc to be quiet, please!

Mr HAERMEYER — He says 'revenue raising'. I invite him to go to the road trauma unit at the Austin hospital or at any of our major hospitals, have a look around and tell the victims of car accidents that it is about revenue raising. He is worried about the pockets of people who break the law rather than about the people who lose — —

Mr Leigh — On a point of order, Deputy Speaker, the minister can make as many hysterical claims as he likes: the fact is, he has turned the police into tax collectors.

The DEPUTY SPEAKER — Order! There is no point of order.

Mr HAERMEYER — It is extremely sad that we have for the first time in this Parliament this sort of approach where someone tries to make cheap politics out of road trauma.

Mr Leigh interjected.

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc will cease interjecting. I will not warn him again.

Mr HAERMEYER — The money raised by the use of the cameras is far surpassed by the money spent on roads and other road safety initiatives and is far surpassed by the cost of road trauma in terms of both lives lost and lives destroyed on the roads.

I find absolutely sickening the behaviour of the honourable member for Mordialloc and the fact that it is endorsed by the Leader of the Opposition.

Mr BATCHELOR (Minister for Transport) — The honourable member for Murray Valley described an apparently anomalous situation that has had an impact on, as I understand it, a constituent who purchased a car in Victoria, put Victorian P-plates on it and then, when driving it in New South Wales displaying the Victorian-designed P-plates, breached the New South Wales road law because the design of the P-plates did not match the design requirements under the New South Wales law. This type of anomaly has not been brought to my attention before. It is very interesting. We have spent a lot of time and energy trying to develop a code of national road laws to eliminate contradictions and inconsistencies. I will raise this matter with my New South Wales colleague to see if there can be some process undertaken to harmonise the requirements not only between New South Wales and Victoria but between the other jurisdictions too.

Over the last two years a lot of work has been undertaken to harmonise road laws. We have seen the introduction under this government of the national road laws, but there were some areas where states could opt out, and clearly also some areas that were not covered by the embracing envelope introduced at that time. It is a very sensible request which I am happy to follow up on behalf of the honourable member for Murray Valley.

The honourable member for Sandringham raised the issue of St Joseph's Primary School that fronts onto Balcombe Road in Black Rock. I understand an application has been made for federal black spot funding and assistance is being sought from Vicroads and from the government to see if there is anything it might do to facilitate this request.

I am familiar with Balcombe Road. It is a busy road, a long through connecting road, and I will ask Vicroads if it can prepare a supportive submission to help that school community in Black Rock and to help the honourable member for Sandringham in fulfilling the obligations and duties which he performs so well.

The honourable member for Mordialloc raised the matter of this year's budget and support for the Scoresby integrated transport corridor. The 2002 state budget included funding of some $445 million for the construction of the Scoresby freeway. This is the Victorian government's share of a road of national importance (RONI) under a fifty-fifty funding arrangement with the commonwealth government to build one of the most important pieces of economic infrastructure in this state.

Mr Leigh interjected.

Mr BATCHELOR — This project is supported by all of the residents and municipalities in the east and south-east of Melbourne from Ringwood right through to Dandenong. In fact more than 10 councils supported the Bracks government campaign to get commonwealth funding for this proposal.

Mr Leigh interjected.

Mr BATCHELOR — They were prepared to sign a declaration of support for the Scoresby freeway, unlike this opposition. This government was prepared to work with local communities in the east and the south-east and it has delivered on the commitment given at that stage in this budget.

Mr Leigh interjected.

Mr BATCHELOR — Of course that is in addition to the $110 million that has already been spent by previous governments in purchasing land. The problem with the negotiations undertaken between the state and commonwealth governments was that the Bracks government asked the commonwealth to half-fund the $110 million purchase that had already been undertaken. That is the appropriate and fair thing to do in a RONI arrangement; obviously you cannot build a freeway until you have purchased the land.

Mr Leigh interjected.

Mr BATCHELOR — Previous Victorian governments have purchased up to $110 million of land, but the federal government refused to recompense the Victorian government for that early foresighted activity, or it was not prepared to include that in the equation of funding the balance of the project. This government also asked the federal government to help fund some public transport initiatives in the Scoresby corridor.

Mr Leigh interjected.

Mr BATCHELOR — That is because this government thinks that the only solution to transport issues is an integrated one where it takes into account road-based and public transport issues. As a result of the refusal of the federal government to fund the public transport component of the Scoresby corridor — —

Mr Leigh — It was never done by any federal Liberal or Labor government, and you know it!

Mr BATCHELOR — As a result of the commonwealth government's refusal to half-fund the $110 million land pre-purchase that Victoria had made, this government made a decision some time ago, which was announced in its budget last Tuesday, to defer the construction of the Dingley arterial road and to allocate the $30 million that was previously allocated to it towards public transport initiatives in the Scoresby corridor.

Previously the government had allocated some $19 million to the Dingley arterial. It has now redirected that towards the tram extension out to Vermont South, plus an additional $23 million.

Mr Leigh — On a point of order, Madam Deputy Speaker, what is fascinating about the eastern — —

The DEPUTY SPEAKER — Order! What is the point of order?

Mr Leigh — My point of order concerns what the minister is saying. The eastern suburbs are all very interesting, but he has cancelled $180 million that was to be used in the south-eastern suburbs, and as the local member I am not interested in what is going on in the eastern suburbs.

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc will sit down. He is debating the issue. There is no point of order.

Mr BATCHELOR — We just heard the honourable member for Mordialloc, who is the Liberal Party spokesman for transport in this place, say he was not interested in what is going on in the eastern suburbs — —

Mr Leigh — On a point of order, Deputy Speaker, as a local member I raised it and he is misrepresenting it, as he always does. He could not tell the truth — —

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc has been cautioned many times by the Chair for his inappropriate use of points of order. There is no point of order. I ask the

honourable member for Mordialloc to cease using points of order as points of debate.

Mr BATCHELOR — The government has a commitment to improve both road and public transport services in the east and the south-east, and the provision of road and public transport services to the Scoresby integrated transport corridor project is an example of that. As I was explaining, not only has the government redirected money to the tram extension, it has also reallocated some of that money from the Dingley arterial to new bus services along the Scoresby corridor. In fact $12 million has been redirected to that, and that includes services along Springvale Road.

The government is trying to improve the transport services in the east and the south-east. The construction of the Scoresby freeway will significantly reduce the need for the Dingley bypass. In fact, the Kingston City Council, in its submission on the environment effects statement for the Scoresby freeway, indicated that the construction of the Scoresby freeway would take about 30 per cent of the traffic from Wells Road. That is typical of the effect that the Scoresby freeway will have on suburbs all through that part of Melbourne. Those suburbs on the western or the city side of the corridor will benefit enormously from the construction of the Scoresby freeway. The honourable member for Mordialloc may not know that the Scoresby freeway will act as a sponge and suck traffic out of these areas and redirect them along the freeway itself, so the construction of the Scoresby freeway — —

Mr Leigh — On a point of order, Deputy Speaker, the minister is not answering the matter I raised with him. In fact, he is not telling the truth because they are intending to open up Rutherford Road at the Frankston end. I want the minister to address the Dingley bypass, and not the eastern suburbs.

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc does not improve his reputation in this house by raising spurious points of order.

Mr BATCHELOR — As everybody in the eastern and south-eastern suburbs knows, the Scoresby freeway will deliver huge benefits. Tonight we see that the honourable member for Mordialloc fails to understand this simple reality. In terms of dealing with the east–west traffic on Wells Road and on those other roads to the north, in the honourable member's own electorate, the Scoresby freeway will have a huge impact.

The Scoresby freeway will encourage cars to go onto the freeway rather than travel east–west. It is a pity the honourable member for Mordialloc in his capacity as either the local member or the shadow minister fails to understand the most basic facts about the impact of building the Scoresby freeway. It will be terrific!

The other thing that is really interesting to note is this: what we have done on this occasion in reallocating funds from one project to another, from the Dingley arterial to other public transport services, is no different from what the previous government did. The honourable member for Mordialloc boasts how he was part of the Kennett government that took money it had allocated towards the Dingley bypass and redirected it to another project in the south-east — that is, the upgrade of Westall Road. He boasts how they, when the Kennett government was in power — —

Mr Leigh — On a point of order, Madam Deputy Speaker, I cannot stand here and allow that — —

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc, on a point of order. What is your point of order?

Mr Leigh — My point of order is that the arrangement the minister was talking about was agreed to by the ALP councils of the cities of Greater Dandenong and Kingston and everybody. He is misrepresenting the facts again! For goodness sake, Minister, tell us the truth for a change — for once in your life.

The DEPUTY SPEAKER — Order! I do not think that is a point of order.

Mr BATCHELOR — It was not a point of order but a confession — an admission that what I said was true. I said the Kennett government took money from the Dingley arterial and redirected it to another project, which is no different from what this government has done on this occasion.

Two significant things come out of tonight's request for information. Firstly, we have made the observation that the honourable member for Mordialloc is standing out as being different to the rest of his party. The rest of his party support what the Bracks government is doing in building the Scoresby integrated transport corridor, but the honourable member for Mordialloc wants to attack what we are doing — —

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc, on a point of order.

Mr Leigh — No, I am seeking a withdrawal from the minister. He said I have a different position from that of my party. I have exactly the same position, except that as a local member I am also ensuring that a road is constructed in my electorate that is part of the Scoresby corridor. The minister said I have a different view to that of my party. That is not true, and I ask him to withdraw his comments.

The DEPUTY SPEAKER — Order! I do not believe that is a point of order, either.

Mr BATCHELOR — Thank you, Madam Deputy Speaker. The honourable member for Mordialloc does not quite know what he wants to do. On the one hand he wants to pander to local issues and on the other hand — —

An honourable member interjected.

Mr BATCHELOR — They are easily distracted, aren't they? On the other hand he wants to attack Liberal Party policy.

The Scoresby freeway will have a huge impact. We are saying to the people of the south-east, 'You told this government and the federal government that the Scoresby was the no. 1 priority. We have committed to it, and we are going ahead. We are going ahead not only with the freeway but with the public transport, and we will not be distracted from that because of the rantings of the honourable member for Mordialloc'.

The other point that needs to be raised is the really big question: what is the Liberal Party's commitment to this? Will it say it will stop the tram out to Vermont South; will it cancel the $12 million worth of bus services that we have put in throughout the south-east; and will it cancel all those services? That is the logic of what the honourable member for Mordialloc says — he says he wants all those other services and additional things.

Mr Doyle — On a point of order, Madam Deputy Speaker, I raise standing order 99 and suggest that the entire last 10 minutes has been digression. Could we please finish this answer so we can go home?

The DEPUTY SPEAKER — Order! While having considerable sympathy for the point of order raised by the honourable member for Malvern, I do not uphold it. But I ask the minister to conclude his answer.

Mr Richardson — On a further point of order, Madam Deputy Speaker, I missed the beginning of the minister's contribution, and I wonder if he could start again.

The DEPUTY SPEAKER — Order! That is definitely not a point of order.

Mr Thompson — On a further point of order, Madam Deputy Speaker, speaking of digressions, unfortunately that is what the people living in the southern suburbs will have to do for decades without the Dingley bypass being completed in the absence of funding — —

The DEPUTY SPEAKER — Order! There is no point of order. I fear the honourable member for Sandringham is following the lead of the honourable member for Mordialloc.

Mr BATCHELOR — We want to hear from the Liberal Party whether it supports the honourable member for Mordialloc in wanting to cancel the Knox tram extension and the other buses. We want to know whether the Liberal Party will commit to building the Mornington Peninsula Freeway and the Dingley bypass. That is interesting. We want to know whether it will do that. No honourable member in the chamber need misunderstand what the impact of that would be. If the shadow Minister for Transport makes commitments in this place that all road funding will go to his electorate, no road funding will be available for other electorates.

Mr Leigh — On a point of order, Madam Deputy Speaker, on this occasion I do ask for a withdrawal because I do not seek to take funding from anybody to anywhere and the minister knows that. He has the $768 million surplus, according to the Treasurer. The minister should withdraw his comments because he is not telling the truth again.

The DEPUTY SPEAKER — Order! The honourable member is debating the question again. There is no point of order. The Minister for Transport, to conclude.

Mr BATCHELOR — The issue — and this will happen time and again with the honourable member for Mordialloc — is that he asks questions in this place when he or the Liberal Party are not prepared to make commitments. Everyone knows that the Liberal Party is not committed to the Dingley bypass or the Mornington Peninsula Freeway, and the way it is sounding it seems as though it is not committed to public transport, the buses and the Knox tram extension. The Liberal Party stands exposed by the honourable member for Mordialloc.

Mr PANDAZOPOULOS (Minister for Gaming) — The honourable member for Benambra raised the Beechworth Preschool and some

reimbursement issues. The honourable member is aware that extra resources have been allocated in the budget. I will refer the matter to the Minister for Community Services.

The honourable member for Malvern raised a matter for the Premier about some comments he made in the house yesterday regarding drug harm-minimisation programs, particularly the peer education program and pharmacotherapy. I will refer that matter to the Premier. The honourable member is aware the government is putting in significantly more resources for drug harm-minimisation programs than the previous government when he was the parliamentary secretary for health.

The honourable member for Box Hill raised for the Minister for Finance public liability issues, which I will pass on to the minister.

Motion agreed to.

House adjourned 5.13 p.m.

MEMBERS INDEX

ALLAN, Ms (Bendigo East)

Adjournment

Consumer affairs: second-hand vehicles, 1308
Seniors: Internet access, 1213

Bills

Fisheries (Further Amendment) Bill, 1359

Members statements

Kristi Harrower, 1172

Questions without notice

Budget: major projects, 1253

ASHER, Ms (Brighton)

Business of the house

Program, 1167

Members statements

Budget: major projects, 1170

ASHLEY, Mr (Bayswater)

Members statements

Palliative care: grief counselling, 1218

BAILLIEU, Mr (Hawthorn)

Adjournment

Harcourt bypass, 1307

Bills

Building (Further Amendment) Bill, 1316
Casino (Management Agreement) (Amendment) Bill, 1245
State Taxation Acts (Further Tax Reform) Bill, 1246
Transport (Further Miscellaneous Amendments) Bill, 1245

Points of order, 1235

BARKER, Ms (Oakleigh)

Questions without notice

Budget: medical research, 1352

BATCHELOR, Mr (Thomastown) (Minister for Transport and Minister for Major Projects)

Adjournment

Responses, 1376

Bills

Transport (Further Miscellaneous Amendments) Bill, 1245, 1317

Business of the house

Program, 1167

Members statements

Member for Brighton: performance, 1171

Petitions

Frankston–Flinders, Dandenong–Hastings and Denham roads: traffic control, 1156

Points of order, 1254

Questions without notice

Budget: major projects, 1253
Rail: regional links, 1351

BEATTIE, Ms (Tullamarine)

Bills

Racing Acts (Amendment) Bill, 1291

Members statements

William Johnston, 1315

BRACKS, Mr (Williamstown) (Premier and Minister for Multicultural Affairs)

Questions without notice

Budget
drug programs, 1255
education and innovation initiatives, 1250
insurance taxes, 1251
payroll and land tax, 1250
Electricity: special payment, 1253
Growing Victoria Together strategy, 1151
Major events: rural and regional Victoria, 1350
Road safety: fines, 1256
Stamp duty: reform, 1151
STARS Supernova program, 1355

BRUMBY, Mr (Broadmeadows) (Minister for State and Regional Development, Treasurer and Minister for Innovation)

Bills

Albury-Wodonga Agreement (Repeal) Bill, 1246, 1335
Appropriation (2002/2003) Bill, 1158

Appropriation (Parliament 2002/2003) Bill, 1166, 1167
State Taxation Acts (Further Tax Reform) Bill, 1246, 1334

Points of order, 1357

Questions without notice

Budget
fiscal responsibility, 1256, 1356
rural and regional infrastructure, 1251
Water: Wimmera–Mallee pipeline, 1353

BURKE, Ms (Prahran)

Members statements

Prisons: community units, 1171

CAMERON, Mr (Bendigo West) (Minister for Local Government and Minister for Workcover)

Bills

Fisheries (Further Amendment) Bill, 1365
Rail Corporations (Amendment) Bill, 1204

CAMPBELL, Ms (Pascoe Vale) (Minister for Senior Victorians and Minister for Consumer Affairs)

Adjournment

Responses, 1214, 1310, 1373

Bills

Travel Agents (Amendment) Bill, 1245, 1324

CARLI, Mr (Coburg)

Adjournment

Seniors: Internet access, 1209

Bills

Rail Corporations (Amendment) Bill, 1184

Questions without notice

Budget: education and innovation initiatives, 1250

CLARK, Mr (Box Hill)

Adjournment

Insurance: public liability, 1372

Points of order, 1356

COOPER, Mr (Mornington)

Bills

Fisheries (Further Amendment) Bill, 1261
Rail Corporations (Amendment) Bill, 1187

DAVIES, Ms (Gippsland West)

Adjournment

Liquefied petroleum gas: relief grants, 1210

Bills

Fisheries (Further Amendment) Bill, 1362
Rail Corporations (Amendment) Bill, 1192

Business of the house

Program, 1169

Rulings, 1324

DEAN, Dr (Berwick)

Bills

Guardianship and Administration (Amendment) Bill, 1205
Theatres (Repeal) Bill, 1285

DELAHUNTY, Mr (Wimmera)

Adjournment

Country Fire Authority: Nhill station, 1213

Bills

Rail Corporations (Amendment) Bill, 1200

Matter of public importance

Natural resources: management, 1245

Members statements

Insurance: public liability, 1170

DELAHUNTY, Ms (Northcote) (Minister for Planning, Minister for the Arts and Minister for Women's Affairs)

Adjournment

Responses, 1373

Bills

Building (Further Amendment) Bill, 1316

DEPUTY SPEAKER and CHAIRMAN OF COMMITTEES, The (Mrs Maddigan)

Rulings, 1172, 1174, 1215, 1286, 1368, 1370, 1374, 1375, 1376, 1377, 1378, 1379

DIXON, Mr (Dromana)

Bills

Fisheries (Further Amendment) Bill, 1359

Members statements

Mornington Peninsula: bus shelters, 1219

DOYLE, Mr (Malvern)

Adjournment

Budget: drug programs, 1370

Points of order, 1255, 1379

Questions without notice

Budget: drug programs, 1255

DUNCAN, Ms (Gisborne)

Adjournment

Housing: child-free estates, 1370

Bills

Fisheries (Further Amendment) Bill, 1348

National Crime Authority (State Provisions) (Amendment) Bill, 1304

Matter of public importance

Natural resources: management, 1238

ELLIOTT, Mrs (Mooroolbark)

Adjournment

Rail: Mooroolbark station, 1209

Bills

Guardianship and Administration (Amendment) Bill, 1341

Questions without notice

Community services: ministerial advisory committee, 1155

FYFFE, Mrs (Evelyn)

Bills

Guardianship and Administration (Amendment) Bill, 1342

Matter of public importance

Natural resources: management, 1236

Points of order, 1257

GARBUTT, Ms (Bundoora) (Minister for Environment and Conservation)

Adjournment

Responses, 1214

Bills

Environment Protection (Resource Efficiency) Bill, 1245, 1320, 1323, 1324

Utility Meters (Metrological Controls) Bill, 1317

Matter of public importance

Natural resources: management, 1224

Questions without notice

Foxes: control, 1151

Public land: pest control, 1153

GILLETT, Ms (Werribee)

Adjournment

Werribee: technology precinct, 1309

Bills

Guardianship and Administration (Amendment) Bill, 1343

Theatres (Repeal) Bill, 1284

Scrutiny of Acts and Regulations Committee

Alert Digest No. 4, 1156

HAERMEYER, Mr (Yan Yean) (Minister for Police and Emergency Services and Minister for Corrections)

Adjournment

Responses, 1375

Bills

National Crime Authority (State Provisions) (Amendment) Bill, 1367

Points of order, 1258

Questions without notice

Police

numbers, 1155

prisoner accommodation, 1350, 1352, 1354

Prisons: community units, 1152, 1154

HAMILTON, Mr (Morwell) (Minister for Agriculture and Minister for Aboriginal Affairs)

Bills

Agriculture Legislation (Amendments and Repeals) Bill, 1246, 1331

HARDMAN, Mr (Seymour)

Bills

Rail Corporations (Amendment) Bill, 1197

Members statements

Heathcote Heartland Festival, 1316

HELPER, Mr (Ripon)

Adjournment

Small business: online project, 1306

Matter of public importance

Natural resources: management, 1231

Points of order, 1309

Questions without notice

Budget: rural and regional infrastructure, 1251
Growing Victoria Together strategy, 1151
Water: Wimmera–Mallee pipeline, 1353

HOLDING, Mr (Springvale)

Questions without notice

Employment: government performance, 1354

HONEYWOOD, Mr (Warrandyte)

Members statements

Tertiary education and training: student concessions, 1314

Points of order, 1375

HOWARD, Mr (Ballarat East)

Bills

Fisheries (Further Amendment) Bill, 1260

Matter of public importance

Natural resources: management, 1228

Members statements

Hepburn Football Club, 1173

Questions without notice

Budget: teachers, 1255

HULLS, Mr (Niddrie) (Attorney-General, Minister for Manufacturing Industry and Minister for Racing)

Adjournment

Responses, 1374

Bills

Criminal Justice Legislation (Miscellaneous Amendments) Bill, 1246, 1327
Guardianship and Administration (Amendment) Bill, 1345
Juries (Amendment) Bill, 1245, 1325
Racing Acts (Amendment) Bill, 1367
Theatres (Repeal) Bill, 1287
Victorian Civil and Administrative Tribunal (Planning Proceedings) Bill, 1317

Members statements

Liberal Party: Pakenham preselection, 1218

INGRAM, Mr (Gippsland East)

Bills

Fisheries (Further Amendment) Bill, 1263

Questions without notice

Public land: pest control, 1153

JASPER, Mr (Murray Valley)

Adjournment

Border anomalies: P-plates, 1368

KILGOUR, Mr (Shepparton)

Bills

Fisheries (Further Amendment) Bill, 1249, 1258
National Crime Authority (State Provisions) (Amendment) Bill, 1296

Rulings, 1176, 1242, 1332

KOSKY, Ms (Altona) (Minister for Education and Training)

Adjournment

Responses, 1374

Questions without notice

Budget: teachers, 1255
Schools: retention rates, 1154

KOTSIRAS, Mr (Bulleen)

Bills

Theatres (Repeal) Bill, 1283

Members statements

Victorian Interpreting and Translating Service: funding, 1173

LANGDON, Mr (Ivanhoe)

Adjournment

Road safety: toll, 1372

LANGUILLER, Mr (Sunshine)

Bills

Theatres (Repeal) Bill, 1282

LEIGH, Mr (Mordialloc)

Adjournment

Dingley bypass, 1372

Bills

Rail Corporations (Amendment) Bill, 1173

Points of order, 1171, 1376, 1377, 1378, 1379

Questions without notice

Road safety: fines, 1256

LEIGHTON, Mr (Preston)

Adjournment

Preston General Cemetery, 1211

Bills

Guardianship and Administration (Amendment) Bill, 1341

Members statements

Darebin: community-building program, 1315

Questions without notice

Schools: retention rates, 1154

LIM, Mr (Clayton)

Members statements

Schools: Asian language program, 1171

Questions without notice

Hospitals: demand strategy, 1153

LONEY, Mr (Geelong North)

Bills

Rail Corporations (Amendment) Bill, 1189

Members statements

Budget: child protection, 1314

Questions without notice

Major events: rural and regional Victoria, 1350

LUPTON, Mr (Knox)

Adjournment

Brimbank: levy, 1211

Bills

National Crime Authority (State Provisions) (Amendment) Bill, 1301

Rulings, 1203, 1204, 1208

McARTHUR, Mr (Monbulk)

Business of the house

Program, 1169

Matter of public importance

Natural resources: management, 1222

Members statements

Agriculture: farmers rights, 1313

Points of order, 1152, 1153, 1252, 1256, 1350, 1357, 1358

McCALL, Ms (Frankston)

Bills

Guardianship and Administration (Amendment) Bill, 1344

Theatres (Repeal) Bill, 1272

Members statements

Prisons: community units, 1315

Questions without notice

Prisons: community units, 1154

McINTOSH, Mr (Kew)

Bills

Rail Corporations (Amendment) Bill, 1191

MACLELLAN, Mr (Pakenham)

Points of order, 1218

MADDIGAN, Mrs (Essendon)

Members statements

Anzac Day: free buses, 1313

Questions without notice

Budget: fiscal responsibility, 1356

MAUGHAN, Mr (Rodney)

Adjournment

Echuca Regional Health, 1306

Bills

Racing Acts (Amendment) Bill, 1288

Business of the house

Program, 1168

Matter of public importance

Natural resources: management, 1240

Members statements

Port of Echuca: shipbuilding, 1217

Points of order, 1242

MAXFIELD, Mr (Narracan)

Adjournment

Seniors: Internet access, 1369

Bills

Rail Corporations (Amendment) Bill, 1198

Matter of public importance

Natural resources: management, 1234

Members statements

Warragul saleyards, 1218

MILDENHALL, Mr (Footscray)

Adjournment

Footscray: shopping precinct, 1368
Trucks: Yarraville, 1210

Bills

Fisheries (Further Amendment) Bill, 1366

Questions without notice

Budget: fiscal responsibility, 1256

MULDER, Mr (Polwarth)

Adjournment

Water: Geelong supply, 1310

Bills

Fisheries (Further Amendment) Bill, 1346
Racing Acts (Amendment) Bill, 1267

Matter of public importance

Natural resources: management, 1226

NAPTHINE, Dr (Portland) (Leader of the Opposition)

Bills

Fisheries (Further Amendment) Bill, 1348

Points of order, 1152, 1155, 1156, 1254, 1256, 1356, 1358

Questions without notice

Budget: payroll and land tax, 1250
Electricity: special payment, 1253
Police: prisoner accommodation, 1350
Stamp duty: reform, 1151

NARDELLA, Mr (Melton)

Matter of public importance

Natural resources: management, 1242

Rulings, 1226

OVERINGTON, Ms (Ballarat West)

Bills

Fisheries (Further Amendment) Bill, 1266

Members statements

Joyce Rollason, 1219

PANDAZOPOULOS, Mr (Dandenong) (Minister for Gaming, Minister for Tourism, Minister for Employment and Minister assisting the Premier on Multicultural Affairs)

Adjournment

Responses, 1379

Bills

Casino (Management Agreement) (Amendment) Bill, 1245, 1319
Gaming Legislation (Amendment) Bill, 1317
Sports Event Ticketing (Fair Access) Bill, 1317

Questions without notice

Employment: government performance, 1355

PATERSON, Mr (South Barwon)

Adjournment

Geelong: maritime museum, 1211

Bills

Rail Corporations (Amendment) Bill, 1204

PERTON, Mr (Doncaster)

Bills

Environment Protection (Resource Efficiency) Bill, 1323

Matter of public importance

Natural resources: management, 1230

Points of order, 1154, 1252, 1254, 1257, 1352, 1357, 1358

PEULICH, Mrs (Bentleigh)

Adjournment

McKinnon Basketball Association, 1305

Members statements

Orthodox Easter, 1172

Points of order, 1311

PHILLIPS, Mr (Eltham)

Bills

Fisheries (Further Amendment) Bill, 1364
Rail Corporations (Amendment) Bill, 1199

Members statements

Roads: Eltham, 1217

PIKE, Ms (Melbourne) (Minister for Housing, Minister for Community Services and Minister assisting the Premier on Community Building)

Adjournment

Responses, 1213, 1311

Bills

Residential Tenancies (Amendment) Bill, 1316
Tobacco (Miscellaneous Amendments) Bill, 1316

Questions without notice

Community services: ministerial advisory committee, 1155

PLOWMAN, Mr (Benambra)

Adjournment

Beechworth: preschool and child-care centre, 1367

Bills

Agriculture Legislation (Amendments and Repeals) Bill, 1246
Albury-Wodonga Agreement (Repeal) Bill, 1246
Fisheries (Further Amendment) Bill, 1247
Rail Corporations (Amendment) Bill, 1193

Matter of public importance

Natural resources: management, 1233

Points of order, 1332

RICHARDSON, Mr (Forest Hill)

Points of order, 1379

ROBINSON, Mr (Mitcham)

Adjournment

Melbourne General Cemetery, 1307

Bills

Theatres (Repeal) Bill, 1286

ROWE, Mr (Cranbourne)

Points of order, 1355

Questions without notice

STARS Supernova program, 1355

RYAN, Mr (Gippsland South) (Leader of the National Party)

Bills

Guardianship and Administration (Amendment) Bill, 1208, 1337
Theatres (Repeal) Bill, 1273

Members statements

Water: Wimmera–Mallee pipeline, 1313

Points of order, 1251, 1254, 1351

Questions without notice

Budget: insurance taxes, 1251
Foxes: control, 1151
Rail: regional links, 1351

SAVAGE, Mr (Mildura)

Members statements

Police: numbers, 1172

Rulings, 1307, 1309, 1311

SEITZ, Mr (Keilor)

Adjournment

Schools: Keilor, 1212

Bills

Fisheries (Further Amendment) Bill, 1360
Rail Corporations (Amendment) Bill, 1202

Members statements

Georgies Soccer Club, 1219

Questions without notice

Police: numbers, 1155

Rulings, 1192, 1194, 1235, 1236, 1237, 1240

SHARDEY, Mrs (Caulfield)

Adjournment

University of the Third Age: Glen Eira, 1308

Bills

Residential Tenancies (Amendment) Bill, 1316

Tobacco (Miscellaneous Amendments) Bill, 1316

SMITH, Mr (Glen Waverley)

Adjournment

Polly Woodside Melbourne Maritime Museum, 1212

Bills

Rail Corporations (Amendment) Bill, 1202

Theatres (Repeal) Bill, 1287

SPEAKER, The (Hon. Alex Andrianopoulos)

Rulings, 1151, 1152, 1153, 1154, 1155, 1156, 1161, 1166, 1218, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1313, 1314, 1350, 1351, 1352, 1354, 1355, 1356, 1357, 1358

SPRY, Mr (Bellarine)

Adjournment

Buses: Bellarine Peninsula, 1209

Bills

Fisheries (Further Amendment) Bill, 1265

Rail Corporations (Amendment) Bill, 1196

Points of order, 1214

STEGGALL, Mr (Swan Hill)

Bills

Rail Corporations (Amendment) Bill, 1180

Matter of public importance

Natural resources: management, 1220

STENSHOLT, Mr (Burwood)

Adjournment

Budget: schools, 1371

Bills

Guardianship and Administration (Amendment) Bill, 1340

National Crime Authority (State Provisions) (Amendment) Bill, 1303

Theatres (Repeal) Bill, 1280

Members statements

Preschools: Burwood, 1217

THOMPSON, Mr (Sandringham)

Adjournment

Balcombe Road, Black Rock: traffic control, 1371

Bills

Fisheries (Further Amendment) Bill, 1365

National Crime Authority (State Provisions) (Amendment) Bill, 1304

Theatres (Repeal) Bill, 1278

Members statements

Budget: bayside projects, 1315

Points of order, 1379

THWAITES, Mr (Albert Park) (Deputy Premier, Minister for Health

Points of order, 1358

Questions without notice

Budget: medical research, 1352

Hospitals: demand strategy, 1153

TREZISE, Mr (Geelong)

Adjournment

Back to Back Theatre, 1305

Bills

Fisheries (Further Amendment) Bill, 1364

Rail Corporations (Amendment) Bill, 1195

VOGELS, Mr (Warrnambool)

Bills

Fisheries (Further Amendment) Bill, 1361

Guardianship and Administration (Amendment) Bill, 1344

Rail Corporations (Amendment) Bill, 1198

Matter of public importance

Natural resources: management, 1243

WELLS, Mr (Wantirna)

Adjournment

Prisons: community units, 1309

Bills

National Crime Authority (State Provisions) (Amendment) Bill, 1293

Points of order, 1309

Questions without notice

Police: prisoner accommodation, 1352, 1354

Prisons: community units, 1152

WILSON, Mr (Bennettswood)

Bills

Guardianship and Administration (Amendment) Bill, 1345

Theatres (Repeal) Bill, 1281

Members statements

Stamp duty: conveyancing, 1219

WYNNE, Mr (Richmond)

Bills

Guardianship and Administration (Amendment) Bill, 1207

National Crime Authority (State Provisions) (Amendment) Bill, 1299

Theatres (Repeal) Bill, 1276