PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Book 5

29 and 30 April, and 1 May 2003

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

By authority of the Victorian Government Printer

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THURSDAY, 1 MAY 2003

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Tuesday, 29 April 2003

The SPEAKER (Hon. Judy Maddigan) took the chair at 2.03 p.m. and read the prayer.

CONDOLENCES

Leonard Stanley Reid

The SPEAKER — Order! Pursuant to the practice set out in the sessional orders, I advise the house of the death of Leonard Stanley Reid, member of the Legislative Assembly for the electoral district of Dandenong from 1958 to 1969 and Deputy Speaker and Chairman of Committees from 1967 to 1969. I ask members to rise in their places as a mark of respect to the memory of the deceased.

Honourable members stood in their places.

The SPEAKER — Order! I shall convey the message of sympathy from the house to the relatives of the late Leonard Stanley Reid.

QUESTIONS WITHOUT NOTICE

Scoresby freeway: tolls

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. I refer him to his often-repeated promise during the last election campaign and over the last four years that he would not impose tolls on the Scoresby freeway, and I ask: when was he first given advice to impose tolls, and who provided that advice?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. I have made it very clear and will make it clear again to the house today that the government made a decision in early April to reverse its decision to oppose tolls on the Scoresby.

That decision was made in the light of events which were happening not only around bushfires and drought, which were known, but around the culmination of events which included the continual downturn in international markets and, of course, the continuing problem, which was made much more apparent with the removal of National Express from the public transport system, of cleaning up the mess that was left by the previous government.

Honourable members interjecting.

Mr Doyle — On a point of order, Speaker, on the question of relevance, the question was about when the advice was given, not when the decision was made.

The SPEAKER — Order! I do not uphold the point of order. The Premier was being relevant.

Mr BRACKS — So in order to repair the damage which was there in the public transport system and to make sure that we had a viable public transport system, we had to take the decision — I took the decision — to reverse our opposition to tolls. I took that, and I told the public about that, Speaker, and it was taken in the best long-term financial interests of this state.

Medicare: reform

Mr LONEY (Lara) — My question is to be Premier, and I ask: will he outline to the house how the federal government's recently announced changes to Medicare will affect the provision of health care in Victoria?

Mr BRACKS (Premier) — I thank the member for Lara for his question. We have had two recent announcements from the federal government concerning the health system in Australia, and they are two matters which impinge significantly on how we run and conduct the health system here in Victoria.

The first of those was the Australian health care agreement, for which the federal government announced its resourcing level over coming years to assist and support the states and territories in running the public health system. The second was the new Medicare bulk-billing arrangements, which were announced by the Prime Minister and the federal health minister over the last two days as well.

These two matters combine to conspire to make it very difficult for every state and territory government, including Victoria, to manage future growth and demand, particularly in our emergency departments, in our public health system.

I say from the very start that I believe we have one of the most successful health care systems anywhere in the world in our Medicare and national health insurance system. It is seen worldwide as one of the best health systems and one of the best funding models for a health system anywhere in the world.

It was therefore disappointing to learn yesterday that the Prime Minister and the federal health minister have moved away from a universal Medicare system to one which is there as a residual system to assist those people on low incomes with bulk-billing while not

offering that same support universally to all Australians. Because the new Medicare arrangements and bulk-billing will only apply to a certain group in the Australian community, it will mean we will be treating more patients in the emergency departments of our public hospital system in the future.

The Department of Human Services estimates that because of the decision of the commonwealth government, the Prime Minister and the federal Minister for Health to not allow bulk-billing arrangements to operate universally, the additional strain on our emergency departments could be as great as an extra 2100 people a day requiring treatment who would otherwise have received treatment from their general practitioners under bulk-billing.

There are two matters that are conspiring to make it very difficult for every state and territory to fund and operate a public hospital system. One means we will get more patients to treat, and the second means that under the Australian health care agreement we are not getting funding to keep pace with the growth in the system.

The third problem, and it is probably the biggest, is that one of the most successful health models in the world, the Medicare health insurance system, is effectively being changed from a universal system to a residual system, which the Prime Minister has long sought in his policy announcements in the past. That is a very, very poor long-term outcome for Australia.

Drought: government assistance

Mr RYAN (Leader of the National Party) — Will the Minister for Agriculture confirm that at a time when many country communities are in desperate need he is nevertheless abolishing the state drought, assistance program one week from today because the government has so poorly managed the state's finances that it is already out of money?

Mr CAMERON (Minister for Agriculture) — You would really have to wonder about the National Party when it comes to the issue of drought, because we know its record, which was to do absolutely nothing. In stark contrast it was Labor, the party of country Victoria, that put in a state drought scheme, the best in Australia, to provide interim farm support until the federal Liberal-National party government in Canberra got its act together.

The Leader of the National Party says the scheme is being abolished. I want to tell him what the seasons are: they are autumn, winter, spring and summer. Autumn is the period where one growing season is behind us and another one is to start. What you want to do is make sure the applications are put in. The Leader of the National Party says that somehow this is to do with money. When the government released the package last year it was for $27 million, but since then on four different occasions we have added the areas under which farmers can obtain assistance.

Mr Ryan interjected.

Mr CAMERON — No, no! We want all the applications to be put in so no-one is missing out. If you want it, you have got to get it in. We believe this assistance will come to over $50 million.

I am pleased to say that there has only been one party in country Victoria seeking federal assistance, and that is the Labor Party, the party of country Victoria. I am pleased to say that of recent weeks the federal Liberal-National party government has finally acknowledged that there is a drought in country Victoria, and it has declared about 60 per cent of the state to be in prima facie exceptional circumstances. Certainly, if I have read the press clippings correctly, the deputy president of the Victorian Farmers Federation, Bill Whitehead, has been out there encouraging people to apply, pointing out what a good program we have for country Victoria.

Mr Ryan interjected.

Mr CAMERON — It has not been cut out. If you want assistance, you apply and you get it. You get the lump sum and you get any ongoing federal support. Understand that!

Mr Ryan interjected.

Mr CAMERON — No, no! Look, you put your application in, you get assessed and you get it. No-one is missing out. Certainly there seems to be some complaint that there should not be one month's notice for getting applications in. I challenge the Liberal-National party to do the same: get out a notice saying that if you want full exceptional circumstances, write in and apply within the next month. You do it, you match us. The fact is that you are jealous and you are envious because it is only Labor that is prepared to put in a good package.

The SPEAKER — Order! The minister, through the Chair.

Schools: class sizes

Mr TREZISE (Geelong) — My question is to the Minister for Education. Will the minister please advise the house on how the Bracks government is meeting its targets to successfully reduce the average prep-to-grade 2 class size across Victoria?

Ms KOSKY (Minister for Education and Training) — I thank the member for his question. Yesterday I was privileged to join the Premier in announcing yet another target met by this government. When we came to office we made a commitment to reduce prep-to-grade 2 (P–2) class sizes to an average of 21. We made that commitment and said that we would achieve it within four years. We have achieved it well within time. Yesterday, along with the Premier, we were able — —

Honourable members interjecting.

The SPEAKER — Order! There are too many interjections. I ask members to be quiet so we can hear the minister.

Ms KOSKY — Yesterday we were able to announce fantastic news for Victorian students. Prep-to-grade 2 average class sizes have reduced from 24.3 under the previous government and when we came to office to 21 now. That is a 3.3 difference — terrific news. But it gets even better. The prep-to-grade 6 average has reduced from 25.4 under the previous government to 22.9 under us — fantastic news!

Just to give honourable members a sense of what this looks like, it is clear that we have not detrimentally impacted on other areas of primary class sizes in order to achieve our commitment. This chart shows what it looks like. It shows the Liberal hump, where prep-to-grade 2 class sizes and prep-to-grade 6 class sizes went up. Under us it has gone down; it stands for itself. That is Liberal hump, not Liberal rump.

The news gets even better. The grade 3 to grade 6 average class sizes reduced from 26.2 students under the previous government to 24.3 students this year. Prep-to-grade 2 individual classes over 25: under the previous government classes over 25 for the prep to grade 2 classes was 41.7 per cent. What are they under the Bracks government now? Prep to grade 2 classes over 25 are 3.5 per cent.

This is fantastic news because it is about improving educational outcomes for students, particularly in those critical years when young students are learning literacy and numeracy skills.

Mr Honeywood interjected.

Ms KOSKY — We have got the evidence. Now the quasi-education spokesperson from the other side, rather than the education spokesperson, is commenting, but we have improved the literacy and numeracy of our primary school students so we are benefiting from the results of the major investment we have made. We have put in $180 million for extra teachers — that is, $180 million to employ extra teachers — in order to honour this commitment and $32 million for extra classes. So we made the investment in order to deliver for those important prep to grade 2 classes without having a negative impact — in fact, we have had a positive impact — on the rest of the primary school class sizes.

It is worth mentioning some of the areas where it has made a huge difference. I am sure opposition members would be interested in this information. At Donburn Primary School in Doncaster the P–2 average has been reduced under this government from 26.3 to 19.8. At Ringwood Heights Primary School in Warrandyte this figure has been reduced from 26.3 under the previous government to 20.9 under the Labor government.

Honourable members interjecting.

The SPEAKER — Order! The minister, without the assistance of the government backbench.

Ms KOSKY — At Kew East Primary School the figures are 25.1 under the previous government and 20.4 under this government.

At Mont Albert Primary School it has been reduced from 26.6 to 20.9, and at Manningham Park Primary School it has been reduced from 25.7 to 20.7. The opposition will not have to put out a press release about this good news, because I can assure them the government will be doing that!

Under the Bracks government we have even seen the class size of the opposition reduce significantly. But what have they learnt?

Honourable members interjecting.

Mr Perton — On a point of order, Speaker, the minister is now debating the question, and she has now breached the rule on significance as well.

The SPEAKER — Order! I do not uphold the first point of order, but I ask the minister to conclude her answer.

Ms KOSKY — What this government would like to see is the much-promised education policies that were touted by the opposition leader. What is the opposition going to do to match our fantastic policies?

The SPEAKER — Order! The minister is debating the issue.

Ms KOSKY — This government has delivered on its commitment. It was told to get on with it. It has done that, and education is much better under the Bracks government.

Scoresby freeway: tolls

Mr DOYLE (Leader of the Opposition) — My question is directed to the Premier. I refer him to his previous answer and to his decision to impose tolls on the Scoresby freeway. I further refer him to the *Herald Sun* editorial of 15 April which states:

> Either it —

Labor —

> was negligent or it deliberately lied about prior knowledge of the transport mess.

I ask: which was it — negligence or a lie?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question, and I reiterate that the decision the government took was in the best, long-term interests of the state of Victoria. I want to mention some of the aspects of that decision which will also make it beneficial in the long term. Firstly, the toll that will be imposed on the Mitcham–Frankston freeway will not be on an existing road but on a new road. Secondly, the government will not be closing or narrowing roads, so people will have the choice of using existing roads or the freeway.

This decision will enable the project to be completed by 2008 without significant impact on the budget. This project is in the long-term interests of the Victorian public and will be recognised as such in the future.

The key question to ask on this matter is where the opposition stands. The Leader of the Opposition is effectively saying that he will not support this road being completed with a toll. It is important for the Leader of the Opposition to come clean on where he stands in the future.

Regional Infrastructure Development Fund: projects

Ms DUNCAN (Macedon) — My question is to the Minister for State and Regional Development. Can the minister inform the house on how the government's Regional Infrastructure Development Fund is revitalising country Victoria?

Mr BRUMBY (Minister for State and Regional Development) — I thank the member for Macedon for her question. Two weeks ago I had the honour of officially opening the new Royal Melbourne Institute of Technology complex at Hamilton — the flexible learning centre and the centre for rural and regional development. It is a sensational project for the area and represents a great partnership between the university, the state government through the Regional Infrastructure Development Fund and the Handbury family, who have contributed around $1 million to the project. Hundreds of people were at the opening. It is a project the community has wanted for many years, and it is a great example of the sort of infrastructure being provided across country Victoria under the Regional Infrastructure Development Fund program.

I am pleased to advise the house that the local member and a number of other members of Parliament were present — and all of them are great supporters of this initiative in Hamilton. To date over $130 million has been committed under the Regional Infrastructure Development Fund. The total value of RIDF projects across Victoria is in excess of $300 million. This shows what a sensational program it is in its reach to every part of the state.

Today I will release a report card on the Regional Infrastructure Development Fund, and as part of that report I will release this map, which shows that across Victoria every country council — —

The SPEAKER — Order! It is impossible to record the business of the house when members hold up documents.

Mr BRUMBY — Every country council, with the exception of Queenscliffe, has received funding under the Regional Infrastructure Development Fund program. More than 60 per cent of major projects are currently under way or are completed, and they cover 47 country municipalities: 15 major projects completed, 30 projects where construction has commenced, $130 million allocated, a $300 million total value of projects and $170 million in additional leverage.

In those parts of the state with dairy farming — and that is many parts of the state — we have now seen 210 cattle underpasses completed. It is a fantastic program. The member for Narracan — and it is hard to find him with all the members here — was the instigator of this program. In 1999 he was the one who went out and insisted that we needed a program like this. As the Premier knows, we listened and then we acted; now we are getting on with it. There have been 210 of them right across the state, and all members of Parliament can be grateful for the great initiative shown by the member for Narracan. There have been 74 total power upgrades provided across the state. There was some criticism of this program, but we have now seen 74 dairy farms upgraded.

Finally, I will mention a few other projects: the Warrnambool Flagstaff Hill Maritime Museum opened recently, and something like 30 jobs were created; the new communications technology centre in Bendigo — a fantastic initiative costing $3.2 million; the extension of the aerodrome at Shepparton; and the Port Fairy wastewater treatment plant.

It has been a sensational program and it will continue. At the last election the government promised a further $180 million over five years, and next year's budget will give effect to that commitment. This is a great initiative in growing the whole state. We have doubled overall capital funding to country Victoria, and this program will continue and will provide more job opportunities for Victorians.

Insurance: government assistance

Mr INGRAM (Gippsland East) — My question without notice is for the Premier and relates to the continual crisis that is facing Victoria with builders warranty, professional and medical indemnity, and public liability insurance. Will the Premier commit to providing immediate assistance to all those businesses and groups to allow them to receive access to affordable insurance?

Mr BRACKS (Premier) — I thank the member for Gippsland East for his question. He is correct in saying that there is a crisis in insurance right across the country, Victoria included. It is a crisis which this government has taken on in legislation that has come before this house, and it has introduced measures to assist and support particular business and industry sectors in getting coverage and insurance support.

I will refer to a couple of things and then go to the future. The government has already capped general insurance damages for personal injury. I believe that has been an important and necessary step in stopping those very large payouts which were happening. The government has also capped loss of earnings awards in conjunction with that arrangement. This month the government announced that it would be moving to provide certainty in professional indemnity insurance by introducing proportional liability for purely economic loss. I believe those measures will make a significant and necessary difference.

There are other issues which need to be dealt with. They go to areas such as the rights of people to have access to the courts — common-law rights — for negligence or other claims they wish to bring before the courts, compared with the rights of doctors and other professionals who offer medical and other services to have insurance cover.

These matters are being weighed up by our government. They are about people's rights to have access to the courts as well as to insurance cover. These matters are being considered and the government is discussing them with the Australian Medical Association. I am confident the government will come to a position soon which will extend to current and future matters and which will support those industries.

Police: government initiatives

Mr NARDELLA (Melton) — My question is to the Minister for Police and Emergency Services. Will the minister update the house on the government's progress in rebuilding Victoria Police and equipping it for policing in the 21st century?

Mr HAERMEYER (Minister for Police and Emergency Services) — I thank the honourable member for Melton for his question, and I certainly look forward to visiting his electorate in the very near future to open the marvellous new 24-hour Bacchus Marsh police station which has been completed.

This government came to office promising to build a new police force for a new century.

Mr Wells interjected.

Mr HAERMEYER — Yes, we are building a police station in Rowville — one that you did not want to build. All of a sudden the opposition has gone from saying 'We don't need it!' to 'Where is it?'.

An honourable member interjected.

Mr HAERMEYER — We don't need you, either!

The SPEAKER — Order! The minister will direct his comments through the Chair and ignore interjections.

Mr HAERMEYER — I will try my best! This government inherited a situation where the state's police force had the lowest morale in its history, where police numbers had been slashed by 800 and where police stations were being closed. This government promised 800 additional police and has delivered on that promise in full and ahead of time. Now we are committed to another 600 police and we will deliver that over the term of this government. Promised and delivered! Victoria now has the lowest attrition rate of any police force in the country. If that is not a good indication of high morale, I do not know what is.

The government also committed to providing the police with better facilities from which to work and in which to train. We have already completed the $8 million operational safety and tactics training facility out at the police academy. Again, that was promised and delivered.

As I indicated, the government also committed to building 16 new 24-hour police stations, but there are actually 135 being built, including 37 large 24-hour stations and 98 country police stations. The government is replacing police stations in country areas from Red Cliffs to Bendoc and from Apsley to Yackandandah. This government has the biggest police station building program in the history of this state. And seven of them will be opened in the next week. A total of $280 million is being spent on the construction of police facilities — a one-third turnover of all the police stations across Victoria.

We also committed to a new, combined water police and search and rescue facility which we opened recently. I noticed that the honourable member for Scoresby has said it was too far to get to where the boats are moored. The boats are moored a few yards from where the facility is. The honourable member for Scoresby did not raise this matter in relation to the old facility in St Kilda, where police had to drive a mile and a half to get to where the boats were moored. So again the government has promised and delivered. We promised new helicopters; we have delivered them. We promised protective equipment — metal detectors, ballistic vests — and we promised more search powers; again they were promised and have been delivered.

The outcome of this is that crime is going down and clearance rates are going up. If we look at morale in our police force, it is as high as it has ever been; we have the lowest attrition rate in Australia. This government is building a new police force for a new century. We are getting on with the job.

Scoresby freeway: tolls

Mr WELLS (Scoresby) — I refer the Premier to his previous answer in which he stated that 'there will be no downgrading of local roads'. Does the Premier now agree with his transport minister that local streets and roads will be turned into rat runs by the over 55 per cent of motorists who will try to avoid his Scoresby tollway?

Mr BRACKS (Premier) — I thank the member for Scoresby for his question. The member asked me to refer to the previous answer, and I will do that. I reiterate that what will happen on this Mitcham–Frankston freeway will be a choice — it will be a choice between a new road as a toll road or those existing roads which can also be used by motorists. So clearly there is a choice, and clearly that will relieve the pressure on existing roads. People will choose to go off existing roads, which will mean less traffic on them, and to go on to the toll road — if that is their choice. That is exactly what will happen. I reiterate that this is not an existing road; we will not be closing existing roads.

Planning: green wedges

Mr HERBERT (Eltham) — My question is to the Minister for Planning. Will the minister please advise the house how the Bracks government is leading the world in the protection of green belts to stop residential subdivision eating into land with tremendous environmental, social and economic importance to Victorians?

Ms DELAHUNTY (Minister for Planning) — I thank the member for Eltham for his question. The Bracks government said that it would legislate to protect the green wedges, and we are getting on with the job. No other city in the world has enshrined green wedge legislation, although many of them wish they had. Green wedge land has significant economic, social and environmental capacities. We have identified 12 green wedges spanning 17 municipalities. Members will recall — I know the honourable member for Warrandyte recalls his Liberal Party history — that the notion of green wedges was first articulated during the Bolte era, but certainly it was raised as a planning issue during the time of the Hamer government.

Mr Honeywood interjected.

Ms DELAHUNTY — It was not created, it was identified. We are creating it; that is the difference. We are legislating for it; you did not.

There has been a strong message from all Victorians through Melbourne 2030 consultations that they want this protection to stop further residential subdivision nibbling away at this sensitive green wedge land. We will protect significant environmental resources such as the wetlands in Carrum, of which the member for Carrum is a great supporter, and national parks like the Lysterfield Lake Park, which is of interest to the members for Narre Warren North and Ferntree Gully. We will protect water resources such as the Sugarloaf Reservoir and the Cardinia Reservoir. We will protect significant agricultural resources. It is said that more than $1 billion of agricultural potential each year exists around the Port Phillip region.

We will protect, through this legislation, significant economic resources such as, for example, Yarra Valley vineyards or indeed our curfew-free Melbourne Airport, which I know the member for Yuroke is a great supporter of and has worked so hard on.

We will manage growth at the fringes through five designated growth areas. This legislation and our designated growth areas — hold onto your hat, it is coming today — will give the public certainty as Melbourne grows.

The government is getting on with the job, but where is the opposition?

Mr Honeywood interjected.

Ms DELAHUNTY — The member for Warrandyte interjects. He said last year that this legislation would have the unanimous support of the parliamentary Liberal Party, but there has been absolute silence from the planning spokesperson, the member for Hawthorn.

The government has had calls from the planning institute, the Housing Industry Association and others for bipartisan support for Melbourne 2030 and particularly for this green wedge legislation. But we have had absolute silence from the Liberal Party, with the exception of those outside this place.

There has been a ringing endorsement for Melbourne 2030 and the green wedge legislation from — this is the real Liberal, I guess — Alan Hunt, who wrote in the *Age* today — —

Honourable members interjecting.

Ms DELAHUNTY — Oh, we are a divided opposition, aren't we?

The SPEAKER — Order! The Leader of the Opposition! The minister, to complete her answer through the Chair.

Ms DELAHUNTY — Alan Hunt, a former planning minister in the Bolte and Hamer governments, said that Melbourne 2030:

> … strengthens and extends the green wedges … This proposal is a welcome development that deserves support.

We know that the opposition is a policy-free zone; we know that there is a green wedge driven between the member for Warrandyte, who says he supports green wedges, and the member for Hawthorn, who sits on the fence.

The government is getting on with sustainable development; we are making the tough decisions; we are getting on with the job.

ROAD SAFETY (HEAVY VEHICLE SAFETY) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) introduced a bill to amend the Road Safety Act 1986 and the Transport Act 1983 and for other purposes.

Read first time.

VICTORIAN URBAN DEVELOPMENT AUTHORITY BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) introduced a bill to establish the Victorian Urban Development Authority to carry out urban development, develop the Docklands area and undertake declared projects, to provide for special powers in relation to declared projects, to repeal the Urban and Regional Land Corporation Act 1997, to amend the Docklands Authority Act 1991 and other acts and for other purposes.

Read first time.

CORRECTIONS (AMENDMENT) BILL

Introduction and first reading

Mr HAERMEYER (Minister for Corrections) introduced a bill to amend the Corrections Act 1986 and for other purposes.

Read first time.

ALBURY-WODONGA AGREEMENT (REPEAL) BILL

Introduction and first reading

Mr BRUMBY (State and Regional Development) introduced 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.

Read first time.

AUDIT (AMENDMENT) BILL

Introduction and first reading

Mr BRUMBY (Treasurer) introduced a bill to amend the Audit Act 1994 with respect to the powers of the Auditor-General and indemnities for the Auditor-General and audit staff, to amend the Financial Management Act 1994 with respect to the tabling of financial reports and for other purposes.

Read first time.

ENERGY LEGISLATION (CONSUMER PROTECTION AND OTHER AMENDMENTS) BILL

Introduction and first reading

Mr BRUMBY (Treasurer) introduced a bill to amend the Gas Industry Act 2001, the Electricity Industry Act 2000, the Essential Services Commission Act 2001, the National Electricity (Victoria) Act 1997, the Electricity Safety Act 1998 and the Co-operative Schemes (Administrative Actions) Act 2001 and for other purposes.

Read first time.

ROYAL AGRICULTURAL SHOWGROUNDS BILL

Introduction and first reading

Ms DELAHUNTY (Minister for Planning) introduced a bill to make provision relating to the use of land for the purposes of the Royal Melbourne Show and for other recreation, entertainment and amusement purposes, to amend the Royal Agricultural Showgrounds Act 1931 and the Racing Act 1958 and for other purposes.

Read first time.

PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL

Introduction and first reading

Ms DELAHUNTY (Minister for Planning) introduced a bill to amend the Planning and Environment Act 1987 to provide increased planning protection for green wedge land in certain metropolitan fringe areas and for other purposes.

Read first time.

VICTIMS OF CRIME ASSISTANCE (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to make miscellaneous amendments to the Victims of Crime Assistance Act 1996 and for other purposes.

Read first time.

COURTS LEGISLATION (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Constitution Act 1975 and the County Court Act 1958 with respect to the recognition for pension purposes of certain prior service of persons appointed as judges, to amend the Magistrates' Court Act 1989 and for other purposes.

Read first time.

CONFISCATION (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to make various amendments to the Confiscation Act 1997, to consequentially amend the Crimes Act 1958, the Drugs, Poisons and Controlled Substances Act 1981 and the Sentencing Act 1991 and for other purposes.

Read first time.

ESTATE AGENTS AND SALE OF LAND ACTS (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Estate Agents Act 1980 and the Sale of Land Act 1962 and for other purposes.

Read first time.

LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL

Introduction and first reading

Mr CAMERON (Minister for Agriculture) introduced a bill to amend the Livestock Disease Control Act 1994 and the Plant Health and Plant Products Act 1995 and for other purposes.

Read first time.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 2

Ms D'AMBROSIO (Mill Park) presented *Alert Digest* No. 2 of 2003 on:

Catchment and Land Protection (Amendment) Bill
Child Employment Bill
Constitution (Parliamentary Reform) Bill
Constitution (Water Authorities) Bill
Dandenong Development Board Bill
Melbourne (Flinders Street Land) Bill
Port Services (Port of Melbourne Reform) Bill
Regional Infrastructure Development Fund (Amendment) Bill
Safe Drinking Water Bill
Shop Trading Reform (Essential Goods Amendment) Bill
Summary Offences (Offensive Behaviour) Bill
Transport (Miscellaneous Amendments) Bill
University Acts (Amendment) Bill
Water Legislation (Essential Services Commission and Other Amendments) Bill
Water (Victorian Water Trust Advisory Council) Bill

together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Audit Act 1994 — Report of the Auditor-General on Parliamentary control and management of appropriations — Ordered to be printed

Commonwealth Games Arrangements Act 2001 — Orders pursuant to s. 18

Interpretation of Legislation Act 1984 — Notice under s. 32(4)(a)(iii) in relation to Amendment No. 12 of the Building Code of Australia 1996

Municipal Association of Victoria and Civic Mutual Plus — Report for the year 2001–02 (two papers)

Ombudsman Act 1973 — Report of the Ombudsman on the investigation of complaints against State Trustees Ltd — Ordered to be printed

Parliamentary Committees Act 1968:

Response of the Minister for Agriculture on action taken with respect to the recommendations made by the Environment and Natural Resources Committee's Report into the Management of the Fishing Charter Industry in Victoria

Response of the Premier on action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on the Review of the Victorian Public Service

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

Bass Coast Planning Scheme — No. C9

Casey Planning Scheme — Nos C32, C51, C61

Greater Dandenong Planning Scheme — Nos C30, C44

Greater Geelong Planning Scheme — No. C74

Macedon Ranges Planning Scheme — No. C22

Moonee Valley Planning Scheme — Nos C40, C42

Mount Alexander Planning Scheme — No. C18

Murrindindi Planning Scheme — No. C7

South Gippsland Planning Scheme — No. C13

Warrnambool Planning Scheme — No. C20

Whittlesea Planning Scheme — No. C42

Rural Finance Act 1988 — Directions by the Treasurer to the Rural Finance Corporation to administer Financial Assistance Schemes to the:

Eastern Mallee Region

Goulburn Irrigation Area

Statutory Rule under the *Goods Act 1958* — SR No. 28

Subordinate Legislation Act 1994 — Minister's exemption certificates in relation to Statutory Rule Nos 26, 28.

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 26 February 2003:

Constitution (Parliamentary Reform) Act 2003 — Divisions 1, 3 and 4 of Part 2, Division 1 of Part 3 and Division 1 of Part 4 on 8 April 2003 *(Gazette S57*, 8 April 2003)

Wrongs and Other Acts (Public Liability Insurance Reform) Act 2002 — Part 5 on 1 May 2003 *(Gazette G16*, 17 April 2003).

ROYAL ASSENT

Message read advising royal assent to:

Parliamentary Committees and Parliamentary Salaries and Superannuation Acts (Amendment) Bill
Retail Leases Bill
Shop Trading Reform (Essential Goods Amendment) Bill
Small Business Commissioner Bill
Terrorism (Community Protection) Bill

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Child Employment Bill
Dandenong Development Board Bill
Port Services (Port of Melbourne Reform) Bill
Regional Infrastructure Development Fund (Amendment) Bill
Safe Drinking Water Bill
Summary Offences (Offensive Behaviour) Bill
Transport (Miscellaneous Amendments) Bill
Water Legislation (Essential Services Commission and Other Amendments) Bill
Water (Victorian Water Trust Advisory Council) Bill

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, pursuant to sessional order 6 (2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 1 May 2003:

Terrorism (Commonwealth Powers) Bill

Crimes (Property Damage and Computer Offences) Bill

Control of Weapons and Firearms Acts (Search Powers) Bill

Port Services (Port of Melbourne Reform) Bill

Country Fire Authority (Volunteer Protection and Community Safety) Bill

Murray-Darling Basin (Amendment) Bill

Transport (Miscellaneous Amendments) Bill

Melbourne (Flinders Street Land) Bill

Water Legislation (Essential Services Commission and Other Amendments) Bill.

This motion sets out the government program for this week. It details nine pieces of legislation, some of which were foreshadowed prior to the election. The Terrorism (Commonwealth Powers) Bill, the Crimes (Property Damage and Computer Offences) Bill and the Control of Weapons and Firearms Acts (Search Powers) Bill have already been dealt with, having been introduced in the Legislative Council before coming here.

In that context we believe the legislative program for this week is achievable. It offers a wide range of topics for members of the chamber to debate and it spreads the workload. It should be achievable by 4 00 p.m. on Thursday, if we are prepared to work at it.

Mr PERTON (Doncaster) — The opposition is prepared to accommodate this legislative program, but I note that in addition to the nine bills it is intended to complete notice of motion 1 in the name of the Minister for Planning, although through some oversight it has not been included in the business program. I also note that the government intends to proceed with its matter of public importance tomorrow.

While the minister is right that some of these bills have been dealt with in the last Parliament and have come back to this chamber for debate, there are two in particular that we believe will need some time. One is the Transport (Miscellaneous Amendments) Bill, which has some issues relating to the licensing of taxidrivers and which the opposition will propose some amendments to. I understand some discussions will take place between the shadow minister and the minister as to whether the amendments can be accommodated by the government. The Water Legislation (Essential Services Commission and Other Amendments) Bill is one that the Liberal and National parties both wish to debate. I hope the legislative program is ordered in a way that ensures those two bills are placed appropriately to allow debate to proceed.

The Terrorism (Commonwealth Powers) Bill and the Crimes (Property Damage and Computer Offences) Bill are subject to national agreements. They were debated in this house last year, and I understand that the shadow Attorney-General will do his best to ensure those bills are passed expeditiously so the house will have sufficient time to debate the other matters.

Mr MAUGHAN (Rodney) — The National Party will try to accommodate the government in passing this business program, but I want to record the fact that we are dealing with two vital pieces of legislation for people in northern Victoria and in the irrigation areas. The Murray-Darling Basin (Amendment) Bill and the Water Legislation (Essential Services Commission and Other Amendments) Bill are absolutely vital to the people of northern Victoria. If you look at the fact that we will spend perhaps 2 hours on notice of motion 1, as well the time taken up by the government's matter of public importance and second readings, you will see that we will have an absolute maximum of 13½ hours to debate nine bills. That is 90 minutes per bill.

I agree with the Leader of the House that three of the bills have already been debated in the other house and therefore should not take too much time. However, at least four other bills are important. The Port Services (Port of Melbourne Reform) Bill makes major changes to the way our commerce is conducted, given the shipping that comes in and out of the port of Melbourne. The Country Fire Authority (Volunteer Protection and Community Safety) Bill is very important in view of the disastrous fires we have just had and the protection this bill proposes to provide for Country Fire Authority volunteers.

The two bills I have talked about are absolutely vital to the future of not just the people I represent in northern Victoria but the people represented by my colleagues the members for Murray Valley, Swan Hill and Shepparton. Their electorates include irrigation areas, and irrigation is absolutely vital to the people of Victoria and the economy of the state. In northern Victoria it generates about $8 billion of economic activity, which is very important to the state — —

Mr Delahunty interjected.

Mr MAUGHAN — There is a lot of port activity too, as the honourable member for Lowan points out. The government is allowing a couple of hours at the very most on each of those important bills.

The Water Legislation (Essential Services Commission and Other Amendments) Bill has the capacity to significantly increase the cost of water. Given the very difficult circumstances that farmers are suffering in northern Victoria, this bill is of absolute importance to them. It also has the potential to remove water services committees, a mechanism that has worked very well by ensuring that irrigators have some ownership of the decisions that are made on their behalf by at least having some input into the decision making. This bill has the potential to and probably will remove some of those requirements, so it is a critical piece of legislation to the people of northern Victoria. The same is true of the Murray-Darling Basin (Amendment) Bill, which deals with the Living Murray, water for the Snowy River and so on. That is very critical. Do not take my word for it, listen to people like Richard Pratt and many others, who are talking about the absolute importance of examining the way we use water in the state.

This week's government business program will result in an average of 90 minutes debate per bill — not 90 seconds, but the way we are going we will get down to that — including these two vital bills which we could spend hours discussing.

The National Party will accommodate the government, but I record that these two very important pieces of legislation are being rushed through without sufficient consideration by this Parliament.

Motion agreed to.

MEMBERS STATEMENTS

Anzac Day: Frankston

Mr HARKNESS (Frankston) — It was an enormous pleasure on Anzac Day to attend the celebrations and service at Frankston. Over 500 people attended, including more than 200 present and past service personnel. Noteworthy is the fact that the flame of remembrance outside the Frankston Civic Centre was lit officially for the first time and remained alight for the commemoration.

A number of organisations marched in procession, including the Naval Association of Australia, the Returned and Services League no. 1 company, the RSL no. 2 company, the Vietnam Veterans Association, the Peninsula ex-servicewomen's sub-branch, the Frankston RSL pipe band, the Air Force Association, no. 418 cadets, no. 36 army cadets, the State Emergency Service and fire brigade, and the scouts. I would like to make special mention of the president of the RSL, Ron McClelland; the guest speaker, Lieutenant-Commander Mac Henstridge from the Royal Australian Navy; the chaplain, the Reverend Alan Fletcher; and the parade marshal, Mr Ron Benton. It was a terrific event and it was a great privilege to be able to lay a wreath. As the RSL chaplain, the Reverend Fletcher, said:

> Those who gave their all in distant lands and on distant seas will never be forgotten.

We will remember them. Lest we forget.

Essendon North Primary School: Schools of the Future program

Mr PERTON (Doncaster) — During the last government several schools were selected as navigator schools for their innovation and leadership. One of those schools I want to draw attention to is Essendon North Primary School which has continued its leadership role. Michael Giulieri, the principal of the school, and the school council have remained world leaders in the use of innovative teaching techniques and the use of technology in the classroom. What he and his staff and students have achieved is world leading. Every week there are visitors from overseas, interstate and within the state looking at the work they do. I want to pay particular tribute to the students. Sam Leech, along with his colleagues, proudly displayed all the work he and his class have done using the Apple i-Movie software. They are learning valuable skills in visual literacy that will equip them for leadership in the world of tomorrow.

It is not often that after a decade one can look at a program and say that the objectives you set in place — that is, innovation and leadership in education — have been achieved, but Essendon North Primary School, through the use of information technology, the most innovative techniques, exceptional leadership from the school principal and the school council, and the empowerment that was given to them by the Schools of the Future program, is a school that leads the country and a school that can stand proud internationally. It is a great community led by a great principal.

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

Bimbadeen Heights Primary School: community

Ms McTAGGART (Evelyn) — On Tuesday, 1 April I had the pleasure of attending Bimbadeen Heights Primary School. The grades 5 and 6 students are currently studying politics and recently had a tour of the Victorian Parliament. The following school councillors welcomed me to their school: Sam Heynemann, Nikita De Boer, Jacqueline Brook, Megan Linnie, Emily Piribauer and Rhys Plose.

We had two informal groups to discuss a day in the life of a politician. I was very impressed with the questions asked by the students. They certainly enjoyed their tour of Parliament and were particularly interested in the bells and the consequences if members were late. They were keen to know how I became involved in politics, the process of becoming a candidate, how I worked during the campaign, and how long I intended to do the job as the member for Evelyn.

I enjoyed meeting with a very interactive group of children who have been well informed about political process. I would like to thank the following teachers for coordinating these groups: Judy McConnell, Liz Bonnett, Sue Dickinson, Joan Wood, Hayley Coats and Malcolm Rosendale. I thank them for a lovely morning tea and the opportunity to meet with the principal, Heather Hopcroft, and other staff members. I have visited Bimbadeen many times and I look forward to a long and happy association with this school.

Public liability: premiums

Mr JASPER (Murray Valley) — I bring to the attention of the house the continuing concerns with the escalating public liability insurance premiums despite the government's legislation, which has been of little assistance, and the lack of any further positive action. Businesses are being burdened by higher premiums and many are just closing down. I highlight the North East Climbing Centre, which operates an indoor climbing and abseiling facility at the Wangaratta water tower. The facility has been operating since 1987, being established with a sport and recreation grant. It handles approximately 300 students from secondary schools across north-eastern Victoria as a service provider on a part-time, non-profit basis. The organisation has never had any accidents or claims, operating with the highest degree of safety for the participants.

However, public liability insurance annual premiums have risen from just under $2500 two years ago to almost $4000 last year — but importantly the renewal has not been accepted from 1 May this year. The Victorian Tourism Operators Association has offered renewal at $5000 plus a joining fee of $500. The result is that the operator is closing down because of the escalating costs of public liability insurance. The cost of this insurance is making the activities unviable. The operator is totally disillusioned with the Victorian government, in not being able to resolve the problem.

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

Bunyip by the Sea Festival, Drysdale

Ms NEVILLE (Bellarine) — Continuing on with the statement I made during the last sitting week, I would like to further elaborate on the success of this year's Bunyip by the Sea Festival, which I was delighted to open on 29 March. This festival is an annual fundraiser for the Drysdale Primary School and

the Clifton Springs Primary School. Each year it alternates between the two school sites and the money raised is shared between the two schools.

This year more than $20 000 was raised on the day and a further $10 000 was raised prior to the event. It is supported by the local community and local businesses who contribute money, goods and services. The local Clifton Springs milk bar raised over $2000 by contributing 10 cents for every milk product purchased. Students participated in a range of activities and performances and were a credit to the talents and skills developed at the local schools. Teachers, parents and students from both schools were involved in the preparations. I would particularly like to acknowledge Paula and Sarah Jenkins, Dianne Toe, Rebecca Smith, Robert Todd, Joanne Vincent, school principals and school councils, and Anne Brackely who once again oversaw the event.

The festival is a great example of people coming together selflessly, volunteering times, skills and talents to support their community. I look forward to next year's festival and many Bunyip festivals to come. Congratulations to all involved.

Scoresby freeway: tolls

Mr WELLS (Scoresby) — This statement condemns Premier Bracks for breaking his election promise of no tolls on the Mitcham–Frankston or Scoresby freeway. This promise was made over and over again prior to the last state election in the electorates of Scoresby, Ferntree Gully, Bayswater, Forest Hill, Frankston, Dandenong and, of course, Mitcham. Once again, the issue was: no tolls, no tolls, no tolls. We now find that this promise was a straight-out lie.

The Bracks Labor government was first elected on a platform of operating an open, transparent and accountable administration. However, nothing could be further from the truth when the mechanisms for funding the Scoresby freeway were deceptively hidden from voters at the November 2002 state election. To every single frustrated and angry user of the heavily congested and often grid-locked Springvale and Stud roads, the decision to impose tolls on the Mitcham–Frankston freeway is just another kick in the head by the Labor government that has historically treated the people of the outer east and south-east with contempt. Voters were totally deceived: they were lied to and simply conned by the Bracks Labor government. The Victorian community, particularly the voters of the east, outer east and south-east, will never again believe a single promise made by the Premier.

Anzac Day: Blackburn

Ms MARSHALL (Forest Hill) — It was with great pleasure that on Sunday, 20 April I participated in the Blackburn Returned and Services League (RSL) commemorative service. While we were blessed with a perfect day in terms of weather, it was nonetheless a sombre occasion remembering those who had so bravely given their lives so that we can enjoy the freedom we do. As a mark of respect to the fallen we walked slowly to the beautiful but eerie sound of a lone RSL member playing the bagpipes, flanked by four young cadets from the RSL, to a memorial site where wreaths were placed. With me was the Mayor of Whitehorse City Council, Cr Jessie McCallum, and the member for Mitcham, Mr Tony Robinson.

Traffic management by the local police ensured a trouble-free walk for the members, with many locals also stopping to pay their respects. We returned to the clubhouse for an afternoon's entertainment, with songs sung by the combined Uniting Church men's choir and food and refreshments provided by the ladies auxiliary.

The principal of Blackburn Primary School, Sue Henderson, enlightened us on how the school curriculum dealt with the difficult topic of war and its affect on young minds. This was followed by the schoolchildren reciting poems they had written from the perspective of a digger. Their presentation showed a depth of understanding of and compassion for the issues of conflict. We were all deeply touched by the service, and with our newest servicemen soon to return we were reminded of the need to involve ourselves as a community in supporting all Australians who represent us with such honour during these difficult times.

Holocaust: commemorations

Mrs SHARDEY (Caulfield) — This week the Jewish community has been commemorating Yom Hashoah, or the Holocaust. The commemorations I have attended have focused on the 60th anniversary of the Warsaw ghetto uprising, the first urban uprising in occupied Europe and the one that, among Jewish uprisings, lasted the longest. After some 300 000 people had been deported from the ghetto to extermination camps such as Treblinka, a Jewish fighting force was formed amongst the 60 000 who survived. The uprising began on 19 April 1943, the eve of the Passover, or Pesach, in response to what was to be the final deportation to the death camps and a gift to Hitler for his birthday.

However, when German forces entered the ghetto they did not find a living soul on the streets. The entire

population had gone into hiding and refused to comply with the orders of the Nazis. This was followed by three weeks of fierce resistance by the Jews of Warsaw, who had virtually no weapons, and the systematic burning of the ghetto by the Nazis. In the end the entire ghetto was in flames, and by 16 May the fighting was over.

While some 56 000 were captured by the Germans, others escaped. Among the survivors were those who, after the war, came to Australia. This week some of these brave people told their stories, and we have remembered those who did not survive this uprising and the Shoah.

Aleihem hashalom! [*May we all have peace!*]

Chelsea Lions Club: golf day

Ms LINDELL (Carrum) — I would like to acknowledge the fine work of the Chelsea Lions Club, which recently held its ninth annual charity golf day. I was pleased to join its members on a wet Sunday morning at the Eastern Sward Golf Club, where an enjoyable day was had by all. I acknowledge the fine work of the president, Mr Frank Sainsbury, along with Allan Paynter and Bob Cooper, in organising the day. A lovely lunch was provided by the ladies from the club, led by Lucy Paynter. It was a great day, which raised $2500.

The Chelsea Lions Club has used this money to buy breathing apparatus for the Carrum Country Fire Authority. I particularly acknowledge this effort of local clubs in banding together and supporting one another. I know the Carrum CFA will put this breathing apparatus to good use in protecting community assets. I congratulate the Chelsea Lions Club on organising an excellent day.

Tourism: north-east Victoria

Dr SYKES (Benalla) — Easter and Anzac Day long weekends saw thousands of visitors flock to north-east Victoria and join the locals in enjoying beautiful weather, fine wine, good food and great company. Events included the local premiere of the film *Ned Kelly* in Mansfield, with proceeds going to the restoration of the graves of the police killed by the Kellys. The Farmers Arms Hotel in Benalla raised over $13 000 in a Good Friday appeal auction.

The Molyullah Easter Fair was a great family day, with attendances up 20 per cent on last year. At Mansfield hundreds of people participated in the Race for Life to raise funds for cancer victims. And of course on Anzac Day ceremonies were held throughout the electorate. At Bright over 200 locals and visitors participated in the dawn service, and at Benalla over 500 people participated in the service which was held on the lovely shores of Lake Benalla.

Violet Town's local football hero, Gary Abley, played his 400th senior game, and at Benalla on Sunday over 150 people enjoyed a drought survival gathering — in steady rain. Nearby, hundreds of young horseriders competed in regional selection trials. Mount Beauty's Music Muster was a roaring success, and Bright's Autumn Festival commenced in perfect autumn weather.

It is truly heartening to witness people overcoming drought and fire and getting on with life, showing enormous personal strength and great community spirit.

Schools: class sizes

Mr MAXFIELD (Narracan) — I rise today to comment on the wonderful achievement of the Bracks government in reducing class sizes. In my electorate of Narracan we now have an average of about 19 students for the lower primary levels, which indicates a significant increase in teacher numbers. I pay tribute to those teachers who have returned to teaching and who are providing support in our schools. Many schools are receiving an improved level of education as a result of this Bracks government initiative.

Class sizes vary because of the way schools have allocated class numbers. Some have concentrated more on specialist teachers to provide additional student support, while others have gone for the lowest possible class size. Within that mixture schools have been able to deliver the education they deem best for their students, and this has provided a very good outcome.

Prior to Easter I had the pleasure of opening some classrooms at Warragul Primary School. The classrooms were constructed in a way which reflects the historic nature of that beautiful school, and credit goes to the school community for its work and its support in complementing the Bracks government contribution of $450 000 with its own contribution of $20 000.

Planning: Carnegie tabletop dancing venue

Mr BAILLIEU (Hawthorn) — Tabletop dancing may well have its place, but Koornang Road, Carnegie, is not one of them. For nearly a year, residents, ratepayers and traders in Carnegie have been fighting an application to locate a tabletop dancing venue in the heart of the Koornang Road shopping strip. The proposal involves a sexually explicit entertainment

venue in the middle of a suburban family shopping strip. It is located, above all things, over a family restaurant!

Thousands of locals registered their objections, and on behalf of the Liberal Party I expressed the view many times, including during the election campaign, that this was an inappropriate location.

Glen Eira City Council expressed its position by firmly rejecting the application. The application is now before the Victorian Civil and Administrative Tribunal, and still the Minister for Planning has not made her view known. Time is running out for the minister in many ways: VCAT is due to determine its position in the next two weeks and, to the concern of many, will be unguided in its approach.

I call on the minister to act now. She has the power; she cannot continue to avoid the issue. For the minister to dance around this one is simply unacceptable.

Anzac Day: Eltham and Montmorency

Mr HERBERT (Eltham) — On Anzac Day I had the privilege of laying wreaths at both the Montmorency and Eltham Returned and Services League (RSL) services. It was an honour to join the large number of local residents who went along to recognise the sacrifices and contributions our veterans have made to the ongoing security of our country. It was particularly good to see the large number of schoolchildren and other children who participated in the ceremony to remember the contributions of their parents or grandparents.

I would like to congratulate Montmorency RSL on its new cenotaph. I understand it was supplied by Banyule City Council. It is a very creative and picturesque design, which enhances the entrance of this great community facility.

I also thank the Montmorency RSL president, Bill McKenna, and the Eltham RSL president, John Haines, not only for the way they conducted the ceremonies, which were particularly good, but for their tremendous contributions and those of their organisations to the broader community. They contribute to local schools and a whole heap of worthwhile projects in their local areas. For me, the highlight of the day was the opportunity to throw the first two coins at the Montmorency RSL. Two-up is a great Anzac Day afternoon tradition; it is a lot of fun and a bonding experience for many diggers and their families.

Eastern and Scoresby freeways: tolls

Mr COOPER (Mornington) — On 8 April, during the debate in this house on the Southern and Eastern Integrated Transport Authority Bill, the member for Bayswater stated with absolutely no equivocation that there would be no tolls on the Eastern Freeway or the Scoresby freeway project, a project which the government has now confusingly renamed. It came as no surprise to opposition members of this house that only six days later the Premier made the member for Bayswater appear in the worst possible light by announcing that the government was going back on its firm election promise of last November by introducing tolls on both of those projects. That particular broken promise is but one of a lengthening list of broken promises by this untruthful and hypocritical government.

Those who were in the house on 8 April will recall the immortal words of the member for Bayswater when he said in regard to tolls:

> All I can say is: 'No tolls, no tolls and no tolls!'

The response now to those words is that if the member for Bayswater has any sense of integrity and decency he will resign, resign, resign.

Anzac Day: Yarra Junction

Ms LOBATO (Gembrook) — On Anzac Day I was delighted to be asked to speak at the Upper Yarra Returned and Services League (RSL) service held at the cenotaph at Yarra Junction.

The turnout was remarkable with hundreds of people participating in the service after watching the parade down the main street. It was attended by young and old, with many children and families taking the opportunity to remember those who died in war service for our country. For me it was an opportunity to share the remarkable story of my grandfather, Morris Coath, who served with the Royal Australian Air Force during World War II in Egypt, Libya, Algeria and Tunisia. Unlike most of his training companions, who perished, he returned home to Australia after his war service.

On Anzac Day the community spirit in my electorate was remarkable. After the service came the obligatory but pleasant necessity of sharing a cold beer at the local RSL club. This Upper Yarra club must surely have the most idyllic location of any RSL in Victoria, with views that cannot be bought, matched by a friendliness that is unsurpassed. I thank the members for allowing me to join them on what was a day of both merriment

and solemnity — in more ways than one for a Collingwood supporter like me!

I also enjoyed lunch and the country hospitality of the Warburton RSL in another remarkable location right on the banks of the river. In the tiny club I managed to eat and also wash the dishes!

Frankston: Pines former school site

Mr PERERA (Cranbourne) — I would like to record my appreciation of the Frankston Pines community for taking a proactive role in cleaning up the former Monterey school site on a regular basis until a committee of management has been established.

The first clean-up is this Sunday, 4 May, from 10.00 a.m. to 12 noon, with a sausage sizzle to follow. I thank Margaret McGrath, Sandra Johnson and Barbara Kuhl for organising this event. I would also like to thank David Gray, coordinator of open spaces at Frankston City Council, for agreeing to organise a skip to remove the rubbish.

My special thanks go to Sandra Johnson for undertaking the painful task of letterboxing Frankston Pines households to publicise the event. This former site of the Monterey Secondary College was sold to a developer by the previous Kennett government. The Bracks government compulsorily acquired the land; fenced it; removed all the remnants of the demolished building, and carried out environmental studies and the rest that was required at a cost of over $1.2 million. The Bracks government is offering this beautiful parkland free of charge to the Frankston council for it to take over the committee of management, with additional money to share the cost of the master plan.

I congratulate the Frankston Pines community for taking this proactive role until Frankston council makes the right decision to take over the management of the site.

Prahran: stormwater reuse

Mr LUPTON (Prahran) — I had the pleasure on Tuesday, 15 April, of attending the launch of the high-rise stormwater reuse project at the Office of Housing estate in King Street, Prahran. The stormwater is collected from the roof of the high-rise building, diverted, filtered and fed through an underground irrigation system to the trees, shrubs and garden beds on the estate.

The environmental benefits include a vegetation success rate of 97 per cent compared to a 40 per cent survival rate for non-irrigated vegetation. This also means significant savings on investment as less replanting is required. In addition to savings in water use charges at the estate it is expected that over 3000 litres of drinking water will be saved each week.

As over half of our pure drinking water is currently used for flushing toilets and watering gardens, it is important that we match the purity of water to appropriate uses.

These benefits are economic, environmental, social and aesthetic. In particular the residents of the estate appreciate the value and benefit of having a wonderful garden all year round. Many of the residents use the garden extensively and a significant number of them was present at the launch on 15 April. I look forward to working with the government to expand these and other important environmental measures in the area of Prahran and throughout Victoria.

Marysville and District Lions Club

Mr HARDMAN (Seymour) — I rise to congratulate the members of the Marysville and District Lions Club. On Friday, 25 April, the club celebrated its 30th year of active community service for the area.

The club plays a major role in the community. Its members take on a number of projects and stage a number of events to improve the area. Recently I had the pleasure of attending the opening of the Bill Lucas Bridge, a notable project. The bridge is named in memory of an active community member who was also a member of the club. The bridge was opened on Melbourne Cup Day last year.

The club's newsletter, the *Triangle*, is an outstanding and ongoing contribution to the community. It covers the three towns of Narbethong, Buxton and Marysville. The *Triangle* enables local businesses and community groups to publicise their activities and keeps local people informed of local events and items of interest. This activity, along with the many other community events, is carried out by only 15 enthusiastic members who make this beautiful area an even better place to live in and to visit.

On behalf of the community I take this opportunity to thank the members of the Marysville and District Lions Club for their service to the community and, indeed, the many other local Lions Club members who do so much work to help our communities prosper and thrive into the future.

Beryl Burrowes

Mr SEITZ (Keilor) — I place on record my public respect for and acknowledgment of Mrs Beryl Burrowes of St Albans who formed Westvale Walkers Club 10 years ago. Beryl is still a part of that club. The club's members engage in a very important activity and provide a centre through which people can engage in exercise, which is far more enjoyable as a group activity. Members of the club walk not only in their own district; they also take car trips to other areas and explore different countryside, new developments and parks.

It is tremendous that Beryl is still part of that program. She has always been a person who has taken action rather than sitting back and grizzling that somebody else should do something. My association with her goes back to when we wanted to have kindergartens established and to make it our local government's policy to assist in building kindergartens in the Keilor district. The first kindergarten was built when my son was ready to start kindergarten, which is some years ago. That is how far back our campaign goes in fundraising and community activities. Beryl is still active, even in retirement. She is a former president of Keilor Over 50s Club, having participated in that organisation in community development.

Northern Bullants Football Club

Mr LEIGHTON (Preston) — Last Wednesday I attend a business lunch hosted by the Northern Bullants, formerly a Preston-based club in the Victorian Football Association. I am pleased to say that the future of the club is looking very good compared to five years ago when the Victorian Football League wanted to exclude the club from the league.

The club has an enthusiastic and improving membership base and is strongly supported by Preston business and the City of Darebin. It is a real grassroots community football club. At the lunch high-calibre speakers included John Bertrand, who hopefully has given the club a few tips on his winning formula, and Denis Pagan, the coach of the Carlton Football Club.

Denis Pagan was present because Carlton and the Northern Bullants are in the process of merging. Discussions are going well and the two clubs are getting on very well. I believe the finalisation of that merger will bring benefits to both clubs. Carlton's support even extends to Denis Pagan inviting the Bullants coach, Mark Williams, to sit in the Carlton coaching box, which has to be of benefit to the Bullants.

The Northern Bullants have a strong commitment to junior football, including the Northern Knights. With Ray Shaw as coach of the under-18s, there is a lot of support and development of junior football. I believe the Northern Bullants are headed for a very good year, and I wish them well for season 2003.

Genetic engineering: freeze

Mr CRUTCHFIELD (South Barwon) — I wish to pass on to the responsible ministers, the Minister for Agriculture and the Minister for Health, a petition regarding genetic engineering which requests a five-year freeze. It was passed to me yesterday, but unfortunately did not meet the requirements of the Parliament so I could not table it. I will let Stephen Chenery of the South Barwon Greens and the other 250-odd people who have signed the petition know that it has been passed on to the responsible ministers.

MELBOURNE AIRPORT ENVIRONS STRATEGY PLAN

Ms DELAHUNTY (Minister for Planning) — I move:

> That, pursuant to section 46U of the Planning and Environment Act 1987, the Melbourne Airport Environs Strategy Plan 2003 be approved.

The Melbourne Airport Environs Strategy Plan is a land-use strategy prepared by government to provide a framework for planning controls and other initiatives to manage the various interests of both the Melbourne Airport and the significant airport environs. It is designed to provide and to bring certainty, consistency and probably clarity to a series of overlays and other planning controls which have been seen to be inconsistent and out of date.

The Melbourne Airport Environs Strategy Plan will result in a series of amendments and other actions by state government to facilitate the economic and competitive operation of Melbourne's international airport. The plan should facilitate the continued enhancement of the economic and competitive operation of this international airport while maintaining and ensuring the amenity of those who live in the surrounding neighbourhoods. The government's plan for managing the growth of Melbourne, Melbourne 2030, is very conscious of the role of Melbourne Airport. It is a major infrastructure facility which continues to operate very efficiently and it gives this state a competitive advantage because it is a curfew-free airport. This strategy plan is consistent with

the intent of Melbourne 2030 that the airport be protected.

Given the importance of Melbourne Airport to the state and the state's economy, the airport and the need to carefully manage land use in the vicinity has been recognised by specific provisions of the Planning and Environment Act 1987. The Labor Party when in opposition supported the introduction of this provision, and I recall speaking on it as a new member to this Parliament in 1998.

The strategy plan establishes principles and directions relating to land use in the vicinity. It helps us differentiate between the land use controls required for the use of an international airport such as Melbourne Airport and those required for smaller airports throughout Victoria. The strategy foreshadows a series of specific changes, some of which are in the relevant planning schemes of the various municipalities affected by this strategy. It sets out a program for change and lists areas for further investigation.

The major elements of the Melbourne Airport Environs Strategy Plan include provisions distinct to Melbourne Airport which will clarify and accurately identify affected properties we believe more accurately than in the current airport environs overlay (AEO).

The plan also provides continued support for the curfew-free status advantage of Melbourne Airport, to which I have already referred. It contains a requirement for more accurate overlay boundaries — which was discussed at length during this process — for affected areas and for those boundaries to be mapped. Again through this we are introducing clarity and consistency for all interests affected by the Melbourne Airport and its environs. This should result in an overall reduction in the proportion of properties to be included in the various overlays.

Another element essential to this strategy is the provision to formally establish the most current Australian noise exposure forecast (ANEF) as the appropriate measurement on which to base all planning overlay controls.

Further, it will support the production of a new overlay in the Victorian planning provisions — the Melbourne Airport environs overlay, hardly surprisingly — which provides appropriate land use, planning and building controls to protect noise-exposed properties in the general vicinity of Melbourne Airport. The strategy plan will commit the government to the preparation of a series of amendments to the planning schemes of those municipalities involved, including Brimbank, Hume, Moonee Valley and Melton. The controls will replace existing AEO controls for those properties affected by Melbourne Airport. The amendments will not apply controls to any new properties other than those currently affected by the AEO until the Melbourne Airport master plan process is complete.

Mr Baillieu — On a point of order, Acting Speaker, in good faith, this is the first time we have been through this process in this place. It would appear to me that the minister is reading a speech, which I do not begrudge her, but if a speech is being read should that speech be circulated to honourable members?

Ms DELAHUNTY — On the point of order, this process is a first, so there is no precedent. I am referring to detailed notes. This is a very detailed environment strategy, and I would prefer to be entirely accurate. As usual ministers are able to use very detailed notes when it comes to planning issues. That certainly is my preference, and I would understand that it is the preference of this Parliament that points are accurate.

Ms Beattie — On the point of order, Acting Speaker, the notes required for this particular regulation are indeed very detailed and technical. The minister has already referred to AEOs and ANEFs, and I would ask the indulgence of this house to allow the minister to read from those detailed notes because they are technical.

The ACTING SPEAKER (Ms Lindell) — Order! There is no point of order.

Mr Perton — Acting Speaker, on the point of order — —

The ACTING SPEAKER (Ms Lindell) — Order! On another point of order?

Mr Perton — On the same point of order, Acting Speaker. I am sorry, I was on my feet and you could not see me.

The ACTING SPEAKER (Ms Lindell) — Order! I am sorry, I have ruled on the point of order. There is no point of order.

Mr Perton — On a fresh point of order, Acting Speaker, in respect of the reading of speeches, as you are aware the circumstances in which a minister or a member can do that are very limited — that is, in a second-reading debate — and in respect of a motion that is certainly not in accordance with the standing orders or the practice I would ask you, having made your ruling in respect of the earlier point of order, to

refer the matter to the Speaker so that temporary chairs like you are not placed in a position of — —

Ms DELAHUNTY — How absolutely patronising!

Mr Perton — I am on my feet on a point of order. Would you sit down, please?

As I was saying before I was interrupted — —

The ACTING SPEAKER (Ms Lindell) — Order! The minister has already stated that she has detailed notes; as such, she has the call. There is no point of order.

Mr Perton — On a further point of order, Acting Speaker, we are in a Parliament in which there is the greatest imbalance between government and opposition members since 1992.

Ms Delahunty interjected.

Mr Perton — Of course it was; I am not stupid, Madam Minister! Abide by the standing orders and let me put this point to the Acting Speaker.

The minister clearly said that she was reading from detailed notes, not using detailed notes. I am not asking you, Acting Speaker, to reverse your ruling; I am asking you, given that this is the first time this sort of debate has taken place with a minister acknowledging that she is reading from notes in the same way that second-reading notes are read from, that you ultimately refer the matter to the Speaker for a ruling which can be used in future as these sorts of planning matters come before Parliament.

Ms DELAHUNTY — On the point of order, the member for Doncaster is trying to revisit the original point of order and so I would ask you, Acting Speaker, to rule him out of order. I did not say that I was referring to detailed notes in the same way as a minister refers to a speech when making a second-reading speech; that is not the case. I am referring to detailed notes. This is the first time we have had a strategy of this complexity and detail under the planning act that needs to be before the house. It is incumbent upon the minister to ensure that they are accurate. I am referring to detailed notes, and I will continue to refer to detailed notes if the house approves.

Ms Beattie — On the point of order, Acting Speaker, this is a very technical area. There are not many members in this house who would know what an ANEF is or an AEO, and I think the minister referring to those detailed notes is absolutely vital for the information of the members of this house. I ask that she be allowed to continue reading from those detailed notes.

Mr Perton — On the point order, there is heated agreement between the parties on the uniqueness of this; it is the first time this has been done. All I am asking, Acting Speaker — as the Speaker has indicated to me as the manager of opposition business — is that as we come across a new circumstance you refer the matter to the Speaker. I am happy to allow the minister to proceed now, but I would ask that ultimately we have a ruling on the matter.

The ACTING SPEAKER (Ms Lindell) — Order! I will take this matter on board, and I will refer it informally to the Speaker.

Ms DELAHUNTY — On a point of order on the question of time, Acting Speaker, we have clearly not stopped the clock, and the opposition has successfully obfuscated. We still do not know whether it is going to support this or not. Clearly we require more time.

Mr Perton — We are prepared — —

The ACTING SPEAKER (Ms Lindell) — Order! The member for Doncaster will await the call. The member for Doncaster, on a point of order.

Mr Perton — On the point of order, we would be more than happy if, at the end of her contribution, the minister sought an additional 5 minutes by leave. That would be no problem whatsoever. As indicated, it was on the uniqueness of the position that the member for Hawthorn raised the matter. We certainly do not wish to impinge upon the time allowed to the minister. If she wants another 5 or 8 minutes by leave after her allocated time has concluded, we will be happy to accommodate that.

Ms DELAHUNTY — Again I refer the house to the Melbourne Airport Environs Strategy Plan, from which my very detailed notes are drawn. I urge all members of Parliament, particularly those who have just spoken, to show as much interest in the detail of this very complex strategy as the members for Hawthorn and Doncaster have shown in trying to grandstand and to patronise various members of this house, including the Acting Speaker.

I was saying that the various elements of this very detailed plan include a commitment by the government to making a series of amendments which will affect the planning provisions of certain municipalities. They are Brimbank, Hume, Moonee Valley and Melton. These controls will replace the existing airport environs overlay (AEO) controls for those properties which are

affected by Melbourne Airport. The amendments will not apply controls — we need to make this quite clear, and this is why it is important to have the correct details in *Hansard* — to any new properties other than those currently affected by the AEO until the Melbourne Airport 2003 Master Plan process is complete. It is important to ensure that the land-holders who are affected by this process understand where it is going and their rights and responsibilities under it.

The final element of this strategy plan is the further investigation of procedures for notifying the public and property owners within 15 kilometres of the Melbourne Airport of aircraft noise and awareness issues, as they are described. We will be doing further investigation of that under this strategy plan.

What was the process that produced this strategy now before the house? It is an excellent example of consultative democracy. Maybe that is why some of the Luddites on the other side are more interested in semantic arguments about the detail and how it is delivered in this house than in the issues themselves.

The Melbourne Airport Environs Strategy Plan was developed in consultation with representatives of the local communities I have mentioned — Brimbank, Hume, Moonee Valley and Melton — and the Melbourne Airport operators, Australia Pacific Airports (Melbourne) Pty Ltd, known as APAM; and the federal Department of Transport and Regional Services was also involved. The steering committee was chaired expertly and with great dedication and knowledge by the then member for Tullamarine, now the member for Yuroke. I pay great tribute to the member for her leadership. Of course I also thank the representatives from the Department of Infrastructure and the Department of Sustainability and Environment.

After careful assessment and analysis the steering committee prepared a report to government on the proposed strategy which discussed both the issues of concern and the recommendations. That steering committee, led by the member for Yuroke, submitted its report at the end of 2002.

The committee has been very focused and very deliberate in its consideration of the key issues and of any proposed changes to planning controls in order to address the anomalies between the current controls, the airport environs area and the noise contours.

I have considered the comments, recommendations and detailed arguments of the steering committee. The formal position which the government has presented to Parliament today is detailed, as I said, in the Melbourne Airport Environs Strategy Plan 2003.

Let me take this opportunity to commend the members of the task force on their dedication to the detail. Certainly they are interested in hard work rather than just grandstanding. I thank particularly local government representatives Cr Gary Jungwirth, from Hume, Cr Trevor Sinclair, from Moonee Valley, Cr Charlie Watson, from Melton and Cr Charlie Apap, from Brimbank, and their officer representatives.

I also want to acknowledge the contribution of the community. I am sure the member for Yuroke will give further details on that, but without members of the community genuinely trusting this process I do not think they would have been as amenable to the recommendations made by the steering committee.

The government brings people into the tent: we have a discussion, we sort out the issues and then people sign up to an agreed process and an agreed outcome. I know it is novel for members of the Liberal Party. They would not understand democracy if it popped up in their porridge, but we understand it and we live it — and this is another example of it.

Mr Stensholt — There's a silver spoon in their porridge.

Ms DELAHUNTY — A silver spoon? A bag full of silver spoons!

I thank the staff and management of APAM for their contribution. No wonder Melbourne Airport is such a world leader. Chris Barlow and his staff are to be congratulated on the way they conducted these negotiations and, indeed, for their excellent operation of Melbourne International Airport.

This strategy is important, not just to these municipalities and to the airport itself but because of its role in the state's economy. This strategy, which I urge the Parliament to support and approve, is about the state's only international airport. Melbourne has a competitive advantage over Sydney, and we want to protect and maintain that competitive advantage while protecting the interests and the amenity of those who live in nearby neighbourhoods.

The strategy plan responds to the issues associated with the current planning scheme overlays and particularly the concerns that have been expressed by the landowners. To my mind it clarifies the boundaries to be applied with respect to rural properties — that is, the Australian noise exposure forecast contour — and the urban properties, particularly their title boundaries.

This strategy is of state significance. It is a portent of the green wedge legislation, which I will not comment on as it has just been introduced to the house. This is an excellent exercise in consultative democracy. I hope the opposition will spend much time considering the detail of this strategy, and that members opposite will speak both privately and publicly in support of the strategy instead of grandstanding and patronising — the people of Victoria showed at the last election and the one before it that they are tired of that. The Bracks government gets on with the job and stops the games the Kennett government played consistently. I urge the approval of this strategy by the Parliament.

An Honourable Member — Extension of time!

Mr BAILLIEU (Hawthorn) — I note the member's comment that the Minister for Planning should have an extension of time. She actually had 10 minutes to go, but that is fine.

Tullamarine airport is — —

Ms Beattie — Melbourne Airport.

Mr BAILLIEU — Melbourne Airport is a crucial asset for Victoria. This airport was put in place through the vision of the Bolte government many years ago. At the time it seemed that the airport was located in an area at some considerable distance from the heart of the city. It was a visionary statement to put the airport in that location in Tullamarine. Those who love their *Melway* will note that the airport is on the lowest numbered map — map 4 in the edition I have — which reflects the vision of the previous government in placing the airport at such a distance, and it has served its purpose well.

There has been enormous growth at the airport, particularly in recent years since privatisation. That growth is a tribute to the privatisation process that occurred. That growth has occurred in spite of the collapse of Ansett; in spite of the events of 11 September, which placed air travel in jeopardy around the world; and in spite of the rise of terrorism in recent years. That growth is a tribute to the airport and to the airline operators. I note that the Treasurer has acknowledged that growth in recent statements. I congratulate the owners of the airport on achieving that growth.

We have to recognise the airport as a precious asset. It is a precious asset because, as everybody acknowledges, we have a curfew-free airport — a rarity in Australia and in the world. It is a precious asset because of its proximity to the city and the infrastructure, and because of the links that it provides in travel and trade.

The motion seeks ratification of a new strategy for the planning scheme. This in itself is a rare process — in this place planning scheme amendments are usually dealt with by a disallowance mechanism and this is a ratification mechanism. The Minister for Planning referred to the green wedge legislation. A previous version of it was introduced under urgent conditions last year but has since lapsed; that is how urgent it was. That bill introduced a ratification process, and the minister suggested that that was unusual, but this ratification process is provided for under part 3C of the Planning and Environment Act, in particular section 46U. That provision was introduced by the Kennett government in 1998. The ratification process is one we should all value. It is important to understand the detail of the proceedings here and that is why the opposition raised the points it did earlier — this is the first time we have done this.

This motion comes at a time when not only have we had this strategy released but when the federal government has released a draft master plan and a draft environment strategy 2003 for the airport. In addition the Treasurer recently released the Melbourne Airport economic impact study, which is largely a collation of the material that makes up the master plan and environment strategy. I was fortunate enough to attend that release, and I agree with many of the things the Treasurer said at that time. His acknowledgment of the growth, assets and important attributes of Melbourne Airport is to be supported.

However, this process comes three and a half years into the Bracks government while this process began almost four years ago. As a consequence we need to examine that history a little. A focus group was established at the time the legislation was amended to include this ratification process for the Melbourne Airport strategy plan. That focus group was chaired by a former member for Tullamarine who is no longer in this place. On the passage of the legislative amendment that focus group converted to a committee which was chaired by the former member for Prahran. Carriage of that committee was then assumed by the then new member for Tullamarine, who is now the member for Yuroke. That has involved stakeholders, and I acknowledge the role played by those stakeholders, including land-holders, council officers, government department officers and Australia Pacific Airports (Melbourne) Pty Ltd, which operates the airport.

This process has been going for three and a half years, but it is interesting that the process stopped in

September of last year. The opposition has consulted as widely as it could on this strategy since its release, but the members of that committee found that all of a sudden last September all consultation stopped. They heard no more, and some suspected that maybe there was an election in the wind. As it turned out there was an election in the wind, and the government was clearly successful. However, those committee members received no further advice.

The Minister for Planning talked about the consultative process and the glory of democracy as exhibited by the Bracks government, but the members of the committee received no notice of the response to their committee and no notice of the strategy as released. In fact members of the committee received the documents only after they were sent to them by the opposition.

That is not to criticise the content of the strategy itself but after three and a half years we have to acknowledge — I will come to some particular matters in a moment — that in terms of a strategy for Melbourne Airport this is a case of all puff and no powder from the government. I say that because essentially the status quo is largely supported by this strategy and to the extent that there are controls, those controls are to be reduced. Interestingly those controls will be reduced on what will turn out to be a temporary basis. I want to work my way through those matters, but we need to acknowledge that this is not a dramatic change in anything that happens at Melbourne Airport, nor it is anything other than a demonstration of how the Bracks government can dilly dally and not get on with the job while spruiking about it.

The strategy itself is not a fat document compared to the vast documents released in the last two weeks. The strategy covers the seven areas the minister mentioned, and I want to briefly talk about them. The first point is the overlay boundaries. The steering committee report recommended that those overlay boundaries be based on what it called the ultimate-capacity Australian noise exposure forecast (ANEF). I want to stress the words 'ultimate capacity'. The committee was anticipating what is probably inevitable in the aviation industry in Victoria — that is, that there will be a change in the way airlines operate. In 1998, to the extent there are existing ANEF boundaries, the prospect was that the aviation industry would move to smaller and smaller planes and essentially the noise impact of those planes as they apply to airports would shrink. That was the assumed position in 1998, and therefore there was an anticipation that the impact of the arrival and departure of planes at Melbourne Airport would be less and as a consequence overlays might shrink to deal with it.

The committee suggested that the boundaries of those overlays be based on the ultimate-capacity Australian noise exposure forecasts (ANEFs). That is because in the future it is now clear that airliners will get bigger, not smaller. The noise impact of those larger airliners — and I am talking specifically of the A380, which is capable of carrying nearly 600 passengers — is, as I understand it, at least as much as that of a jumbo jet, and potentially more.

The government's position was to say, 'That may be so, but we are going to stick to the 1998 position'. Therefore we have the government acknowledging that rather than using the ultimate-capacity ANEFs it is settling on the most recently approved ANEFs, the 1998 version. It is, as the minister said, complex; but the reality is that there are contours provided under the ANEF system, an Australian standard. The measures used and frequently referred to are ANEFs 15, 20 and 25. Within the bounds of ANEF 20 planning controls are required, and the reality is that some in the community want the boundary controls to stretch to ANEF 15. As I understand it that is a quite separate argument that has been looked at by the committee and, for the time being, rejected.

Nevertheless, using the 1998 ANEFs gives a delineation of the boundaries of the 20 contour, which will now set the boundaries of the overlay, and hence the planning overlay for Melbourne Airport will shrink under this process.

I mention all of that because the reality is that at the very same time — three and a half years later — as this strategy has been released, under commonwealth legislation we have, as I said, a master plan draft and an environment strategy draft. Under that master plan the ultimate capacity is acknowledged and considered. Whilst this strategy which we have in front of us now — and I make it clear that we will not be opposing — —

Ms Beattie — At last we've got to the point.

Mr BAILLIEU — We will not be opposing it. The member for Yuroke sighs, but the point is that in the very near future we are going to find ourselves expanding those contours again. There is every chance that very soon the draft overlays, not the 1998 version, will have to expand again to accommodate ultimate capacity, as will shortly be approved. In a way the state government has avoided that issue, and that is why we are suggesting that we will not be opposing this. Perhaps if the government had been a little more forward looking we would be saying that we would be strongly supporting its position; but because we think

there is further to go we do not want to see any tension created between the state government and the federal government on this issue, given that the federal government is introducing a master plan at the very same time which contemplates a more forward-looking position.

The minister also referred to recommendations from the committee on the management of aircraft noise beyond the 20 contour, and we have no problem with the government's response to that. The committee wanted information provided to those living or working within 15 kilometres of Melbourne Airport, a somewhat arbitrary suggestion, and the government has chosen instead to disseminate information widely rather than on a 15-kilometre basis. So be it.

Point 3 is about overlay provisions, which really ties up with the overlay boundary issue I raised before. That raises the conflict between the 1998 capacity ANEF contours and what will be the 2003 or possibly 2004 contours.

Point 4 is about there being a separate overlay for Melbourne Airport. We have no problem with that in itself. It is not going to change anything material, but it will make it a more distinctive overlay. Perhaps in the same context as I mentioned before we can anticipate that if under this strategy plan the overlay shrinks, as it seems it would, it may have to be expanded again in the short term.

Point 5 of the committee's recommendations has to do with the treatment of construction within those overlay areas and suggests a deemed-to-comply arrangement. We certainly support that particular provision.

Point 6 changes the status of Melbourne Airport as the lessee from a referral authority under the legislation to a notifiable body. Given that, as we understand it, Melbourne Airport is comfortable with that, clearly it is a position that we are prepared to support. Again, that is not going to change anything in any material way.

The final point the committee dealt with was compensation, which is obviously a vexed question in all sorts of planning arenas. In this particular arena it is a question of whether compensation should be applied in any way in relation to noise attenuation measures. The committee never resolved that and suggested, perhaps rhetorically, that it be investigated further. God knows what time frame that might be, but I suspect the government does not intend to embrace compensation for noise attenuation measures in the near future. Instead the government's response is to suggest that the commonwealth's noise amelioration program — and I am quoting from the document — 'may be of interest'. I am sure it is of interest, but whether it actually amounts to anything is another question.

There is a further issue of whether compensation should be applied in relation to injurious loss of development rights. The committee did not support that position, and neither did the government. I can see there is good reason for that in terms of the government's wishing to contain its response. The reality is that Melbourne Airport at Tullamarine started its life in relative isolation as a lonely but important piece of infrastructure.

It now has a rapidly growing neighbourhood, and that brings with it pressures. It is important to have a strategy, to acknowledge the significance of the airport in terms of Victoria's economy, and it is important to protect the airport from the planning rigour that goes with any sort of development that is in close proximity to the airport environs; hence the proposition that there be an airport environs strategy is a good one. It was initiated by the previous government. Obviously the opposition supports that, and the government here is clearly acknowledging that it supports it. The member for Yuroke is nodding and acknowledging that, and I think this ratification — —

Ms Beattie — They couldn't make it work!

Mr BAILLIEU — They didn't have a lot of time, because the election intervened.

The reality is that this strategy does not achieve a great deal; it pretty much engenders the status quo. There will be some shrinking of the overlay in the short term, but that is going to be under pressure as the profile of the aviation industry changes. I can imagine that we will be back here in due course making further amendments. If that happens so be it, but let us not pretend that it is anything other than that.

I want to finish simply by saying again that I think this ratification process is a good one. It was introduced by the previous government for this purpose and for the purpose of the Upper Yarra Valley and Dandenong Ranges strategy, and where other strategies are in place I imagine it will continue to be a mechanism used by the Parliament and future governments. In saying that, we need to understand how the proceeding is going to work.

This is a complex document. I have no problem at all with the minister putting a paper on the table and reading it, so ensuring that we all get the details correct. In that process it would be useful for anyone speaking on the subject to have the benefit of the detail which the

minister is using to address the house. Far from grandstanding the opposition is simply trying to ensure that that process is set in a clear and distinctive manner for the future. As I said, we will not be opposing this strategy. We very much support the growth and development of Melbourne Airport and its legacy for the people of Victoria.

Mrs POWELL (Shepparton) — I am pleased to speak on this motion on behalf of the National Party and to say at the outset that the National Party will not be opposing the strategy plan. As has been said by the last two speakers, it is a fairly complex document. There are a lot of acronyms in there, so it does make it very difficult. It is pleasing to see that there is a list of abbreviations, so as you are reading through if you forget where you are with all of the A's, E's, I's, O's, U's and so forth, you can look back at the list and see what they mean.

As we heard, the decision to prepare this plan started back in 1999. There were a number of reasons to look at a strategy. Some of those reasons were to update and make sure that planing controls for the Melbourne Airport and more particularly the surrounds of the airport were up to date. It was also because of a number of changes in the operation of the airport and changes in regulations. One of the major changes, as has been said, was that Melbourne Airport was sold to a private operator in 1997, so of course there was a new set of rules and regulations that had to be complied with.

There were also numerous concerns in the communities with noise levels. I think we are very lucky that we do not have the same community concern about noise levels that we see in Sydney. That is one of our competitive advantages. The strategy also dealt with the issue of compensation. That is always a fairly vexed issue, whether you are dealing with land values or people's amenity, or the way they live their lives. That has been dealt with in the report as well.

One of the major benefits we are looking at with the Melbourne Airport Environs Strategy Plan is that there is a requirement under the commonwealth Airports Act that the master plan be updated every five years. I believe this will be incorporated in the plan and will help to make sure the master plan is up to date.

The strategy plan provides a framework of overlay controls for the management of the surrounds of Melbourne Airport. It hopefully will protect the amenity of those people who live around the airport. As we have heard from previous speakers, while Melbourne Airport is a great Victorian icon and piece of infrastructure, the people who live around it face some strong challenges. It is up to any government to make sure those people are protected, and the document in some way goes towards achieving that.

The Minister for Planning established a steering committee to prepare the strategy plan, which was chaired by the former member for Tullamarine, now the member for Yuroke. It contained a number of community members as well as representatives from the four municipalities that surround Melbourne Airport — Melton, Brimbank, Hume and Moonee Valley. It also contained representatives from the Melbourne Airport operator, Australia Pacific Airports (Melbourne) Pty Ltd; representatives from the commonwealth Department of Transport and Regional Services; and representatives from the Victorian Department of Infrastructure and the then Department of Innovation, Industry and Regional Development. The final report of the steering committee was submitted at the end of 2002.

The government said in the report that it supports the main thrust of the strategy. I noticed in going through some of the recommendations that not all were supported and some were deferred but that in the main the strategy was supported. It also considers as a key step addressing the interface between airport operations and land management around the airport. As has been said, Melbourne Airport is a significant piece of infrastructure. We have heard that after 11 September safety and security were tightened around the airport not just for the airport staff but for the travelling public. Because, as we have also heard, Melbourne Airport is a major international airport, we had to make sure that those working at the airport — and we should acknowledge that it is a huge employer — and the travelling public were protected and that regulations were in place to make sure the general community was safe.

The airport is a major tourist destination: people go there to leave Melbourne and to enter it. While we must make sure that the airport has all the benefits and that we support it, we cannot do that to the disadvantage of those who live around it. It is important that while we are making plans for the airport we make sure those who live around and near the airport are protected.

One of the major things for country Victoria is that Melbourne Airport is a major link to export markets around the world. It will also play a major role during the coming Commonwealth Games, and it is an icon, as has been said by a number of members. While we are not talking about Essendon Airport, and I know the plan does not deal with it, I point out that the National Party strongly supports Essendon Airport and wants it

retained as a working airport. The Minister for Planning said that Melbourne has a competitive advantage over Sydney, and I believe one of the reasons for that competitive advantage is the proximity of Essendon Airport to the city. We hope that continues and that the government continues to support Essendon as a working airport.

There have been changes around the airport over many years, which the strategy plan details. Although I will not go through all of them, I will briefly outline some of the issues that the plan highlights. It talks about the land use planning for Melbourne Airport environs that initially started in the 1980s. That led to the preparation of the Melbourne Airport Strategy, which was endorsed by all levels of government in December 1990. The MAS was used to bring certainty and consistency to airport planning for the benefit of the community, all levels of government and Melbourne Airport and its operators. This also led to the Melbourne Airport Land Use Study Committee, which made recommendations in June 1992 on the planning controls for the airport environs and looked at such things as the introduction of the Melbourne Airport environs overlays schedules 1 and 2. In December 1998 the Planning and Environment Act 1987 was amended to introduce provisions relating to the preparation of the Melbourne Airport Environs Strategy Plan which secured the control of the airport surrounds and to putting in place overlays and planning procedures for those councils that surround the airport. Those planning provisions will apply until this strategy is endorsed, which is appropriate.

Currently the planning controls for Melbourne Airport are contained in the planning schemes of the shires and cities that surround the airport — Melton, Brimbank, Hume and Moonee Valley. These are underpinned by state and local planning policy frameworks as well as the airport environs overlay. So any planning that is done by Melbourne Airport has to go through a number of strategic processes, and any changes are examined carefully before they become regulations. This strategy will make amendments to those planning schemes.

As a former councillor for the Shire of Shepparton, and with the Shepparton aerodrome being in my electorate, I note that the shire was the planning authority for the airport. I understand first hand the need for councils to have some direction when dealing with a piece of infrastructure as big as an airport. Some of those issues include developers wanting to develop around airports, the appropriateness of those developments and compensation, which I talked about earlier, where developers are told that they cannot develop under a flight path because of height clearance and other restrictions, for which they say they should be compensated.

We talked earlier about a number of issues and recommendations included in the plan. Because of time constraints I will only briefly go through them, because other speakers will probably outline them in greater detail. The committee looked at seven issues, the first of which concerns overlay boundaries and defines the boundaries of the Melbourne Airport environs overlay. We heard from the shadow planning minister that there will be changes to those as we look at different types of aircraft. The committee's recommendation dealt with airport noise, the impact on the community of that noise and the size of aircraft coming into the airport. The Australian noise exposure forecast (ANEF) is required under the commonwealth Airports Act 1996 to be reviewed every five years as part of the preparation of the airport master plan. That is what the plan is doing — reviewing whether the noise abatement areas are appropriate or whether they need to be tightened. The review needs to be in place by December 2003.

Recommendation 2 is about the management of aircraft noise. The report says that the reaction of individuals to noise is variable. There were some concerns about the flight tracks of the planes and the height at which they flew. In my area of Kialla we live under the flight path of the Shepparton airport. When I was a member of the council I heard from a number of people who did not like aircraft flying across, complaining about the noise, even though it was a small airport. We said to them that they had to be aware of which came first, the development or the airport. Often people move into an area and do not understand the level of inconvenience that may be caused by living in close proximity to an airport. We need to make sure that they understand that there may be noise levels that they are not aware of.

We enjoy living near the airport. Our son is a pilot and I think that is because of our close proximity to the airport. We used to see the planes coming in and leaving and we enjoyed watching them. As the report says, not everybody enjoys that; in fact some see it as an inconvenience.

There was some discussion about providing information on aircraft noise within a 15-kilometre radius of Melbourne. The committee will look at who is responsible for disseminating that information to the community and at who will be responsible for community consultation. That will obviously provide us with some information later.

The third issue concerned the airport environs overlay provision, which is about having planning controls to

limit the number of people residing in the area or who are likely to be subject to significant levels of aircraft noise. The government's response was that an amendment to the airport environs overlay would apply only to Melbourne Airport. It is important that it only applies to Melbourne Airport because that is more appropriate. The environs of other airports may be looked at in future reviews.

The fourth matter concerned the Melbourne Airport environs overlay. Some issues are unique to Melbourne Airport and, as has been said, more data might be needed about it than other airports. Certainly more planning controls and more security measures are needed at Melbourne Airport, which is an international airport, than perhaps at other airports. The government says it will introduce a Melbourne Airport environs overlay and make changes to the Victorian planning provisions.

The fifth issue concerned the provision of construction standards. This is an alternative to the full assessment of noise exposure. The responsible authority can issue a planning permit to certain construction areas and noise abatement measures can be put in place on those planning permits. Those that do not require planning permits will not have noise abatement measures applied to them. That gives some minimum standards for construction.

The sixth issue is about the referral authority. It removes the requirement to make the airport lessee the referral authority and replaces it with a mandatory notification requirement. That is important because due to the privatisation in 1997 of Melbourne Airport its management also looks at other things like commercial ventures. It may have a conflict of interest in some areas because it might make some decisions that give it a benefit in some commercial areas. Although the report stated there was no suggestion of any inappropriate action from the current lessee, in the past the core business of airports has always been about the roads and infrastructure such as water and sewerage at the airport, rather than decisions about commercial capital.

The last issue raised by the committee was compensation. The committee looked at compensation in three areas. There was a discussion about compensation for noise and the minister decided there would be further investigation at a national level, so the issue of noise has been put on the backburner and will be looked at separately.

Another area was the loss of amenity and property values. The government has decided that this is outside the scope of the Melbourne Airport strategy. That will be contentious because there are always issues when people live next to an airport — they talk about it devaluing their property or in on some cases adding value to their property. That will need to be looked at in greater detail and I understand that will be the case.

The third and final area of compensation was the loss of development rights through the imposition of planning controls. The government has said that is inappropriate. When I worked as a councillor and with the planning authority looking at the Shepparton airport, which is a smaller airport, we had to deal a lot with development areas and with developers who could not develop up to a certain area around the airport. The developers asked for compensation for that because they believed they had been disadvantaged. That is inappropriate and the government has said that that will not be looked at.

I hope that this plan will offer the protection, support and planning overlay outcomes that are hoped for. The National Party does not oppose this motion.

Ms BEATTIE (Yuroke) — I am pleased to speak on this motion. I am also pleased that both the opposition and the National Party are supporting it. After some churlishness in the house about the minister reading from a complex document, both the Liberal opposition and the National Party decided they would get on with the real debate and support the Melbourne Airport Environs Strategy Plan.

Indeed, it is a complex document and the issues are complex. It probably affects my electorate more than any other — all issues to do with the airport probably affect my electorate more than any other. The Melbourne Airport Environs Strategy Plan does not affect any other airport. However, I believe this process will be used around other airports to resolve disputes between airport operators and residents and local municipalities.

I want to let this house know about Melbourne Airport because often people go on a trip from Melbourne Airport and that is all they intend to do at the airport — with perhaps a little bit of duty-free shopping on the way out. I understand the member for Hawthorn likes to do that.

In my electorate Melbourne Airport, which is a 24-hour operation, provides jobs for people. It is curfew-free, unlike other airports — for example, Sydney airport has a curfew between 11.00 p.m. and 6.00 a.m. Melbourne Airport has a competitive advantage over other airports. It is an efficient airport and provides Victoria with about 6330 full-time jobs. We take some 1200 of those

jobs locally, so it is indeed important. The absence of a curfew at Melbourne Airport is estimated to contribute $1.07 billion to the national product, $127 million to the state product, and $45.5 million to the local value of production. Honourable members can see why I am interested in the airport and how it operates.

This strategy plan is a good plan. Our study objectives were to produce a framework to guide and assess development in the Melbourne Airport environs area, to protect the long-term operations of the airport, to assess issues and impacts on people and on development of land around the airport and on the airport and airport operations, and to establish a framework for planning on and around Melbourne Airport. This strategy will mean that Melbourne Airport will remain the leading airport in Australia and it will give it that international edge. It is the premier airport in the southern region.

The local community embraced the process that was used. Much mention has been made of the local municipalities and the departmental people, but I would like to pay particular tribute to the local residents who came along to meetings during the day. Going to meetings is part of my job and that of the local municipality, but these people gave up countless hours not only to attend meetings but also to help in the writing of the documentation and to study what needed to be researched to enable them to make choices.

I pay particular tribute to Harold Richards, a resident of Hume; Alan McKenzie, a resident of Sunbury and the local Victorian Farmers Federation president; Bill Mole; and Barbara Ford. I also pay particular tribute to the officers of the Hume City Council. Hume is the main municipality involved in this strategy, and I would particularly like to thank Cr Gary Jungwirth and the chief executive officer of Hume, Darrell Treloar, for their input.

I am not going to talk about the ANEFs and the AEOs and the Australian standards, because they have already been explained by other members and that will suffice. But this strategy is remarkable. It commenced, as the honourable member for Hawthorn said, under the previous member for Tullamarine and followed a committee chaired by the former member for Prahran. The fact is that they could not bring the parties to the table. In some cases they created divisions between the parties by saying, before the committee sat, 'I support this position' or 'I support that position'. They were actually obstructing the process of reaching a resolution. The fact is that the previous government could not deliver this strategy, but the Bracks government has. It achieved this result by a process of consultation with the local community, local municipalities and the private operator of the airport, APAM. I thank the members of APAM for the countless hours they spent with local people briefing them on relevant issues.

It is a remarkable document, and the process was a good one. The honourable member for Hawthorn pointed out that we used the 1998 data, but none of us has a crystal ball. We could have totally noiseless aircraft, but because the technology is so expensive nobody could afford to fly in them.

Another important aspect of the strategy was keeping small aircraft operators away from Melbourne Airport. I am not going to touch on the question of Essendon Airport, but it highlights the need for the state to look at airport operations as a whole and not in isolation. I am licensed to fly small aircraft, and I would hate to be coming along the runway at Melbourne Airport and find a jumbo jet close to my tail, I can tell you!

It is a great notice of motion, and these regulations will stand the test of time. They will be reviewed, and that is at it should be, because airports and aircraft are not going to remain the same forever.

Compensation is a vexed question. For example, who should pay it? Should it be the commonwealth government, because it sold the airport to the private operators? I am asking rhetorical questions. Should it be the private operators, or the local municipality? As I said, it is a vexed question. It was not the government that agreed to put this question aside, it was the stakeholders, the people at the table. Even the local residents said, 'We cannot resolve this issue, we will put it aside for another day'. That is what they agreed to do in order to get this into Parliament.

I understand that I am the last speaker, so I commend this motion to the house.

Motion agreed to.

LEGAL PRACTICE (VALIDATIONS) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The Legal Practice Act 1996 established the current regulatory system for lawyers in Victoria. The system is co-regulatory, involving both professional and independent bodies. All of the bodies operate independently from government. The two professional bodies are recognised professional associations under

the act, each known as an 'RPA'. The Victorian Lawyers RPA Limited (also known as the 'law institute') is involved in the regulation of solicitors, and the Victorian Bar Inc. (known as 'the bar') is involved in the regulation of barristers. There are also a range of other independent regulatory bodies, including the Legal Practice Board, the Legal Ombudsman and the Legal Profession Tribunal.

The Legal Practice Act provides for each RPA to delegate certain functions and powers to officers, employees or members of committees. The delegation must be made in writing, and notice of the delegation must be made to the Legal Practice Board as soon as practicable after making it.

Late last year the Court of Appeal handed down a decision in the case of *'B' a solicitor and 'G' a solicitor v. Victorian Lawyers RPA Limited and Legal Profession Tribunal*. The Court of Appeal held that the process used by the law institute to delegate powers under the Legal Practice Act did not satisfy the requirements of the act that the delegation must be made in writing and therefore was not effective. The law institute had purported to delegate its powers by making a resolution and later recording a minute of the resolution.

The defective delegation process was used by the law institute from the date of the commencement of the Legal Practice Act (on 1 January 1997) until 3 June 2002, when specific instruments of delegation were made. The same process was used in relation to all delegated functions, including functions in relation to practising certificates, disputes and discipline, clients' money and trust accounts, and receiverships. In addition, the law institute failed to make notifications to the Legal Practice Board about the delegations as required under the Legal Practice Act, or to make notifications as soon as practicable.

Similar defects existed in the process of delegation and the notification of a delegation made by the bar.

Finally, a number of additional delegations problems have come to light since the Court of Appeal handed down its decision:

firstly, both the law institute and the bar purported to make delegations under the Legal Practice Act in December 1996, before the act had commenced and at which time neither body had the power to do so;

secondly, there is no power under the Legal Practice Act enabling the RPAs to delegate powers in relation to functions performed under certain transitional provisions of the act;

thirdly, the law institute purported to delegate powers under the Legal Practice Act in relation to regulating the handling of clients' money and inspecting trust accounts, and in relation to ensuring unqualified people are not able to engage in legal practice, at times when the act did not permit delegation of those functions and powers;

fourthly, officers or employees of the law institute took actions under a range of provisions in the Legal Practice Act without the relevant power or function having been delegated to them; and

fifthly, officers or employees of both the law institute and the bar purported to exercise powers to issue practising certificates when no applicable delegation had been made.

The Legal Practice (Validations) Bill will rectify each of the problems identified, by:

ensuring that the process of delegation and notification is validated retrospectively as required;

deeming delegations purported to have been made before the commencement of the Legal Practice Act to have been made on 1 January 1997 (which is the date on which the act commenced), and to be effective;

ensuring that powers and functions under certain transitional provisions can be delegated, and that actions taken under those transitional provisions are validated;

ensuring that delegations purported to have been made, and actions taken by or on behalf of the law institute, in relation to clients' money and trust accounts and in relation to unqualified practice are not invalid only because there was no power to delegate those functions;

ensuring that certain other actions taken by officers and employees of the law institute are not invalid only because those functions and powers had not been delegated to the officers and employees; and

ensuring that practising certificates are not invalid only because they were issued by an officer or employee to whom that power had not been delegated.

The rights of the parties in the proceedings before the Court of Appeal known as *'B' a solicitor and 'G' a solicitor v. Victorian Lawyers RPA Ltd and Legal Profession Tribunal* will not be affected by the bill.

The bill will ensure that defects in the process of delegation will not be sufficient to found challenges to past decisions and orders made by the Legal Profession Tribunal (for example, about a legal practitioner's misconduct). In addition, legal practitioners will not be able to avoid having to pay fines or costs orders on that basis.

If delegations made and actions taken by the RPAs were not validated in this way, lawyers who have been found to be guilty of misconduct and whose practising certificate has been suspended or cancelled could resume practising as a lawyer. Failing to validate the delegations retrospectively could also mean that actions taken by the Legal Ombudsman may be in doubt in relation to matters dealt with by an RPA, where an unlawful delegation places the RPA's own actions in doubt.

Therefore, the impact of the Court of Appeal decision, and the additional issues identified subsequently, is wide ranging. In the absence of amending legislation it is likely to have a profound effect on the operation of the regulatory system for lawyers. Importantly, the impact of the decision is contrary to one of the main purposes of the Legal Practice Act, which is to improve the regulation of legal practice in Victoria. The bill will rectify the position and will ensure that this purpose of the Legal Practice Act is supported. Most importantly, it will ensure that critical consumer protections are maintained.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until next day.

TERRORISM (COMMONWEALTH POWERS) BILL

Second reading

Debate resumed from 25 March; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — Although the bill deals with the significant matter of terrorism and enforcement of the law in Australia it is in essence a relatively simple one. It is certainly supported by the opposition. It effectively cures a potential constitutional issue. It is template legislation that has been passed by every state with the exception of Victoria, and it brings Victoria into line with every other state. That Victoria has taken so long to pass this bill is a direct consequence of last year's state election.

As I said, it is a matter that is relatively easy. The bill confers constitutional power on the commonwealth Parliament to adopt or refer the powers in relation to the specified divisions of part 5(3) of the commonwealth criminal code relating to matters of terrorism. However, the underlying substratum of the bill is a matter of enormous weight and significance to people in Victoria and the rest of the country. We have all been touched by the events in New York, Bali and the war in Iraq and by the profound public debate that all those events have led to; and also by the involvement of some 10 Australians, who I am reminded by the Honourable Philip Davis in another place were victims of the bombing in New York. We are all in this place aware of the significant role the Parliament of Victoria played in the public grieving that resulted from the Bali bombing, with flowers being placed spontaneously on the steps by the people of Victoria, who used their Parliament as a place where they could represent their feelings, concerns, expressions of interest and love for the victims who suffered this appalling tragedy and their families.

We were all touched by that event. The memorial garden on the south side of this building is a testament to every member in this place, to the parliamentary staff and to Victoria's commitment to those people who suffered that tragedy. Recent events in Iraq drive home this significant problem.

While we have not had to bear the brunt of any major terrorist attack inside this country, as Thomas Jefferson said, 'The price of freedom is eternal vigilance'. This bill goes a long way to ensuring the commonwealth as representative of all the states and people of Australia has that capacity to enforce the law vigorously in regard to the appalling crimes that we have seen unfold in the world. Hopefully it will be a law that remains largely unused, but it is certainly important to consider at this time. As I said, this template legislation refers matters and clarifies any constitutional impediment the commonwealth may have in relation to the provisions of its criminal code.

I will deal briefly with the issue of referral. The referral is made under section 51 of the commonwealth constitution, which enables a state Parliament to specifically refer powers to the commonwealth. Importantly, in July last year the commonwealth, using its own powers, passed the model legislation which is set out in part 5.3 of the commonwealth criminal code. It was the subject of a national agreement which had been entered into earlier. It was agreed that in order to ensure the commonwealth had no gap in its constitutional power there would be a reference by every state Parliament to the commonwealth,

effectively giving it the power to implement the national agreement set out in part 5.3 of the commonwealth criminal code, which is of course schedule 1 of this act.

As I said, this is template legislation. Every state Parliament has passed similar laws and now Victoria will be brought into line with that national agreement to empower the commonwealth. Essentially, at this stage no-one can identify any particular constitutional gap the commonwealth may have, but the bill clarifies and protects the patchwork of powers as the government has set out in the explanatory memorandum of constitutional powers.

As I said also, one of the appalling things that could occur if there were a constitutional gap would be that somebody prosecuted for one of the offences under the commonwealth criminal code was actually acquitted of the crime or indeed the proceedings did not advance any further because of a constitutional impediment to either the investigation or the prosecution of those offenders. That would be the last thing that anybody in this house would want to occur and accordingly the genesis of this referral is on that basis.

I will speak very briefly about the provisions. Part 5.3 of the commonwealth criminal code talks about an offence created by a person engaging in a terrorist act or in the preparation or planning of a terrorist act. An offence is also committed in providing or receiving training in relation to a terrorist act or possessing things that may be associated with a terrorist act. There are other offences such as directing any activities of a terrorist organisation, membership of a terrorist organisation, recruiting for a terrorist organisation and getting funds for such an organisation. These are all major offences, and I think there would be unanimity in this Parliament that this needs to be a strong and powerful law with no gaps in it.

The law needs to send a strong message that in the administration of justice and the ability to investigate these matters the commonwealth has full power on behalf of all of us to investigate and prosecute these matters appropriately. The ability to determine what is a terrorist organisation has been the subject of comments of members of the Scrutiny of Acts and Regulations Committee. As a member of that committee I am duty bound to raise such concerns, which relate to the ability of the federal Attorney-General essentially to proclaim a particular organisation to be a terrorist organisation. It is done on a reasonable belief and also after investigation and looking at whether a particular organisation may have been declared by the United Nations to be a terrorist organisation.

The committee found there has to be a strong balance between the legislative aspects of the federal Parliament in respect of a criminal offence. Usually and properly you would expect a potential criminal offence to always be the subject of parliamentary scrutiny, whereas there is potential here by an essentially administrative act by the federal Attorney-General declaring an organisation to be a terrorist organisation to somewhat get around normal scrutiny by Parliament. As the Scrutiny of Acts and Regulations Committee has said, there are ample provisions for scrutiny by the Senate's scrutiny committee and I am sure it would be a matter of some public notoriety if such a declaration were made. Accordingly, on balance the overwhelming sentiment is that having this power in the hands of the federal Attorney-General is appropriate.

In conclusion, as I said the opposition supports this bill. It supports the notion of the commonwealth having this power. It supports the agreement that the states and the commonwealth entered into last year. If for whatever reason Victoria wants to withdraw from this agreement on the basis of a proclamation it can do so and invoke the constitutional reference of power. Most importantly, subject to the agreement which has been adopted into the commonwealth criminal code, to change the provisions of the commonwealth code in relation to part 5.3 requires four states — the majority — to agree before an amendment could be made.

As I said, there is provision for Victoria in whatever unforeseen circumstances to withdraw. Amendments require national agreement. It is an important issue, and the opposition supports this bill and certainly wishes it a speedy passage.

Mr RYAN (Leader of the National Party) — It is my pleasure to join the debate on the Terrorism (Commonwealth Powers) Bill. I say 'pleasure' with some measure of reservation in the sense that this is truly a bill born of the times in which we live. Who in this Parliament would have thought, even going back a couple of years, that we would be discussing these issues in the way we do now? The events of 11 September 2001 and the tragedy in Bali on 12 October 2002 have served as extraordinary reminders that we live in the proverbial global village and that these issues of terrorism, which once upon a time were foreign to us altogether and then more recently seemed so far away, have in more recent times been brought home to us as being a reality of the world in which we live — and so we are debating this bill.

In the last few weeks we have seen an extraordinary sequence of events unfold in Iraq. They have resulted in the removal of one of the world's great homicidal

megalomaniacs, and it is pleasing indeed to see that steps are now being taken to institute a system whereby Iraqis can live under a democratic process which will permit them to enjoy the sorts of freedoms we Australians tend to take for granted.

Last Friday we had Anzac Day, which again is a healthy reminder of the issues that are important to us and that we should reflect upon, not only from the perspective of life at large and the way we enjoy it but also from the perspective of the bill before the house.

Last Friday I had the singular privilege of participating in the Anzac Day ceremonies in Melbourne. I was at the Shrine of Remembrance for the dawn service. I stood out on the front steps in the company of the Governor; the Premier; the Leader of the Opposition; Major-General David McLachlan, who was undertaking his first-time role as the president of the Returned and Services League in Victoria; and other dignitaries who were there at the time.

More particularly I was in the presence of about 20 000 people young and old from all aspects of our communities right across Victoria who had gathered to pay homage to the Anzac spirit in an environment where the events in Iraq and the events in Bali and of 11 September in New York were very much in the minds of those present. One of the others in attendance was Mr Ted Kenna, VC, with his son, Rob, and grandson, William. This extraordinary man won the Victoria Cross in New Guinea, and I cannot help but think of what he would say if he had the opportunity of being here and participating in the debate on this legislation pertaining to terrorism.

This extraordinary man really is the quintessential example of the way Australians like to picture themselves in the sense of the Anzac spirit. He is a man of immense humility, and when you reflect upon the amazing acts of bravery in which he was engaged in New Guinea and which resulted in his being awarded the VC it was, as I said at the time, a great honour to meet him in the first instance and to have conversation with him throughout the day.

Part of the privilege of being there last Friday was to stand on those steps, to gaze out over that extraordinary crowd, to look all the way back down St Kilda Road and then along Swanston Street at the lights of the city as the dawn broke, and to be able to see the faces before me with more definition and to reflect in unison with that crowd upon the events which collectively brought us there that day. I say again it was a singular privilege to participate in that service.

This bill deals with the antithesis of the Anzac spirit. It deals with those who seek to take part in the terrorist activities that have given rise to the modern day threat which we as a nation are having to endure, along with many others around the world. It is why I say on behalf of the National Party that we strongly support the content of this legislation, albeit some years ago it would not have been before the house and would not have been debated in the manner in which we now are debating it.

This is template legislation. It is the outcome of discussions which have occurred at a national level between the national government and the leaders of the respective jurisdictions. Effectively, out of perhaps an excess of caution, we are ensuring that there is no means whereby anyone who is charged pursuant to the terms of the commonwealth criminal code is able to slip through the net for the want of any capacity in the federal government through that code to charge whomever that person might be. Through this bill we as a state are referring across to the commonwealth a number of powers which in the first instance rest with us. As I understand it Victoria is the last state to pass this legislation. Once the bill is passed here and proclaimed throughout the parliamentary system then the commonwealth criminal code, and more particularly part 5.3 of that code, will be re-enacted to ensure that nothing is left to chance and that everybody can be satisfied that the code holds firm in the event of charges being laid.

The code itself is exhaustive in the sense of the charges which can be laid with regard to the issue of terrorism. I will quickly reflect upon division 101, which talks specifically about terrorism. Division 101.1 defines terrorist acts, which are in turn referred to within the definitions provisions of the code in division 100.1. Then there is a wide description of the sorts of conduct which will constitute different forms of terrorism and terrorist acts, and these include providing or receiving training connected with terrorist acts, possessing things connected with terrorist acts, collecting or making documents likely to facilitate terrorist acts and other acts that are done in preparation for or planning terrorist acts. Another provision within division 102 deals with terrorist organisations, and again that is broad in its compass and will serve to ensure that any such individual or organisation which has the bent to be involved in this style of activity will be captured by the terms of this legislative provision.

No double jeopardy is involved here. The legislation contemplates that if it is feasible for an individual or organisation to be charged under the terms of the state legislation as being able to be charged under the code

then the respective jurisdictions will make decisions between themselves and have discussions which will result in one or the other laying the charge so that a situation where that process could be duplicated will not arise.

Importantly Victoria has the power under the terms of the bill to withdraw the referral which is contained within the legislation. In that sense therefore we have a safety valve. If things are not going according to what Victoria requires and anticipates from this process then it as a state has the capacity to withdraw the referral of the powers that are contemplated under the terms of this bill.

As I said, this is legislation born of the world in which we now live. We in the National Party, while regretting the necessity of its having to be debated at all, nevertheless support the bill and wish it a speedy passage.

Mr MILDENHALL (Footscray) — The government welcomes the support for this legislation across the chamber, which it had when it was debated recently in the upper house. It is, as other members have said, a product of our time. We live in times that have been characterised by some extraordinary scenes in our city: the covering of the steps of Parliament in flowers, the creation of memorials and the upgrading of security systems that we have all been subjected to. These extend from upgrading security around this institution to more subtle upgrades, such as the placement of barriers at the base of the West Gate Bridge, which some of my constituents thought had something to do with work on the park under the bridge. However, inquiries have revealed that it is part of a cross-portfolio and cross-public institutional upgrade of security systems.

The Terrorism (Commonwealth Powers) Bill has been born of a series of agreements that came from the Australian leaders summit on terrorism in April 2003. In relation to the initial commonwealth legislation in July 2002, the government certainly committed itself to legislation of this type to enhance Victoria's domestic security and counter-terrorism. Part 3 of Labor's plan for enhancing community safety was announced in the latter part of last year in the lead-up to the election.

As other members have said, Victoria will be the final state to enact this referral of powers to the commonwealth. It will mean a topping up of the necessary federal powers to provide a seamless net of provisions as a key part of the antiterrorism strategy. In a more practical sense, it will reduce the likelihood that someone who is prosecuted for a terrorist act will be able to get off on, or have a defence based upon, some sort of technical inability of the relevant federal or state jurisdiction to hear the prosecution.

I can recall, certainly not in my lifetime but during one of the famous episodes in Australian history, the debate about the wisdom of the federal government trying to criminalise membership of particular organisations. Yet this is precisely what these powers will enable the federal government to do. It is a symptom of the times we live in. While the nation was split in half in the early 1950s over the issue of the membership of communist organisations, there is in these times widespread agreement — and, if you like, political unanimity — that the federal government ought to have the ability to proscribe particular terrorist organisations and to make the membership of those organisations an offence punishable by 10 years in jail. This is a clear indicator of the impact that recent acts of terrorism — 11 September and the Bali bombings — have had not only on international communities but on our domestic community.

I was going to say that there are some interesting provisions in this commonwealth code, but I will refer instead to an issue that has been raised by the Scrutiny of Acts and Regulations Committee and by the member for Kew in his contribution — that is, whether the provisions relating to the identification and declaration of a terrorist organisation are fair and reasonable and impose any hardship or loss of rights on individuals.

The federal code provides that an organisation can be named as a terrorist organisation by the Governor-General on the recommendation of the commonwealth Attorney-General. The Attorney-General can only recommend the making of such a regulation where the United Nations Security Council has made a decision about terrorism and identified the organisation in that decision and where the Attorney-General is satisfied that that organisation is engaged in the preparation for, planning for and assistance and fostering of acts of terrorism. That is laid out in new division 102, terrorist organisations, subdivision A, definitions, of the commonwealth Criminal Code Act. There are some protections there.

As the Leader of the National Party said, if at subsequent leaders summits misgivings are raised and a review of the legislation with a view to possibly amending these provisions is desired, there is provision for national agreements to that effect. It is reasonable legislation although, as I said, in the context of Australian legislation one would have thought it unusual for legislation to reach this point.

A series of provisions in the commonwealth code define a series of terrorism offences. A number relate to assisting terrorist organisations, including providing or receiving training, receiving or giving funds or supporting organisations in other ways. The code also contains a current list of terrorist organisations, some of which are well known to us in the public sense. The al-Qaeda Islamic Army and Jemaah Islamiyah are names that two years ago not many people would have known but they are now etched into common memory and our national psyche. Some of the others are not so well known and I hope they do not become known.

It is a pleasure to be part of an integrated and determined national effort to create a seamless net of legislation and a seamless patchwork of powers and provisions that will strengthen our national capacity to deal with this modern curse and menace. We hope there will be less reason for these powers to be used in the future but part of dealing with this modern curse is to be forewarned and forearmed. This legislation will assist in that effort.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until later this day.

CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL

Second reading

Debate resumed from 25 March; motion of Mr HULLS (Attorney-General).

Opposition amendments circulated by Mr McINTOSH (Kew) pursuant to sessional orders.

National Party amendments circulated by Mr RYAN (Leader of the National Party) pursuant to sessional orders.

Mr McINTOSH (Kew) — At the outset I would like to say that the opposition supports this legislation with the two amendments I will come to in due course. Essentially they deal with the crime of intentionally or recklessly causing bushfires.

Although it is not template legislation this legislation arose out of a national agreement. One of the things that came out of that was the fact that not every state has exactly the same provisions. The amendments the opposition will move relate to increasing from 15 years to 20 years the maximum penalty for intentionally or recklessly causing a bushfire. One can see in the current environment the devastating consequence a bushfire has for a community. It is not necessarily related to property or life, as this offence is, but according to what the Premier said today, a bushfire can lead to tolling on the Scoresby freeway. We heard the Premier say today that that is a downhill effect of the drought and bushfires. Whether you accept that or not, it seems to be a consequence. A sentencing court should have the option of imposing a penalty that is commensurate with community standards.

This bill arose out of a national agreement reached at a meeting of the Standing Committee of Attorneys-General which considered a model criminal code report in 2001. Essentially the agreement was that the states might like to increase, ramp up or improve their legislation in respect of a variety of offences. The states agreed to try to work together to bring their legislation on a number of different offences up to agreed standards.

The offences set out in the bill include recklessly or intentionally causing a bushfire. The legislation also contains a variety of new computer offences. The removal of these offences from the Summary Offences Act is a reflection of the importance and significance of computers in our world and the dominating effect they have on all of us. To leave these offences in the Summary Offences Act when the consequences can be so profound and far reaching would be anachronistic. Accordingly it was decided that there needed to be a substantial improvement in the computer offences provisions and that they should be put into the principal criminal code in Victoria, the Crimes Act.

The third range of offences is sabotage relating to public facilities. It is important to note that while they are described as public facilities the provisions incorporate both publicly owned and privately owned public facilities. There are also provisions relating to the Bail Act: intentional arson causing death will be removed from the schedule of the Bail Act to make it a show-cause offence. I will get to that in a moment.

I turn first to the bushfire offences. The opposition takes the view that while 15 years is a significant penalty — a level 4 imprisonment term — it is appropriate, as a reflection of the community's concern about this issue, that where someone recklessly or intentionally commits this offence a full range of sentencing options be available to a sentencing judge. If the recent bushfires were begun by such a person in such an environment, 15 years may be a tad on the lower side and a full range of sentencing options should be provided. It is not a mandatory sentence; it is a maximum penalty. A judge would have full discretion as to what level of penalty was imposed. Accordingly,

the opposition will move that the bill be amended by changing it from a level 4 offence to a level 3 offence and replacing 15 years with 20 years as the maximum sentence.

Clause 4 inserts new section 201A, which goes to the mental element, if you like, of the offence. The concern of the opposition — and the Leader of the National Party will move an amendment that will reflect that concern — is that new section 201A(2), which deals with the mental element, may be terribly limiting, particularly where it mentions:

> … circumstances in which a person is not to be taken to be reckless as to the spread of a fire include the following —
>
> (a) the person caused the fire in the course of carrying out a fire prevention, fire suppression or other land management activity; and
>
> (b) at the time the activity was carried out —
>
> (i) there was in force a provision made by or under an Act or by a Code of Practice under an Act —

and that the fire prevention activities were being carried out in relation to that matter.

At a briefing we were informed by the government representatives — and this matter was raised specifically — that the common-rule laws in relation to recklessness will apply. However, I am concerned that is not clear from a reading of this legislation that the common law will be actually or expressly applied. It is important to put on the record the government's intention to specifically preserve the common-law rules in relation to recklessness and determining the mental element of an offence under this legislation; and most importantly, as I said, the opposition would support the National Party amendments that may very well clarify this matter.

The circumstance where it may exist is one in which there is no code and in the face of a violent bushfire someone performs an activity in good faith and for all the right reasons that actually exacerbates the problem — for example, back-burning that goes substantially wrong. Under this bill such an act in those circumstances could not in any way be deemed to be offending. These matters should be preserved. I will let the Leader of the National Party deal with them in some detail and just indicate here that the opposition will support the National Party amendments in this regard.

That is not to say that the offence of intentionally or recklessly causing a bushfire is a matter of mere semantics or one that is not significant. We treat the matter very seriously. It can and should be treated seriously, and we say that the penalty is somewhat on the light side and should be increased to a maximum of 20 years imprisonment in all the circumstances.

The next range of offences are computer offences and relate to recognising the situation in the modern world where computers have such a dominant place. I see the Minister for Education Services, who is at the table, has a computer with her and is no doubt looking up some significant information that is going to improve democracy as we speak. The computer is becoming very commonplace. Indeed even someone like me, who was at school when students were taught with the slide rule, is capable of at least sending an email and searching the Internet for interesting material. Computers have an important role to play in a range of different human endeavours such as payroll management, security matters and the operation of traffic signals, and tampering or interfering with a computer's database can have far-reaching effects. To be limited to the provisions set out in the Summary Offences Act is no longer appropriate, so a substantial revamp of the relevant criminal laws relating to computer offences under the national code or agreement is needed.

In brief, offences related to the unauthorised modification of data held in a computer range from things like payrolls right through to traffic management. The consequences of changing, altering, interfering with or modifying such data can be profound.

Another offence concerns the unauthorised impairment of electronic communications, which again are part of the ordinary world, not only the world of commerce. This offence reflects the importance of computers in the modern world and dramatically improves the law relating to those matters.

Another new subsection makes it an offence for a person to possess or control data with the intention of committing a serious computer offence, reflecting the fact that it is not just the activity that may be offensive but the possibility of it actually occurring. As for any other form of intentional offence, this provision is aimed at certain types of activities that can be anticipated from the type of material involved. As is the case when a thief goes out without any sort of explanation with materials or tools that would otherwise be used in an armed robbery, this legislation facilitates the detection of a crime and the prosecution of the criminal by providing that someone armed with material such as data in circumstances that could possibly lead to the committing of a serious offence can be detained before any other harmful matters arise.

The bill also makes producing, supplying or obtaining data with the intention of committing an offence a computer offence.

A couple of summary offences which are lesser offences are unauthorised access to or modification of restricted data held in a computer, and the unauthorised impairment of the reliability or security or operation of that data is a summary offence in relation to this bill. As I said, the legislation goes a long way to improving the laws of the state in relation to those offences.

I move on to the offence of sabotage, which is set out in clause 6. One of the matters which I raise as a concern and which the government may like to take on board refers to the definition of the term 'public facility', which is a government facility including premises used by government employees in connection with official duties; a public infrastructure facility, including facilities providing or distributing water, sewerage, energy, fuel, communication or other services to or for the benefit of the public; a public information system; a public transport facility, including a conveyance used to transport people or goods; and a public place, including premises, land or water open to the public.

I would have thought facilities of some consequence to the government which should have been expressly set out would be bridges, freeways or major roads. Of course interference to any significant bridge, whether it be a bridge across the Murray River or the West Gate Bridge, could have a profound impact on a local community. While you could argue that it is a government facility, it is of concern that this matter has not been addressed in this legislation, and while the bill is between houses the government should look at whether the definition of a public facility in clause 6 should be amended to include such major infrastructure as bridges, roads and freeways that could have a significant impact if interfered with in relation to the offence of sabotage. I raise that matter with the government at this point.

Sabotage includes not just the physical harming of such facilities but the committing of computer offences, reflecting the significance of matters that are intended to cause some major disruption in their use or major economic loss. As I said, that is a matter of some consequence and this will improve the law in Victoria. Also on the issue of sabotage, looking at what happens before an offence is committed the consequence of which would be devastating gives the opportunity for an investigation and prosecution at an earlier stage — that is, when there is a threat to commit sabotage.

Finally I turn to the Bail Act. The bill moves the offence of intentional arson causing death under section 197A of the Crimes Act into the Bail Act provisions that relate to having to show cause. Normally an accused person has the right to be bailed to appear in relation to a particular offence, which is commensurate with the community standard that you are innocent until proven guilty, but with a number of crimes such as serious drug offences or murder where there are serious penalties — in the case of drug offences 25 years imprisonment and in the case of murder life imprisonment — the inference that can be drawn is that the consequences of escaping, not attending or not answering your bail are nowhere near as significant as being convicted of such an offence and accordingly the accused is required to show cause why bail should be granted. These amendments are a reflection that an offence which carries a penalty up to 25 years is a serious offence and there is a real risk that an accused person may not answer their bail and thereby put the community to profound cost in pursuing them.

As I said, the opposition supports the bill and supports the notion of a national agreement and a review of all state laws. Although this is not template legislation it is a form that was considered acceptable after a review of the state laws to improve laws in relation to these significant matters. As a result the opposition supports the bill with the exception that there should be an amendment to the provisions relating to intentionally or recklessly causing a bushfire to increase the penalty from 15 to 20 years.

Mr RYAN (Leader of the National Party) — The National Party supports the bill with a very important qualification concerning the terms of the amendment I will move. I will return to that in a moment. This legislation has been produced as a result of a meeting of attorneys-general in December 2002. A model bushfire offence was developed out of that meeting, and the relevant component of the legislation is it. There was then a leaders summit on terrorism in April 2002 and out of that arose model computer offences, and the relevant component of the legislation deals with those offences. The bill before us is a compendium that arose out of the meeting held by the attorneys-general in the one instance and through the leaders summit in the other instance, and the National Party supports what it contains.

I want to briefly deal with the provisions relating to computers, which the second-reading speech outlines very well. The bill will create seven new offences. The first offence will prohibit a person from causing an unauthorised computer function; the second offence

will be directed at persons causing any unauthorised modification of data in a computer; the third offence will prohibit causing an unauthorised impairment of electronic communications to or from a computer; and the fourth offence will prohibit the processing or controlling of data with the intention of committing or facilitating the commission of a serious computer offence by the person or another person.

The fifth offence will prohibit the producing, supplying or obtaining of data with the intention of committing or facilitating the commission of a serious computer offence; the sixth offence will prohibit the causing of unauthorised access to or modification of restricted data held in a computer; and finally, there is a provision that will prohibit the causing of any unauthorised impairment of the reliability, security or operation of any data held on a computer disk, credit card or other device used to store data by electronic means.

These offences are of the new age, and the old offences that exist now in the summary offences legislation are completely inappropriate in today's and tomorrow's world. When the offences that now exist were drawn up and incorporated in legislation the mechanisms that we now use on a commonplace basis had not been invented so we have had to move with the times and have these offences incorporated in this legislation to address those important issues.

Critically the bill includes a provision for offences regarding sabotage. Again the National Party strongly supports these provisions. This is another example of legislation made of our times. Because you do have people entering upon activities that cause major disruptions to government functions or to the use of services by the public, or through which major economic loss may be incurred by people or organisations, the people who conduct those offences, or more particularly threaten to do so, will be dealt with very severely under the terms of this bill. In the first instance the offence of sabotage will attract 25 years imprisonment and the offence of threatening sabotage is punishable by the term of 15 years imprisonment. We think the punitive action and periods of imprisonment that will occur in the event of those offences being established are appropriate in all the circumstances.

The other component of the bill concerns bushfires, and in that regard I want to express some concerns in so far as the issue has drawn from the National Party the need for the amendment that has been circulated in the chamber. To put this into context, over these past months the bushfires have been uppermost in the minds of all Victorians and we have seen some of the most severe conditions that the state has experienced in living memory. Legislation in the nature of that now before us tends to come up for debate as a result of those very nasty experiences, and as I said, we support the legislation.

The government has been slow to react to the bushfire issues. The recovery program it has developed is palpably deficient and is the subject of much commentary around country Victoria. The government established an inquiry but it is not an independent inquiry, with due respect to the Essential Services Commission. It will be interesting to see whether the government cooperates with the inquiry set up by the federal government. That will be a parliamentary inquiry, and although it will have all the powers to subpoena witnesses and the like, we hope those issues do not arise and that the state government cooperates with that federal process. Of course in so doing it will be participating in a process which it had the capacity to undertake in its own right in Victoria. We will have to see how those issues play out.

The particular point I want to raise is with regard to clause 4. This issue was initially raised in our party room by the member for Benalla. It was also developed by the Honourable Bill Baxter, a member for North Eastern Province in another place, during the course of the debate in the Legislative Council. Unfortunately the government ignored the point made by Mr Baxter so we have found it necessary to move this amendment. We hope the government considers the issues now with the seriousness they deserve. Furthermore, we hope the government will see fit to adopt the amendment before the house.

Clause 4 seeks to introduce a new section 201A into the Crimes Act — that will be the offence of intentionally or recklessly causing a bushfire. Subsection (1) refers to a person who intentionally or recklessly causes a fire and is reckless as to the spread of the fire. That person is guilty of an offence which can attract a maximum of 15 years imprisonment. Subsection (2) provides for a person not to be taken as being reckless in certain circumstances, and it goes on to set out those circumstances.

The drafting of this bill is important in the context of this discussion because effectively there has been a reversal of the onus of proof. A person will be deemed to be reckless unless that person can bring himself — I will use 'himself' for the purposes of the discussion — within the exemptions that apply under subsection (2). It is in that context that we believe the amendment we are now moving is particularly important, because as appears in the explanatory memorandum, subsection (2) provides that:

> A person will not be taken to be reckless as to the spread of fire where the person —
>
> > caused the fire in the course of carrying out a fire prevention, fire suppression or other land management activity; and —

I emphasise the word 'and' —

> > carried out that activity in accordance with a provision made by or under an act or by a code of practice approved under an act that applied to that activity; and
> >
> > believed that his or her conduct in carrying out that activity was justified having regard to all of the circumstances.

The National Party's concern about this is that circumstances may well arise whereby, for example, a farmer faced with a fire which is imminent, or about to arrive on his property, determines in his own mind, for reasons he believes to be absolutely genuine and appropriate, that he has to undertake a back-burn. He commences that back-burn in circumstances where he does not have the time to be going off and getting a permit because the fire has descended on him. As we have seen in recent weeks and months, there are plenty of instances where the fire arrives over the ridge and a farmer is faced with having to make decisions there and then. There is simply not the opportunity to go off and get a permit.

On the other hand there is also not necessarily the opportunity to conduct a back-burn pursuant to a code of practice approved under an act. Accordingly, in these extreme circumstances the farmer could find himself being deemed reckless under the terms of this bill, because as they are drawn the provisions deem recklessness to apply unless exemptions have been satisfied. It may well be that if the farmer has not got a permit or is not acting under a code of practice, then he has not satisfied the requirements which would put that exemption into place. He will not therefore have been able to satisfy this reverse onus of proof which rests on him.

I cannot accept that the government intended that this would happen. It is not sufficient, given the drafting of the bill, that new subsection (2) starts with a preamble that speaks of the fact that for the purposes of the offence:

> … circumstances in which a person is not to be taken to be reckless as to the spread of the fire include —

I emphasise the word 'include' —

> the following —

and the provision goes on to describe the issues causing us concern — having a permit and conducting himself according to an appropriate code of practice. We think there are very genuine circumstances that a farmer or a landowner generally may find himself in where he is faced with the prospect of not being able to demonstrate that he has not been reckless. So it is that we will move to insert a new subsection (4) in clause 4. The proposed amendment reads:

> Sub-section (2) is not to be construed as limiting or qualifying the circumstances in which a person is not to be taken to be reckless as to the spread of a fire for the purposes of sub-section (1)(b).

If that amendment is incorporated, that would enable a person charged under this provision to argue factors apart from simply the notion of the permit and the code of practice. The farmer would be able to argue the case of demonstrating that in that situation circumstances arose where that individual believed it was necessary for that back-burn to be undertaken and therefore did what he did in an environment where he considered it absolutely essential that he commence the back-burn. This would all happen in circumstances where the fire of the back-burn got away and there was damage to the property and he was otherwise faced with the fact of being charged with the offence contemplated by this legislation.

The case for this amendment is made out by matters which have more recently arisen in correspondence which my colleague the Honourable Peter Hall, a member for Gippsland Province in another place, has received. A letter dated 23 April from the Minister for Environment responds to an issue raised in the other place on 27 February. During that adjournment debate Mr Hall raised the very matter that we are now discussing. The minister has written to say that:

> In a fire suppression situation, incident controllers can exercise their statutory powers under section 30(6) of the Country Fire Authority Act 1958, for the purposes of preventing a fire occurring, effecting suppression or restricting a fire spreading, or of protecting life or property. The officer in charge may take any measures which in the circumstances are reasonable and appear necessary or expedient to him/her to achieve the fire protection purposes.

I pause to make a couple of points. Firstly, I do not believe there is a section 30(6) in the Country Fire Authority Act, so I am not sure what the minister is referring to when he says what he says. When you look at section 30(1) of the act you see that it contains language of the nature of that relied upon by the minister as being within the ambit of the statutory powers of an incident controller — or, as is referred to

in this new section, the chief officer. But let us take it as incident controller for the purpose of the discussion.

Secondly, if it is good enough for those powers to be vested in an incident controller, then in a fire suppression situation surely the owner of a property that is under imminent threat should be able to go through those processes, safe in the knowledge that as long as he has a genuine belief in the necessity of that activity he can do it in a way that protects and preserves not only his property but other property.

We say this letter argues the case even more for the amendment which will be moved in the course of this debate. The letter goes on to say:

> There is no requirement under the relevant legislation to obtain the landowners permission to carry out these measures on their land in relation to suppressing a fire.

To paraphrase, the rest of the letter emphasises the fact that under the act those who are in control of fighting the fire from the authority's perspective are able to do anything they deem necessary with or without the consent or even the knowledge of the landowner for the purpose of achieving the required result of suppressing the fire, including back-burning.

Finally, the letter goes on to talk about the government not having any statutory obligation to pay damages resulting from wildfire or fire suppression works. I point out again how silly it is — if you read this legislation literally — that the owner of a property is not going to be in a position to make a decision in the genuine belief that it is necessary that a back-burn be undertaken to protect his and other properties as he deems appropriate. There will be plenty of opportunity for the court to test the veracity of the defence and to have a look at all the prevailing circumstances and decide whether the honesty provisions referred to in proposed subsection (3) are applicable. It is not as if by accepting this amendment the legislation would be weakened; rather it would provide an opportunity for the case to be argued in circumstances where it is not at all difficult to envisage the situation I am outlining. The National Party urges the government to adopt the amendment I have circulated for the purposes of this debate.

I turn now to more general issues. The Department of Sustainability and Environment (DSE) is apparently faced with cuts in the budget to be delivered on 6 May. We again echo our concern about that and what it will mean for fire prevention activities, let alone fire suppression, in time to come. It is a case of 'Watch this space': we will just have to wait to see what the government does. But I know this issue is causing great concern to country Victorians, particularly those caught up in the recent tragedies across the state.

Finally, I draw attention to the amendments which deal with the Bail Act. The serious charges which are contemplated in the amendments are to be shifted to the show-cause provisions of the legislation. The National Party supports this, because if people are being charged with offences which are of the significance that the proposed section contemplates, then we think it only fair and reasonable that the rule which usually applies — prima facie allowing a person who has been charged and who is being held in custody to successfully apply for bail — ought not apply here. We therefore support the amendments which mean that the 'show cause' provisions of the Bail Act are to apply to those serious offences which are set out in this bill.

I therefore urge the government to favourably consider the amendment I have moved here today. In the long term the irony is that we all have a mutual aim. We all want to bring about a position where people who are truly reckless in the way they conduct themselves and therefore aid and abet the terrible outcomes we have seen in Victoria over the past weeks and months are able to be dealt with appropriately.

The members of this chamber have a mutual aim in wanting to achieve this result. What the National Party is concerned about is that unless this amendment is adopted there is the potential for unforeseen outcomes, which could be eradicated by the government adopting it. I am sure it would bring a great deal of comfort to country Victorians, who are consistently faced with the threat of bushfire.

Mr LUPTON (Prahran) — It is with great pleasure that I rise to support the Crimes (Property Damage and Computer Offences) Bill. This bill deals with three key issues involving new offences ranging across the important topics of bushfires, computers and sabotage, as well as making an important amendment to the Bail Act.

The principles underlying this legislation demonstrate that the government is concerned about providing a modern and effective criminal justice system. It is part of the government's commitment to provide a safe community, including safe streets, homes and workplaces for all Victorians. The legislation is a result of an agreement between the commonwealth and the states and territories following a number of meetings, including the Standing Committee of Attorneys-General and the leaders summit agreement on terrorism and multijurisdictional crime. The genesis of this legislation goes some way towards indicating the

importance and seriousness of the issues it deals with. In particular, those matters dealt with by the leaders summit on terrorism and multijurisdictional crime indicate the serious and formidable nature of the terrorist threat that we unfortunately live under in the modern era.

I want to deal with the issues of bushfires, computers, sabotage and the Bail Act separately before dealing briefly with some of the matters raised by the Leader of the National Party and the member for Kew.

On bushfires I commence by saying that the legislation is intended to close a gap in offences relating to causing bushfires in Victoria. In particular the bill creates a new offence of intentionally or recklessly causing a fire or recklessly spreading a fire to vegetation on property belonging to another. In the context of the serious drought we have faced in recent years and the bushfires we have experienced in recent months this type of legislation is unfortunately at the forefront of our notice and is patently necessary.

The seriousness of the offences created and the issues dealt with are indicated by the maximum penalty imposed under this legislation of 15 years imprisonment. That 15-year maximum is intended to create parity with offences of a similar kind — in particular arson, which currently carries a 15-year maximum. The government regards it as important that offences of a similar or like nature carry similar penalties. It is for that reason that the government intends to set a 15-year maximum, showing the significance and seriousness of the issue. But it does not support the amendment moved by the opposition, because it would be unfortunate to have different maximum penalties for similar offences.

Where property is damaged — and property includes vegetation and the like by way of crops — it is regarded as damage to property and an offender would ordinarily be charged with arson. It would be completely inappropriate for there to be the technical distinction between the nature of the offence and the nature of the penalty that would result if this legislation carried a maximum penalty of 20 rather than 15 years.

As far as the computer offences are concerned the legislation brings the law into the 21st century and provides an appropriate platform for future development in the law relating to computers. Computer crime, as it has stood for some years in Victoria, has been covered by the Summary Offences Act, and it is clearly an outdated piece of legislation. It merely prohibits gaining access to or entering a computer system without lawful authority and does not in any way deal with the wide and ever-growing range of possibilities open to people in the area of computer crime.

The bill will create offences related to unauthorised access, modification or impairment with intention to commit a serious offence; unauthorised modification of data with the intention of causing impairment; unauthorised impairment of electronic communication; possession of data with intent to commit a computer offence; producing, supplying or obtaining data with the intent to commit a computer offence; unauthorised access to or modification of restricted data; and unauthorised impairment of data held on a computer disk or credit card. Those types of offences indicate the nature of the developments that have occurred in computer crime in recent years and will give authorities appropriate powers and sanctions to deal with the ever-developing area of computer crime.

I note that the legislation does not attempt to define the word ‘computer’. It has been noted by the committees that have looked into and have developed the legislation that previous attempts to define the term ‘computer’ have not stood the test of time. The preferred approach adopted by the government is to allow the term ‘computer’ to be given its ordinary meaning and to leave that meaning to be interpreted by the courts from time to time. That approach will allow for proper and appropriate measures to be dealt with by the courts as time unfolds.

Sabotage is the other issue which is of major importance in the legislation. The bill details the offences created and sets a maximum imprisonment term of 25 years for sabotage and 15 years for threatening sabotage. This indicates the significance the government places on these issues. They are very serious crimes and have to be dealt with accordingly.

The amendment to the Bail Act brings arson causing death within the show cause definitions in the Bail Act and gives parity with other serious offences.

I will briefly deal with the matters raised by the Leader of the National Party in relation to the circulated amendments. In the opinion of the government the proposed amendments are not necessary in these circumstances. The clause dealing with recklessly spreading fire is an inclusive definition; there is no reverse onus in these circumstances and the amendment is simply not necessary. I refer the house to the explanatory memorandum accompanying the bill, which makes it clear that the common-law standard for recklessness will continue to apply in all the circumstances other than the one detailed in the clause.

The clause the Leader of the National Party is concerned about provides an exculpatory example. It is an inclusive example only, and it means that anyone covered by that particular clause will not be guilty of an offence. It does not affect the circumstances not included in that clause. It is for that reason that the government does not support the amendment; it is not necessary.

The government has introduced appropriate and sensible legislation. It will provide for sound and appropriate sentences for the very serious criminal offences that this community unfortunately now faces and will continue to face into the future. It also gives the law enforcement authorities appropriate powers. I am happy to support the bill.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until later this day.

CONTROL OF WEAPONS AND FIREARMS ACTS (SEARCH POWERS) BILL

Second reading

Debate resumed from 25 March; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Mr WELLS (Scoresby) — It gives me a great deal of pleasure to speak on the Control of Weapons and Firearms Acts (Search Powers) Bill 2003. The background to this bill is that in October last year the government finally acted on calls by the Victoria Police, the Police Association of course, and the Liberal Party that something had to be done to cut the number of people carrying dangerous weapons within the community, especially knives and other items which could be used in assaults, robberies and other violent crimes. But due to the Labor government's inability to organise itself, this bill unfortunately lapsed because of the 30 November election.

The increased fears for and anger about community safety were due to a number of attacks, but I think the genesis of this piece of legislation was the knife attacks in Chapel Street, South Yarra, on 8 July 2002, which I will come back to later. Weapons-related offences have increased dramatically over the last few years. The crime statistics from the Victoria Police for 2001–02 reveal that the use of weapons in the commission of assaults has increased by 37.8 per cent in 2001–02, with the knives category up 33.1 per cent and firearms used as assault weapons up by 46 per cent.

You only have to look at the crime figures to see that since the Bracks government came to power in 1999 crimes against the person have increased by 16.8 per cent. The initiatives in this bill are designed to complement the government's recently launched weapons community education program and of course to equip the Victoria Police with 420 metal detectors for use in every police station across the state.

The purpose of this bill is to provide the Victoria Police with enhanced powers and other measures to search for and detect dangerous weapons. To achieve this the government is going to lower the belief threshold required by police members to justify a lawful search without a warrant for weapons and firearms that are controlled and prohibited under the Control of Weapons Act 1990 or the Firearms Act 1996, and the Liberal Party fully supports this point.

The belief threshold for undertaking a search without a warrant will change from reasonable grounds for belief to reasonable grounds for suspicion. A legal interpretation of 'reasonable grounds for suspicion' is recognised by the courts as having lower evidentiary criteria. This use of reasonable grounds for suspicion will bring the threshold test in Victoria into line with the tests in many of the other states and the United Kingdom, but it will also bring it into line with the test for searches under the Drugs, Poisons and Controlled Substances Act 1981. This bill will bring a level of consistency — in the same way police already search for drugs, for example.

The bill has a number of counterbalancing measures that are designed to minimise the abuse of this power by police. One of those, for example, is that before searching a person the policeman or policewoman has to give their name, rank and the name of the police station to which they belong. I will come back to that in a minute, because it has some practical difficulties, but we will work through them.

The bill also enables the making of regulations for search procedures and record keeping, and it will provide police with the power to demand the production of a firearm licence or an approval to carry a prohibited weapon where there is a reasonable suspicion that an offence has been or is about to be committed. Police will be provided with the power to demand the production of any article suspected of being a prohibited or controlled weapon or firearm. This is designed to maximise the safety of police officers and prevent them from having to carry out more intrusive searches.

Other provisions of the bill give Department of Sustainability and Environment officers the same search powers and the same search threshold criteria as police. That will be very important in, for example, the fishing and abalone industry. The bill creates a new offence of hindering or obstructing Department of Sustainability and Environment officers in their search powers.

The bill also allows police searches for weapons at non-government schools. Prior to this bill the police could search in a government school but did not have the power to search in a non-government school, so this bill brings in that consistency once more.

The Labor government is still grappling with the increase of violent crime in the community. Its 1999 election policy under the heading 'Community safety' and the subheading 'Knives and dangerous weapons' states:

> Since 1993–94 offences committed with a weapon have increased by nearly 50 per cent, offences committed with a knife have increased by a massive 59 per cent.

That is a totally unacceptable increase in six years, and we agree that it is unacceptable. The policy then goes on to state what the Labor government will do:

> Labor recognises that the proliferation of knives and other dangerous weapons must be addressed. Labor will develop innovative strategies to address this problem including:
>
> > banning the sale and display of knives and other weapons that have no legitimate occupational, ceremonial or sporting occupation;
> >
> > banning the sale of knives to under-18-year-olds;
> >
> > tough new restrictions on the marketing of knives and weapons in a way that encourages violent behaviour or in any way suggests a violent application;
> >
> > a limited period of amnesty on knives and other illegal weapons; and
> >
> > sufficient flexibility to provide exceptions for bona fide collectors, antique dealers, hunters, fishermen, and legitimate supervised youth organisations like scouts, guides, et cetera.

We in the Liberal Party agree with all of those measures set out by Labor in its 1999 law and order policy, but we are still waiting on the results of what this government said it was going to do to curb the use of knives in the community. It has failed.

The crime statistics are a very sore point with the Bracks Labor government, because they show how it has failed to curb violent crime in our community. Weapons used in assaults in 2001–02 according to the Victoria Police provisional crime statistics show that bottle and glass assaults are up 48.4 per cent; assaults with firearms are up 46 per cent; assaults with a bat or bar are up 36.7 per cent; and assaults with knives are up 33.1 per cent. So although the government set out its plan to tackle the scourge of the use of knives in our community the end result shows an increase of 33.1 per cent over the last 12 months.

When you put that next to other violent crimes that have occurred in the community under the Bracks Labor government you have to wonder where its priorities are. Homicide is up 32.9 per cent over the last three years, rape is up 8.5 per cent, robbery is up 10.5 per cent, assaults are up 26.8 per cent, abduction is up 14.4 per cent, arson is up 30.9 per cent and aggravated burglary is up 29.6 per cent. If we add arson and aggravated burglary to the violent crime category, violent crime is up 24.7 per cent. Although the opposition supports this legislation, the general community has the right to ask from a wider point of view when there will be results in curbing the use of knives and violence in the general community.

As I mentioned, the genesis for this legislation was an awful incident that happened in Chapel Street, South Yarra, on or around about 8 July last year. I will refer to some of the press releases at the time. On Monday, 8 July 2002, the AAP Newswire service under the headline 'Man stabbed to death in South Yarra' states:

> A man was stabbed to death during an altercation in inner Melbourne early this morning.
>
> Homicide detectives closed off Chapel Street in South Yarra between Toorak Road and the north end of Church Street bridge while investigations are under way.
>
> …
>
> Investigators believe an altercation left a man suffering mortal wounds …
>
> The dead man is yet to be identified.

I refer to an AAP news article a little later in the day:

> Detective Senior Sergeant Jeff Maher says the man was attacked with something similar to a machete, a sword or a meat cleaver about 3.15 a.m. …
>
> He says the death followed an altercation that began at licensed premises in Daly Street and continued along Chapel Street to Alexandra Avenue, where the man died.
>
> He told ABC radio a number of males and motor vehicles were involved.
>
> About six men are in police custody, helping with inquiries.

Later on the same day, 8 July, an AAP Newswire article headline again states 'Vic: one dead, two feared drowned after nightclub fight'.

I cannot imagine the amount of fear these men would have experienced when they were being chased by men with either machetes or knives and jumped into the Yarra River to try and save themselves. The news article states:

> A fight in a suburban Melbourne nightclub has led to one man being hacked to death while another two men may have drowned in the Yarra River. The fight happened almost exactly a year after another man was fatally stabbed in a nightclub in the same South Yarra street.
>
> Police say the unidentified man killed overnight suffered horrendous injuries from a meat clever, sword or machete.

This was a brutal crime and something had to be done, but I guess it is a little ironic that although the incident happened on 8 July 2002 we are only just now seeing this piece of legislation come through.

I will now talk about what sort of weapons will be banned or controlled under this piece of legislation. As I said, the bill will decrease the threshold as to how a policeman or policewoman goes about searching for prohibited or controlled weapons so it is important to note what sort of weapons will be included in it and through regulation — weapons the police will be searching for to make sure that we have a safer community. Prohibited weapons are weapons that are considered totally inappropriate for general possession or use because they are exclusively offensive in nature. The Control of Weapons Regulations 2000 set out those weapons that are classified as prohibited weapons. These weapons include flick knives, daggers, knuckle-dusters and blow guns. Such weapons cannot be imported. A person may have access to a prohibited weapon only if he or she has obtained an approval from the Chief Commissioner of Police or falls within exemption made by the Governor in Council.

Prohibited weapons are different from controlled weapons. Controlled weapons are weapons that are designed for use for legitimate purposes but which need to be regulated because of the danger they pose if misused. The Control of Weapons Regulations 2000 set out those weapons that are classified as controlled weapons. In addition the category of controlled weapons includes all knives that are not prescribed as prohibited weapons. A person may possess, carry and use a controlled weapon provided he or she has a lawful excuse. A lawful excuse includes legitimate recreational, sporting, collecting or employment activities but does not include self-defence.

Obviously if a farmer was walking down the main street of Bairnsdale carrying a Swiss army knife you would expect that he had a legitimate purpose because he would obviously be using that for his employment — farming. However, if you had a different person walking down that same street carrying a samurai sword you would say that was either a controlled or a prohibited weapon. The rules are clear. The police have the discretion to make that call, which is fair and reasonable and part of their operational duties.

One of the real problems we non-lawyers have is how to define — —

Ms Allan — It is a positive.

Mr WELLS — That is right. One of the positives for we non-lawyers is how to explain to the general public the need for the change between having reasonable grounds for belief and having reasonable grounds for suspicion, because how would we determine which would have the lower threshold if it came before a court?

Sitting suspended 6.29 p.m. until 8.03 p.m.

Mr WELLS — Before the dinner break I was talking about the Control of Weapons and Firearms Acts (Search Powers) Bill, but more importantly about the definition of grounds for belief as compared to reasonable grounds for suspicion. The opposition sought legal advice, and we were very happy to receive that from the Victorian Bar Council. This is what it said about the difference between reasonable grounds for belief and reasonable grounds for suspicion:

> The distinction between 'reasonable grounds for belief' and 'reasonable grounds for suspicion' was made clear by the High Court of Australia in *George v. Rockett and Another* (1990) 93 ALR 483. That case concerned the validity of a warrant to search property, and the duty of a justice to be satisfied of certain matters before issuing such a warrant. The relevant legislation required that a justice be satisfied that there are reasonable grounds for believing that a specified thing will afford evidence as to the commission of an offence, and that there are reasonable grounds for suspecting that the specified thing exists and is in any house, place etc. The court held that, for there to be reasonable grounds for a state of mind — including suspicion or belief — there must exist facts which are sufficient to induce that state of mind in a reasonable person. The court said that a 'suspicion' that something exists is more than a mere idle wondering whether it exists or not; it is a positive feeling of actual apprehension or mistrust amounting to a slight opinion, but without sufficient evidence. A 'belief' is an inclination of the mind towards assenting to, rather than rejecting, a proposition and the grounds which can induce that inclination of the mind may, depending on the circumstances, leave something to surmise or conjecture. The difference between the two states of mind is this: 'suspicion' is a state of conjecture or surmise where proof is lacking, whereas 'belief' is a state of clear inclination towards the existence of the subject matter based upon the existence of some evidence short of actual proof.

I am sure that all the police out there on the streets would read that ruling and have a clear understanding of reasonable grounds for belief and reasonable grounds for suspicion. But, as we said, the Liberal opposition does support this aspect of the bill. By lowering the threshold it does give police greater powers to search.

As I mentioned in my earlier contribution, this legislation brings the search for weapons into line with the search for drugs. It was pointed out in this letter from the Victorian Bar Council that under the Drugs, Poisons and Controlled Substances Act 1981:

> … a police officer may search a person for drugs based upon reasonable grounds for suspicion that a person is in possession of drugs. However, the existence of a lower threshold test under one piece of legislation does not automatically justify the introduction of the same test in different legislation. Search of persons without warrant based upon either reasonable grounds for belief or suspicion must be regarded as exceptional. In this context, it is relevant to point out that the arrest of a person by a police officer or member of the public can only be justified if the arresting officer or member of the public has reasonable grounds for believing that an offence is being committed …

Another aspect of this legislation is that this power will be used in areas of high incidence — that is, the police do not pick a particular area just because of the demographics or background of the people living there but go to areas of high incidence of violent crime. I suspect that after what happened in Chapel Street when those people were chased and two ended up drowning in the Yarra River that at that time Chapel Street would have been an area of high incidence of crime.

The Police Association raised a very important point. It understands the need for this bill and supports it. However, it does point out in a letter that:

> … a mandatory requirement for a police member to inform the person being searched of his or her name, rank and place of duty in all cases, regardless of whether or not the information is requested, is unnecessary.

It does have a point: police members are already under an obligation to reveal their identity upon request and all police officers in uniform are required to wear identifying name tags. The Police Association also believes that:

> … requiring a member, if not in uniform, to provide evidence that he or she is a police member is also unnecessary in terms of a specific legislative clause for the reasons already provided. It is clear that police members are required to produce evidence of their identity when out of uniform.

That is commonsense.

I guess that, for example, if a police member goes up to a particular person in the central business district suspecting that the person is carrying a prohibited weapon, the police member may not in every case be able to give his or her name and identification before grabbing and searching that person. So we will watch with interest how this is put into practice.

Noel McNamara, from the Crime Victims Support Association, has said that victims of crime are obviously in favour of this legislation: they want a less violent community than we already have.

I notice that the bill requires the Chief Commissioner of Police to report to the responsible minister on searches without warrants. That is a good balancing condition to put on the police force but I am disappointed that, although it is reported to the minister it is not reported to Parliament — you would think that would make more sense.

With those few words, the opposition supports the bill and wishes it a speedy passage.

Dr SYKES (Benalla) — I would like to continue the discussion on the Control of Weapons and Firearms Acts (Search Powers) Bill. The National Party supports this bill, because it makes it easier for a member of the police force to search for weapons without a warrant, because it provides safeguards against the abuse of this increased power and because it requires reporting, which enables the success of the strategy to be monitored.

The increase in powers is necessary because of the increase in weapons-related offences. As we have been told, there has been an increase in offences involving weapons from 14 per cent to 20 per cent over the past six years. It is interesting to consider the cost of assaults, some of which involves weapons. According to an Australian Institute of Criminology *Trends and Issues in Crime and Criminal Justice* paper which was published in April this year, assaults on average cost about $1800, and the total cost to Australia in 2001 was $1.4 billion. It is clearly appropriate to be attempting to address this issue.

In speaking on this subject I have had some experience of legislation and firearms in my career in veterinary science. Based on that experience I offer two comments. The first is about some guidance given to me by a senior departmental fellow about 30 years ago. He made it quite clear that you cannot legislate for cooperation, that legislation alone will not solve the problems we are attempting to address. What we require, in conjunction with legislation, is a change in attitude. That means addressing the social issues that underpin the causes of assaults involving weapons. It

also means looking at things like increasing people's self-esteem and their respect for themselves and others in the community, including the police. There is a need to provide role models for people and increase the appreciation of family and community values. With that in mind, it is appropriate that there be a concurrent community education program to help address this aspect of the issue.

The second point that I would like to make is that responsible firearm ownership should not be compromised by efforts to combat illegal possession and misuse. I had some experience with this in the Northern Territory back in the 1980s, when we were eradicating tuberculosis. Regrettably that involved the destruction of hundreds of thousands of animals, a lot of it by shooting from helicopters using antipersonnel weapons. During the time I was in charge of that program, and I believe throughout the program as a whole, there were no incidents of those weapons being misused by the officers doing that work. I think that reflected the professionalism of the staff of the organisation using the weapons. That was supported by training and by the recertification of those people on an annual basis. Concurrently there was a tightening of the possession requirements as community attitudes changed, and we unfortunately ran into some situations with the criminal misuse of firearms.

I also make the comment that the complementary legislation in the Parliament — the Firearms (Trafficking and Handgun Control) Bill — attempts to address some of these issues of responsible firearm ownership and management. I am pleased to note that some practical amendments that were pushed by the National Party on behalf of responsible shooters and hunters have been taken on board by the government and will be incorporated into that legislation. As I said, that is a process that goes hand in glove with this legislation.

I refer to the specific aspects of the bill. The police need the increase in powers, but with that comes the expectation of ongoing training and an assurance that the appropriate culture will ensure the proper use of those powers, in addition to the legal requirement for police officers to advise those being searched of their name, rank and place of duty, and in the case of plain-clothes police, to provide evidence of their membership of the police force.

The second specific issue I would like to comment on is consistency. Clearly, enabling searching on non-government and government school premises is logical and appropriate. Providing Department of Sustainability and Environment (DSE) staff with the same powers is similarly appropriate. However, I will make some comments based on experiences in the recent fires, where in a couple of instances logic seemed to go out the door.

One related to the apparent insistence by DSE staff on banning the carrying of firearms in national parks, even when there was a need to humanely destroy animals that had been severely burned and were going to die as a result of their injuries. That was an example of the illogical application of legislation and of not being practical and recognising that some flexibility in the use of firearms would have prevented serious animal suffering. Equally I have been told of another instance of the application of legislation, and that relates to a claim by hunters that they are being persecuted over the use of torches that can be determined to be spotlights by particularly meticulous officers.

The point I am trying to highlight is that while we need the legislation and the powers, we also expect that they will be used appropriately, reflecting an attitude and culture among those who have the powers that ensures there is no abuse.

The reporting requirement is again appropriate. The reporting should be timely, relevant and focused on activities and, importantly, report outcomes. As a result of that reporting there should be an analysis, a monitoring and a review of the results of the strategy against defined and predetermined performance criteria. That reporting requirement should be seen as a tool that enables further progress in combating assault with weapons.

I believe that allowing a searched person to have access to a copy of the report provides the desired protection for that person's civil liberties. In relation to other weapons, what constitutes a weapon is limited only by the imagination and ingenuity of the user. I believe the legislation adequately covers that with the three categories of 'prohibited weapons', 'controlled weapons' and 'dangerous articles'. I also support the use of metal detectors, which is a commonsense application of high technology. It is a non-invasive and effective technique, and it is logical.

As is so often the case, it is the regulations that can make or break legislation. The devil can be in the detail, and I therefore request that there be ongoing and extensive consultation with affected groups to ensure a balanced and rational outcome.

In conclusion, the National Party supports the legislation. We support ongoing consultation during the development and implementation of the regulations.

We also support reviewing the annual reports and assessing the effectiveness of the strategy.

Mr MILDENHALL (Footscray) — This is one of those Groundhog Day debates. A bill in almost similar form was passed in October last year. This bill has also been passed by another place — on both occasions with the support of the opposition parties — and now we are about to do it again.

Mr Mulder interjected.

Mr MILDENHALL — I think we have got an exhibit in the chamber!

Mr Mulder interjected.

The ACTING SPEAKER (Mr Kotsiras) — Order! The member, on his own.

Mr MILDENHALL — In fact, so close is it to Groundhog Day that we had the same speech from the Liberal Party that we heard last year, the difference being that last year Liberal Party members were running out the law and order campaign, ramping up the fear campaign in the community to try to demonstrate, totally unsuccessfully, that the community was in far greater danger at the time than it had been before. The common ground that the government had with the opposition was that the community was looking for and expected a firm response to the Chapel Street incident and was also looking for a systematic response to the progressively greater number of assaults that had been occurring over many years with a greater proportion occurring with the use of a weapon. This legislation, the Control of Weapons and Firearms Acts (Search Powers) Bill, was designed to address that issue.

The major thing that went wrong with the opposition's plan at that stage was that while it was trumpeting an increased crime rate the data revealed that the crime rate in Victoria was in fact falling for the first time in many years as a direct result of the substantial increase in resources and effort in crime prevention and in crime detection and prosecution that the Bracks government has been responsible for.

The bill sets out to do a number of things, and the key one is to lower the standard of conviction required by a police member and, as we mentioned before, by a Department of Sustainability and Environment (DSE) officer under section 153A of the Firearms Act 1996 to justify a search without warrant in a public place for a prohibited and controlled weapon or dangerous article or firearm from reasonable grounds for belief to reasonable grounds for suspicion. Many opposition speakers have had a bit of trouble with that concept, because being suspicious that something is going on and believing that something is going on are similar, and members opposite cannot distinguish between them. From my way of thinking — and I think it helps to not be a lawyer in these situations — if I believe something is going on there is far greater substance in my conviction than merely having a degree of suspicion.

I acknowledge that the member for Scoresby has gone to some lengths to provide a word for word description from the High Court of Australia case of *George v. Rockett and Another* of 1990 to set out the grounds for describing belief as a higher standard of conviction than suspicion. I think it was the member for Richmond who in a contribution of October last year set out the simple statement from that case in which it was held that suspicion was a state of conjecture or surmise where proof is lacking whereas belief is based on the existence of some evidence but short of actual proof. That is a fairly direct statement, that one expression is based on the existence of some evidence but short of actual proof, and the other expression conveys only conjecture or surmise. They are clearly different concepts, and that difference is creating this lower threshold and giving police greater power to act in certain circumstances.

The bill also sets out to introduce a power for police to demand the production of an article detected during a search and seeks to elevate a number of safeguards currently contained in the police operating procedures manual to the status of an act or regulation to counterbalance the lowering of the search threshold. That is an important protection for the community. The community expects the police to enjoy a substantial increase in powers so there needs to be some degree of protection for the community in instances where some might argue that there could be an abuse of those powers.

Those protections include the safeguards in the police operating procedures, the requirement for the production of annual reports to the minister on the exercise of the powers and the detailed requirement on a police member to inform persons to be searched of his or her name, rank and place of duty in all cases regardless of whether or not the information is requested. There is a series of such provisions.

The bill also sets out to amend the standard of conviction required for an officer to demand the production of a firearms licence to equate with the new search threshold and introduces a power for police to demand the production of an approval to possess a prohibited weapon under the Weapons Act. It expands

the application of the search provisions in the Weapons Act to non-government schools to match the powers available for police to search in government schools. That is not to suggest that there is any greater likelihood of weapons being concealed or used in non-government schools.

During the debates I have referred to mention has been made of the anomaly in the existing legislation. The bill complements a comprehensive package of measures introduced by the Bracks government to tackle this phenomenon of increasing prevalence of the carriage and use of weapons, including the weapons community education program that was conducted principally last year and the provision of 420 new handheld metal detectors to police stations and police officers. The new metal detectors have two distinct advantages: as no physical contact is made with the person being searched the search is less invasive than the initial pat search or full search which can produce a protest from potential suspects; and the use of a metal detector is obviously safer for the police officer conducting the search.

This is part of a comprehensive package. The legislation is supported across the board. It includes an amendment drafted as a result of the debate last year when it was suggested by the former member for Bass, Susan Davies. Dangerous articles adapted for use as a weapon have been included in the definition and are caught up in the act. This comprehensive legislation enjoys the support of all members of this house.

Debate adjourned on motion of Mr DIXON (Nepean).

Debate adjourned until later this day.

PORT SERVICES (PORT OF MELBOURNE REFORM) BILL

Second reading

Debate resumed from 9 April; motion of Mr BATCHELOR (Minister for Transport).

Mr MULDER (Polwarth) — I rise to contribute to the debate on the Port Services (Port of Melbourne Reform) Bill. The bill will implement the government's response to Professor Bill Russell's report entitled *The Next Wave of Port Reform in Victoria* so far as it effects the port of Melbourne. The opposition does not oppose the legislation but throughout the debate I will raise concerns relating to the implementation of the legislation and the role of the authority.

The opposition consulted widely on the bill. I acknowledge the tremendous input of the Honourable Ron Bowden in another place who took control of this bill for the opposition under difficult circumstances and in the last few weeks put in enormous work in the consultation that took place. The opposition had discussions with Patrick Shipping, the Boating Industry Association, Toll Holdings, the port of Geelong, the Australian Shippers Association, P & O and Linfox. We also contacted the Victorian Transport Association and the *Spirit of Tasmania*. Those two organisations did not see fit to contribute or reply to the opposition and we can only assume they did not have concerns regarding the legislation.

Overall, there seems to be support for creating a single authority, the Port of Melbourne Corporation. The opposition recognises that this will streamline the port's operation and should expedite decision making and allow for a whole-of-business approach to the port's operation and for land-side and waterside management decisions to be made parallel with one another with one lot of decision-makers. Anybody who has been involved in a business where you have several bodies with decision-making roles or want to flex their muscle in relation to decisions that have been made understands that it is difficult to take on board the different politics of different organisations in being able to facilitate and expedite decisions.

The ports have been through considerable reform. The previous government embarked on a reform process within the ports. The two corporations have been tested as separate entities and that has proved to have some difficulties. As I said, we understand that port reform is an ongoing process and the fact that the government is prepared to follow on with the previous reform of ports implemented by the Liberal Party when in government indicates that at least it is prepared to listen and watch what it takes to be a reformist government. The Labor government is not good at leading, but it has indicated, at least on this occasion, that it is prepared to follow on with the work carried out by the previous Liberal government.

I refer to some issues raised by some of the organisations. The Boating Industry Association had concerns about diminished access to government to discuss issues of concern to them. The association raised issues such as transit speeds in the Yarra River and port area approaches. The association was also concerned that the new structure would minimise the government's direct responsibility and therefore any political accountability. All I can say to the boating association is that given the position it is in, working on a harbour and near the water, if in the past it has had any form of communication, attachment or direct access to government, it is one of the lucky and few

organisations across the state that is in that position. Whether I move through my electorate or throughout Victoria I find that the government has developed a bunker mentality in dealing with organisations or groups who may be asking for assistance or direction, but the government will not take that on board.

In my electorate there is no greater example of that than with what has happened with the pier at Lorne. Commercial fishermen operating from the pier, who have had businesses running for many years that have relied heavily on assistance and access to government have put up with a crane being broken down for well over a month. The fishermen with boats on the pier cannot fish. One boat was out at sea with all its gear but could not fish. In relation to access to government I can understand the association's concerns because the government has treated the people of Lorne who operate from the pier with utter contempt and arrogance. I do not think that in my period as a member of Parliament I have seen such a terrible act carried out by the minister or his department regarding not being prepared to talk to people. I understand the concerns of the Boating Industry Association in not having proper access to government and it stepping back from the decision-making process, but given its record I do not think the association should worry too much because the government's decision-making process and ability to get on with the job have diminished very quickly.

It is also amazing, as I said, that several ministers have visited that electorate over issues to do with the Geelong pier, but they did not have the courtesy to call in and discuss them with the people whose livelihoods are at risk.

Toll Holdings and the Port of Geelong Authority naturally have concerns about decisions that may have a detrimental effect on the port of Geelong. They do not know whether their concerns and the future of the port will be well served by a corporation that has significant commercial muscle. They are concerned that the corporation could play with the proposed tolls on vessels to the disadvantage of the port. When there is one entity which may have a home advantage — I see the member for South Barwon has just wandered into the chamber, and I am sure he will be fighting on behalf of the port of Geelong — it is able to levy tolls on ships, docking tolls and channel tolls. The corporation may also have a bit of a me-first attitude in relation to disadvantaging the port of Geelong, because through toll or charge arrangements it is easy for it to direct particular businesses away from one port and into another.

A further concern for Geelong is the fact that channels, for which the new corporation will be responsible, will only be declared by an order in council, thereby enabling the government to delay declaring channels affecting the port of Geelong. That could in its own right have competitive implications, which is of concern to people in Geelong and to the businesses that use the port of Geelong.

Certainly the farmers in my electorate are concerned. Throughout the harvesting months I went down to the port of Geelong with them and stood there among the rows and rows of grain trucks. They would be enormously affected if that port, through the new corporation, became expensive, because all those costs and charges end up on the front doorstep of the end producer, which is always the farmer. I hope and trust that the members who represent Geelong will be in there punching and fighting — they certainly should be — to ensure that this legislation does not disadvantage the Geelong port.

The Australian Shipowners Association is concerned that much of the traffic going into the port of Melbourne is domestic trade via small ships, with limited international trade. It is concerned that the cost burden of any improvements to the port will be borne by smaller shipowners, who will not necessarily derive any great benefit. P & O also has expressed similar concerns.

This is always an issue, particularly with governments that are flooded with ministers and members who do not have commercial or business backgrounds. Such governments make decisions, or have input into or direct decisions made by corporations, or whatever, without realising and understanding the full ramifications, particularly for smaller businesses and operators. We voice the concerns of the smaller shipowners about domestic trade. We hope they will not be hit hard by the corporatisation of the port and the setting up of the new authority, given the implications for their operations.

There always seems to be an attitude, whether it comes from corporations or statutory authorities, that someone can pay. They do not have the same mentality as commercial businesses, in that private enterprise is always trying to wind back costs to become more competitive. There seems to be an attitude that someone at the end will pay. They take the attitude that they are in charge, that they will make decisions about costs and charges and that somewhere down the line someone will pick it up.

Victorians have to be aware of the state's location when considering what to do with our port, how our port is viewed in relation to its competitiveness and whether people will decide to ship through the port of Melbourne. We have to realise that we sit at the bottom end of this great country and that a lot of the cargo ends up taking an extra trip, or an extra few hundred kilometres, to get through the port of Melbourne.

Over the three to four years we have had a Labor government in this state we have handed over our competitive advantage time and again. Again today we have seen an issue with motor car registration. Someone said it is okay because it is only $17 a household, but it adds up to $60 million a year that disappears out of the pockets of Victorians. Once again those costs are always borne by businesses somewhere along the way.

The results of our continuing to work through a process of making ourselves uncompetitive and of the corporation heading down the path of saying it believes the people utilising the port of Melbourne can continue to wear any cost burdens it may impose, are never seen on day one. Everyone says, 'We have made a decision, it has hit the press and nothing has happened'. It is always a year or two out, when people are starting to wind up their businesses, that they start to look at the costs and charges that are imposed at different calls. They look at the call drop-offs around Australia, and they look at the port of Melbourne and say, 'Costs and charges are a little out of control there. There are other mechanisms and opportunities open to us. We will make the decision to pull out and pull out now' — and then suddenly people start to scramble for new business.

The issue should never be one of how much more you can charge; it should be about how much less you should be prepared to take. I note the Minister for Increasing Motor Car Registration has just entered the house.

Mr Pandazopoulos interjected.

Mr MULDER — Yes, I have. We have consulted Linfox on the matter. It is concerned that fair and reasonable access to waterfront infrastructure and cargo assembly areas continue for multiple cargo operators. If any major charges are envisaged for multiple cargo operators, one would hope that in terms of its business plan and its strategies for future development in and around the port, the corporation would certainly consult widely with the existing users to ensure all the concerns about access matters are addressed fully and that those decisions are not just made, as they seem to be made by the Bracks Labor government, after which it is hoped that somewhere down the line someone will pick up the costs of those types of decisions.

While the report by Professor Russell's committee may have been described as neutral, the fact is that it was loaded with bureaucrats from the departments of Premier and Cabinet, Treasury and Finance, and Infrastructure. The fact that the committee analysed and reported on the 1995 reforms explains why there was no real focus on their benefits, particularly in relation to costs and the people using the port.

There were some great outcomes in cost reductions. As I said, I imagine that at this point the users of the port — the organisations and the shipping companies — would be starting to feel somewhat uneasy, given the last two or three weeks of the Bracks Labor government, including its obvious inability to handle finances and to control spending, and the fact that it seems to have the attitude that irrespective of what decisions it makes, someone out there will pay and everyone has the money to do it.

The objectives of the new corporation are much broader than those of the Melbourne Port Corporation. They include managing and developing the port in an economically, socially and environmentally sustainable manner, ensuring the port is effectively integrated with other systems or infrastructure in facilitating the sustainable growth of trade. We have some concerns about that. I guess all honourable members would be aware of the industrial relations problems created at the port over the years and the very damaging impact they had particularly on rural Victoria, regional Victoria and Victoria's manufacturers, who were looking to export produce and stock that were left on the wharves to rot while successive Labor governments failed to reel in the power of the unions.

We are very concerned that this legislation, which, with the establishment of this new authority, once again gives minority groups, and unions in particular — although I do not know that we should call them a minority group in talking about the Bracks Labor government, because they seem to be the tail that wags the dog — the potential to increase their power. We are concerned about the impact that will have on our wharves.

It is interesting to note an article in the *Herald Sun* — tolls seem to be the flavour of the month — headed '$20 000 toll tipped for the bay ships'. I ask the question, 'Why not?'. Cargo ships could face a $20 000 Frankston–Mitcham freeway-style toll to dock in Melbourne under the newly beefed-up port corporation.

Once again, and I will enforce this issue, if the corporation believes, as does the Bracks Labor government, that business has never-ending money resources and very deep pockets, it needs to think again. We are in a very competitive environment.

Margins are low, margins are tight, and if you are going to start this type of activity — even though we have had assurances from a spokesperson from the minister's office that this is not set up as a funding model, it is set up to simply streamline and corporatise the port — one could say, 'Hang on a minute, we were also told that the Mitcham–Frankston freeway was not set up as a funding model'. However, as well as losing practically every dollar that was handed on to it at the change of government, this government has collected another $2 billion over and above 1999 revenue figures, which makes something in the order of $4 billion and that seems to have disappeared down one great hole as well. No-one knows where the money has gone. To me it is to be expected that comments would be made in relation to the potential for tolls for the use of the channels, tolls for docking at the port and tolls for anything else you could imagine using a toll for with this tolling Bracks government.

As I said, we have assurances; the spokesperson said that the legislation was not a funding model. I am always suspicious of the fact that when you have a tough issue and you put it to a minister, he sends out a spokesperson. I have never seen a government so keen on spokespersons as the Bracks government. If it is a good-news story you will see them marching up to the camera bleating and howling but as soon as there is a tough decision or a tough issue they always send out a spokesperson. Then of course it gets back to the issue of saying, 'I did not say that, it was a spokesperson and they did not understand the issue when the question was put to them'. You can run but you cannot hide, and what we have discovered in the last two to three weeks with this Labor government is that little or nothing has changed since those shocking years of the Cain-Kirner era. In fact if you have a look at a time frame of three to four years out from the start of each government's term the similarities are quite frightening.

An issue has been raised in relation to the chief executive officer of Shipping Australia, Mr Llew Russell, who said that shipowners were also concerned about possible tolls. He said shipowners already paid about $30 000 in port fees, including $10 000 for using existing channels. He feared that fees could double and make Melbourne an uncompetitive port. The issue I have been addressing throughout my contribution is that there does not seem to be an understanding of competitive industry or an understanding of tight margins. There does not seem to be an understanding by the Bracks government that perhaps we are going to cost ourselves out of business. But I guess if you have spent everything you have, if you are stony broke and you have to find other ways and means of raising income, then perhaps tolling the port could be an answer.

But what about all of those other smaller boat owners — and I am talking about the smaller runabouts and fishing boats — who have not envisaged the fact that they could end up with a tolling operation as they leave smaller jetties or use facilities throughout the bay? Who would know how far this government might go in trying to put its hands as deeply as it can into the pockets of Victorians to cover up for the shocking situation it has created in Victoria. It is quite unbelievable to hear the comments from what I call the everyday people such as, 'Don't tell me they have done it again'; that is what they are all saying, 'In four years they have done it again'.

It is quite extraordinary to hear those comments, and I am talking about the people you mix with at the footy on a Saturday or have a beer with at the pub on a Friday night. They are not all what I would consider to be the traditional type of Liberal voters; they are just everyday, ordinary people who survive on $400 or $500 a week and who count every dollar that is handed out. That is what they saying, 'Don't tell me they have done it again'. Well, they have done it again.

One of the problems in relation to the corporation is its virtually unrestricted commercial powers. The newspaper article also refers to the fact that corporatisation and combining the infrastructure and channel responsibilities give the corporation the ability to impose costs on port users to cover massive expected future port and channel investments. Someone is going to have to pay for it. One option is for it to be paid for by borrowings through the corporation if the government decides to move down a process of port development — and borrowings are never looked upon in this day and age as something to be afraid of.

I can remember when I operated a business having an overdraft of 19.5 per cent, and when you went over your limit you copped another 3 per cent on top of that. People were quite fearful when they spoke of borrowings. But because we have what is considered at the moment a reasonably friendly borrowing environment, borrowing heaps of money and operating on commercial rates of 6, 7 or 8 per cent is an issue we can handle at this point. However, as we know, borrowing rates have a habit of changing and catching people up in the process, and someone finally has to

pay. Again we have a potential problem in the government's attitude to borrowing, with Labor's history of financial mismanagement and the corporation operating maybe at arm's length but also under some form of control by the Bracks government.

I will conclude with those few comments, except to say there has been overwhelming support for certain aspects of the bill but the issue is always in the implementation. The issue is always in who ends up running the corporation, which minister is directing the traffic, how much money we need to make from the port, how much money do we think we can screw out of the people who are going to use, and whether we really have the long-term interests of Victoria at heart or whether we want to protect the reputation of a Treasurer who is on his way to emulating the feats of a previous Labor Treasurer in financial mismanagement — Rob Jolly, who was hopeless in every respect. In fact, I think he has shrunk.

An honourable member interjected.

Mr MULDER — Well, they are not walking tall at the moment, and it is no wonder!

On those closing notes, I wish the bill a speedy passage.

Mr WALSH (Swan Hill) — As we all know, the purpose of the bill is to amend the Port Services Act 1995 to constitute a new port corporation — that is, a new body to be known as the Port of Melbourne Corporation. This new corporation will succeed the Melbourne Port Corporation which will be abolished by the legislation.

Melbourne port is a vital link to our export industries. In the second-reading speech the minister states that the ports:

> … play a crucial role not only in the economy of this state but also nationally. For instance, each year they handle in the order of 28 per cent of Australia's overall trade and 37 per cent of this country's container trade.

So the Melbourne port is a vital link between production and export markets particularly for country Victoria where something like 70 per cent of what is produced is exported out of the state. The food processing and agriculture sector is one of the largest employment sectors of this state. The jobs and investment that have been created, particularly in the regions in the last decade, are well documented. We hear a lot about the car industry in Victoria but the number of jobs created in the car industry pales into insignificance when compared with the number of jobs created in the food processing sector.

No doubt most members have driven across the West Gate Bridge at some stage. As you drive across the bridge you can look off to the Melbourne port and see a hive of activity and a very industrious port with a lot of shipping.

An analysis of the port, and the container port in particular, would show that the dairy industry is the single largest user of the Melbourne container port. The dairy industry sends a huge volume and value, particularly of processed dairy products, out of the Melbourne port.

We need to remember that the Melbourne port has not always been the most efficient in the world. We should remember the decades of high costs, the strikes and the destruction to turnaround times for products coming into the port and ships going out. Plenty of people can remember the long queues of trucks with drivers trying to get their timeslots to unload containers at the Melbourne port container terminal and the accepted practice of giving $50 and $100 backhanders to get a spot in the queue so that they could unload their trucks. A lot of ships did not want to come to Australia, in particular to the port of Melbourne, because they could easily be locked up there with demarcation disputes and strikes and lose money for the owners. They would be held up in the port of Melbourne and would not be able to get their containers back onto the routes for overseas markets.

We can probably all remember the port battles of the mid-1990s and the power that the Maritime Union of Australia (MUA) wielded around the port of Melbourne. We can remember the featherbedding that went on for its members to entrench themselves in some very low productivity jobs that cost a lot of money. No doubt it was spoken about in this house at the time but I commend the National Farmers Federation and particularly its president, Don McGauchie, for the meritorious work done in reforming the Melbourne container port. The establishment of P & C Stevedores has left us a huge legacy: a very efficient port.

We can very easily forget the pressure the people who fought to get those reforms were placed under — the intimidation, the violence and the death threats, and the fact that a lot of the people involved had to put their families into hiding because of the threats that were made not only against them but also against their families.

We can all remember the featherbedding of jobs that went on. When there was a tea break a bus took people back to the tea canteen; but not only was there a bus

driver, they usually employed someone to open the door, someone to sweep the bus and a cleaner in the canteen room whose only job was to clean the canteen after the tea break. These were jobs created for the people in the MUA so they would not be retrenched.

Inefficiencies were built into the system all the time. We had one of the lowest crane lift rates in the world. Compared to the port of Singapore, we were an absolute disgrace. I remember seeing the television news when two former premiers from this house were linking arms with a former prime minister of Australia and actually fighting to entrench the inefficiencies of the Melbourne port. It was a disgrace!

The outcomes of that dispute were that the crane lift rates in the port were doubled and we had a significant cost reduction per container for our export industries, which helped us to be more world competitive and to create more jobs in the food and agriculture sector and so create employment. It helped set the scene for the huge economic growth we have seen in this state.

The previous Kennett government had a target of $12 billion worth of exports out of this state by 2010. It was a very good target and a very good project and one of the things that the current government picked up on when it came into office. The Melbourne port is the key to that whole chain of job creation in the $12 billion worth of exports. It is our gateway to the world. It is very important that we keep a highly competitive Melbourne port.

Clause 5 states that the objectives of the Melbourne Port Corporation are:

> (a) to manage and develop the port of Melbourne in an economically, socially and environmentally sustainable manner.

We need to make sure there is a particular emphasis on the economic development of the port so that we can keep a competitive port.

As I have said, it is the gateway to the world for our exports. We need to make sure that we keep it there. The National Party has had some issues with proposed section 13, and particularly the functions of the Port of Melbourne Corporation (PMC). Paragraph (d) of subclause (1) refers to one of the functions of the port as being:

> to manage, or enable and control the management by others of, the whole or any part of the port of Melbourne.

Paragraph (e) of the same subclause refers to another function of the Port of Melbourne Corporation as being:

> to provide, or enable and control the provision by others of, services for the operation of the port of Melbourne.

The National Party has had considerable concerns that, depending on how the PMC is run, it could lead to some inefficiencies in the market. I thank the minister for his written response which has clarified that, which I will read into *Hansard*. His letter reads:

> Legal advice provided to my department confirms that the functions as drafted are appropriate and do not provide the new Port of Melbourne Corporation (PMC) with unduly broad or sweeping powers. Specifically:
>
> > The use of the word 'control' is intended to ensure that the PMC retains and is seen to retain ultimate accountability for the way the port of Melbourne is managed and to ensure that where the PMC is arranging for the provision of service(s) by a third party, it retains appropriate accountability for the quality and other attributes of that service.
> >
> > The use of the term 'control' does not equate to increased power allowing the PMC to interfere in the management or operations of businesses within the port. The extent of the PMC's involvement in the management or operations of such businesses will depend on the rights and obligations of PMC and businesses as laid down in relevant contracts, leases and the like. The statutory powers of the PMC are set out in proposed section 14 and are very similar to the powers already possessed by the Port of Melbourne Corporation.

Further on the letter states:

> > In addition, the PMC will be required to operate under the 'general direction and control of the minister' as operationalised through processes for the appointment of the board of directors, annual approval of the corporate plan and specific direction-making powers.
>
> This advice has been checked with the chief parliamentary counsel, who confirms that the bill could not be interpreted to provide the new PMC with the ability to control the management of businesses within the port. In his view, very clear language and explicit provisions would be required to have that effect.

That letter has alleviated our fears that we could end up with an inefficient port. Paragraph (f) of proposed section 13(1) refers to promoting and marketing the port of Melbourne. This is a very important part of the functions of the port. If anyone has read any of the business magazines or watched television, they would have seen that the port of Brisbane and the port of Botany Bay are both out there advertising for business, both with very competitive shipping rates. We need to make sure we keep the port of Melbourne efficient so it can actually attract business. It means a lot for Victoria by way of jobs and business.

Proposed section 13(2)(g) lists another PMC function as being:

> to facilitate the integration of infrastructure and logistic systems in the port of Melbourne with relevant systems outside the port.

This is an interesting paragraph. The current government has shelved the idea of standardising and upgrading the railway lines of Victoria. I would have thought that a key part of the success of the port of Melbourne would involve making sure we had an efficient transport structure around Victoria so we could get containers to the Melbourne port as cheaply and as efficiently as possible.

If you take as an example the mineral sands industry developments in north-west Victoria and the effect of shelving the standardisation and upgrade of the rail tracks, you can see that Victoria runs a very real risk of its mineral sands business being poached to the South Australian ports. The opening of the Alice Springs–Darwin railway line means that if an extension of that line is put through from Mildura to link up with Broken Hill, there is a real risk that that business could end up going out through Darwin. The port of Melbourne could miss out on all that business if money is not spent on upgrading and standardising our rail tracks.

Proposed section 13(2)(e) states that the Port of Melbourne Corporation must carry out its functions under subsection (1) in a manner that:

> has regard for the persons living or working in the immediate neighbourhood of the port of Melbourne.

I can see that in future we are going to have some very serious planning issues at the port of Melbourne. Those of us who live and work in rural Victoria are well aware of issues to do with the urban-rural interchange and the right to farm, as we call it. We are particularly aware that the intensive animal farming industries are being forced out of parts of rural Victoria. The broiler chicken industry for one is not wanted on the Mornington Peninsula, and the local council is doing everything it can to get rid of it. If you drive down to the port of Melbourne you can see high-rise developments around it. One wonders if we are going to end up with a right-to-ports issue in the future. It is a future issue which the PMC needs to look at seriously.

Mr Cameron — That's part of the Melbourne Club, isn't it — the right to ports?

Mr WALSH — I don't go there, mate! Are you a member, are you?

We could very easily see a situation, with the residential development around the port, where people start to complain about the noise at night and about not being able to sleep. We could find the port of Melbourne working only in business hours. There are some serious planning issues that need to be looked at in future so we do not end up with the port being at a disadvantage because of the residential development that is going on around it. We do not want the port of Melbourne, like the chicken industry, to be squeezed out of Melbourne. Today the Victorian Urban Development Authority Bill was second-read, so it will be interesting to hear what is said in that debate about protecting the right of the port of Melbourne to go about its business.

The other issue the National Party has some concern with is in clause 15, which inserts a new part 12. Proposed section 164 states:

> (1) A person who was an employee of the old corporation immediately before the commencement day is deemed to be an employee of the new corporation.
>
> (2) A transferred employee is to be regarded as —
>
> (a) being employed in his or her new position with effect on and from the commencement day; and
>
> (b) having the same terms and conditions as those that applied to the person in relation to his or her employment with the old corporation immediately before the commencement day.

I find this rather strange. It defies logic and good business sense.

> If you look at any mergers in private enterprise, they are always driven by efficiencies in cost reductions. So to have two authorities coming together and enshrining all the old jobs does not make sense to me. There should be a target of cost reduction and efficiency in the whole system to make sure that the new Port of Melbourne Corporation — —

Honourable members interjecting.

Mr WALSH — Sack them? Patrick's does a good job!

Honourable members interjecting.

Mr WALSH — Where are they now?

We must ensure that the new Port of Melbourne Corporation and the Victorian Channels Authority, if those two businesses are put together, create some efficiencies. We need to actually create a business that is going to help reduce the cost of doing business in the Melbourne port. As I have said previously, it is our gateway to the world for exports, and we need to make sure that everything is kept as efficient as possible.

Part 3 of the bill transfers the functions of the Victorian Channels Authority to the Port of Melbourne

Corporation. There have been some concerns raised by the Geelong port about making sure that when it shares the channel with the new Port of Melbourne Corporation it will get a fair deal. The Geelong port is also vital to country Victoria, as it is the main port for bulk grain exports and it is where the fertilisers used in Victoria and southern New South Wales come in. So we need to make sure that the Geelong port is not disadvantaged in this new port corporation.

This issue was raised in our bill briefing, and I thank the minister for his response. Under proposals for management of the Geelong channels, including access and pricing, the minister said:

> It is the government's intent under the bill that operators and users of the port of Geelong will not be unfairly disadvantaged relative to the operators and users of the port of Melbourne.
>
> …
>
> Initially the VCA will continue to exist and will continue to manage the Geelong channels.
>
> Under the bill, VCA and PMC will be subject to the same pricing determination issued by the ESC —

the Essential Services Commission —

> which remains current until mid-2005. This will ensure no unfair discrimination on the basis of pricing.
>
> Both VCA and PMC will also be subject to a formal access regime, administered and enforced by the ESC, which will ensure that no disadvantage is suffered by Geelong users in terms of physical or operational access, particularly in respect of the 'shared channels' at the entrance to Port Phillip Bay.

I thank the minister for that assurance that the Geelong port will not be disadvantaged in setting up the new Port of Melbourne Corporation.

In summing up, I re-emphasise that the Melbourne port is a vital cog in the flow of exports and imports out of and into Victoria. It faces severe competition from the port of Brisbane, the port of Botany Bay and the Darwin railway line, as that comes on stream. We need to make sure that the Melbourne port stays competitive. I thank the minister for his written assurances on the issues that we raised. The National Party does not oppose this bill.

Mr CARLI (Brunswick) — I am pleased to rise in support of the Port Services (Port of Melbourne Reform) Bill and also pleased that the National Party and the opposition Liberal Party are not opposing this bill.

It is a very important bill. The port of Melbourne reform bill is about increasing the efficiency of the port, particularly productivity and investment within the port. It is a response to a number of reforms introduced over two decades in the port of Melbourne. It is also in response to deficiencies in the reform introduced by the previous government. There were a number of problems. It was interesting that in his speech the member for Polwarth identified the fact that the creation of two entities — the Victorian Channels Authority and the Melbourne Port Corporation — not only did not have the support of the industry but also did not work.

It did not work for a number of reasons. Primarily it was because these two organisations were given very narrow charters. The Victorian Channels Authority was given a charter to essentially manage the channels as if they were roads and to ensure that there was access to these channels. The Melbourne Port Corporation's charter largely reduced it to becoming a landlord for the land-based activities of the port. Essentially there was no strategic entity within the port of Melbourne, no organisation capable of strategically ensuring that the necessary investment, particularly public investment, was made. The falling off of public investments in that period was incredibly significant and created enormous problems with the private providers, who were unsure about the future of the port.

Following the change of government the then Minister for Ports arranged for an independent inquiry under Professor Bill Russell to review the reforms of the port and to look at how to ensure a dynamic environment for all ports, particularly the port of Melbourne. The inquiry came up with a number of findings, a principal one being that the port of Melbourne, which is the biggest container port in the country, was largely in competition with the ports of Brisbane, Botany Bay, Adelaide, Fremantle and possibly even Darwin, although I am not quite sure that that will occur. Melbourne was not in competition with Portland, Hastings and Geelong, as was the mythology under the previous government. If we are to compete with those interstate ports we have to ensure that the waterside functions are optimised.

I take the point made by the member for Swan Hill that there are a number of issues to do with the portside operation, but we must have a body that is able to be strategic to provide a competitive and sustainable port for Melbourne. The intention was to create this new body not only to merge the two organisations — I accept that splitting the two in the first place was a mistake — but also to ensure also that the new organisation would have the necessary charter with the appropriate vision and the capacity to ensure that the

necessary investments in channels, waterside and landfill infrastructure were actually made.

At the moment the port of Melbourne is growing at an astronomical rate, particularly on the container side. Last year there was an 11 per cent increase in container traffic through the port. That is a large figure, so efficiency is needed, not just in labour but also in the entire infrastructure, and currently that efficiency is not there. There are a number of problems associated with the port of Melbourne to do with rail movements, truck movements and the depth in the channels. It is therefore clear that we need an organisation with the necessary vision to ensure that we get the changes and the efficiencies to make a sustainable port that is able to meet the needs of Victoria.

A question that has to be asked is why we are getting this large growth in container traffic. Basically we are also getting it in other areas of cargo, and it is very much a product of globalisation — of the global economy and our integration into that. To be able to efficiently work within that economy we have to have a very efficient port, but more importantly we have to have an efficient chain of transport and freight logistics, which is central to the purpose of this bill.

I am very pleased that previous speakers have acknowledged the importance of this new corporation. Industry supports it very strongly, and no doubt the community supports it because ultimately it is about the prosperity of this state.

I note that the member for Polwarth had some concerns about Geelong. It needs to be emphasised in this house that the government's intention is to allocate management of the Geelong channels, and that the entrance to the bay and the initial channel will be shared in such a way that it will not be detrimental to the port of Geelong. There is no intention to allow this new corporation into that area where the channels are shared, to enable operators and users of the port of Melbourne to have any sort of priority or to cause any detriment to the users of the port of Geelong.

The Geelong channels will remain with the Victorian Channels Authority, and in the future there will be a successor to that organisation. There are a number of possible models for the way those channels will be managed, but again this is a very important issue, and it has been thoroughly discussed with port users and operators in the port of Geelong. They do not want a situation where the port of Melbourne is able to exert any undue influence through its ability to utilise those channels or to price it out by again gaining some sort of control over the channels. The access to the channels is very important, as is the management of the channels, and it is certainly the intention of this government that the users in Geelong will in no way be disadvantaged compared to the users of the port of Melbourne.

It is important to note that the issue of port reform in the port of Melbourne is not about featherbedding — it is not about giving unions further power or about creating huge monolithic bureaucracies. Both bureaucracies are being streamlined. The member for Swan Hill is concerned that there are not enough efficiencies, that not enough jobs have been lost. Jobs have been lost from those organisations, as they have been lost right through the port of Melbourne — there have been dramatic reductions right through the port. Clearly there is no intention to return to any featherbedding or any situation where useless jobs are created in the port of Melbourne.

Melbourne is the principal container port in Australia and is clearly in competition with other ports; it is a major container port in world terms, and it is clearly in everyone's interest to ensure that it is an efficient and competitive port. That includes the trade union movement — the Maritime Union of Australia, the workers — as well as the management, because they too will depend on our ability to trade and to efficiently move goods. The issues in the port of Melbourne at the moment are not labour issues but infrastructure issues. There are major infrastructure shortfalls at the moment. The reforms of the mid-90s made by the former government resulted in a period when there were no major investments, particularly public investments. We are now going to have to play catch up.

The new authority will have to determine the principal areas of investment and ensure there is an investment cycle that will precipitate further private investment, increase the efficiency of the port, increase the efficiency of our economy and increase the prosperity of Victorians.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until later this day.

COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL

Second reading

Debate resumed from 19 March; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Mr WELLS (Scoresby) — It gives me great pleasure as the shadow Minister for Police and Emergency Services to contribute to the debate on the Country Fire Authority (Volunteer Protection and Community Safety) Bill.

At the outset I am pleased to say that the opposition will be supporting this bill in recognition of the outstanding contribution that the volunteers of the Country Fire Authority (CFA) provide to the community, especially in view of the devastating fires they have just been through right across Victoria and the amount of hard work and effort that they put into protecting lives and property.

This bill is consistent with Liberal Party policy and is in line with our strong support for volunteerism within the community. I thank the Minister for Police and Emergency Services for always providing excellent briefings — and a special thanks to Rob McDonald, his chief of staff, and the Department of Justice officers, in particular Gordan Ivancic, for their assistance.

Mr Cameron interjected.

Mr WELLS — The Minister for Agriculture interjects, but the Minister for Police and Emergency Services has been very consistent, providing us with good advice and good information, and it has always been unrestricted, which we appreciate.

It is interesting to note that this bill is almost identical to a policy document the Liberal Party floated probably 12 or 18 months ago. When I took over the job of shadow Minister for Police and Emergency Services I received advice on who to trust and who not to trust. This obviously happened with the police, the State Emergency Service (SES) and — in particular — with the Country Fire Authority (CFA). I was warned not to trust certain people and to trust other people.

It is interesting to note that almost identical information to that which I discussed with a particular person in the CFA hierarchy found its way straight back to the Labor Party. This bill appears to have been developed out of a conversation I had with that senior person, whom, I have to say in hindsight, I was warned not to trust. As it turned out, the advice proved to be dead right. I hear there are rumblings within the Australian Labor Party to the effect that it is not happy with this person's performance.

On behalf of the opposition I again thank the volunteers for the work they did fighting the fires in the north-east. In particular I thank the member for Benambra, the shadow Minister for Environment, for his outstanding contribution to assisting the CFA and SES in the north-east. He was working incredibly long days, seven days a week, making sure the communication lines were open. He was straight onto any issues the volunteers or the SES raised. He did a phenomenal job and was a real inspiration to other members of Parliament as to how a local member should work.

We are also grateful for the personal sacrifices that many individuals and their families made to assist their fellow Victorians. This will never be forgotten. A special thanks to the many employers who released their CFA volunteers during that time. The volunteers keep their jobs, and if it were not for the generosity of many of these employers the CFA would have very serious problems manning the trucks every time there is a fire, as we saw in areas such as the north-east.

One of the issues this bill covers is the need to bring in protection for CFA volunteers. When they go out to fight a fire they must be confident within themselves that they have the full protection of the law and the CFA and that if they are working in good faith they will be protected. If we did not have this piece of legislation coming in, there would be very serious concerns about attracting volunteers into the CFA.

I note that over recent years the number of CFA volunteers has fallen from 62 000 to 57 000. That concerns us greatly. It is also a concern that in many rural areas CFA volunteers are ageing and they are not getting the younger people in. I refer to a *Herald Sun* article of 2 February 2003:

> One senior volunteer, who did not want to be named, said, 'An enormous number of volunteers are in their late 40s, 50s and 60s.
>
> 'When these guys call it quits, as they will in the next few years, I don't know what will happen.
>
> 'I would say they make up about two-thirds of the volunteers'.

The government needs to implement a program; it needs to attract younger people into the CFA, especially in those rural areas.

It was interesting also to note some of the news articles in the media around the north-east and the central region about the enormous amount of effort the volunteers put in on the front line. It is just heart warming that so many volunteers are prepared to give up their pay packets day after day in order to contribute to the local community. It is really a very special way of life for us here in Victoria.

As I mentioned, there is a real need for this bill, and following the fires we must now doubly ensure that

CFA volunteers and employees have adequate rights regarding injury and loss. These 59 000 CFA volunteers and staff must be able to perform their firefighting duties without the threat of personal legal liability hanging over their heads. We are living in a more litigious society, and CFA volunteers and paid employees must be indemnified against civil liability while carrying out their normal duties in good faith. CFA members, and in particular the volunteers, should not be exposed to civil liability damages or claims for minor negligent acts or inadvertent omissions. In addition, appropriate compensation for volunteers, their families and dependants is critical to the continuing success of the organisation.

If such measures were not introduced, the CFA would find it increasingly difficult to recruit volunteers and to retain existing experienced volunteers, and the future viability of the organisation would thereby be threatened and Victoria's firefighting abilities would be substantially reduced.

I was recently at a CFA dinner where it was suggested that if the CFA were a fully paid operational unit it would cost the state just a fraction under half a billion dollars a year to operate. Of course that is almost unaffordable. Also, in country Victoria and the remote rural areas the system simply would not work because obviously you could not have firefighting teams in every small town — they would congregate at a larger town — so the response times for fires in isolated areas would be blown out. We rely heavily on the CFA volunteers.

The opposition consulted widely with the Victorian Urban Fire Brigades Association, the Victorian Rural Fire Brigades Association, many people within the CFA and other stakeholders right across the CFA ranks. It is my understanding that the provisions in the bill are largely based on requests of the CFA and its volunteers. That is one of the many reasons the opposition will be supporting this piece of legislation. The provisions are designed to ensure that the volunteer firefighters and paid members of the authority are protected from all civil liability damages relating to their duties when they have acted in good faith. Whenever I have visited a CFA brigade in any part of the state concern has been expressed that some very clever lawyer out there would try to sue a volunteer individually even if he believed he was acting in good faith. That is why this legislation is so important.

The example the Minister for Police and Emergency Services gave is a good one — that is, that of a firefighter accidentally leaving a gate open and a farmer losing livestock. Under the old system technically that person could have been sued for negligence; under this system the farmer still has the right to sue, but he can sue only the CFA, not the individual CFA volunteer.

The experience of the Linton fires and other incidents where there has been injury, death or destruction of personal property brought the issue of appropriate and adequate compensation to the fore. There is a perception among CFA volunteers that the existing compensation and legal protection provisions leave them far too open to unacceptable risks.

The bill has six main points. First, as I mentioned, it improves the civil liability immunity protection of both CFA volunteers and paid members of the authority. Second, the bill improves and clarifies entitlements to compensation for injury and loss. Third, it improves community standards in periods of high fire danger. Fourth, it provides for special recognition of brigade awards.

Fifth, the bill allows for electronic communication of the declaration of a total fire ban and legal recognition of such declaration. That is commonsense. What was happening was that in a court case the magistrate may have required the original copy of the total fire ban declaration, but that was totally impractical if there were a number of cases on the one day. This bill allows that declaration to be electronically communicated, which makes sense. Sixth, the bill allows charitable organisations to be granted exemption permits to use cooking equipment on days of total fire ban. Previously private operators were able to get exemptions to have a sausage sizzle, for example, but charities like those running school fetes could not do that. This legislation clarifies that point.

Substituted section 92 improves the immunity provisions. It provides that operational members of the CFA — that is, paid members and all volunteers, including auxiliary workers, which is an important point because they do most of the backup work for the CFA volunteers — will not be personally liable for carrying out their normal duties by the exercise of a power or the discharge of duties under the act or the regulations when performed in good faith. Good faith has a usual meaning of an act performed or an omission done without negligent intent or wilful default. Any liability that arises from CFA members carrying out their normal duties in good faith is transferred to the authority which would generally rely on its public liability insurance to meet any civil damages claim. I repeat the example of the volunteer inadvertently leaving a gate open — the farmer can still sue but he must sue the authority and it is up to the authority to defend that case.

Section 110 of the Country Fire Authority Act will be amended to ensure that all CFA members, including provisional members who have applied for membership, are entitled to compensation in the event of death, personal injury and/or damage to or loss of personal property. That was unclear prior to this bill because provisional members who had signed up but not received full membership entitlements were not entitled to compensation. There was a cloud over that point and the bill clarifies it. The range of family members or dependants of a CFA member eligible for compensation in the event of a death is extended to domestic partners, which is consistent with many other pieces of legislation already passed by the state Parliament.

Section 64 of the Country Fire Authority Act is amended to allow the CFA to determine the maximum amount of compensation payable to volunteers for loss of clothing, vehicles or personal equipment. The CFA has indicated that this amount will be increased from the existing $600 to $1000 and a greater amount could be payable at the discretion of the authority.

In regard to the community safety provisions, it is proposed that a number of activities that are perceived by the CFA to be of high fire risk will require greater regulation in periods of high fire danger. In Victoria this is generally recognised as being between November and March. Proposed section 39E will be inserted to allow for the making of regulations to prescribe high fire-risk activities and to provide for the prohibition or strict control of these prescribed activities. High-risk activities nominated to date include the use of agricultural and industrial equipment; welding, cutting or grinding tools; gas flame-offs; hot air ballooning; and the use of fireworks. The proposed regulations will be subject to consultation with stakeholders. The opposition is happy with that commitment from the minister.

Section 38A of the principal act will be amended to clarify the exact meaning of a ‘properly constructed fireplace’ for the purpose of defining the lighting of a lawful fire without a permit. Section 40 will be amended to allow for a declaration to be communicated electronically. It is further amended to allow community charity organisations to be granted exemption permits to use cooking equipment where there is a flame present.

Proposed section 99B will be inserted to provide the CFA with the power to present special recognition awards to brigades for outstanding community service. Prior to this bill, awards were given to individuals but not to brigades as a whole.

A number of issues were raised about this bill during the opposition’s consultation across the state. The first I would like to address is what farming activities will be prescribed as being high fire risk. A number of stakeholders the opposition consulted were concerned that this part of the legislation was not clear and that it would be written in regulations. The regulations are not available at the moment. We have written to the people who raised these concerns with us informing them that they will be consulted under an assurance by the minister and we will be following that through. Most pointed to farming activities and the use of agricultural or industrial equipment. We ask the Minister for Police and Emergency Services and his department to provide further assurances that there will be adequate consultation with the farmers federation, the CFA and the urban and rural brigades.

The second point raised with the opposition is what happens to farmers or other individuals who supply their own tankers or equipment and whether they will be compensated if the tanker or equipment is destroyed. If a person is engaged as a casual firefighter to fight on property or premises other than that which is owned by or resided on by that person, under section 64(1)(b) of the Country Fire Authority Act the owner of a vehicle, equipment or property that is destroyed or damaged is entitled to reasonable compensation as determined by the CFA.

The bit that caused some confusion — the member for Benambra raised it with me — is this point: if a person who is not a CFA member as defined in the act is injured in performing firefighting duties on a fire ground prior to the arrival of CFA personnel, is that person deemed to be a volunteer for compensation purposes? It is an interesting point because there was a contradiction in the advice we received at the original and a follow-up briefing we had from members of the minister’s office.

Following the Linton tragedy the then CFA chief officer issued a directive that the use of casual firefighters without appropriate minimum skills training was no longer appropriate. I can see the point from a legal view. It is an issue on which the CFA needs to protect itself. The directive went on to say that section 46 of the CFA regulations recognised only two categories of members — seniors and juniors. However, the contradiction in the act is that under section 62 of the Country Fire Authority Act 1958 casual firefighters can still be utilised by brigade captains as a measure of last resort. This is an important point. It is a contradiction, but we can understand why it exists.

The chief officer's standing orders say that you should not bring onto a fire ground people who do not have minimum skills. However, the act says clearly in section 62 that casual firefighters can still be utilised by brigade captains as a measure of last resort. On the one hand you have the chief officer's standing orders saying you cannot do it, and on the other you have the legislation saying you can do it as a matter of last resort.

I have to say that this proposal is acceptable, because I cannot see any other way of doing it. If you have five men or women on a fire ground and the fire picks up or the wind changes and you need additional help, and people are walking past who are local farmers but not members of the CFA, it would make sense if they could assist in rolling out the hose or doing some other small task. If they are injured they should have the right to compensation if they are on the fire ground under the direction of the incident controller or the brigade captain.

The next point of concern is whether CFA volunteers are fully covered for compensation if undertaking fire duties interstate. Section 92B(2) of the CFA act states that compensation is payable under regulations made by section 110(1)(g) to members of brigades where they have been engaged in a place 'outside of country Victoria'. The bill defines what 'outside of country Victoria' means.

Members of the Liberal Party are very supportive of this bill. As someone mentioned the other day, it is ironic that it seems to be very similar to the position the Liberal Party held some 12 or 18 months ago. CFA volunteers do an enormous amount of work right across the state, and we believe every single one of these people is a hero — although many of them would say they are not. We rely on them very heavily, as was displayed just recently in the north-east. My thanks to them, and I wish this bill a speedy passage.

Mr RYAN (Leader of the National Party) — It is my pleasure to join the debate on the Country Fire Authority (Volunteer Protection and Community Safety) Bill, which is important legislation.

I pick up on the point at which the shadow minister concluded, where on behalf of the Liberal Party he expressed his thanks for and his admiration of the many volunteers and the people who supported them while they were in the field, including their employers, who allowed them to go and fight the fires. That includes the many other members of the emergency services and the like who contributed to the magnificent effort jointly mounted across the state in fighting the recent fires this summer. This applied principally in north-east Victoria and in East Gippsland; but there were other locations too, such as at Willung, just south of where I live in Sale, where there was a very nasty fire. It was only about 8000 hectares — and I say 'only' given the extent of the major bushfires that subsequently erupted. There was also a very serious fire event in north-west Victoria, and there were bad fires in other places as well.

Collectively extraordinary efforts taking many forms were mounted by the many people who contributed to the defence of our communities and our property across Victoria. To all of them we in the community are indebted forever. This legislation, therefore, is important in its own right and, more particularly, in the context of these recent events, and the National Party supports it.

I wish to raise a number of issues regarding the bill, which has a number of purposes. With all due respect to whoever drafted it, I do not think clause 1, which contains the purposes of the bill, does the legislation justice. I invite the government to have another look at the purpose provisions while the bill is between houses. In fact, despite the rather generalist commentary within the provisions as they now stand, what this bill does is much more than is literally described there.

The bill provides immunity from civil action for CFA volunteers, extended compensation for volunteers who are injured or additional benefits for their dependents in the event of their death, additional compensation to volunteers in the event of the loss or damage to personal apparel and equipment, and immunity from civil action for those third parties who are engaged by or under the direction of the CFA for the purposes of fighting fires. It also enacts a range of other initiatives pertaining to individuals and groups which are affected by the current CFA legislation. So it does a number of things which are very important in the context of the operation of this superb authority.

The principal elements of the bill are the immunity provisions and the provisions that relate to compensation. The immunity provisions are worthy of particular examination. Clause 10 inserts new section 92 under the heading 'Immunity provision'. This new section will substitute sections 92 and 92A of the Country Fire Authority Act 1958. The immunity will now be broader in its content in response to the concern that has often been expressed by CFA volunteers about being personally exposed to the prospect of civil litigation. The bill provides an immunity from civil litigation for persons who are defined within the bill as CFA personnel in any shape or form, as long as they are conducting their activities

in good faith in the exercise of a power or the discharge of a duty under the legislation, or in the reasonable belief that the act or the omission in which they were involved was done in exercising a power or discharging a duty under the act or its regulations.

So the immunity offered under the terms of the bill is pretty far reaching. That is reflective of some legislation which the National Party introduced into the other place and which was second-read on 12 June of last year by my colleague the Honourable Peter Hall.

The legislation we introduced in the other place was termed the Volunteer Protection Bill 2002. In that bill we intended what should ultimately be the aim of the government, an aim to which there is passing reference in the second-reading speech — to properly provide this form of immunity to all volunteers irrelevant of the manner in which they volunteer their services across the state. In the course of the legislation which we introduced in the other place last year we set out appropriate definitions and provisions for immunity which we invite the government to again consider.

It is important that the Country Fire Authority volunteers be the beneficiaries of what is now proposed in the bill, but we believe there are many other aspects of volunteerism that also should be represented in the same way. That extends, of course, to State Emergency Service officers and to the vast range of other people who provide volunteer services not just with emergency services but across the board. We invite the government to consider that legislation which we introduced because the National Party strongly believes that volunteers as a class of people doing the magnificent work they do across Victoria should be entitled to the immunity which is provided in this bill to the CFA volunteers and as is represented by new sections 92 and 92A of the Country Fire Authority Act set out in clause 10.

Clause 11 contains a provision that is similar in effect but different in form. It is directed to what I would term third parties who are otherwise conducting their efforts in fighting fires or attending to duties under the terms of the act but are doing so under the direction or request of personnel from the CFA. This provision is intended to accommodate the members of the Department of Sustainability and Environment and various other organisations set out in the second-reading speech that are inevitably involved in company with the CFA in the fighting of fires. Again it is sensible that the immunity be provided to this extended group which goes beyond the CFA's own ranks, and we strongly support that principle. I say again that the National Party would like to see that immunity extended to volunteers at large.

Importantly the legislation preserves the right of an aggrieved person or party to pursue an action against the CFA per se. If they feel that gate has been left open and left open in circumstances where it can be regarded as negligent, although an action cannot be launched against the individual who forgot to close the gate or did not close it for whatever reason, nevertheless the aggrieved party who subsequently suffers loss can institute proceedings against the CFA. We believe it is important that right be preserved.

We think the immunity provisions are appropriate. It is good that they apply to CFA volunteers. It is good that they apply to those many people who work with the CFA under the circumstances where there is a joint effort in fighting fires. It is a good thing that the definitions involved are broad in their scope and that the immunity applies across the body of personnel engaged in this important pursuit. It is important that the government consider volunteerism in the generic sense and that the immunity provided in this bill be extended, and I invite the government once again to consider the legislation introduced by the National Party in the other place last year.

I turn to the provisions regarding compensation. With due respect to whoever it was who drafted the second-reading speech, I think it is deficient in that it does not clearly explain the import of this legislation. For example, as I read the second-reading speech the word 'injury' does not appear; but in considering clause 13, which makes amendments to section 110 of the Country Fire Authority Act, there is provision for compensation being made not just for death, which is the focus of the commentary in the second-reading speech, but also in relation to personal injury, which is a significant factor. For some reason the second-reading speech does not mention it as such.

The issue raised by the shadow minister as to the extent of the coverage available is interesting. On my reading of new paragraph (g) of section 110(1), which is inserted by clause 13, I would have thought that the provision does not apply to the person who comes onto the fire line in the manner that the shadow minister described — the individual who is seconded or is going past the fire or happens to be there at the time and by whatever means is engaged for the purpose of contributing to the fighting of the fire. That is so because any such individual cannot be regarded as a volunteer officer or a member of a brigade or as having, although not formally, enrolled as a member of a brigade or applied for membership and who is performing duties of a member of the brigade — you may get away with the latter part — who is doing

things that are normally undertaken by members of a brigade.

The volunteer walking past who is seconded to the fire is not going to be an individual who can be classed as having enrolled in a brigade or having applied for membership. I think there must be some doubt as to the application of this provision in the wider manner that the shadow minister raised. I endorse the view that this is an issue that should be considered by the government.

The additional amendment that appears in clause 9, which deals with the abolition of the expression 'prescribed allowance' in section 64 (2), comes under the general heading of compensation of casual firefighters and volunteer auxiliary workers. So it is in a different class of compensation than that described in section 110, which for its part is a regulation-making provision that allows regulations to be passed that create compensation schemes. As opposed to that generalist definition this section 64 provision appears within this narrow scope of compensation payable to casual firefighters and volunteer auxiliary workers.

The prescribed allowance has been abolished and the intention is that there will be the capacity within the authority to make regulatory definitions of broader benefits for the classes of materials that are described, those benefits being over and above those that now apply. The talk is rather of equipment, clothing and matters of that nature, but within a narrow scope, unless it is that the more generalist provisions referred to in the second-reading speech apply. I put the qualification in because the second-reading speech talks about the capacity of the minister in exceptional circumstances to allow for a larger payment to be made. On its face the clause itself does not make that same provision.

There are other provisions in the bill which are in the scheme of things of lesser significance but nevertheless do bear consideration. There is a provision for charitable organisations that will now be permitted to seek exemptions from total fire bans, particularly if they are engaged in fundraising activities. They have not been able to do that until now. There is a provision in relation to the regulatory definitions of high fire-risk activities that will be precluded in a declared fire danger period. There are examples of that in the second-reading speech, but we need to see what the government actually does in relation to that.

An honourable member interjected.

Mr RYAN — I am pleased to hear the assurance that there will be extensive consultation. There are queries as to whether farming and industry will be impacted by these provisions. Within clause 4 there is a definition of a properly constructed fireplace. There is an important provision of special recognition awards in favour of CFA brigades nominated for that particular distinction, and there are minor amendments of a mechanical nature. Taken in its totality the National Party believes the legislation is very worthy. I reiterate the comments regarding the capacity of the government to extend the immunity to volunteers generally, but on behalf of the National Party I wish this bill a speedy passage.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The ACTING SPEAKER (Ms Barker) — Order! The time has now arrived under sessional orders for the business of the house to be interrupted. The question is that the house do now adjourn.

Sandringham: boat harbour

Mr THOMPSON (Sandringham) — I wish to raise a matter for the attention of the Minister for Environment concerning the Sandringham harbour and the importance of the development of a suitable arrangement which would enable the harbour to be further dredged. It is noteworthy that at present there are a number of bay users in the Sandringham area, and in fact across Victoria. They include the elderly members of the Sandringham Anglers Club and the youthful users of the Victorian Guide-Scout Sailing Centre. Both organisations have to manhandle their vessels across the mudflats of the Sandringham harbour to access reasonable water. Increasingly they have had to do this over the last decade.

The wider precinct is well understood by the department following the successful renourishment of the Hampton beach under the former coalition government and also going back to the 1950s with the development of the seawall that enabled the Sandringham harbour to be developed as a safe haven for sailing vessels. That area is now one of the pre-eminent marina areas in Victoria. However, the Bayside Foreshore Recreational Council, in particular Mr Jack Eggleton and Mr Jim Brighthope, is particularly concerned about a lack of action and a lack of response on the part of the government. The principal problem is the excessive silting of the Sandringham harbour, as I earlier alluded to.

Apparently the present sticking points are: firstly, the refusal of Parks Victoria and/or the Department of

Sustainability and Environment to take responsibility for returning the harbour to its original state; and secondly, the question of where to put the dredged sand. A role is also being played by the Bayside council in its development of a management plan for the area. I understand the government requires a management plan to be developed before decisions are taken.

I ask the minister to convene a meeting, either on site or through the agency of his department, with the Bayside council, the Bayside Foreshore Recreational Council and the key stakeholders affected by the siltation of the harbour — being the Victorian Guide-Scout Sailing Centre and the Sandringham Anglers Club — so that an effective arrangement and plan can be developed which will resolve this situation. That area of Port Phillip Bay is one of the great sporting precincts and is important for the amenity of users and for the benefit of a wide variety of people. I point out that the guide-scout sailing centre is used by people from all over Victoria; young guides and scouts who come to the area to learn the art of sailing. The Sandringham Anglers Club has the — —

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

Children: Senate inquiry

Ms NEVILLE (Bellarine) — I raise a matter for the attention of the Minister for Community Services. I ask her to take action to provide support for former wards of state in Victoria. Recently the Senate announced an inquiry into the treatment of children who had been in care in both government and non-government institutions and an inquiry into fostering practices. The Senate has referred this matter to the Senate Standing Committee on Community Affairs, which is due to report in December this year. The terms of reference of the committee are fairly broad and provide an opportunity for many Victorians who have grown up in the care of the state or in non-government institutions to make submissions to the inquiry.

It is difficult to estimate the number of children who grew up in Victoria in the care of the state or in non-government organisations. Children were often placed voluntarily in these institutions by families who were unable to provide for them and placements lasted anything from a few weeks to a few years. Happily most of these institutions in Victoria closed in the 1970s, with the final closures in the 1990s under the previous Labor government.

In the last three decades there have been significant changes in the way we care for children who are unable for whatever reason to live with their families. Nowadays the system attempts to keep children with their birth families, and only as a last resort are children placed with relatives or other carers.

While Victoria has a strong foster care and permanent care program that provides alternative family placements, it is important to provide opportunities to reflect on past practices. Agencies such as the Care Leavers of Australia Network (CLAN) and the Victorian Adoption Network for Information and Self Help (VANISH) already provide valuable support to former wards and to Victorians who are affected by adoption. However, we must make sure these services continue and are strengthened and that former state wards can access counselling and support services. It is also important that these former state wards have a voice and an opportunity to reflect on their past experiences and the practices that were employed, as well as the way they have been able to deal or not deal with those issues.

I ask the minister what action she will take in order to provide support to people who grew up in institutions in Victoria, including whether there is capacity to provide some assistance for former state wards to have their voice and to participate freely in the current Senate inquiry.

Country Fire Authority: Wangaratta brigade

Mr JASPER (Murray Valley) — I raise a matter for the attention of the Minister for Police and Emergency Services. I refer to representations I received from the Wangaratta Urban Fire Brigade late last year in relation to major repairs it needed to undertake to its vintage 1939 Dodge Pumper fire truck. The truck has been retained around Wangaratta and is used on many occasions for a range of activities, including Christmas functions and to assist kindergartens and other organisations. It has even been used on occasions for funerals of particular people and those who have been involved with the Country Fire Authority. The brigade sought my assistance in making representations to the minister seeking some funding support because the estimated cost of upgrading the truck was about $10 000.

I wrote to the minister late last year on this issue. The brigade provided the information in relation to the truck and indicated the major mechanical repairs required. It believes the truck is important to the community of Wangaratta and indeed to the Country Fire Authority, as only three or four of these trucks remain in Victoria. The minister had not responded to me earlier this year, and I wrote again to him on the basis that I believed it should be considered and, more importantly, that many

of the firemen of the Wangaratta Urban Fire Brigade were involved in assisting with fire suppression activities during the recent fires in north-eastern Victoria. In fact it was suggested that about 150 firefighters from around the Wangaratta area were utilised in assisting with the enormous fires we experienced.

It is important that the minister consider some form of contribution towards the repairs to this truck, as they are beyond the financial capacity of the Wangaratta Urban Fire Brigade. It would be a fine gesture on behalf of the government and a recognition of the important part played by the Country Fire Authority and especially the members of the Wangaratta Urban Fire Brigade.

I seek cooperation from the minister in reviewing the issue. I am disappointed that to date he has not responded to me positively. I seek an acknowledgment from him and consideration of providing funding support to the Wangaratta Urban Fire Brigade in repairing this 1939 Dodge Pumper fire truck.

Housing: Williamstown Road site

Mr MILDENHALL (Footscray) — I raise a matter for the attention of the Minister for Housing in another place. It concerns a social housing project on a site in Williamstown Road affectionately known to the locals as the sinking village site. It became known as that after a housing development constructed there in the early 1970s started sinking into some fairly unstable ground following a heavy downpour in 1973, and the rate of subsidence and the visual spectacle it provided became a bit of a tourist attraction for a while as the units sank into the mud. Since then it has been quite useful in providing parking spaces for the Yarraville football ground.

However, over the last couple of years the Maribyrnong City Council has developed a proposal in conjunction with the Wintringham housing group for some social housing along the western boundary beside the reception centre that adjoins this property. Following extensive community consultation the community and the council are now looking for some movement on this proposal and for funding through the social housing innovations project.

This is a potentially exciting partnership. It is more expensive than most, given that the site adjoins the infamous arsenic site and is subject to significant contamination so there are clean-up costs involved in the specific design for the sensitive social housing we are looking for.

I ask that the minister review the current status of the application and involve herself in the discussions and negotiations with Maribyrnong City Council with a view to achieving a conclusion. Significant concessions have been made by the council, including the donation of land and participation in various aspects, and I am sure with goodwill from all parties a successful announcement could be made soon.

Plumbing Industry Commission: dispute

Mr BAILLIEU (Hawthorn) — I also raise a matter for the Minister for Planning. It concerns the relationship between the Plumbing Industry Commission and plumbers in general.

It arises from the findings of the Victorian Civil and Administrative Tribunal (VCAT) in the case of *Poole v. Plumbing Industry Commission*. The Plumbing Industry Commission issued a rectification order against Mr Poole as is its wont and authority. Mr Poole disputed that order and took the issue to VCAT. Considering the duress that is associated with taking a matter to VCAT and the cost and the time involved, it is not something that plumbers take lightly or do often. VCAT found in favour of the plumber and in the process was highly critical of the Plumbing Industry Commission.

I ask the minister to respond to the findings of VCAT, and in particular to the finding that there is essentially an unequal balance of power between plumbers and the commission in the matter of disputes and the findings that the Plumbing Industry Commission acted inappropriately in issuing a rectification order and prosecuting its case through VCAT. Those findings can best be summed up by a quote from a VCAT member, Mr Walsh, who said of the Plumbing Industry Commission:

> It failed to act reasonably in serving the notice. It was cavalier in the sense that it appears to have been more designed to get the respondent —

being the Plumbing Industry Commission —

> out of a fix than to require the applicant (plumber) to remedy a clear breach of his obligations under the law. Further, there was a significant lack of parity of power between the applicant and the respondent and the financial disadvantage which the applicant has suffered in challenging an exercise of power by the respondent and succeeding should be redressed.

Clearly those findings by VCAT warrant the minister's action, and I know the broader plumbing industry is looking forward to that response.

Workcover: occupational health and safety

Mr STENSHOLT (Burwood) — Tonight I ask the Minister for Workcover to take action on safety and health in workplaces and in particular to support the families of workers who have died in the workplace or of workers who have suffered severe injuries.

I raise this issue of workplace safety because yesterday was the 8th International Commemoration Day for Dead and Injured Workers. It was also the World Day for Safety and Health at Work. All of us in Parliament, along with all employers and workers, wish to remember all the workers who have been tragically killed at work and extend our sympathy and heartfelt support to their families, their workmates and their friends. We should make sure they remain in our memories and that their contribution to Victoria and Australia is never forgotten.

The many workers who have died are just ordinary people like ourselves. Here in Victoria we lost 37 workers in 1998, 39 in 1999, 30 in 2000, and 34 in 2001 and 2002, and we have lost 11 so far this year. We need to ensure that they have not died in vain by redoubling our efforts to make our workplaces safe and healthy.

World wide some 2 million men and women die each year as a result of workplace accidents or work-related diseases. In Victoria we see many people dying in unfortunate accidents. For example, this year we have had five farm-related deaths, including a three-year-old. A worker was crushed after being dragged into the high-speed rollers of a paper-drying machine. A jockey was killed in a race and two firefighters lost their lives as well.

Last year, there were 10 fatalities on farming properties, 6 on construction sites and 8 in the transport field. One worker was overcome by fumes, another fell from a ladder, one was killed by fireworks and yet another was killed by a falling tree. These were all people with families and friends, and they were part of local communities. The loss of their lives is deeply felt by families, friends and workmates. We need to do more to improve workplace health and safety and to help the families who have suffered the loss of one of their members due to a tragedy in the workplace. I urge the minister to make the health and safety of workers the highest priority.

Clayton Primary School: health and safety complaint

Mr PERTON (Doncaster) — I wish to relate the impassioned concerns of Ms Anne Marie Murray of Clayton, a concerned parent whose daughter is an asthma sufferer.

The DEPUTY SPEAKER — Order! Which minister?

Mr PERTON — The Minister for Education Services. For some period of time Clayton Primary School was reduced to a construction site. During the works Ms Murray alleged in writing and in person that there were health and safety problems. Subsequent to one of her complaints the school was inspected and found to be wanting in respect to Worksafe requirements. To add insult to injury Ms Murray was forced to discover the outcomes of the inspections she had caused using a freedom of information request at a cost of $20. So-called voluntary compliance was achieved at that time, but not before this parent had gone to the extreme lengths of reporting the school and having it independently inspected on safety grounds.

The works dragged on through last year and inexplicably into this. The dismissive manner in which Ms Murray's concerns were repeatedly left unaddressed in the hope that in time she would just go away has left a very bitter taste in her mouth and since mid last year Ms Murray has been in correspondence with the Liberal Party shadow ministry as well as anyone else in a position of authority, asking that they take her concerns about safety at the school during the refurbishment seriously.

A set of school council minutes underscores the legitimacy of Ms Murray's concerns that there was a potential breach of care. It indicates that complaints about a considerable amount of noise and dust generated during this time would not be met by the school with 'any other solution than holding our breath until the work is complete'. This is not what a concerned parent with an asthma-prone child deserves or expects from a school.

In her own words Ms Murray describes herself as having voted Labor all her life. Owing to her total dissatisfaction and disillusionment with the lack of responsiveness from the Minister for Education Services, Jacinta Allan, Ms Murray has complained and complained vigorously. She has written to Ms Allan directly and to Ms Allan via her colleague Hong Lim and via Lynne Kosky. Letters have been sent by Ms Murray and by the shadow minister for education,

Phil Honeywood. Five months have gone by without this minister being able to properly respond to Ms Murray. I quote from a letter by Ms Murray dated 17 April:

> I am writing to you regarding your correspondence ESM334 to the Hon. Phil Honeywood, MP, whose letter was dated 10 December 2002. Unfortunately there was no date on yours.
>
> Having sat on it for several days I write now, in disgust, a reply.
>
> …
>
> At no time was there any official consultation from your office directed to myself, even though I wrote numerous letters of complaint as protocol required.
>
> I sought assistance from [the] … schools … mediation service, sponsored by the office of the Attorney-General, only to be refused a meeting by both the principal and the regional office.
>
> It was only after numerous phone calls to Lynne Kosky's office on 22 January 2003 that I received two phone calls …

Time is short. Ms Murray's child is now in the Catholic system, and I ask the minister to live up to the obligations of her office and instate a proper system for actioning and addressing issues.

The DEPUTY SPEAKER — Order! Before calling the member for Mount Waverley, I remind the member for Doncaster and other members of the house to use the correct forms of address when referring to other members of Parliament.

Mount Waverley Secondary College: rebuilding

Ms MORAND (Mount Waverley) — I would like to raise a matter for the attention of the Minister for Education and Training and ask her to take action to ensure that the Mount Waverley Secondary College is rebuilt as quickly as possible.

Many members will be aware that the senior campus of the school suffered a devastating fire on the eve of the new school term in January this year. The senior school campus suffered the loss of 25 classrooms. This included the loss of 5 science rooms, 6 computer labs, the middle school office and all its contents, the locker bays and 1200 student lockers.

The principal of the secondary college, Glenn Proctor, has done a magnificent job in ensuring that the disruption to the students caused by this terrible fire has been minimised. He and his assistant principals and the teaching staff have done a wonderful job and have worked incredibly hard to support each other and the students to make sure the students could continue their studies.

In the school newsletter following the fire the principal noted the sadness and shock caused by the destruction of the school buildings and said that 'the important thing to remember is that our greatest resource is the knowledge and expertise of the teaching staff and the resilience of the students themselves'.

The Minister for Education and Training visited the school on the morning of the fire and immediately reassured the principal and the school community that the government, through the Department of Education and Training, would work closely with the school on finding temporary solutions for housing the students and would assist in every way possible to get the school back on its feet as quickly as possible.

The year 9 to 12 students were relocated to Deakin University for a month until the end of February. I take this opportunity to acknowledge the wonderful support that Deakin University, and in particular the new vice-chancellor, Sally Walker, gave the students. I am informed they greatly enjoyed this experience and that it was mutually beneficial. In a short period of time during the first term the school has been transformed with the location of some 20 portables to the school grounds to house the classes destroyed by fire.

Mount Waverley Secondary College is one of the biggest and most successful schools in the state. It has 1800 students across two campuses, including 1200 students at the fire-affected campus. I ask that the minister and the Department of Education and Training continue to work closely with the school and its community to ensure that the school is rebuilt as quickly as possible.

Fishing: Clifton Beach

Mr PLOWMAN (Benambra) — The issue I wish to raise tonight is for the attention of the Minister for Environment. It relates to the future use by anglers of the Clifton Beach area. Clifton Beach is on the lovely south-western coast of Victoria, on the boundary of the Twelve Apostles Marine National Park. Unfortunately, as the park boundary is now designated it falls within the park. As things stand this area will not be permissible for fishing in after a certain date, yet it is one of the most popular areas for beach fishing. It takes a lot of getting into, and I went in with my colleague the member for Western Province in the other place to have a look at the area and to meet with fishermen there.

I would like to quote from a letter of 4 February from the acting manager of national parks and conservation policy, Ray Supple:

> … the ECC recommendation for the Twelve Apostles Marine National Park and subsequent negotiations between the government and the opposition involved an understanding that Clifton Beach would be excluded from the park to allow recreational fishing to continue at that location.

On the basis of this letter I would like to ask the minister to give an assurance to the house that that will take effect. There are many fishermen in the area that look at Clifton Beach as the most enjoyable area to fish from along the coastline outside the proposed national park boundary, and initially that is where it was supposed to be. There has been a mistake, and clearly this letter, which comes from the acting manager of national parks and conservation policy, indicates that there is an error and that it should be corrected. I ask the minister to ensure that it is corrected and that the fishermen who enjoy this area are able to continue to do so after the closing date, which otherwise would be 1 April 2004.

In the remaining seconds I would have to say that the area is in the electorate of my colleague the member for Polwarth. He too has been pushing hard for this area to be excluded from the marine national park. As I said, it is an error, and I believe it should be corrected. I ask the minister to do so.

Hurstbridge Primary School: rebuilding

Ms GREEN (Yan Yean) — I seek action from the Minister for Education Services in regard to giving assistance to Hurstbridge Primary School, which suffered a tragic fire on 1 January this year. There have been a number of unfortunate school fires in this state. At this stage the fire at the primary school is considered to have been accidental, but never has a school been totally destroyed in the manner that Hurstbridge Primary School was. This fire totally destroyed the permanent buildings of this wonderful school — 17 classrooms along with amenity and administration buildings, as well as the school's records of its long history.

It was a massive effort for the school community to actually pull itself back up and to ensure that students were able to attend school on the first day of term this year by relocating the school temporarily to the site of the former Hurstbridge High School. The school community and the broader Hurstbridge community have rallied to assist the school's relocation to its temporary site, but they still need additional help along the way. The community performed herculean efforts in ensuring students were able to begin on that day. In under four weeks the temporary site was transformed from a dust bowl into a beautiful green site.

On the Australia Day weekend over 100 community members toiled in 44-degree heat to ensure that students had a great start to the school year and were not adversely affected. I acknowledge the professionalism of the principal, Marg Uren, the school's staff and many parents, including Cathy Park, Carolyn Allen, Glen Pike, Trevor Jeffrey and many others.

I also acknowledge the countless local businesses and community groups that raised funds, in particular the Hurstbridge brigade of the Country Fire Authority. Despite attending the fires in the north-east of the state, the brigade also spent time raising funds for the primary school. It raised many thousands of dollars.

The school community is still in great need in ensuring it can rebuild its school. I seek the support of the minister in doing whatever she can to reward this wonderful community and to ensure that its members can get back on their feet at the site of their choosing and can continue to provide the great education that is provided in that community. I commend them for their work, and I hope the minister is able to help.

Responses

Ms GARBUTT (Minister for Community Services) — The member for Bellarine raised with me the issue of former wards of the state who might need ongoing assistance and suggested some funding to provide that. As the member pointed out, there were many former wards of state. Many children were separated from their families and placed in large institutions, large children's homes. Thankfully we have ceased that practice; we do not operate that way these days.

In past times many people were placed in orphanages. They lost touch with their families. Often they lost touch with siblings, sometimes even when they were in the same homes. Many of them had difficult experiences which have left them with ongoing issues that need attention and which they need some assistance with. We do not know how many people were affected in this way, but we do know they have a real and ongoing need for assistance and support.

I am pleased to be able to advise the member and the house that the government will contribute $86 000 to fund various strategies to help former wards to manage and cope with the impact of growing up in these

institutions. The money will be allocated to agencies that provide specialist support to people who grew up in care. It will include counselling and the provision of information, including searching for personal information about them and trying to track other family members, and other general forms of support. Two organisations will be funded through this initiative. The Victorian Adoption Network for Information and Self Help already provides quite a lot of support to Victorians who have been affected by adoption and to former wards. VANISH will receive $76 000 to arrange provision of specialist counselling for former wards.

The second initiative is to train volunteer former wards to act as facilitators for support groups. Recently I met with people from the Care Leavers of Australia Network (CLAN). They put to me the ongoing needs they were trying to meet voluntarily for former wards who were approaching them. CLAN will receive $10 000 to provide information advice and general support to former wards of state in Victoria who now live interstate. The funding will go to assist that particular group, which is a national group.

As part of these initiatives the Adoption Information Service will change its name to the Adoption Family Records Service, because it now provides not just adoption services but also services for former wards who want to search out the records to follow up and find family members they may have lost touch with, as I mentioned before.

I am pleased that the member for Bellarine was able to raise this issue with me. It is about providing a number of initiatives that will go a long way towards assisting former wards.

Mr HULLS (Attorney-General) — I thank the honourable member for Burwood for his interest in workplace health and safety. Having safe, healthy and productive workplaces is the highest priority for the Bracks government.

Yesterday we took the time to especially acknowledge workers who have died tragically as a result of workplace incidents. The Bracks government is absolutely and passionately committed to preventing work-related ill health, injuries and deaths. Today I was pleased to announce that we will build on our efforts and continue to show support for the families of those who have tragically died as a result of work. Over the next three years some $85 000 will be provided to the Uniting Church Urban Ministry Network for additional support for families that are suffering as a result of a tragic workplace death.

In our first term of government we made the prevention of injuries to workers the key focus of our attention. It is a sad fact that around 30 workers die each year in the workplace. I am sure everyone would agree that the number of workplace fatalities is unacceptable. One workplace death is one too many. The effects of these tragic deaths are devastating for family, friends and the community, and as a community we must continue to do more to prevent them.

As I said, in our first term we made prevention of injuries to workers our key focus and restored common-law rights for seriously injured workers. In our second term we will continue to steadily improve the occupational health and safety regime in this state. We will strive for fewer injuries, better health for Victorian workers and continuing improvements in occupational health and safety practices across Victorian workplaces; and of course, we will continue with a strongly managed Workcover scheme, with fair and competitive premiums for employers.

As a result of the government's priorities the Victorian Workcover Authority (VWA) has employed around 80 more inspectors, resulting in about 50 000 annual work site visits last year. The latest figures show a significant increase in occupational health and safety prosecutions, which demonstrates how serious the Bracks government is about protecting the health and safety of Victorian workers. The honourable member will be interested to know that from January to December 2002 a total of 240 prosecutions were completed, which can be compared to 1999, when only 105 were completed. Forty prosecutions have already been completed this year.

In our second term we will focus on a review of the occupational health and safety legislation, which we committed to during the last election campaign. We will continue making improvements that help workers return to work. We will provide incentives and penalties to promote workplace safety, and we will also implement reforms through a VWA premium review to strengthen incentives for businesses to perform better while simplifying the system and providing greater choice for employers.

As I said, as a government we are passionately committed to workplace health and safety. That has been evidenced already this year by the launch of the new asbestos regulations and the launch of a campaign to prevent bullying in the workplace. We have also implemented a number of other initiatives, including the promotion of farm safety and the promotion of safety in the construction industry and other dangerous

industries, so the passion we have shown in the past for workplace health and safety will continue.

Ms KOSKY (Minister for Education and Training) — The member for Mount Waverley raised with me a matter relating to the reinstatement of works at Mount Waverley Secondary College, given that on the day of the fire, 28 January, I visited the school, which at the time was devastated. Significant damage occurred at that school due to the fires.

The school community — indeed, the whole community — rallied quickly to ensure that the education of the Mount Waverley Secondary College students was not affected. The school arranged for its 1200 middle and senior students to be temporarily located at the Deakin University Burwood campus until late February 2003, which is an indication of how the whole community worked together. Deakin University is to be congratulated on assisting very promptly to ensure that the students were housed and could continue their studies immediately.

It was necessary for the middle and senior level students to return to the fire-affected campus in late February, as Deakin required the use of its facilities. But the school has continued to work on the redevelopment of that site, and I understand it is expected that a schematic design will be completed in mid-May.

As a government — I certainly did at the time — we committed to reinstating the school's facilities as quickly as possible. We understand the importance of having permanent facilities on that site. We understand the urgency, particularly given that it was such an extensive fire and an extensive part of the school was damaged. We will be responding as quickly as we possibly can as a government to ensure that the facilities are reinstated and that the students, although their education is not currently being interfered with because they are being housed in other premises and other classrooms, will be able to return to permanent facilities as quickly as possible.

The DEPUTY SPEAKER — Order! The Minister for Manufacturing and Export, responding to matters raised by the honourable member for Sandringham for the Minister for Transport; the honourable member for Murray Valley, for the Minister for Police and Emergency Services; the honourable member for Footscray, for the Minister for Housing in another place; the honourable member for Hawthorn, for the Minister for Planning; the honourable member for Doncaster, for the Minister for Education Services; the honourable member for Benambra, for the Minister for Environment; and the honourable member for Yan Yean, for the Minister for Education Services.

Mr HOLDING (Minister for Manufacturing and Export) — I shall refer those matters raised by the respective members to the relevant ministers, and they will respond directly to the members.

Mr Thompson — On a point of order, Deputy Speaker, on a minor point of clarification, the matter I raised was for the Minister for Environment, not the Minister for Transport.

The DEPUTY SPEAKER — Order! My apologies to the honourable member for Sandringham.

The house stands adjourned.

House adjourned 10.42 p.m.

Wednesday, 30 April 2003

The SPEAKER (Hon. Judy Maddigan) took the chair at 9.33 a.m. and read the prayer.

PETITIONS

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

Church Nursing Home: closure

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

The humble petition of residents of the state of Victoria, draws to the attention of the house:

that a crisis is occurring in the provision of aged care for many Australians;

that high-care nursing services are particularly at risk;

in particular the closure of Church Nursing Home in Blyth Street, Brunswick, Victoria, by Baptist Community Care Inc. is attributed by the CEO and board to the lack of adequate funding of 30-bed nursing homes by the commonwealth;

notwithstanding that Church Nursing Home was built in 1995 as a state-of-the-art facility, with single en suite rooms in pleasant, clean and airy environment with modern facilities and caring staff; and

that the Church Nursing Home is situated in Moreland, an area of acute high-care bed shortage as determined by commonwealth benchmarks and with an ageing population.

Your petitioners therefore pray that the house urgently investigate this matter and make representation to the commonwealth either to have funds provided or take other urgent action to preserve this valued facility and maintain the high-care beds in the Moreland area.

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

By Mr CARLI (Brunswick) (64 signatures)

Housing: loan schemes

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

The humble petition of the following residents to the state of Victoria sheweth the state government-sponsored home loan schemes under the flawed new lending instrument called capital indexed loans sold since 1984–85 under the subheadings CAPIL, deferred interest scheme (DIS), indexed repayment loan (IRL), home opportunity loan scheme (HOLS), shared home opportunity scheme (SHOS), are not fit for the purpose for which they were intended.

We the undersigned believe these loans are unconscionable and illegal and have severely disadvantaged the low-income bracket Victorians the loans were meant to assist.

Your petitioners therefore pray that:

1. the existing loans be recalculated from day one in a way as to give borrowers the loans they were promised — 'affordable home loans specially structured to suit your purse';
2. the home ownership be achieved within 25 to 30 years from date of approval;
3. the payments to be set at an affordable level (i.e., 20–25 per cent of income for the duration of the term for all the loan types;
4. past borrowers who have left the schemes be compensated for losses that have been incurred by them being in these faulty structured loans;
5. any further government home ownership schemes be offered in a way as to be easily understood by prospective loan recipients;
6. the interest rate will be at an affordable rate (i.e., flat rate of 3 per cent per annum or less for the length of the term of the loan) geared to income;
7. capital indexed loans be made illegal in this state to protect prospective loan recipients;

We ever pray that we may lead a quiet and peaceable life in all godliness and honesty. (1 Tim 2:2)

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

By Ms ECKSTEIN (Ferntree Gully) (32 signatures) and Mr LANGDON (Ivanhoe) (10 signatures)

Emergency services: Warrnambool helicopter

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

The humble petition of the citizens of Portland and district sheweth the desire to bring to the attention of the honourable members the issue of the lack of a multifunction emergency helicopter rescue service based in Warrnambool to provide emergency coverage throughout all of western Victoria. Western Victoria remains the only area of the state not covered by an emergency helicopter service. Our desired helicopter service would include air ambulance, firefighting capabilities, day and night search and rescue facilities and would be available for onshore, coastal and offshore operations. We seek a speedy establishment of such a helicopter service to cover all of western Victoria.

Your petitioners therefore pray that this matter be raised with the state government, requesting that the government address this appalling situation.

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

By Dr NAPTHINE (South-West Coast) (974 signatures)

Environment: sustainable development

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that they are deeply aggrieved at the government's failure to properly listen to competent big picture voices on the environment.

Combined fire and forest management planning is integral to biodiversity protection and native forest renewal. Prohibiting our own trained custodians from carefully managing the large level of renewable resources in our own backyard also increases the footprint in someone else's and this too is not environmentally responsible.

Lockouts are no solution. Custodianship is a proven means of effectively looking after large areas with their diverse risks and complex biodiversity threats. More government gatekeepers will not substitute for using the diverse skills of our community to care and to show due care for the large and complex ecosystems and management issues involved.

Justice is denied to rural custodians, in particular. Those who care directly for natural resources in this country (e.g., land-holders and trained land managers) are not receiving a fair hearing because environmental abuse and risk claims by non-custodial neighbours are far too often not being properly heard before use and custodial rights are denied.

Your petitioners therefore pray that Parliament:

leave open the issue of future uses for our reserves, as our forefathers intended;

have a moratorium on the creation of any more large parks; and

concentrate immediately on improving the means to resolve conflict equitably so that just and sound decisions for long-term resource protection and genuine sustainability are more evident to all Victorians.

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

By Dr NAPTHINE (South-West Coast) (14 signatures)

Laid on table.

Ordered that petition presented by honourable member for Brunswick be considered next day on motion of Mr CARLI (Brunswick).

PAPERS

Laid on table by Clerk:

Audit Act 1994 — Report of the Auditor-General on Performance management and reporting: Progress report and a case study — Ordered to be printed.

FEDERAL AWARDS (UNIFORM SYSTEM) BILL

Council's amendment

Returned from Council with message relating to amendment.

Ordered to be considered next day.

VOCATIONAL EDUCATION AND TRAINING (TAFE QUALIFICATIONS) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Ms KOSKY (Minister for Education and Training.

MEMBERS STATEMENTS

Jim Hardy

Mr PANDAZOPOULOS (Minister for Gaming) — I wish to pay my respects to Jim Hardy, OBE, who recently passed away. Jim Hardy was a great icon of Dandenong: he was one of Dandenong's best known and greatly loved sons. He was a real gentleman's gentleman. He was born in Warrnambool in 1913 and was very proud of his Irish ancestry.

He served for the last 13 years as the president of the Dandenong Returned and Services League and had been an active member since the late 1940s. He was a real battler for the welfare of local veterans; he was Dandenong's version of Bruce Ruxton in many regards — but much nicer, may I say!

Jim served in the 2/3 Light Anti-Aircraft Battery in the Middle East and New Guinea during World War 2. He was known to his mates as Cracker. He was very proud of having received an Order of the British Empire in the past few years. He used to describe OBE as meaning 'over bloody eighty'. Jim was seconded to the Forces Amenities Unit, where his main role was to entertain the troops. He was a very witty man and was skilled as a storyteller, singer and entertainer. He was a real raconteur.

Jim was the older brother of the Australian literary icon, Frank Hardy, and the entertainer, Mary Hardy, who had a television show and often referred to Jim as the mayor of Dandenong. Jim was actively involved in the Returned and Services League, the Dandenong cricket club and his great parish at St Mary's church. Jim will be very much missed by people in the RSL and the Dandenong community. My condolences go to his family.

Seal Rocks Sea Life Centre: legal action

Mr SMITH (Bass) — The Seal Rocks Sea Life Centre fiasco has finally come to an end with the decision last week of the Supreme Court to reject the

government's appeal, leaving the people of the state of Victoria to pay about $80 million in compensation. This sordid tale of woe came about because of a conspiracy between the government and the former member for Gippsland West, Susan Davies, to bring down and financially ruin the Seal Rocks development and return it to government hands at a fire-sale price. But what the government could not do — unfortunately from its point of view — was ruin the strength of Ken Armstrong, the managing director of the development. The stupidity of some of the senior ministers — Garbutt, Thwaites, Brumby and Premier Bracks — —

The SPEAKER — Order! The member for Bass will refer to members of Parliament by their correct titles.

Mr SMITH — Right — and the Premier. There was a conspiracy with some of the senior public servants in the Department of Natural Resources and Environment, as it was, and the Department of Treasury and Finance. These people — van Rees, Leivers, Perham, Forte, Tamburro, Love and Cleave — cost the taxpayers about $80 million.

On the eve of the last election the government launched an appeal, despite its lawyers advising it not to do that as it would not win, to stop the Auditor-General investigating this disgraceful episode in the Victorian tourism industry. I ask that the Auditor-General now commence his investigations to ensure that those Guilty Party — —

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

Anzac Day: Torquay

Mr CRUTCHFIELD (South Barwon) — The Torquay Returned and Services League (RSL), particularly the president, Kevin Egan, and the secretary, Peter Thomas, coordinated a magnificent dawn service at Point Danger, Torquay on Anzac Day attracting approximately 7000 people. In the darkness, with the sound of the ocean below, people gathered at Point Danger to pay their respects to all people involved in war throughout Australia's history. As the horizon was bathed in a pink light a number of Tiger Moth planes flew over the point and a 12-gun salute echoed across the bay. It was indeed a spectacular event.

Various community members spoke, including two representatives from Bellbrae Primary School, Jessie Drever and Nicola Blake. Colonel Geoff Skaron was the guest speaker. The service is a true community event in planning, implementation and attendance. The event is hosted by the Torquay RSL, but other partners include the Surf Coast Shire, which assists with officer time; the Torquay Lions Club, which coordinated the gunfire breakfast of a free sausage sizzle and coffee with rum; the Torquay Rotary Club, which provides marshals; the churches — the ministers rotate as the master of ceremonies; the Torquay police; the Torquay State Emergency Service and Country Fire Authority brigades; Torquay Red Cross; Rural Ambulance Victoria; the Geelong West brass band; the Torquay public reserves committee; the Geelong and District Vietnam Veterans Association; 27/28 Flights Air Cadets; 32 Regional Cadet Unit; and other community members, even the ladies auxiliary.

Lions Youth of the Year Quest

Mr DELAHUNTY (Lowan) — On 12 April I had the privilege of attending the state final of the Lions Youth of the Year Quest at Horsham. The quest is designed to encourage student interest in leadership and the qualities required to take an active and constructive role in the community. There were six contestants from Lions districts across Victoria. They included: Melanie Lowe, who attends Girton Grammar School and was sponsored by the Castlemaine Lions Club; Jacinta Preston from Orbost College and Lions club; Nicole Hirst from Ballarat High School and Sebastopol Lions Club; Shelley Fitzsimmons from Highvale College and Monash Waverley Lions; and Jessica Laurie from Rushworth College and Lions club. The winner, who was selected by a panel of five, was Ann Boyapati, who attends MacRobertson Girls High School and was sponsored by the Lions Club of Footscray.

The contestants were judged on various categories including academic achievement, general knowledge, public speaking, leadership and sporting, cultural and community interests. All the entrants were excellent ambassadors for youth. They had impressive curriculum vitaes, and their families, schools, teachers and sponsoring clubs and districts would be very proud of their achievements.

Last night the parliamentary Lions club agreed to invite our state winner to their May meeting here at Parliament House. All members when they have the opportunity should meet this very impressive young lady, who might by that time be the national winner.

I congratulate all contestants, the Lions Youth of the Year officials and the National Australia Bank, which has sponsored this quest for six years. In finishing may I say that this is an excellent program run by the Lions

Club of Victoria. It really supports our youth, and it was a great opportunity for me to be part of that forum.

Greenvale Primary School: community

Ms BEATTIE (Yuroke) — I take this opportunity to thank Greenvale Primary School for its hospitality at its assembly on Monday morning. I had the privilege of joining the teachers and students for their first assembly of term 2 to present the school with a new Australian flag and also an Aboriginal flag.

It is always an honour to share with our local schools such an important part of our history and heritage. Ensuring that our local schools' flags are in pristine condition and able to be flown proudly to symbolise the pride we feel as Australians young and old is certainly one of the great privileges of being a member of Parliament. The national anthem was sung with great gusto, which was very heart warming, and the students' behaviour was impeccable in the presence of so many parents at the assembly. This is a testament to a wonderful school and school community.

I would like to thank the principal, Mr Lloyd Mitchell, for the invitation to attend — despite the fact that he was wearing an Essendon Football Club scarf, an unwelcome intrusion into an otherwise lovely morning for a diehard Magpies fan.

I take this opportunity to wish Greenvale Primary School students and teachers, and of course the principal, a wonderful term ahead. I look forward to sharing in many more community activities with that wonderful school.

Seal Rocks Sea Life Centre: jobs

Mr McINTOSH (Kew) — When is a cast-iron guarantee not a guarantee? I will tell the house: it is when it is given by the Bracks government.

On 27 August of last year the Premier gave a watertight guarantee, apparently, to the former employees at the Seal Rocks Sea Life Centre. On the Neil Mitchell show he said:

> We've already made a guarantee, the conservation minister Sherryl Garbutt has made that guarantee, and I will reissue it, that any staff who wish to be re-employed at Seal Rocks will be.

Later on in the interview Mitchell asked:

> So, you're saying unequivocally that anybody who has worked there and wants a job will have a job?

The Premier replied:

> Yes, that's the guarantee the minister has offered, and I'm reissuing that today.

Unfortunately many of the former employees of Seal Rocks do not have a job. Mr Peter Cutler has been sent a number of advertisements from a newspaper with an invitation to apply but has never actually been offered a job. Two other employees I have spoken to who do not wish to be named are in a similar position. That demonstrates that you just cannot trust Labor — it will do anything and say anything to stay in power.

Anzac Day: Croydon

Ms BEARD (Kilsyth) — On Sunday, 13 April, I was invited to join in the Anzac Day parade and service hosted jointly by the Croydon sub-branch of the Returned and Services League (RSL) and the City of Maroondah.

The veterans marched to the James Stevens Memorial Lawns in Croydon, where they were welcomed by the official party and Mr Neil Gryst, the secretary of the Croydon sub-branch. After the introduction by Mr Ken Gibbons, president of the Croydon sub-branch, of the official party, including state and federal politicians and local councillors, the substantial crowd was addressed by Cr Les Willmott, mayor of Maroondah City Council.

The official guests were invited to lay their wreaths at the memorial. Representatives from Lilydale RSL and the National Servicemen's Association of Australia then laid their wreaths, followed by schoolchildren and groups and members of the community. Mr Neil Gryst then recited the *Ode to the Fallen,* after which the bugler, Nigel Edwards, played the last post and after a moment's silence followed it with reveille.

A highlight of the afternoon was a beautiful rendition of the anti-war song of the 1960s *Last Night I Had the Strangest Dream* by the students of Croydon Primary School led by Ms Ruth Kitchen. Guests, including local scout and guide groups, were thanked for their attendance by Mr Ken Gibbons, and the national anthem led by the Croydon Primary School choir concluded the ceremony.

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

Manningham Park Primary School: grounds

Mr KOTSIRAS (Bulleen) — Once again this inept, inactive and lazy government has ignored the education and safety needs of students attending Manningham Park Primary School and Templestowe Valley Primary

School. Parents are alarmed at the total disregard for and arrogance towards both these schools that this government has shown.

There are two issues of major concern to parents and students attending Manningham Park. The first is the future of the car park on the north-eastern side of the school. As I understand it, the school has requested that a portion of this vacant land be retained by the school to be used as a car park to enable students to be dropped off and collected safely. This section also needs to be secured because at times it resembles a rubbish tip and is not fit for young children to be in.

Ms Duncan interjected.

The SPEAKER — Order! The member for Macedon!

Mr KOTSIRAS — The second issue is the dangerous condition of the school ground. The ground has cracked and is uneven and very dangerous. I call upon this minister to show some commitment and instruct her department to investigate the condition of the ground and to resolve the car park issue which is now in its fourth year.

Templestowe Valley Primary School: amphitheatre

In relation to Templestowe Valley Primary School, about 12 months ago I wrote to the minister requesting that she investigate the possibility of providing financial assistance for the school to build an amphitheatre. Unfortunately I have not received a response from the minister. Templestowe Valley is seeking to build an amphitheatre to cater for the 44 per cent increase in enrolments since 1999. The school does not have a meeting area to cater for this increase. I call on the minister to actually do something and visit both schools and provide some funding for them.

Uniting Church: Link@Bridgewater program

Ms ECKSTEIN (Ferntree Gully) — Recently I had the pleasure of attending a new drop-in program in my electorate at the Unitingcare Bridgewater Centre in Rowville. The Link@Bridgewater program operates out of the Uniting Church's Bridgewater centre each Thursday.

Honourable members interjecting.

The SPEAKER — Order! The level of interjections is too high.

Ms ECKSTEIN — It provides an opportunity for people who are isolated, particularly women, to reconnect with a community. Over a cup of tea or a fabulous cappuccino, people can make friends, share experiences and information and find out what's on in Rowville.

Above all, the aim is to have some fun. Because Rowville is a relatively new area — —

Honourable members interjecting.

The SPEAKER — Order! The members for Brighton and Yuroke!

Ms ECKSTEIN — It does not have some of the services and facilities that older, more established communities enjoy. Therefore, women with young children and seniors can easily become isolated in their homes. The limited public transport options can make access to regionally based programs and services quite difficult.

The Link@Bridgewater program therefore meets an important local community need. The program has been funded through a community development grant from the City of Knox. Before I entered this place I served for many years on the Knox City Council Community Development Fund committee and I remember well the submission to establish this project.

It is pleasing to see the project come to fruition and make a difference to people's lives.

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

Centenary Medal: Mildura recipients

Mr SAVAGE (Mildura) — I wish to acknowledge the following recipients of the Centenary Medal. All these awardees have made a significant contribution to my community: Alan Chalkley, Thea Cornell, Patricia Pike, Hilda Weinert — —

Mr Smith interjected.

Mr SAVAGE — You are hopeless!

The SPEAKER — Order! The member for Bass and the member for Mornington!

Mr SAVAGE — Simon Grigg, Allan Anderson, Michael O'Callaghan, Brian Decker, Ian Roberts, Alfred Chisholm, Sister Marion McDonald, Graham Wyatt, John Burfitt, Ken Carr, Malcolm Hopkins, Margaret Kelly, Fr Francis Monaghan, Barry Kirkwood, Patsy Ann Doolan, the late Ann Cox,

Stefano De Pieri, Nicholas Forsburg, Milton Whiting — a significant member of the National Party who sat in this place, Jennifer Bennett, Vernon Knight, Ken Wakefield, Neville Heintze, Patricia Martin, Dennis Bell, Jessica Leach, Francis Bawden, Charles Hepworth, Judith Robbins, Christine Wilson, Ian Lauder, Ken Wright, Richard Garlick, Brian Cavanagh, Carolyn Driscoll, Margaret Howie, Neville Japp, James Kane and Victor Matotek.

Honourable members interjecting.

The SPEAKER — Order! Before calling the next member I ask members to stop the continual interjections. I particularly warn the member for Bass that I will not tolerate further interjections from him.

Schools: Burwood

Mr STENSHOLT (Burwood) — Today I want to congratulate the state primary schools in my electorate for the magnificent job they do in educating our children. I refer to Ashburton Primary School which held a great fete earlier this year; Glen Iris Primary School, which is right in the centre of Melbourne; Hartwell Primary School, which I know the member for Forest Hill has visited; Solway Primary School, which had a successful car boot sale; Parkhill Primary School, which ran a very successful Ashwood festival; Roberts McCubbin Primary School in Box Hill South, which has an enviable recognition in the arts; and Wattle Park Primary School, which has a great community focus.

I am proud to see that under the Bracks Labor government prep to year 2 class numbers in Burwood have dropped by an average of 2.7 children and are now at a record low of 22.3 students. Class sizes overall in Burwood schools are now at the lowest levels since records were first kept in 1973. They were an average of 26.3 in 1999; now they are at a record low of 23.7.

We are seeing a revival of our schools, which suffered many closures under the previous government. Our schools are now getting the resources they need. Record funding has gone into facilities development, $180 million has gone into extra teaching resources for the crucial prep to year 2 primary years, and now funding efforts are being directed towards the crucial middle years.

My message for Burwood, with Education Week coming up in the week after next, is that education remains the no. 1 priority for the Bracks Labor government. We deliver for the children in our area.

Planning: green wedges

Mr HONEYWOOD (Warrandyte) — There are three Labor lies on green wedge protection, coming as they now do on top of the recent broken promise on the Eastern and Scoresby freeways. My constituents in Warrandyte are very much on the alert about this government's credibility gap.

The first green wedge lie relates to what happened when the original green wedge legislation came before this Parliament. Just prior to the last state election the Minister for Planning belatedly brought her so-called urgent legislation into the lower house in the dying weeks of the session. It never got to the upper house because of her lack of seniority around the cabinet table. Other ministers pushed their legislation forward, and she was left holding the baby at the very end. Who did she blame? She blamed the opposition for delaying her legislation. She went out to the local media in every green wedge area and claimed the opposition was responsible for delaying the legislation. That was a Labor lie. The minister was incompetent. She could not schedule her legislation properly. She did not even get it to the upper house prior to the state election.

The second Labor lie on green wedge protection relates to the usage of land. Up until now factories, service stations, convention centres and caravan parks have been excluded from most green wedges. So what has motivated the Minister for Planning to change that? Surely it begs the question: what has a factory to do with — —

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

Puopolo family

Ms MARSHALL (Forest Hill) — It is with great pleasure that I note that the sporting endeavours of three of my constituents were acknowledged by their receiving nominations for the Leader newspaper sports star awards. What makes this occasion even more significant is the fact that all three are members of the same family. Gus, Christina and Justin Puopolo are living proof that a family that plays together, stays together. The youngest member of this talented family, Justin, was nominated in the athlete category for the hammer throw, having picked up a silver medal at the Australian University Games and a bronze medal in the under-18 Australian championships. In a sport where the average age is late 20s, Justin has many years of competition ahead of him.

Justin's father is not only his coach but an inspiration. Gus is a volunteer contributing over 25 hours a week designing and implementing fitness programs for athletes from sports such as the javelin, the shot put, the hammer throw and even netball. Gus was one of the coaches for the Australian track and field team at the Commonwealth Games in Manchester. Gus is also a *Whitehorse Leader* sports star in the services to sport category.

Gus's wife, Christina, was also nominated for her services to sport, and she provides coaching free of charge to 10 different netball premiership teams. She has been coaching the Victorian Churches Ariels team in addition to the Victorian men's masters team. I would like to wish the Puopolo family good luck for the awards night later this year.

The Minister for Sport and Recreation in the other place yesterday called for nominations for the 2003 sport and recreation awards, to be announced in September. The electorate of Forest Hill will be putting forward many nominations, including the immensely talented Puopolo family.

Goulburn Ovens Institute of TAFE: graduate interpreters

Mrs POWELL (Shepparton) — On Wednesday, 16 April I had the honour of attending a graduation ceremony at the Goulburn Ovens Institute of TAFE in Shepparton recognising the graduates of the diploma of interpreting course. Ten Arabic interpreters graduated and received their certificates, and three more students are yet to be assessed. I thank the Minister assisting the Premier on Multicultural Affairs for attending the graduation and presenting the certificates.

Three years ago I invited the minister to Shepparton. We already had a number of Arabic-speaking people in Shepparton and a number were coming from the detention centres. This caused a strain on local welfare and government services. A number of issues were raised with the minister, such as the lack of housing and the lack of jobs, but the biggest issue was the language barrier and the need for Arabic interpreters. They believed they could assimilate more effectively into the community if they could communicate better. This interpreter course was the outcome of that visit.

There was great support from the Ethnic Council of Shepparton and District, particularly the president, Vicki Mitsos. Great support was provided by the Goulburn Ovens Institute of Technical and Further Education, which provided the course, and its director, Peter Ryan, was very supportive.

Of the 10 graduates, 6 already have jobs in the public sector. These interpreters will be a great asset to the 3500 Arabic-speaking people in Shepparton, and they believe they will provide positive links to the broader community. I wish them all the best in their chosen careers.

Nursing homes: funding

Mr CARLI (Brunswick) — There is a crisis in aged care in Victoria as a direct result of federal government funding policies. High-care beds in inner Melbourne are currently being closed. This has been brought about because the funding policy of the commonwealth government dictates that smaller centres are no longer economical to run, and they are being closed.

In my electorate the Church Nursing Home, which was a state-of-the-art nursing home with some of the most modern facilities in the country when it was purpose built in 1995, has now been forced to close. This has been completely attributed to the inadequate funding policies of the federal government.

This is happening not just to church-run nursing homes; it is occurring throughout inner Melbourne where a majority of nursing homes have between 30 and 45 beds. All of these homes are now considered uneconomical to run and will be closed in the near future.

There is a need for urgent action. Federal government policies need to change, otherwise nursing home beds throughout inner Melbourne will disappear, resulting in a critical situation. The Church Nursing Home in Brunswick is in the Moreland area which is already underserviced with a bed shortage and an acute — —

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

Business: trends and prospects survey

Ms ASHER (Brighton) — I refer honourable members to the survey published by the Victorian Employers Chamber of Commerce and Industry entitled *Survey of Business Trends and Prospects*, which covers the outlook for the March quarter 2003 and the June quarter 2003.

I draw the attention of the house to some significant concerns in the manufacturing sector in particular. Thirty-five per cent of manufacturing companies in Victoria unfortunately feel that there will be a weaker economic performance in the state. Of significant concern for employment prospects is that business conditions in the manufacturing sector declined

significantly over the March quarter, with the majority of firms reporting declining sales profitability, selling prices and exports.

I further draw the attention of the house to the fact that 50 per cent of the companies surveyed reported that profitability was down in the March quarter of 2003, so it should not be surprising to members on the other side that 12 per cent of firms reported that employment was also down. Indeed 41 per cent of manufacturing firms report that they expect profitability to be down for the June quarter of 2003, and unfortunately 16 per cent also expect employment to be down in the next quarter.

What is needed in these times is tax cuts, not tax increases such as those the Labor Party announced yesterday.

Dandenong: community jobs program

Mr DONNELLAN (Narre Warren North) — I rise to congratulate the 19 trainees who successfully completed their community administrative jobs project under the state government's community jobs program at the Link Employment and Training Agency in Foster Street, Dandenong.

I also congratulate all the staff, including Cheryl Moroz, the manager of the centre, and Frank Krasovec, the project coordinator. Their dedication was very obvious when I was handing out awards certificates to all successful trainees this week.

One of the trainees, Marie Therese, talking on behalf of all the trainees, mentioned the importance of these programs in providing hope and confidence for people who have been unsuccessfully looking for work for some time. She highlighted the terrible sense of disconnection from the community that is experienced by the unemployed and which saps their energy and their belief in their abilities. Worst of all it denies the community the benefit of a productive worker.

The community jobs program has had a terrific success rate, with 62 per cent of participants continuing further training or employment. All the people participating are volunteers; they are employed in a real job and receive a real award-level wage. This is a great program. It is something the federal government should look at in the light of its less than successful attempts in addressing long-term and medium-term unemployment.

Lastly I wish to congratulate those involved in providing job placement: Link Training and Employment, Eumemmerring Secondary College, City of Casey, Chandler Primary School, Monash City Council, Job Watch, Family Business Australia, Department of Human Services, Lyndhurst Secondary College and Dandenong Secondary College, and the trainees, Ms Green, Ms Bond and Ms Catalano.

Anzac Day: Epping, Diamond Creek and Whittlesea

Ms GREEN (Yan Yean) — On Anzac Day I had the privilege of attending three events in my electorate, at Epping, Diamond Creek and Whittlesea.

The first event was a moving dawn service at the Epping Returned and Services League (RSL) branch attended by 500 people, from small children to veterans from the Vietnam and Korean wars and the Second World War. The Epping Country Fire Authority (CFA) made a great contribution to the service, providing a torch-lit guard of honour. Ex-brigade captain Ken Jefferey was MC, and the event was ably organised, as always, by club president, Herb Mason.

I was proud to be nominated for affiliate membership of the Epping RSL branch, as my paternal grandfather served in both world wars.

The second event I attended was a community and wreath laying service at the Diamond Creek cenotaph. The service was addressed by Jock Ryan and ably organised by Diamond Creek Rotary, including its president, Bev Baker, and Nillumbik shire councillor Michael Hall. Local scouts, the police and the CFA, and many community members participated in the service.

Finally, I attended the Whittlesea RSL service and march through the township, led by veterans and cadets from Ivanhoe Grammar and the CFA. I thank the president, Ned Panuzzo, and the organiser, Nancy Pierce, for inviting me to such a wonderful Anzac Day event and the wonderful afternoon tea that followed.

Red Cross: volunteer fundraisers

Mr LOCKWOOD (Bayswater) — As members will be aware, March was Red Cross month, when collectors from all walks of life went out into the community to seek donations. At major intersections in the outer east we could see members of the local Country Fire Authority and State Emergency Service doing their bit for Red Cross.

For my part I joined a great group of collectors operating within the Knox local government area. This group is ably led by Marie Wallace, former mayor of Knox and now a freeman of the city. Some of the collectors were: Anne Heir, the treasurer, the Lioness Club of Ferntree Gully, the Red Cross Rowville branch,

the Red Cross Ferntree Gully branch, the Basin girl guides, the Wantirna pathfinders, the Ferntree Gully pathfinders, the Bahi community, the Church of Jesus Christ of Latter Day Saints, the Bayswater-Knox opportunity shop, the Screen family, Anne O'Sullivan and family, Carol Peterson, Olwen Johns, David Andrews, Gwenda Leakie, Carole Stadelmann, Joshua Kazar, Jenny Folino, June Randal, Nick Davis, Brian Bradfield, Mrs Sutton, Rose Gosling and Marie Lockwood.

They deserve enormous credit for organising the distribution of kits, the collecting and the counting. I acknowledge their contribution to our community.

The amount collected was more than $25 000, which is a credit to the volunteer team who knocked on so many doors. I can add that it is a much more pleasant experience to call for Red Cross than it is to call for a vote! Red Cross is always there when there is a disaster or a humanitarian crisis. Locally it is best known for its blood donation service and first-aid training. It provides more than 70 different kinds of services within Australia.

Andrew Shelton

Mr LANGDON (Ivanhoe) — I take this opportunity to congratulate Andrew Shelton, this year's winner of the Austin and Repatriation Medical Centre (A & RMC) Australia Day award. Andrew was nominated by his colleagues, and his outstanding contribution to the medical centre and his active involvement in humanitarian projects, along with his groundbreaking work in patient safety, contributed to his unanimous selection for the prestigious award.

Last year, Andrew's commitment to World Vision saw him lead a group of teenagers to Cambodia, visiting landmine sites and impoverished communities. Within the A & RMC Andrew and his team created the revolutionary post-operative surveillance program. As part of the program, Andrew visited patients with a high risk of post-operative complications.

MATTER OF PUBLIC IMPORTANCE

Medicare: reform

The SPEAKER — Order! I have accepted a statement from the Minister for Health proposing the following matter of public importance for discussion:

> That this house expresses its grave concern at the recently announced changes to Medicare, which will dramatically increase pressure on Victorian public hospitals at a time when the state government has yet to receive an adequate funding offer from the commonwealth for the existing costs faced by public hospitals.

Before I call the Minister for Health, I remind the house that this is not a discussion about Medicare per se and that members will be required to restrict their comments to the way the recent changes affect the Victorian public health system.

Ms PIKE (Minister for Health) — The Medicare system of universal health care has served Australia well for almost two decades. It is based on the fundamental principle that just as sickness has no favourites neither should access to good-quality health care. This makes good policy sense, and it certainly makes good public policy sense in the Victorian health system, as well as good economic sense. In public policy terms this principle is underpinned by the knowledge that access to medical treatment, irrespective of people's capacity to pay, actually enhances public health, enhances social inclusion and drives up the productivity of the whole population.

Economically we know that a strong primary health system diverts the unnecessary utilisation of more costly tertiary care, particularly in the public hospital system. General practitioners are the gateway to good health and preventative care, and Medicare is the means of opening that gate. Medicare is not a safety net available only to those who can afford to pay; we all pay for it through our taxes, and we expect that if we have a medical problem we will have health care. Without the widespread availability of bulk-billing Medicare will be weakened, yet this is the very plank of Medicare that the Howard government is now undermining. Bulk-billing was never an optional extra; it was always fundamental and certainly never was intended to be only for concession cardholders.

John Howard is trying to rewrite history and limit bulk-billing to only the disadvantaged. He wants to have the kind of health care system where the poor are stigmatised and where the service is residualised rather than being for the whole community but where everyone holds the same yellow-and-green card. We should not be too surprised about this.

John Howard was Treasurer under Malcolm Fraser when they tried to dismantle Medibank. He said then that he would pull it right apart and get rid of bulk-billing, which he described, and is on the record as describing, as an 'absolute rort'. Later he changed his tune. Noting the public popularity of Medicare he then promised to retain it. In 1995 he told the *Age*, 'We're keeping Medicare, full stop. There's no doubt about

that. Let's have that absolutely crystal clear, we are going to keep Medicare lock, stock and barrel'.

At that time there was absolutely no mention that bulk-billing was only for the poor. The only part of the lock, stock and barrel that is being kept is the barrel. He is shooting the whole thing down around our ears. It now appears that John Howard has found it politically expedient to fulfil his long-held ambition. He is coming full circle and he is now dismantling Medicare by stealth and trying to convince Australians that this is not a bitter pill to swallow.

Over the past seven years bulk-billing levels have been in free fall and are now below 70 per cent. At the same time presentations to emergency departments in our public hospital system have risen by 9 per cent. Rather than trying to arrest that increase and help the public hospital system the federal government has chosen to prop up the private health insurance system. The rationale for this, and its public articulation of it, is that this will take some pressure off the public system, but it is really part of a longer term agenda to create a two-tiered health system in Australia.

This year over $2.3 billion will pay for things like cosmetic dental surgery and minor procedures but do nothing to alleviate the pressure on the public system.

Dr Napthine interjected.

Ms PIKE — John Howard and the member for South-West Coast say this is not true, but let us have a look at the recent Australian hospital statistics, which clearly show that when you adjust for patient acuity, when you look at the kinds of patients who are being treated in the public system and the private system, that private hospital separations actually fell by 2.12 per cent in 2000–01 whereas the public system remained fairly constant. In other words, the public system — and I must say it is doing very well — is coping with more complex and expensive patients.

Dr Napthine interjected.

The SPEAKER — Order! The member for South-West Coast will get the call later. I ask him to desist from interjecting.

Ms PIKE — On top of this, during the 1990s funding for public hospitals as a total share of commonwealth expenditure declined from 32 per cent to 26 per cent. At the same time Victoria's relative share of funding under the agreement with the commonwealth has increased to 55.7 per cent. In other words the commonwealth is diminishing its effort, particularly in the public system — the system that is the critical part of Medicare — and increasing its effort in the private system.

We also know the current offer in the Australian health care agreement falls far short of the real costs. There is no adjustment for the fact that the commonwealth has access to a range of other levers that it fails to do anything about. Firstly, nearly 600 hospital beds in Victoria are filled with patients who should be in a commonwealth-funded nursing home. As the member for Brunswick has reminded us, Victoria is 5400 nursing home beds short. Secondly, there has been a 15 per cent growth in primary care patients who should be going to GPs and who would if they could find a bulk-billing GP or an after-hours GP. Thirdly, private health funds pay less for patients in the public hospital system than they do for those in the private system.

This all comes on top of the fact that Senator Kay Patterson, the commonwealth Minister for Health and Ageing, has acknowledged that the real growth in health care costs in Australia is closer to 8 per cent than to the 5.9 per cent she is willing to offer the public system. She has recently given the private health insurance funds the green light to increase their fees by 7.4 per cent and has publicly said that that is the real cost of growth. She has also said publicly that indexation in the health system is running at double the rate of other sectors.

What of the new changes that the Prime Minister, John Howard, announced this week? Will they strengthen our internationally acclaimed health care system? Will they broaden access to primary health care for all Australians and all Victorians? Most significantly for us, will they ease the demand on the public hospital system, which treated nearly 50 000 additional patients last year? I would say it would be hard to find anyone in Australia — perhaps with the exception of the private health insurance companies — and certainly anyone in the public media who would give a resounding 'yes' to any of those questions.

Let us look at what has been said about this. Dr David Rivett, the chairman of the Australian Medical Association's Council of General Practice, said that as few as 20 per cent of general practitioners would opt into the package.

Honourable members interjecting.

The SPEAKER — Order! If the member for Mulgrave and the member for South-West Coast want to have a discussion, I suggest they leave the chamber.

Ms PIKE — He went on to say that GPs would have rocks in their heads if they signed up for this package. What about the AMA? The president, Dr Kerryn Phelps, whom the member has quite rightly drawn to our attention, has said that this package does not go close to addressing the fundamental problem, which is the gross underfunding of the Medicare benefits schedule by more than $1 billion.

The president of the Royal Australian College of General Practitioners, Professor Michael Kidd, went on to say that the package was a bandaid solution and did not address the challenges facing general practice. The Rural Doctors Association of Australia national president, Ken Mackey, estimated that only about 15 per cent of rural doctors would take up the scheme. The president of the Doctors Reform Society, Dr Tim Woodruff, said that the care has been taken out of Medicare and that instead we are being offered Minicare.

It is hard to find anyone in the public arena who will give any affirmation to questions about whether this will strengthen our health care system, whether it will broaden access to primary health care and whether it will decrease the demand on the public hospital system.

What will happen, as the Prime Minister has acknowledged, is bulk-billing will plummet. Bulk-billing will become a system for only concession card holders, and ordinary families — particularly those who fall into that low-income category — will now not have access to bulk-billing into the future and will choose not to go to a doctor at times when they may need to, because doctors have now been given the green light to charge whatever they want.

If anyone thinks that a mechanism that enables doctors to access funds electronically and charge people up front for the gap is going to help ordinary families, they should look again. The whole principle of Medicare is, in effect, a national contract: a national agreement between the medical profession and the community of Australia that there is a provision of uniform health care based upon the idea that people could access it when they were sick, not when they were rich. This will, of course, be brought under considerable pressure.

The other thing, in economic terms, is that virtually every single commentator says that the real impact of the proposed changes will be that the cost of health will be increased dramatically. From Victoria's perspective, the government believes that Victorian hospitals will continue to see a growing number of people in emergency departments. Some very conservative estimates show that that increase could be up to 60 per cent, which of course will stretch the capacity of the public hospital system in Victoria enormously.

The greatest tragedy in all this is that a system that has been based upon that great egalitarian Australian ethos of a fair go for everyone, no matter whether they are rich or poor and no matter what their life circumstances, will be shamelessly decimated by the Liberal government. I think it is because it actually has a fundamental ideological objection to the concept of an accessible entitlement based upon principles of equity.

The Victorian government is going to fight these proposed changes. We are going to continue to point out to the community that not only are these changes fundamentally inequitable, extremely poor policy and very flawed economic policy, but they will also have a huge impact upon the public health system in this state.

The reality is that the commonwealth proposes two things to undermine the two basic principles of Medicare: access to a general practitioner as part of a strong primary health system and access to a public hospital. Fundamentally these changes to Medicare will mean that ordinary families who are paying a mortgage and struggling to put their kids through school — coping with a whole range of pressures — will have the added pressure of the decline in the accessibility and availability of bulk-billing. That will have a huge impact on the primary health of our general community.

The other plank of Medicare is, of course, access to a good health system through our public hospital system. Apart from the decline in the availability of bulk-billing, the other factors that are affecting our system are the non-availability of nursing home beds and the totally inadequate amount of funding that has been offered by the commonwealth government in the Australian health care agreement, which will go no way towards meeting the genuine cost of the growth of health care in this state.

Mrs SHARDEY (Caulfield) — I rise to make a contribution on this matter of public importance (MPI), which in its wording makes two claims: firstly, that the recently announced proposed changes to Medicare by the federal government will increase pressure on Victorian public hospitals, and secondly, that the federal government is not offering adequate sums for the current costs incurred by public hospitals in Victoria.

In examining the claims expressed in the wording of this MPI it is important to look at two main areas. The first main area is, of course, the government's claim

that the commonwealth is not offering enough funding for the state to cover existing costs in the public hospital system. Let us look at the federal government funding and this government's performance since 1999 in managing the public hospital system. I note that over the previous five years, the commonwealth has contributed some $7.7 billion to Victorian hospitals, and it is offering some $10.15 billion over the next five years.

Honourable members interjecting.

Mrs SHARDEY — It is very interesting that this minister is now churlishly trying to interrupt every point I make, knowing that the points I will make will show that she is incompetent and unable to manage the public hospital system — so perhaps she should listen a little more carefully.

It is the Liberal Party's contention that the current health minister inherited a disaster created by her predecessor, the member for Albert Park, but of course that does not really excuse her.

In fact, hospital performance has been declining since Labor came to power in 1999. This is despite a massive surplus of some $1.8 billion provided by the previous government. Every single day we are seeing the money disappearing down a hole — down the gurgler. It is declining despite the fact that under the previous agreement there was also a 28 per cent real increase in commonwealth hospital funding nationally and a massive jump in the number of people with private health insurance that has taken pressure off the public health system in Victoria.

Now we look forward to a further 17 per cent increase in commonwealth funding for Victorian hospitals. In our view the former Minister for Health, the present Minister for Health and the Bracks government are very firmly to blame for the poor state of the Victorian public hospital system. The Bracks government has slashed bed numbers at key hospitals such as the Royal Melbourne Hospital by 16 per cent. Hospital waiting times and ambulance bypasses have blown out under this government. I will give the house some figures to substantiate that.

Ms Pike interjected.

Mrs SHARDEY — I have. The most recent *Hospital Services Report*, the one going back to September, shows that ambulance bypasses went from 367 in September 1999 to 581 in September 2002, while the number of people waiting on trolleys in emergency departments for more than 12 hours went from 4712 in September 1999 up to 8285 in September 2002 — that is, nearly doubling. My mother had the great pleasure, at the age of 88, of lying on a trolley in one of our major hospitals for more than 24 hours — and she was suffering from a heart condition. The *Hospital Services Report* scarcely qualified this minister to go to Canberra and make claims about what was happening in Victoria and how the federal government was not doing its job.

The commonwealth government's private health insurance reforms, including the 30 per cent rebate, have seen a 12 per cent increase in admissions to private hospitals and a much slower growth in admissions to state-run hospitals. In fact, the Australian Institute of Health and Welfare says that 52 per cent of surgical procedures are being performed in the private hospital system. States like Victoria have benefited on the one hand from money received from private insurance patients staying in public hospitals and on the other hand from an increased number of patients visiting private hospitals and being treated in that system.

Claims of mismanagement of the hospital system under the Bracks government are further supported by the Auditor-General, and I turn now to some of those issues. First of all the Auditor-General claimed that nine Victorian public hospitals are operating under financial difficulty on four indicators and a further 15 hospitals have returned unfavourable results under at least two key indicators. He said:

> Despite cash injections, our review of the net cash outflows from the operating activities of the metropolitan hospitals identified that while cash payments rose by 15.2 per cent, total receipts rose by only 9.8 per cent.

That leaves a pretty large shortfall; about $46.8 million is needed for operating activities within our hospital system. The Auditor-General has called upon the Victorian government to review the funding practices currently used in the health sector to ensure that depreciation funding is provided to hospital authorities to effectively maintain hospital infrastructure. Later on we will look at what is happening with equipment and see that it is in a very parlous state.

In relation to those hospitals that are continuing to encounter financial difficulties the Auditor-General has called on the Department of Human Services to:

> … undertake a thorough review of the number of additional nurse positions funded in comparison with the number actually employed —

sorry, I will go there again.

Mr Wynne — Read the press release properly.

Mrs SHARDEY — I am quoting the Auditor-General from the Auditor-General's report. This is a quote from the Auditor-General; I will help members opposite with that one. He said the government should:

> … undertake a thorough review of the number of additional nurse positions funded in comparison with the number actually employed as a result of the agreement, to determine whether any unfunded salary increases were incurred by those hospitals as a result of implementing the agreement.

Ms Pike interjected.

Mrs SHARDEY — Oh, he has no problem? That is very funny; I will look at that later.

Then we go to the *Hospital Services Report* of 2002 and we find, as I said earlier, that periods of ambulance bypass increased from 367 in September 1999 to 581 and that the number of people waiting on trolleys also increased enormously. I go back to the time when the previous Minister for Health was in opposition and used to gleefully report on people waiting on hospital trolleys in our hospital system.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! If the member for Melton and the Leader of the Opposition wish to have their own debate they should take it outside the chamber.

Mrs SHARDEY — If we move on to the December 2002 *Hospital Services Report* I dare say few people could forget the absolute comedy — —

Mr Wynne interjected.

The DEPUTY SPEAKER — Order! We do not need assistance from the member for Richmond either.

Mrs SHARDEY — Few could forget the absolute comedy of the minister's debacle over the so-called error in the waiting list figures. The first figures showed that 12 083 patients had been cleansed from the waiting list, and when it was pointed out that that was almost double the number for the December quarter the year before, lo and behold, the Minister for Health came out and claimed there had been an error. I know that the minister is very good at cleansing waiting lists — she cleansed the waiting lists for the housing portfolio, and we found out how that happened. However, the fact is that this minister has demonstrated a huge level of incompetence. She claims that her figures were incorrect. If those figures were incorrect, how are we to believe the minister's figures on any matter?

The next indicator is the failure of the Minister for Health to table Victoria's hospital annual reports, which were due in October last year — before the election. Most of those reports were not tabled until this year. Under section 53A of the Financial Management Act the minister has a clear requirement to table annual reports from hospitals, but we found that 85 per cent of those reports were not tabled as required. When the reports were finally tabled we found that there was a $122 million black hole in the hospital system. Annual reports tabled in Parliament show that metropolitan hospital spending on state programs grew by $365 million, but the Bracks government increased its allocation to hospitals by only $243 million, which leaves a $122 million black hole. It is now very clear that this minister and this government were really into a huge cover-up.

I turn now to the next indicator. I am almost running out of time because there are so many indicators that this government's performance is absolutely appalling. A crisis was identified by the Auditor-General in relation to the management of medical equipment in Victorian hospitals. The Auditor-General looked at only 19 of the 91 hospitals in this state, but he found that there was a black hole of some $35 million in metropolitan hospitals and one of another $10 million in rural hospitals. This funding shortfall will undoubtedly lead to a requirement for at least $50 million to $100 million in funding to upgrade medical equipment that is required for the care of patients who are very seriously ill.

The next indicator shows that the Bracks government has presided over a massive blow-out in the dental waiting list. I will not go into the detail as some of my colleagues will do that. It is extraordinary that all the claims and all the rhetoric from this government in relation to what it was going to achieve in dental health care have amounted to nothing. In fact the waiting list has blown out enormously. In June 2001 the average waiting time to see a dentist was 19.8 months and that had increased to a wait of 25 months in February 2003.

The next issue about the government's management of our hospital system relates to the extraordinary release of the Hume hospital report. I think that is something the government really should be — —

Honourable members interjecting.

Mrs SHARDEY — I am almost lost for words. This government is looking at closing public hospitals and ensuring that there are no equipment upgrades, no employment and no improvements in facilities. What this shows is that this government will do anything to

try and blame the federal government for its own lack of capacity to perform in the hospital system. It also runs as far away as possible from any form of transparency, which is now going to be required.

Ms Pike interjected.

Mrs SHARDEY — You are hiding the figures, Minister. What are you going to do? Are you going to be matching the commonwealth's contribution?

Ms Pike interjected.

Mrs SHARDEY — You will be more than matching them? That will be interesting. Learn how to manage the system.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Richmond and the Leader of the Opposition!

Mrs SHARDEY — Other colleagues, particularly the member for Malvern, will deal with the Medicare agreement. But I think the house will see that the Medicare agreement offers Victorian patients increased access to general practitioners and provides a system that will take the pressure off our public hospital system. Patients will find it easier to attend general practitioners using the swipe card system. It will ensure that there are more general practitioners trained and available for country hospitals.

Honourable members interjecting.

Mrs SHARDEY — I conclude my remarks by saying that in relation to this matter of public importance this government needs to accept that —

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

Mr ANDREWS (Mulgrave) — What an amazing 15 minutes spent explaining away a series of changes to Medicare that will do nothing to address the decline in the rate of bulk-billing. The set of funding proposals put forward by the Prime Minister and the federal minister for health equate to nothing more than a cheating of this state. The shadow Minister for Community Services spent 15 minutes explaining away a completely inappropriate set of arrangements put in place by the federal government, 15 minutes that would have been better spent on the phone to the Prime Minister, John Howard, saying, 'Why don't you stop shafting Victorians? Why don't you stop underfunding health in this state? Why don't you put forward appropriate funding arrangements? Why don't you address the crisis in bulk-billing in this state and across the nation? Why don't you put forward a series of measures that, rather than undermine Medicare and turn it into a two-tier system, get in there and rebuild it? Why not get in there and support the system?'.

It comes as no surprise to those who have followed this debate that, as the minister pointed out earlier, the Prime Minister has been on a 25 or 30-year campaign to destroy Medicare. He has never ever supported universal health cover. Now he seems poised to realise one of his many political dreams. He wants to gut Medicare and to have one system for concession card holders — health care card holders and Seniors Card holders, including self-funded retirees, which I will say more about in a moment — and another system for ordinary families, in which there is no incentive for doctors to bulk-bill. That other system contains no incentive for doctors other than to ratchet up gap fees and charge whatever they want rather than to provide a comprehensive plan and appropriate resources to support it to address the decline in Medicare.

The Prime Minister and federal government would rather put in place a set of measures designed to gut Medicare as a universal health system. This is a disgrace, and the Australian community and the Victorian public will have none of it.

The central tenets of the system, as the minister pointed out earlier, are access to bulk-billing and access to proper services in a public hospital, and they should not be undermined or underfunded. The Prime Minister and the federal health minister have put forward a plan that does nothing other than undermine the universality of our national health scheme. That plan is a set of funding proposals that equate to nothing more than cheating the state — and, indeed, all states.

Dr Napthine interjected.

Mr ANDREWS — The member for South-West Coast wants me to deal with some facts. How about the fact that the Doctors Reform Society, the Australian Division of General Practice, the Australian Consumers Association, the Consumers Health Forum of Australia, the Royal Australian College of General Practitioners and the Rural Doctors Association of Australia have all indicated that this plan does nothing more than undermine Medicare. Those organisations — not me, and not this government — have all put the case quite strongly that this package does nothing more than undermine what ought to be a proper and appropriately funded universal health care system.

Having said that, the notion that this will somehow improve access to bulk-billing — —

Mr Doyle interjected.

Mr ANDREWS — With a very complex and confusing set of arrangements that offer costly but often very small incentives to GPs, how would the general community even know that a general practitioner was in a position as approved under the commonwealth scheme to prioritise those on concession cards? How would you know that when you walked into a particular surgery?

Mr Doyle interjected.

Mr ANDREWS — There is no transparency, no link between the subsidies and no reasonable expectation that bulk-billing rates will do anything other than continue to decline.

As I said at the outset, rather than reinvesting in Medicare, rather than putting money behind the notion that you can go and see your local general practitioner and be bulk-billed after having made your contribution either through the taxation system or in a universal way through a national scheme, the federal government would rather have a situation where you would need a flashlight and a road map to find a GP who has received this incentive.

A working family with two or three kids living in my local community where there has been a 10 per cent decline in bulk-billing and a 10 per cent increase in the gap charge could, if it can find a GP who bulk-bills, see a doctor in a situation where it will have to pay a higher gap or not have access to bulk-billing, but a self-funded retiree who earns any amount of money and is in receipt of a commonwealth Seniors Card will get preferential treatment.

Mr Doyle interjected.

Mr ANDREWS — If you are happy to have and support a situation where a self-funded retiree who is in receipt of a commonwealth Seniors Card gets preferential treatment above a working family you stand condemned for supporting it. It will be a two-tiered system.

It should come as no surprise that these are the first comments made by members of the opposition; the comments from the member for Caulfield are the only comments we have heard from anyone on that side of the house. It is no surprise that the opposition is silent and has not publicly condemned this plan, which will see the gutting of Medicare, set up a two-tiered system and fundamentally establish a set of funding proposals which will cheat this state, which are $300 million below what we will need over the next five years and which take no account of growth at all. The federal government says, ' Here is a parcel of money for five years for you to provide services; match it and we will hand it over'. It contains no provision for growth in the system that that money is supposed to support over that period. What a disgraceful set of arrangements!

It comes as no surprise that those opposite would support a two-tiered system — two tiers of incompetence, two tiers of absolute neglect of our health system both from the Liberal and National parties in Canberra and the Liberal and National parties in this state. People are well aware of the opposition's record in providing health services, so it comes as no surprise that it meekly supports these measures when it ought to stand up and condemn its colleagues in Canberra; pick up the phone and say, 'Don't do this; don't gut Medicare; don't cheat Victorian taxpayers'.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The level of interjection has become far too great. There are three or four persistent offenders this morning, and the Chair is rapidly losing patience with them.

Mr ANDREWS — These arrangements will have a direct impact on public health in this state. The Department of Human Services estimates that if the decline in bulk-billing continues at the present level, and I reiterate that nothing in this package will do anything to arrest the rate of decline, presentations to accident and emergency departments may well increase by 61 per cent — more than 2000 people a day. What that will do is put our hospital system under enormous strain and put at risk the great strides forward we have made in the last three and a half years in cleaning up the mess left behind by those opposite after seven years of abject and criminal neglect of our health system.

All of those important measures, which are confirmed by the recent *Hospital Services Report* — more nurses, record levels of recurrent funding and record levels of capital funding — are in a situation where they will be put at risk by virtue of John Howard and Kay Patterson's gutting of Medicare and dudding of Victorian taxpayers.

Mr DELAHUNTY (Lowan) — Last night I had the privilege of attending Melbourne University to hear a debate about public health. I know the minister was there a week or so before. The debate highlighted to me that there is general agreement overseas that Australia,

when compared with overseas countries, has one of the best health systems in the world. That does not mean we do not have room for improvement. I think the debate this morning is not about the recent federal government announcements on health but more about the report released yesterday by the Auditor-General about parliamentary control and management of appropriations. I quickly highlight — —

The DEPUTY SPEAKER — Order! I remind the honourable member that the debate is about Medicare funding and public hospital funding.

Mr DELAHUNTY — I also note that the matter of public importance states 'increase pressure on Victorian public hospitals at a time that the state government has yet to receive an adequate funding offer from the commonwealth for the existing costs faced by public hospitals'. That is what I am trying to highlight, and it comes back to the report. It is highlighted by an article in today's *Age* under the heading 'Public sector wages take great leap', which states:

> Victoria's financial watchdog has revealed a massive increase in spending on public sector wages in the three and a half years since the Bracks government won office.
>
> … Auditor-General Wayne Cameron said the government's use of discretionary funds —

they have done this in the health sector —

> to pay for wages growth and other related costs increased from $19 million in 1998–99 to $265 million in 2001–02.
>
> Mr Cameron has repeatedly stated that public sector wage growth threatened Victoria's budget position …

This is what it is all about. This article highlights again that the Labor government cannot manage our finances; it is a poor money manager and has already blown $1.8 billion left to it by the previous government. Now it wants to blame someone else for its mismanagement.

The federal government has put out its hand to assist this government. A report in the *Australian Financial Review* yesterday said that the federal government has put out its hand and offered a 17 per cent increase and even more if the state government will contribute. As we have seen on many other occasions, when the federal government puts money into the state, the state government weasels its way out the back door and does not contribute as much.

The Australian Institute of Health and Welfare states that it found that the growth in public hospital funding provided by the states and territories as a whole has not kept pace with growth in commonwealth funding.

Honourable members interjecting.

The SPEAKER — Order! The member for Melton and the Leader of the Opposition!

Mr DELAHUNTY — It states that state funding had fallen from 47.2 per cent in 1997–98 to 43.4 per cent in 2000–01 and that the commonwealth share had risen from 45.2 per cent to 48 per cent over the same period. That highlights the fact that the federal government has increased its amount of money while the state government has weaselled its way out the back door.

We have heard many comments today about whether there is support for the federal government's programs. A report in the *Australian Financial Review* yesterday states:

> Rural Doctors Association president Ken Mackey estimated that half of Australia's 7000 rural doctors would take up the 12-month offer. 'The package will certainly influence some doctors to start practising in rural areas and it will help retain doctors in rural areas'.

The National Party believes it is a good offer at this stage that will help us in country areas.

The debate should be about health outcomes; too often we have seen a debate about finances, which is an important part of this issue. I highlight some examples of health outcomes. I refer to child immunisation. During the time of the last federal Labor government the child immunisation program dropped to one of the lowest levels in the world. During the period of the current federal coalition government it has increased to one of the best in the world. I do not think there is much fanfare about it, but it shows we can increase public outcomes with some good work in relation to processes.

There has been increased pressure on Victorian public hospitals. A recent Auditor-General report highlighted and warned that services would be compromised by the failure of this government, the state government, to fully fund such things as staff wage rises — the two enterprise bargaining agreements, particularly the one that was signed just before the last election — and equipment purchases. We could not even get cooperation from the government in relation to this. We were hearing that medical services, including hospitals, across country Victoria were in financial trouble.

We wrote to the minister eight months ago, asking for the financial status of rural and regional hospitals. It took eight months for the minister to respond, and we were denied access to that information. I highlight again that the Auditor-General's report said that the

reason for this financial problem was that the government was not fully funding wage rises, enterprise bargaining agreements (EBAs) and equipment purchases.

I refer to the Hume hospital health services plan, which highlights what it is all about in country areas. The Hume hospital plan, which is a 26-page document, was commissioned by the Department of Human Services, and the consultants were Healthwise Consulting. It is fairly important and contains a lot of detail, including maps, and I wish to quote from certain parts of it. The introduction on page 1 says:

> The Department of Human Services (DHS) has commissioned this Hume hospital health services plan to guide the provision of hospital services in the Hume region over the next 10 years.

For the information of honourable members, I refer to the plan's description of the Hume region:

> The Hume region is one of nine DHS regions. It includes the local government areas of Alpine, Delatite, Greater Shepparton, Indigo, Mitchell, Moira, Murrindindi, Strathbogie, Towong, Wangaratta and Wodonga.

The plan highlights the government's intentions. The reason for the commissioning of this health services plan is that the government has mismanaged the financial position of the state and blown $1.8 billion. When the report came out the member for Benalla did an excellent job, as highlighted in a press release headed 'Sykes — Pike spikes local hospitals':

> Bill Sykes, member for Benalla, today called on Bronwyn Pike to 'please explain' the proposal to cut surgical and obstetric services to smaller country hospitals.
>
> Dr Sykes said, 'In one breath the government talks about sustainable country communities and in the next breath they propose to reduce hospitals services …

At that time the president of the Rural Doctors Association of Victoria, Dr Andrew Slutzin, put out a press release dated Monday, 13 April, and headed 'State health plan will destroy country hospitals':

> Small country towns from Kilmore to Yarrawonga and Numurkah to Alexandra are set to lose crucial services if a plan in the Hume region is implemented.
>
> …
>
> 'Every smaller hospital within approximately 45 minutes of a subregional hospital must phase out obstetric delivery services within just three years!', a shocked Dr Slutzkin said, quoting from the Hume hospital services plan which was leaked last week.

Not given out, but leaked:

> Amazingly this plan is revealed in the same week of the Prime Minister's major policy announcement to support the health care of rural people.

It is an extensive plan, but I want to highlight a couple of parts of it. I refer to the implementation plan on page 20, which under 'Strategy' states:

> Local hospitals within 45 minutes motor vehicle travel time of a subregional hospital will phase out theatre services.

They will also phase out obstetric delivery services.

> Local hospitals beyond a 45-minute radius of a subregional hospital will review community priorities, capital, staffing and quality to determine whether the provision of obstetrics and theatre services should continue.

The responsibility for that lies with the Department of Human Services regional offices. This government and the department have their hands wrapped around regional hospitals.

The plan also refers to work force planning, access and the use of technology, and there are some good points in that. One of the key things is to:

> Ensure adequate numbers of appropriately qualified and skilled staff are available to meet the needs of rural hospitals.

The announcement by the federal government in the last couple of days goes some way towards addressing that. It provides more funding to train doctors for rural areas, as well as nurses and other health practitioners.

So much for this government's pledge to retain and improve rural health services. I am sure the Hume hospital plan is also about testing the waters and preparing for major reductions in services in rural areas. Since the release of the Hume plan the board of Rural North-West Health service has been sacked. They have had their problems — —

Mr Nardella interjected.

Mr DELAHUNTY — These are volunteers.

Mr Nardella interjected.

The SPEAKER — Order! The member for Melton!

Mr DELAHUNTY — The member for Melton said they were shocking people. I would like to see him run into some of them: they might be bigger than he is! The reality is that they have had their problems, and the board has had its troubles attracting staff. The major problem, and this has been highlighted, was that as soon as the nurses EBA came through, which included the staff-patient ratios, their financial position went down. Many hospitals in country Victoria are in

financial trouble, and there are also many in the city that are in financial trouble. But it is not the federal government's problem, it is this state government's problem. This motion is nonsense.

Mr LONEY (Lara) — The recently announced Howard government changes to Medicare will have a drastic and adverse effect on ordinary Victorian families. The changes will effectively put primary health care out of their reach. This is a very important issue across the state, particularly in my electorate, and it is one that I want to come to shortly and examine in more depth in my contribution.

Firstly, I will look at those changes and what they mean. Their effect will be first and foremost to reduce what was once a world-envied universal safety net system. The changes will place a massive financial impost on low-income families. The irony of that, of course, is that prior to the 1996 federal election these were the so-called John Howard battlers, whom he was going to defend, protect and enhance at every turn — but at every turn they have been abandoned, and these changes to Medicare again abandon them.

John Howard's battlers are battling all right, and they are battling as a direct result of the policies he has inflicted on them, none more so than in the area of the public health policy. In my electorate the combined effect of a number of public health policy decisions by the federal government has meant that primary health care is virtually non-existent, or very difficult to achieve.

Further, these changes ensure ever-increasing costs for ordinary families who attend the doctor. The federal health minister, Senator Kay Patterson, has said that there will be no cap at all on doctors fees. But what has the federal government done in its normally dishonest way? This bulk-billing mechanism will not show the full cost of doctors' charges but will hide them. In many cases people attending the doctor will not understand the full fee being charged by that doctor, and they will not understand the increase that has been charged. This is the dishonest mechanism that John Howard has again chosen. If there is one thing John Howard is consistent on, it is dishonesty.

The change will effectively add $1000 a year to the cost of private health insurance for many families, because the federal government has said that you can insure against the gap but that before you can claim it you have to pay $1000 a year in doctors' fees. That is effectively a $1000 impost on your health insurance costs. That comes on top of constant levies, taxes and charges to fund the health system.

Mrs Shardey interjected.

Mr LONEY — I am glad to have the opportunity to explain this to the member for Caulfield, because she does not understand what is going on. These changes will force many low-income earners to pay doctors with credit cards, because they will not be able to pay any other way. They will have to go into debt to pay for their family medical costs and fees, and they will then have to pay exorbitant interest rates to credit card companies. This is the system that John Howard says is about defending the Howard battlers we have heard so much about. Of course the only alternative for many working families will be to attend a public hospital accident and emergency unit. They will not have appropriate access to primary health care because they will not be able to afford it.

This is particularly the case in my own electorate, and I will talk about that in detail later. Before I do so I draw attention to what has been going on already in areas like mine where we have seen a huge decline in bulk-billing rates over a number of years. Across the federal electorate of Corio just within the last two years, we have seen a decline in bulk-billing rates from 66.9 per cent to 58.5 per cent — a dramatic increase in the decline.

If you go back to the start of the Howard government's term the figures are even more dramatic. This is highlighted even more in the part of the Corio federal electorate that forms my state electorate, where families are being hit even harder. For the information of the honourable member for Caulfield, on top of a 10.8 per cent drop in bulk-billing in the Goldstein federal electorate and a 10.2 per cent drop over the last two years in the federal electorate of Melbourne Ports, there has also been a 15 per cent increase in the gap. So on top of the fact that many doctors are not bulk-billing there have been huge increases in gap payments. The honourable member might like to wander around parts of the Goldstein and Melbourne Ports electorates and see what can be done about that situation.

In my electorate the neglect of the Howard government has led to a great lack of primary health care. This has eventually led to a disproportionately high attendance level by people living in the Corio northern suburbs area of Geelong at the accident and emergency unit of the Geelong hospital. The reason for that is that we cannot get primary health care in those suburbs. There are not enough GPs in those areas and those located there are not bulk-billing, which is reducing the opportunity for families to access primary health care and for parents to look after their children.

I have made approaches over a number of years to the previous and current federal health ministers seeking more doctors for the area. I did so in the light of some rather interesting statistics. In the Corio area figures show that the incidence of breast cancer in females older than 45, lung cancer in males older than 54, acute myocardial infarctions for both males and females older than 45, suicides by males aged 25 to 34, the incidence of depression in females aged 15 to 24, diabetes in males older than 65, and the incidence of asthma in persons aged 0 to 4 are all at the highest recorded levels for the Barwon area.

In spite of those statistics we still do not have GP coverage. If these figures were applied to any rural, remote and metropolitan area (RRAMA) this would eventually allow us to get more doctors, but of course being in an area that is classified by the federal government as part of the metropolitan area for RRAMA purposes we cannot get those GPs without federal approval. There are some nine doctors in the area, and the federal government says that is enough doctors. The research I have carried out shows that while you might have nine doctors in the area very few of them practise full time.

The northern suburbs of Corio are being treated absolutely disgracefully by a federal government that does not care one iota about primary health care. These people are entitled to a better deal. They are the people whom John Howard marked as his battlers, the people whom he was going to protect and defend and whose lot he was going to improve. He certainly has not done that in this area — the changes to Medicare will make it even more difficult for people in this area to get primary health care. It is a disgraceful situation. It is an untenable situation and one that a government with any conscience and compassion would not have allowed to develop.

We cannot get proper responses from the federal government on this issue. We cannot get primary health care in that area; and it is less expensive to do it that way, as we know. The direct cost of bulk-billing is around $25, yet people in this area are being forced to go to the accident and emergency unit at a cost of about $108 to the health system. This money could be used elsewhere to improve the health of people in Geelong, it could be used to improve the health of our whole community; but we have a federal government that only cares about cost shifting, it does not care about health.

Mr DOYLE (Leader of the Opposition) — I have followed this debate very carefully from its inception. I find it remarkable that this is presented as a matter of public importance relating to Medicare, yet the government apparently has no other frontbenchers apart from the minister to put its case, despite the fact that it argues that this is a most important issue. It seems to me that the other side is arguing that in some way the federally announced package is going to destroy Medicare.

An Honourable Member — Yes, it is.

Mr DOYLE — Hang on, I will get to that.

Assertion and claim are not the same as argument. There are two fundamental principles and pillars of Medicare. The first is universal access to medical services through an 85 per cent rebate of the scheduled fee.

An honourable member interjected.

Mr DOYLE — No, that actually remains. You have to get the facts, not the hype; that actually remains, and the second principle is universal access to free treatment as a public patient in a public hospital.

An honourable member interjected.

Mr DOYLE — No, universal free access as a public patient in a public hospital remains — both key elements of Medicare remain. Let us look at what is actually on the table: a $917 million Medicare package. You may argue that that is not enough and that you want more — we understand that state governments always do that and that state health ministers of both colours always jump up and down and argue with the federal government — but the fact is that it is $917 million. In terms of the Australian health care agreement, that agreement over five years goes from $7.7 billion to $10.15 billion.

An honourable member interjected.

Mr DOYLE — The point is that you may be arguing about the destruction of Medicare, and yet what do we have so far? We have the two basic pillars of Medicare retained and strengthened. We have additions to Medicare and additions to the Australian health care agreement. How in any way does that diminish the health service to Australians? The member for Lara talked about a massive financial impost on the battlers, and he talked about increasing costs. That is what he said — that this package would ensure increased costs. In the contributions from the members for Mulgrave and Lara there was an underlying presumption that in some way the package is a disincentive to bulk-billing.

They may not like the fact that doctors do not choose to bulk-bill, or the member for Lara might not like it that there are doctors in his electorate who do not bulk-bill, but government members have not pointed to a single disincentive in this package, which aims to give incentives to bulk-bill, all of which have been either ignored by the other side or treated as if in some way they are disincentives.

Mr Nardella interjected.

Mr DOYLE — Let me make three points — and I will take up at some length the interjection from the member for Melton. There are three important elements in this package. The first I have touched on, which is that Medicare has received an increase of $917 million and funding for the Australian health care agreement has increased from $7.7 billion to $10.5 billion.

The second — and this was argued by the member for Lara — is about it being a disincentive because it is an impost on the battlers. However, I would argue that a catastrophe-insurance product which applies when they are more than $1000 out of pocket for non-hospital medical expenses would be of benefit to those people, because otherwise there would be no rebate for them. That seems to me to be a great stride forward, yet somehow, it is painted by the members on the other side — —

Honourable members interjecting.

Mr DOYLE — I will come to private health insurance in a moment. We know the government hates the private system. It does not want to work with it, takes every chance to run it down and does not acknowledge its contribution to the fabric of the overall health system.

My next point — and again it was argued by the members for Mulgrave and Lara — is about the claim that in some way assigning the Medicare rebate to the GP is a bad thing because people would not know the cost. Basically the state government is claiming that people are dumb and that they do not understand what is going on when they pay their bills. I reject that notion. But also, and here is the sneaky assertion that is underneath it, the government does not trust doctors. Government members will not come out and say so, but in their contributions the members for Mulgrave and Lara made it patently clear that they believe this is a lever whereby our doctors will rip off their patients. Apparently the minister believes it as well.

The Australian Medical Association will be very interested to hear that, because essentially the message from the government boils down to this: 'Doctors are greedy and cannot be trusted'. I would have thought that on those three counts: the important initiative of allowing catastrophe cover, the important issue of assigning the rebate — —

Ms Pike interjected.

Mr DOYLE — The minister says she is on the doctors' side, but apparently she has not consulted with her backbenchers, who patently are not. That might be something they care to resolve privately.

The other point is that this is an interesting argument coming from the state government. Why is this matter before us? What does the government have to do in order to access an enormous amount of money — namely, $10.5 billion? It has to be transparent. What a terrible thing! It has to demonstrate to the federal government — —

Ms Pike interjected.

Mr DOYLE — The minister says that is no problem. Then she should agree to it, because that was not her first reaction.

Ms Pike interjected.

Mr DOYLE — I am sorry. I would go back and look at your initial utterances, because that was not your first utterance about transparency.

The DEPUTY SPEAKER — Order! I assume the Leader of the Opposition is not addressing the Chair.

Mr DOYLE — I certainly would not be, Deputy Speaker.

Let me take up the point mentioned by the minister, and it is about the hatred on the other side of the private health industry and private hospitals. There was a recent Harper report done by Medibank Private — —

Honourable members interjecting.

Mr DOYLE — Both Labor members raised this. They talked about how the $2 billion subsidy actually reduces the burden on the public hospital system and reduces the dependence on public dental services by allowing access to private dental services. I will not go into that, but I hope other members have the time to. I warned of this in my budget speech last year. The performance of the government in dental health has been nothing short of shameful. It was putting in $4 million a year, every year, but it reduced the amount to $1 million a year.

Mr Nardella interjected.

Mr DOYLE — The temperature rises as the guilt kicks in! It is amazing. Government members know that they went from providing $4 million every year to providing $1 million a year. They should just read the budget papers. Government members have been in office for four years, and now they are wreaking among the most vulnerable exactly what the heartless policy of last year was designed to do. It is as simple as that, and they do not like it. They get very touchy about this, and that is because they know they have failed their own. That is what this is about. All of that patina of compassion disappears when it comes to the budget bottom line. Government members were supine over tolls on Scoresby. You were not here, so I cannot blame you; but you were supine when the budget was cut — —

The DEPUTY SPEAKER — Order! I remind the Leader of the Opposition of his use of certain pronouns.

Mr DOYLE — I will resist the temptation, tempting as it is.

The other argument seems to be that bulk-billing will in some way cease. However, no-one has made the argument about why that will be so. It continues to be available to all Australians, the incentives are available to enable GPs to participate, and under this package bulk-billing will be available in some areas such as the north-east of Victoria for the first time. This is a very important package. Whether it is through private health insurance or through Medicare, Victorians will still be able to access protection from high medical expenses, and it will make those medical expenses and medical services more affordable.

When I looked at this matter of public importance I thought to myself: what is this all about? There are no frontbenchers in here, only a couple of newies and a couple of hacks — so what is this all about?

Mr Nardella interjected.

Mr DOYLE — I am delighted that the member for Melton — —

Mr Nardella interjected.

Mr DOYLE — I can only be grateful for that! It is always a delight to have the member for Melton here, because what he lacks in intellect he makes up for in volume; he has to make some contribution.

Mr Nardella interjected.

Mr DOYLE — I am delighted that he has just proved my point!

I asked myself what this matter of public importance is really all about? Why would you come in here with such a specious motion? The only thing I can work out is that this is really about Simon Crean; he finally thinks he has an issue, but he has not. He has asked all his little friends — and I bet they are doing the same in New South Wales and in South Australia — —

Dr Napthine interjected.

Mr DOYLE — I am not sure whether they will be doing it in Western Australia, but I will bet they are doing it in New South Wales and Victoria, because Simon reckons he has found an issue and he is going to ask his little friends down here to carry it until it dies of overwork. But this is not an issue and it will not save him. It is not an issue where you can come in here and pretend that there are disincentives or do a Chicken Little and tell us that the sky is going to fall. The government has not made an argument; it has only made assertions. The government has said, 'We think this is going to happen' because it wishes to take the worst possible scenario. No-one could look at any of this and say, 'This is well done'. Medicare and the health care system remain in the firm control of the federal government — —

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

Mr DONNELLAN (Narre Warren North) — I rise as a strong supporter of our current Medicare system. What we have in Australia today is a federal government that is determined to ruin the best medical system in the world — one that has universal coverage, does not discriminate between the rich and the poor and delivers quality health care to all Australians.

In Australia we spend about 8.9 per cent of our gross domestic product (GDP) on health care. We can compare that to the United States of America, which spends 13.5 per cent of its GDP on health and does not even have universal coverage. That is where Australia is heading at the moment. Today's *Australian Financial Review* contains an article by Alan Mitchell entitled 'Medicare still looks sickly'. It says:

> John Howard's fairer Medicare measures are more about shifting costs and conning voters than fairness or anything else.

That is a damming indictment. A fair chance for a better life is what Australians ask of our federal government, and for the government to provide the basic needs of quality health care and education for all.

Why does our Prime Minister utter the words 'equality' and 'a fair go' but act in a contrary manner — one that discriminates against the weaker members of our society? Couples on $26 000 and families with kids on $41 000 will not have access to bulk-billing services, they will not get a chance for a decent health care system. In my electorate we currently have bulk-billing rates of 65.3 per cent in the federal seat of La Trobe and 77 per cent in the seat of Holt. In 2000 the figures were 77 per cent in La Trobe and 90 per cent in Holt. It has taken John Howard only two years to reduce access to basic health care for the average family in my electorate by 12 per cent plus. That is not a bad record.

We are travelling back to the future, not with Michael Fox but to a time when John Howard was Treasurer in the Fraser government and spent his days killing Medibank and delivering the greatest budget deficit in federal history — some $8 billion. In today's terms that is over $24 billion. That would buy a lot of health care services.

Since 1996 the average cost of seeing a GP in my electorate has risen by approximately 50 per cent, but that is if you can find a doctor in the Casey municipality. The federal government appears to be intent on starving the residents of Casey of GPs. Since it has been in power — since 1996 — it has comprehensively failed to address the issue of shortages of doctors in rural and outer regional areas. When I drive through James Cook Drive in Endeavour Hills, which is in my electorate, I can see about 10 people sitting out the front of their local GP's office waiting for service. It is not good enough. A great disappointment for the families of Casey is the fact that they will have to wait seven years for new doctors to arrive under this new system — well after John Howard has finished dividing the country into rich and poor, and between the working poor as against the new migrant.

When I look at the federal government's proposals for restructuring Medicare I think the Prime Minister must be joking. He is the only one who thinks his reforms will improve or address the current problems; no-one else does. He has hated Medicare all the days of his life. To add insult to injury we have a federal Minister for Health who is going around saying this is a fairer Medicare package. Who on earth is it fairer for?

A small snapshot of the Prime Minister's comments in the past include a comment he made when he was the Leader of the Opposition in 1980. He said that Medicare was a 'miserable, cruel fraud', a 'scandal' and 'a total and a complete failure'. He described it as being a 'financial monster' — something he knows well about, having left an $8 billion deficit when he was Treasurer. He also said it was a 'human nightmare'. He subsequently said he would 'pull Medicare right apart' and 'get rid of the bulk-billing system'. Further and most disgracefully he called it an 'absolute rort'. You have to wonder about this guy's assessment skills. It is obviously a rort, because his brother, Stan, another financial whiz, may share the same surgeon as some poor individual in the public system.

What is wrong with the poor and the middle classes being treated properly? But the hate affair did not last long. Our Prime Minister had a conversion on the way to Damascus. By 1996 he was promising universal health care for all, bulk-billing forever and no fundamental changes to the system of Medicare. But by 1996 he was reflecting the views of all Australians, who love our Medicare system and do not want to see it changed. We were all stupid to believe he had changed his stripes.

There are so many problems with the new proposals it is difficult to know where to start. Because it will cost $22 million to sell, it has got to be a bad proposal. Apart from the Prime Minister tearing apart the fabric of our society, as he has done before, we will be left with a system which is based solely on wealth, not the health needs of our community. I wonder what those members on the other side of the house in their middle-class seats are thinking. Are they thinking, 'That is another great idea from our Prime Minister.'? They must be looking forward to getting out there and spruiking the benefits to their middle-class families. Maybe they hold some fears, as do Liberal members I have spoken to, who wait for the moment when a mother with a chronically ill kid presents at their front door to explain that she can no longer afford basic health care for her child because it is too expensive under Mr Howard's 'A fairer Medicare' package.

A major problem I see for this state government, and for that matter for future ones, is that we will have an enormous increase of 61 per cent in the number of people attending our emergency departments. I guess that is what we call cost shifting. It is a grubby and dangerous way of doing things. It is a nice way of avoiding responsibility for Australian families and dumping them on the state system, which does not get access to the growth tax of the goods and services tax for some years. These Australian families will remember, because we on this side will never let them forget, that the same man who promised no goods and services tax and no changes to Medicare is the deficit king of Australian politics.

In Australia today a couple earning more than $25 000 and a family earning more than $40 000 are considered rich. Below that level families will be able to get access to a health care card, but above that level you are rich, rich, rich! It is amazing because in my electorate people earning that amount of money find it very difficult to make ends meet. Maybe in Sydney they live off fresh air — maybe they do not need health care. Maybe our Prime Minister simply does not care.

But with this package there is the Demtel kitchen knife bonus option: a family will be able to buy gap cover after they have spent some $1000 going to see doctors. I can hear the families in my electorate saying, 'Thank you, Mr Howard'. There is also a bonus for self-funded retirees who earn $35 000 a year: they still get access to bulk-billing services. I do not think that is fair.

So, since many of Mr Howard's special people, Australian families, cannot get bulk-billing services, what will be the result? Apart from succeeding in trying to kill the states' emergency wards, the proposal will mean that people simply will not go to the doctor. That is what is happening at the moment. Already we have had 1.75 million less visits to GPs than before. That is a startling figure. I can just see the residents of Casey coming to the door. What will I say: 'It is John Howard's fairer Medicare system'? They may laugh, but hopefully they will never forget.

They certainly will not forget how many times they have to pay for health care: once with the Medicare levy, once with private health insurance, once with the visit to the doctor, once through the general taxation system and once more, after $1000 is expended, by taking out further health insurance in the form of gap insurance. They are paying for health care five times! Life is certainly not meant to be simple under John Howard. Bring back the days of Mr Malcolm Fraser!

Who is going to benefit from this fairer system? The private health industry? For sure! The same ones who get a $2.2 billion yearly subsidy, the same ones who have grown dependent on state-sponsored subsidies — they cannot survive without us subsidising them.

These proposed changes are a disgrace. We will find that many families in the middle class will simply not be able to afford health service for their kids. We are going to have a crisis on our hands. It is not going to work. In my experience, having done financial work for them before, the bonus of $22 000 for doctors who provide GP service will not provide an incentive for having bulk-billing services. It will simply make no difference. John Howard has never liked Medicare. He is stealing our health system, and we will never let the people forget.

Dr NAPTHINE (South-West Coast) — This motion is based on two assertions which are patently and absolutely wrong. Assertion no. 1 is that the recently announced changes to Medicare will increase pressure on Victorian hospitals. This is absolutely wrong! Any such assertion shows a complete lack of knowledge and understanding of these proposed changes because the reality is that the proposed changes will actually increase GP service delivery, improve accessibility for lower income people and familles, improve access to bulk-billing for those low-income people and families, and reduce pressure on our public hospitals.

Assertion no. 2 in this motion is that the commonwealth has not made an adequate funding offer in relation to the next Medicare agreement. Again this is blatantly and absolutely untrue. I refer to the Prime Minister's statement on 23 April. I quote:

> Nationally this funding represents a 17 per cent real increase in our commitment to public hospitals …

A 17 per cent per cent real increase, on the table! I will now quote what the Australian Institute of Health and Welfare says about hospital funding in recent years:

> The institute also found that growth in public hospital funding provided by the states and territories as a whole has not kept pace with growth in commonwealth funding, with the state and territory share in total funding falling from 47.2 per cent in 1997–98 to 43.4 per cent in 2000–01 and the commonwealth share rising from 45.2 per cent to 48.1 per cent over the same period.

So we have a situation where commonwealth funding is going up and the state and territories' input into public hospitals is going down. The commonwealth has offered a 17 per cent increase, which is a very good deal, and all it is looking for from the states is transparency, honesty and a commitment to increase their funding to match commonwealth funding. That seems fair and reasonable.

One has to ask why Victoria will not sign up to it, and the reason is that this state has totally mismanaged Victoria's funds. It has overspent; it has blown the surplus it inherited; it has blown the increased taxation windfalls it has received from stamp duty, land tax and police fines; and now it is imposing tolls on freeways in the Scoresby and Mulgrave area. In addition, for the first time in a decade it is increasing motor vehicle registration fees. The total and utter mismanagement of the economy by the Bracks Labor government is an absolute disgrace.

It proves once again that Labor governments cannot be trusted to manage Victoria's finances, because they are absolutely hopeless. Now the government is trying to blame the commonwealth for its own mismanagement of the health system.

I mourn the Labor Party's position on the changes to Medicare, which reflects the changes that have occurred in the ALP over the past 10 to 20 years. It used to be a party I respected as caring for people on low incomes and people from working-class families. But the Labor Party of the 21st century has deserted the lower income and working-class families of Australia and has sold out to the dual-income latté sippers of Albert Park and the Williamstown wankers! They are who the Labor Party is supporting and whose votes it is after. It is not interested in working-class families. It is not interested in the 7 million Australians who are on health care cards and forms of other assistance.

If the Labor Party really cared about ordinary Victorians and people on low incomes it would recognise that access to bulk-billing GPs is important to them. Unfortunately people across many areas of Victoria — particularly those on low incomes and those who are pensioners on health care cards or seniors concession cards — do not have access to bulk-billing general practitioners. These changes will correct that and provide people in Bendigo, for example, with access to bulk-billing GPs.

As I said, there are 7 million Australians who are pensioner concession card holders, health care card holders or commonwealth Seniors Card holders — in other words, 7 million Australians who are on the lowest incomes right across Australia. They are the people who should have priority in accessing bulk-billing GPs, and these changes will ensure that happens. They will ensure that those people have priority for bulk-billing. They will take away the red tape and will help those people who currently cannot visit a GP because they cannot pay cash up front and have to wait to go around to the Medicare office and get a rebate. Those people from Bendigo and other areas of country Victoria will be able to see a GP, with no cash payment up front. There will be no gap payments for those 7 million people.

I also welcome the fact that the commonwealth government has made a commitment to provide an extra 234 publicly funded places in medical schools for people to work in medical practice in country Victoria.

In the remaining time I will look at how this state government is managing components of the health care system. I take one example — an area that the state has been responsible for since Federation in 1901 — and that is public dental health. In 1999 Labor's election policy stated that a Labor government would cut waiting times and waiting lists for both general care and dentures. What has happened? The waiting list figure for October 1999 was 139 439, and for February 2003 it was 213 446. An additional 74 000 Victorians on low incomes — people who are eligible for health care cards — are now on the waiting list for public dental services because of the incompetence, mismanagement and fundamental uncaring attitude of the Bracks Labor government.

Mr Nardella interjected.

The ACTING SPEAKER (Ms Lindell) — Order! The member for Melton!

Dr NAPTHINE — The Labor party does not care about the disadvantaged in our communities, and those figures prove it. It is absolutely disgraceful that my constituents have to wait 49 months — more than four years — for dentures from the general public dental service. It is an absolute and utter disgrace. This government, this minister and the previous minister, the current Minister for Environment, stand absolutely condemned. This is one of the most fundamental services for those in most need. If this government really cared, if it was really concerned about the disadvantaged in our community, it would fix the public dental system — but it has gone backwards. It is a disgrace and an embarrassment.

This government ought to stop playing politics with health issues. It ought to get on and do the job. It ought to fix the public dental system, reduce the waiting lists and address the financial plight of country hospitals, which are going from bad to worse. It ought to provide public funding for medical equipment for our public hospitals, the lack of which the Auditor-General has highlighted as a disgrace. It ought to do something positive with the money it inherited from the previous government and the money it is getting from record windfall taxation gains to deliver better public health services in country Victoria.

Honourable members interjecting.

The ACTING SPEAKER (Ms Lindell) — Order! Conversation at the table is not needed.

Dr NAPTHINE — This government is taking the money and not delivering the services. It is about time it stopped playing politics and fixed the health system in Victoria.

The ACTING SPEAKER (Ms Lindell) — Order! Before I call on the member for Preston, I ask for not so many interjections and certainly no conversation across the table.

Mr LEIGHTON (Preston) — I welcome the opportunity to contribute to this debate, because I know that in Preston and in electorates like it one of the most basic needs of ordinary working people is to have accessible and affordable GP services that are located where they need them, when they need them. Increasingly that is not the case. Certainly in areas like Preston people struggle to find a local GP after hours or at weekends, and increasingly they cannot access GPs who bulk-bill.

I know some very decent GPs in Preston and the surrounding areas who have a philosophical commitment to bulk-billing and have attempted to maintain it but who find increasingly that they struggle financially to do so. The other problem is that those people who do offer a bulk-billing service have an enormous demand from patients, and there comes a time during the day when they have to close their books off and say they are not able to see any more patients. It is not satisfying for doctors to provide a 6-minute consultation when it should be a 20-minute consultation; nor is it satisfying for the patient, and it is certainly not good medicine.

I will give Mr Howard credit for three things: the practice nurses are a welcome development; the bonding of the 234 medical students is a good measure, albeit a drop in the ocean; and the package is politically cleverly crafted. While it is cleverly crafted, it is socially harsh policy. Mr Howard tries to sell his package by saying, 'In future you will not have to spend your lunchtime queuing up at a Medicare office'. What he does not tell you is that if you are working poor, if you are part of a low-income family but not a pensioner or health care cardholder, it will not be a question of queuing up at lunchtime — instead of spending 5 hours in a hospital emergency department you will be spending 8 hours.

One need only look at the emergency department at the Northern Hospital to see the demand on the emergency department from people who need to access GP services; the fact that so few of them are admitted to hospital demonstrates that there is a demand for GP services from that emergency department. I do not believe that this package will do anything to support the sustainability of GPs in areas of work force shortage or in disadvantaged areas — all it does is shuffle them around. Are GPs supposed to run around and identify where the incentive areas are to work? Mr Howard claims that he is trying to assist outer urban areas. In the north, for instance, where my electorate of Preston is located, the only outer urban area eligible under commonwealth government programs is the township of Whittlesea, which is hardly an urban area. What about the vast new housing estates of areas like Craigieburn? What assistance are they going to get?

The commonwealth government is telling GPs who work in areas of shortage or low-income areas that it is bad luck. Not only do they have to struggle with a massive amount of red tape on top of the rising medical indemnity and quality assurance costs but now they are going to be asked to perform a Centrelink role of trying to assess the patient's income and social circumstances rather than concentrating on providing good health care.

The president of the Australian Medical Association, Dr Kerryn Phelps, said just yesterday in a written statement:

> The government has admitted it is not prepared to pay for Medicare … The people most at risk out of this package will be individuals and families without concession cards who have chronic illness or a number of kids prone to illness — the working poor. These people will fall through the cracks — unless their doctors continue to support them.

The sad thing with so many families is that instead of having doctors practicing good medicine the health care system will be forced to be reactive. What about kids whose families cannot afford to pay for them to go to a GP? We will pay for the damage that is done to them further down the track. Instead of families with three or four kids ill with the flu being able to afford to see their local GP you will have families queued up in emergency departments when they are in crisis.

I want to make a few comments about the 30 per cent health insurance rebate. There is a very interesting report of January of this year to the state and territory health ministers by Dr John Deeble that is well worth reading. He demonstrated quite clearly that the 30 per cent insurance premium rebate has not made health insurance more affordable; all it has done is provide a benefits for the health insurance companies. I want to quote one paragraph from the report. It says in respect to this matter:

> That was an extraordinary result. Instead of the leveraged increase which it projected, the commonwealth had simply replaced private funding with over $2 billion of its own, with almost no net gain to the health care system. This was despite a spectacular rise in health insurance membership. And the position will not improve. Much has been made of the 16 per cent increase in insurance benefits last year but the insurers are already seeking premium rises to cover them and the commonwealth will meet 30 per cent of that.

In my view what has been occurring during the life of the Howard government is that Howard, having given a commitment to maintain Medicare but never having liked it, has slowly strangled it, particularly by not increasing the Medicare rebate.

Two things are needed. The first is a realistic increase in the Medicare rebate, something that should occur each year; and the second is that money spent on the 30 per cent health insurance rebate would be much better directed, much better as social policy and much better money spent on the health system if it were directed into Medicare rebates. This package announced by the federal government does not deal with any of the structural problems. It does not deal with work force issues. More than ever low-income working families and single-income families will be directed away from their local GPs and into hospital emergency departments.

When you consider the other things that are occurring, such as the fact that instead of funding nursing home beds the federal government has left many patients to lie in our acute public hospitals, you can see that increasingly the move is away from primary health care. More support needs to be given to families so they can access their local general practitioners. This package does nothing for Howard's battlers, the people on low incomes and the people of middle Australia.

Mr PLOWMAN (Benambra) — I am delighted to be able to speak on this matter of public importance, because nothing is more important than the delivery of public health services to Victorians, whether they live in urban or rural areas. However, I am particularly concerned about rural communities and the future of public hospitals in country Victoria.

It is an extraordinary scene when you look at the concerns the whole community has about the delivery of public health services, particularly in country Victoria. Waiting lists for elective surgery have blown out. That is one of the most criminal things that can happen, particularly to the aged people in our community. In rural hospitals waiting lists have blown out by a massive 61.5 per cent, which is an extraordinary figure. In December 1999, 455 people were classified as having had to wait too long. After three and a half years of the Bracks Labor government the figures for December 2002 show that an additional 280 patients were deemed to have been waiting too long, taking that to a staggering 735. There are now more patients waiting for elective surgery, with an additional 264 on the waiting list. A total of 2000 rural Victorians who are suffering from ongoing illnesses are waiting for surgery. These are Victorians who, due to unexpected injury or illness, require urgent medical attention.

In December 1999 five patients were waiting on trolleys for more than 12 hours in emergency departments. In December 2002 — —

Mr Stensholt interjected.

Mr PLOWMAN — I am talking about country patients. In December 2002, 497 patients waited longer than 12 hours. That figure has gone from 5 to 497, and that is in the period of the Bracks Labor government. The Minister for Health must stop trying to deceive Victorians, particularly rural Victorians, about the waiting list blow-outs in rural hospitals, as shown in the quarterly *Hospital Services Report*. It is not time to blame the federal government or the previous state government.

I am more concerned about what is happening in my electorate and in the health district of Hume. A Hume hospital health service plan was commissioned by the government, and I would like to quote some of the strategies in that plan:

> Local hospitals within approximately 45 minutes of motor vehicle travel time of a subregional hospital will phase out theatre services.
>
> Local hospitals within approximately 45 minutes motor vehicle travel time of a subregional hospital phase out obstetric delivery services.

Taking away those two major services from the Hume region would put at risk a list of hospitals. I find that absolutely unacceptable, because those hospitals are the lifeblood of those smaller communities. The Benalla and District Memorial Hospital is supposed to provide lower level services, for which the New South Wales equivalent is health delineation level 3. That would mean a substantial reduction in the delivery of services from the Benalla hospital. The plan continues:

> DHS to work closely with hospitals to ensure that they have well developed change management strategies.

'Change management strategies' means a reduction in the services these country hospitals will deliver. These hospitals, as I said, are the lifeblood of those communities. This government is quite happy to accept the recommendations of the report it commissioned. A further strategy is to ensure:

> … hospitals serving smaller communities are made aware of any services delivered by external providers to that community.

The most important strategy, which is of high priority, is as follows:

> Level of funding to be transferred annually from a smaller hospital to a larger hospital in order to ensure access to services for its community.

What a load of codswallop! That means that those smaller communities will not have the delivery of services in their areas but will still have to pay for them. The funding from those smaller community hospitals is to go to the bigger regional centres. I contacted representatives from my larger regional hospitals this morning, and they said they are flat chat providing services to meet the growing needs of the bigger regional centres. How can they do both? This is an absolute outrage.

This would sign the death warrants of many of those smaller country hospitals. This review was developed on very flimsy evidence — only 10 patients and 6 general practitioners were consulted. The Hume plan is the Bracks government's blueprint for health in country Victoria. It is likely to be the first step to progressively squeezing smaller hospitals out of existence.

The ACTING SPEAKER (Ms Lindell) — Order! I call the member back to the matter of debate.

Mr PLOWMAN — This is a real threat to the delivery of services, which is what we are talking about. We are also talking about the costs being faced by public hospitals, which is the last part of this matter of public importance. What is proposed for these hospitals in the Hume area is indicative of what this government is planning to do with hospitals right across country Victoria. This is a wake-up call for all country communities. It is a warning not only that this government is broke but that, because it does not have the money to fund those smaller hospitals, it is prepared to go to these lengths to reduce the services provided to the communities that rely on them and to make smaller communities rely on centralist services provided by our regional centres.

I respect that obstetrics patients often vote with their feet, and if members of the community wish to get those services in another place, so be it. However, taking those services away means that those very patients — those people who have their babies in regional centres — cannot come back to their local hospitals for convalescence and cannot get the prenatal and antenatal care that is essential. By taking away these services the government is taking away the essential additional services required by these communities. This is an appalling situation.

I would like to touch briefly on the federal government's Medicare plan and how it will affect country Victoria. The bulk-billing rate has always been low in country Victoria. The new program will increase the rebate to doctors and is therefore designed to increase bulk-billing among country doctors. The additional training places will certainly affect country doctors, country hospitals and country communities. Many of the additional places will result in more doctors practicing in country Victoria and country centres. The shortage of doctors is one of the most critical problems facing country Victoria at the moment.

The new system will also introduce a system of swipe cards to make the payment of accounts simpler for both the patient and the doctor and will provide a one-stop means for payments. This will increase the number of country doctors using bulk-billing and the number of patients able to use it with ease.

I finish by saying that for all Victorians, but especially for country Victorians, the minister must stop blaming the federal government for her government's inadequacies, particularly in country hospitals and country health services. It is time to start proper negotiations to look after the interests of those country communities. The government must achieve the best outcomes for the health care agreement for the next five years for Victoria and most particularly for those people I represent in country Victoria.

The ACTING SPEAKER (Ms Lindell) — Order! The member for Burwood has 9 minutes.

Mr STENSHOLT (Burwood) — I rise to support the matter of public importance, which expresses our grave concern at the recently announced changes to Medicare and the lack of an adequate offer by the commonwealth of a new hospitals agreement.

This is a grave situation and a grave dereliction of duty by the federal government. The federal health minister is clearly incompetent; the Prime Minister will not even allow her to get up and take the public flack on this one because he does not think she performs all that well. The minister has an appalling record of management of the pharmaceuticals debacle of the last two days. Her behaviour in sorting out that problem by getting the parliamentary secretary, Trish Worth, to front up on the pharmaceutical industry bungle and trying to cover up the proposed changes to Medicare is insidious.

These changes to Medicare take us back to the future. Health is a top priority for this government, and I am happy to agree with the previous speaker that public health is very important, especially in Burwood. It is a top priority because people wanted us to concentrate on

health just as they wanted us to concentrate on schools and public safety. The people in my electorate remember what happened under the last government, when they lost the hospital in Burwood.

Mr Andrews interjected.

Mr STENSHOLT — Yes, it was a bombsite on Warrigal Road, quite frankly. It is a monument to the failure of the previous government. The Burwood hospital had one of the most efficient operating theatres in the state; but no, it was closed down in spite of its effectiveness and efficiency.

The Bracks Labor government has done a magnificent job in respect of our hospitals. A lot of funding has gone into them; the number of new nurses — well over 3000 spread all around the state — is impressive; and we are treating so many more people, particularly in the emergency area. The number of people being treated has been going up by somewhere between 8 per cent and 12 per cent per year. I know that to be a fact at the Box Hill Hospital. I visited there recently and talked to the board. Box Hill is a typical case because of the increased workload in its emergency department, but it is coping very well because health and hospitals are a no. 1 priority for the Bracks Labor government.

The work of the Bracks government is being eviscerated and emasculated by the federal government and its policies. The federal government shows a lack of vision, a lack of action and a lack of ability to understand what is going on. The proposed new arrangements for Medicare put out by the federal government represent a journey back to the future, as I said before. I noticed that John Deeble, the major architect of Medicare, said it is a direct return to the 1960s with similarly discounted pensioner fees but even less cross-restraint than existed then. He said it will give the medical profession all it has dreamed of for a century — universal insurance with no limits on the fees doctors charge most patients.

This is a divide and conquer tactic, typical of the wedge politics the Prime Minister is known for. He does not care about governing for all Australians, but the Labor Party does. The Labor Party is out there supporting all Victorians. That is what we are doing with our hospitals.

Unfortunately the federal government's policy affects aged care in particular. The federal government is unwilling to make available the appropriate number of places in Victoria, where the shortage of places is now well and truly above 3000. This has meant that 300, 400 or even 500 people are waiting in hospitals for places in nursing homes. That puts intense pressure on our hospitals and represents cost shifting by the federal government. We know well the federal government's Medicare policy — to destroy the centrepiece of our health system in Victoria and in Australia. That policy is anti-Australian: it does not look after the battlers and the ordinary people, and does not look after families. It is a policy of destruction rather than of construction.

And what are people saying about it? I notice that Dr David Rivett, chairman of the Australian Medical Association's Council of General Practice, said GPs would have rocks in their heads to sign up for this. Tim Woodruff of the Doctors Reform Society of Australia said the care has been taken out of Medicare, and that we are being offered Minicare instead. I know it has been said before by others, but Medicare is now really lack of care; it is saying, 'I do not care about you or about the battlers in Australia anymore'. That is what John Howard is saying.

The federal health minister is reduced to irrelevance; she cannot even run the regulation of the pharmaceutical industry. That is an absolute disaster that is ongoing. We do not even know what has been withdrawn and what has not been withdrawn.

What are other people saying about it? The president of the Royal Australian College of General Practitioners, whose office is in my electorate, said the package was a bandaid solution and did not address the core challenges facing general practice. There is universal condemnation by the practitioners in the area. As the Minister for Health said, the package will mean more working families will lose access to bulk-billing and everybody will be paying more. Is that a solution for Victorians? Is that a solution to the problems in health? No, it is not a solution at all.

We have already seen a free fall in bulk-billing in Burwood and throughout the state. Figures released on a Federal electorate basis show that in the Federal electorate of Chisholm the changes in bulk-billing over the past two years have resulted in a 6.2 per cent drop, from nearly 83 per cent to 76.5 per cent. You would think the federal Treasurer would have an interest in the health of the people of Higgins. No — there has been a 9.3 per cent drop in bulk-billing, down from 72.9 per cent to 63.6 per cent, over two years. In the Federal electorate of Kooyong there has been a similar drop, from 70 per cent to 61.6 per cent — an 8.5 per cent drop.

This process is destroying the universality of health care in Australia. It is destroying the Australian spirit and the Australian ethos of a fair go for everybody — a

fair go for our mates — and of looking after all Australians. This is what John Howard is proposing. It is un-Australian. He is not looking after the battlers, the families or the health of Australians.

BUSINESS OF THE HOUSE

Parliamentary committees: reports

The ACTING SPEAKER (Mr Delahunty) — Order! The time allocated to debate this matter of public importance has expired. The next matter on the notice paper is the consideration of parliamentary committee reports.

Mr Ingram — On a point of order, Acting Speaker, the next item of business on the notice paper is the consideration of parliamentary committee reports. As no committee reports have been tabled until today we will not have a debate on this matter today, but two papers were tabled yesterday which were government responses to parliamentary committee reports. In the future the house will be able to debate those responses if they relate to committee reports presented to this Parliament. I ask the Speaker to investigate this issue and to pass that on to the Standing Orders Committee. An important part of the work of members of Parliament is to use the committee system to investigate issues. A lot of good work is done through the process.

The consideration of parliamentary committee reports is an excellent addition to the sessional orders, but we could further improve the function of the house if members were allowed to discuss parliamentary committee reports and government responses to them, particularly now that we have set dates for elections so that everyone knows the day of the next election and committees would more than likely table their reports on a set day prior to the election. This issue should be set out in the standing orders because we would not be able to debate committee reports that were presented in the last few weeks of Parliament or the government responses to those reports until the next Parliament. I ask you, Acting Speaker, to pass it on to the Speaker and ask her to refer the issue to the Standing Orders Committee.

The ACTING SPEAKER (Mr Delahunty) — Order! I will take on notice what the honourable member for Gippsland East has said and pass on his comments to the Speaker. There is no point of order.

ESTATE AGENTS AND SALE OF LAND ACTS (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The bill amends the Estate Agents Act 1980 and the Sale of Land Act 1962 to deliver substantial improvements in the protection afforded to consumers when purchasing real estate and in their dealings with estate agents generally. The bill will also implement a number of proposals arising from the national competition policy review of the Estate Agents Act and will make a number of other amendments necessary for the efficient operation of the legislation.

For most Victorians, purchasing a home is the largest and most significant financial commitment they will make. Home buyers, and indeed other investors in the Victorian real estate market, are entitled to approach purchasing property with confidence, particularly when buying at auction. For this reason, the government is committed to ensuring that the auction process is fair and transparent, and that Victorian consumers and investors can put their hand up at an auction confident that they are not bidding against a tree or a dummy bidder.

The amendments to the Sale of Land Act will introduce new rules governing the conduct of real estate auctions that will ensure fairness and transparency, and which will benefit prospective purchasers, honest vendors and honest estate agents.

The amendments to that act will require that all bids made by the vendor be made via the auctioneer. The auctioneer will be required to declare that a bid is a vendor bid by using the words ‘vendor bid’ when making a bid on behalf of the vendor. The auctioneer will be prohibited from acknowledging a bid that he or she knows was not made or was made by or on behalf of the vendor.

The bill will provide for substantial financial penalties for an individual or corporation who fails to comply with the new provisions. In addition, an estate agent who is found to have engaged in the dishonest auction practices prohibited by the bill could be subject to disciplinary proceedings at VCAT. VCAT could, if it considered it appropriate to do so, cancel or suspend the agent’s licence.

The bill will also give a purchaser who believes he or she has been a victim of prohibited auction practices a

right to make an application to VCAT for compensation for any loss or damage he or she has suffered as a result. The tribunal will be able to order a vendor to pay compensation to the purchaser where the tribunal is satisfied that dummy bidding occurred and that the purchaser suffered loss or damage as a result of that dummy bidding. In order to protect honest vendors from unfounded claims for compensation, a purchaser who is found to have made a vexatious or frivolous application for compensation or a claim without substance could be held liable for any loss the vendor may have incurred as a result of the application.

In addition to creating new rules for the conduct of real estate auctions, the bill also improves consumer protection in relation to sales of residential real estate by private treaty. The bill will remove the $250 000 cap on the right to 'cool off' that exists under section 31 of the Sale of Land Act. Given the recent substantial increase in house prices, this cap effectively means that a large number of Victorian home buyers do not have the protection afforded by the right to cool off.

Rather than simply increase the cap, which will again become outdated, the government has decided to extend the protection afforded by the right to cool off to all purchasers of residential land, regardless of the purchase price. The government does not believe that a purchaser should be denied adequate consumer protection simply because the price of the property he or she purchases exceeds an arbitrary set amount. The right to cool off will still not apply to auction sales or to where the purchaser has obtained legal advice prior to signing the contract of sale or has entered into a similar contract with the vendor for the purchase of the same land.

The bill will also amend the Estate Agents Act to prohibit the practices of underquoting and overquoting. It will prohibit an estate agent or agent's representative making a false representation to a vendor, or prospective vendor, as to the agent's true estimated selling price of the vendor's property. This provision is designed to stamp out the practice, engaged in by some dishonest agents, whereby the agent gives the vendor an inflated estimate of the property's value in order to obtain the vendor's listing. The bill will require the estate agent to record his or her estimated selling price in the authority or agency agreement signed by the agent and the vendor.

The bill will also prohibit an estate agent or agent's representative from underquoting the estimated sale price to a prospective purchaser. This provision is designed to stamp out the practice, also engaged in by some dishonest agents, whereby the agent gives prospective purchasers a low estimate of the selling price in order to encourage interest in the property and attendance at the auction. This practice can in some cases result in purchasers spending money on architect or builder's inspections or on legal fees when in reality the property is beyond their means.

Under the new provisions, the Director of Consumer Affairs Victoria will be able to require an estate agent or an agent's representative to provide evidence of the reasonableness of his or her estimated selling price. Substantial penalties will apply for a breach of the new provisions and an estate agent or agent's representative who fails to comply may find him or herself subject to disciplinary proceedings at VCAT.

The intent of these provisions is to prohibit estate agents deliberately underquoting or overquoting. The provisions are not intended to penalise an estate agent who makes an honest mistake about the estimated selling price. Only those estate agents who flout the new laws by deliberately underquoting or overquoting will run foul of the new laws and be subject to prosecution by Consumer Affairs Victoria.

The bill also introduces new requirements regarding advertising rebates and other payments received by some estate agents in relation to outgoings purchased on behalf of their clients. The bill requires that these payments be passed on to the agent's client. It will be an offence for an estate agent to fail to pass on a rebate to the client or to charge their client more for the supply of goods or services than the estate agent paid to the supplier.

The government is committed to working with industry to improve the quality of services provided by estate agents, as well as ensuring that they comply with their legal obligations. To this end, the bill will establish a framework for the development of a system of continuing professional development for estate agents and agents' representatives. The bill will amend the Estate Agents Act to require estate agents and agents' representatives to undertake further training and development activities, designed to improve their knowledge and understanding of the law and their obligations to consumers. Consumer Affairs Victoria will work closely with industry bodies such as the Real Estate Institute of Victoria and the Estate Agents Council to develop an appropriate continuing professional development system, that will benefit individual estate agents and agents' representatives, consumers of estate agency services and the real estate industry as a whole.

The bill will also enable the regulations to specify consumer protection information that must be given by estate agents to consumers of estate agency services. This information will cover matters such as negotiating the agent's commission, entering into a contract with an agent to sell or manage a property, warnings about engaging in prohibited auction practices, and advice on underquoting and overquoting, rebates and dispute avoidance and resolution processes. It is hoped that, through the provision of this information, consumers will be better informed of their rights and responsibilities when engaging the services of an estate agent.

The bill makes a number of further amendments to the Estate Agents Act, including:

amendments resulting from the national competition policy review of the act;

amendments designed to update the trust accounting requirements to take into account modern accounting software;

amendments to make the qualifications for auditors of estate agents' trust accounts similar to the qualifications required for auditors of solicitors' trust accounts;

introducing a capacity for infringement notices to be issued for certain prescribed offences; and

tightening up the provisions regulating the purchase by an estate agent of a property he or she has been engaged to sell.

This bill represents a substantial and significant package of reforms to the laws governing the sale of real estate and the regulation of estate agents in Victoria. Industry and consumer groups, individual estate agents and consumers have been consulted on and have had input into the bill. The key consumer protection measures contained in the bill have widespread community and industry support. The majority of honest estate agents are keen to see dishonest practices eliminated from the industry and will support the bill. The bill will provide increased protection to consumers, will increase consumer confidence in the market and, as a result, will ensure that Victoria has a healthy and vibrant real estate market.

I commend the bill to the house.

Debate adjourned on motion of Mr PLOWMAN (Benambra).

Debate adjourned until Wednesday, 14 May.

COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL

Second reading

Debate resumed from 29 April; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Mr MAXFIELD (Narracan) — I rise today to speak in support of the Country Fire Authority (Volunteer Protection and Community Safety) Bill. I am pleased to speak on the bill as a longstanding member of the Country Fire Authority (CFA) of more than 12 years. I note that the bill enjoys bipartisan support. I was interested to hear the lead speakers from the Liberal and National parties supporting the bill. Too often people's image of this Parliament is of our being at each other's throats and wanting to fight, when the reality is that on a lot of issues we are united as a group for the betterment of the community.

The bill deals with a number of issues which will improve the lot of volunteers. Over the three and a half years I have been a member of this place I have seen this government and the Parliament being supportive of volunteers in general, and certainly during the Year of the Volunteer, when a lot of effort was put into acknowledging volunteers.

The public liability crisis has affected a number of community organisations. Some of the risks and potential liabilities that can possibly occur as a result of volunteers within the Country Fire Authority have been highlighted. Even though there are other changes that is fundamentally the core of the bill and the issues the bill addresses.

As well as giving better protection to CFA volunteers the bill provides increased compensation for volunteers for loss and destruction of personal effects — for example, a watch or apparel they may be wearing — and that is well overdue. There are also new powers for the CFA board. At the moment it can award individual firefighters; now awards can be made to whole brigades. When we look at brigades certainly there are some wonderful individual contributions, but what really makes brigades effective is their ability to work as a team and as a community together. I know many CFA members and the community in general will welcome that recognition of the whole brigade.

The bill also provides for total fire ban declarations to be transmitted by electronic means.

Charitable organisations — for example, Lions clubs or other organisations of a similar nature — will be able to apply for exemption permits on total fire ban days to operate cooking appliances. At the moment there is an anomaly where businesses are able to apply for exemptions to run certain activities which would not pose a risk to the community but unfortunately charitable organisations are not able to apply.

Provision will be made for regulations to be established with regard to the use of scatterguns and like activities.

Fundamentally the bill covers a range of issues, but its core is the protection it provides for legal immunity. The bill provides for better and more certain compensation and for civil liability immunity protection for CFA volunteers. As was highlighted during the fires of the last year, we need to ensure that our volunteers are adequately supported and protected in their actions with regard to their firefighting duties. I know of the difficulties faced when fighting a fire. You cannot literally be running around thinking about legal issues every step of the way. If a fire truck has to be driven through a gate the driver should not have to be paranoid about what legal liabilities may be incurred if the last vehicle through that gate accidentally leaves it open and there are issues of stock wandering through that gate.

Even though protection is already provided for the volunteers some legal opinions have indicated that the protection may not be as strong as it should be. As a result we have to make sure that firefighters can act in good faith when they are providing their time as volunteers to support and assist the community with fires. I know that with every fire I have been involved in the wonderful people I have fought with have had the needs of the community in mind and a desire to put the fire out promptly and efficiently. There has never been an attempt to do the wrong thing or to adopt a cowboy mentality. That they respond in such a good manner reflects highly on the CFA training have received.

But even with that there are some concerns. We must ensure that adequate compensation is available to cover people who are seriously injured fighting fires or, as has happened in rare situations, have lost their lives. I believe we need to send a message to all volunteers that we will as a government and a community stand by them. They are giving their time and effort to support the community, and we really need to back them up. They are away from their families and away from their businesses and they will miss important family and community events because they are supporting the firefighting effort.

During the last fires quite a number of people left home for tour of duty after tour of duty, putting great stress on those left to carry the load while they were away. And while they were away they might have had the thought in the back of their minds that the compensation might not be appropriate or there were some legal risks. This bill is really designed to identify some of those problems and deal with them in an appropriate manner.

We are also expanding the eligibility of family members to include dependent spouses, domestic partners and those who need to receive compensation. At the moment the regulations are too narrow in their focus to adequately compensate the appropriate people. This bill will widen the compensatory provisions to better reflect the nature of families today and ensure that those who are drastically affected by a serious injury or death are covered by the more appropriate compensation that will be available.

The issue of compensation for expenses incurred by volunteers is also important. For example, a person might own a $200 watch which might get broken whilst the person is fighting a fire. There are also a range of other expenses that might be incurred because of damage to clothing et cetera. The current $600 limit has been in place for many years. With inflation and increased costs it is obviously time to update the compensation level. Increasing the amount to $1000 in the first instance will realistically reflect today's costs. It will also let volunteers know that we are supporting them. That is the core principle of this bill.

Another aspect covered by the bill is exemptions on days of total fire ban. Commercial organisations can be granted an exemption from the total fire ban regulations providing they have taken the right precautions to ensure there is no risk. However, this exemption has not been available to charitable organisations. If your local Lions Club is running a sausage sizzle and taking appropriate precautions to ensure there is no fire risk, under the current law it is still not eligible to receive an exemption, but a private company is. What this area of the bill does is put charitable organisations on a level footing with commercial organisations so that they can also engage in fundraising activities.

In conclusion, I commend the bill to the house. It recognises and supports the wonderful efforts of our Country Fire Authority volunteers and will help to ensure that these volunteers remain with the CFA.

Mr INGRAM (Gippsland East) — I want to make a brief contribution to the Country Fire Authority (Volunteer Protection and Community Safety) Bill. I have had a number of discussions with CFA personnel

regarding the necessary changes to this legislation. It has become obvious that the issue of liability is a very vexed one which has become a moveable feast over recent years. The hierarchy of the CFA has regularly put out directions to the authority's members outlining the protection provided, and it was assumed until around 12 months ago that volunteers were protected by the existing legislation. There is some concern amongst branch members that, while they are doing their best to provide safety to the community from the risk of fire across Victoria they might still be liable to incur costs while doing that, and the government should be congratulated on introducing these protection measures.

One thing is certain, we will not continue to attract the volunteers we need to provide fire protection across Victoria if they are not protected from litigation when they are performing their firefighting activities. A number of issues still need to be addressed, and at some stage the minister should inform the house whether that protection is available.

One thing that needs to be made clear is when a fire officer, a CFA volunteer or an incident controller is liable. Take for example the recent fires in East Gippsland when the town of Omeo was under significant threat for many days. Although we fortunately had the ability to rotate fire officers in that area, for nearly two weeks that town was under some kind of threat. Local volunteers in that area put in an enormous number of hours. Some would say that in the two days when the fire swept through the town, if a local volunteer was off duty for a couple of hours he would have come back on duty to defend the town. If, for instance, he had been working beyond the hours that are stipulated, is someone then liable because he is involved in an accident due to his tiredness from overwork? Is protection still okay in that instance?

This is an issue that needs to be addressed because it will happen again during major fire efforts. We cannot always rotate fire officers. We do our best, and we get backup from the outer metropolitan brigades, and that is much appreciated.

The other issue is that while we should never encourage it — and I am sure no Country Fire Authority volunteer would attempt to go to a fire situation after having a few drinks — if an incident happened when a member was deemed to be under the influence of alcohol would they be protected by the indemnity provisions in this legislation? As I said, we should not encourage anyone under the influence of alcohol to participate, but you never know. In an emergency someone who thinks they are all right might be called on to attend an incident, and who is to say if they are protected or not? If an accident happens and in hindsight it is deemed that the volunteer was under the influence of drugs or alcohol, what protection is available? We need to ensure that in that instance the senior incident controller is not held liable. These are isolated incidents that would not happen often, but we need to make sure that our volunteers are always protected when they are operating in good faith in fire situations.

The other vexed issue is the compensation and financial implications for CFA volunteers. The matter came up recently during the fire efforts in East Gippsland, where some members were saying that maybe we should be paying CFA volunteers. The overall view was that the volunteers should not be paid. Recently in East Gippsland the fires went for more than 50 days, and volunteers were repeatedly asked to put in a large amount of effort. They were away from their homes, businesses and workplaces for extended periods. In my view, we do not need to pay for volunteers to fight fires, but when they are asked to put in for long periods and there is an impact on their businesses and their financial circumstances at home, it needs to be considered. In Omeo, for example, the volunteers were expected to put in for an extended period; they wanted to be there, but in some instances that had a major impact on their family budgets. We need to take that into consideration.

I am not sure how we deal with that, because we want to maintain a volunteer ethos; and the state cannot afford to pay for the dedicated work that CFA volunteers put in.

I would like to congratulate the government on bringing in the legislation, which is a necessary step in protecting the volunteers. The discussions I have had with the CFA indicate that it fully supports the bill. However, I would like to see some of the issues I have raised looked at in the future.

Debate adjourned on motion of Mr PLOWMAN (Benambra).

Debate adjourned until later this day.

MURRAY-DARLING BASIN (AMENDMENT) BILL

Second reading

Debate resumed from 26 March; motion of Mr THWAITES (Minister for Environment).

Mr PLOWMAN (Benambra) — It gives me great pleasure to speak on the Murray-Darling Basin

(Amendment) Bill, because it embraces the agreement between the three states of New South Wales, Victoria and South Australia and the federal government and is about the way we manage the water within the Murray-Darling Basin. The arrangements between the states exclude Queensland, although the Murray-Darling Basin agreement includes the state of Queensland — but I will come to that later.

In effect the Murray-Darling Basin Act 1993 is being amended in order to approve and give effect to the agreement between those three states and the commonwealth of Australia to amend the Murray-Darling Basin agreement.

The bill shows clearly the background to the legislation. On 24 June 1992 the commonwealth government and the governments of New South Wales, South Australia and Victoria entered into the Murray-Darling Basin agreement, which was ratified by the parliaments of all those states and the federal Parliament. The state of Queensland became a party to the principal agreement on the terms and conditions set out in schedule D of the principal act. It provides that certain parts of the principal agreement do not apply to Queensland.

The bill adds schedule G to the principal act, its purpose being:

> … to make arrangements for sharing between New South Wales, South Australia and Victoria of water made available in the catchment of River Murray above Hume Dam by the Snowy scheme.

We are talking about releases of water from the Snowy scheme to the Murray catchment above the Hume Dam to allow increased environmental flows to run down the Murray and to make arrangements so that there is protection in respect of those increased flows for the environmental flows going down the Snowy and for each individual state in respect of the sharing arrangements between Victoria and New South Wales.

I will speak mostly about schedule G, because it is the essence of this bill. As I said, the purpose suggests that the schedule is to make arrangements for the sharing between the three states — Victoria, South Australia and New South Wales — of the water being made available in the catchment of the Murray River above the Hume Dam from the Snowy scheme.

The bill is complex — as complex as the arrangement is complex. There are 43 definitions — I will not go through them — all of which need to be understood if you are to understand the further parts of the calculations. The calculations look like a legal agreement and are set out in a sort of legalese manner which makes them hard to understand. The only way to understand it clearly is to fully understand all of those new 43 definitions and to include them in the principal agreement.

This agreement changes the principal agreement. I note the ninth item, the definition of the Mowamba borrowings account, which means:

> … the water account to be maintained by the Licensee under the Snowy Water Licence to account for flows made under the Snowy Water Licence from the Mowamba River and the Cobbon Creek in the first three years after the Corporatisation Date …

This accounts for the initial flows going down the Snowy. As you would appreciate, Acting Speaker, those initial flows are at a maximum of 38 gigalitres per year for those first three years, and those first three years of flow incur a debt to the system. The debt is virtually on the basis of the debt of the Mowamba borrowings account, and the debt will increase at that rate if 38 gigalitres are put down the Snowy River each year for those three years. It will increase to the total of that after three years with the subtraction of the amount of savings that can be achieved by the state.

To date to my knowledge there have been no savings that can offset the amount of water that is going down the Snowy, and on that basis as every year progresses that account will grow. The original agreement says that if that borrowings account is not matched by savings then the agreed amount of water to flow down the Snowy — the 38 gigalitres — cannot be increased. This is the catalyst to the whole arrangement for the Snowy flows.

It is important to recognise that this government has allowed a situation to occur wherein it let a water debt build up, in much the same way as it let the state's financial debt build up, without ever recognising that unless it meets that debt it cannot increase the flows down the Snowy above 38 gigalitres. That being the case it cannot meet the promise it has made to the member for Gippsland East and to the whole community that those environmental flows will increase to the amounts it has promised — 21 per cent and then 28 per cent.

The bill then goes on to the calculation of water volumes. I will not try and explain how those calculations occur except to say that the Snowy scheme and the Murray River have a calculation, which is the water available to the Snowy-Murray development. It means the water of the upper Snowy River regulated by the Snowy scheme, plus water from the Geehi River and the Bogong Creek, plus the Snowy notional spill,

transfers from the Snowy-Tumut development, 4.5 gigalitres is transferred from the Snowy-Tumut development and half the balance of the Mowamba borrowings account — I go back to the need to see what that borrowings account develops to over the next three years — minus the Snowy notional spill from the Snowy-Murray development. This shows the complexity of it. To the layman that is impossible to understand. I notice that everyone from the gallery has left because obviously they found it too difficult to comprehend.

Mr Mulder interjected.

Mr PLOWMAN — It does indicate the complexity of the bill.

The calculation of water volumes goes on to note that the agreement is for the net Snowy-Murray development diversions to the Murray River, the water available to the Snowy-Tumut development, the excess Snowy River releases, the Snowy River release shortfalls, the accounting for water releases, the entitlements of New South Wales and Victoria to use water, the water estimated to be under the control of the commission, the allocation of the water to New South Wales and Victoria, the tributary inflows and the use by New South Wales and Victoria of allocated water.

All of these are the different arrangements in the accounting mechanism for calculating the water volumes to go down the Murray, down the Murrumbidgee or down the Snowy. As I said, it is a highly complex set of arrangements. This agreement allows for additional flows to go down the Murray by increasing the environmental flow of water from the Snowy scheme.

The next important part concerns the translation factors in each Snowy-Murray development (River Murray) environmental entitlement. I will read a few extracts which indicate what those translation factors are:

> (1) New South Wales and Victoria each transfer water savings and water entitlements to its respective Snowy-Murray development (River Murray) environmental entitlement in accordance with translation factors agreed between each of them and the commission.
>
> (2) New South Wales, Victoria and the commission must ensure that:
>
> (a) the translation factors are determined in a manner consistent with the principles used to determine exchange rates in the relevant water market at the time of each transfer …
>
> (b) the use of translation factors to transfer water savings and water entitlements to a Snowy-Murray development (River Murray) environmental entitlement will not have an adverse impact on:
>
> (i) the level of reliability of entitlement to water diverted from the River Murray system, the Murrumbidgee River system and the Goulburn River system …

It is important to note that the translation factors cannot have a significant adverse impact on the entitlements from those diversions from the three systems.

There must also be no adverse impact on the environmental benefits related to the quality and timing of the water flows in the River Murray. The bill should also take account of the seasonal availability of the entitlements to be received during the water year as well as the water quality in the River Murray in South Australia, thus protecting South Australia.

The apportionment of environmental entitlements is another important issue in the bill. New South Wales and Victoria must notify the commission of how each environmental entitlement has been apportioned between the Snowy and the Murray. In respect of valley accounts:

> (1) New South Wales or Victoria … must notify the commission of the volume and reliability of the entitlement requirement to be added to the relevant valley account to generate the environmental entitlement.

This must in turn have an impact on the long-term diversion caps, which is again indicated in the bill:

> (1) Prior to New South Wales or Victoria transferring either or both of water savings and water entitlements to an environmental entitlement, the relevant state must calculate the equivalent volume by which its long term diversion cap must be reduced.
>
> (2) … the relevant state must advise the commission of its calculation as to the volume by which its long term diversion cap must be reduced.
>
> …

If the commission is not satisfied with the appropriateness of the calculations advised under that, the commission must arrange for the relevant volume referred to to be recalculated in consultation with the relevant state.

As I see it, it means that as each state determines how it is going to achieve the savings it must achieve in order to meet the requirements for the increased flows down the Snowy or the Murray, the calculations have to be checked by the commission. I was interested to note, when considering the decommissioning of Lake Mokoan to meet some of those savings, that the state

government suggested that savings of the equivalent of 41 000 megalitres each year would be available by way of reductions in evaporation. In fact in all probability that figure would be closer to 20 000 megalitres per year. It would be interesting to see whether, if Lake Mokoan were decommissioned — which I strongly oppose — the calculation would show a saving of 41 000 megalitres, as the state government suggested. I suggest that the commission would be highly unlikely to accept that as a reasonable figure. I suggest that the 41 000 would be reduced to something more like 20 000, which is more in line with what that saving would be.

If that is one of the major planks in the saving of water to meet these environmental flows, it throws up the fact that many of these figures are hypothetical and that the actual amount saved will fall a long way short of what is required and certainly a long way short of what is promised.

I will quickly run through the basics of the bill and the need for it. As I said, the bill deals with the new arrangements for sharing the water made available to the River Murray from the Snowy scheme, principally between New South Wales and Victoria, while also giving security to South Australia.

The bill removes references to the Snowy Mountains Hydro-Electric Authority, which has been corporatised, and therefore those elements dealing with the old authority are eliminated from the bill. It determines the respective allocations of water from the Snowy scheme and the increased environmental flows to the Murray. It also says that if New South Wales fails to meet its obligation to provide environmental flows to the Snowy or the Murray River, Victoria's water rights will be protected, which is important for those irrigators who rely on this arrangement to look after their interests.

It transfers water savings and purchases to environmental entitlements, and in so doing means that any of those environmental entitlements will then reduce the Murray-Darling Basin diversion cap. It establishes new water modelling and accounting systems in order to meet the changed agreement between the states on those environmental flows.

Despite the fact that the bill is complex, it leaves a lot unsaid about how these savings are going to occur, and that is a fundamental side to this argument. It is one thing to bring into law an agreement between the states as to how the savings from the Snowy scheme are to be delivered to both the Snowy and the River Murray, but unless we can see the practical means by which those savings will occur, the bill will achieve little in respect of the requirement to meet those commitments.

As I said, the Murray-Darling Basin cap will be reduced. It is my belief that the savings will not be met in the time required by the states. If they are not met, the states will be required to take water from the surplus water which is currently called the sales pool in order to meet the requirements or go into the market and buy water entitlements. Neither is acceptable to the industry, and neither is acceptable to the opposition.

Sitting suspended 1.00 until 2.03 p.m.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Roads: funding

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the 3-cent-a-litre levy on petrol used to fund road projects collected from Victoria's $3.5 million motorists, and note that in 2001–02 not one new road project was funded from that levy. I ask: why would Victorians believe that the Premier's $240 million car registration slug will go to road projects rather than plugging his budget black hole?

Mr BRACKS (Premier) — I thank the opposition leader for his question. In answering the question about motor registration fees going up by $17 in order to fund the better roads trust, I am very heartened by some of the comments of some opposition members on this matter, in particular the member for Polwarth, the shadow transport minister, who today quite correctly and rightly nailed the issue directly. He said:

> … if the money does go to road-related activities, well, the government may well be able to come out and at least claim that they're trying to do something sensible with the revenue.

I agree with him. I indicate that I support those comments from the shadow minister, the member for Polwarth. This is a sensible policy. It will go to improving roads in the growth areas of Melbourne and in country areas. Initially, $10 million will go to making sure that we can reduce the country road toll. It is sensible, and I welcome wholeheartedly the support of the opposition. It will make a difference to meeting growth in the outer suburbs and improving roads, and it will make a difference in bringing down the country road toll.

Budget: initiatives

Mr MILDENHALL (Footscray) — My question is to the Treasurer. Could the Treasurer advise the house how the Bracks government is continuing to produce budget surpluses, reduce the state's net debt — —

Honourable members interjecting.

The SPEAKER — Order! The member for Scoresby!

Mr MILDENHALL — How will it do this and still deliver in the core areas of health, education, community safety and the environment?

The SPEAKER — Order! The question is very broad, so I ask the Treasurer, in responding to it, to relate it to current matters.

Mr BRUMBY (Treasurer) — I was just reminded that the budget is next Tuesday!

On this side of the house we are very proud that the Bracks government has produced budget surpluses for every year we have been in office. The reality is that despite unprecedented domestic and international challenges, we have delivered strong budget surpluses every year since 1999, and we will deliver strong budget surpluses every year going forward.

Few governments around the world can match that — Peter Costello cannot match that — but we have been doing it year after year in Victoria. All of the independent analysts, whether it be Moody's Investor Services, Standard and Poor's or any others, give Victoria a AAA credit rating, the best you can get. That has been delivered under the Bracks government.

Mr Wells interjected.

The SPEAKER — Order! The member for Scoresby will cease interjecting.

Mr BRUMBY — The government is also pleased that over the past five years Victoria has achieved stand-out economic performance. Our average gross domestic product growth has been 4.8 per cent per annum — a full percentage point above the Australian average. That means that the Victorian economy has become almost 25 per cent larger in real terms in the past five years — it has grown by a quarter in real terms. It has been an exceptional performance.

The fact of the matter is that the Bracks government produces surpluses and puts them to work in the interests of all Victorians. When I hear the Leader of the Opposition and other members opposite ask 'Where's the money gone?', I am happy to answer the question: it has gone into 3300 additional teachers and support staff; it has gone into thousands of additional nurses in our hospitals and cutting hospital waiting lists; and it has gone into 800 additional police. Where has the money gone? It has gone into nurses, it has gone into teachers and it has gone into police. Does the Leader of the Opposition — —

Mr Smith — It is gone!

The SPEAKER — Order! I have already warned the member for Bass today. I shall not warn him again.

Mr BRUMBY — We can assume from that that the opposition is opposed to this — or have you lost your voice? You have lost your voice!

The SPEAKER — Order!

Mr BRUMBY — You have lost your voice!

Honourable members interjecting.

The SPEAKER — Order! I remind the Leader of the Opposition that it is customary for members to cease interjecting when the Chair is on her feet. I ask him to do so or I shall remove him from the chamber. I remind the Treasurer that when the Speaker says 'Order' it is appropriate for the minister to cease speaking and to listen to what the order is. I ask the Treasurer to relate his comments to current conditions rather than giving a review of the last few years in office and warn him that his time is expiring.

Mr Wells interjected.

The SPEAKER — Order! I warn the member for Scoresby.

Mr BRUMBY — The question 'Where has the money has gone?' is also asked. Some $1.5 billion has been placed in the Growing Victoria infrastructure reserve, building schools, building hospitals and building the fast rail links to the regions. We have also — —

Honourable members interjecting.

The SPEAKER — Order! The member for Mornington! The member for South-West Coast! I ask members on the government side to cease interjecting.

Mr BRUMBY — We assume from that that the opposition also opposes those projects.

We have also seen net debt reduced from $4.9 billion to $2.4 billion as at June 2002 — $4.9 billion to

$2.4 billion, a substantial reduction in net debt. The question is: is the opposition opposed to this as well? We have also seen $1 billion paid into business tax cuts. From 1 July this year we will see a further reduction in payroll tax from 5.35 per cent down to 5.25 per cent.

The government has done all those things. We have produced surpluses, we have improved services, we have paid down debt and we have increased infrastructure spending, and we have done all that while producing a budget surplus.

This year's budget does have some challenges. There are difficult international challenges. I will just read something about this year's budget — I will quote this:

> It is a hard budget. A bad international economy, the worst drought in 100 years, and a war.

Guess who said that? Peter Costello — your mate!

Mr Perton — On a point of order, Speaker, I suggest that the Treasurer's time has expired, and he is debating the question, in any event.

The SPEAKER — Order! Indeed. I ask the Treasurer to wind up. I also ask him to address his comments through the Chair.

Mr BRUMBY — We endorse those comments. It is a challenging environment — and we will be producing budget surpluses. In the circumstances of a challenging budget people always ask, 'Will this be in; will that be in; will you rule something in; will you rule something out?'. You do not do that until the budget. The budget will be delivered next week and we will make the decisions about that at that time.

Honourable members interjecting.

Mr BRUMBY — If I can just conclude: as I said, we have produced the surpluses every year, they have been strong surpluses and they will be strong surpluses going forward. We have paid down debt, we have improved services, we have doubled infrastructure funding and we have cut business taxes by $1 billion a year. It has been a strong performance with record economic growth, and we will be seeking to replicate that in the years ahead.

Regional Infrastructure Development Fund: projects

Mr RYAN (Leader of the National Party) — My question is to the Minister for State and Regional Development. Will the minister assure the house that the $50 million unallocated in the current Regional Infrastructure Development Fund will not be expended in the nine metropolitan interface councils?

Mr BRUMBY (Minister for State and Regional Development) — I thought this would have been made abundantly clear in the questions that I have had in Parliament on this in the last two weeks. I think I have had two questions on the Regional Infrastructure Development Fund, a great success of the Bracks government.

Two weeks ago I also introduced into the house amendments to the RIDF to enable the expansion of natural gas throughout country Victoria. We promised $70 million at the last election to expand natural gas. There will be expansions throughout regional Victoria and in some of the rural areas of the fringe councils. Let us be clear about this: that is the government's commitment. On the other side of the house, there is no Regional Infrastructure Development Fund but privatisation of the gas industry. Read the speeches of the Leader of the National Party who opposed — —

Mr Ryan — On a point of order, Speaker, on a question of relevance, the issue relates to expenditure from the current Regional Infrastructure Development Fund — it has nothing at all to do with the new fund. It is the current Regional Infrastructure Development Fund to which this question is directed.

The SPEAKER — Order! I overrule the point of order at this stage. I understand the Minister for State and Regional Development was attending to that matter.

Mr BRUMBY — As I said yesterday, $130 million of the fund has been committed to date. A number of projects are under consideration at this point in time and, as I have made very clear publicly time and time again for the Leader of the National Party, the $50 million will be fully committed by 30 June this year. The forward commitment in relation to natural gas relates to increased funding to be provided through the fund in the future.

All that we are seeing today from the National Party is something between sour grapes and scaremongering: sour grapes because it never had the gumption to introduce a Regional Infrastructure Development Fund — the National Party never had the gumption or the backbone to do it — and scaremongering because the Leader of the National Party knows that the assertion he has made today is untrue. He knows that is untrue, he continues to make it, and he should apologise for his scaremongering.

Medicare: reform

Ms MARSHALL (Forest Hill) — My question is to the Minister for Health. Will the minister advise the house of the action the Bracks government is taking to properly assess the effects of the federal government's proposed changes to Medicare and their impact on the Victorian health system?

Ms PIKE (Minister for Health) — I thank the member for Forest Hill for her question. Today I can inform the house that I will be asking the Family and Community Development Committee to conduct a parliamentary inquiry into the impact of declining bulk-billing rates on the state's health system and on Victorian families.

This parliamentary committee will investigate firstly, amongst other things, the increase in patient presentations to public hospital emergency departments in Victoria since 1996 and the extent to which this includes providing types of medical services that normally would be provided by a general practitioner in a primary care setting; and secondly, the causes of increased presentations to public hospital emergency departments in Victoria since 1996, including difficulties in patients gaining access to bulk-billed and after-hours GP services. There are a range of other references.

The government has initiated this inquiry because it knows, of course, that there is a strong connection between all the different aspects of our health system, some of which are funded by the state and some by the commonwealth. The commonwealth cannot stand up there and desegregate the health system by initiating policies in one area and somehow think that is going to have absolutely no impact on the public hospital system.

We know that bulk-billing rates have been in freefall for some time, plunging from above 80 per cent to now below 70 per cent. We have had a look at a whole range of different areas, and in the federal electorate of Dunkley, which includes Frankston, there has been a decline of 29.8 per cent in bulk-billing rates since 2000. The percentage of people who are bulk-billed in Dunkley is now only 48 per cent. When we have that happening on one side we know it has to have an impact because anybody who thinks the hospital system is not connected is rather foolish.

The impact is this: there has been a 15 per cent growth in the number of primary care patients attending public hospitals — that is, from 370 000 in 1998–99 up to 427 000 in 2000–01. Primary care patients, those patients who really ought to be going to their GPs in any other circumstances, now make up around 50 per cent of all patients coming to emergency departments. We have estimated that if we really have to factor in the increasing cost of treating these patients in our public hospital system the figure is around $1.93 billion over the life of the next Australian health care agreement.

Clearly the federal government has presided over this dramatic decline in bulk-billing, which, as we already know and as has been clearly demonstrated, has an impact on our community by increasing the number of people who are forced to go to the emergency department of their local hospital because that is the only place where they can get free or affordable health care.

To add insult to injury the Howard government has now siphoned $1 billion out of the new health care funding offered to the states to finance this $917 million so-called Medicare reform package. It has taken money away from the public hospital system, which is already bearing this extra demand, and forced it into this so-called fairer Medicare package — not! — so that it can prop up some of its flawed policies.

Virtually every commentator in Australia, including every single health care group, is laughing at this package; they show absolutely no confidence in it. In fact to date I have heard of only one group of people supporting John Howard's new Medicare package, and that is the Victorian opposition.

Mr Honeywood — On a point of order, Speaker, on the question of debating, we have heard the minister ad nauseam on this matter this morning in debate on her matter of public importance. She is repeating herself. I put it to you that she has been going for 5 minutes and is already at the limit of a normally acceptable answer from a minister.

The SPEAKER — Order! It seems there are two points of order there. I overrule the first one, but in relation to time the minister should conclude her answer now.

Ms PIKE — Thank you, Speaker. This parliamentary inquiry is going to be very valuable for us because it will clearly demonstrate to Victorians that John Howard and his government, with the tacit support or approval of the Victorian opposition, cannot really tamper willy-nilly with one aspect of the health system and then somehow expect that — —

Mr Doyle interjected.

Ms PIKE — The *Tampa* is your problem!

The federal government should not be able to tamper with one aspect of the health care system and not expect it to have a significant and detrimental impact on ordinary Victorian families. They are the ones the Victorian government is concerned about; they are the ones the Bracks government is supporting — —

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

Ms PIKE — The government is supporting them through significant investment, and we will certainly rise to meet the challenges in health care into the future.

Eastern Freeway: extension

Mr MULDER (Polwarth) — My question is to the Premier. I refer the Premier to the $255 million left by the previous government in the 1999 state budget earmarked specifically for the Eastern Freeway extension. Given the admission by government spokesperson, George Svigos, that this money has been redirected, where has that money gone and will there be provision in next week's state budget for this project, as has been the case for the last four years?

The SPEAKER — Order! I rule the last part of the question out of order, but the Premier may answer the first part of it.

Mr BRACKS (Premier) — On the second matter of what is in the budget, I urge the member to wait till 6 May to find out what is in the budget.

On the first matter, it is interesting to note that when questioned on where as a shadow minister he would use new funds gained, the member nominated roads in the Colac-Otway shire, the Corangamite shire and the —

Mr Mulder — On a point of order on the question of relevance, Speaker, I asked where the $250 million had gone. Where have you lost it?

The SPEAKER — Order! I ask the member to resume his seat. There is no point of order; the Premier has barely started speaking.

Mr BRACKS — The Better Roads Trust Fund, which the member is referring to, will be boosted — —

Mr Wells interjected.

The SPEAKER — Order! I will not warn the member for Scoresby again; he will be removed from the house.

Mr BRACKS — The Better Roads Trust Fund, which the member is referring to, has been boosted by some 30 per cent by the decision the government has made, which gives us more flexibility — —

Mr Honeywood — On a point of order on the issue of relevance, Speaker, we are not talking about Better Roads funding. The question related to the $250 million allocated for the Eastern Freeway extension. It has nothing to do with the Better Roads Trust Fund.

The SPEAKER — Order! There is no point of order. The Premier has been speaking for barely 60 seconds, and such points of order are unhelpful.

Mr BRACKS — While I cannot comment on interjections, although he raised it as a point of order, the member is incorrect. The money allocated for the project was from the Better Roads Trust Fund, which will be increased by 30 per cent in the future, which will give us the flexibility to operate the fund.

Schools: numeracy programs

Ms LINDELL (Carrum) — My question is to the Minister for Education. Will the minister advise the house of the results of the Bracks government's investment in numeracy programs for Victorian students?

Ms KOSKY (Minister for Education and Training) — I thank the member for Carrum for her question and her interest in numeracy in our schools in Victoria. When we came to office the numeracy results for Victorian students were particularly worrying. They were not good at all. In fact the LAP/AIM data for 1998 showed that for years 3 and 5 almost half of Victorian students did not reach the appropriate target. It was an appalling situation that we needed to address, and that is what we did immediately. Something needed to be done, and we have done it.

Last Monday the Premier and I announced the lower prep-to-grade 2 class sizes, which demonstrate the results of our investment of over $180 million in extra teachers in order to ensure that numeracy and literacy in those early years were improved. We also allocated $34 million — —

Mr Perton interjected.

The SPEAKER — Order! I ask the member for Doncaster to cease interjecting. The Minister for Education, without interjections from the member for Doncaster.

Ms KOSKY — The government allocated $34 million to support the early years numeracy programs, and we now have an early years numeracy

coordinator in every primary school around the state. So every primary school has a training coordinator.

In the middle and later years of primary school and also in secondary schools we have numeracy coordinators who have been trained to build on the strengths of the early years programs. We have put in the resources and put in the programs, and we are now seeing the results. By 2002 the year 3 figure I mentioned had risen from 55 per cent under the Kennett government to 69.4 per cent. We have seen incredible results in a short space of time. The year 5 figure has increased from 56.6 per cent to almost 62 per cent — a fantastic result.

The latest data from the national numeracy benchmarks indicate that Victoria is well above the national average. Our programs are based on extensive research, and we know things are now working in relation to improved numeracy in our early years. We are seeing the results.

Today the member for Doncaster released his numeracy discussion paper. What did he base his analysis on? Literacy funding! So his numeracy program and policy were based on literacy funding! On seeing the worrying numeracy results, did the Liberal Party invest in numeracy programs when it was last in office? It invested nothing in numeracy programs, not a cent. The Kennett government had a huge surplus at the time, but it invested in nothing for the kids in our schools, yet now the opposition complains. We guarantee that our commitment adds up. Additional resources and additional programs equal much better results.

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster will cease interjecting. The Minister for Education, addressing her comments through the Chair.

Ms KOSKY — The opposition's record is based only on subtraction and division.

Mr Perton — On a point of order, Speaker, the minister is clearly debating the question. If the minister wants to make a ministerial statement and have a fully fledged debate, she is entitled to do that; but at this stage she is only entitled to answer on government administration and not to debate the question. I am happy to debate the minister at any time, in any place.

The SPEAKER — Order! The last part of the point of order was out of order. I do not uphold the point of order at this stage. I understand the minister to be outlining the improvements in numeracy under her tutelage.

Ms KOSKY — It would help of course if the member for Doncaster could get a question up. There is one thing for sure: if you take the honourable members for Hawthorn, Brighton, South-West Coast and Malvern, you see that four into one does not go.

Mr Perton interjected.

The SPEAKER — Order! If the member for Doncaster wishes to raise a point of order he should await the call and then address the matter, not stand their yelling. Does the member have a point of order?

Mr Perton — On a point of order, the minister is clearly intent on debating the question, and I ask you, Speaker, to bring her back to order.

The SPEAKER — Order! I uphold the point of order and ask the minister not to debate the question but to answer it.

Ms KOSKY — The government has made a major commitment to numeracy programs in our schools. We have the results, and our students are very happy with them. One thing is for sure: four contestants into one leadership position does not go.

Seal Rocks Sea Life Centre: legal action

Mr SMITH (Bass) — I address my question to the Premier. I refer him to his unconditional pledge that he would abide by the arbitrator's findings in the Seal Rocks fiasco, and I ask: who is responsible for the decision to appeal the arbitrator's findings to the Supreme Court, and how much has it cost Victorian taxpayers?

Mr BRACKS (Premier) — I very much welcome the question and inquiry from the new member for Bass. The appeal was twofold: not only did the government appeal, but the Seal Rocks operator appealed. In fact the Seal Rocks appeal was about seeking damages of more than $400 million for future economic loss, which was rejected by the Supreme Court in its decision.

I also welcome the question from the member for Bass because he would be aware, being a long-time member of Parliament, that the situation goes back to 5 July 1995, when we can only hope — —

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster will cease interjecting.

Mr BRACKS — We can only hope that the then Treasurer, the Honourable Alan Stockdale, would have

taken the advice he received from his Department of Treasury and Finance.

That advice on 5 July 1995 was quite clear — and the member for Bass might be interested in this matter as well. The advice to the then Treasurer was:

> We are concerned about the risk to government on this project due to the dubious commerciality of the … proposal from Seal Rocks Victoria.

Mr Smith — On a point of order, Speaker, I refer to relevance with regard to this issue and the fact that the Premier is debating the issue. I asked a specific question. That was: whose decision was it to appeal the arbitrator's findings and how much has it cost the Victorian taxpayer? That is all I wanted — not a debate. I would be happy to debate you any time!

The SPEAKER — Order! I will not take points of orders from members if they do not put them in a proper form. It is not an occasion for the member for Bass to enter into debate on the matter. I overrule the point of order.

Mr BRACKS — Thank you for your ruling, Speaker.

The advice to the Treasurer at that time goes on to talk about the particular matters which the Treasurer should have been warned about in this project in the first place. It goes on to refer to:

> the environmental acceptability of the proposal …
>
> the community acceptability of the proposal —

with very high admission fees —

> the lack of development experience of the proponents … [and]
>
> dubious market appeal of the proposed facilities.

In conclusion it says that the project:

> … generates very similar returns to the public sector alternative —

except that the admission fees are twice the price.

Mr Doyle — On a point of order, Speaker, in accordance with the custom of the house, as the Premier is quoting from a document I ask him to table the full document for us.

The SPEAKER — Order! Is the Premier quoting from a document?

Mr BRACKS — Yes, Speaker. I am pleased to table the document — we have been waiting for the opportunity to do that. I will hand the document to the clerks, which is in accord with the procedure of the house. The document is headed 'Minutes to the Treasurer', its subject is 'Nobbies redevelopment project' and it is dated 5 July 1995. It goes on to talk about the department's concerns about this project as far back as 1995. All I can say is I wish the Treasurer had won the day and not the Premier at the time, Mr Kennett, who overturned the Treasurer on that matter.

Honourable members interjecting.

The SPEAKER — Order! The Chair does not require the assistance of the government backbench, thank you!

Schools: capital works

Ms MORAND (Mount Waverley) — My question is to the Minister for Education Services. Will the minister please advise the house of the latest information regarding school capital works investment by the Bracks government?

Ms ALLAN (Minister for Education Services) — I thank the honourable member for Mount Waverley for her question because since 1999 the Bracks government has invested heavily in schools and teachers to ensure Victoria has a world-class education system, and undoing the damage of the previous seven years inflicted by the Kennett government.

The first three budgets invested a massive $822 million in schools and TAFE capital works improvements. That is almost three times the amount that was allocated in the last three Kennett government budgets. Let us look at where that funding of $822 million went. We have built 16 new schools, 5 replacement schools, and reopened Fitzroy Secondary College at a cost of $115 million. We have undertaken 287 modernisation projects at a total cost of $413 million.

We have provided $32 million for additional classrooms to meet our commitment to reduce class sizes in years prep to 2, and the Premier made that fantastic announcement on Monday of this week that class sizes in prep to year 2 are at their lowest levels on record.

We have invested $14.6 million to develop the gene technology centre at University High School, the space centre at Strathmore Secondary College and a science centre at Bacchus Marsh Secondary College. We have committed $4.6 million to date to establish the Maryborough education precinct — and I know that is a very dear project to the member for Ripon — and

$10.5 million for the Gippsland education precinct, and we have provided $14 million to upgrade and replace old portables.

Honourable members will be pleased to know that in its second term the Bracks government will continue with getting on with the job in education and will invest at least a further $350 million to build new schools and upgrade existing schools. I am pleased to announce today that as part of this commitment in our second term we will be providing $12 million from the forthcoming budget to rebuild a number of schools recently destroyed by fires. This is great news for those school communities that were devastated by fires that destroyed classrooms and staff and administration areas. This funding includes $800 000 for the Wodonga High School, which also accommodates the Flying Fruit Fly Circus, to rebuild rooms and administration areas that were destroyed in a fire in February.

The member for Monbulk will be pleased to know that $1.7 million is to be allocated to rebuild an art and craft classroom and a gymnasium and refurbish five classrooms also destroyed by fires late last year. The member for Yan Yean will be pleased to be able to inform her school community at Hurstbridge Primary School that $4.5 million is to be allocated to replace 17 classrooms and facilities that were also destroyed by fire in January. Finally, the member for Mount Waverley will also be pleased to advise her school of a $5 million investment to Mount Waverley Secondary College to replace classrooms lost in a fire in January this year.

Before I finish, I commend those school communities. I know the Minister for Education and Training visited a number of those school communities that were affected by fires. I commend them for their dedication to their students — the teachers and parents who continued with education during what is a difficult time.

The Bracks government is continuing its investment in education. The Kennett government's answer to education was to close schools and to sack teachers. The Bracks government invests in schools and is getting on with the job.

Health: fire safety

Mrs SHARDEY (Caulfield) — My question without notice is to the Premier. At a 2002 Public Accounts and Estimates Committee hearing the previous Minister for Health, the Deputy Premier, promised that all state-owned residential care facilities were to meet fire risk safety standards by August 2002 as required by state law. I ask why eight months later there are still 31 state-owned facilities which do not meet the fire safety standards promised by the Deputy Premier?

Mr BRACKS (Premier) — I thank the member for her question. I will examine the matter she has referred to and get back to the member on that matter.

Water: Mildura projects

Mr HELPER (Ripon) — My question is to the Minister for Water. Will the minister please advise the house about new water projects in the Mildura region and their importance in securing the future of the Sunraysia district?

Mr THWAITES (Minister for Water) — I thank the member for Ripon for his question. The Mildura Sunraysia region contributes well over $1 billion in economic activity from irrigated horticulture, principally vines, citrus and stone fruits, but also now vegetables, nuts — including almonds — and avocadoes.

Speaker, we all know, and I am sure you do better than most, how good Mildura grapes are, and we want to see more of them. But of course the growth of Mildura means increased demands on the water system, and it is important as we do that that we also ensure we do not exacerbate salinity and other associated problems.

I am very pleased that the Bracks government has committed $1.7 million to the Sunraysia salt interception initiative. That is underpinning irrigation development, and without that initiative we cannot have irrigation growth.

We are also assisting new growers in focusing their new developments in areas of low salinity. Growers are working with the government to ensure that there is minimum impact on salinity with that new growth. In addition, through its Water for Growth program the government is working with farmers in the Sunraysia region to encourage good use of water. We have funded approximately $1.4 million in grants and incentives to Sunraysia farmers to improve their water use efficiency on farm. As a result of these efficiencies we have seen a reduction of some 30 to 40 per cent in irrigation-related drainage flows back into the Murray River. That provides us with a real benefit by reducing salinity and by giving us access to salt credits in the future, which will underpin further growth.

I was pleased to be in Mildura last week representing Labor, the party of country Victoria, and I was very pleased to be there with the member for Mildura, who is very much the face of the north-west. He was able to

introduce me to a number of growers in the area. I listened to issues they raised and will work with the local member on those issues.

I was also pleased to be in the company of the honourable member for Mildura whilst announcing the commencement of the construction of the new $12.6 million water treatment plant for Mildura. That will provide an extra 20 megalitres of town water per day, and it has the capacity to grow to 80 megalitres as Mildura grows in response to the prosperity that is being attracted to that region.

This government is committed to the Sunraysia region. As part of the $320 million water trust it has committed $20 million over the next four years to upgrade irrigation infrastructure and water efficiency projects. Some recent studies have highlighted the opportunity for investment in the region, and in particular the need for funding, especially federal funding, of these important water projects.

The Bracks government has demonstrated its commitment by making available that $20 million for the next four years. It is hopeful that in the forthcoming federal budget the federal government will likewise commit funds for the development of water projects in this very important region of Victoria.

MURRAY-DARLING BASIN (AMENDMENT) BILL

Second reading

Debate resumed.

Mr PLOWMAN (Benambra) — Prior to lunch I was speaking on the Murray-Darling Basin (Amendment) Bill, and in particular about the calculations. I now want to touch on part V of the bill entitled 'River Murray increased flows'; the obligation of the commission to release increased flows to the Murray River; and the further obligations before the commencement of the second complete water year after the corporatisation date of the ministerial council to determine a strategy for retaining and releasing River Murray increased flows and to determine the environmental flow objectives for the River Murray.

The bill further states that the strategy:

> (a) must include provisions that the River Murray Increased Flows have first priority from River Murray Above Target Releases …

The target releases are those releases from the Snowy scheme where the Snowy Corporation has the discretion for power generation. It is important to note that those increased flows have priority once those flows are accredited. It should also be noted that the bill provides that the strategy:

> (c) unless the Ministerial Council otherwise determines, must not have a significant adverse impact upon the security of entitlements to water.

The crux of the matter is that if the government is to meet its commitments to the savings required and, as the bill specifically says, it is not to have a significant adverse impact on the level of reliability of entitlements to water diverted from the Murray, the Murrumbidgee or the Goulburn River systems, the government must ensure it achieves these savings rather than the water requirement coming from the purchasing of entitlements from the water market or from a reduction of the water available through the sales pool. In either case if the government resorts to that practice in order to meet the environmental flows the irrigators of this state will be disadvantaged, yet there is that specific requirement in the bill that there not be a significant adverse impact on the entitlements of irrigators in the state relying on water diverted from either the Murray River or the Goulburn River in Victoria.

The ministerial council must determine the environmental objectives, and they are an important part of the role of this agreement. The environmental objectives outlined in the bill include:

> (a) Natural diversity of habitats and biota within the river channel, riparian zone and the floodplain …

It goes on to say that that includes the natural linkages between the river and the flood plain. This is an important part of any environmental flow regime. It is not enough to just increase the flows down the Murray River or down the Snowy River in order to increase the environmental benefit from those flows; the way those flows are managed is important in order to get that linkage between the river and the flood plain.

It goes on to say that elements of the natural flow regime — in particular, seasonality — should be retained as far as possible in order to ensure that the future habitat of the native fish population is enhanced, rather than the current situation where exotic species like carp predominate in the Murray system.

These environmental objectives are the most important part of the agreement and of the responsibilities of the ministerial council. It is interesting to note that the bill states specifically that consistent and constant flows and water level regimes should be avoided where practical, as this is contrary to the natural variable flow regime of

the River Murray. That means that in order to get the environmental benefits from these increased flows it is not just a matter of putting a certain amount of water down the Murray or the Snowy. It is the way the water is managed that is important from an environmental point of view.

Finally, I would like to talk about the inter-valley water transfers, which are referred to in part 8 and the other provisions which conclude the bill. To facilitate the water transfers the commission may request New South Wales to release water to the Snowy-Murray development and to each or both of the Tumut River catchment and the Murrumbidgee River catchment, and/or the water available to the Snowy-Tumut development to the River Murray catchment upstream of the Hume Dam.

It is of note in this agreement that if New South Wales agrees with this request the inter-valley transfers I have just referred to must be converted into an allocation to New South Wales of water in the Hume Dam. That is an important part of this agreement, which means that those releases which are required of the New South Wales government and which end up in the Hume Dam must equate to additional water available to New South Wales for allocation.

The bill is concluded by the agreement which is executed and signed by the Prime Minister and the premiers of New South Wales, Victoria and South Australia. It is a major agreement in the ever-changing arrangements for water diversion from the Murray system and the Murrumbidgee system and the entitlements of the Murray system and the Snowy system to environmental flows.

As a consequence, and as this is of both interstate and national importance, the opposition wholeheartedly supports the elements of the bill which adapt the current agreement to meet the requirement for additional environmental flows. However, I reiterate that it is not enough to have an agreement. The government has to find the savings to achieve the environmental flows not just from going into the water market but by injecting state government funds into the water industry to make the savings that are there to be made.

Mr WALSH (Swan Hill) — The Murray-Darling Basin (Amendment) Bill effectively formalises the current operating rules into a legislative accounting model for the sharing of the water made available above the Hume Dam for the Snowy scheme. It principally does this through parts 2 and 3 of schedule G.

During the summer a photo was printed in our local newspaper in Swan Hill depicting a family at the turn of the century having a picnic in the dry riverbed of the Murray with their horse and buggy. At that time they could not have comprehended that 100 years later we would be in this place enshrining highly complex water sharing arrangements and legislating for environmental flows. Thankfully with this legislation and the management we have the Murray River will never again be a series of muddy puddles. Without the river regulation and water management skills we have acquired the 2002–03 drought would have seen the Murray River at Swan Hill stop flowing again. Last week I contacted Goulburn-Murray Water, and at the moment there is 3800 megalitres a day flowing past Swan Hill, instead of what would have been a dry riverbed.

We owe this luxury of permanent water to some visionary thinkers. I note that at the moment people are trying to go through the Living Murray process in 12 months, but at the turn of the century it took 13 years of intense negotiations before the River Murray water agreement was finally signed in 1915. It was this agreement that over time led to the establishment of the Murray-Darling Basin Commission in 1998. In 1936, the construction of the Hume Dam further increased water security for northern Victoria. In 1949, in a postwar nation that was looking for major projects to stimulate activity, the concept of the Snowy Mountains scheme was developed and implemented. It was built to generate hydro-electric power and water for the development of the hinterland of Australia. This hydro-electric power is generated from water stored from the Murray, Murrumbidgee and Snowy rivers.

The aim of generating hydro-electric power was to reduce our dependence on brown coal. Time has evolved and we now know that brown coal is a major contributor to our greenhouse gas emissions. Hydro-electricity is not a contributor to greenhouse emissions but is clean and green power that will be there every year into the future.

We should not forget that the Snowy scheme was set up to produce hydro-electricity as much as it was to produce irrigation water. Water was diverted westwards from the Snowy River to increase the supply to both the Murray and Murrumbidgee rivers. Thousands of immigrants who came to Australia after the war built the Snowy Mountains scheme, and I commend them for their work. That wave of immigration was the start of what has made Australia a truly inclusive multicultural country.

In 1956, after seven years of work, the first water flowed from the Snowy River to the Murray system. As we all know with the benefit of hindsight, such a huge conceptual project could not be undertaken without some costs. With the wisdom of hindsight also we now understand the cost to the Snowy River and some of the issues associated with it, including increased salinity in the Murray Valley.

It is very important that we not forget the immense wealth that the Snowy scheme has created for Australia and for the area of the Murray Valley in Victoria in particular. It continues to create huge economic growth, as has been outlined by the Minister for Water in a response during question time. We cannot underestimate the impact that water security has for all communities right along the Murray River and for Adelaide.

As I said, this bill formalises some very complex water-sharing management practices that have evolved over the last 50 years and shapes them into a legislative accounting model. It sets up a legal context for environmental flows in the Snowy and Murray rivers and allows the transfer of water savings or water purchases into environmental entitlements and then reduces the cap in Victoria for that water that has been transferred across.

The bill also requires the Murray-Darling Basin Commission to develop goals and a strategy for directing environmental flows. More importantly, it requires government to have a full accounting model of those environmental flows into the future. Good accounting notification and consultation and modelling are profoundly important if we are to achieve the maximum outcome for the environment from those environmental flows. We need to make sure the processes we go through are transparent and open so everyone can see what happens.

One concern the National Party has is that we do not have in place the joint government enterprise that has been set up by the states to implement the Snowy water inquiry outcomes implementation deed and to invest in water savings so that it will achieve the things we are talking about. It was supposed to be created on 1 January but we are still waiting. It is a pivotal part of going ahead with this project. Where is the commitment to environmental flows if we cannot get the joint venture up and running and make these things start to happen?

As we work through and discuss the accounting, modelling and verification of this water management proposal it is important to highlight that we need good environmental science to make sure that we manage these environmental flows properly. We do not want the decision making on environmental flows based on some warm, cuddly, feel-good green emotion. Lately the infamous Wentworth group has been having a lot to say about environmental flows. From what I have read they are basically saying 'Give us some water! Trust us! We will make it better'. What we need is good science to make sure we have our decision making done properly.

The National Party is concerned about section 27 of part VII, inserted by clause 6. There is potential to have different analytical models set up in calculating the timing and the quantities of relaxation volumes under the baseline conditions in the act. The Murray-Darling Basin Commission will be doing that for the Murray River and the New South Wales government for the Murrumbidgee River.

National Party members would like to make sure that those two models are the same for the best and most efficient outcomes for the rivers. The Bracks government has made much of the 70 gigalitres of environmental water that it has bequeathed to the Murray River. There are some issues that need to be set straight for the record. This water is not an unencumbered gift to the river. The water is gleaned from savings in the systems and the possibility of purchases which National Party members do not agree with and which is stored as above-target water in the reservoirs.

Above-target water is accumulated in the system and is managed by the corporatised Snowy Hydro. This is an amount of water in excess of that required to deliver the allocation to the Murray and Murrumbidgee rivers: 162 gigalitres for the Murray and 1026 gigalitres for the Murrumbidgee. These amounts are stored on a rolling average to make sure that even in the worst drought they can still be delivered. The release of this above-target water is at the absolute discretion of Snowy Hydro and is worth a fortune to it. The above-target water can be used for hedging in the power market and can be sold many times over.

It is quite an interesting story that the electricity generators on-sell energy to the retailers. Should supply fall short because of a breakdown in one of our power stations, they buy a hedging contract with Snowy Hydro to make sure they do not have buy power at spot-market prices to fill a shortfall with a power station breakdown. For example, Snowy Hydro contracts to supply 500 megawatts of power for two days in any given time frame. If that time frame elapses and the power station has not called on that hedging agreement,

it rolls over and Snowy Hydro can again sell that water for another hedging contract in the future. Snowy Hydro can actually sell that water numerous times over without ever having to deliver it, and it makes a lot of money for Snowy Hydro.

Although the above-target water represents only 15 per cent of the actual power generated out of the system, it represents something like 60 per cent of the value of the electricity generated by Snowy Hydro and is a significant asset to Snowy Hydro.

The 70 gigalitres for the Murray will sit in above-target water at the discretion of Snowy Hydro as to when it is released, which is not necessarily at the best time for the environment. As I have said, that water is extremely profitable to Snowy Hydro and it will release it when it sees fit. It can be stored for a number of years. Theoretically it is possible that, if Snowy Hydro wishes, it could store up to 12 years of above-target water without releasing it and, if it chooses to, release it all within one season, which would not necessarily be best for the environment. It is then going to be up to Don Blackmore, the chief executive officer of the Murray-Darling Basin Commission, and his staff to make sure we try to get the best environmental outcome of what could be a very limited time of release.

It cannot necessarily be stored further down the system, because the irrigators own it. It could potentially be stored in the Hume Weir, but if the Hume is full and the irrigators do not want to forgo some of their storage capacity, that water would then have to be pushed on down straightaway instead of being stored any longer. So the good intentions for the Murray River environmental flows are not such good intentions after all. They are about big dollars for the corporatised Snowy Hydro and not necessarily about environmental outcomes. We believe that in this case environmental outcomes have probably been traded off for the dollars generated by the power industry.

One of the things I commend the bill for is that it protects Victoria's Murray River water entitlements in the event that New South Wales reneges on its commitment on environmental flows. This is no idle threat. If we compare the management of New South Wales water allocations with those of Victoria over the last five or six years, we can see a vast difference in the outcomes that have been generated for each state. On the New South Wales side this year the general security irrigators had only 10 per cent of their allocation, whereas our Murray irrigators had their full water entitlements. The outlook next year is even bleaker for the New South Wales irrigators.

For a further example of this people need only fly over the Murray River. South, towards Victoria, there is a large-scale horticultural development, creating jobs and wealth for all Victoria. Towards the north, very little is happening. We have the same climate, the same soils and the same Australian entrepreneurial skills; the major difference is the water management. Victorians should not forget that irrigation provides us with a year-round supply of top quality food in what is, as we all know, a variable and uncertain climate.

Victoria's sound water management over the decades has been developed with strong bipartisan support. I would hope that this productive cooperation will not be hijacked by extremist green agendas. We would all agree that extremes in public policy are not good for anyone in this state.

One of the other benefits of the bill is that it sets up the capacity to trade water between river valleys and across state lines. From the Victorian point of view that will allow water to be traded from the Murrumbidgee Valley to the Murray Valley for use in Victoria. My understanding is that exchange rates have been set and are now in place to allow this to happen. Given the developments in Victoria, our capacity to manage our water and our permanent plans, this will help us go forward into the future.

The National Party would like to put on the public record its insistence that if through this process water is clawed back from consumptive users — for example, irrigators — to create environmental flows, the clawback must be compensated for in just terms. No other means of acquiring water would be acceptable to the National Party or to the rural communities of northern Victoria.

The National Party has a major concern that the government may intervene in the water market. For those who do not understand, the water market has operated successfully since the early 1990s. It has enabled the shifting of water from low-value agriculture to high-value crops, allowing the more efficient use of our resources and providing better value for all Victorians. In the last nine years 117 000 megalitres of water have been permanently traded in the Murray Valley, which has allowed large horticultural enterprises to develop on some excellent dryland prime development zones — after, I must add, some very stringent environmental guidelines have been met.

The effect of the Victorian government entering the water market would be catastrophic for all future development in the region. On average something like 20 000 megalitres have been traded permanently in the

Murray Valley. If the government entered the water market and purchased, say, 100 000 megalitres for environmental flows, that would effectively tie up all farmer-to-farmer trades for the next five years. It would have a devastating impact on the likes of the dairy industry, which has been able to purchase water from the water markets to secure its operations in these dry years. It would also ensure that there would be no new horticultural developments along the valley for that five years.

To give an example, Swan Hill has one of the lowest levels of unemployment in country Victoria because of its ability to trade water and the development that has resulted. We do not want to see that sort of development stifled in the future.

I would not like to let this opportunity go past without correcting some of the misinformation that is going around about the Murray River in South Australia. For quite a few months now we have heard the South Australian Premier, Mike Rann, and his Minister for Environment and Conservation, John Hill, highlighting the poor condition of the Murray River in South Australia and the fact that it has now reached a critical point. They recently released a joint public statement saying that the last 275 kilometres of the river was now so low and the salinity levels so high that the little water that remains is basically useless for drinking or for watering, and they put the blame for this on Victoria and New South Wales. This is simply not true.

Apart from the effects of a one-in-100-year drought, the real story is that South Australia receives an allocation of 1850 gigalitres from over the Victorian-South Australian border. Of that, 1100 gigalitres is for dilution flows and 750 gigalitres is for consumption. Because water supplies have been short this year, as we all know, South Australia — when it is within its capacity to do so — has decided to dip into its dilution flows to top up the water available for consumption. That is legitimate for it to do in its own state, but it should not be blaming us for that. This year South Australian irrigators have received their full water entitlements, and there are no water restrictions near the towns along the Murray River over there, so its decision to take its dilution flows to top up its consumption use is for it to address and not to blame New South Wales and Victoria for.

In conclusion I urge the minister to ensure that the accounting model and the verification arrangements are put in place and that we address the possibility of having different models for New South Wales and Victoria, because we have the New South Wales government managing one part of it and the Murray-Darling Basin managing another part. We would like to see that done under the existing structures. I do not think we need a new commissioner; we have put enough new commissioners in place in Victoria, given the work that is going on. We are asking the government to rule out its entering the water market, for the very good reasons I have spoken about.

From all our points of view the good management of our finite water resource is in the best interests of all Victorians. Both consumptive users and the environment will benefit from that, given the provisos I have mentioned, including my concern that the government might corrupt the water market. We would not like the government to enter the market and destroy the things I have spoken about. The National Party supports the passage of the bill.

Ms LINDELL (Carrum) — I have great pleasure in joining the debate on the Murray-Darling Basin (Amendment) Bill and following the member for Swan Hill. As this is the first of five key water bills to be introduced this session, I believe I will get to follow the member for Swan Hill on at least another four occasions as we go through the government's election commitments to develop a sustainable water industry, as outlined in *Water for the Future*, our 10-year plan to change the way we all use water.

This bill will protect Victoria's right to water from the Murray River, and it will require the Murray-Darling Basin Ministerial Council to develop a plan to increase the environmental flows to the River Murray. The bill obviously ratifies the Murray-Darling Basin amending agreement as approved by the Murray-Darling Basin Ministerial Council on 5 October 2001, which was signed by the Prime Minister and the premiers of New South Wales, Victoria and South Australia.

The Murray-Darling Basin amending agreement protects Victoria's water rights and interests through a number of different mechanisms. It establishes Victoria's right to the headwaters of the Snowy scheme, establishes the water accounting arrangements to protect Victoria's rights and interests from unilateral action from New South Wales and ensures that the Murray-Darling Basin Commission independently manages and monitors the water-sharing arrangements. It establishes translation factors to protect the security of supply when water savings are transferred to the Snowy scheme for environmental purposes, and it codifies arrangements to provide greater certainty of the annual releases from the Snowy scheme which underpin irrigation commitments.

The passage of this bill is essential to protect Victoria's interests under the newly established arrangements. Under the agreement the Murray-Darling Basin Ministerial Council will develop a strategy to maximise the environmental benefits of the 70 gigalitres of dedicated environmental allocation to the River Murray. The rights of irrigators have been protected by the heads of agreement, by the undertakings of Victoria, New South Wales and the commonwealth government that in increasing flows to the Murray River there would be no adverse impact upon existing irrigation entitlements. We have heard from both the member for Benambra and the member for Swan Hill of the obvious prosperity that is being brought to all Victorians through the use of irrigation over many years. That economic activity, that economic and social benefit that irrigation brings to rural Victoria, certainly cannot be jeopardised.

The increased flows would primarily be achieved through water savings from investment in water saving projects, and there is a commitment of $375 million for improvements to Victoria's irrigation infrastructure over the next 10 years. All the governments — the federal, Victorian and New South Wales governments — have also made a commitment that increased flows to the Snowy River and the River Murray will not be implemented unless they are first offset by water savings. Under the heads of agreement governments have made a commitment that increased flows would only be achieved through the purchase of water entitlements and water rights if necessary. This would be done in a manner which promoted the water trading market. It is not in the interests of the governments to distort the development of a market that they are keen to see develop.

The $375 million investment in irrigation infrastructure includes such projects as the Normanville pipeline, the Caseys Weir pipeline and the domestic and stock metering projects, and all of these will be completed within the next few years, with 25 000 megalitres per annum resulting from those pipeline projects. Another 2000 megalitres will become available with the completion of the Woorinen pipeline project later this year.

In addition the Department of Sustainability and Environment has been working with Goulburn-Murray Water to initiate and undertake a number of studies to identify further opportunities for water saving in northern Victoria. Some of these studies are the study of water savings in irrigation distribution systems; the study of water savings in bulk water systems; the Lake Mokoan study, which the member for Benambra spoke of; and the pilot of the total channel control system.

These studies and investigations will assist the joint government enterprise to identify and commission water saving projects once it is established. The role of the joint government enterprise is to achieve the necessary water savings in Victoria and New South Wales to meet the agreed environmental targets for the Snowy River and the River Murray.

In ratifying the agreement the Victorian Parliament will be honouring the commitment made by the four governments through the historic amending agreement for the Murray-Darling Basin. Failure to ratify this agreement would seriously undermine the ongoing bipartisan and intergovernmental support of and confidence in the Murray-Darling Basin agreement and leave Victoria's interests and share of the water from the Snowy scheme unprotected.

I am delighted that both the Liberal Party and the National Party will be supporting this bill, and I wish it a speedy passage.

TRANSPORT (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 9 April; motion of Mr BATCHELOR (Minister for Transport).

Opposition amendments circulated by Mr MULDER (Polwarth) pursuant to sessional orders.

Mr MULDER (Polwarth) — The Transport (Miscellaneous Amendments) Bill seeks to do several things. Some of the provisions were part of legislation that lapsed prior to the last election but others are new provisions. The bill seeks to disqualify taxi, bus and hire car drivers who are convicted of a level 1 or level 2 criminal offence. However, the legislation is not retrospective; therefore, drivers charged or convicted prior to this bill receiving royal assent will not be affected. It is this particular clause in the legislation that is of concern to the Liberal Party and would be of grave concern to the Victorian community.

Having spoken to a number of people within the industries I know it is of grave concern to people who work within the taxi industry, the bussing industry and the hire car industry. They want to protect the image of the industries they operate in and the reputation of drivers who work within those industries. They do not want those drivers tarnished, as could be the case with the legislation as presented to the house unless the amendments circulated by the Liberal Party are taken up by the other parties and the Independents.

The legislation establishes a transport industry Ombudsman who may inquire into and investigate actions taken or not taken under the provisions of the Transport Act. The bill also establishes non-mandatory codes of practice for rail managers. It establishes a process for accreditation and mandatory codes of practice for tow-truck operators, and sets up the V/Line Corporation to run the National Express business which is now in the hands of the government and the Minister for Transport. Given the performance of the National Express business since it fell into the hands of the government and the Minister for Transport, I can understand that the minister may wish to expedite this legislation — under his management that performance continues to slip.

The real issues in relation to the legislation that concern the Liberal Party are that its provisions seek to disqualify taxi, bus or hire car drivers convicted of level 1 or level 2 criminal offences such as murder, rape and serious assault, sexual assault and offences against children. The problem the Liberal Party, the Victorian community and the industry has with that is that the bill is not retrospective; therefore, those charged or convicted prior to the day the bill receives royal assent will still be able to drive a bus, a hire car or a taxi and collect women, children, elderly people, people with disabilities and people in the community who are very vulnerable. As much as the Liberal Party has concerns in relation to retrospective legislation I believe there is always a point in time when judgment says it is right to do it that way to protect those members of the community.

The licensing authority responsible for the issuing of driver certificates still has the ability to make a decision or an informed call having been provided with the information that a driver has been convicted of a level 1 or level 2 criminal offence whether that is prior to or after this legislation goes through. This bill does not take away that ability or the ability of the person to appeal that decision.

The opposition is concerned that with this legislation in place unamended the Victorian community is not protected from predators who could infiltrate the taxi, bus or hire car industries. This new provision calls on a person convicted or charged with a level 1 or level 2 offence to come forward and notify the authority of that conviction or charge. Failure to do so will result in a $1000 fine. I ask members present to consider whether the fear of a $1000 fine will force the type of person we may be dealing with who has been convicted of a level 1 or level 2 offence — a rapist or someone involved in a serious assault or murder — to come forward. I do not believe it will.

There are still some significant problems with the licensing arrangements within the Victorian Taxi Directorate. I know the Minister for Transport put a review panel in place about 12 months ago to look at reforms within the industry. It is supposed to meet fortnightly. It has met about 10 times in a year and has not met since the 11th of last month. The people involved with that panel are becoming very frustrated by the progress they are making in relation to industry reforms. I am sure that matters that have been raised within that reform process could quite readily have been incorporated into and brought on board in conjunction with this legislation.

People within the industry have raised issues with me in relation to this legislation not being retrospective and not picking up people with criminal records, people who have been convicted of level 1 or level 2 offences. However, there are other ways and means to identify those people, and one of those is the process of renewing a drivers certificate. At this point in time renewal is pretty much an automatic process without further requirement for police checks into the backgrounds of those people. However, I believe it would not be too much to ask the Minister for Transport to look into that process of driver certificate renewals to see whether it is possible to use that mechanism as a way of sorting out predators or people who have level 1 or level 2 offence criminal histories.

There is great concern within the community, and even within the industry itself when you talk to drivers who are looking to improve the image of the taxi, hire car and bussing industries. These people have been working very hard at this, but the process is being dragged back by the fact that the government does not seem to have a genuine interest in it. These people are keen to make sure their industry remains attractive to people in the community.

There are issues within the taxi industry even as it exists at the moment. Apart from the matters raised in relation to level 1 and level 2 offences nothing has yet been done about the touting that takes place at Melbourne Airport. People who turn up there touting for business do not have a drivers certificate or a permit to be at the airport and they are driving unlicensed vehicles in the sense that their vehicles are not licensed to carry passengers. They pick people up and there is no ability to trace the trip they take or know the history or background of these drivers, but the minister has not done anything at all to try to deal with the issue of touting at the airport.

When these things start to take hold at locations like the airport it does not take all that long for those practices

to spread. If these people believe they can get away with breaking the law they continue on into other parts of the community. Usually they are not stepped on until there is an issue raised in relation to a backpacker, a woman or a child who has disappeared without trace and someone says they think the missing person caught a vehicle from Melbourne Airport. Questions are then asked about whether it was a registered taxi and whether there is a record of the trip or whether it was a tout, a hire car or a limousine.

If the minister cannot deal with the touting issue and stop that level of illegal activity I wonder how on earth he hopes to clean up the industry. When you look at his attempt here today with this legislation, which is not retrospective, you see it does not even attempt to identify predators within the taxi, bus or hire car industries who may be out there driving a car today or to remove them from the industry.

I have had discussions with the taxi industry and individual drivers and concerns have been raised regarding the driver substitution that takes place not on a regular basis but among a small number of drivers within the industry who decide for one reason or another that they are prepared to hand over their identification, their drivers certificate and the cab to a friend to drive for the weekend or the night.

Once again there is an issue with people unknowingly climbing on board with a driver in charge who has not undertaken any of the training and testing procedures provided by the Victorian Taxi Directorate to try and ensure we have good drivers on the road. That is a simple little mechanism by which people are willing to risk, firstly, their drivers certificate, and secondly, their car and their ability to make a living. That takes us back to the point that if they are prepared to take those types of risk then why not risk getting caught driving while committing a level 1 or level 2 offence.

There is a huge amount of work to be done within the industry to get it back on track. The previous coalition government worked very hard with the taxi industry to get all the cars colour coded and all the drivers into uniforms, giving them back a sense of self-respect. That seems to have dropped right off the agenda of the government and the minister. The government should ensure that it continues along that path of growing the industry and making it one that drivers can be proud of.

I hope that the minister and the government will look seriously at these amendments, even though we are asking that they be retrospective. The retrospectivity relates to their giving the authority the ability not necessarily to suspend a driver or cancel a certificate but to at least have a look at the person committing a level 1 or level 2 offence. It could look at the history of the offence and how long ago it occurred. It might find it is looking at someone who at the age of 21 or 22 was convicted of a level 2 offence such as threatening injury to prevent arrest but who is now a 55-year-old living a very good and respectable life within the community. Someone like that may well be found to be suitable to continue on within the industry.

In the end, though, the proposed amendments also give the government and the directorate the opportunity, if they so wish, to decide that a person poses a genuine risk — that he is unsuitable to pick up a female child with a disability, for example — and is likely to cause all sorts of problems for the reputation of the industry.

The bill also provides for new codes of practice for accredited managers of rail infrastructure. Currently the various franchise operators, including the government, which runs the National Express business at the moment, have their own codes, but new codes are currently being prepared. No doubt the government will be having a hand in the preparation of those codes, and no doubt the union movement will also have a significant hand in their development.

We have been advised that the new codes will mirror the occupational health and safety legislation and that there will be additional codes directly related to safety inspections of both rolling stock and the day-to-day running of businesses.

The thing that really concerns the Liberal Party is that the codes are not mandatory. Given my background, particularly in quality assurance matters and in auditing procedures for codes of practice, it seems to me odd that we are going through a process of developing codes of practice for franchise operators and not making them mandatory. From my experience non-mandatory codes of practice usually gather dust on a shelf somewhere and are referred to only if and when a problem occurs. Where there are no mandatory codes and no compliance mechanisms, and where codes are not audited on regular basis, there is a tendency for businesses to become very relaxed and laid back about their implementation of and compliance with the codes, or at least the principles in them.

We believe these codes will be used mainly by the trade union movement as bargaining tools in negotiating enterprise bargaining agreements (EBAs).

Further on there are provisions relating to the tow-truck industry, which will be asked to take on mandatory codes of practice. We know there have been troubles in

the tow-truck industry over the years, but in recent years they seem to have a fairly good record in relation to the level of service they offer. So on the one hand the government is working with franchise operators in the rail industry on non-mandatory codes of practice, yet on the other hand we are to have mandatory codes of practice in the tow-truck industry.

Since the Bracks government came to power there have been five major accidents involving passenger trains in Victoria. The Department of Infrastructure has direct responsibility for rail safety, but clearly it has not lived up to its obligation to protect the train travelling public throughout the state.

The bill also provides for the accreditation of tow-truck operators. We understand this was brought about through a recommendation concerning national competition policy. It seems to be generally supported by the industry. I think the Victorian Automobile Chamber of Commerce has been involved in the process and will also be supporting the accreditation process.

When I had discussions with departmental officers on this part of the legislation, I always asked if the peak body was happy about it. I also said they might find they had a core group of very large operators who were happy about the process, so I asked them what consultation had taken place with smaller operators in the industry. I asked whether they really knew and understood about the accreditation process and the ongoing auditing that follows on after accreditation.

As I say, the codes of practice that are going to apply to the tow-truck industry are mandatory codes. That means that the accreditation process will be subject to full auditing, I would imagine; otherwise you would not know whether the mandatory provisions were being adhered to. That usually results in a registration fee for operators and ongoing annual registration fees. It usually ends up with an audit being conducted at regular intervals on the particular operators. It then usually results in follow-up audits being conducted on operators.

The issue of who pays for the accreditation does not seem to have been discussed. We know it will end up with the end operator, but there has been no discussion on what the original and ongoing costs are going to be to retain accreditation, what monitoring processes will be in place to judge the success of the accreditation process and what the outcome will be in terms of the end benefits to the community. We will follow this with great interest.

I have been through a number of these in the past, where a process is sold to various organisations with the idea that being an accredited organisation will improve their business, and it always seems to get back to dollars and price. 'Accreditation' and 'quality assurance' are great words that go down well, but unless there is a real benefit to the organisation or operation some people can be somewhat despondent as to the cost, the process they have been through and the outcome.

Another clause in the bill will see the establishment of a transport industry ombudsman. This process once again is another commitment by the government that has been very late in its delivery, but we may finally have a mechanism to look at the minister's ability to control some of his officers who are roughing up passengers and to deal with some disputes in relation to ticketing officers. The ombudsman can only look into issues in relation to persons mentioned in the Transport Act, so the powers do not go beyond dealing with those issues. I dare say that he will have his hands full dealing with some of matters that have been brought up in the past relating to the behaviour of some officers. I believe their behaviour in dealing with the public on the public transport system in Victoria is due to a lack of hands-on management by the minister.

The legislation finally establishes V/Line Passenger Corporation to run the National Express business. I remarked before on what happened as soon as this business fell into the hands of the Minister for Transport. When you look at the various performance indicators for the franchise operators for each of their businesses, which one do you think was the only one to fall behind? It was the business that the Minister for Transport took over and decided to run himself, even though he put in place a multimillion-dollar structure above him, which regarding salaries was probably the equivalent of employing four or five ministers —

An Honourable Member — Peter Proprietary!

Mr MULDER — Peter Proprietary started to fall behind all the other franchise operators in his ability to run the business on time and to provide a satisfactory level of customer service. The Premier, the Treasurer and the Minister for Transport amaze me. They claimed they had just become aware that it would take over a billion dollars to run the public transport in the state and that it was all news to them. They declared that quite recently, just before announcing that they would now have to find a billion dollars to run public transport and that they would have to reverse the situation on the tolling of the Mitcham–Frankston freeway.

It is amazing that the government can say it only just became aware of the problem when in the early months of last year it was making additional base payments to the franchise operators — National Express, Connex and Yarra Trams — who held meetings with the Minister for Transport and the Treasurer. The cards were on the table and the books were open. They were telling the government about the difficulties they had had in running the public transport system, and they said they would need additional base payments to meet their service obligations. For the government to say it only became aware of this a couple of weeks ago when it had been making base payments based on information provided to it over a year ago is not acceptable. No-one believes it, and it is no wonder that the government is prepared to live with the title 'liar' in relation to its backflip on the tolling of the Scoresby freeway.

The Liberal Party does not oppose most of the provisions in the legislation, because it can live with them. I have indicated the problems we have with the level 1 and 2 offences, and I have circulated amendments regarding them. We trust that the government will give them due consideration and support what is a commonsense approach. We understand that matters dealing with retrospectivity are difficult, but in this instance we believe we should rise above those difficulties and look to the interests of the Victorian public. I wish the bill a speedy passage through this place.

Mr DELAHUNTY (Lowan) — I rise on behalf of the National Party to speak on the Transport (Miscellaneous Amendments) Bill. Our spokesman on transport is the Honourable Barry Bishop in the other place, who has had discussions on the bill with many organisations. Those discussions have helped us come to the conclusion that we will not oppose the legislation.

I commend the Liberal Party and the shadow minister for circulating the amendments today. We do not have any problem with them, because they are commonsense amendments. Retrospectivity is a concern, but when we are considering the safety of the travelling public it is important to get the legislation right and to do all we can to make sure the public gets the best protection possible.

The purpose of the bill is to improve taxidriver standards; to clarify the powers of the Victorian Ombudsman; to introduce codes of practice for rail and bus safety; and to require the accreditation of tow-truck licence-holders.

As the member for Polwarth said, a similar bill was debated in the last Parliament but not proclaimed. Changes have been made to that bill, one of them being the increase in the penalty for making a false statement under part 4 of the bill from 10 units to 60. That is a significant increase, but we support it because it is important to get it right.

Further measures will enable people convicted of serious offences to have their commercial passenger vehicle driver certificates revoked or suspended. Unfortunately that would not take effect until after the bill is proclaimed on 1 July 2004, which is why the commonsense amendments introduced by the Liberal Party should be supported by all members of this house.

Another new provision in the bill provides for a system of accreditation and a code of practice for the towing industry. As the member for Polwarth said, this issue has been spoken about for a long time, and it is good to see that the towing truck industry has been involved in the discussions. I believe there have been some difficulties in the industry, so it is important that the Victorian Tow Truck Directorate has come to the party, because we must get the industry right. Hopefully the code of practice will do that.

The bill will also enable the Victorian Ombudsman to investigate the activities of persons authorised to carry out certain public transport-related functions, even if the person is an employee of a private company. Again the National Party supports that provision, because as has been highlighted, there have been some problems in the last few years with public transport activities. It is important that the Ombudsman has the authority to investigate any matters that come to his attention.

The bill also amends the Rail Corporations Act 1996 to establish the V/Line Passenger Corporation, which will affect V/Line country passenger services. This has come about because National Rail has fallen over. The minister has frequently said that the government will tender out to the private sector work relating to the running of urban passenger rail services. We have seen examples of that with country rail services that are still operating and doing a good job. I do not have the opportunity to travel on them, but my colleagues who use the services to Warrnambool and Shepparton tell me they are providing a good service.

The National Party has consulted widely. It sent out copies of the bill and the second-reading speech to the Royal Automobile Club of Victoria, the Transport Workers Union, the Victorian Taxi Association, the Public Transport Users Association, the Victorian Tow Truck Directorate and also local taxi and tow-truck

operators in the Lowan electorate. As I said, the National Party will not oppose the bill and will support the amendments proposed by the Liberal Party.

We have talked about the taxi service on numerous occasions. My office has been contacted by taxi operators previously and again today, because they are very concerned about the Bracks government's recent announcement, which is highlighted in the *Age* today, of a $240 million windfall from car registrations. This impacts on the taxi industry. From July registration fees for taxis and other vehicles under 4.5 tonnes will increase by $17 a year. The *Age* article highlights the fact that since the government came to office it has introduced changes that have impacted on motorists and the taxi industry. Whether it be petrol prices, speed camera fines, surveillance costs, increases in registration, insurance or freeway tolls, the government is making a welter of taxing the transport industry and is milking it for everything it can get. It is no wonder, as is highlighted in the article in the *Age*, that we have transport road rage, which concerns a lot of people, especially the constituents of Lowan.

The member for Polwarth highlighted the fact that the previous coalition government did a lot of work in improving the taxi industry. I know from the few times I have used taxis that there have been big improvements in the standard of the vehicles and the dress code of the drivers. That gives passengers more confidence when jumping into a vehicle that they will be looked after and will get from A to B safely. This government has made further changes to the industry, such as requiring taxis to have cameras to protect drivers and the like. Driver standards were improved dramatically by the coalition government, and I am pleased that this legislation will further improve them.

The legislation will enable the Secretary of the Department of Infrastructure to declare a person who is convicted of a serious offence to be disqualified from obtaining a driver certificate for a period of time. Those offences include violence, murder, armed robbery or serious assault, and sexual offences such as rape or the sexual assault of children. They also include drug offences and offences relating to theft, fraud and property damage.

As I said, the Liberal Party amendments kick into gear straight after the proclamation of this act. It is retrospective which gives some assurance to people who hop into taxis or hire cars that they are hopping in with a person who is of good character in relation to the driving of vehicles.

I refer to a letter from the Victorian Taxi Association (VTA) in response to the bill. I will read from some of the letter, which was received by the Honourable Barry Bishop, a member for North Western Province in the other place:

> Thank you both for asking for comment on this bill.
>
> …
>
> The proposed amendment was first mooted some 18 to 24 months ago when there was a public outcry about a driver with a conviction being able to continue to drive a taxi.

If the Liberal Party amendments are not accepted that will continue until the proclamation of the bill. The retrospectivity will pick up the concerns raised by the taxi industry. The letter continues:

> At the time the VTA had input into what should be done about the situation. One of the points made then was that where a driver is charged with a serious offence (such as murder, rape, child molestation or violent assault) the DC should be suspended at that point in time and then revoked upon being found guilty —

or found not guilty.

> The VTA is disappointed that such circumstances have not been addressed in the bill, rather the provisions only relate to where the DC holder has been found guilty whether or not the conviction is recorded.
>
> …
>
> The VTA's view is that the bill should clarify the circumstances and procedure related to suspension where the person is charged with a serious offence, and not rely on an unassisted decision of a magistrate upon appeal.
>
> The issue here is one of public interest in that the public should have confidence that the driver of a taxi is trustworthy and safe. Taxis carry the whole spectrum of the public, including children, elderly and those with physical and mental disability.

That was sent by Neil Sach, the chief executive officer of the VTA, and we thank him for his input.

The legislation covers many things, including the Public Transport Industry Ombudsman. Before referring to that, I note that I am informed that on some nights of the week approximately 1200 taxis are vacant because we cannot get drivers for them. It is necessary not only to give them accreditation and work on codes of practice and those types of things, but it is also important that those drivers be given some kind of support.

I refer to that because a taxi company has highlighted to me that one of its drivers was spat on. It wrote to the Victorian Taxi Directorate more than two months ago, but it has had very little feedback or correspondence on this matter. The company wants to know if it can

legally bar that person from hopping into a taxi again, because it has to protect its drivers. The company has a legal responsibility to provide a safe workplace under occupational health and safety regulations. The ombudsman might have a say in this, but importantly the taxi directorate needs to be able to step in and give some direction to this company, because it is fearful that if this person is not barred from its taxis the drivers could take it up on occupational health and safety issues. I highlight that because we not only want good driver standards, we also want the government and the Department of Infrastructure to provide protection for drivers trying to do their jobs.

Another concern raised with me by a taxi company in my electorate is that the government is now charging $2500 for assigned licences. Some taxi companies are saying that they have spent a lot of money purchasing licences and they are very concerned that $2500 for assigned licences is a cheap way of getting into the taxi industry through the back door. There are major concerns in Hamilton, for instance, where there used to be six taxi companies but now there is only one. It believes that is because of the cheap buses, introduced sometimes by the federal government but also by this government. The taxi industry is under a lot of pressure because of the red tape and regulations and also because of the assistance given to bus companies and the like that are taking away their business.

The bill establishes the Public Transport Industry Ombudsman. As I said, that can only be good. Complaints about the misuse of statutory power by authorised public transport enforcement officers is one concern that has been raised. The National Party supports the Public Transport Industry Ombudsman having authority under this legislation to look at that.

Clause 9 of the bill deals with tow-truck driver accreditation. It provides for the licensing authority to determine that accident tow-truck licence-holders must hold accreditation under a specified industry accreditation scheme and must observe specific codes of practice. It has been a tough industry to work in and it is important that the industry works together with the government of the day to make sure that this code of practice is adopted, worked by and enforced. The legislation provides that existing licence-holders will have two years to comply with the accreditation requirement, but new people coming into the industry must comply as of day one. The National Party supports that.

I finish with the V/Line Passenger Corporation. Clause 14 establishes the V/Line Passenger Corporation as a rail corporation with the necessary functions and powers to operate country passenger rail services. I also highlight that it operates not only passenger rail services but also passenger bus services. Before I was elected to Parliament, under the previous coalition government there were major changes and unfortunately a lot of lines were lost and closed. But bus services were also put in place where there had never been services before. One of those went from Kaniva to Dimboola and Horsham and across to Bendigo, and it gave people the opportunity to cross the state.

As honourable members know, most rail services work on an axis basis into Melbourne. These bus services provide great access for young people, particularly those going to university in Bendigo, and also enable people to visit friends and relations in the north-east. As I said, V/Line runs not only rail services but also and importantly, bus services, too. Some private operators are doing a great job. I compliment those on the Warrnambool line and the Shepparton line for providing good rail service into those areas.

With the changes proposed by the government and the opening up of further lines — one that I wish to highlight is to Ararat — I know bus companies across Victoria are looking at these linkages to try to provide a better service into country Victoria. I only hope that the V/Line Passenger Corporation can work with the bus industry — they are all private operators — to make sure there are good linkages into country Victoria.

One issue that does worry me greatly — and I referred to this in a press release today — is the $17 a year increase in registration fees, which highlights that the Labor government has again run out of money. It has blown $1.8 billion, and now it has not only raided every hollow log but has found many are empty, so it is jacking up taxes to feed the appetite of the revenue it needs.

This tax will be a slug that will hurt mostly those in country Victoria. People ask why. The reality is that we have not got the public transport options available in the city, such as trains, buses and taxi services. Most country people rely on their own car or other vehicles to commute or move around. Therefore, a lot of families run a couple of cars and they have utilities and trucks to service their industries. People in country areas will have to pay a higher cost per person to meet the insatiable demand of this government for revenue.

We know the government has broken a promise on the Mitcham–Frankston freeway and has also shelved rail standardisation projects. I highlight the concern that members of the National Party have in that regard. The

government, as I said, has scrapped the $96 million rail project because it is seriously strapped for cash. Local councils and many people across Victoria are concerned that this project will not go ahead, and it will have a major impact on freight in country Victoria. The member for Mildura is in the chair. I particularly highlight the servicing of the fruit industry in Mildura and the local mineral sands industry, which is a big industry about to explode in relation to transport needs in rural Victoria.

The Minister for Agriculture is at the table. It is disappointing that he would not commit to a time frame for the rail standardisation program when he was asked that at the Victorian Farmers Federation grains conference in Mildura a couple of weeks ago.

Mr Cameron interjected.

Mr DELAHUNTY — The Minister for Agriculture has highlighted that. I will highlight again the fact that this government has been here for nearly four years and has had no problems negotiating with a private operator in relation to passenger rail services to Mildura, Bairnsdale, Ararat and South Gippsland. It has had no problems negotiating with a private operator on what it calls its fast rail link project; I think it should be called the slow rail link project. Again I emphasise that the government seems to be able to work with a private operator to make changes to a contract but when it comes to rail standardisation it has dropped the ball badly.

This is highlighted in a press release put out by Mr Ian Hastings, the president of the Victorian Farmers Federation (VFF) grains group. It states:

> … the minister has described the $96 million pledge and key 1999 and 2000 election promise as 'deferred'.

He says it is a promise that will be deferred. I bet that in three years time it will be another promise that will be deferred. The press release continues:

> The VFF believes that standardisation of rail gauges is one of the key infrastructure projects planned for country Victoria and it can't just be left to fall off the agenda.

There is a minister at the table and a parliamentary secretary in the chamber, and I highlight to them that I will make sure that this government does not let it drop off the agenda.

Mr Cameron interjected.

Mr DELAHUNTY — The minister said, 'Who let it drop off the agenda?'. The reality is that the Labor government has blown $1.8 billion and this legislation will only help it to get a little bit of that back. Importantly, it should not let rail standardisation drop off its agenda as two ministers, particularly — —

An honourable member interjected.

Mr DELAHUNTY — He is the member for Bendigo East, a country area, and I hope that he can have some say in the cabinet, although I do not think he has. But Labor should get it back on the agenda for those agricultural people it is supposed to support.

Mr CARLI (Brunswick) — I rise to support the Transport (Miscellaneous Amendments) Bill. It is a very important bill which contains five fundamental changes to the Transport Act. They are major amendments and part of the reforms that the government is undertaking. In the case of the rail corporations it is really this government cleaning up the mess left by the previous government.

There has been some confusion by the honourable member for Lowan and the honourable member for Polwarth about the amendments that have been put forward. The government does not have a problem with the amendments, but they are not retrospective at all.

The first of the amendments deals with the use of level 1 and level 2 criminal offences as grounds for the refusal of a drivers certificate. The second amendment deals again with the use of level 1 and level 2 criminal offences as grounds for the revocation of a drivers certificate. The reality is that that has been happening. All that is happening at the moment is that the government is codifying the use of level 1 and level 2 crimes as reasons for either refusal or revocation of a licence, but in fact this has always been part of the fit-and-proper test. There are guides which the Victorian Taxi Directorate and the bus corporation already use that already include these level 1 and level 2 criteria, so the suggestion by the honourable member for Polwarth that somehow the government is allowing murderers and rapists to drive taxis is wrong. That is not happening.

The fit-and-proper test has been using precisely level 1 and level 2 criminal acts as reasons for the refusal and revocation of licenses. The fundamental change is that drivers must notify the licensing authority if they are convicted of a specified offence; if they do not that becomes an offence and there is a penalty for that. What has been asked and what has been amended here is not retrospective at all; it just follows current practices and for that reason the government has no problems with it at all. But the suggestion that somehow the government is allowing rapists and

murderers to drive people in cabs is nonsense, and it is nonsense that has been perpetuated in this house by the honourable member for Polwarth.

I also point out that the fit-and-proper test does include a police check. What is important is that it is being used and used effectively. Between 1994 and 2002, 625 drivers certificates were revoked; 376 drivers certificates were suspended; and 639 driver applications were refused. So there has been a process by which people have been refused a licence on a number of grounds, including level 1 and level 2 criminal offences. It is important not to create falsities and try to mystify what is happening. The government is essentially increasing its ability to weed out bad drivers. Bad drivers do come into the industry, and this amendment, in part, allows us to weed them out.

Another false accusation that has been levelled at the government is that it is allowing unlicensed vehicles to pick up passengers at the airport and take their money. That is not true. Both the government as a regulatory body and the airport authority authorise vehicles to go to the airport. What is happening is that hire car operators are being caught touting for business. The government has made efforts to stop that practice. It is a serious concern. It is not a practice that has emerged overnight; it has been around for a number of years, and it is an issue that the government will continue to monitor.

The honourable member for Polwarth is suggesting that the government should introduce some reforms in the taxi industry and that there is an implementation committee. The reason there is an Implementation Committee is because we are undertaking reforms in the taxi industry. The government announced last April major reforms in the taxi industry which are being implemented at the moment. They include new licences, upgrading training and a whole series of accreditations for various players in the industry. So changes are occurring, and it would probably be in the interests of the member for Polwarth and the member for Lowan to have a briefing on taxi reform.

Another issue raised by the honourable member for Polwarth is the safety code of practice for the rail industry.

He suggested that because it is not mandatory it is not strong enough and is therefore not worth anything. This is again a misunderstanding of the role of the safety code and the difference between it and the mandatory accreditation involved in the tow-truck industry. The safety code is in place to ensure increased consistency between the safety systems of the various rail providers. It is important to note that the providers will have to comply with safety accreditation standards, because they are mandatory. Rail providers in Victoria will have to comply with safety accreditation standards. The safety code sets a certain standard to ensure that the providers are able to comply with it and to allow them to measure their performance against it. This code and the safety standard will provide evidence of a safety management system which complies with the legislative requirements. It will be able to be used in court in cases where there are accidents or other problems.

The safety code, which I agree is not mandatory, is underpinned by an accreditation system which is compulsory for and enforceable on all rail providers. Again, I think there was a degree of misunderstanding about that among opposition members.

The fact that there will be a rail ombudsman has been generally well received. A series of issues have emerged in the transport industry which have reinforced the need for an ombudsman. In part those issues have been around the operations of ticket inspectors. It is significant that we will now have an office that can investigate and resolve complaints by members of the public, particularly about ticket inspectors. Most metropolitan members of Parliament would have received numerous complaints last year during the blitz by ticket inspectors. There were concerns about their role and about them being heavy handed. The government has introduced a number of changes to ensure better training and therefore better control.

The amendments clarify the powers of the ombudsman to investigate complaints about the exercise of the statutory powers and the powers of arrest available to authorised enforcement officers. It is an important change, and we have an opportunity to ensure that the ombudsman can act where there are genuine complaints from the public.

The other issue is the accreditation and code of practice provisions in the towing industry. That industry has been part of the reform process, improving standards and ensuring that the industry is more accountable. I have chaired the committee that has been involved in tow-truck industry reform, and it has been a positive process. The industry has been very supportive and over a period of time has cleaned itself up. The provisions of the bill further reinforce that reform.

The insurance industry was also involved, and it too has been very supportive of the accreditation process. That has been critical in getting together what have been hostile players, because historically there has been

enormous animosity between the insurance industry and the tow-truck industry. It has been an interesting exercise to have them work together on the codes and on the accreditation process over a period of time.

This is an important bill in as much as it is furthering a series of reforms within the transport portfolio. I wish it a speedy passage through Parliament.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until later this day.

MELBOURNE (FLINDERS STREET LAND) BILL

Second reading

Debate resumed from 9 April; motion of Ms DELAHUNTY (Minister for Planning).

Mr BAILLIEU (Hawthorn) — The Melbourne (Flinders Street Land) Bill is a petite bill which collapsed last year because of the premature election. It is a bill which the Liberal Party will not oppose, but in many ways it is one of those trust-me bills. It is also a bill about which we do not have all the information, but in considering it we are making an act of trust in the government — a brave thing to do, as recent events remind us.

Essentially the bill involves the transfer of a package of land from the Melbourne City Council back to the state. It is about the return of land which was vested in the Melbourne City Council in 1958. The purpose is to assist in the facilitation of a project on the north bank of the Yarra River. That project, in whatever form it finally takes, has been part of the long-driven commitment to re-establish a relationship between the city and the Yarra River, and that process is one which the Liberal Party has supported. I think there has probably been bipartisan support for that process over a long period.

The land to be transferred with the passage of the bill is in two pieces — and I say that to the best of my knowledge, because we have not yet been provided with the detailed information. One piece is south of Flinders Street, between Spencer Street and Kings Way, including the railway viaducts.

To the east of Kingsway is the other piece of land, which the opposition assumes includes both arms of the railway viaducts. I am not precisely sure whether the south arm is included or not, but it is the land between Flinders Street and the Melbourne Aquarium. That more triangular-shaped piece of land is not huge but it is important, and I will come back to its importance in a moment.

The history of this relationship between the city and the Yarra River is an important one when considering the passage of this bill; it is a history closely associated with the origins of our city. This precinct was the heart of early Melbourne: it was the left ventricle of Bearbrass. It was the site of the falls. Above the falls the water was fresh, and below it the water was salty. When Matthew Flinders and his mates came paddling up the Yarra this is the point where they found fresh water and that is why the development at Southbank is called Freshwater Place. The falls were later removed. This was also the place where, after the development of Melbourne and before the bridge structures were all put in place — —

Mr Cameron — I like the history; it is propping the speech up very nicely.

Mr BAILLIEU — Thank you!

This was where the turning basin for ships was established. It is where shipping in Melbourne first arrived and where the markets were located. That is why this area became the fish market, as was mentioned in the second-reading speech. This land has always had a strategic position in Melbourne's history but over the course of many years Melbourne began to turn its back on the Yarra. We found ourselves with other forms of transport and we found that shipping could not go under the established bridges; therefore the turning basin was lost, the focus was lost and Melbourne turned its back on this piece of land and turned its back on the Yarra as a whole.

Those of us who grew up in the inner city could not forget, although we would not wish them to be restored, the smells from the Allen's factory on the south bank — that sickly sweet smell and the Steamroller juice that floated on top of the Yarra's water for all those years. For those who had the privilege —

An Honourable Member — Steamroller juice!

Mr BAILLIEU — Allen's steamrollers! If you had the good fortune to fall into or swim in the Yarra, as I did, you knew that you had hit the water when you went through that top layer. There were also car yards on the south bank. It was really not a place on which Melbourne had a focus, but in the late 1960s and early 1970s there was renewed interest and a renaissance began in the Yarra precinct and of the relationship between the city and the Yarra itself. That was begun under Sir Henry Bolte and Sir Rupert Hamer, and I

remember well the landmark competition that Sir Rupert initiated in the 1970s. The competition did not produce a result, perhaps being too farfetched at the time, but it was an important signal that there was renewed interest in the Yarra. I pay tribute to people like Evan Walker, a former planning minister, who picked up on many of those ideas and the development of Southbank flowed from that. The strategy has been pretty — —

Mr Cameron interjected.

Mr BAILLIEU — That landmark competition?

Honourable members interjecting.

The ACTING SPEAKER (Mr Savage) — Order! I ask the honourable member for Hawthorn to come back to bill and to not respond to interjections across the table.

Mr BAILLIEU — It is relevant to the bill, Acting Speaker, in the sense that the second-reading speech refers to the Yarra precinct and the Yarra plan.

An early part of the Yarra plan was the contemplation of a landmark for the City of Melbourne east of Princes Bridge where Federation Square is. Arguably Federation Square could be the outcome of a long process to produce a landmark in that location. That competition attracted worldwide interest in the 1970s. Since then there has been a consistent strategy which has involved the development of the precinct and consistent with that we have seen the development of the Victorian Arts Centre, the National Gallery of Victoria and the World Trade Centre. I suspect some of those developments have not been all that successful in terms of their civic responsibilities by their overshadowing of other things.

When it was first conceived the Centra Hotel was probably a nice idea commercially, but it has not necessarily been a good thing for the Yarra. There has been a consistent line of projects dealing with the Yarra precinct, and that precinct has moved on. Under the previous government we saw the development of the Melbourne Exhibition and Convention Centre, the Polly Woodside exhibition, the development of the Crown Entertainment Centre, and the development of Batman Park, which is immediately south of the piece of land we are talking about. That is especially significant because it is probably the only green and soft piece of territory in the immediate part of the Yarra precinct.

We have seen the development of the Melbourne Aquarium. Despite problems in the early stages the company has conducted itself professionally, has set up a successful tourist venture and from time to time has looked at expanding that. We have seen the development of the wharfage around the turning basin, which is again a part of Melbourne's tourist attractions. We also have seen the development of the night-time relationship, and that has been reflected very much in terms of Crown Entertainment Centre's external demonstration and also in the lighting which glows in the railway viaducts.

In addition, more recently we have seen the development of Birrarung Marr, the park on the east side of Flinders Street station. I was amused to read in the second-reading speech the government claiming credit for Birrarung Marr. To tell you the truth I do not care too much who did it because it is a brilliant piece of landscape architecture and a great contribution to Melbourne, but I was amused on account of its being a Kennett government project that has now being claimed by the Bracks government; but so be it!

In that respect it is also interesting that the second-reading speech refers to the Hoddle vision. I have been banging on about the Hoddle-Russell vision in this place since I got here. I only hope the government is starting to talk about it and may reflect on it in some areas. Sadly the government has not adopted that position in Parkville.

Nevertheless there are some missing links in the Yarra precinct, including some areas which have not yet been developed, and they stand out for those with an eye to see. Most of the north bank in this precinct is predominantly occupied by a car park run by Melbourne City Council. There is the overpass in Flinders Street, which is not exactly a flash piece of civic construction, and work is still to be done internally at Flinders Street station. I know the previous government was actively involved in the consideration of the Flinders Street station redevelopment. Given that the station to the west of Melbourne is to be called Southern Cross, goodness knows what the station on the southern side of Melbourne will be called!

We have all agreed that the overpass in Flinders Street should go. The previous government made a commitment to do that when City Link was introduced, and I remember the then Labor opposition, which was then very opposed to City Link, taking the view that we should not do anything until we had tested all the traffic systems. Clearly the government's acquiescence on the overpass in recent years is an acknowledgment that City Link has been very successful and that Labor was playing politics when it first made those suggestions. There is bipartisan support for the overpass coming

down in Flinders Street. That will enable the north side of Flinders Street to assume a new relationship with the south side and the Yarra, because this has been an obstacle in the past.

This key piece of land is part of a project which we are told will facilitate the removal of that overpass. It is important to understand that the essential quality of this precinct is that it is public, it is active, it is accessible to pedestrians and it is delightful and engaging for the Melbourne community. That is what the heart of a relationship with the Yarra should be in the urban environment, and as such we want to ensure that whatever goes there retains all those qualities. This piece of land is therefore literally and physically central to the Yarra precinct. It is central to the north bank; it is a stone's throw from all the major facilities — the convention centre, the exhibition centre, the Crown entertainment centre, the aquarium and Southbank — and offers an extraordinary linkage between them; and obviously it is a stone's throw from the north side of Flinders Street. The development there will no doubt flow as a consequence of this release of land.

The government's response to this was to initiate an expressions-of-interest (EOI) process in August last year. We understand that the EOI process has reduced the number of interested parties. We are told that this bill will introduce some certainty for whoever is the successful bidder.

I want to say one thing about the expressions-of-interest process, and I will come back to it in greater detail in a moment. It signalled a change of attitude on behalf of government authorities to this piece of land. It is an important signal, because it indicates that the government itself does not intend to do anything with the land.

I note that clause 2 suggests that the bill will sunset in June 2005 unless a development is arranged and the act is proclaimed, so obviously a measure of the success of this bill will be the outcome of the EOI process. That is why what is done there will be important.

We had a briefing from departmental officers, and I am grateful for that. At the briefing we raised a number of issues, and a number of issues were raised with us. I am sorry to say that our request for further information in a number of areas has not been met.

I do not want to assign any ill will in saying that. Perhaps this bill has come on a day earlier than it was otherwise going to, given the way we manage the house at the moment; and perhaps when the bill is between houses the information that we asked for may be presented. However, there was a fair shortfall in that briefing. I will run through the things which were raised with us and about which we asked for further information.

The transfer of this land involves a memorandum of understanding (MOU) with the Melbourne City Council as to a consideration of the income relinquished by the council. We asked for a copy of the MOU, but that has not been provided. We asked for a schedule for the expressions of interest, and that has not been provided. We asked for a copy of the reservation details, which has not been provided. We asked for a copy of the plan of the land in question and the titles; that has not been provided. In fact, if we had not brought our own map to the briefing I do not think anybody there would have known about it.

We asked for details of proposals for future excisions from the transfer of the Victrack infrastructure, but we have not been provided with that. We asked for information on the current zonings of the land and its surrounds; we have not been provided with that, but we have searched for it on our own account. We asked for a briefing for the major projects unit; that has not been provided. We asked for a copy of the broader piece of work apparently undertaken by the former Department of Infrastructure a couple of years ago on behalf of the Premier's office on the strategic significance of the land, but that has not been provided. I asked specifically at the briefing about the government's strategic position on this land, and the officers present were not able to say because they said they were not responsible for it. That is unfortunate.

The Liberal Party has a number of concerns about the outcomes here. One of those concerns, and perhaps the most important, is that the previous government had recognised the strategic value of the land. As I said the land is central to this precinct, and it was earmarked for a plenary facility, being a 5000 seat convention hall to be associated with and attached to the convention centre and, implicitly, the exhibition centre. The Melbourne Convention and Exhibition Trust developed a very keen interest in the future of its facilities. Obviously it is a very competitive market, and the convention and exhibition centres have been very well run and are in desperate need of a plenary facility. There has been a strong history of pursuing that facility, and I note that one of Melbourne's closest competitors, Brisbane, is advancing its facilities at a great rate. Even last week it announced a further injection of funding for new facilities. If Melbourne's convention and exhibition centres are to compete, they need to have that plenary facility at some stage.

The key to such a facility is to link it directly to the convention centre. To locate it elsewhere would make it difficult to use. But the government has gone quiet on a plenary facility, and we have to wonder why. The reality is that under the previous government the convention and exhibition trust went through a rigorous process where it looked at not just the obvious siting opportunity for a plenary facility but all the options in the precinct. It conducted a very detailed study and reported on the outcome. After that process was gone through over a long time the selected, preferred site was the piece of land we are talking about now, directly across the road from the convention centre, potentially linkable by a footbridge over Spencer Street bridge, and as such adding greatly to the great asset and attraction that Melbourne exhibition and convention centres are.

It seems, and I come back to the EOI process, that the government has now signalled that it does not have an interest in this piece of land. So be it, but what is missing is what the government will do strategically to find a piece of land that satisfies the long-term needs of the exhibition centre, which will need to grow of itself, and the convention centre, which needs to be coupled directly to a plenary facility. So there is an issue there that is strategically unresolved based on the information provided to us, and its resolution is important to the future of Melbourne.

In the same vein, there are other strategic interests around this site. Obviously Crown has an interest because it is directly across the water from its facility. The aquarium, which has wished to expand even before it was open, has had an interest in that, and the previous government accommodated the expansion of the aquarium. So there is a strategic gap in the public thinking. I trust that the government is doing some of that thinking, but there is no evidence of that.

Other issues members of the Liberal Party are concerned about in terms of the delivery of the outcome and whether we measure this as a success are whether any project will overshadow the water, whether we retain public access, the nature of any planning scheme amendment required and whether it will be tested in the usual way, the increase in the value of properties on the north side of Flinders Street and how that capital value increase will be reflected after the removal of the overpass in the development of this site.

The returns and costs in the budget are another issue. Looking at the budget update and the pre-election budget update, there seems to be some difficulty in assessing how much the government is going to spend on this project and what the returns are going to be. This seems to suggest that the government may be retaining an interest in the project long term. If that makes the government a partner, it would be nice to know that at this stage. The net on that seems to be about $20-odd million. We will have to wait and see whether that is the intrinsic value of the site as the best possible use for this land.

The opposition also has an interest in the timing of the removal of the overpass, as it does in access and the excision of the Victrack viaducts and the infrastructure that supports them. That remains an issue, as it was an issue for the previous government when it was considering the facilities on that site.

While there is certainly a bipartisan position on the renaissance of the Yarra and the regeneration of the relationship between the city and the water, members of the opposition are concerned that the outcomes here are not yet measurable and that there is a considerable amount of information not yet before us. As I said earlier, I trust that that information will be made available to us while the bill is between the houses. It is a concern that the government has not spelt out its strategic vision for some of its assets in the area, because the principal government asset is the Melbourne Exhibition and Convention Centre. How that vision will be fulfilled is as yet unexplained and is obviously a key to the consideration of the future of this piece of land.

Members of the Liberal Party will not be opposing the bill. We trust and hope on this trust-me bill that the expression of interest process delivers something which is good for Melbourne and retains those very special qualities in a precinct which is and should remain a public precinct and that this piece of land, so central to the future of the Yarra precinct, is developed in a way which all Melburnians can enjoy.

Mrs POWELL (Shepparton) — I am pleased to speak on the Melbourne (Flinders Street Land) Bill on behalf of the National Party as the National Party spokesperson for planning, and also to put on record that the National Party does not oppose this bill. It is only a small bill, as the minister at the table earlier said — there are only five clauses and only one of them is a major clause.

The purpose of this bill is to divest land from the Melbourne City Council and to revoke the reservation of the land. It is also to amend the Melbourne (Flinders-street) Land Act 1958. That act will become redundant because sections 2 and 3 of that act are to be repealed by provisions of this bill. It also preserves certain rights under other acts, and I will talk about that later.

The main purpose of this bill is to rejuvenate the north bank of the Yarra River. There has been significant development on the south bank of the Yarra, but at this stage we are being told that while some development has gone ahead the north bank has been predominantly neglected. The shadow Minister for Planning detailed the early history of Melbourne and its relationship to the Yarra River.

This bill was introduced in this house last session; the only change is that its expiry date was 31 December 2004, while this bill will automatically be repealed on 30 June 2005 if it does not come into operation before that date. That date is the only difference between the bill introduced in the last session and this bill.

In May last year the Premier and the Melbourne City Council sought expressions of interest for the development of the two sites we are talking about here today. One is the former fish market site south of Flinders Street between Spencer and King streets, and the second is on the opposite side of King Street, to the north of the Melbourne Aquarium. As part of the development of both those sites, the Flinders Street overpass will be removed.

While members of the National Party were pleased, as was the member for Hawthorn, to have a briefing with the Department of Sustainability and Environment, answers were not able to be given on a number of issues we asked questions about. One of the questions we asked was whether the community had been consulted about the Flinders Street overpass being removed. I was made aware that the community was not consulted about the removal of the overpass, but the Melbourne City Council agrees with the overpass being removed. I hope that it has community support.

I also asked how many expressions of interest were received. I was not told of those expressions of interest — in fact, I do not think the department had those figures at hand. I was told that a number of developers have been short-listed and that they are asking them for extra detail. They are waiting for those extra details to be received, and I think that those developers will then be put under evaluation.

I was told at the briefing that the Melbourne City Council supports this proposal because I did ask whether it was supported. The second-reading speech says that the proposal is supported and, as I said, the Melbourne City Council has indicated that it supports the proposal.

The land we are talking about is currently Crown land permanently reserved under a committee of management by the City of Melbourne. As we have already heard, part of the site is used for storing impounded vehicles and another part of it is used as the City of Melbourne car park. Revenue to the council will be affected and a number of concerns have been raised about the revenue forgone under this development. I understand that a financial strategy will be negotiated between the City of Melbourne and the state government to compensate for any loss of revenue. I asked whether agreement had been reached on that financial strategy and was told that it has not yet but that a memorandum of understanding was signed by the Premier and the Lord Mayor of the City of Melbourne last year. As the member for Hawthorn said, this is virtually a trust-me bill — we do not know who the developers are or how many there are; we do not know about any compensation to Melbourne City Council and whether the council will be agreeable to that compensation. I asked for the land in question to be defined. I was not given any maps of that area but luckily I took my *Melway* in and was shown the area in question.

Clause 3 of the bill is the major part of the bill; the other clauses are more consequential. It divests the land vested in the Melbourne City Council and discharges it from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests. At the briefing I asked whether there were any major restrictions on these parcels of land, but the officers did not think there were any. I also asked whether there were any encumbrances on any of the parcels of land. They were not sure about that, but the department was going to check whether there were any covenants on the land and get back to me. People feel strongly about covenants if there are any on the land. Covenants are a way of protecting the rights of people who live on and around the land. If there are any covenants on these parcels of land — I am not saying there are — we want to ensure that the process is dealt with fairly.

Clause 4 is a minor clause which preserves rights under the Melbourne Underground Rail Loop Act 1970, the Transport Act 1973, where the rights retained are those that apply to the Flinders Street viaduct railway, and the Melbourne Lands (Yarra River North Bank) Act 1997.

The planning arrangement for this parcel of land is not in Melbourne 2030, but there is a Yarra plan project. The proposal is to make the inner city of Melbourne a popular and accessible destination. The Yarra plan states that $4 billion of public and private investment has been identified, including investments that will enhance Northbank's safety and aesthetics in the lead-up to the Commonwealth Games in 2006.

I would like to read out some of the Northbank projects identified in the Yarra plan. There is a substantial list so I will not go through all of the them. The first is the Northbank promenade and cycle trail, which involves upgrading the pedestrian and cycle trail between Federation Square and Docklands. Other projects include the World Trade Centre extensions at North Wharf; the Northbank viaducts enhancement — visual-aesthetic enhancements to improve the image of the viaducts; and the aquarium extensions, where the plans are being developed although the final site is yet to be confirmed.

We were talking earlier today about the fish market, and the Yarra plan talks about the redevelopment of this site. It says it has mixed use development potential; that a tender process is under way, as we already know; and that site redevelopment is dependent on the removal of Flinders Street overpass. The Yarra plan also talks about some integration of Flinders Street station: the refurbishment of the administration building, the provision of commercial tenancies on the ground and first floors, active frontages at street level and better links through to the river. Upgrading of the existing Flinders Street streetscape is listed along with the Flinders Street overpass and the enhancement to the Flinders Street West environment. The plan talks about removal of the overpass to provide an opportunity for the development of the former fish market site, that vehicle, tram and pedestrian mobility studies are already under way and that engineering reports have been completed.

According to the *2002–03 Budget Update*, $12 million has been budgeted in the 2003–04 year for the Flinders Street West precinct urban development project. It states:

> The project, to be delivered in cooperation with the Melbourne City Council, involves the removal of the Flinders Street overpass, construction of a new intersection, tram works and relocation of the council's tow-away facility.

The redevelopment has been spoken about fairly extensively in the government's forward planning.

As we all know and understand it will be very exciting when the north bank is fully developed, but the government must ensure that while it does the development it also supports any private developers as well as the residents and businesses in that area. Melbourne is a wonderful city, not just to live in but to visit. I think we all say Melbourne is one of the most livable cities in the world. I happen to agree with that even though I am a country person.

Mr Baillieu — Is it better than Shepparton?

Mrs POWELL — It is not better than Shepparton, but it is my second home. I have a flat in Melbourne. I pay rates to the Melbourne City Council so I have some say in the way Melbourne develops.

Many people from country Victoria like to visit the city for the amenities it has and the events it is well known for. One of the major natural features of the city is the Yarra River. It is a focal point for many of the major events. It is not just a nice looking river, it is actually part of the culture of Melbourne. As a sporting facility it is very well known for its rowing and its waterskiing. In fact when we have the waterskiing down the Yarra we try to rival England's Henley Royal Regatta on the Thames. I think we are competing very well in trying to get the crowds to the waterskiing, because it is a very well-attended event.

We see a lot of people around the Yarra area going to many cultural events. Some are festivals like the New Year's Eve celebrations. Two years ago I came to the new year's celebrations in Melbourne just so I could see masses, the crowds, because new year's celebrations are a little more low key in country areas. In Melbourne they are on a grand scale, but I have to say that I was not really impressed with all the crowds. It is great to have them here but being a person who does not like crowds a lot I will probably stay in Shepparton from now on for my new year's celebrations. Other cultural festivals include Moomba. The Yarra is one of the focal points of Moomba, so across the world stage it is getting quite well known.

People have always been fascinated by water and for many reasons. I have two rivers in my electorate — the Goulburn River and the Broken River. I have the very good fortune of having my home near the Broken River, so I know what it is to live near a river and have the wonderful luxury of being able to see it every day. We also live very close to the wonderful Murray River, and the irrigators in my area rely very heavily on the Murray and Goulburn rivers. Rivers play a large part in our lives and not just in the aesthetics of an area; they are important for many other reasons.

We also have a number of lakes in my area. We have Kialla Lakes, which is obviously in Kialla. It is a very popular residential area where the developer is constructing a third lake. We have the Craigmuir Lakes in Mooroopna and the Victoria Park Lake in the centre of Shepparton, which the locals use extensively for picnics and festivals, similar to the way Melburnians use the Yarra. We also have Parkside Gardens, which has some wonderful water features. People can be in the country and still enjoy the peace and tranquillity

that water brings. It is important that people have access to our river frontages and waterways.

The Yarra River may not be as well known to many people as the River Seine in Paris, the Danube River in Vienna or perhaps even the Thames River in London, but I think it is just as important. To get some more information on the Yarra River I looked at the Yarra River web site. It talks about it being the river that sculpted a city. I will briefly outline some of the things it says about Melbourne's Yarra River. It states:

> It runs for just 242 kilometres, from its source on the flanks of Mount Baw Baw to the head of Port Phillip Bay.
>
> …
>
> The Yarra has been dubbed 'the river that runs upside down', a jibe at its high turbidity, which means from the middle reaches the Yarra carries a lot of suspended silt downstream.
>
> But this visually humble, sepia-coloured river has a very strong character and has had a disproportionate impact on shaping and serving the state capital that grew up on its banks.

We read that:

> The river's ancient delta that was defined by the sandy, swampy reaches stretching between St Kilda and Williamstown meant that the city of Melbourne was initially established on the higher northern bank. The low, flat land on the southern bank was largely left to light industrial development until late in the 20th century.

So as you can see, the Yarra was not just there for its looks, it played a vital role, providing water to the horticulture industry, including the Yarra Valley winegrowing region.

Just as the Olympic Games highlighted Australia as a great destination, I hope the Commonwealth Games 2006 will highlight Melbourne as a great destination and that the north bank of the Yarra will be developed in time so that people can relax, watch and enjoy Melbourne at its best.

Mr CARLI (Brunswick) — I am pleased to rise in support of the Melbourne (Flinders Street Land) Bill. This very small piece of legislation is largely to facilitate the development of the north bank of the Yarra. It takes in a piece of poorly utilised land that is currently used for car parking and allows it to become part of the major process of urban renewal that we have now seen right across the Yarra in the central city. The other thing that will happen as a result of the passage of this bill is the removal of the overpass in Flinders Street, which will be a great and good thing.

The legislation basically divests a piece of Crown land from Melbourne City Council, thereby providing the opportunity, as a result of expressions of interest requested by the government, for decisions to be made about the final construction.

I agree with previous speakers that this is a very strategic and important piece of land. As a city Melbourne has largely turned its back on the river for the greater part of its history. That has changed now, both in the industrial south, as the previous speaker indicated, and in the northern part, which was dominated by transport and transport-related industries. All of that is now part of a bygone age. The urban renewal has occurred over a period of time and has been bipartisan insofar as all parties have contributed to it. Not only parties but major planners have contributed to it, and what we have now is a renaissance, as the member for Hawthorn made very clear. I wholeheartedly agree.

The north bank will add another important development to all that. Clearly there are issues about what will actually be there, what will be agreed to and what the contractual arrangements will be. Those are all issues that need to be flagged, debated and discussed. The legislation itself really only facilitates one further step towards the realisation of the north bank and increasing the potential of the Yarra River. Having previously turned our backs on it, we are now really engaging and embracing our river. I support the bill and urge its swift passage through the Parliament.

Mr HONEYWOOD (Warrandyte) — With this piece of legislation we see again that the Bracks government has no vision for Melbourne and no vision for this key asset when it comes to providing major infrastructure improvements for the city of Melbourne and the state of Victoria.

I am proud to have been part of a government that had a major projects agenda, unlike the current government. The former government had a wonderful agenda, called Agenda 21. It was responsible for the historic City Circle tram route and the building of the museum. We all remember the former minister Jim Kennan in the Cain and Kirner governments who, desperate to make it look as though something was happening, paid for some concrete pylons to be put up by the Yarra River and said, 'Look, we are building the museum'. It was not the right place for a museum, and that government never had the money to fulfil the dream anyway.

Agenda 21, whether it involved tram routes, museums or convention centres, was all about putting Melbourne on the international map, having vision and having an agenda. As the member for Hawthorn said in his contribution, the former government was providing a

blueprint for the future and following freedom of information procedures and other appropriate planning procedures to ensure that such valuable assets as this piece of Crown land were not lost to inappropriate development or, as in some cases, to potential speculation by a future government of the day rather than for provision of public infrastructure.

The current opposition has not carried on with the vision that was implicit in Agenda 21. To see that you only have to look at the difference between the two major policies the parties took to the 2002 election. The Liberal Party's policy for this key area included the extension of the Melbourne Exhibition Centre and put aside $100 million over five years to make that extension a reality, quite separate from the plenary 5000-seat facility which the Liberal Party has been promoting since the member for Hawthorn was involved in a previous life in assisting with Agenda 21-type projects. What we find by contrast in the so-called 'Steve Bracks. Listens. Acts.' policy that the government took to the last election is a simple paragraph under the heading 'Melbourne Convention and Exhibition Centre (feasibility study completed in April 2003)'. We hear about a lot of these feasibility studies that never finish up being implemented. I quote from that election document:

> The Bracks government has committed $2 million to conduct a detailed assessment of the feasibility of and market demand for a new convention centre including a 5000-seat plenary hall. Seven sites north of the Yarra and at Southbank have been assessed against detailed criteria. Options north of the Yarra have been rejected as a result of this analysis, with an integrated, co-located convention centre at Southbank the preferred option. Development of a business case is under way.

The government says that development of the business case was under way six months ago given the policy that it took to the election. Where is this business case? Where is the funding? Will there be funding in the forthcoming state budget to expand the convention centre or build a new one? Of course not, it is pie in the sky. One only had to go to the recent motor show at the convention centre, Jeff's Shed, to find key organisations such as the Victorian Automobile Chamber of Commerce pointing out that the convention centre is already not big enough for world-class exhibitions such as the ones it holds. Whether it be a separate plenary hall on the north bank, so that we have a wonderful precinct that is appropriate for international tourism and international and national conventions, or whether it be an expansion of the existing exhibition centre, for which we provided $100 million in our well-considered policy, there is a clear distinction between the Liberal Party's providing a genuine vision as a flow on from the Agenda 21, our successful major projects agenda when we were last in government, and this government's approach of being hooked on doing feasibility studies and coming up with so-called business cases that never see the light of day.

At the end of the day it is not just Melbourne but the wider Victorian economy that is the loser, because we will miss out both internationally and nationally on being a key destination when it comes to any number of important conventions and exhibitions of the type that have fired up this state when it has come to having a different type of emphasis from tourism activities elsewhere.

Debate adjourned on motion of Ms MARSHALL (Forest Hill).

Debate adjourned until later this day.

WATER LEGISLATION (ESSENTIAL SERVICES COMMISSION AND OTHER AMENDMENTS) BILL

Second reading

Debate resumed from 10 April; motion of Mr THWAITES (Minister for Water).

Mr PLOWMAN (Benambra) — It gives me pleasure to speak on the Water Legislation (Essential Services Commission and Other Amendments) Bill, because it is about the water industry. Water is still the most important issue which this government is facing and which successive governments will have to face up to over the next 20 to 30 years. Water is a finite resource that has been fiercely fought over, and it is essential that we get the maximum benefit for all Victorians through its good use, particularly the 80 per cent that ends up as agricultural usage.

I start my comments by referring to a quote from Engels about the condition of the working class in England in 1844:

> Competition is the completest expression of the battle of all against all which rules in modern civil society. The battle, a battle for life, for existence, for everything, in case of need a battle of life and death, is fought not between the different classes of society only but also between the individual members of these classes. Each is in the way of the other, and each seeks to crowd out all who are in his way and to put himself in their place.

It is a fascinating quotation that one really needs to read twice to fully appreciate. What it is really saying is that a Labor government in power believes that its own interests preside over all other interests. A full

evaluation of this statement, which was about the working class people of England in 1844 and which I found most interesting, shows that there are more ways of doing things and evaluating things than the current means of establishing the Essential Services Commission through this bill.

Over the past three or more years I have learnt that this government inherently makes the same mistakes that past Labor governments have made. It cannot help itself in expanding the bureaucracy when quite clearly in this case there is no need for any expansion given that the industry has sufficient regulation to make it work properly and work well.

Equally, Labor centralises bureaucracy despite the fact that in this case the water industry is clearly decentralised. It also provides for further regulation and red tape despite the fact that every Victorian accepts that additional red tape stands in the way of progress, efficiency and the best way of managing and regulating an industry like the water industry.

The reason I am most concerned is that I have a close involvement with the water industry and with water authorities in my area of country Victoria. I know that the boards of those water authorities are doing their level best to make sure that the services for which they are responsible are delivered in a way that maximises the productivity of the water they are responsible for while charging the people who have to use the water the lowest prices possible. Frankly introducing the Essential Services Commission into the financial regulation of the water industry is the means by which this government can jack up water prices while avoiding being seen to be doing so by giving its dirty work to the commission. It will be seen to be at arms-length from the commission when it has to make these decisions on behalf of the government.

The other reason I am really concerned about this is that the water industry is a decentralised industry, and introducing an overarching regulatory body will work to the disadvantage of the industry. I will come back to that later, because the Victorian Farmers Federation has strong views about this, and it is important that we note and give due consideration to their concerns, as their members are the major users of water in Victoria.

The purpose of the bill is to establish the role of the Essential Services Commission; to regulate the water industry; and, in the second part of the bill, to reinstate the Central Gippsland Region Water Authority as an organisation able to accept certain types of waste material for treatment or disposal at Dutson Downs.

The first part of the bill will establish the Essential Services Commission as the economic regulator of the water industry and give a level of independence to the pricing mechanism for water and wastewater services. On the face of it you could not argue with that being the correct thing to do, except that we already have that level of independence through the water authorities that are operating on behalf of the industry. They are part of the government as corporatised organisations, but they have a level of independence and are at arms-length from the government of the day in making their price determinations on the treatment and provision of water to their communities or rural industries or the treatment or reuse of wastewater.

I am concerned about another provision in the bill that will remove immunity for officers and members of the regional urban and rural water authorities.

I cannot help asking myself why. When we have an authority that is acting on behalf of government and it is essentially a corporatised arm of government, I do not know why those people who are acting in good faith and who are not shown to be negligent should not receive the immunity as almost all other bodies of this capacity have. Why should they not continue to have that immunity which is usually prescribed under statute for members of boards and officers in the same capacity? I hope the minister or a future speaker for the government will be able to answer that question.

The price determination by the Essential Services Commission will take effect on 1 July 2005. It is of interest to note that the government or the minister responsible for the water industry will have that role until that time.

The bill also provides for the introduction of regulatory orders, codes of practice and statements of obligations of all water authorities, and includes the auditing, monitoring and performance reporting of both urban and rural water authorities across Victoria. The bill provides that the minister will assume the role of the Essential Services Commission in relation to the metropolitan water retailers licence for the provision of water and sewage treatment.

I will go through the clauses of the bill to highlight the issues I see of importance and then conclude with comment on the more general aspects of the bill. Clause 2 deals with the introduction of section 12(1), which authorises that licence conditions may be varied for a licence for water and sewerage, drainage, sewage treatment or headworks and its operation is made retrospective to 4 April 2002. Again I cannot see why this retrospectivity has been applied to this section of

the bill. I ask the minister or any other member speaking on behalf of the government on this issue to explain why this retrospectivity is introduced for a licensee for water and sewerage, drainage, sewage treatment or headworks.

The act comes into operation for Dutson Downs, which is in the second part of the bill, on the day after royal assent is given, but the act effectively comes into operation on 1 July 2005 when the Essential Services Commission takes on the responsibilities that come under this bill.

Clause 3 inserts part 1A, which covers the regulation of the regulated water industry. I repeat: the regulation of the regulated water industry. Under part 1A proposed subsection 4B(1)(b) provides:

> the regulated water industry is a regulated industry.

In case there is any doubt about the aim of the government, it is to make this a regulated industry. It is an extraordinary use of words to say that this is a regulation of a regulated water industry, or the regulated water industry is a regulated industry. It indicates that it is taking away from those water authorities spread around the state their initiative, independence and autonomy to look after their own communities and water responsibilities. It is regulation for regulation's sake.

This government falls into the trap of doing what past Labor governments have done before: in order to try to ensure that it has control of an industry that it does not understand, it resorts to total regulation. In this case the regulation will be at a cost to the industry. I cannot for the life of me see what improvement that regulation will bring to the industry.

Proposed subsection 4C(a) provides that the objectives of the commission are:

> wherever possible, to ensure that the costs of regulation do not exceed the benefits.

I repeat:

> … wherever possible, to ensure that the costs of regulation do not exceed the benefits.

Why would you introduce regulation if the benefits do not exceed the costs of introducing that regulation? It disturbs me. I even find it impossible to see how that increased regulation will bring a benefit, but the government says in the legislation that it ascribes to trying to introduce regulation where the benefits will be in excess of the cost but is clearly unable to say that this is the case and indicates that this will be a cost to the industry and to the users — both urban and rural water users.

Proposed section 4D is the nub of the legislation. It is the introduction of water industry regulatory orders, or what are commonly called WIROs. No other legislation in Australia matches the equivalent of these WIROs in the water industry. There is no equivalent in the gas or the electricity industries. The effect of these water industry regulatory orders will be true socialisation of the water industry.

I hark back to the 1989 Water Act. When the legislation came in it had something in excess of 300 amendments to it.

Mr Walsh — It had 700.

Mr PLOWMAN — I stand corrected — 700 amendments, which denied the Labor government of the day the opportunity to completely socialise the water industry or to completely regulate and control the water industry. Since that time the water industry has done an incredible job in improving the standard of water to all communities, in introducing an increase in the number of townships that are sewered, and in providing water to the rural industry to provide an extraordinary increase in the value of rural export industries directly related to the irrigation districts in which that water is productively used. To suggest now that the industry needs to be totally regulated and that it needs to have these water industry regulatory orders makes me most concerned that this bill will achieve what was not achieved in the 1989 Water Act.

As I said, there is no parallel to the WIROs in state legislation. New South Wales has the Independent Pricing and Regulatory Review Tribunal but even that pales into insignificance when compared with the extent of the regulation that the legislation will introduce into the water industry.

The water industry regulatory orders go directly to the Essential Services Commission with any goods or services, including things such as audit functions that will have regulated pricing. The commission, through these orders, has the power to regulate prices, standards, conditions of service, and market conduct. Again I question what that means. I would like the minister in concluding this debate to explain exactly what that regulated market conduct requires of those water authorities.

The bill also indicates that the commission has the power to regulate any other functions that the minister deems necessary. The orders may fix regulatory asset values. Again this is an interesting point. What are

regulatory asset values? If they are only the value of the assets controlled by the Essential Services Commission that is fine, but if they are actually the assets of the water authorities then we are starting to get a level of control that I have never seen in statutory authorities or in corporatised arms of government before.

The orders can also fix performance standards on health and environment. Again there is already plenty of legislation to cover those issues in respect of the water industry, so why do we need the water industry regulation orders under the Essential Services Commission to do that. This is just another indication that this government is hell-bent on totally controlling and regulating this industry — at a cost. It will be at a cost to all users of water but most importantly it will introduce costs to rural industries, to irrigators of this state who achieve so much with water and contribute so much to the export earnings of this state.

Section 4D(3)(d) of proposed part 1A, which is inserted by clause 3, tells us that a water industry regulation order may specify how efficiency gains will be shared. Efficiency gains should be determined by the contributing financial body, whether it be the government, the authority or individuals. For the commission to have an overarching role in determining that takes away the incentive for those individuals who wish to see those efficiency gains achieved to be there and to do it. It also specifies how identified costs will be passed through to the customers. These could include asset replacements or asset maintenance.

If, as has occurred in the past, it has been necessary to introduce an international standard into the industry — for example, the $90 million of works carried out on the Hume reservoir to ensure that the bank safety was up to international standards — under this bill and under the control of the commission through a water industry regulation order, all of those costs could be passed through to customers — in other words, the irrigators of this state. This is despite the fact that the main reason for the works being done on that dam wall were aimed at increasing the safety of both the Albury and Wodonga communities directly below the Hume Reservoir.

The bill states that the water industry regulation order may confer on the Essential Services Commission the responsibility for auditing performance, compliance with codes, monitoring and performance reporting, and the resolution of disputes between authorities and between individuals and authorities. In a way this is a good thing because we have always had situations where the authorities have been judge and jury and we do need some independence in determining who would resolve those disputes, not only between authorities but more importantly between an individual and an authority.

Proposed section 4F deals with the codes. These are similar to gas and electricity codes. I must say that in the main they are as suitable for the water industry as they are for the gas and electricity industries. Proposed subsection (6) says that a regulated entity must comply with any provisions of a code. Interestingly there is no penalty if an entity fails to do so.

Under proposed section 4G the commission may require a regulated entity to provide information. If that information is not provided there is a penalty of 120 penalty units, which makes nonsense of the fact that if a regulated entity does not comply with the provisions of the code there is no penalty for not doing so but there is a penalty when a regulated entity fails to provide information to the commission. It strikes me that that is a very strange way of getting what the commission needs from that regulated entity.

Under proposed section 4H the regulated entities are to be told by the commission how much they are to pay for the privilege of having their industry regulated. I touched on that subject before. They will also be told when they have to pay that amount. What this means is that the commission comes into the regulation of all the water authorities. The commission determines how much it will charge those water authorities right across the state for the privilege of having a centralist, overarching authority determining their role and price structure. I must say that this takes away any incentive from all of those individual water authorities. This is of real concern to me, because it runs foul of the competition policy and runs foul of a competitive spirit which makes those water authorities try to achieve a better level of service at a rate that is competitive with all other water authorities across the state.

Under new section 4I the minister may issue a statement of obligations to a water authority relating to quality and performance standards and specifying the maximum charge for sewerage service and how payments may be made. Again this duplicates the role of the commission. Why would you have the minister doing this when under the provisions of the bill there is a commission to do it? I do not understand the reason for the minister overriding the role the commission would normally have.

The minister will also determine community service obligations. Again I can see there is a need for the minister of the day to determine community service obligations, and therefore I can see that that is a

relevant use of the minister's role, but I cannot see why the minister should override the role of the commission in those other two roles.

I will touch briefly on the statement of obligations, which overrides any code that the commission makes. It applies to licensees and can prevent a licensee from conducting a business. It overrides the Essential Services Commission and gives the minister the power to deal with licensees that are involved in the delivery of services including water and sewerage, drainage, sewerage treatment and headworks. Again, this strikes me as a strange interference in the role of the commission. If you have the commission there, I cannot see why the independence of that role can be overridden by the minister.

Acting Speaker, I will now go to the second part of the bill, which will be of interest to you because it deals with the Central Gippsland Water Authority and validates the actions of the authority in relation to waste. I will read the pertinent points of the bill into *Hansard*:

> Anything done or purported to have been done under this Act by the Central Gippsland Water Authority before the commencement of section 8 of the Water Legislation (Essential Services Commission and Other Amendments) Act 2003 that would have been validly done had that section been in operation has, and is deemed always to have had, the same force and effect as it would have had if that section had been in operation.

This virtually validates the use of Dutson Downs as a waste treatment area, which is of real concern to the opposition. I have inspected the facility at Dutson Downs, and I have to say it is well managed. However, the opposition is totally opposed to this. Why would you have a toxic waste dump right alongside one of the iconic tourism destinations in the state — the Gippsland Lakes? I am sure, Acting Speaker, leaving out your parochial interests, that this would apply to almost every Gippslander.

The Gippsland Lakes have a significant role in the tourism values of the state. I have sailed down there on many occasions, and the lakes are one of the loveliest stretches of water in the state. I have to say that anything that might diminish that opportunity in the future would be extraordinarily detrimental to future generations of Victorians. New schedule 8 inserts all that is required to allow the treatment of waste material at Dutson Downs to continue. As I said, having inspected it I recognise that the treatment of waste is being done in a very sound and efficient manner, but the threat is in where it will stop. What is the next waste material that will be treated down there; and could any of it get into the lakes and so prevent them from remaining the iconic feature they are at the moment?

Mr WALSH (Swan Hill) — The Water Legislation (Essential Services Commission and Other Amendments) Bill establishes the Essential Services Commission (ESC) as the economic regulator — or some would say dictator — of the water industry. The bill requires the regulated entities that it will control to contribute to the costs of the ESC; removes the current statutory immunity for officers and members of the regional urban and rural water authorities after the expiry date of their current terms; removes the need for water authorities to include financial statements in their corporate plans once the ESC has determined their first price; and retrospectively amends the 1989 Water Act to reinstate the capacity for the Central Gippsland Water Authority to accept certain waste materials.

The National Party opposes the bill on behalf of irrigators and country Victorians. As the minister told us in his second-reading speech, the bill transfers the economic regulation of the water industry from government to the Essential Services Commission. Those who favour this approach obviously were not around in the water industry in 1980 or before, when the then State Rivers and Water Supply Commission, later to become the Rural Water Commission, managed the rural water industry in Victoria. The National Party believes we have come full circle in water management — or gone back to the future, as people have said on other matters — and we are vehemently opposed to this course of action by the government.

After the Cain Labor government corporatised the Rural Water Commission the then minister, David White, to his enormous credit, recognised there were very serious problems in the water industry in Victoria. For those who do not remember, conservative irrigators had taken the radical action of refusing to pay their bills. There were large meetings across the state and even a blockade of the head office of the State Rivers and Water Supply Commission at Orrong Road, Armadale.

The system broke down under its own weight. There was too little accountability, no transparency and water costs were continuing to rise. David White appointed Stewart McDonald to hold a landmark inquiry which proposed big changes to the water industry. When Stewart McDonald delivered his final report in January 1992 its recommendations were accepted and implemented immediately and in full by the then Labor minister, Steve Crabb. It was interesting that after Stewart had presented his report and the minister had implemented it, the minister asked Stewart to go away

and come up with recommendations for the appointments to the first board.

Stewart's committee interviewed all the candidates and submitted a final list to the minister at the time that included Peter Ross-Edwards, Goff Letts and one of the Baillieu family — three conservatives. One of the things Steve Crabb said to Stewart McDonald was, 'Christ, Stewart, you are worse than the … New South Wales right for looking after your mates!'. But to Steve Crabb's credit he appointed all those people, because they had unquestionable ability in the industry and they delivered very good outcomes for the water industry. I give the Kirner government full credit for going forward and making these changes.

Unfortunately the good work of those governments makes what the Bracks government is proposing to do even harder to understand. They are delivering the management of the water industry back into the hands of the public service. As a result of the McDonald inquiry the Rural Water Corporation was split into five large rural water authorities with boards of management appointed by the minister. Local representation was encouraged. The boards had a high degree of autonomy and for the first time ever water users actually had considerable input to the conditions they operated under and the price they paid for water.

At the time the McDonald report was criticised for not recommending a mechanism to involve irrigators in its decision making. As it evolved customer groups were set up and now we have what are known as water service committees. These water services committees have done a magnificent job in bringing irrigators to a better understanding of the complexity of managing our irrigation systems in Victoria. They have now been in place for nine years, and each area within those water authorities has its own committee with up to 12 representatives who are elected by the local irrigators for a three-year term.

In my electorate we have the Torrumbarry and the Pyramid-Boort water services committees. I had the privilege of being a member of the Pyramid-Boort water services committee for the first three years of its life. These committees have worked extremely hard to give irrigators a real say in what is going on. They have a tremendous standing amongst the community and amongst the rural water authority boards, and they liaise with management on behalf of customers. They advise on the management of the local area budgets and recommend the prices that irrigators will pay; and more importantly, they have a very powerful educative process by putting out regular newsletters, holding regular meetings and keeping irrigators informed of what the issues of the time are.

Even in these troubled times of drought and the shortage of water, the water services committees have taken a fiscally responsible line and have recommended price increases for farmers. Surprisingly in these tough times these price increases have been agreed to and supported. Members might ask why. It is because those committees have gone out and provided good information to the customers, and the irrigators trust them and what they say. Committee members are locals who are held in high esteem.

Until now we have had peace on the pricing front. All the service and pricing standards that the government has set have been met with the consent and the participation of the users in the system. We have had success until this recent drought in meeting the full cost of services and reaching any of the government targets. That has all been done with the support of the industry because of the structure we have and the fact that irrigators feel involved in it. Now we have the Essential Services Commission (ESC) entering to muddy the waters and distort the whole process.

The politics of water will only be achieved when there is cooperation not confrontation, and the government removes the links between the water users and the water price setters at its own peril. The Essential Services Commission evolved out of the Office of the Regulator-General in 2002 and controlled electricity, gas distribution, some ports and grain-handling services, rail and freight access, the Melbourne metropolitan water supply and the sewerage services. With the additional work the ESC is being given by a number of bills this house has been dealing with, it is starting to be horribly like one of the mega-bureaucracies that this government seems to be so good at creating.

While the National Party has no problem with the ESC regulating privatised utilities like electricity and gas utilities, the rural water industry is another issue altogether. It is actually not a privatised entity; it never was and it never will be unless there is some form of secret agenda that we do not yet know about. There is a fundamental difference between the utilities and the rural water authorities which the final Essential Services Commission report should have acknowledged, but that report is now 12 months overdue. It has never been released and we all wonder why. Perhaps it suggests that rural water authorities should not be brought under the Essential Services Commission structure.

The former Minister for Environment and Conservation, Sherryl Garbutt, was of the belief that rural water authorities should have been left out of this bill. There is a very good reason for that. When the ordinary household gas and electricity consumer does not have a mechanism to negotiate and consult on pricing issues I believe the ESC has a role to play in the interests of fair price determination. However, as I have just shown, the rural water authorities have their water service committee structures.

The ESC will marginalise these committees. I do not believe they will have any involvement in the future. What was a clear and understandable structure with a line direct from the irrigator to our service committees, to the rural officers and directors, and then on to the department and the minister now will be overlaid by a more costly and complex structure with a lot less accountability. As a result of this bill we will now fail to get good people to stand on what very likely could be meaningless and marginalised committees. Our argument would be that if it is not broken, why do we need to fix it?

We are now returning to the perilous situation of the early 1980s. Until the Water Act of 1989 was changed, all the power to make decisions lay in the hands of the State Rivers and Water Supply Commission and its bureaucrats. It was supremely powerful; it had the final say on all decisions on water; and it released information rarely and reluctantly and at its own discretion. If a local member of Parliament went into bat for a constituent who believed he had been unfairly done by, that member ran into a brick wall, because the commissioners did not have to respond. The commission was unassailable and all powerful. What it said went, and ordinary people had no redress through Parliament. Members of Parliament could not take a grievance to the minister, because the minister's hands were tied by the commission. The independent commissioners had the final say. Instead of being the final authority the minister could neatly pass the ministerial buck.

In the Westminster system it is always the minister who should have the final say. Now we are going back to where we were before, where the minister will not have the final say. I would like to quote from a ministerial statement on water reform made by the then responsible minister, the Honourable David White, in December 1983. It states:

> The government inherited a water industry, the basic structure of which dates from early this century. To bring about a responsive and adaptive water sector, changes must be made now. The government proposes to bring about change through a far-reaching restructuring program, which will involve:
>
> 1. further defining the responsibility of the minister in directing and managing the portfolio …

Further on he says:

> A first priority of the department will be the resolution of the problem identified by the Public Bodies Review Committee when it stated that:
>
> > the water industry … is operating outside the effective management supervision of government and the Parliament.

Later he speaks about the act that is to be changed:

> The powers of the minister are not specified in terms appropriate to the responsibility he bears to Parliament and to the electorate. Generally the minister is not provided with an authority to direct or effectively monitor the industry. The legislation involves the minister in excessive low-order administrative detail.

Is it not strange that we are moving back to the same thing that David White changed after his ministerial statement in December of 1983?

It gets worse than that. The regulation of the rural water industry will no longer be the responsibility of the Minister for Water. It is now going to sit with the Treasurer, and even he will not be at the coalface but will be masked by the faceless bureaucrats of the Essential Services Commission. The management of rural water will be further removed from the person who should be directly responsible to this Parliament. It will not be with the Minister for Water, it will be with the Treasurer.

Imagine the confusion that will be created when rural water codes and standards will be set by this government but managed by the Treasurer. I repeat that the Water Act should be administered by the Minister for Water, who is accountable to this Parliament on water, and not by the Treasurer. The situation will be one of continual buck-passing between two ministers and a faceless commission, and no-one will know what goes on.

The bill has arisen partly because of Goulburn-Murray Water's failure to increase water charges in the central Goulburn and Shepparton water districts. As we all know, water prices are set with a renewal basis built in to maintain the infrastructure. That is based on a 30 to 40-year time frame calculation of the income that is needed to refurbish the assets. The Shepparton and central Goulburn districts are the oldest irrigation districts, and when they were split into smaller areas no allowance was made for the age and condition of the

infrastructure. The modelling of the renewals program was based on 80 per cent sales in any given year, and as we all know, because of the current drought there have been no water sales for the last five years.

Before we blame the water service committees or Goulburn-Murray Water, we must realise that the minister had the power under the Water Act to fix the problem. As I understand it, that was continually raised with the then minister, but she did not have the courage to act.

Now we are going to end up with some faceless bureaucrats who are being brought in using the heavy hand of economic regulation to supposedly fix things, potentially without the involvement of the customer groups. Apart from our profound philosophical objection to this, we have a belief that the Minister for Water should be responsible for water pricing, not the Treasurer.

The National Party has some other specific concerns about this bill, because it will further increase the size of the public service bureaucracy. The bill tells us that the rural water authorities will be required to contribute their share of the costs to run the Essential Services Commission (ESC), and I have no doubt that they will have to throw a fair bit of money into the pot to achieve this. There are no prizes for guessing what effect this will have on the price of water in the future. I would love to be in a business on a cost-plus basis where all I have to do is send out the bills, pass on all my costs and have the water authorities pay whatever the ESC deems is needed.

We in the National Party have major concerns with clause 7, which amends section 90 of the Water Act. During consultations on the bill the directors and officers of some of the water authorities also expressed major concerns about removing statutory immunity from future board members and officers after the end of their current terms. This will add more costs to the authorities as they have to upgrade their insurance policies to cover that risk.

Clause 9 provides for the repeal of sections 247(2)(c) and 247(9) of the Water Act. It will remove the need for rural water authorities to provide financial statements to the minister once the ESC has determined its first price under this legislation. We believe this is yet another abdication of the responsibility to provide good governance.

The National Party is concerned about the pricing models that the ESC will develop. The commission will put in place pricing models that will take into account health, safety and environmental sustainability, which are all good things; but this mythical issue of social obligation has unknown repercussions. How is it that social obligations are a legitimate part of a pricing for rural water? We do not believe they are. We are concerned that if rural water authorities are required to undertake major environmental works as part of their social obligations and the irrigators are expected to pay, it may not be in the best interests of the water industry for them to do these works. It may be in the best interests of the whole community to do them, but why should the irrigators be the ones who pay?

Mr Helper interjected.

Mr WALSH — I am talking about the rural water authorities (RWAs) at the moment. So if it is in the interests of the whole community, the community should make some contribution towards it. We do not want the ESC insisting that the irrigators pay for all this.

In a similar vein, there is a blurring of the roles of the catchment management authorities (CMAs) and the RWAs as to who undertakes additional works in the catchments. Given that the CMAs are underfunded and the RWAs have income streams through their customers, there is a risk of that line being blurred even further. I believe the statement of obligations will further push the responsibility for additional works onto the RWAs, because they have a funding source — their customers. It is about blatant cost shifting by government.

The other issue is that the ESC has the power to set regulatory asset values which do not necessarily have to bear any resemblance to depreciated values or book values. As we currently know, urban rural water authorities pay a rate of 4 per cent on the bulk water supplied to them by rural water authorities, which then use that to carry out certain community service obligations. The urban water authorities are not happy with that. If it is stopped we might find that the customers of the rural water authorities again pick up the cost of doing that work.

It is very easy to inflate the calculations depending upon how you set that regulatory asset value into the future. Rural water authorities currently operate as not-for-profit organisations, and we believe they should stay so. But all those details pale into insignificance when we remember that this bill takes away the responsibility for rural water pricing, water standards and targets from the Minister for Water. The Minister for Water will no longer be responsible for water; the

Treasurer will be, or more correctly his bureaucrats will be. On that basis alone — —

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

Ms LINDELL (Carrum) — It gives me pleasure to join the debate this afternoon on the Water Legislation (Essential Services Commission and Other Amendments) Bill. This bill gives authority to the Essential Services Commission for the independent economic regulation of the water industry. It is the second of the government's five key water bills for these sittings of Parliament that will drive the reform of the water industry to ensure that all Victorians recognise that water is a finite resource.

In his ministerial statement the Minister for Water outlined the vital importance of the government's 10-year plan, Water for the Future, in changing the way we all use water. This legislation is seen as an important step in effecting that change. The bill provides the broad legislative framework for the independent economic regulation of the Victorian water industry by the Essential Services Commission. It will assume responsibility for the economic regulation of the metropolitan — not that we have heard much about metropolitan water in today's debate — regional, urban and rural water sectors from 1 January 2004. The first water prices set by the Essential Services Commission (ESC) will take effect from 1 July 2005.

The government's objectives in extending the jurisdiction of the Essential Services Commission to the water industry are to protect the long-term interests of all customers regarding the price and quality of water; to ensure the long-term sustainability of the water industry; to ensure that the management of our water resources is financially responsible; to ensure that the environmental, public health and safety, and social obligations are fully considered; to ensure transparent and accountable processes for regulatory decision making; and to provide for optimal long-term investment.

The Essential Services Commission will ensure that any future price increases are fair and reasonable. It will also ensure that the community is informed through transparent and consultative price reviews. As water businesses are monopolies and are not exposed to competition the ESC will ensure that prices are not either too high, thus generating monopoly profits, or too low, so undermining the long-term sustainability of the water industry.

The bill provides the necessary framework for economic regulation of the water industry by including water-specific objectives that the ESC must have regard to in carrying out its functions under the legislation. It must ensure, as the member for Benambra said in his contribution, that the costs of regulation do not exceed the benefits. The member for Benambra seemed to have a problem with that, but I think it is very much commonsense that that should be included in the legislation. Also the ESC would be required to take account of the different operating environment of the regulated entities because one size does not fit all. Acknowledging that in the legislation also seems quite sensible to me. The ESC must ensure that regulatory decision making will have regard to health, safety, environmental sustainability and social obligations.

The bill also provides for the making of the following instruments to establish special arrangements for the Essential Services Commission's regulation of the water industry. The water industry regulatory order will set out detailed arrangements for how the commission will undertake its economic regulatory role in the water industry. Codes are to be developed by the commission and may relate to specified matters such as consumer-related standards and conditions of service and supply; specifying principles for the negotiation of agreements between water businesses and for accounting records held by these businesses; and statements of obligation for water businesses that will set out obligations on matters including governance, quality and performance standards and community service obligations.

Both the speakers before me talked mainly of rural water and why the rural water sector is being included in the overview of the Essential Services Commission. They both made mention of the fact that 80 per cent of all of Victoria's water is used in rural Victoria. It is important that the prices that are being paid for irrigation water reflect the cost of its sustainable delivery and are subject to independent and public scrutiny. If we look at the investments that are currently going into irrigation infrastructure in rural Victoria and question where the sustainable pricing has been in the past we will see that it has not been there. There is an enormous bill now confronting Victoria to channel and pipe irrigation water, to provide new infrastructure, yet none of these costs have ever been included in the price of water in the past. It is unsustainable and it must be changed.

Exclusion of the rural water sector from economic regulation would represent a major gap in the regulation of water services pricing and service quality. The Essential Services Commission regulation of the

rural water sector will ensure that this sector is more accountable with respect to the sustainable delivery of water service and other obligations set by the government. It should be noted that the current rural water customer committees will continue to play a key role in providing irrigators with input into the price and level of service they receive from rural water authorities.

This bill makes other changes to the Water Act. One will bring about better practice for corporate governance in the water industry. The Water Act currently provides members of regional urban water authorities and rural water authorities with immunity from any civil liability for acts done in good faith during the course of their appointment. This bill provides for the removal of that immunity. This is seen as being consistent with the Bracks government's policy on statutory immunities. The current immunity is not consistent with the conditions facing members of the Melbourne Water Corporation and the equivalent metropolitan licensees as they have no similar statutory immunity.

I would like to briefly comment on Dutson Downs. The amendment in this legislation will affirm the power of Gippsland Water to accept waste material at the Dutson Downs waste treatment plant. The amendment reinstates powers inadvertently removed from the Water Act in 1989. This amendment does not mean that Gippsland Water's Dutson Downs treatment facility will be accepted as a soil recycling and treatment facility, as the process for registration of that is quite different and requires separate assessments, including an environmental assessment. I wish the bill a speedy passage through the house.

Mr HONEYWOOD (Warrandyte) — Only two weeks ago this Labor state government came into the house and — built totally as it is on window-dressing, as we on this side know only too well — set, through a ministerial statement, so-called water industry reform as its new no. 1 priority. By the way, the government seems to have ditched education from its up-until-now no. 1 priority status. Despite that, how many Labor MPs have been sitting here in this chamber throughout the entire debate on this key piece of water legislation this afternoon? You would appreciate this, Acting Speaker, as a rural member. How many Labor MPs have been sitting here? Almost the entire time just one Labor MP out of the 62 Labor members of Parliament in this house has been here, not including the minister at the table. That minister — the Minister for Agriculture — has nothing to do with this legislation. Where is the Minister for Water who only two weeks ago did his media grandstanding on water? He has disappeared when it comes to any involvement the Parliament might have in determining water industry reform.

As a number of speakers on this side of the house who are concerned about this legislation have put forward, including my learned friend the honourable member for Benambra, this bill is nothing more than an excuse to establish a new taxing mechanism, utilising the very cute argument — —

Mr Nardella — So you are going to oppose it.

Mr HONEYWOOD — I take up the interjection from my very unlearned colleague opposite, the member for Melton, that we are going to oppose it. Yes, we are going to oppose this legislation because we know when the people of Victoria are being sold a pup. We know that members on the other side of the house are trying to use the cute argument that under the camouflage of water conservation you can bring in any number of structures, devices and levers to increase your revenue and tax base. That is what it is all about — jacking up prices directly to the consumer, and what is even more deliberate and conniving, as we have come to expect from this government, is having hidden taxes. This ensures that any number of taxes are applied to water authorities and through so-called environment levies.

Not only is the consumer being hit directly but the different structures have to pay dividends to the government. This ensures that the government's taxation base is consolidated and increased for one purpose only — that is, to keep jacking up the number of public servants and increasing the number of head office personnel to keep all those Labor mates happy and content on their very large wage increases. That is what will bring the government unstuck, as it does every Labor government.

The government was not just content to bring in any number of new taxation levers and indirect taxation regimes surreptitiously in this legislation, we also have new layers of bureaucracy. Hooked as this government is on ensuring that, in typical ALP-comfort-zone fashion, it has control of everything that happens within the mechanisms of government, it is not content with just one layer of bureaucracy but wants layer upon layer. When we were in government we were content to ensure that we trusted the local communities, that we promoted on merit leading community activists who had genuine expertise in water industry reform and who were part of the local community, not separate from it. We did not promote some social justice ALP branch member who wants a paid guernsey as part of this

government's manna from heaven. The Japanese have a great term for that called ama kudari — ascent into heaven. In Labor Party style, all you have to do is belong to a branch and wait your turn.

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member will return to the bill.

Mr HONEYWOOD — You take your ticket and take your place in the queue and you will get the ascent into heaven that you joined the party for all those years ago.

Mr Helper — Somewhere near the bill — mention water.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Ripon will get his turn.

Mr HONEYWOOD — Totally on the bill, as you, Acting Speaker, are only too aware. Page after page of the Water Legislation (Essential Services Commission and Other Amendments) Bill is about providing new layers of bureaucracy, new layers of jobs for mates.

At least when we were in government we ensured that the separate regional water authorities had the clear responsibility and if not the final say then the major say when it came to ensuring that the needs and aspirations of the communities they were part of and the particular difficulties and challenges facing them in their regions of Victoria were provided for, were understood and were taken up to government. We know that at the end of the day the Essential Services Commission as part of this legislation is just a toothless tiger — the commissioner is yet another window-dressing authority, another person with a title. He may well mean well and may be there for the right reasons, but at the end of the day the minister will have the real power. At the end of the day the minister will be the puppet master.

I would like to particularly mention Dutson Downs in relation to this bill. As we so often find with this government, it has used a window-dressing opportunity to bring in legislation which, on the face of it, is very difficult for people to criticise. But then, tucked away at the back of the bill, they bring in the really difficult one they did not want to have separate legislation on. They have tacked on the Dutson Downs issue to this bill. Like the member for Benambra, I have met with the management of Dutson Downs, and I agree entirely with the member who in his contribution today said there is no question of the integrity and management skills of the team currently managing that facility.

Having said that, however, I would have thought that members opposite would have a recollection of situations that occurred in the past such as the Four Mile Island nuclear power station. What was the problem there? The problem was that it was built on unstable land surrounded by a body of water. It was found from that nuclear station disaster that when you build anything relating to toxicity, in that case nuclear toxicity, substances can leach very easily through a water body.

We know that at Dutson Downs there is a high concentration of clay under the surface that can retain various types of waste. When it comes to toxic waste, however, the government has dithered around for three years trying to come up with a short list of potential sites. And what has it come down to? It has come down to a short list of one. It has bypassed a whole range of what we normally deem to be appropriate community consultation mechanisms and appropriate environmental impact statements, and after three years it has come down to a short list of one.

What that means is that if you live anywhere within cooee of the Gippsland region you are going to be stuck with the prime toxic waste dump for the state of Victoria. Let no-one be left in blissful ignorance of the implications of that. We are going to have trucks full of contaminated material from Melbourne, and much of it from the western and northern suburbs, going through the city.

Mr Nardella interjected.

Mr HONEYWOOD — The member opposite will remember the so-called nuclear-free zone he supported as a socialist member of Parliament. Those trucks will be carrying toxic waste over 100 kilometres down to a site at Dutson Downs. That is not world-class environmental activity; it is a sham.

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

Mr HELPER (Ripon) — It gives me a great deal of pleasure to rise in support of the Water Legislation (Essential Services Commission and Other Amendments) Bill. As other speakers have mentioned, the bill establishes the Essential Services Commission (ESC) as the economic regulator of the water industry. That is fundamental to the economic stream of the enormous effort the government is putting into reform of the water sector.

Why is it essential for the government to reform the water sector? To find the answer we need look no further than our current climatic circumstances —

although we ought not to believe in any way, shape or form that when those circumstances change and we come back to more normal seasons the issues of water, its pricing, its wise use and its conservation will not remain as fundamental issues for our communities and for the state's economic potential and environmental sustainability.

The role of the ESC as economic regulator recognises the reality that any concept of competition is much more abstract when applied to the water sector. For a transparent pricing regime the ESC is essential in the water sector, as it is for the electricity and gas sectors, where economic models are a bit — —

Mr Walsh — Do you really believe that?

Mr HELPER — Yes, indeed I do. For example, with rural water authorities and regional urban water authorities the present pricing regimes are not transparent, as they clearly ought to be.

The bill establishes the ESC as a truly independent regulator, a reform welcomed by many — for instance, by regional urban water authorities, which will welcome a transparent economic regulation between themselves and rural water authorities. At the moment there is a considerable differential between the operating clout of rural water authority customers and the customers of regional urban water authorities. Regional urban water authorities will, I know, welcome the establishment of this transparent pricing and economic regulator for the sector.

The bill includes water industry-specific objectives, and the Essential Services Commission must have regard to the carrying out of its function under the legislation, including ensuring that the cost of the regulation does not exceed the benefits of the legislation. So much for the argument used by the opposition in opposing the bill, that the legislation is about creating red tape; it clearly is not. The bill ensures that the regulatory costs are less than the benefits derived from such regulation.

Further, the regime requires the Essential Services Commission to take account of the different operating environments of the regulated entities. That should clearly put paid to the argument for one size fits all legislation. It clearly is not appropriate. I acknowledge that members opposite, particularly those from rural and regional electorates, recognise that in a matter of a few kilometres apart the water industry is significantly different, whether it is in an urban environment where the regional urban authority provides something similar to what Melbourne Water provides — a reticulation system to a town — or an irrigation authority providing irrigation water and services to farming communities. In small geographic spaces we have vastly different manifestations of the water industry. In establishing the Essential Services Commission as the regulating authority it is clearly necessary that the commission has the charge to differentiate between the many manifestations the water industry takes throughout the state.

Furthermore, the bill establishes the Essential Services Commission to ensure regulatory decision-making will have regard to the health, safety, environmental sustainability, water conservation and social obligations of the regulated entities. If my memory is correct, but I stand to be corrected, the member for Benambra lamented the bill's intent for the Essential Services Commission to take account of such issues as community value — —

Mr Plowman interjected.

Mr HELPER — The member for Benambra says that he did not say that. I withdraw that; I do not want to misquote the member. However, an opposition member made that inference, which is clearly incorrect because the Essential Services Commission is charged with taking account of a range of factors, not just economic but also others I have mentioned, such as health and safety, environmental sustainability and so on. They are clearly part of the regulatory regime that must be part of our water industry if we want to have a sustainable water sector, not just for agricultural use but for urban and recreational use. All of those components are part of the water sector and as such ought to be taken account of by the Essential Services Commission and under this legislation they are taken account of.

The bill also provides for the making of instruments to establish specific arrangements for the regulation of the water industry by the Essential Services Commission. The regulatory order will set out detailed arrangements as to how the commission will undertake its regulatory role in the industry. The water industry regulatory order will be developed by government, and so it should be. The water industry regulatory order ought to be developed by government and ought to set out the framework for a transparent pricing regime under which the commission establishes its economic regulation of the sector.

Many codes that will be developed by the Essential Services Commission relate to specific matters including customer-related standards. As many members from rural and regional areas would acutely recognise, there are some enormous issues of contention concerning customer-related standards. Such

codes ought to be part of the charge given to the commission as it sets out the economic regulation of the water sector. That is provided for in the legislation and I commend it on that basis.

I commend the bill to the house and wish it a speedy passage. I condemn the opposition for not being on the path of water industry reform, which is so critical to this state in terms of its sustainable development into the future.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until later this day.

UNIVERSITY ACTS (AMENDMENT) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Ms KOSKY (Minister for Education and Training).

Sitting suspended 6.30 p.m. until 8.02 p.m.

PORT SERVICES (PORT OF MELBOURNE REFORM) BILL

Second reading

Debate resumed from 29 April; motion of Mr BATCHELOR (Minister for Transport).

Mr CLARK (Box Hill) — This is largely a mechanical bill. It has two principal purposes. The first is to abolish the Victorian Channels Authority and divide its responsibilities between the new land-based entity in the port of Melbourne which is to be called the Port of Melbourne Corporation and other bodies yet to be determined. The second main function of the bill is to broaden the role and duties of the new Port of Melbourne Corporation. Given that this is largely a mechanical bill that gives effect to the government's preferred administrative arrangements the opposition is not opposing it. However, I express a number of concerns about the general direction the government appears to be taking of which this bill forms a part.

I also express some concern about what has being going on down at the port over the past few months where it appears from the limited information provided to the opposition during its briefing that there has been a spill of the directors and the chief executive officer of the Melbourne Port Corporation, a gentleman by the name of Chris Whitaker, who has been doing an excellent job with the corporation over recent years and whose future, so far as I am aware, must at the moment be considered to be under a cloud. This sort of administrative turmoil and dysfunction being created at our port corporation is a cause of concern.

The other main fear I have about this legislation and of the general government direction of which the bill forms a part is that it is taking us backwards towards the bad old days of the Port of Melbourne Authority, but hopefully not in the sense of a return to the appalling work practices that dogged the port in previous years, because the bulk of that problem lay with the work force working with the stevedoring companies. I hope that is a matter of the past, as indeed the parliamentary secretary was assuring the house it was just the other evening when he spoke.

The concern is that we will end up with a port corporation that will be being tugged in all directions and called on to be all things to all people within the port industry, that will lose its direction and its focus and become increasingly susceptible to lobbying, political interference and being called on to do favours to particular interest groups. When one speaks to port experts around the world the one clear message that comes through is that political direction and interference in the day-to-day operations of a port is intensely demoralising and destabilising and detracts from the entity operating in an effective commercial manner.

The broadening of the functions that are given to the Port of Melbourne Corporation under this legislation include the powers to provide certain services or to enable and control the provision by others of those services. The worry is not so much in the formal wording of these functions, because I do not believe there is anything significant, if indeed anything at all, given to the new entity that the old entity was not empowered to do in terms of the land-based management of the port. The worry is that it is an open invitation, a suggestion or perhaps a foreshadowing of a direction that the new entity will be back more in the hands-on provision of port services such as the tying up of vessels that berth, cleaning and other labour-intensive services that have been opened up to private sector and competitive operation over recent years. If that happened it would be a serious backward step.

The other major aspect of the change proposed by this bill is to abolish the Victorian Channels Authority and to allocate responsibility for managing the main channels in Port Phillip Bay to the new Port of Melbourne Corporation. The issue of whether or not

you have channels managed by a separate entity to the land-based port operator is a vexed question, and there are arguments on either side of it. The argument in favour is of course the one the government advocates — that you get a more integrated management of the port environs and a more integrated making of decisions in terms of dredging and the establishment of new berths if you have both waterside and land-side decisions being made by the same entity.

However, there have been two arguments to the contrary. The first is that the proper management of water-based functions tends to get lost if it is in a large, amorphous body that has multiple responsibilities. The quality of the management of the channel functions has been dramatically enhanced by the Victorian Channels Authority over recent years. You may say those gains have now been obtained so therefore that reason for having a separate channels authority is less strong than it was in the past. Nonetheless there is the fear of relapse even on that front.

The other issue and problem with the channel functions being handled by the Port of Melbourne Corporation is what happens with the port of Geelong, which of course has to share the channels along which vessels enter the bay through the heads? Do you put Geelong's future port access in the potential control of a competitor — namely, the Port of Melbourne Corporation? For all its fine words the government has not solved that problem. For all its announcements that it will abolish the Victorian Channels Authority it has to keep the authority to run the approaches to Geelong, and it still has not solved the dilemma that the Melbourne port entity is going to control the ability of ships to enter through the heads into Geelong.

Until it comes up with a satisfactory resolution of that problem, users of the port in Geelong are entitled to be fearful about their future. The parliamentary secretary argued that there was no genuine competition between the port of Melbourne and other ports such as Geelong. On many aspects of port operations that is true, but there is very fierce competition between those two ports in the grain trade and a number of others.

The government has criticised the landlord model of the Melbourne Port Corporation that has operated to date. The irony is that this model operates in a similar way to Melbourne Airport, the main difference being that one is in public ownership and the other is in private ownership. We have heard the Minister for State and Regional Development in recent days waxing lyrical about how effective Melbourne Airport has been since it moved into private ownership.

It is difficult to see how an entity such as a free-standing commercial airport can be so successful, which the minister says it has been, when on the other hand the government is arguing that the Melbourne Port Corporation, which is based on a similar model, albeit in public ownership, cannot work successfully. There has also been an absurd contradiction of arguments: on the one hand it is claimed that the Melbourne Port Corporation has been starved of capital for public investment, but on the other hand rental rates within the port have allegedly gone up too much.

When the government talks about what is being created by the new port entity — namely, a strategic planning role — it should be acknowledged that this is a function that was being exercised by the previous government but is now being abrogated by the present government, in particular by the Department of Infrastructure and the Minister for Transport. We have had all the big picture studies, such as the Linking Victoria strategy and the Melbourne 2030 strategy, as well as all these glossy brochures, but between them they have not come up with a strategic vision for the port, for the transport system and for a land planning use around Melbourne within which the Port of Melbourne Corporation and port users can operate. If that has not been achieved, it is an enormous failing of the present government.

The government is not going to solve the problem by trying to give responsibility for part of this strategic vision to the Melbourne Port Corporation, which cannot exercise it fully because so many of the planning decisions remain in the hands of the government. It is not going to achieve the objectives that the government is trying to achieve. The only solution is for the government itself to get moving and exercise its role to create the strategic framework within which the Port of Melbourne Corporation and all the private operators in the port can succeed and flourish.

Ms BUCHANAN (Hastings) — It gives me great pleasure to speak in support of the Port Services (Port of Melbourne Reform) Bill. I strongly support this bill, because I appreciate its intent, which is twofold. Firstly, it is aimed at increasing the efficiency, productivity and investment potential of the port; and secondly, it will enhance the sustainability and competitiveness of the port of Melbourne.

As Professor Bill Russell set out in the 22 recommendations in his independent report to the Minister for Ports — —

An honourable member interjected.

Ms BUCHANAN — Truly independent! He has outlined quite a few recommendations, which the government has adopted and will be implementing as part of phase 1. It is truly timely for this bill to be going through, given that in the last financial year there was an 11 per cent increase in container traffic through the port of Melbourne, and the infrastructure needs to keep pace with this.

The rail, road and ship access issues need to be comprehensively addressed. This bill achieves that through the reformation of the multiple authorities currently looking at these integral infrastructure and efficiency issues across the port of Melbourne, and the port of Geelong to a certain degree, into one corporation that can and will address them.

It is important at this stage to reflect on the history of the port of Melbourne. Back in the mid-1990s under the previous government the reformation of the ports around the region was driven by competitive policy and market forces. Consequently the corporatisation of the port authorities, along with the sale of the ports of Geelong and Portland, saw the splitting of the land and waterside responsibilities between the Melbourne Port Corporation and the Victorian Channels Authority.

The Russell review, which came along after 1999, noted that the Kennett restructures delivered limited benefits and major problems. He identified a lack of leadership, strategic planning and investment capability within the structure that was abounding at that stage. The port of Melbourne was unable to compete effectively with ports in other capital cities, which was a major issue. The split decreased the integrated planning and financial capacity of the ports, and that is what this bill intends to address.

There were safety, environmental and community management problems with the structure that existed at that time, and the relationship between the ports and the local communities caused great contention. I would at this time relate that to the issues at the port of Hastings, which is up for the next round of amendments that are coming through. The conflict that was caused in the local community at the time was a key issue.

The government looked at the recommendations in the Russell review and agreed with the thrust of its findings. It committed to implementing 22 initiatives across the board, which will be introduced as time goes by. The one with the highest profile is the first amendment, which is the creation of the newly integrated corporation to manage the port of Melbourne. The first stage of this process is happening now in establishing the Port of Melbourne Corporation to replace the Melbourne Ports Corporation from 1 July this year.

It is important to point out one of the issues that Professor Russell raised in his report, which I want to read out:

> Victoria requires in the port of Melbourne a port that can compete vigorously on the national and international stage. This requires a capable and integrated manager and facilitator of both land-side and waterside aspects of the port, with an appropriate vision and charter and the capacity to ensure that the necessary investments in channels, waterside and land-side infrastructure occur when needed.

The amalgamation or reformation of the respective authorities around the port gives the capacity for the broadening of that focus and for the necessary enactments of the infrastructure issues that need to be addressed to go ahead. By giving it a broader charter, the port can compete within the state ports to maximise benefits to the Victorian community. Instead of the limited, landlord-type role given to the current authority, the new port authority will be vested with broader objectives, functions and powers designed to further integrate the port into Victoria's freight and logistic network, which is very important for the economic future of Victoria. The new port authority will be expected to plan for the sustainable development of the port, manage the port safety and security, coordinate port activities and generate more trade.

When you have two different authorities, one looking after the land aspects of the port issues and one looking after the water aspects of the port issues, there is always going to be a degree of conflict and adversity in terms of their thrust. The integrated management of the port lands, waters and channels reverses the Kennett government's division of land and water between the different authorities and will enable the new authority to take a more strategic approach to planning and investment. That is what the Bracks Labor government is all about.

This bill is about securing Victoria's ports to retain this state's status as the principal container port of Australia. In order to retain it and remain competitive, these reforms must be enacted. Only with attention to infrastructure and efficiencies and upgrades of the infrastructure that is there can Victoria retain this vital business.

Mr COOPER (Mornington) — There is no doubt that the port of Melbourne plays a very important role in the future of Victoria, as it has done in the past. The economic activity and economic health of Victoria revolve around the port of Melbourne. This bill

addresses a number of issues, and it is designed to improve the various aspects of the port, improve its capacity to remain pre-eminent and improve its capacity to remain the biggest container port in Australia.

The member for Hastings mentioned that there has been an 11 per cent increase in throughput at the port of Melbourne over the past 12 months. That is good news for us all, of course, but we must remember that there is no God-given right attached to that and no God-given certainty that this will continue. We have to work to ensure that the port of Melbourne retains its role. There are competing ports, or ports that want to compete and are working hard to compete.

I mention in particular the port of Adelaide. The port of Adelaide, which was recently privatised and which is now being run by the ex-head of the port of Geelong, is very keen to grab business from Victoria and the port of Melbourne. It is in the process of improving its port with a view towards taking business away from Melbourne — taking the conference business away from Melbourne. Honourable members who take an interest in this kind of thing will be aware that the biggest users of the port are in fact the conference ships. The negotiation for the conference ships to continue to come to Melbourne was successfully completed last year, despite the fact that the port of Adelaide worked very hard to take the conference business away from Melbourne.

One of the reasons that the conference business was retained was that an assurance was given that at the next round of negotiations — which is now only two and a half years away — the port of Melbourne would be able to handle the new generation of container ships, the much larger ships that by that stage will be in greater numbers around the world.

Certainly many of the conference shipping lines will have those ships on the freight routes throughout the world, and if Melbourne is not able to handle those ships we run a significant risk of losing that conference business — the vast bulk of our container business — to either Adelaide or Sydney. Adelaide will be in the vanguard of trying to knock off the business here in Melbourne, so it is very important that work is done to ensure that, as the Labor Party's policy *Linking Victoria* says on page 17:

> The port of Melbourne is Australia's pre-eminent container port.

The policy goes on to say:

> Labor is committed to ensuring we continue to grow this significant asset by ensuring modern vessels can easily access our port.

The Labor Party policy addressed the issue of modern vessels — the new generation container ships. The policy goes on:

> Channel deepening works in Port Phillip Bay to allow improved access to the port of Melbourne will boost Victoria's economic growth. Labor will ensure that the project, once environmental, technical and economic assessments are approved, will be undertaken in an environmentally sensitive and sustainable manner.

This goes to the nub of the issue of the future of the port of Melbourne in regard to conference shipping and in particular new-age container ships, and that is whether there will be the deepening of channels in Port Phillip Bay.

In January this year, at a cost of between $12 million and $14 million, we saw maintenance dredging carried out in the southern part of the bay. It created enormous turbidity and effectively closed down the diving industry in the Sorrento-Portsea area for some weeks. That is just an indication of some of the problems the government will have to face in the channel deepening project because deepening the channels will make maintenance dredging look like a drop in the ocean. Significantly greater works will have to be carried out at significantly greater costs and one might ask, as no doubt the environmental movement will ask: how much turbidity will be created?

I was interested in the comments by the member for Mordialloc during her inaugural speech on 27 February when she said, and I paraphrase her words, 'Let me make it quite clear: I will not support the deepening of the channels'. She said, though I notice with some interest that the words do not appear in *Hansard*, that channel deepening would occur over her dead body. I will be interested to see whether the member for Mordialloc contributes to the debate on a bill which centres very much around the future of the port of Melbourne and the future deepening of the channels in both the southern part and the northern part of the bay and into the Yarra River in particular.

Although the government states in its policy that it is committed to channel deepening in the bay we have no answer on whether it is truly committed. To find out whether the government is really committed one needs to go to pages 18 and 19 of the Labor Party policy which details funding commitments, both recurrent initiatives and capital investments. You do not find a single solitary mention of any money being allocated between now and the year 2006–07 for channel

deepening works in Port Phillip Bay. One might say that this falls into the category of a promise that is never going to be kept or one to which there is no real or genuine commitment.

Let me say this to the house: if this business is lost to Victoria a lot of industries will lose out and move to wherever the container boxes go — wherever the container boxes go so does industry go. If it goes to Adelaide then that is where a lot of businesses will relocate, and we will see suburbs of Melbourne like those in the City of Casey, for example, turn into ghost towns. Many of the houses there are occupied by people who work in industries dependent upon the container industry and they will either be out of work or have to relocate to Adelaide as well. Do we really want to have a situation develop in this state where we could see the City of Casey be turning into a ghost town?

Mr Nardella interjected.

Mr COOPER — The member for Melton might see this as a joke and want to have a big laugh about it, but the reality is that there is a heck of a lot hanging on these decisions by this government — and time is not on the side of the government. The time lines that have been set by the government and are being depended upon by the industry mean that by the end of this year all the information necessary for the start of an environment effects statement public consultation period will be available. That is one commitment the government has to meet.

A further commitment is that the entire project of deepening the channels in Port Phillip Bay has to be completed by the end of 2005. To achieve that timetable the government must be in a position to consider a final decision by mid 2004.

Mr Nardella — We've got two and a half years yet.

Mr COOPER — The member for Melton says the government has two and a half years. If you talk to the industry you will find you need two and a half to three years just to do the work.

The question has to be asked: where is the money coming from? There is no commitment in the Labor Party policy; there is no commitment given by any minister such as the Minister for Transport, the Premier or the Treasurer that the work will be done. The industry now says it has a view that the government does not have a genuine commitment to the future of the port in regard to new generation container ships.

All the yelling and screaming that is going on at the moment by Labor Party members will not solve the problem. What we need from the government is not a lot of yelling and screaming from members like the member for Melton. What we need is action, we need genuine commitment, we need funds being made available, we need the work being done and we certainly need the shipping industry and those industries that depend upon the container industry being assured that the government will do what it said it would do. At present that is not the case and this government needs to get its act together very quickly or we will see this business, the new generation container business, lost to the port of Adelaide. That would be a disaster for Victoria.

Mr CRUTCHFIELD (South Barwon) — It is my pleasure to respond and to talk on the Port Services (Port of Melbourne Reform) Bill. It is more than the administrative bill that the member for Box Hill claims it is; it is about efficiency. I agree with the member for Mornington that it is about improving the long-term future of the port of Melbourne. It is also about ensuring that the negative impacts of the privatisation of the Kennett era do not impact on ports such as Geelong. That is what occurred. I name the four major commercial trading ports — Melbourne, Geelong, Portland and Hastings — and ask members to nominate one that was not negatively affected by the Kennett era of privatisation.

There is not one and there still will not be one. This bill is about improving the efficiencies of the port of Melbourne. The second tranche of bills in the spring sitting will be about improving the arrangements in Geelong and other commercial ports in Victoria. The member for Mornington has talked about channel deepening, but not once did I hear him articulate his view. My understanding about the member for Mornington is that he campaigned against channel deepening in a scaremongering campaign at the recent state election.

Mr Cooper — You're wrong!

Mr CRUTCHFIELD — That is certainly my understanding.

The ACTING SPEAKER (Mr Smith) — Order! The member for Mornington is out of his seat!

Mr CRUTCHFIELD — Thank you, Acting Speaker — he is out of his seat!

Before we actually work out whether channel deepening is possible because of environmental and other issues I would certainly like to hear what the views are of the member for Mornington and whether he supports it.

Mr Nardella — And the Liberal Party!

Mr CRUTCHFIELD — And the Liberal Party indeed!

I want to touch on privatisation, and particularly privatisation of the assets of Geelong and Portland. It is a pity the member for South-West Coast is not here because he has certainly been carping about the effects of privatisation in respect of Portland. I certainly was not aware of the issues regarding — —

Mr Nardella interjected.

Mr CRUTCHFIELD — He has been carping and whingeing. He might have been the Messiah of Portland before the election but the electors now think he is a rather naughty boy because he stood back and watched the privatisation of that port where the private operators concentrated entirely on its profitable aspects and ignored the other less profitable areas to the detriment of the Portland community.

The member for Box Hill talked about Geelong, and I want to talk for the rest of this time about the port of Geelong. This government is not about negatively affecting other commercial ports. What happened with the privatisation of the port of Geelong was that some tens of millions of dollars went down the road to Melbourne — it was privatised to the toll operator. There was no channel deepening for a number of years in Geelong, and it negatively affected our port. The toll could not operate efficiently or effectively because the Victorian Channels Authority did not have the funds that were there prior to the privatisation of the port of Geelong. Those funds went to Melbourne and there was no channel deepening. We were negatively affected in Geelong by that privatisation. They did raid the bank and did not spend the money in Geelong until years later.

Certainly we feel the impact of that, and this government is not about negatively impacting on Geelong. Why would a public authority such as the Victorian Channels Authority or the new Port of Melbourne Corporation negatively impact on the port of Geelong? They will not; we have six members of Parliament in Geelong who will ensure they will not. We will be very hardworking members, and we will have a degree of diligence this time — probably about 360 degrees — that the previous members did not have. We were negatively impacted on by the privatisation in Geelong.

The operators of the port of Melbourne do not want to control the Geelong channel at all. Under this bill, and certainly under the bill to be introduced in the spring sittings, the government will ensure that the operators and users of the port of Geelong will not be unfairly disadvantaged by the users and operators of the port of Melbourne. The Geelong channel will remain in public ownership so there will be no unfair discrimination on the basis of pricing and no unfair discrimination in terms of access, particularly in respect of the shared channels at the entrance to Port Phillip Bay.

The residents, users and operators of the port of Geelong are just as concerned about channel deepening at Port Phillip Bay as other users of the port. The Essential Services Commission is currently finalising a review of the access regime and pricing principles. That will be done in consultation with the operators and users. I repeat that it will be done in consultation with the operators and users of the port of Geelong. Importantly the six members of Parliament in Geelong will be very diligent in ensuring that the Geelong operators and users are not negatively impacted upon.

I am sure the member for Box Hill was not about scaremongering, but you could interpret it that way. I am sure he did not mean that, and I am certain that he will ensure and support the Geelong members in ensuring that the Geelong operators are not disadvantaged in the future.

Ms ASHER (Brighton) — The Liberal Party does not oppose the bill before the house. On the face of it, it is just a bureaucratic restructure; however, in the context of this government's and the previous government's port reforms it is a quite substantial piece of legislation because of its economic significance to industry and to employment in the state of Victoria.

According to the second-reading speech commercial ports in Victoria contribute to the economy 28 per cent of Australia's trade. The port of Melbourne itself has a $68 billion per annum turnover. There is no doubt in terms of manufacturing that the efficient and successful operation of the port of Melbourne is integral to employment prospects in the state of Victoria.

Indeed if you look at the government's own Manufacturing Industry Consultative Council, the body the government set up to advise it on the future for manufacturing in Victoria, the solution put forward by that group, which is broadly representative of industry, the trade union movement and government, is that in order for manufacturing to survive this state must export. Domestic demand may well increase in certain areas of manufacturing, but in order for that industry to survive and to contribute the number of jobs it has previously contributed to Victoria, it must export.

I also note that the current government's targets parallel those of the federal government exactly — that is, to double the number of exporters by 2010, in this state for this government and in Australia for the federal government. In order for the government to meet that objective it must have a highly efficient and functioning port of Melbourne. Ports are critical in this area, Melbourne most of all but also Geelong, Portland and Hastings. The members from those electorates have all had a thing or two to say about those ports in the debates on this bill and others. We also have 13 other smaller ports which have a regional impact and play an important role in regional economies, particularly in the areas of tourism and recreation, which are often linked. However, it is the big picture, the port of Melbourne, on which I want to comment.

The manufacturing industry in Victoria is subject to global competition, which means that this sector more than any other cannot absorb costs, and costs must be kept down, otherwise these industries cannot compete and jobs will not stay in Victoria unless these industries can compete. Therefore port costs and availability of ports close by, as the member for Mornington said, are absolutely critical. The time it takes to access a port and port costs will have a direct relationship with the number of manufacturing jobs Victoria is able to keep over times ahead.

I might add that obviously labour costs are a critical part of that, but that is not the subject of the bill before the house so I will confine my comments to ports.

The bill provides for a number of structural changes. Its history is that under the previous government the Ports Services Act 1995 established the Melbourne Port Corporation and the Victorian Channels Authority. Briefly, as other speakers have articulated, the port corporation looked after land and the channels authority looked after the water bit, if I can put it particularly crudely. In 2001 the Labor government announced a review of the port reform that had so far taken place and appointed Bill Russell as chair of that review. Bill Russell has performed a number of tasks for Labor governments over a number of years, including — —

Mr Nardella interjected.

Ms ASHER — I am not going to barrel him today because I note that some of his findings in his audit of government contracts have been quite independent findings, which the opposition has welcomed. Therefore, unless I am enticed to do otherwise, I simply make the observation that Bill Russell has performed a number of tasks for the Labor Party in its various guises over the last decade and a half.

The terms of reference for Bill Russell were to look at port reform in the 1990s, to look at the objectives and functions of various bodies running the ports and to look at the role of the Essential Services Commission, which the government had previously announced it wanted involved this area.

I have to say consultation was particularly wide. Seven discussion papers were issued — general background, institutional arrangements, the role and functions of port corporations, reporting and accountability, port safety, port environmental management and industry and community relationships. Not surprisingly, the Russell report went on to recommend further change. I do not think Bill Russell particularly trashed, if I can use a favourite word of mine, the previous institutional arrangements of the previous government, but he certainly, even in the title of the report, *The Next Wave of Port Reform*, recommended a series of changes. The government has responded with this bill. The second-reading speech indicates that there will be another bill in the spring sitting which will probably embrace much more substantial reform.

The Russell report had a particular central thrust, and I especially want to refer to it because of its importance for industry in Victoria. I quote from page 2 of that report:

> An efficient port system is of great importance to the Victorian economy. Globalisation means that there are few industries or groups in society that are not affected by the extent to which our ports are cost effective in their task.
>
> The port of Melbourne in particular is one of the key competitive strengths of the state economy. The largest container port in Australia supported by good road links and a rail system reasserting its potential, it continues to be a focus for imports and exports to many other parts of south-east Australia and to compete with other container ports.

That statement from Bill Russell is indisputable. I also note his key recommendations, and I refer to page 3 of the Russell report. His first recommendation was for the next wave of port reform, as he termed it, to have cost effectiveness and cost competitiveness. He believed that should remain the focus, and there is no argument at all from the opposition on that. He also, oddly enough, noted that:

> … the role of the private sector in the port is critical and should be supported and encouraged by state actions …

Which is not something the speakers on the other side have touched on. He did, however, move on to refer to the need for additional public and private investments.

The brief of the new corporation is clearly outlined in the bill and is particularly broad. I note with some

interest its functions, which are outlined in clause 13. I wish the new body well in trying to achieve all those functions simultaneously. However, it is entrenched in legislation that this authority is required to have a keen eye on the cost competitiveness of the port of Melbourne.

As I said, the key issues for government are the broad competitive capacity of this port under the new regime that the Labor government has every right to bring before this Parliament. There is real concern that Adelaide will become a more competitive port. There is particular concern about the aggression of not only the Labor government in Brisbane but of the port of Brisbane, which many of us would have seen in a spate of advertising. There is an absolute necessity for the port of Melbourne to remain competitive in order to achieve the export target that both the commonwealth and the state have embraced — a doubling of the number of exporters by 2010.

It is one thing for this government to set up a $27 million agenda for a new manufacturing program, having a range of all sorts of grants to encourage people to become exporters. It is quite another thing for this government to preside over an administration where a port must be viable. The government response to the Russell report has been particularly clear. In its official response on page 2, the government has said all the right things. But of course, saying the right things and doing the right things are often quite different.

The government has acknowledged its role and its responsibility to ensure the ports are what it calls structured and empowered, and it has also made much of the issue of the competitiveness of the port of Melbourne. However, the test for the government is not simply its response to the Russell report. The test for this government is not simply this bill and the next bill that will come up in the spring sitting. The test for this government is whether these reforms will allow the government to meet the objectives it has stated in its response. It wants a viable and competitive port; industry wants a viable and competitive port; the Liberal Party wants a viable and competitive port. The question for the government is whether this bill will in fact deliver it.

Mr NARDELLA (Melton) — I rise to support this bill. It needs to be understood that an independent review was conducted by Professor Bill Russell, who does not have any vested interest in the port or its functions or in the corporations or companies that use the port.

This legislation is based on that review and on making sure that the port remains competitive, not only with South Australia, which honourable members on the other side seem to champion and seem to want to give our business to, but with the other ports around Australia and, because of globalisation, among ports internationally. So it is not a case of Melbourne port versus Geelong port versus Hastings port versus Portland port, which was privatised under the previous Kennett government. That government stands condemned for putting in place artificial competitive structures, which is what it was all about, and for not supporting in a real sense the competitive and structural advantages the ports in Victoria had throughout the eastern seaboard of Australia.

A prime example of how the Kennett government created disadvantages in the port system in Victoria is Webb Dock. The great privatiser, the Kennett government, went out of its way to rip up the railway tracks for Webb Dock. It was one of the great container ports in Melbourne, and what did it do? It ripped up the rail lines. The other one was Swanston Dock West. What did it do, this great supporter of the port of Melbourne? The Kennett Liberal government went out of its way and again ripped the rail system out of Swanston Dock West.

Compare that to the record of the Bracks Labor government. We have duplicated the line to Geelong — we have put in the dual track — to make it more efficient so that users can get into and use that port. We put the rail back in. With regard to Swanston Dock West, we have put that rail back in; and with regard to Webb Dock, we are looking at putting that rail back in. As to the question of how we do it in regards to the City Link bridge, who put in the tolls on City Link? It was the Kennett Liberal government — it put them in. The great tollsters were the Kennett Liberal government. Opposition members come in here and talk about tolls in the eastern suburbs, but the two times tolls have come in have been in the western suburbs. The first time was the West Gate Bridge, and now we have City Link. Thank you, Kennett Liberal government! Liberal Party members come in here as hypocrites and talk to us about tolls! But we are not here to talk about tolls — I thought I would put that in in passing.

I applaud the great honourable member for South Barwon, unlike the previous one who was in here for three and a half years that I was here and did not say boo — he did not talk about the port of Geelong. He had no interest in that. The final thing I want to talk about is the commitment of honourable members like the member for South Barwon, the member for Geelong North, the member for Geelong, the two

members for Geelong province in the other place and the member for Lara — all six of them are committed to making sure that the port of Geelong is competitive on the global scene.

The great furphy from the member for Mornington was that the Labor government would not look after Geelong. We have been the only government in the last 10 years that has ever looked after Geelong. We have not gone out of our way to rip out its rail lines; we are putting the rail lines back. As far as the channels go, we are the ones who will look after the port of Geelong; we are the only ones to look after the community of Geelong, making sure that people have jobs. I support the bill before the house.

Mr THOMPSON (Sandringham) — Victoria's ports play a very important part in Victoria's manufactured exports and its primary production exports, and they are also an important base for imports. It might be added that the port of Melbourne operates in both a nationally and internationally competitive environment.

It is interesting that in statistical terms the container movement per hour in the port of Melbourne was one of the worst trade figures in the world among the major ports. It took the federal government's port reforms to achieve a better throughput that made it more economic to provide cheaper transportation costs for Victorian exporters who were trying to compete in international markets and also for the supply of imports through the port of Melbourne, reducing the on-costs and purchase prices for Victorian consumers ultimately.

According to the annual report of the Melbourne Port Corporation, there are a number of key figures. There was a record container throughput of $1.42 million TEU — 20-foot equivalent units — achieved in the last financial period, an increase in 7.5 per cent over the previous period. There are a number of key exports: paper and fibreboard exports increased by 71 per cent, fruit and vegetable exports increased by 24 per cent, cotton exports increased by 20 per cent and wine exports increased by 17 per cent, representing an important part of Australian trade.

The port of Melbourne does not have a fixed place in Victoria's exports in the sense that there are other options for the supply and delivery of goods to Australia and export from Australia through the port of Adelaide and also in strategic terms later on through the development of other links. Professor Lance Endersby has done a lot of work on the strategic development of a national rail infrastructure in Australia and the development of the port of Darwin in the medium term. If, for example, there is a less efficient level of delivery through the port of Portland or port of Melbourne, then Victoria's competitive advantage as a major international hub of transport for the east coast of Australia may not be managed in the medium term and Victoria might lose out to other transport hubs.

It is interesting to note too that the number of ship visits to the port of Melbourne rose by 5.3 per cent to 3019, and the port of Geelong also has an important role in the dispatch and delivery of goods to the people of Victoria, including eastern and western Victoria. In terms of the ports, it is imperative that they be efficient and well managed and have a vital role to play in the future of Victoria's manufactured goods and primary products.

An interesting issue that the present government confronts in the medium term is what it will do in relation to the dredging of Port Phillip Heads in order to handle post-Panamax shipping. The review is currently under way, and I have attended a number of briefings on it. The environment and economic impacts are yet to be fully determined.

The port of Melbourne must maintain a vital role. However, it is important that the environmental impact of any dredging or other works is not detrimental to the magnificence of Victoria's natural features and qualities. The Port Phillip Bay catchment covers some 9790 square kilometres. Its economic contribution to Victoria is worth some $7.5 billion, and it involves a careful balancing of the environmental, tourist, recreational and trade investment issues. That is important in ensuring that the bay continues to play a viable and vital role in Victoria's development future.

As a matter of statistical interest, the bay has a volume of 25 cubic kilometres. It is 41 kilometres wide from Portarlington to Seaford. In length it is 58 kilometres from Altona to Rye, and its greatest depth is 24 metres. As part of the shipping and dredging review that is under way at the present time, I understand that they need to find an extra 2 metres in certain areas just outside the heads and in the bay to handle the post-Panamax shipping. This raises vital environmental issues in terms of where the dredged spoil could be relocated and what impact this would have on the magnificent underwater flora and fauna the bay possesses. It is worth noting that Port Phillip Bay has a greater level of biodiversity than the Great Barrier Reef. The government faces important challenges in terms of how it responds to the review.

The port of Melbourne services a population of more than 3.3 million people. There again it has a vital role to play in terms of the health of the city.

The bay is one of the more dangerous waterways in the world at the Rip at the heads. This has resulted in a number of ships foundering along Victoria's coastline. The continental shelf running between Victoria and Tasmania has an average depth of some 200 metres, but beyond the continental shelf the water falls to a depth of some 4000 metres. As the water moves across the south of Australia it hits the continental shelf, and that causes great turbulence, which has historically been a great hazard to shipping. As I said, many ships have foundered along the Victorian coastline. That is why the safe harbours at Portland, Port Phillip and Hastings have played such an important role, initially in the transporting of people. Most of Victoria's immigrant population arrived at the port of Melbourne between 1835 and the late 1960s, prior to air travel occurring on a major scale. Those ships had to make their way through the heads, down past Mud Island and the South Channel Fort, missing the Pope's Eye. The south channel was an important shipping channel, but even in those days it had to be dredged to a certain depth to enable a safe level of clearance.

There have been a number of industry responses to the port reform outlined in the Port Services (Port of Melbourne Reform) Bill, which the opposition is not opposing. There is a view on the part of some shipping interests that it makes sense to consolidate land-side and waterside management. The Boating Industry Association is broadly supportive of the reform, subject to its not limiting or diminishing the access the industry has to government.

Toll Holdings and the port of Geelong want to ensure that the Port of Melbourne Corporation's control over the channels into Geelong will not disadvantage Geelong commercially. The Australian Shippers Association does not have a dominant concern about reverting to the pre-1995 management structure. It believes it is important that in the longer term there is an opportunity to derive some revenue to contribute to the cost of deepening the channels in order to ensure they are preserved. Other stakeholders such as the trucking interests that use the port are broadly supportive of the fundamental features of the bill.

In summary I would like to emphasise the importance of the port of Melbourne continuing to be competitive in international terms. Victoria is one of the main manufacturing precincts south of the Equator, and manufactured goods destined for international export markets depart from the port of Melbourne. I reiterate the importance of the port to the transport and carriage of primary produce and other goods that are important to Victoria's economic future. The port of Melbourne and Port Phillip Bay are worth, in aggregate terms, some $8 billion or more annually to the state of Victoria. It is important that the port continues to be viable in international terms.

Mr MILDENHALL (Footscray) — This legislation is a breath of fresh air for the electorate of Footscray and the neighbouring residential areas. The financial success and growth of the port of Melbourne has come at a price for its neighbours and others who may be affected by its operations. It is of some longstanding significance in my community that the legislation include new objectives, such those contained in new section 12, the first of which is:

> … to manage and develop the port of Melbourne in an economically, socially and environmentally sustainable manner;

That is a far cry from the previous objectives, which mainly focused on making money for the Treasurer of the day. As desirable as some parts of government may consider that objective to be, the port exists in a community context. There have been many downsides to the expansion of the port's activities. Some of those have come about because of very limited objectives. For instance the landlord role has meant that the rents on port land have been very high. That has meant that it has been very expensive to store shipping containers, particularly empty shipping containers, on port land. Where do container park operators go? They look for the nearest empty blocks of land or old industrial sites to use for storage in order to be able to bring runs of shipping containers into the port of Melbourne at all hours of the day and night and at very short notice.

Often those shipping containers have been located in an ad hoc way throughout residential areas, particularly in my community. It has meant that the residential amenity has been dramatically and adversely impacted by container traffic. I have been chairing a working party of government agencies trying to address the issue of container traffic, much of it associated with port activities. We have looked at the sorts of strategies contained in the objectives of the port legislation. We have looked at the environmental impacts and how to reduce them, and we have also looked at the statutory planning impacts. We now have a new set of guidelines and statutory rules for the location and regulation of container parks as a result of the work we have done.

We have also had to make the very sorts of investments that the member for Melton was talking about. As a government we have invested heavily in rail to replace

the rail lines that were pulled out by the Kennett government and to hook up again the container parks and storage areas to the port using heavy rail, to considerable environmental benefit. We have also had to look at relocating container parks through a series of carrot-and-stick strategies.

It could also be that the Docklands project may have taken too big a footprint. There has certainly been an expansionary pressure on the port of Melbourne to come into residential areas in the western suburbs. That conflict of additional traffic and the incursions into residential areas, on top of the traditional issues we have had in our area relating to the location and activities of Coode Island, have meant that the activities of the port and its proximity have become quite a sensitive environmental issue for the community of Footscray. We are working in an integrated way locally to ameliorate those impacts.

This legislation now enables the port to have a mandate, and indeed an obligation, to participate in those sorts of exercises in a far more legitimate way. I certainly, and the Footscray community too, look forward to working with the port of Melbourne in its redesigned and reconfigured guise. We look forward to its increasing prosperity and the jobs it will bring to our community, and also to being able to work with it to reduce some of the adverse impacts and produce a long-term strategic future for the port that will be to the benefit of everyone.

The community in my area will certainly warmly welcome this legislation.

Debate adjourned on motion of Mr DIXON (Nepean).

Debate adjourned until later this day.

WATER LEGISLATION (ESSENTIAL SERVICES COMMISSION AND OTHER AMENDMENTS) BILL

Second reading

Debate resumed from earlier this day; motion of Mr THWAITES (Minister for Water).

Ms ASHER (Brighton) — The opposition opposes the Water Legislation (Essential Services Commission and Other Amendments) Bill — and what a tale of deception it is!

I wish to address in particular my concerns about clause 10, which will effectively establish a toxic waste dump at Dutson Downs. The history of this — and I am very pleased that the member for Footscray is in the chamber — starts with the establishment in 2001 of the hazardous waste siting advisory committee. There was meant to be a three-stage process, the first stage being a soil recycling facility, which is 35 per cent hazardous waste, going through to stage 3, which is the fully fledged toxic waste dump with long-term contaminants.

I might add that a couple of days after the federal election in 2001, 11 sites were announced by the member for Footscray. The chairman of the committee, however, said at a public meeting that the state government did not particularly want to make a decision on where the toxic waste dump would go until after the state election. The government now, in this bill before the house, has flagged where it is going — to Dutson Downs.

I draw the attention of honourable members to clause 10 of the bill. This clause provides that the Central Gippsland Regional Water Authority is to be given the capacity to receive waste. 'Waste' is defined in clause 10 as:

> (a) trade waste or any sewage, whether that waste or sewage is untreated, treated or partially treated; and
>
> (b) any matter that is offensive or injurious to human life or health; and
>
> (c) any ash, coal dust or matter that may discolour or impart discolouration to water; and
>
> (d) any other matter that the authority by by-law declares to be waste.

So the sting in the tail of this bill, and I will leave it to my colleagues to speak on the increased price of water through the arrangements for the Essential Services Commission, is that we now know where the government is going to place its toxic waste dump — at Dutson Downs, of course.

The Liberal Party has a number of concerns in relation to this as, I am advised, does the National Party. Indeed, the Leader of the National Party, in whose electorate it is to be placed, will be more concerned than anyone else. The first concern is that this site is very close to the Gippsland Lakes, which are a tourist icon. A shocked public meeting held during this whole fiasco of public consultation heard the head of Gippsland Water have the audacity to say that this toxic waste dump could be in itself a tourist attraction. What an extraordinary claim from the head of Gippsland Water! And this is the guy we are going to give the power to accept waste. But leave that point aside.

I note also that the definition of the word 'waste' includes:

> (c) any ash, coal dust or matter that may discolour or impart discoloration to water —

which I imagine will cause some concern.

However, the greatest concerns have been outlined by a group called Wellington Residents Against Toxic Hazards Association (WRATH). That group has said, and I quote:

> The central issue at Dutson is water pollution; pollution that will end up in the Gippsland Lakes and in the wetlands on either side of the site. The case that Dutson is a suitable site for a waste facility relies on a groundwater study done back in the 1980s using a methodology now known to be flawed.

WRATH has shown a video to members of the hazardous waste siting advisory committee, of which the chairman, the member for Footscray, is in the chamber. It goes on:

> This video shows that after rain there is black polluted water coming out of the ground on adjacent land, pollution which is clearly coming from existing waste dumping at Dutson.

This letter goes on to say:

> Gippsland Water, who put the Dutson proposal forward, is itself a government agency. Gippsland Water's environmental track record so far has been abysmal. Their previous practices have virtually destroyed Lake Coleman; they still have more than 40 kilometres of stinking open trench sewer with no plans to do anything about it. The government policy is supposed to require waste organisations to adopt world's best practice. Far from being a world's best practice organisation, Gippsland Water processes have been described by one expert who WRATH has talked to as 'Third World technology'.

That is one reason the Liberal Party opposes clause 10. Another reason is the fact that the Dutson Downs site is right next to a bombing range. While I respect the Royal Australian Air Force, I do not think that is an ideal location for a toxic waste dump.

Another reason why we oppose this siting is the travel distances. Industry will have to transport its waste to Dutson Downs. I refer the house to an article in the *Pakenham Gazette* of Wednesday, 20 March 2002, outlining Gippsland Water's proposal for transportation. Do not think it is only the Leader of the National Party's seat that is affected by this one. I think the member for Gembrook may be interested in this proposal as well. The article states:

> A contaminated soil transfer station could be built near Pakenham if Gippsland Water wins a government contract to build a soil recycling facility in East Gippsland.

The article goes on to quote Gippsland Water's spokesperson, Grantley Switzer, who said:

> In our EOI (expression of interest), we have identified that it may be appropriate to establish transfer stations on the west and east sides of Melbourne …

One of the reasons we oppose it is the level of transportation that will be required.

The next reason the Liberal Party opposes the dumping of the toxic waste in Dutson Downs is that this government does not exercise sufficient control. Members on the other side will be aware of a Deer Park bid, where the parent company of one of the proponents of the bid, a firm of the same name, was convicted of environmental offences in the United Kingdom. It was not the government that terminated the bid, even though the then Minister for Major Projects had access to this information, it was the company that terminated the bid in relation to financial viability. The government's track record and choice of whom it deals with — in this case a company convicted of environmental offences in the United Kingdom — is not something I want to see in this state.

The other concern about the toxic waste dump is the plan outlined by the member for Footscray as quoted in the *Brimbank Leader* of 16 October 2001. Clearly the government's plan is to have not one but three toxic waste dumps in Melbourne. I quote the member for Footscray as reported in this article:

> Mr Mildenhall said it would be a 'perfect' solution to have sites in the north and south-east of Melbourne as well as the west.
>
> That would be the perfect solution … Mr Mildenhall said.

Three toxic waste dumps in the city, and one at Dutson Downs in this bill.

Let us look at prescribed waste. I urge honourable members to look at the Environment Protection (Prescribed Waste) Regulations 1998, which list four pages of waste. This is what Dutson Downs will get in my view as a consequence of its being the waste dump — acids, arsenic, asbestos, contaminated soils, highly odorous organic chemicals, highly reactive chemicals, lead, waste chemical substances, waste from the production, preparation and use of pharmaceutical products and waste of an explosive nature not subject to other legislation. That is what goes into a toxic waste dump. Unfortunately the bill before the house allows any matter that is offensive or injurious to human life or health to go into Dutson Downs.

I understand what the government is trying to do with water, and as I have said, I have focused on clause 10. It is interesting that, given the public concern about water, the government would choose to barrel through a toxic waste dump. It is actually mentioned in the purposes of the bill, and it is there very clearly in clause 10, where a new schedule 8 will be inserted into the Water Act. This is a disgraceful way to introduce a toxic waste dump to Dutson Downs.

Ms GREEN (Yan Yean) — It gives me great pleasure to join the debate on the Water Legislation (Essential Services Commission and Other Amendments) Bill. Water is the issue of the 21st century, and I know from my own constituents that they welcome the government's commitment to this important area of public policy, as demonstrated by the minister's statement in this place recently.

The electorate I represent takes its name from Melbourne's first water supply, the Yan Yean Reservoir, which was constructed 150 years ago this year. My electorate has within its boundaries two other reservoirs — Sugarloaf and Toorourrong. Consequently water is a top priority within my electorate, both in the suburbs and the small towns and importantly on the farms.

This bill will provide long-term benefits to all Victorians as it will play an important role in ensuring that future economic regulatory decision making for the water industry will reflect the government's health, safety, environmental and social commitments.

I applaud the bill's recognition that a one-size-fits-all approach is not an appropriate model for the water industry. Importantly the objectives of the bill recognise the diversity that exists between the metropolitan, regional and rural sectors. The bill establishes a structure for the transfer of the economic regulation of water from the government to the Essential Services Commission. This will allow the commission to perform regulatory functions in relation to service quality regulation as well as provide the necessary monitoring, auditing, reporting and dispute resolution functions.

Importantly, the bill provides for the Essential Services Commission to develop and implement codes with which the regulated water entities will have to comply. These codes will provide protection for consumers with regard to water quality issues.

Further, the bill provides for the minister to issue statements of obligation for water entities. These specific obligations could include community consultation, obligations in relation to governance, asset management, emergency management, risk management, environmental sustainability and community service obligations. Water businesses will need to report on any breach or failure to comply with any obligations. To ensure any new financial impact is considered, the minister must consult with the Treasurer and the Essential Services Commission.

Let us look at the opposition's views on this important bill. The Liberal Party, by its opposition to this bill, demonstrates that it still has not learnt its lesson. It says that it has rediscovered the environment, but we are yet to see it and yet to see that it is interested in this important public policy issue. If it were true it would support this pro-water legislation. We know what it did with Victoria's important public assets when it was in government. It flogged off our gas and electricity, and it would have done the same with our water, given the chance.

What did the National Party do? Did it stand up for rural Victoria and keep gas and electricity in public hands? No, it was in Kennett's car; it went all the way with JGK. Did it get the Liberals to act to deal with the enormous water loss from irrigation channels? Did it fund the Wimmera–Mallee pipeline? The answer is no! Is the federal government going to cough up the money? No, it is not. I urge the opposition to reconsider its opposition to this important bill. I ask this because Victorians, wherever they live, want their political leaders to act on this important policy issue.

Victorians want the government to act to protect this precious finite resource. They want a safe and sustainable water supply and safe and sustainable wastewater processes, because they are essential to our quality of life. I wish the Water Legislation (Essential Services Commission and Other Amendments) Bill safe passage through this Parliament.

Mr RYAN (Leader of the National Party) — Isn't it an education to hear these apparatchiks of the Labor Party stand up and read out the same old parroting lines when they have absolutely no idea what they are talking about! The whole thing is a fiction from their perspective. It is interesting to trace some of their own party's involvement in the magnificent water industry. Earlier this evening the member for Swan Hill did a great job when he traced the history of the water industry insofar as its general administration is concerned. He was very pertinent to one of the two points I want to speak to in this debate, bearing in mind I have only 10 minutes to contribute under the sessional orders punched through by this government.

The first issue that the member for Swan Hill touched on was the history of the administration of water. I move to the bottom line by saying that the National Party will never support the control of pricing and administration of water going into the hands of the Essential Services Commission. It should not be there; it was never intended to be there by the former Labor government going back a few years, and it should not be there now. That, among other reasons, is why this legislation is a complete abomination and why we will oppose it.

As the member for Swan Hill said in the history he gave to the Parliament tonight, it was at the behest of a former Labor government back in 1992 that the McDonald report was adopted. Steve Crabb, a former Labor minister, had the courage of his convictions and knew what he was doing. As the responsible minister of the day, on behalf of a Labor government he implemented changes which brought about the structure of the administration of the water industry which we still have to this very day — to this day at least, tomorrow perhaps not.

We are seeing a move backwards, or Brackswards should I say, by this government. This is, as the member for Swan Hill said, a *Back to the Future* move, and it is happening for all the wrong reasons. One of the great virtues of the water industry in Victoria is that the minister of the day is responsible for its administration, and the government of the day ultimately has to be responsible to this Parliament for the way in which this great industry functions. Into the mix it is important to put the fact that about 75 per cent of Victoria's water is used for agriculture; those great agricultural enterprises are fundamentally dependent on it. This nexus, which a former Labor government readily recognised and endorsed in the course of the legislation it introduced, is the antithesis of what this bill now contains. That is why the National Party will never agree to the administration of water going over to the Essential Services Commission.

There is no issue to do with privatisation here. The member who just spoke, who was not elected in the Parliament until recently, would know if she knew anything about the history of the industry that there was never the slightest prospect of the water industry being privatised. It is another one of those great urban myths of the Labor Party, another one of those fictions on which it thrives, another one of those great Labor lies for which Labor is increasingly becoming famous, and above all it is a commentary best judged by the activities of the former Labor government which established the very structure which this Labor government is now going to dismantle. What better commentary or benchmark would you ever want than that judgment.

The Essential Services Commission is about to be in charge of this critical area in circumstances where our water services committees have functioned so very well over the years and where even under the national competition policy (NCC) it was recognised that the water services committees, in concert with the authorities, were doing the job and satisfying the NCC criteria. There was no problem about that so there is no need to do this from the perspective of national competition policy. Among the reasons this change is not necessary is the fact — and this is the fact — that a deal was done or an agreement was made with the Labor government when the then minister, Sherryl Garbutt, agreed that agricultural water would not be included under the control of the Essential Services Commission. That is an absolute fact!

Of course there has now been a change in the numbers in this place — and as I have said many times since the last election, I congratulate the Labor Party on the political outcome it achieved — and the government is reneging on an arrangement which had been struck, and it knows it. Insofar as that element of the bill is concerned we are utterly, trenchantly and bitterly opposed to it, and we will never support it.

At page 4 of the second-reading speech the minister used the term 'most' very advisedly when he said that most areas of the water industry agreed with these changes. He used the word 'most' all right because he knows that the water industry per se had had a job done on it by this government. History will tell the story of this as we go back in time to what we had before. A former Labor government established the whole structure which is now in place as of tonight and which is about to be dismantled and destroyed by the current government.

The second issue I want to talk about is Dutson Downs, which is located within my electorate of Gippsland South. This is an issue of extreme concern to me personally and to those who live within my electorate, because this government has picked the wrong site. I say it has picked the wrong site because it is beyond any doubt that the government is now hell-bent on establishing this facility at Dutson Downs. It will do it basically in three stages. The first stage will be the soil recycling facility, and there will be a second stage and a third stage. How do I know that to be so? Because you only have to look at the web site of Gippsland Water, which was the last organisation to have its hand in the air by way of applying to host this site, to see that there are three stages proposed for this — and it will occur.

As I said today, and as I have said on many other occasions in this place, this government should at least have the courage of its convictions. It should at least have the political guts to tell the people of Gippsland what it is going to do. I see the member for Morwell sitting up there as I speak. Of all people why would he not get up as a mayor of the former La Trobe shire, say something about this very issue and talk about the fact that the responsibility lies with — and I use the expression 'lies with' advisedly — Gippsland Water to tell the world what it is intending to do here in concert with this government?

There are a couple of other classic aspects of the second-reading speech. There is a lovely little provision that says that because of changes in the Environment Protection Authority (EPA) licensing system the government will no longer include the ministerial consent with regard to the waste that is to be deposited at Dutson Downs. This is a critical issue. The explanation in the second-reading speech runs on the basis that there was a bit of a slip back in 1997 and that the government will put back the section that unfortunately was accidentally deleted.

When you get out the original schedule, which I have done, it has this all-important component in it under the heading of 'Functions of the Authority'. Paragraph (c) reads:

> The functions of receiving —
>
> (i) waste from any person in the Latrobe Valley; and
>
> (ii) with the approval of the Minister, waste from any person outside the Latrobe Valley —
>
> for treatment or disposal by the Authority.

What is to happen now? When you look at this bill you see that provision has gone. Under the functions of the authority the bill states:

> The Authority has the function of receiving waste from any person, whether inside or outside the sewerage districts managed or controlled by the Authority, for treatment or disposal by the Authority.

That necessity for ministerial consent has been taken out. Why has it been taken out? Because this government knows that if it were put to the true test of the minister of the day having to have the responsibility, as that minister should, of making the final determination on what gets dumped into Dutson Downs, we would quite properly have a public debate about those issues in this place and would deal with it in a proper fashion and as it should be dealt with. That was the case until today.

Time is against me so I will go to this final point. Why are we having this discussion now? Why now, after three and a half years of Labor government, is this amendment suddenly brought in and tucked away in the back of this bill? The answer is because this government is actively pursuing what is necessary to establish a toxic waste dump at Dutson Downs. Why has it now fallen on this error that occurred in 1997? Why is it that — surprise, surprise! — at this moment in time it has come upon this error that it is now so anxious to fix? Because somewhere along the line the sleuths out there in the department have been set upon the task of smoothing the path to enable the licensing provisions to be altered both within this legislation and, I am willing to bet, eventually in the EPA to enable this work to be done in the way this government intends it to be done.

It is a dirty deed by this government, the effects of which are being foisted upon the people of Gippsland. Whatever might come of this, the people of Gippsland will not forget. When you add this to the other things that have happened, they will certainly not forget.

Ms NEVILLE (Bellarine) — I am pleased to speak in support of the Water Legislation (Essential Services Commission and Other Amendments) Bill. The bill provides for the first time the capacity to comprehensively and consistently regulate our most important resource — water. At no other time have we as a community been so aware that water is a finite resource that plays an important part in determining the quality of life of our community. It is a resource that underpins the future economic growth of all Victoria.

The bill will ensure that we will have an independent economic regulation of our water industry. This was a key commitment of this government which we talked to the community about and which it supported. It is a commitment that this government is now delivering on.

The bill will produce a number of positive outcomes. It will mean that we will be better able to meet the interests of the community in ensuring the quality, safety and appropriate pricing of our water supplies now and into the future. It will also ensure that we have a financially viable water industry. It will mean that community concerns about the environment and public health and safety are formally part of the decision-making process. It will generate community confidence in decisions about water prices, as they will be more transparent and accountable. The regulation of prices by the Essential Services Commission will guarantee that there is fairness across the state and that communities will be involved in future price-setting arrangements that are accountable and reasonable.

Perhaps the most important potential outcome is that the bill will provide the framework to monitor and ensure the compliance of all our water authorities with the government's water resource, environmental and social obligations. This compliance is essential to ensure that we are able to achieve sustainable water management equally across the state.

The bill forms an essential part of this government's agenda of valuing Victoria's most important and scarcest natural resource. All of us who live in rural and regional communities understand and witness on a daily basis the pressures that our water supplies are under. A large percentage of Victorians are subject to water restrictions. Those of us in Geelong who have suffered under water restrictions for a number of years — thankfully we no longer have to deal with them — have in response and in understanding the value of this finite resource as a community put in place the initiative of instituting permanent water restrictions. I congratulate Barwon Water on its foresight on this issue.

I know the local water authority and the community of Geelong are pleased that as part of the overall water package proposed by this government an independent economic regulator is being put in place. I know that the community is also pleased that this bill will ensure a more transparent process in price setting.

It is pleasing that this bill ensures the inclusion of not only the metropolitan but also the regional and rural sectors. To have failed to include the rural and regional water sectors in any independent economic regulation process would have left a major gap in the regulation of the quality and pricing of our water supplies. It would have created inequities across the state and jeopardised our capacity to more sustainably manage our water supplies.

I was also pleased to see that the bill ensures that the successful rural water customer committees will continue to play a role in giving irrigators a voice on pricing and service levels. Rural communities can feel confident that their voices will still be heard. They should also have confidence that the whole community is serious about protecting this valuable resource and managing it in a sustainable and affordable way.

Mr Ryan — On a point of order, I am not normally one to take these issues up, but the honourable member is patently reading her speech. I would ask you to request her to cease doing so.

The ACTING SPEAKER (Mr Smith) — Order! Is the member reading her speech?

Ms NEVILLE — No, Acting Speaker, I am referring to notes.

Communities can be confident that in undertaking this regulatory function the Essential Services Commission will appropriately balance issues of sustainability, health and public safety and ensure the meeting of social obligations.

For the first time, via the establishment of the Essential Services Commission, we will see a transparent, accountable and open price review process which will ensure that prices are neither too high nor too low. Given that water businesses are monopolies, we currently risk seeing prices set on the basis of monopoly profits. Currently we have no guarantee that prices will be set at a level that will ensure long-term sustainability. Also for the first time we will have the capacity across the state to set prices that will ensure our water authorities have sufficient financial resources to deliver sustainable water services while meeting the sustainability objectives of the government.

As I said before, this is one part of the government's 10-year plan to ensure the better management of this finite resource. It is one of a number of key initiatives proposed by the Bracks government to ensure that Victorians change the way they use water. The establishment of the Essential Services Commission complements the other reforms and ensures that we are on the right path to sustainable water management. This matters to Victorians. Community members contact my office in Bellarine weekly and talk to me about the need for the government to provide leadership on this important issue, and that is what the Bracks government is doing.

This bill has been part of extensive consultations with stakeholders across Victoria, who are interested in having a say on the bill. Victorians know that we cannot sit back and do nothing about this issue. They are looking for leadership. They are trying to do what they can to protect our water supplies. What they know is that our governments need to provide leadership. They know that if we are to sustain our high quality of life and guarantee our future prosperity we must protect this valuable resource.

We have listened to Victorians and taken note of their views, so it is disappointing but not surprising that the Liberal and National parties are opposing this bill. They have failed to listen to Victorians once again.

This initiative forms part of our package of reforms and will ensure that we value and protect our most precious resource. I am not willing to risk the quality of life that

we have in Victoria, and I am pleased to support the bill to ensure that the Victorian water industry delivers services that meet the social, economic and environmental needs of current and future generations. I look forward to the house endorsing the bill and giving it a speedy passage.

The ACTING SPEAKER (Mr Smith) — Order! I say to the member for Bellarine and to other members that it is a tradition in this house, as it is in the other place, that members do not read a prepared speech. Members may read from notes but may not bring in a speech and read every word. That goes for all members on all sides of the house.

Mr COOPER (Mornington) — This is an interesting bill, and it is no wonder that both parties on this side of the house are opposed to it. If you had no other reason to oppose it, you would need only to have listened to the speech of the Leader of the National Party to understand that the Dutson Downs clause is one of the most pernicious and disgraceful pieces of work one could ever see put into a piece of legislation. It is sneaky, vulpine and all sorts of other nasty things that we have become used to from this government.

Mr Jasper — You're not reading that, are you?

Mr COOPER — No, I am not reading it, but I would be happy to if I were given the opportunity.

I want to refer to the question of what the job of the Essential Services Commission will be. My understanding from reading the bill is that the Essential Services Commission has been set up as the economic regulator of the water industry in Victoria.

Mr Jasper — Who is paying for it?

Mr COOPER — The member for Murray Valley asks who is paying for it. We all know who is paying for it: like everything else, the taxpayers and the users will pay for this extra level of bureaucracy dumped on the water industry — as they have in the past they will in the future but they will pay more in the future.

One of the questions that interests me is about the economic regulator of the water industry. Where does this begin and finish? It is particularly important for people in Melbourne to understand all about the economics and the economic regulation of the water industry. Where and how far do we go with this Essential Services Commission? For example, what part will the Essential Services Commission have in looking after Melbourne's very important water catchments and the future of those catchments not only in regard to the level of supply but also the quality of supply that will come into Melbourne households in future years?

A week or so ago I received a report by John Lawson, of Lawson Consultancy Pty Ltd, called *Managing Melbourne's Water Resources*. Many parts of the report took my attention but one part in particular, headed, 'Vulnerability of water supply'. I quote one paragraph from that section of the report:

> Melbourne's closed water catchments were last extensively damaged by fire in 1939 — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Smith) — Order! There is too much audible conversation in the chamber. Will members, particularly those at the table, desist!

Mr COOPER — For the benefit of the member for Polwarth, I will read this again:

> Melbourne's closed water catchments were last extensively damaged by fire in 1939 and they are again at risk. Should they be extensively damaged, the existing dams, which are presently at less than 50 per cent capacity, would suffer major deterioration in water quality and face diminished water yield for many years as burnt catchments recovered.

At the moment throughout country Victoria — in the north-east and in Gippsland — that is exactly what farmers are coming up against. The results of bushfires in those areas have damaged the water supplies and streams to a point where they will take many months, and in some cases years, to recover.

Members in this house who represent metropolitan electorates probably do not know what the results of bushfires are and what the land is left like, but I can tell members one thing — the point made by Mr Lawson in his report about Melbourne's catchment areas being last extensively damaged by fire in 1939 needs to be borne in mind by this government and by this house.

We all know that ground fuel is the reason severe fires occur, and over the years in Melbourne's water catchment areas the ground fuel build-up has been enormous. We can thank God and good luck that since 1939 we have not had serious bushfires in Melbourne's catchment areas; but the good luck will not continue, particularly when you do not have those areas properly managed.

I want to know from the government about the economic role of the Essential Services Commission. If its economic role does not include the management of catchment areas so that they do not catch fire and damage the water supply, then what on earth is the point of creating it in the first place? What is the point?

Mr Jasper — To raise money.

Mr COOPER — The member for Murray Valley says, very unkindly, that it is there to raise money. He may be accurate. However, that does not give any solace to the 4 million people who depend on the water that flows from the catchment areas of Melbourne.

On two counts the parties on this side of the house query the bill and say it is not good enough. The first point is that there does not appear to be any concentration of effort by this government to giving solace and support to the communities around Melbourne. The second point is in regard to the future of Melbourne's catchment areas — whether the government will be able to supply clean water for years to come or in fact whether it will be able to supply water for years to come.

I have said on many occasions that this government's water policy really comes down to a few words: 'Let's hope it rains'. The government does not even need one A4 sheet of paper. Government members do not seem to have too much of an idea. A bill like this is just grist to the mill for a Labor government — bring in a bill that puts another layer of bureaucracy here and another layer of bureaucracy there, raise costs for everybody and then try to spin it and sell it as something that is going to solve the problems with water in Victoria.

There are some big problems that have not been addressed by this government as yet, and one of them is wildfire in Melbourne's catchment areas. What is the government going to do about that? What are the government's plans? Have government members even thought about it? I think the answer is that they have not. They have not thought about it, because they do not think fires are ever going to happen there.

The people of Melbourne need to have some action from this government. They need to have a government that is going to stand up and do things rather than just talk about them. This government has been in power for four years, but it is only starting to say, 'We must do something about water'. If this piece of legislation, the Water Legislation (Essential Services Commission and Other Amendments) Bill, is this government's answer to the water crisis in Victoria, then God help Victoria!

Ms DUNCAN (Macedon) — I want to comment on the remarks made by the member for Mornington. It is always interesting to listen to his views on natural resources. We have heard him talk time and again about the opposition's views on natural resources, which are, 'If it falls from the sky, basically it is free; and if it falls on my land, it is mine'. I refer him to and advise him to read the ministerial statement made by the Minister for Environment in the last sitting week. If he reads that ministerial statement — which would be a little bit like 'Watch this space!' — he will learn about all the actions this government is taking to answer some of the questions he posed in his speech.

Mr Cooper — When? When? When?

Ms DUNCAN — The member continuously cries out 'When? When? When?', like a parrot. I advise him to refer to *Hansard* and read the ministerial statement, where everything is outlined — that is, all the legislation this government intends to introduce and the frameworks this government is developing.

Unlike the National and Liberal parties this government sees water as a valuable resource that has to be managed. To go to the terms of the bill — —

Honourable members interjecting.

Ms DUNCAN — I am not surprised at the level of antagonism towards this bill and at the anger that is being expressed by the National Party and the Liberal Party, because essentially this bill changes the way things have always been done, and that is always a problem. Any changes to the status quo tend to cause people concern. That is not to be critical of them. There are often genuine concerns when things are going to change, but for them simply to object to changes for the sake of it is irresponsible on their part.

As I said, anything that changes the status quo is going to cause some angst, and government members appreciate that. That is why the government has worked with and consulted communities to make sure people accept these changes. If people are concerned about changes being made to the way things have been done in the old days, I draw their attention to the fact that the water services committees that have worked well in the past will still be involved in water pricing. There is a problem when we ask, 'How have water prices been determined in the past?', because the answer is, 'By the irrigators and by the users of the water'. How many other situations do you know of where the users of the resource determine the price? I cannot think of any other resource where the price is determined by the users.

Honourable members interjecting.

Ms DUNCAN — Just sit back, relax and calm yourselves! I refer to an article in the *Weekly Times* of 16 April entitled 'Water switch'. In the article the member for Swan Hill is quoted as saying that he knows what the Essential Services Commission has

done to electricity prices. I think he is suggesting that the same thing is going to happen with water prices.

Let us look at what the Essential Services Commission has done to the price of electricity. The commission has kept the price down since the coalition government — the Liberal Party and the National Party — sat back and privatised the electricity utilities. That occurred in such a way as to divide the electricity utilities, and we now have companies like TXU, which are predominantly rural electricity suppliers. What did we see happen with the price of electricity once it was privatised? We saw the end of cross-subsidisation as well as electricity prices going up in rural areas at a much greater rate than they were in urban Melbourne.

The opposition in government sat back and allowed that to occur. We have seen the electricity companies putting in — —

Honourable members interjecting.

Ms DUNCAN — If opposition members would just sit back and relax a little they would be able to hear what I am saying. The role the Essential Services Commission plays in electricity pricing applies when the electricity companies come to it and say, 'We would like to increase prices by 117 per cent for off-peak electricity in rural areas', something the National Party clearly has no problem with. The Essential Services Commission then says, 'Get off the grass! You are not increasing prices like that!'. I am quite pleased that the member for Swan Hill sees the value of the role of the Essential Services Commission. I will be very pleased if the commission plays the same role in water pricing as it has played in the pricing of electricity.

I am pleased that the member for Swan Hill has even seen the benefits of what this bill does, which brings me back to the bill. As I and a number of other members have said, we understand very clearly the value of water — I think I have said this before when we have discussed water — in a way that the conservative parties just do not understand it. Their view is, 'We have set prices for water in the past. We see no reason at all for that not to continue'. The fact that there are enormous discrepancies in the pricing of water around the state has just not connected. They do not get it. It is apparently quite acceptable to get differences of between 600 per cent and 700 per cent in the price of water — —

An honourable member interjected.

Ms DUNCAN — And the quality. Thank you for reminding me. That is of course what this bill also seeks to do. When the member for Mornington refers to *Hansard* and rereads the ministerial statement on water he will clearly understand what this government is doing to ensure that there is consistency and transparency not only in pricing but also in water quality. I am sure the Leader of the National Party would support that.

As has been said, the bill transfers economic regulation of the water industry from government to the Essential Services Commission. What a dreadful thing for us to do, to take the pricing of water out of the hands of politicians and put it in the hands not of another level of bureaucracy but an existing bureaucracy, the Essential Services Commission. It is here already; it already operates! We are not introducing a new level of bureaucracy, we are using an independent body to look at the pricing of essential services. That is exactly what this bill does.

The bill also establishes a framework within which the Essential Services Commission will operate with regard to the pricing of water. The Essential Services Commission will make pricing determinations, provide regulatory functions in relation to service and quality regulation — I am sure the National Party will support that — and provide necessary monitoring, auditing, reporting and dispute resolution functions. Heaven forbid that we should ever require anything like that! Clearly the conservative parties do not believe we do.

The bill provides for an orderly transition, with the first price determination to take effect on 1 July 2005. It also recognises the difference between the metropolitan, regional and rural sectors.

The Essential Services Commission will be responsible for setting benchmark customer performance obligations — something the opposition parties seem not to have referred to at all. All the other benefits of this bill seem to have escaped the opposition's notice.

The various water entities must then develop customer charters that comply with these benchmarks, so we will get transparency, consistency and pricing that is at arm's length from government. We will not have politicians determining pricing, nor will we have the users of the water determining the pricing; we will have an independent, transparent water pricing regime. I commend the bill to the house.

Dr SYKES (Benalla) — I oppose the Water Legislation (Essential Services Commission and Other Amendments) Bill because it is yet another example of putting in place another bureaucracy to solve a bureaucratic problem and because it shifts

accountability from the Minister for Water to a senior bureaucrat and through him to the Treasurer.

There is no doubt that water and water management will undergo a major transformation in the next decade. The challenge will be to manage this transformation equitably, to share the costs and the benefits among the environment, the irrigators, the community and other users such as the tourism industry.

This bill establishes the Essential Services Commission as the economic regulator of the water industry. It also establishes an overarching long-term regulatory framework within which the ESC will operate. An alternative approach would be to ensure quality inputs and accountability by the existing organisations, which in the electorate of Benalla, for example, include the Goulburn Murray Rural Water Authority, the Goulburn Valley Region Water Authority and the North East Region Water Authority.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The time appointed by sessional orders for me to interrupt business has now arrived. The honourable member may continue his speech when the matter is once again before the Chair.

Coroner: undertaker services

Mr COOPER (Mornington) — I draw a matter to the attention of the Attorney-General and seek his action to provide a significantly improved service for the collection of deceased individuals who die in public places.

I raise this because on Tuesday, 8 April, at about 6.45 a.m. a Mornington resident collapsed and died in Main Street, Mornington. Calls were made to the ambulance service and Victoria Police, and both attended the scene promptly. After the ambulance officers worked on the gentleman they said he had died — his life could not be recovered. Because the person had died the ambulance officers were unable to assist further.

The police, following normal procedures, then called the coroner's office to request that the body be collected. I understand the coroner's office has only one contracted undertaker in the greater Melbourne metropolitan area, and that undertaker is located in the northern suburbs. It took the undertaker $2^1/_2$ hours to arrive at the scene. Such a delay is simply not good enough, and I ask the government to appoint more undertakers and to make it a requirement of appointment that they must not take any longer than 45 minutes to arrive.

The circumstances of immediate death in a public place are always tragic and should require that the dignity of the deceased and the feelings of the family and others who are close to the deceased be paramount. That is clearly not the situation at present, and I am sure that no member of this house would be satisfied if the circumstances I have just described that occurred on 8 April in Mornington occurred to a member of their family or a close friend.

This is the second such case that has come to my attention over the past couple of years. The first was an elderly lady who collapsed and died on the steps of the Frankston post office on a weekday at about 9.30 a.m. and whose body was not removed until nearly 3 hours later.

Having one contracted undertaker to deal with these situations for the whole of the Melbourne area plus the Mornington Peninsula is just not good enough, and I call on the Attorney-General to appoint more undertakers so that from now on circumstances such as I have just described can no longer occur.

Country Fire Authority: Narbethong brigade

Mr HARDMAN (Seymour) — I raise a matter for the Minister for Police and Emergency Services. Last year I wrote to the minister on behalf of the Narbethong Rural Fire Brigade concerning its attempts to complete its fire shed. The brigade looks after a small community, and it requested $10 000 to add to its fundraising efforts so it could build a facility that the volunteer members of the Narbethong brigade deserve and need to carry out their duties for that community.

Jenny Pullen, who is the Treasurer of the local brigade, wrote to me at that time and was very concerned that, because the community is small, it was unable to raise the full amount of money to do the work required.

The history is that late in 1999 the brigade received the latest firefighting appliance, but the appliance was far too large for the existing facility, which meant that major structural alterations had to be made to the existing building, mostly for the relocation of radios, equipment and the emergency response centre administration room, as well as providing a room for changing and getting ready to go out and fight fires. In this day and age the Country Fire Authority (CFA) also does a great deal of training, and brigade members need

a place to meet and do the work that is required of them.

The Narbethong fire brigade was formed in 1962, and its members have devoted a lot of time to firefighting efforts. It is situated in a rural area surrounded by beautiful mountain ash forests. To date the brigade has raised a great amount of money through donations from many residents. Also, the Marysville Lions Club, which I spoke about yesterday, donated $3500 to the brigade, which has helped. The amounts raised totalled $7500 — an outstanding amount for a small community.

Most members will probably have been through Narbethong; it is a very small community. The Country Fire Authority also matched the funding, giving the brigade a total of $15 000. Unfortunately, the brigade has been unable to get to the lock-up stage — it needs $10 000 more. I ask the minister to recognise the brigade's needs and assist it with the funds it requires. The members of the brigade are a committed group of people, as are all CFA members. I commend this request to the minister.

Lake Mokoan: management

Dr SYKES (Benalla) — My question is addressed to the Minister for Water, and it relates to the process of the review of the future of Lake Mokoan.

The interim report has been released, and whilst it reflects a lot of good work there are still some issues of concern to local residents. These include the accuracy of some of the base data, the selective use of local inputs without transparent justification, the failure to consider a range of broader issues relating to water management in the Goulburn-Murray Basin and an inadequate consideration of the cost and environmental implications.

Apparently the planned process is to proceed with the report, make it available for comment and include those comments as an addendum to the final report. If that is so then I am concerned that the final report could be incomplete and contain factual inaccuracies and not be owned by the local community. It would be quite a challenge to make a balanced, well-informed decision on such a significant and potentially sensitive political issue on the basis of such a report.

I therefore recommend to the minister that he require that there be a draft final report which is submitted for public consultation and that those comments then be incorporated in the body of the final report as appropriate and the report passed on to the minister for his decision.

In support of that recommendation I will give a little bit of further background information. In relation to the accuracy of information the current report uses unrealistically low values of livestock to calculate the value of the produce generated from the use of the water. It also has some inconsistencies in the costing of accessing water and selectively uses local inputs. For example, it fails to include the option known as 2B1, the option much favoured by the local community. It fails to consider broader issues such as the local plans to mitigate and manage floods. It fails to include the catchment management authority's vision to produce twice as much from half as much, which implies setting aside half of the country and planting hundreds of thousands of trees, which will impact on catchment yield. It fails to include the impact of global warming on catchment yield.

We also have additional concerns in relation to insufficient recognition of the environmental impact of proposals such as running the lake as a shallow lake — the inherent risks of blue-green algae and the decimation of the fish population.

The interim report also fails to demonstrate the capture of water savings and the use of those or to quantify the environmental benefits. Finally, it also is perceived to include an unfair assessment and rating of option 4.

Racing: Anzac Day observance

Mr ROBINSON (Mitcham) — The issue I raise this evening is for the attention of the Minister for Racing, and in his absence the Minister for Education Services, who is at the table.

An honourable member interjected.

Mr ROBINSON — No, I don't back losers. I gave a very good tip today at the Warrnambool track; I am just sorry that the email system did not work and you did not get it in time, but I tried.

An honourable member interjected.

Mr ROBINSON — It did win, yes. It paid $9.30; it paid all right.

The issue I want to raise this evening involves the way in which Anzac Day is properly acknowledged on Victorian racecourses. I am seeking the minister's agreement to raise the issue with his interstate colleagues for the purpose of getting a better outcome next year than was the case this year.

This issue came to my attention last Friday, when I had the good fortune of being invited along to the Flemington Races for the St Leger Handicap meeting. The Victoria Racing Club quite properly staged a ceremony to commemorate Anzac Day during the afternoon. It involved a few minutes of silence and the playing of the last post. Unfortunately the poignancy of that moment was devalued somewhat by the broadcasting across the course of an interstate race description with a very exciting finish. It makes it a bit hard to pay the appropriate respect as the horses get closer to the post when a large number of members of the crowd might have backed something.

It should be possible for race clubs across Australia to agree to a set 10-minute interval in the middle of the Anzac Day meeting which would be free of races for the purpose of properly acknowledging at all Australian racecourses the significance of Anzac Day. That would allow all racegoers to participate equally in that ceremony. Anzac Day has grown in significance across the country in recent years. A good example of that is the state government's very successful free bus transport program to the Shrine of Remembrance, which I have been involved in.

Mr Dixon — Whose idea was that?

Mr ROBINSON — It was a very good idea. I will not take all the credit; I will take some of it.

We had 1200 people using the service across Melbourne last Friday — an excellent turnout. It was also an excellent turnout at the shrine for the dawn service, I think we saw about 20 000. It was a record crowd.

It is not too much to ask that the minister take up this matter with his interstate colleagues — perhaps at the next ministerial council — to ensure that we get an appropriate recognition for this most important day on our racetracks across the state and across the country.

Mornington Peninsula: abalone poaching

Mr DIXON (Nepean) — I wish to raise a matter for the Minister for Resources in the other place through the Minister for Education Services, who is at the table. It is regarding abalone poaching on the Mornington Peninsula. I am asking the minister to increase funding to tackle this problem, which is very prevalent there.

There is wholesale poaching going on on the Mornington Peninsula over a range of levels. It ranges from the low level with individuals to carloads of poachers and right through to what we could almost say was professional poaching.

Mr Cooper — Almost a commercial operation.

Mr DIXON — It is almost a commercial operation, as the member for Mornington says. It is very visible and right in front of everybody's eyes. I think this is what irks everybody. It can be an individual coming up from the beach with a bucket of abalone which is way above their limit, or somebody bringing the bag limit up and then going back and bringing another bag limit up. Alternatively there might be six people in a car, only one of whom is capable of diving for the abalone. There can be a couple of small kids and a couple of grandparents, but 60 or 30 abalone depending on the bag limit come up into the car. The law is being stretched to the very limit.

At the other end of the range we have the professional abalone poachers, who have high-powered boats, expensive diving equipment, radar and radio surveillance equipment. Some of them even leave their equipment stashed in little caves in the cliffs so they can make a hit-and-run dive. I have been with fisheries officers and walked down these cliffs and seen some of the caches.

This irks the residents living down there. They see this happening in front of them every day of the week. They see the people walking up from the tracks, they see the boats out there and they know they are regulars. They know the boats and the cars, they know the registrations of the cars and boats. They see it happening, they try to do something about it, but nothing is done. We have actually had some vigilante groups of residents — in some ways I do not blame them — who have reacted angrily to some of these poachers. They have damaged cars; they have let down tyres or scratched the paintwork. At times there have been quite violent confrontations and threats with knives. It is going to escalate out of control one day.

There is a hotline to ring, and the residents have rung it. In some cases there has been no answer or the fisheries officers have said they will do something about it, but there has been no response. Now the response residents are getting when they ring the hotline is that the fisheries officers are being quite honest and saying, 'Sorry, we do not have the money. We do not have resources. We cannot help you. Bad luck'. The visibility of these fisheries officers is important. They need to be there. They need to respond and to protect this valuable resource.

Access for All Abilities program: Coburg playground

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Sport and Recreation in another place. I ask for his positive consideration of an Access for All Abilities playground in Gaffney Street, Coburg. The Minister for Sport and Recreation is the lead minister in a partnership between Sport and Recreation Victoria and the Department of Human Services to provide Access for All Abilities playgrounds.

I am conscious that in next week's budget there will already have been a significant call on this important community facility funding program for the forthcoming financial year. If that funding has already been committed and we cannot get this into the 2003–04 budget, I am putting in a bid for the following financial year.

The Access for All Abilities playgrounds program is fantastic. It enables children with a range of abilities to play with their siblings, parents, grandparents and other children at their local community playground. It also enables parents who might have a disability to play in a playground with their children who may not be labelled as having a disability. This initiative was raised last night at one of the most enthusiastic community meetings I have ever attended. Seventy residents in my electorate got together to plan what they believe should occur at the old Coburg Technical School-Kangan Batman TAFE site that Moreland City Council, in its wisdom, has purchased from the state government. I place on record my congratulations to Moreland City Council for purchasing this site.

The 70 residents came up with a number of very interesting ideas for the site. We are conscious that initially it may need to be just a fairly plain grassed area, but as funding and opportunities present themselves we will be working to make this a site that allows recreation for children with disabilities, adults with disabilities and passive recreation, with barbecue facilities and the opportunity for an indigenous garden as well.

I want to place on record my congratulations to many of the residents, but particularly to Cherry and Mike Horan, who are really the driving force behind what could well become the One Community Park or Harmony Park. Not only do these people think of good ideas, but the 70 people at that meeting last night said they would actively work to achieve this wonderful community park with an Access for All Abilities playground.

Kew Residential Services: site development

Mr McINTOSH (Kew) — I wish to raise a matter for the attention of the Premier. The matter I wish to raise concerns the redevelopment of the Kew Residential Services site, or perhaps I should say if the City of Boroondara gets its way the overdevelopment or inappropriate development of the Kew Residential Services site. I do not for one moment resile from my concerns about that development or the loss of public open space. However, the action I seek from the Premier is a guarantee that if the Kew Residential Services redevelopment proceeds it will not be inconsistent with or unsympathetic to the local amenity or what the community would expect to be built there.

The City of Boroondara recently released for public comment a draft urban design framework. Included in that framework are building zones that would probably account for some 75 per cent of the total 27 hectares proposed to be redeveloped. As I said, the open space is fairly limited, but when you look at the design framework you see that it essentially consists of roads or privately owned land or perhaps even areas between rather large apartment blocks.

It is these apartment blocks that cause the most community concern. There are nearly 30 building zones, but some of them include three 4-storey buildings, seven 5-storey buildings and several 6 and 7-storey buildings. At a recent public meeting one of the council representatives suggested that those apartment blocks may even be 10 floors in height. There may be as many as 1500 people accommodated there, with garaging of almost 1000 cars. It may not be the Clapham omnibus, but if the Premier were to travel on the 109 tram I am sure there would be almost unanimous agreement among the people on the tram that such a development would be totally inconsistent with what the community expects and the local amenity. You only have to look at areas around the site — Studley Park, Kew Gardens and Kew itself — to see that.

I have previously spoken in this house about the pressure that would be placed on the local infrastructure — roads, schools and such things. As it is currently proposed this development is a complete overdevelopment and is inconsistent with what the community would expect. The government will be the final arbiter, through acceptance of the urban design guide, and I ask the Premier to immediately guarantee that when the plan comes to the government it will not accept any overdevelopment on that site.

Glen Eira and Kingston: home and community care program

Mr HUDSON (Bentleigh) — I seek action from the Minister for Aged Care, the Honourable Gavin Jennings in another place, in relation to home and community care funding in the cities of Glen Eira and Kingston. Both municipalities are within my electorate and in both municipalities a significant section of the population is getter older — there are around 25 000 people over the age of 60 in the City of Glen Eira and 15 000 who are over the age of 70. There are similar numbers in the City of Kingston. The number of people who require home and community care in these two areas is growing.

We know that programs like home and community care are central to maintaining the independence and dignity of older people. They allow them to live in their own homes and prevent them from being inappropriately placed in nursing homes. These people could not be placed in nursing homes anyway, because there is a shortage of about 474 nursing beds against the commonwealth's own benchmarks for the number of beds required in the City of Glen Eira. There is an increasing backlog in that area.

The Bracks government has recognised that with an ageing population there is a need for increased funding, and over the last four years we have seen a significant increase in home and community care funding in the City of Glen Eira, from $2.3 million in 1999 to $3.1 million in 2003. That is an increase of $800 000, or about 35 per cent, in just four years.

Within the City of Kingston we have seen a similar increase of about $750 000 over that period. The Bracks government has provided far in excess of the matching funds required under its funding agreement with the commonwealth. Indeed a lot of the crisis in home and community care is due to the fact that the commonwealth is unwilling to provide increased funding to match the state government's efforts. In fact over the last year — —

Mrs Shardey interjected.

Mr HUDSON — Over the last year, and the member for Caulfield will be very interested to know this, there has been about a $27 million shortfall in funding provided by the commonwealth compared to state funds, including $3.7 million in the southern region.

I ask the state government to take this issue up with the commonwealth government. I think it is a disgrace that the commonwealth is not maintaining its effort. I am also asking the minister to see what he can do to provide additional state government funding for home and community care in the cities of Glen Eira and Kingston in the coming year.

Forests: firewood collection

Mr MAUGHAN (Rodney) — I wish to raise a matter for the attention of the Minister for Environment that concerns the provision of firewood for the people of Rushworth and Heathcote. Both of these communities are heavily dependent on firewood for their heating, cooking and hot water requirements. Both towns would be classified as amongst the lower socioeconomic groupings in Victoria. These are genuine, hardworking people — timber-cutters, sawmillers and manual workers — who should be traditional Labor supporters. At least they have been, but they are not anymore. They have been let down, deceived and sold a pup.

Both communities have a high number of people over 60 years of age. They do not have natural gas, and there is no indication from the government as to when that might be provided. The suggestion is that it is many years away. Wood for these communities is a traditional form of fuel, not a luxury but a basic necessity.

What has this government done? It has ignored the advice of the locals, who know and understand the bush, and gone ahead and locked up 121 000 hectares in the Heathcote-Graytown National Park. It has ignored over 1200 letters from the Rushworth community alone, and given endless assurances, both verbally and in writing, that there would be no shortage of firewood. What a cruel hoax that was!

The minister now admits that there is a shortage of firewood, something local communities have been telling him all along. Residents are limited to 6 cubic metres per household each year, or about half of what they were promised in 2002 and half of what the average household requires during the year.

The times when you can obtain a permit are limited to $3^1/_2$ hours a week. There is also a limited time during which you can collect the wood, being April, May and June. There are virtually no timber-cutters left to help those who are aged and disabled — none in Rushworth and only two in Heathcote, which is 60 kilometres away. Residents must pay for a minimum of 6 cubic metres, in advance. With cutting and delivery, the total cost amounts to about $600.

I express my concern for elderly people and people with health problems. I spoke to a gentleman in Heathcote last week who is just recovering from a heart by-pass operation and cannot collect his own firewood, as well as a family from Rushworth which includes a child who has asthma and which has problems with heating the home.

I ask the minister to double the annual allowance from 6 cubic metres to 12 cubic metres, to extend the collection period from three months to six months, to immediately begin ecological thinning and to extend the natural gas supply to Rushworth and Heathcote as a matter of urgency.

This government has sold out the people of Rushworth and Heathcote. It does not care. It has deserted its traditional supporters in another example of dishonesty, double standards and hypocrisy.

Millgrove: Vicroads car park

Ms LOBATO (Gembrook) — I raise a matter for the Minister for Transport that concerns the Vicroads-owned section of the Millgrove car park, which is utilised by Millgrove traders and their customers. The shops are located on the Warburton Highway between Yarra Junction and Warburton. They are situated next to the old sawmill. The car park is surfaced in gravel, which is a constant concern to all motorists as well as pedestrians and traders, because the gravel is continually washed all over the footpaths and into the shops.

Mr Robinson interjected.

Ms LOBATO — It does, Tony. That rail trail is very famous.

The ACTING SPEAKER (Mr Nardella) — Order! The honourable member will refer to other members by their proper titles.

Ms LOBATO — The gravel is washed into the shops, obviously posing a health and safety risk. A week and a half ago the footpaths that are affected were used by the people taking part in the Oxfam-Community Aid Abroad trail walker fundraiser. Fortunately it did not rain on that weekend, and they had a safe journey along the footpath.

I call on the minister to urgently provide a remedy for the people of Millgrove. The shops affected include the Millgrove licensed grocer, the newsagent, the pizza place, the fruit barn, the milk bar and the take-away food shop. In the winter months the car park, in addition to being surfaced with the run-away gravel, also possesses many potholes, so the customers might choose to shop elsewhere.

I am truly amazed that this problem has inconvenienced the Millgrove community for over 14 years due to past members ignoring the significance of this issue. Ian Dellarue has perhaps been the main lobbyist for this issue, which dates back to 1989, as the gravel regularly flows into his store, the Millgrove licensed grocer.

I understand the frustration of the Millgrove community and how it feels about this issue. The state of the car park disadvantages the previously neglected township in terms of health and safety and economically. The people of Millgrove — —

The ACTING SPEAKER (Mr Nardella) — Order! The member's time has expired.

Responses

Mr HAERMEYER (Minister for Police and Emergency Services) — The member for Seymour raised for my attention the requirement of the Narbethong Rural Fire Brigade to have additional funding for an extension to its fire station. Despite the efforts of the brigade and the local community, which raised $7500 towards the extension, and the matching of that $7500 by the Country Fire Authority, they have found themselves still $10 000 short. The member for Seymour has been a very assiduous voice for the Narbethong fire brigade on this matter and the brigade has a distinguished record over many years, not the least of which was this year when it, like many other brigades, did some very valuable work in what has been arguably our worst fire season for 60 or 70 years.

The government provided substantial support for the Country Fire Authority in its first term of office. It provided $120 million in additional expenditure, including the strategic resource initiative. One of the programs that has flowed from the strategic resource initiative is the rural fire station enhancement program. We have asked the Country Fire Authority to look at whether the station meets the requirements of that program. The extension works proposal has been assessed and supported by the authority's area manager in the north-east, and consequently the government is in a position to provide that additional $10 000, which will enable this extension to be completed and will enable the Narbethong fire brigade to house an additional vehicle.

The member for Seymour has once again delivered substantially to his community and particularly to the Country Fire Authority brigades in his electorate.

Ms ALLAN (Minister for Education Services) — The members for Mornington, Benalla, Mitcham, Nepean, Pascoe Vale, Kew, Bentleigh, Rodney and Gembrook raised matters for various ministers, and I will refer those matters to those ministers for their attention.

The ACTING SPEAKER (Mr Nardella) — Order! The house stands adjourned.

House adjourned 10.33 p.m.

Thursday, 1 May 2003

The SPEAKER (Hon. Judy Maddigan) took the chair at 9.35 a.m. and read the prayer.

GOVERNOR'S SPEECH

Address-in-reply

The SPEAKER — Order! I wish to advise honourable members that the address-in-reply to the Governor's speech on the opening of Parliament will be presented at Government House on Monday, 5 May 2003, at 10 o'clock. I would be grateful if as many members as possible could accompany me to the presentation. Transport will leave the front carriageway of Parliament House at 9.30 a.m., or members may meet me in Government House Drive at 9.50 a.m.

PETITIONS

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

Dental services: Cardinia

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that there is no public dental clinic in the Shire of Cardinia. Residents have to travel to either Berwick or Cranbourne for this service.

Your petitioners therefore pray that the Legislative Assembly consider a public dental clinic/service to be provided for the Cardinia shire/Pakenham area.

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

By Ms LOBATO (Gembrook) (494 signatures)

Museum Victoria: funding

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that the Museum Victoria campuses, Melbourne Museum, Scienceworks and Immigration Museum provide a significant educational and cultural benefit to the Victorian community. Your petitioners therefore pray the Parliament will recognise the value of these public institutions by reviewing the current funding model and removing attendance figure targets from the funding criteria.

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

By Mr NARDELLA (Melton) (772 signatures)

Emergency services: Warrnambool helicopter

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

The humble petition of the citizens of Portland and district sheweth the desire to bring to the attention of the honourable members the issue of the lack of a multifunction emergency helicopter rescue service based in Warrnambool to provide emergency coverage throughout all of western Victoria. Western Victoria remains the only area of the state not covered by an emergency helicopter service. Our desired helicopter service would include air ambulance, firefighting capabilities, day and night search and rescue facilities and would be available for onshore, coastal and offshore operations. We seek a speedy establishment of such a helicopter service to cover all of western Victoria.

Your petitioners therefore pray that this matter be raised with the state government, requesting that the government address this appalling situation.

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

By Dr NAPTHINE (South-West Coast) (194 signatures)

Laid on table.

Ordered that petition presented by honourable member for South-West Coast be considered next day on motion of Dr NAPTHINE (South-West Coast).

PAPERS

Laid on table by Clerk:

Adult Multicultural Education Services — Report for the year 2002

Ballarat University — Report for the year 2002

Bendigo Regional Institute of TAFE — Report for the year 2002

Box Hill Institute of TAFE — Report for the year 2002

Central Gippsland Institute of TAFE — Report for the year 2002

Centre for Adult Education — Report for the year 2002

Chisholm Institute of TAFE — Report for the year 2002

Deakin University — Report for the year 2002

Driver Education Centre of Australia Limited — Report for the year 2002

East Gippsland Institute of TAFE — Report for the year 2002

Gordon Institute of TAFE — Report for the year 2002

Goulburn Ovens Institute of TAFE — Report for the year 2002

Holmesglen Institute of TAFE — Report for the year 2002

Kangan Batman Institute of TAFE — Report for the year 2002

La Trobe University — Report for the year 2002

Melbourne University — Report for the year 2002

Monash University — Report for the year 2002

Northern Melbourne Institute of TAFE — Report for the year 2002

Whistleblowers Protection Act 2001 — Summary of the Report of the Ombudsman on the investigation into allegations of a conspiracy between members of the then Department of Natural Resources and Environment and the Department of Justice to defraud the Estate Agents Guarantee Fund — Ordered to be printed

Parliamentary Committees Act 1968 — Response of the Minister for Small Business on action taken with respect to recommendations made by the Scrutiny of Acts and Regulations Committee's Review of ANZAC Day Laws

RMIT University — Report for the year 2002

South West Institute of TAFE — Report for the year 2002

Statutory Rules under the following Acts:

Retail Leases Act 2003 — SR No 30

Transport Accident Act 1986 — SR No 31

Zoological Parks and Gardens Act 1995 — SR No 29

Sunraysia Institute of TAFE — Report for the year 2002

Swinburne University of Technology — Report for the year 2002

Victoria University of Technology — Report for the year 2002

William Angliss Institute of TAFE — Report for the year 2002

Wodonga Institute of TAFE — Report for the year 2002.

Mr PERTON (Doncaster) — Madam Acting Speaker — —

The SPEAKER — Order! I am not a madam, nor am I the Acting Speaker. If you would like to try again, I will hear you!

Mr PERTON — I move:

That the summary of the report of the Ombudsman on the investigation into allegations of a conspiracy between members of the then Department of Natural Resources and Environment and the Department of Justice to defraud the Estate Agents Guarantee Fund be taken into consideration tomorrow.

Motion agreed to.

CATCHMENT AND LAND PROTECTION (AMENDMENT) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Mr THWAITES (Minister for Environment).

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That the government business program agreed to by the house on 29 April 2003 be amended by omitting the Transport (Miscellaneous Amendments) Bill.

By way of explanation, this is a motion that has agreement and support. It is intended to enable the government to give consideration to the amendments that have been circulated by the honourable member for Polwarth and the government will bring the bill back in the next parliamentary sitting week.

Motion agreed.

MEMBERS STATEMENTS

Schools: Eltham

Mr HERBERT (Eltham) — I rise to acknowledge the strong presence of Eltham schools at the 2003 Premier's Victorian certificate of education (VCE) awards which were held last month.

Eight students who attended Eltham schools last year were among students who received these very prestigious awards. The achievements of these students demonstrate that schools in the Eltham area are maintaining their reputation as being amongst the country's top-performing schools. The three local schools acknowledged at the awards were: Catholic Ladies College, Eltham; Eltham High School; and St Helena Secondary College, Eltham. All of these schools have very good reasons to be proud of the performance of their students.

The students who received the awards are: Amy Neilsen and Laura Nikolopoulos, both for business studies at Catholic Ladies College; Nashira Car and Hannah Wykes for outdoor and environmental studies at Eltham High School; David Edelman for mathematics at Eltham High School — David was also

awarded an access scholarship to the University of Melbourne and has just been awarded the Dean's prize for science; Alice Wegner for media at Eltham High School; and Timothy Griffiths and Anthony Sekulov for systems and technology at St Helena Secondary College.

The teachers at these schools should be very proud of their students' performance and I want to acknowledge the significant role they have played in the outstanding performance of these students. They are: Mrs Julie Young, who taught business studies at Catholic Ladies College, Eltham; Ms Judy Taylor, teacher of environmental studies at Eltham High School; and a whole range of other teachers.

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

Drought: Towong

Mr PLOWMAN (Benambra) — The issue that I want to address seriously this morning is the effect of the drought on the Shire of Towong. This shire was one of the last shires to be declared drought-affected. Unfortunately, while large areas of the state have received sufficient rain to get an autumn break, this part of the state has had no rain at all.

The minister's decision to close applications for drought assistance on 7 May 2003 does not give farmers in this area sufficient time to put together all the information they need to accurately complete application forms for drought assistance. The rural counsellor in this area, Mr Bruce Dwerryhouse, is being run off his feet trying to assist farmers who having trouble in meeting this deadline.

I ask the minister to look at this situation again and to advise rural finance that an application should be made on an interim basis, with the additional details to be supplied at a later time. Many of these farmers have also been affected by fire and they are flat out putting up fencing, feeding livestock and meeting the multitude of requirements that the drought has forced upon them. They do not have the time to get their completed applications in by the 7 May 2003 deadline.

Construction, Forestry, Mining and Energy Union: Breakfast for Kids program

Mr TREZISE (Geelong) — I would like to take this brief opportunity to commend the Geelong members of the Construction, Forestry, Mining and Energy Union (CFMEU) who fund a Breakfast for Kids program in two schools in the Geelong region. The schools are Rosewall Primary School and Whittington Primary School which are located in the heart of low socioeconomic areas in Geelong.

The Breakfast for Kids program is a great initiative that provides children at these schools with not only a healthy and nutritional breakfast — a great start to the school day — but also provides a reason to come to school for both students and their parents. Parents become involved in planning, preparing and serving the meals and working in partnership with their teachers.

Funds to run the program come directly from the CFMEU members on building sites who contribute a gold coin on a weekly basis, with this money being passed directly to the two recipient schools. At Rosewall Primary School 58 children are receiving breakfast daily, while 54 children tuck into breakfast at Whittington Primary School. Across the state the CFMEU and its members support similar breakfast programs in about 30 schools, with hundreds of children benefiting from a nutritional start to their school day.

I congratulate the CFMEU and its members for their efforts in funding the Breakfast for Kids program in Geelong and across Victoria. Their work is a practical example of unionists working with the community, for the community and, in this instance, contributing positively to the betterment of children in need, their education and their health.

Adoption: parliamentary inquiry

Mr MAUGHAN (Rodney) — The Bracks government has failed yet again to deliver on a very clear pre-election commitment. At a meeting held in Parliament House in 1998 a group of more than 100 women called for a parliamentary inquiry into past adoption practices in Victoria. These women, who are members of an organisation called Origins Victoria, had at an earlier stage in their lives given up a child for adoption. During the past 50 years thousands of Australian women, mostly young and unmarried, have had their babies taken at birth, mostly under duress, and given for adoption.

Subsequent to the 1998 meeting the Australian Labor Party in its published policies for community services and for women's affairs for the 1999 elections stated:

> A Victorian Labor government will hold a parliamentary inquiry into past Victorian adoption practices, particularly in the period post-World War II until the proclamation of the 1984 Adoption Act.

In 2000 the then Minister for Community Services, the Honourable Christine Campbell, wrote to Origins Victoria and advised that the government had made a commitment to hold an inquiry into past adoption practices during 'this term of government' — that is, the last term of government. I therefore call on the government to honour these very clear commitments and to initiate an inquiry into past adoption practices in Victoria.

Don't Go 'til You Know program

Mr ANDREWS (Mulgrave) — I would like to take this brief opportunity to talk about an important program whose launch I had the pleasure of attending on behalf of the Minister for Health and the government.

On 14 April a program entitled 'Don't Go 'til You Know' was launched by the Health Services Commissioner, Beth Wilson. It is a community education program for members of the public attending pharmacies to make sure they get the best results from the medication their GP has prescribed for them. It is in response to a set of circumstances nationally where 140 000 people annually are hospitalised because of errors in the way they take their medicine. A further 400 000 Australians have to attend their GP to receive advice after having taken the medication in the wrong way.

I would like to congratulate Stephen Marty from the Pharmacy Board of Victoria and Maurice Sheehan from the Pharmacy Guild and the Department of Veterans Affairs. It has been a great collaborative effort, one that will ensure that members of the community are better educated, get better results out of their pharmacists and use their pharmacists more as a tool to provide appropriate information so they can get the best out of their medicine rather than any adverse outcomes.

Boneo Primary School: speed limits

Mr DIXON (Nepean) — Since it is cheerio time I will send a cheerio to the Minister for Transport. I wish to raise a matter that I am sick of raising in this place because I am getting nowhere with it. It concerns the school speed zone outside the Boneo Primary School. The school is located at the intersection of two 100-kilometre-an-hour roads. Between 8.00 a.m. and 9.00 a.m. the speed limit is 100 kilometres an hour and between 3.00 p.m. and 4.00 p.m. the speed limit is 100 kilometres an hour. There are no signs at all asking for people to slow down or any recognition that there is a school there.

For nearly four years now the school community and I have been lobbying for something to be done about this. We have sent letters to the minister and to Vicroads; I have raised it in Parliament on four occasions; and we have had meetings with Vicroads. Finally, 12 months ago after a lot of work Vicroads was bludgeoned into agreeing that something needed to be done and that it would provide a solar-operated speed zone sign. That was 12 months ago, but it is still not there.

This is a school of some 350 children, all of whom arrive by car, on 100-kilometre-an-hour roads that go to the surf beaches and golf courses on the peninsula. It is a very busy intersection and I cannot believe there has not been a serious accident on that corner. I ask the minister to do something and get that sign up.

East Timorese refugees: legal rights

Ms McTAGGART (Evelyn) — On 31 March I had the pleasure of attending a meeting of the St Mary's social justice group in Mount Evelyn. The monthly meeting focused on refugee asylum seekers from East Timor. One of the guest speakers was Josh Puls, a lawyer, migration agent and psychologist who addressed the forum on various matters concerning the legal rights of asylum seekers.

Mr Puls addressed the situation of the Timorese people living in Australia. There are 1650 East Timorese on bridging visas and they are now being forced to return to East Timor. This has caused much fear, panic and uncertainty amongst these people, especially the children who were born in Australia but are not recognised as Australian or Timorese and are therefore stateless.

Mr Fivo Freitas, a leading East Timorese community member, also addressed the forum. Fivo was granted asylum in 1999 and is extremely disturbed by the threat of being returned to East Timor. He outlined the process of appeal each individual had to go through to avoid forced return and the hardship that followed the loss of the Asylum Seeker Assistance Scheme payment administered through the Red Cross. He outlined the support being given by the City of Yarra and other local councils and especially the Bracks government.

Putting a real face to the people in this plight was quite overwhelming. These people are not illegal immigrants. They were granted asylum by the federal government. They should be fairly treated on humanitarian grounds.

The SPEAKER — Order! I remind members in the house not to cross between the Chair and members who are on their feet.

Rail: gauge standardisation

Mr MULDER (Polwarth) — It would appear that the Minister for Transport is either living in an illusion or still on his merry way conning, misleading and deceiving rural Victorians. A couple of weeks ago the minister came clean and admitted to Victorians that prior to the last state election he and his untrustworthy government had conned Victorians into believing that the Bracks listens-and-taxes government would deliver rail standardisation across the state.

I note that the rail gauge standardisation program along with the commitment for $96 million is still proudly displayed on the minister's own web site weeks after the Bracks listens-and-taxes government cancelled rail standardisation on rural Victorians. The representatives of 24 municipalities who visited the minister and inquired as to the delays in standardisation of the state's rail system prior to the Bracks listens-and-taxes government abandoning the program live in hope that the fact the Minister for Transport is still promoting the delivery of rail standardisation on his web site is pointing to a budget leak.

If $96 million is in the budget for rail standardisation and the minister knows this for sure, then he should by all means leave rail standardisation promotion on his web site. But if he knows for sure that it is not in the budget, then he should stop conning Victorians and remove yet another lie sheet immediately. While the minister is at it, perhaps it is time for a change of the government's own web site address. How about www.vic.con.au?

Schools: nutrition programs

Ms MARSHALL (Forest Hill) — At a time when our attention is being directed to the increased incidence of childhood obesity and diabetes it was refreshing to hear the Bracks government highlight its concern regarding the eating habits of Victoria's youth and particularly the roles schools play in teaching young people healthy eating habits.

Connections between good nutrition, physical fitness, learning and academic performance are increasingly under the spotlight in Victorian schools. Research has shown that unprocessed snacks can help energise brains, that drinking plenty of water is essential for mental alertness and that physically fit children perform better academically.

Some of the schools in the electorate of Forest Hill, including Orchard Grove, Burwood East and Parkmore primary schools, have taken note of this evidence that demonstrates the link between food and brain activity to introduce the concept of brain food. Each day prior to morning recess these schoolchildren nibble on a snack of fruit, vegetables, seeds or nuts while continuing to work. The concept is designed to cause minimal disruption to classroom activities, with some schools permitting water bottles to be used in the classroom and allowing the students to drink at any time.

The Minister for Education and Training was quoted as saying that a partnership between families and schools will ensure all students receive a consistent message about healthy eating and maintaining a healthy, active life. I would like to commend the minister, these and any other schools that are taking a holistic approach to the welfare of Victoria's youth.

Drought: Wimmera–Mallee region

Mr DELAHUNTY (Lowan) — With little or no decent rainfall over the last couple of months the 12 reservoirs of the Wimmera–Mallee stock and domestic supply are down to about 6 per cent. I say again: 6 per cent of their overall capacity. Wimmera Mallee Water is working on an emergency plan to cart water to drought-stressed western Victorian farmers and rural families later this year. Cost estimates for carting water to the tanks of the 2500 households are yet to be fully assessed, but early analysis suggests it could take 20 trucks working seven days a week and might cost between $6 million and $8 million a year if the drought continues.

This plan will have to be implemented if the worst drought on record continues through winter and spring this year and water authorities cannot supply house dams. A study into the logistics of water carting to domestic tanks is a necessary contingency if a nil supply for house dams occurs this winter. All of this underlines not only the desperate state of our water storages but also the pressing need for funding to assist if emergency water carting becomes a harsh reality.

I call on the government to provide financial assistance to help with this emergency water carting plan if it is implemented. I congratulate the water authorities combined consultative committees for initiating this study into the cost and coordination of an emergency water carting plan in these desperate times.

As was discussed in the debate on the Essential Services Commission last night, the current situation

highlights the necessity to keep these local authorities working with their local communities.

Country Fire Authority: Officer brigade

Ms LOBATO (Gembrook) — On 13 April I had the pleasure of officially commissioning a new truck for the Country Fire Authority (CFA) Officer brigade. This visit gave me the opportunity to witness at first hand the amazing dedication and commitment to community service of this band of volunteers led by Captain Ian Sterk. The brigade has managed to transform what was once a shed into a modern station with an office, kitchen facilities and meeting rooms.

Funded jointly by a Bracks government emergency support program grant and the fundraising efforts of the brigade, the Ford F250 crew cab was specially designed by the members. The new truck is a specialised liquid petroleum gas response unit, which means that these station members will have an enormous area of responsibility ranging from Phillip Island to Emerald and from Hallam to Warragul.

The achievements of the brigade are also reflected in the dedication of individual members. On the day I visited six members of the brigade were presented with service awards by CFA Western Port area operations manager, Steven Warrington. In total these long-service badges recognise, remarkably, over 110 years of volunteering. Captain Ian Sterk received a 25-year service badge. Other award recipients were Michael Van Den Acker, Garry Barnes, Barry Tivendale, Kel Bryant and Michael Baczyk.

Dingley bypass: government commitments

Mr THOMPSON (Sandringham) — The Labor Party numberplate logo, 'Victoria — The place to be', has become for the motorists of Victoria's south-east 'Victoria — The place to be deceived'. In 1999 the Premier was quoted in the *Mordialloc Chelsea Leader* as follows:

> If we were elected last time (in 1996) we would have built the bypass and if elected will do it.

Later the Premier commented in a press release:

> Labor has committed an initial $30 million to build the Dingley bypass between Warrigal Road and the Springvale bypass — and that the road will be toll free.

Not only is it toll free, it is also road free!

Later the Minister for Transport was quoted in the *Chelsea Independent* of 3 July 2000 as saying:

> I'm very pleased the Bracks government is able to make this project a reality in its first budget.

He must have been out with Mungo MacCallum the night before!

The Bracks government has betrayed not only its own backbench but also the motorists of Victoria. It is a government without vision and without policy — and tragically for the people of Victoria it is a government without scruple.

Mental health: Mordialloc essay competition

Ms MUNT (Mordialloc) — On Tuesday, 15 April, I was pleased to attend a women's luncheon to raise funds for a Mental Health Foundation of Australia initiative for adolescent mental health. The event was hosted by Carole Crean, the patron of the Young People's Mental Health Program and wife of the federal opposition leader, with Cherie Booth, QC, the wife of the British Prime Minister, as a special guest speaker.

I saw it as a great opportunity to take with me as guests some worthy young women from my electorate who were enthusiastic about an opportunity to hear Cherie Booth speak. Therefore my office ran a competition for young women, giving them an opportunity to write a short essay on why they would like to have lunch with Cherie Booth**,** or alternatively on a woman in history they would most like to have lunch with and why.

A number of schools were invited to participate, and I wish to congratulate Kylie Walsh of Parkdale Secondary College, Alycia Baxter of Mordialloc College and Maggie Law of Deakin University who were successful in the essay competition. It was a wonderful experience for all of us, and I was also particularly pleased to meet these intelligent and enthusiastic young women, who will no doubt be future leaders in whatever are their chosen fields. They are a credit to their respective schools and university.

I also thank all of the students and schools in my area for participating in this competition.

Emergency services: Warrnambool helicopter

Dr NAPTHINE (South-West Coast) — I wish to draw the attention of the house and the government to two more incidents in south-west Victoria which further highlight the urgent need for an emergency helicopter in the south-west. Last weekend a 15-month-old baby almost drowned in a backyard pool at Mortlake. The baby was found in the pool at 5.45 p.m. and was later revived at the scene by paramedics. If there had been an emergency helicopter based at Warrnambool, it would

have been on the scene in 12 minutes and the baby would have been at the Royal Children's Hospital within an hour — the golden hour that is so vital. But the baby had to be taken by road ambulance to Warrnambool, arriving at the Warrnambool hospital at 7.00 p.m. Luckily in this instance there was a fixed-wing aircraft in the area just by happenstance, but it was diverted to Warrnambool because it could not land anywhere nearer to the incident. It took the baby to Melbourne, but the baby did not arrive at the Royal Children's Hospital until 10.00 p.m. So over 3 hours were lost, and this baby is still in a critical condition. It is another sad instance where a south-west emergency helicopter would have made a real difference in a life-saving situation.

On 23 April a 46-year-old, critically ill, female patient in Portland was intubated and ventilated — that is how serious her condition was. The doctor had to take 6 hours to get an air ambulance transfer from Portland to Melbourne for this critically ill woman. Again, if there had been a helicopter in Warrnambool, it would have been done in less than an hour.

Schools: class sizes

Mr MILDENHALL (Footscray) — Recent data has shown extraordinary improvements in Footscray schools. We have seen the greatest reduction in the state in average class sizes, from 26.3 down to 22, a reduction of 4.3 per class since 1999. The prep-to-grade 2 average of 20.2 is only lower in two other metropolitan areas. These dramatic improvements have seen a 21 per cent increase in enrolments from last year to this year, or over an additional 1000 students. This has been accompanied by a 29 per cent increase in school global budgets this year. Parents and students are flooding back into Footscray schools.

While the Kennett government closed four schools and had no commitment to state education, the Labor government, through its past and present education ministers — the former Minister for Education, now the Minister for Planning; the former Minister for Education Services, the Honourable Monica Gould, now the President of the Legislative Council; the Minister for Education and Training; and the current Minister for Education Services — has made an outstanding contribution to reviving state education in Footscray. It is a great success story. Parents and students are voting with their feet and flooding back in to Footscray schools.

Coatesville Bowling Club: membership

Mr HUDSON (Bentleigh) — I would like to congratulate the Coatesville Bowling Club. Like many other bowling clubs, it has confronted the problem of declining membership as its members grow older and pass on. Two years ago it found itself at the crossroads and had to decide whether to fold, merge or chart a new course. Coatesville decided to reinvent itself as the East Bentleigh Sporting and Recreation Club, and it has done that successfully. The Bentleigh Organ Club and the Studebaker Auto Club now use the Mackie Road premises, with a bocce club also looking at the possibility of using the facilities.

This partnership with other clubs has brought more people through the doors and has proven successful in encouraging more people to take up bowls. Two years ago the club that once had seven sides had contracted to three sides. This year as a result of opening itself up to the community, the Coatesville Bowling Club now has four sides.

This decision was vindicated when members Trevor Stevens and Glenn McGregor won the pairs state championships against fierce competition. They will compete in the national championships in Tasmania this November. Mick Doherty should be acknowledged for getting younger players into the club. Mick has got 12 of his mates into the club through his encouragement. I would like to particularly congratulate the president, Peter Banham, the secretary, Doug Spruhan, and committee members Ray Barnett, Bob Brity, Len Johnson and Bruce Ford.

Hastings Blue Light Motor Cycle Club: off-road facility

Ms BUCHANAN (Hastings) — I rise to highlight to the house the outstanding community spirit displayed by the Hastings Blue Light Motor Cycle Club, and in particular Mr Ray Hare, the employees and managers of BHP Steel in Western Port, and the members of the Victoria Police based in Hastings police station.

The issue of off-road riding in residential areas has been a matter of conflict within the Hastings area for probably the last 15 years. Mr Ray Hare has been vigilant in trying to realise the vision of having a purpose-built facility within the area in which young and old riders can enjoy their sport.

Since 1986 there have been a number of applications before the local council for proposed sites, but unfortunately the conflicting land use has meant that those applications have been knocked back. Recently

Mr Hare approached BHP Steel management in Western Port and was able to successfully negotiate the use of a tract of land on the BHP site in Hastings. With the other volunteers the club has been able to work through getting this tract of land set out as an off-road bike facility.

In the last two years this club has attracted over 900 members. I commend Mr Ray Hare for his endeavours in realising this vision for the community and youth of the Hastings region. I also commend the members of the Hastings police station and the employees and management of BHP Steel.

Centenary Medal: Ballarat recipients

Ms OVERINGTON (Ballarat West) — Recently 57 Ballarat people were awarded the Centenary Medal. I congratulate all of them and acknowledge and thank them for their contribution to the community of Ballarat. But, of course, as always there are some individuals I would like to personally acknowledge and thank.

These include Joyce Healy, a friend of mine for many, many years — she suffers from a disability but has been a disability advocacy worker for the last 25 years; Fred Fargher, a director and producer; Peter Tulloch, a producer, teacher and long-time supporter of the Begonia Festival; Ian Effrett, involved in local government; Sister Joan Dalgleish, who buried both my parents — and I love her dearly; John Barnes, the previous mayor of Ballarat and his daughter, Alice; Skeet Carter, who ran a methadone program for many years; Keith Lawrence, a long-term Sebastopol councillor; Ron Egeberg, involved in the Begonia Festival; Ted Lovett, an Aboriginal elder; Doug Higgins, of the Sebastopol Returned and Services League ; Michael Murrihy, a well-respected public servant; John Vernon, a well-known architect in Ballarat; Lloyd Sims, one of the best umpires we have ever seen; Allan Terrett, for health services; Brian Cronin, for his work with ex-prisoners; Tony Chew, for his involvement in Life Long Learning; Allan Hughes, for health services; Steve Moneghetti, our famous marathon man; Sundram Sivamalai, from the multicultural council; and all of the other award winners.

Ken Hatten

Ms GILLETT (Tarneit) — I would like to pay tribute today to a great friend and workmate, Ken Hatten. Ken died last Friday, Anzac Day. Ken had a five-year battle with cancer. Although the disease took Ken's life it did not defeat his courageous, positive, passionate and generous spirit. Ken's spirit continues to live on in the hearts and minds of his beloved wife, Carmen, and his beautiful daughters, Kenisha, Marie and Mandy. The loving family that Carmen and Ken created is a wonderful testament to the lifetime of love that they shared.

Ken was a passionate advocate for working people. He was a great union official and a great storeman and packer. Over the past few years Ken moved on to work in the Labour Union Cooperative Retirement Fund and the National Union of Workers (NUW) superannuation fund. Ken regarded the terrific team at LUCRF as a part of his family, and they felt the same about him.

To Carmen, Kenisha, Marie and Mandy: my sincere sympathy, love and support. I know Ken's spirit lives on in all of his workmates at LUCRF, at the NUW and in all of the union members he looked after so well.

Centenary Medal: Clayton recipients

Mr LIM (Clayton) — I rise to congratulate the 15 000 recipients of the Centenary Medal that have just been confirmed by the Australian Honours Secretariat in Canberra last week. The Centenary Medal is unlike the Order of Australia medals, which are awarded every Australia Day and Queen's Birthday. This is a once-off, very special medal awarded to celebrate our centenary, the anniversary of our nationhood.

I am very proud and happy to announce that every one of my 30 nominees have been successful. These are very special people who have given so much in their respective fields of volunteerism. Without naming them, I congratulate them all.

I take pride in the fact that these people come from varied backgrounds — from Chinese, Vietnamese, Cambodian, Laotian, Burmese, Sri Lankan, Indian, Turkish and Anglo-Celtic and Italian backgrounds. I also take pride in the fact that in their respective volunteering these people have given more than was asked of them.

Award ceremonies are now being organised through the offices of the federal Leader of the Opposition and the federal members for Holt and Chisholm. I know that my constituents will take pride in receiving this medal and will continue to do so much in their respective communities.

PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL

Second reading

Ms DELAHUNTY (Minister for Planning) — I move:

That this bill be now read a second time.

In October 2002 the Bracks government released its vision for the future of Melbourne — Melbourne 2030.

It is a strategy for managing urban growth in a sustainable manner over a 30-year period. It received widespread endorsement and support from the community, from local government, from industry and, indeed, from international commentators.

It was the cornerstone of the Bracks government's policy for planning in the historic November election last year. Attempts by the opposition to discredit parts of the strategy proved futile as the election results amply demonstrated.

As members will be aware, an extensive consultation process preceded release of Melbourne 2030.

A very clear message came out of that process. The people of Melbourne made it very clear that they wanted to see an end to urban sprawl and they wanted to protect the green wedges that surround Melbourne.

This was no idle whim.

The people of Melbourne know the value of these green areas. They are the lungs of the city. They provide for valuable agricultural activity; they contain important natural resources which must be protected for future use; they include significant areas of native vegetation; they provide protection for the water catchments that serve the almost 4 million residents of the metropolitan area.

Mr Honeywood — On a point of order, Acting Speaker, in my 15 years in this place this is the first time that I have seen a second-reading speech that involves a political attack on political parties. Second-reading speeches are required to introduce legislation and to stick to the clauses of that legislation. While I understand that the Speaker would have to make a ruling on this, I raise it at this juncture for the house to note that the Minister for Planning is engaging in a political attack in a second-reading speech that is meant to pertain to the clauses of a bill she is introducing. Quite apart from the fact that it is not proper for a second-reading speech to involve a political attack, the minister is lying.

Ms Pike — On the point of order, Acting Speaker, the honourable member is quite right that the second-reading speech is to contain an overview and explanation of the clauses of the bill, but it also sets the broader context in which the bill was developed. Framing it in that context in a sense elucidates comprehension and understanding of the bill. I certainly do not support the point of order.

The ACTING SPEAKER (Mr Savage) — Order! I do not uphold the point of order. The minister is entitled to make a second-reading speech on a bill and put whatever parameters she wishes in that speech.

Ms DELAHUNTY — I understand the member's anxiety, but I think he has overstepped the mark. There is a tradition in this place, and he is very good at quoting it. He has insulted this place and the Minister for Planning. I ask him to withdraw his comment.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Warrandyte has been asked to withdraw.

Mr Honeywood — Acting Speaker, what am I being asked to withdraw? Am I being asked to withdraw my concern that a second-reading speech has been abused today for the first time in 15 years to involve an unwarranted and untruthful attack on the opposition? If I am being asked to withdraw that, I would find it very difficult.

Ms DELAHUNTY — The member knows he said, 'The minister is lying'. I ask him to withdraw.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member quite clearly used the term, 'The minister is lying'. He has been asked to withdraw.

Mr Honeywood — If the minister is going to be precious, I withdraw.

Ms DELAHUNTY — I thank the member for withdrawing; unfortunately it was ungraciously done.

Now let us get back to what the people of Victoria are really interested in — not parliamentary games. They are actually interested in good policy, and this is one of the best policies that has been introduced into this place in 15 years. I will return to the second-reading speech, Acting Speaker.

Any notion of sustainability for our metropolitan area cries out for protection of these green wedges.

And in the past that has been the case. The green wedges were first recognised as an important part of metropolitan planning policy way back in the 1970s.

They were clearly identified as areas to be protected from the encroachment of urban growth. Special attention was to be paid to the important conservation areas of the Yarra Valley, Dandenong Ranges and Mornington Peninsula. And so it was for many years.

But unfortunately for the people of Melbourne the Kennett government undermined this strategy and failed to maintain government commitment to protection of the green wedges.

It did this in two ways. In its reform of the planning schemes — generally known as the Victoria planning provisions or VPPs — it first of all omitted any reference to the green wedge concept in the state planning policy framework which forms part of all the new municipal planning schemes. Certainly there is reference to the environmental sensitivity of areas like the Dandenongs and Western Port. But there is no clear policy statement setting out the green wedge concept and giving it statutory protection in the planning schemes.

Secondly, in its desire to reduce the number of zones and to provide for a greater variety of uses in the few zones that did remain, it ended up with a rural zone covering most of the green wedge areas and in this rural zone, the only prohibited land uses are brothels, cinemas and shops (other than convenience stores or equestrian supplies).

This is simply not an acceptable way to manage green wedge land.

Before explaining the actions the government is taking on this issue, I want to explain the concept of the green wedge areas. They are an important part of the government's approach to managing urban growth sustainably. They are an essential complement to the established urban area and the growth corridors, defined by the urban growth boundary. Within the established urban area and the growth corridors urban expansion can readily occur, and can be serviced efficiently with infrastructure and with community facilities.

In short the green wedges are the areas between the urban growth boundary and the outer perimeter of the municipalities that form metropolitan Melbourne. The urban growth boundary was established with the release of Melbourne 2030 in October 2002. It is shown on all the relevant planning scheme maps. It exists in a statutory sense. So the green wedge area is clearly established. It is simply the land between the urban growth boundaries on the inside and the outer municipal boundaries on the outside.

It is important to understand that green wedge areas were never intended to be 'all green', in the sense that they should be only for conservation and low-impact farming uses. They are also the appropriate location for urban-related uses which should not be located in a built-up area — uses such as quarries and sand pits, sewerage treatment plants and airports requiring extensive separation from sensitive uses. Parts are utilised for intensive farming activities, including intensive animal husbandry such as poultry farms and intensive horticulture. Other parts — in particular the Dandenongs and the Mornington Peninsula — are utilised for combinations of 'lifestyle' agricultural enterprises and tourist accommodation, while yet others are water catchments and storages. And scattered through the green wedges are some 40 urban areas of various sizes, such as Somerville, Emerald and Healesville.

This means that the planning regime for green wedge land must be one which facilitates a range of land use and management approaches appropriate to these differing circumstances yet maintains the basic integrity of those parts which are not already utilised for urban purposes. It also needs to take account of the views of those who see the green wedge areas in terms of economic opportunities and those who would follow a much tighter, conservation-oriented approach.

Members will appreciate that planning in any situation, but particularly in the green wedge areas, involves a very delicate balancing act by councils and the government. A sustainable city is not one where nothing changes. In this environment decisions about development proposals can be highly controversial and involve passionate support and opposition.

To provide a framework to manage this situation better than has been the case in the recent past, the government is implementing a series of measures.

First, an interim urban growth boundary was introduced to planning schemes last October, with the announcement of Melbourne 2030. As I have already noted, this draws the line between the principal urban areas and other parts of the metropolitan region. This boundary was drawn in accordance with information available at the time, but it was always expected that changes would be needed. Submissions about Melbourne 2030 have referred to anomalies in this urban growth boundary, and once these have been systematically analysed I expect to bring before

Parliament, in accordance with procedures I will refer to shortly, an amendment to overcome anomalies.

This urban growth boundary will also need amendment from time to time to accommodate the continued outward growth of Melbourne's growth corridors in accordance with an orderly urban growth program. While Melbourne 2030 emphasises more efficient utilisation of urban land, there will be an ongoing need for growth on the outskirts. This urban growth program will ensure that this is efficiently managed and that as new industrial and residential areas develop they are properly serviced — not only by the 'pipes and wires' but also by transport and community services.

Secondly, it is proposed to make an amendment to the 17 planning schemes which involve green wedge land to include a set of core planning provisions to better regulate land use in these areas. These will set out uses which are considered inappropriate in green wedge land other than in township areas or which are inappropriate except where the uses are limited in scale. Therefore the core planning provisions will prohibit these uses in green wedge land, other than in townships and limited special situations.

A draft set of core planning provisions formed part of the Melbourne 2030 package and, like the urban growth boundary, has been the subject of submissions in that context. Once analysis of submissions is complete, the core planning provisions will be finalised and introduced into the planning schemes by a planning scheme amendment.

The third element of the government's response to protecting the green wedge areas from inappropriate subdivision and development is the Planning and Environment (Metropolitan Green Wedge Protection) Bill, which I bring before you today.

This bill does not directly control development of green wedge land. It does not change the land use rules in planning schemes. But it does establish processes to ensure that proposals to change those rules are subjected to a more rigorous examination than has previously been the case, commensurate with the likely impact of that change. In essence what the bill does is this.

It requires any planning authority other than the Minister for Planning to get the approval of the Minister for Planning before preparing any planning scheme amendment that would change the urban growth boundary or otherwise change the planning schemes in relation to green wedge land. No longer will a council be able to prepare and give notice of an amendment which is inconsistent with green wedge principles appropriate to the locality, causing great public concern and leading people to put serious effort into opposing an idea which should never have been given any support in the first place. Nor will project proponents be led to invest resources into a process which must ultimately not be approved. Proposals to nibble away at the edges of green wedges in an ad hoc way will not even reach the stage of becoming part of a planning scheme amendment.

Mr Honeywood interjected.

Ms DELAHUNTY — Listen and learn, member. This is good legislation. We are doing a courtesy to the house in putting it into a detailed context, which you clearly need.

The amendments which pose the greatest threat to the integrity of green wedge areas are those which involve changes to the urban growth boundary or which in any way increase the subdivision potential of green wedge land. There will be times when such changes should be made. The bill requires that such amendments will not come into effect unless ratified by both houses of Parliament. This is in contrast to the normal arrangement for other amendments, which come into effect when notice is given of their approval by the minister, at which stage Parliament is also notified of their approval. Like any subordinate instrument, amendments can be revoked by Parliament, but members will appreciate that in practice amendments are not generally subject to intense scrutiny — not by this opposition.

This bill identifies changes to the urban growth boundary and green wedge subdivision controls — —

Mr Honeywood — On a point of order, Acting Speaker, even you would appreciate that ministers, when making second-reading speeches, are following a script which they are not meant to diverge from to launch political attacks across the house. If the minister is going to continue to create precedent after precedent on second-reading speeches, I suggest you get the Speaker in here to make a ruling about a deliberate attempt by this minister to bring a second-reading speech in early in the day so she can put out a press release attacking the opposition.

The ACTING SPEAKER (Mr Savage) — Order! I have heard enough on the point of order, which I do not uphold. The second-reading speech, according to previous rulings, is only a guide.

Ms DELAHUNTY — Thank you, Acting Speaker.

This bill identifies changes to the urban growth boundary and green wedge subdivision controls as special and therefore subject to special examination. This process is similar to that which applies under the Planning and Environment Act 1987 to the Upper Yarra Valley and Dandenong Ranges Strategy Plan and the Melbourne Airport Strategy Plan.

I referred earlier to the process of considering submissions about Melbourne 2030. Submissions about Melbourne 2030 have amongst other matters referred to the urban growth boundary. At this stage I want to make it very clear that the government fully expects to bring forward changes to the urban growth boundary later this year for consideration by this Parliament.

That will exemplify the purpose of this bill. It is not to stop changes. It is to ensure that for something as important to Melbourne as the green wedges, this Parliament, the democratic heart of the state of Victoria, will be the final arbiter of whether major changes affecting the green wedges changes are well founded and consistent with the overarching policy commitment to protect the green wedge areas from inappropriate development.

Let me now turn to the details of the bill.

Clauses 1 and 2 describe the purpose of the act and provide for its commencement the day after it receives royal assent.

Clause 3 is the heart of the bill. It inserts into the Planning and Environment Act 1987 a whole new part 3AA relating specifically to metropolitan green wedge protection. I will refer to the effect of the proposed new divisions and sections to be included in the act.

Division 1 is introductory. It sets out the 17 metropolitan fringe planning schemes and formally describes what is an urban growth boundary and what is green wedge land. These are all matters I have referred to previously. It also describes a green wedge planning scheme amendment.

Division 2 provides that a planning authority other than the minister may not prepare planning scheme amendments affecting green wedge land except with the authorisation of the minister. This is to avoid councils wasting time and resources on inappropriate amendments which are contrary to the government's green wedge policies and local residents being put to the effort of responding to proposals which have no chance of being approved. It will also avoid developers building up unrealistic expectations about possible amendments to facilitate development of green wedge land.

Division 3 provides that green wedge planning scheme amendments which alter an urban growth boundary or increase the subdivision potential of green wedge land come into effect only if ratified by both houses of Parliament. It sets out the procedure for this. When the minister approves a relevant amendment it must be laid before each house within seven sitting days. Unless it is ratified by a resolution passed by each house within 10 sitting days after it is laid before that house, the amendment will lapse and never come into effect. This is in contrast to the normal amendment process, which provides that the minister must cause notice of an approved amendment to be laid before each house within 10 days of its approval. The amendment may be disallowed on the motion of either house — but the amendment is in force unless disallowed.

Part 4, division 5, of the Planning and Environment Act 1987 establishes a process where a person can request a planning authority to prepare amendment to a planning scheme and at the same time consider an application for a permit under the scheme as proposed to be amended. Proposed section 46AM allows this process to be utilised with minor modifications in the case of an amendment which requires ratification under the new procedures established by this bill. The permit will not come into operation unless the amendment to which it relates is ratified; if it is not, the permit is deemed to be cancelled, in the same way that a permit under part 4, division 5, would be cancelled if the amendment to which it relates should be subsequently revoked by Parliament.

Clauses 4 and 5 provide for consequential procedural matters.

In conclusion, while this bill includes some procedurally complex material, the principle behind it is straightforward. An amendment which excludes land from the green wedge by changing the urban growth boundary or which affects green wedge land should be prepared only by or with the consent of the minister, and if it increases the potential to subdivide land or changes the urban growth boundary it will come into operation only if ratified by Parliament. The government said in Melbourne 2030 and in its 2002 election policies that it would protect the green wedges by legislation, and this bill is an essential part of honouring that commitment.

I commend the bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Thursday, 15 May.

MURRAY-DARLING BASIN (AMENDMENT) BILL

Second reading

Debate resumed from 30 April; motion of Mr THWAITES (Minister for Environment).

Mr INGRAM (Gippsland East) — I thank the parties for allowing me to debate this bill before my normal call. I wish to say at the outset that this is extremely important legislation and something in which I have a lot of interest. It is about the corporatisation of the Snowy hydro scheme and the subsequent environmental flows that are released from the scheme.

The Murray-Darling Basin amending bill is based on an agreement made on 24 June 1992, which is a long time ago. It has taken a long time to get to this stage. I know the communities of East Gippsland and southern New South Wales have been extremely dedicated in the continual pressure they have put on the New South Wales, Victorian and the commonwealth governments to get an agreement that really returns equity to those living below the Snowy scheme dams. This legislation was introduced in the last Parliament. Unfortunately when the last Parliament was prorogued the legislation had not passed through both houses.

I would like to go back and look at the Snowy scheme. As most members would know, the Snowy scheme has been an institution in Australia and has been placed on an almighty pedestal. It is one of the great engineering feats built in this country, and I do not think anybody doubts that. It also played a large part in the influx of postwar migrants into this country and contributed to the large multicultural population in Australia.

One thing the Snowy Mountains hydro-electric scheme has been good at through generations has been propaganda. It has been very good at selling itself and putting itself above a lot of the environmental and other laws of this country. People who live below the Jindabyne Dam have been extremely angry at many things this corporation has done through the years. I will give a particular example. When the people of Dalgety first started campaigning for environmental flows to be returned to the Snowy River, the Snowy Mountains hydro-electric scheme at the time was non-committal about the outcome but its representatives came to Dalgety to meet with the local community. The community told them that the issue was that they had lost their river and showed them photos of how good the river used to be at Dalgety. The corporation offered them picnic tables and a weir to make a swimming hole. The community said it would love to have a swimming hole and picnic tables but that that would not stop it campaigning to get more water back into the Snowy River.

It was with great pleasure in August last year that I stood with the Premiers of New South Wales and Victoria, the then Victorian Minister for Energy and Resources, Candy Broad, and the New South Wales Special Minister of State, John Della Bosca, while we released the first flows in 35 years back into the Mowamba River. The people of Dalgety and those living along the Snowy River below Jindabyne got a small part of their river back.

This legislation covers the agreement between the three governments, and I am sure it has support from all parties. I must say though that I was extremely disappointed that there were members not only in this place but also in the irrigation community who were critical of the process when the flows were released. They commented that we are currently experiencing an extremely dry period, and I acknowledge that, but people should remember that the Snowy River has been in a state of drought for 35 years. There is never a good time to release environmental flows if you are a person who does not support the concept of environmental flows. The beauty of the return of these flows back to the Snowy River was apparent when the people of Dalgety in the weeks following the release saw their river as a river and not just the series of mud and weed-choked pools it has been for the last 35 years.

Other rivers that are affected but do not receive a lot of publicity are rivers such as the upper Murrumbidgee River, which from below Tantangera Dam to Burrinjuck Dam and where the Tumut River comes in has very little flow at all. It is basically in the same condition as the Snowy River but it has not received a lot of publicity. It is in extremely poor condition and this agreement will return environmental flows back to that river. That water is not a loss to the Murrumbidgee system; it will just be diverted back into its natural course to again become part of the river. That river is extremely important to a number of threatened fish species in Australia such as the trout cod and the Macquarie perch.

Another issue concerns environmental flows to the Murray River. Many members here have a great passion for the Murray and feel strongly about the damage that has been done. One of the things that has happened with the Snowy hydro-electric scheme is that it has been put on a pedestal but it has not been a very good environmental performer. When the scheme was first built the debate in this place highlighted the fact that at that time people in this house knew the damage

that it could cause. They knew at the time that they should have been piping many of the irrigation channels but because pipes were not readily available in Victoria at the time it would have cost too much to pipe the channels. Those issues were raised in this Parliament when the debate first occurred well over 50 years ago.

It was also suggested at that time that a lot of the water was to be used to grow rice along the Murrumbidgee and Murray rivers, particularly in New South Wales. It was considered then that growing rice was a very inefficient use of water and would have an impact on the salinity of the river. From a reading of the old *Hansard* reports of what members in this Parliament said 30 to 50 years ago during two debates on the Snowy scheme it is apparent that they knew what was going on and some of the issues that needed to be addressed. Unfortunately they did not have the foresight then that we have now. This bill will ensure that some of the equity will be returned to the Snowy scheme. The people below the dams, not only Jindabyne but other dams in the scheme, will get a better environmental outcome from this agreement.

It was a memorable and historic occasion on that day, when large numbers of people turned out at Mowamba to see the first flows, and I would like to be there in about three years time when we finally put some holes big enough in some of dams in the scheme to give real environmental flows. That will be an historic day.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak on this bill. The bill marks another important step in bringing the once mighty Snowy River back to life. It is important to note that at the 1999 state election only the Bracks government promised to return 28 per cent of the original flows to the Snowy River — Labor was the only party to take that commitment to the election.

I acknowledge today the faith that the member for East Gippsland showed in the Bracks government to implement the commitment it had made in the election when the question of who would govern was in the balance. At that time I was the advisor to the Premier on the Snowy River, and I always found the member for Gippsland East to be passionate, determined and articulate about the rights of the Snowy to flow again.

I would also like to pay tribute to the vision of the Premier. I believe that the rebirth of the Snowy will be one of his enduring legacies and one of the government's proudest achievements. The agreement would not have happened without the relationship between the Premier of Victoria and the Premier of New South Wales, himself a committed environmentalist. We should also acknowledge the contribution made by Candy Broad, the then Minister for Energy and Resources in another place, and John Della Bosca, the New South Wales Special Minister of State. They did a wonderful job in working through the details of this historic agreement which involved examining and changing over 50 documents.

Public servants do not often get recognition, but I would like to pay particular tribute to the excellent work done by Victorian public servants Kate Houghton, Kevin Love, David Fickling, Campbell Fitzpatrick, Terry Healy and Robyn McLeod, the advisor to the then Minister for Energy and Resources in the other place, Candy Broad.

It was a fitting moment to see the premiers of Victoria and New South Wales standing on the banks of the Snowy River below the Jindabyne Dam — and if you had been there you would have seen that the Snowy had slowed to a trickle. With the member for Gippsland East they stood on a little island in the middle of the river, which they could jump over to, and announced a $300 million commitment over 10 years to revitalise this magnificent national river. The response from members of the Snowy River Alliance, who had travelled a couple of hundred kilometres up the river to be there for that moment, was something to behold.

In August last year, the premiers of Victoria and New South Wales shut off the Mowamba aqueduct and turned on the Snowy. It was the diversion of this tributary, the Mowamba, in the 1960s that snuffed out the last bit of life in the Snowy River. It was the completion of a magnificent engineering effort to suck every little bit of water that was left on the mountains into the dams. It achieved its purpose, but in the end it brought the Snowy River to the point of environmental collapse.

At the time there was a lot of cynicism from the opposition about what was being done. The government was criticised for turning off the Mowamba aqueduct. It was said that it was a pre-election stunt; that it would make no difference to the Snowy River; and that we should not be putting water down the Snowy River in the middle of a drought. All of that was complete nonsense.

The truth is that irrigators in the Murray and the Murrumbidgee systems received the same water allocations in 2002 and 2003 as they had in every year since the Snowy scheme was brought into existence 54 years ago — 1062 gigalitres to the Murray and 1026 gigalitres to the Murrumbidgee, a total of

2088 gigalitres. That was their entitlement, and that is what was delivered in full.

Therefore the water that has been released from Mowamba has had absolutely no impact on irrigators entitlements. However, it has had a huge impact on the health and environmental ecology of this once-great river. The collapse of the Snowy River has been halted, and the long haul to rehabilitate the river has begun. I have had an opportunity to see the increased water levels in the river, the native reeds coming back and the excellent work that is being done to remove the willows that were infesting the banks after taking root in the sand that had built up in the river, choking the very life out of it.

Seven months later the increase in flows to the Snowy, while modest, is having a noticeable effect on the level of water in the upper reaches of the river. As we see more water added to the river there will be significant environmental improvements for the endangered native fish and in the ecology of the river.

What we are doing here is something quite historic; it is a first. There have not been many instances in the world, if any, where attempts have been made to reverse the damming of and the removal of natural flows from a river, and there is a lot to be learnt. The point about this is that there is a real commitment to it; that $300 million is being invested in water savings; and that the water savings will be genuine. This will not adversely impact on the existing rights of irrigators, and it will deliver real environmental flows through the 28 per cent target.

We should also acknowledge that the commonwealth has now recognised that the ecological health of rivers has to be addressed. While it was not prepared to put money into the Snowy, at least it has put $75 million into the rehabilitation of the Murray, which will deliver 70 gigalitres of additional environmental flow. That is a drop in the ocean — we know that a lot more will be needed to restore the Murray to health — but it is a start. Senator Nick Minchin should be congratulated on the work he did in negotiating the agreement at the commonwealth level.

In terms of where we are now, there is an increasing recognition that our rivers are in poor health and need to be rehabilitated, that they are not to be used just as irrigation drains and that they have an ecological life of their own and are entitled to that life. This government has recognised that and set some clear targets to be achieved over the next 10 to 20 years. They include a 25 per cent increase in irrigation efficiency by 2020, a 15 per cent reduction in city water use by 2010, a 20 per cent increase in water recycling in Melbourne by 2010, and a range of other measures which the minister outlined in his water statement.

There is an enormous amount that can be done to save water in our irrigation systems. I have inspected the Murrumbidgee and Murray systems, and I think most would agree that the 3000 gigalitres that are lost every year from that system through the 12 000 kilometres of channels is something we cannot go on tolerating. When you consider that the Snowy target is only about 10 per cent of the total lost, it is quite clear that there is an enormous amount that we can do to improve water efficiency in these irrigation systems.

We can address the open channels and do things about their leaking in a substantial way. We can deal with evaporation and move from flood irrigation to drip and spray irrigation. I believe that we have only just begun to scratch the surface in what can be achieved with water-saving technology.

Clearly this project will work only if there are genuine water savings. I am pleased to note that the water savings projects identified by the government are going very well. The Woorinen pipeline project is almost completed, the Normanville pipeline is under construction and Murray Goulburn Water is negotiating the Tungamah pipeline and a metering and stock watering project. The water savings are there, but it will be hard work.

The situation is not helped by the fact that the commonwealth government has decided it will impose a goods and services tax on the joint government enterprise that has been funded to deliver the water savings. That seems totally at odds with anyone who is interested in doing things to rehabilitate our degraded rivers. However, I believe commonsense will and should prevail and that something will be done to overcome that problem with the commonwealth.

In 10 years this historic decision taken by the Bracks government to restore the Snowy River will be seen as one its lasting and most enduring legacies. It will be seen as the first of many necessary steps that have to be taken to rehabilitate our rivers after two centuries of degradation. I congratulate the Premier, Premier Carr, the member for Gippsland East and the members of the Snowy River Alliance who brought this issue to our attention. I commend the bill to the house.

Dr SYKES (Benalla) — I rise to speak in support of the Murray-Darling Basin (Amendment) Bill, because it is enabling legislation and facilitates getting things done. As has been outlined by other members, the main

effects of the legislation involve formalising current rules for the sharing of water made available above the Hume Dam by the Snowy scheme and establishing and protecting Victoria's share of the water in the event that New South Wales fails to ensure adequate environmental flows.

There are other enabling clauses. I would like to focus on some principles. The first is that legislation is not an end in itself but a means to an end. The second is that the key features of the management of the Murray-Darling Basin involve achieving savings and debt management. Those are the issues about which there has been some ongoing comment on the government's ability in that area. Given the political commitment to the Snowy, I caution the government against hasty and ill-thought-out decisions to fulfil the debt that has arisen there. In particular I focus on the review of Lake Mokoan and I again ask that that be carried out in good faith and that the issues be thoroughly thought through. I highlight that environmental science by nature is inexact and therefore the level of confidence that one places in the opinions of various models and science needs to be tempered.

We need to check the claimed benefits against the costs. Certainly that is an issue at Lake Mokoan where there are many theoretical benefits being claimed, but equally there are some obvious costs being identified. On the cost side there are obvious social and economic impacts. From the perspective of the Benalla electorate I am very conscious of wanting to protect the interests of those upstream and that they are not just being seen as a sacrifice to meet other needs. As the member for Gippsland East mentioned, he felt the people in areas downstream of the Snowy had been sacrificed in times gone by.

The management of the Murray-Darling Basin is going to be a ongoing challenge for a decade or more. It will take a long time to sort through the issues and get a balanced approach. We will be forced to make some tough decisions, often on incomplete information. That will be the challenge and the test of good leadership by the government in power. We need to focus on the bigger picture issues such as the impact of global warming and the impact of the catchment management authorities' strategies, particularly their intentions or desires to retire a lot of country and to plant thousands of hectares of trees. In our area of the Murray-Darling Basin, the major issues of salinity and acidity need addressing.

There is also the need to continue looking to the future and use of evolving technology to improve savings and efficiencies and to look at producing new products. There needs to be equitable sharing of the costs and benefits amongst all stakeholders, including the upper catchment land-holders, the irrigators and regional communities as well as environmental considerations.

I would like to touch briefly on Lake Eildon, which is a key component of the Goulburn-Murray system and therefore a part of the overall Murray-Darling system. If there is one single thing that stands out like the proverbial drover's dog's ribs it is the need to upgrade the Eildon Weir wall. It is safe by the standards that it was constructed under, but as a result of increased global expectations there is a need to upgrade that wall. Failing to do that will result in the lake only being able to run at 65 per cent of its capacity, and the implications of that are enormous.

Lake Eildon is a storage which supplies water to the Goulburn irrigation system. That area generates in the order of $8 billion worth of income each year. A full Lake Eildon is also critical to the economy of areas such as Eildon, Bonnie Doon, Jamieson, Goughs Bay, Mansfield and Maindample. If you are ever passing through the area I suggest you pop into the Maindample pub on a Thursday evening for an absolutely wonderful seafood meal.

Mr Hulls interjected.

Dr SYKES — My shout for you, Attorney-General!

Mr Hulls — That's in *Hansard*!

Dr SYKES — For the Attorney-General it is my shout! He is most welcome to visit my electorate.

Of course there is no such thing as a free lunch and I would welcome the Attorney-General if he were to come along with his colleague the Treasurer and with a cheque for $30 million to fund the upgrading of the wall. As a result of that upgrading —

Mr Baillieu — That's a cheap lunch!

Dr SYKES — It is a cheap lunch! As a result of that upgrading the works could be done and the damage that has currently been threatening our rural communities could be avoided. I commend the government for taking the lead on the charge to improve the management of the Murray-Darling Basin but, as I indicated earlier, I caution against making hasty decisions while recognising the need to be decisive and often acting on incomplete information.

I implore the government to utilise local knowledge in this process, to take advantage of the decades of

experience and encourage ownership of the outcomes of tough decisions. I offer myself to be available to help develop appropriate policies and to encourage that community ownership. In closing, I support the bill and will do my best to ensure continuing and improved responsible management in the Murray-Darling Basin.

Ms D'AMBROSIO (Mill Park) — Before I speak in support of the bill I wish to acknowledge the contribution of the member for Gippsland East and in particular his acknowledgment of the Snowy scheme's absorption of many migrants and their contributions to building that project. It is particularly close to my heart as my uncle was one of those many migrant workers who contributed to the development of that scheme. My father contributed to another major water project, the construction of the Eildon Weir.

Those are important issues and ones we must recognise, but at the same time we need to understand that the bill is a timely response to the fact that while those schemes were great they also led to major problems in the environmental flows of those important rivers which had lasting impacts on the economies of those regions.

The bill is one important element in a series of measures this government has put in place. They are designed to make a lasting impact and to cause a shift in the cultural attitude of all Victorians that will serve us well over many decades into the future. For the first time we have a government that has acknowledged the need not only to adopt a whole-of-community approach to water and its conservation but to implement many great initiatives which will bring about concrete results well into the future. The effects of those initiatives and of the shift in cultural attitude will last well beyond many future governments. As part of the Bracks government's Water for the Future 10-year plan the Murray-Darling Basin (Amendment) Bill puts actions and deeds to the words and promises contained in the Murray-Darling Basin amending agreement.

While my electorate of Mill Park is far from the affected areas I can say adamantly that the issue of water and its conservation is very high in the minds of all members of that electorate, as it is across all of Victoria. That in no small part is due to people such as the member for Gippsland East and this government for successfully garnering the support of the entire Victorian community for improvements to water usage and conservation.

I am sure that in decades to come the Bracks government will be remembered for the many decent things it has achieved. However, as the member for Bentleigh has rightly said, it will be particularly remembered for its vision and deeds when it comes to water, and these will be entrenched in the minds of all Victorians.

Particularly pleasing to me is that the bill puts in place mechanisms to ensure Victoria's rights to water are preserved and that the environmental flow to the Snowy River will be increased to 28 per cent of the original flow. It will also increase the level of flows to the Murray River to return it to the once great river it was, but it will do that without prejudicing the water rights of current irrigators. The 28 per cent increase in the environmental flows into this river is a long-term, albeit significant objective. It is a target that will be achieved through a well-constructed agreement between several governments, and it is an agreement which commits to investment in regional infrastructure projects. The spin-off effects must be recognised, and they will be substantial. Rural and regional jobs will be created by the initiation of major infrastructure works and will improve water quality.

This government has remarkably improved the amenity and liveability of rural and regional Victoria. People in this community acknowledge this and thanked the government for it at the last election. The effects of the bill will substantially add to the already significant investment that the Bracks government has put back into rural and regional Victoria. It proves yet again that the Labor Party is the party for rural and regional Victoria.

The objectives of the bill will be met within a balanced framework which also protects the interests of food producers. No-one will be left behind by this and the bill reflects that. We know already from the historic 2000 heads of agreement between the Victorian, New South Wales and federal governments that the otherwise negative effects to irrigators of the increased flows to the Snowy River and River Murray will be nullified by significant water savings. One cannot occur without the other. Flows can only be increased if matched by water savings, and that is a win-win situation in anyone's language. No-one will lose, and the beneficiaries will be the whole of the Victorian community through the whole-of-Victoria strategy for water conservation. It will also assist with the sustainable maintenance of our food production in the area and the positive contribution that this makes to the entire economy of Victoria, not to mention the benefits derived from ensuring the ongoing viability of many of the local communities in the north of the state which rely on food production and related industries.

We know that millions of dollars will be invested to achieve the necessary water savings to make viable

steady flows to the Snowy and Murray rivers. I commend the Victorian, New South Wales and federal governments for this solid contribution to achieve that end.

I am a practical person and have a great appreciation of practicality following grand statements. I am therefore pleased to see the level of thorough planning that has gone into this bill. Of paramount importance is the protection the bill gives to Victoria against unilateral action by New South Wales in the administration of the Snowy water licence. Clause 6 of the bill, which will insert schedule G, part VI, Notification and consultation provisions, shows how well Victoria's interests are protected — that is, how well our water entitlements are protected. This illustrates my point that the bill is well balanced, well framed and well constructed. Victorians can have great confidence that it will deliver real outcomes in water flows, water quality and supply.

The bill also protects Victoria by way of empowering the Murray-Darling Basin Commission to independently monitor and manage the water-sharing arrangements between the states. The bill gives effect to water accounting arrangements in order to recognise each state's share of water made available from the Snowy scheme to the River Murray catchment above the Hume Dam. As I mentioned, it will provide protection for Victoria's share from any future unilateral decisions by the New South Wales government which, of course, regulates the scheme. In the event that New South Wales does the wrong thing by Victoria we know that the Murray-Darling Basin Commission will have the ability to adjust the water accounting entitlement in Victoria's favour.

I will spend some time talking about the key water savings initiatives that the government has already commenced. Again this goes to the heart of ensuring a well-balanced approach to increasing the environmental flows to those two rivers to be measured and balanced by an improvement to water savings throughout the state. I wish to recognise some of those. The runs are on the board. Some $25 million has been designated for water savings projects in northern Victoria. As referred to by the member for Bentleigh, the Normanville pipeline, Caseys Weir pipeline and domestic and metering projects will be completed over the next few years and will generate 25 000 megalitres of water savings each year. Another 2000 megalitres will become available upon the completion of the Woorinen pipeline project this year. From 2004 it is planned that 27 000 megalitres of water will be saved annually. These are concrete initiatives and proof that water savings will be made to allow the water flows to the Snowy and Murray rivers. This government promises to deliver and delivers what it promises, and this is another example of that.

I am proud to be a member of this government, which has driven a major cultural shift in attitude among city dwellers about the preciousness of water and its essential function of ensuring a healthy, natural environment. No other government has contemplated doing this, let alone achieved it, and it has been achieved in a very short span of time as well. I commend the bill to the house.

Mr MAUGHAN (Rodney) — I am very pleased to be able to make a contribution on the Murray-Darling Basin (Amendment) Bill and to support legislation which is so important to the state of Victoria. The Deputy Leader of the National Party, the member for Swan Hill, spelt out the National Party's approach to this legislation in his excellent and very worthwhile contribution.

As a member representing one of the most important irrigation areas in the state I want to talk about a few principles. The first one I want to put on the record is about the importance of irrigation. I was pleased to see that in her contribution the member for Mill Park at least recognised the importance of irrigation to the northern parts of the state. I want to indicate that it is very important to the economy of Victoria. In the Shepparton irrigation area the value of on-farm production from irrigated agriculture is on the order of $1.4 billion per annum, and that is multiplied through the food processing industry to a gross value of about $8 billion. It is a very significant part of the Victorian economy.

Right now, with irrigation water limited very severely, particularly in the Goulburn system, we can see the importance of irrigation and the adverse effect on the state when irrigation water is restricted. That was commented on this week by the Treasurer, who discussed the effect the drought will have on the budget that will be delivered next week.

Water is the lifeblood of our community, certainly around Australia and in the northern part of Victoria. When discussing legislation such as this one cannot help but think of Alfred Deakin, who was a member of this house at the turn of the century and later on a member of the federal Parliament, and the enormous contribution he made to the development of the irrigation industry in Victoria. He was a man of vision, a man of great foresight and a man who had the drive and ability to establish a very sound basis for irrigation in this state. He did a marvellous job.

It goes without saying that as one of the driest nations on earth the way Australia conserves, utilises and manages its water resources is of major importance to what it might achieve as a nation. To put it into context again — and then I will talk about a few general principles — the electorate of Rodney, which I have the privilege to represent, is based on irrigated agriculture. It is one of the most important irrigated electorates in the whole of the state. It has a very efficient dairying sector — again, the most important dairying sector in any electorate in Australia. Irrigation is absolutely vital to the people I represent, and therefore any legislation that deals with irrigation is very important. This legislation in essence formalises a number of rules and agreements that have been operating informally for many years. It is a great that this will now be documented, formalised in legislation.

I want to talk about a couple of principles, one of which is the importance of water storage. As a nation we should not only save water by making channels, by making the transport of water more efficient and by reducing evaporation where we can. I commend all that, but I sound a note of warning, that the savings we are required to make to provide the 240 megalitres of water for the Snowy, and in addition the additional water for the Murray, are not going to be made unless we spend an enormous amount of money. There is a very good cost-benefit ratio for the first savings which we are making now — we can spend $1 and save $2 of water — but those projects are going to run out before we get anywhere near realising the target for the Snowy, let alone the additional water needed for the Murray. So we have to use more efficient methods of irrigation such as drip irrigation and overhead sprinklers — there is a whole range of things that can be done there.

I know that some farmers will be concerned at the thought of even more efficiencies, but it can be done and it is being done. For every megalitre of water used Victoria is now producing about double the value of produce that is produced in New South Wales. There is a lot more scope for that, and I will give just a couple of examples from my own electorate, where water is now being used more extensively for vineyards, for example. A megalitre of water is producing far more dollars in gross returns on vineyards than has been the case with broadscale irrigated agriculture. Undoubtedly we are going to see a greater trend in that direction.

I express some concerns about where we are going to get the water for the Snowy and Murray rivers. Looking at the issue of the additional water required for the Murray, I need to be convinced, firstly, that the Murray is as degraded as people say it is. I have heard a couple of members in this debate talk about restoring it to its former glory. For heaven's sake, if you were in Echuca during the last couple of weeks you would have seen Echuca buzzing with the Murray full of water only because we have irrigation storages. Had it not been for the fact we have the Hume Weir — we have kept that storage — and the Dartmouth Weir the Murray right now would have been so low that you could have walked across it.

Mr Hulls — Some people say you can do that anyway!

Mr MAUGHAN — Not in Echuca. The Attorney-General knows Echuca well, and he knows that the river is the lifeblood of the area, and not only because of irrigation. It provides add-on benefits — in this case the tourism industry, which is very important.

I reject the notion that we have a grossly degraded river. We have some problems, but I think we concentrate far too much on the negatives and not enough on the positives. If you have a look at salinity levels in Swan Hill, for example, or Mildura or Morgan, you find they are very significantly reduced compared to what they were as recently as 10 years ago, so we are making progress. We are making progress in reducing the introduction of nutrients into the river. I do not want people to get carried away with the notion that the river is continuing to degrade when it is not. We are reversing that.

I need to be convinced that simply putting more water down the river will resolve our problems. I think we need some more water, but I am not sure whether we need the 350 000 megalitres or the 750 000 megalitres — or, heaven help us, the 1.5 million megalitres. That debate has a long way to go yet. What I will say is that if water is going to be clawed back from the existing entitlement holders, they must be adequately compensated. That is very important.

I have talked about nutrients and salinity, and I think we have made significant progress there. I conclude by saying that this legislation is welcome. It is yet another step in water law in this state which, generally speaking, has enjoyed bipartisan support, as this legislation does. Irrigation is vital and conserving water is vital. I welcome this legislation and wish it a speedy passage.

Mr WILSON (Narre Warren South) — I have great pleasure in supporting the Murray-Darling Basin (Amendment) Bill. I am pleased to follow the member for Rodney in speaking on this bill. The purpose of the

bill is to give effect to the amendment to the Murray-Darling Basin agreement which has been agreed to by the Victorian, New South Wales, South Australian and commonwealth governments. The substantial effect of the agreement is to control the flow of water in the Murray and Snowy rivers.

I believe the water policies of the Victorian government will be of long-term significance and will be one of the things this government is remembered for. I think all members in this house would agree that water is crucially important for the future of our state and in protecting the interests of all Victorians.

Like other members of the government I support the bill, as it is essential to implement the agreement reached by the four governments and to protect Victoria from the New South Wales administration of the Snowy water licence. In ratifying this vital agreement the Victorian Parliament will be honouring a commitment made by the Victorian government and the other three governments. Victoria's interests and its share of up to 70 gigalitres of water that will be made available for environmental flows in the River Murray would be unprotected if this agreement were not ratified.

Mr Cooper — Where is the Murray? Do you know where it is?

Mr WILSON — I certainly do. This bill allows the once mighty Murray to have allocated environmental flows. That is a measure I am sure all members of this Parliament would support. The Victorian government has prioritised the funding of many water savings projects, including the Normanville and Tungamah pipelines, and domestic and stock metering supplies. It is estimated that some 25 gigalitres of water will be saved through these measures — a fine achievement and one that can be put into environmental flows for our rivers in the future.

As one who was born in Orbost and raised in Gippsland I am very pleased that the Snowy River will regain 21 per cent of its average natural flows over the next 10 years. This has begun with 38 000 megalitres — or 3 per cent of the natural flows — from the Moama aqueduct. As one who spent many hundreds of hours fishing in the lower reaches of the Snowy River as a child, I commend to this chamber the additional river flows Premiers Bracks and Carr have agreed to, with the support of many others. I also note that the member for Gippsland East constantly lobbied on this issue and was instrumental in achieving these objectives. I believe that my experience of fishing as a child should be available to many other children. The additional water flows in the Murray and Snowy rivers will allow many people to enjoy such pleasures.

This bill requires the Murray-Darling Basin Commission to release increased flows to the Murray River, a fine objective that I am sure all will agree with. The decision of the commonwealth government to impose a tax on the funds provided to the authority is a retrograde one in my view, as it will increase the cost of this environmental measure.

This bill is part of the Victorian government's Water for the Future program, a 10-year plan to ensure people understand the importance of water as a very scarce resource and change many of their water usage practices. This applies to many people in my substantially urban electorate of Narre Warren South. I commend the bill to the house.

Mr SEITZ (Keilor) — I rise in support of this enabling legislation for the Murray-Darling Basin agreement that was signed on 5 October 2001. It is a very important step for the future of our water resources in this country.

We are very fortunate that we are an island continent comprising one country and one federal government which can work with the state governments to come to an agreement that we need enabling legislation influencing our water resources. With the $375 million in infrastructure money that has been allocated to improving our irrigation system and thereby making water savings, we will be able to return some of this water to the environment. That is an important issue facing this country and others. The water in our rivers needs to be maintained to sustain a proper environment that we can live in.

The step to put a water cap on the Murray-Darling Basin, first taken by Victoria and later agreed to by New South Wales, is an important factor in providing the water referred to in this agreement to South Australia. South Australia will not really be an owner of the water in the Murray-Darling Basin, which is a significant step in the direction of not having water wars or disputes, as happens in other countries. We are able as one nation to develop this issue.

However, I raise the question of whether we should really continue with rice growing in this country. Should we really have cotton farming in this country when it is a dry continent with insufficient water catchments and flows? As the population of the country increases so will the pressure placed on the use of water. That is an issue that needs to be addressed by everybody concerned. At the moment we are talking

about the drought that is affecting us in Victoria and New South Wales, but in the long term our continent will not be able to sustain a large increase in population or in the manufacturing businesses that require large volumes of water, particularly if grey water is not reused and recycled efficiently.

As a member of the Environment and Natural Resources Committee I recommend that all members read the committee's report on its inquiry into water allocation and water resources, which has been tabled in this Parliament. I recommend that they read this report so they are aware of the issues, because the report highlights our existing water resources and how they are dealt with, including water trading and the allocation of water rights. It is a very important document that should be read and taken note of.

The next step in our water situation will involve the manufacturing industry. At the moment we are encouraging the use of grey water, particularly in viticulture, and that is being done. But I can see all these vineyards growing and developing, so if we put water prices up there will be a backlash. At the moment it is more expensive to use grey water but its use should be encouraged. I am always amazed to find in the shops that people are quite prepared to pay $1.50 to $2 or even $5 without complaining for half a litre of bottled water, yet when they use water for other purposes they complain about the cost.

Water prices in this country will have to be increased. We will have to recognise and respect that water is a scarce commodity on our Australian continent, more so than in other places. Improving the flows of our rivers, particularly the Snowy, will also encourage our fauna and flora to come back. Our vegetation is very important. I mentioned only recently in this house the existence of blue-green algae in the Maribyrnong River due to the lack of flows. It is important that we maintain healthy river flows.

I am pleased to see the federal and state governments agreeing to a program and a budget for a healthy rivers project. That is a further step towards improving our community life and maintaining and recognising the important part our rivers play in our sustainable environment. I realise we want to finish this debate shortly, so with these few comments I wish the bill a speedy passage through the house.

Mr JASPER (Murray Valley) — I am pleased to join in the debate on the Murray-Darling Basin (Amendment) Bill. I have listened with a great deal of interest to the contributions that have been made, particularly the one by the Deputy Leader of the National Party. I believe he gave a good overview of the development of the Snowy Mountains hydro-electric scheme over a long period of time and of the importance of that scheme.

I also listened to the contribution of the member for Bentleigh, and I thought he gave an excellent overview of the actions that have been taken by the government to increase the flows down the Snowy River. He also mentioned that some members of the opposition had expressed concern with the actions being taken by the government. As a member of Parliament representing an area in the north-eastern part of the state that relies on the flows coming down the Murray River for irrigation I recognise the importance of irrigation to the economic life of the Murray-Darling Basin, particularly the Murray Valley area. I had some concerns about the implementation of the increased flows down the Snowy on the basis of the possible removal of those flows from the irrigation schemes on the Murray system. However, I have noted that the amount of water that has been distributed down through the system has not been reduced; in fact the amount of irrigation water coming down through the Murray system has been maintained.

As was mentioned by earlier speakers, the Snowy Mountains scheme is important. As it was being developed over a 17-year period to 1962 I was invited to two openings of hydro-electric installations in the area. At that time they sought the assistance of all bus operators in the north-east in shifting personnel to attend those openings. My family is involved in buses and members of my family were involved in taking buses up to shift the personnel. I drove one of the buses that took people to an opening of a hydro-electric facility. It was clear then that the Snowy scheme was one of the world's great development projects — there is no doubt about that. The scheme brings water through the Snowy Mountains and down through the Murray and other systems to provide for irrigation, and it has been an enormous success.

There ought to be a reassessment of how we use water and what we will do with it in the future. I listened with interest to the statement made in this house a couple of weeks ago by the Minister for Environment, and I recognise the importance of many of the comments he made about needing to look for ways for us to economise in the future in our use of water. It is critical that we seek greater efficiencies in water usage, not only in irrigation but in built-up areas and metropolitan Melbourne.

There has been a change in people's mindset. I see it in the irrigation areas and throughout my electorate of Murray Valley. Twenty years ago when people were

irrigating they were not so fussed about conserving water and getting the best use out of it. There have been enormous changes since that time in how water is used. Most irrigators are now very much aware of the importance of water.

I was concerned to hear in the statement by the minister that there would be huge increases in the cost of water for water users. That concerns me greatly. I see difficulties facing primary producers in remaining profitable and operating their farms economically. If we get the increases in charges that are contemplated, we need to ensure that when we look to economies of scale — and certainly there are economies that can be implemented — we do not get to the stage where the government, on the excuse that we need to conserve water, forces people to conserve that water by increasing the charges to a level where it would be uneconomical for some farming communities to survive.

As I said, there are economies of scale that can be looked at. I refer to the comments of the member for Bentleigh in particular. I concur with his view that we need to look at getting greater efficiency in the use of water and that many actions can be taken. I also indicate that we have the situation, as was mentioned earlier, where work is being done to conserve water.

The Tungamah stock and domestic system was referred to by an earlier speaker. The former State Rivers and Water Supply Commission did not want to know anything about the work being done when the system was run by the former Tungamah shire. Indeed when I first entered Parliament the member for Benalla was the Honourable Tom Trewin. He said to me, 'I will hand it over to you — you fix it up'. They were getting water out of Caseys Weir using a dreadful system for water for stock and domestic use, distributed through the Tungamah and Benalla shires for the Devenish, St James and Tungamah townships. The changes being proposed in pipelining the water need to be investigated.

I have had discussions with Goulburn-Murray Water on this issue, and it is moving ahead to see how it can use the water coming out of Caseys Weir better and more efficiently by pipelining the water. It needs to be done extremely carefully, because the Tungamah township is on the Boosey Creek and the locals have developed the Tungamah Weir and have spent some $25 000 to excavate it and stock it with a large range of fish. In the new circumstances which have been proposed by Goulburn-Murray Water of piping the water, which I do not oppose, and getting greater efficiency in using the water coming out of Caseys Weir, we need to ensure that we protect the creek.

We must make sure we have the environmental flows which they are talking about and which we need. We must understand if we are going to make these changes people need to be protected. I will be working hard to protect the people of Tungamah and ensure the weir operates effectively. At present it is filled by an overflow of water coming from the Tungamah water supply which goes into the Boosey Creek and then into the system. I would be concerned about the changes being proposed if they affect the maintenance of the weir and the flows into the creek.

Goulburn-Murray Water is looking at piping the system and getting economies of scale, which I do not oppose. It is suggested the authority may save some 5000 megalitres of water a year of the approximately 9000 megalitres of water provided from Caseys Weir to the Tungamah stock and domestic system. I highlight that as an example of the sorts of issues that we will be facing throughout the Murray-Darling Basin.

While I acknowledge that we are getting environmental flows of water through the Snowy River I would be concerned if water is taken away from the normal system that comes through the Snowy system for irrigation and other purposes which results in a reduction of water for people who have traditionally used the water, particularly the irrigators. I recognise that economies of scale can be implemented and I support that. Balance is the key in making sure that all parties are protected in the use of water. In the final analysis we must understand that the great wealth that has been created in the Murray-Darling Basin and particularly through the Murray Valley area has been created by the availability of water from dams.

Another issue to which I should refer, but time is running out, concerns dams. I am a great supporter of the dam system that we have, but we need to look at extending some of them so they contain more water for future conservation measures.

Debate adjourned on motion of Mr CRUTCHFIELD (South Barwon).

Debate adjourned until later this day.

COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL

Second reading

Debate resumed from 30 April; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Mr COOPER (Mornington) — The Country Fire Authority (Volunteer Protection and Community Safety) Bill is an important piece of legislation because it addresses some issues that are extremely vital to the future of our volunteer firefighters and their ability to carry out the work they do.

The nub of the bill is to ensure that volunteer firefighters and paid members of the Country Fire Authority who take actions that they believe are proper in the circumstances of a fire are relieved of any claims made against them individually regarding civil liability. This is very important, because there would not be anyone who has been involved in firefighting — I certainly was for 20 years as a volunteer officer of the CFA — where decisions have not had to be made on the spot. Sometimes with hindsight you look back and say, 'Perhaps we could have done that a better way'. Probably what comes to mind is the issue where fencing is involved in the fighting of fires. When fences are cut or damaged in some way, this allows stock to escape from their paddocks and to roam. Some of the stock may then get injured or killed because they are roaming free from their paddocks.

The situation in regard to the farmer and his stock is very important. The ability of the farmer to get compensation and claim damages is necessary and should be preserved, but it should not be the situation that an individual firefighter or a group of firefighters are involved in the action. The bill seeks to deal with that situation and as such is worthy because it will remove a cloud, concerns and apprehension that hang over the heads of volunteer firefighters and paid firefighters in the Country Fire Authority at the present time.

The Liberal Party is very happy to support the bill because it provides firefighters who carry out their duties in good faith and make decisions in good faith with a full measure of protection, and that is welcomed by CFA volunteers in my area.

I refer to a couple of matters that have been drawn to the attention of the Liberal Party that do not appear to be addressed by the bill. My colleague the member for Scoresby raised concerns in his contribution on behalf of the Liberal Party and we seek from the minister some response to those concerns. They are not political issues but matters of concern that may not have occurred to the minister or relate to the advice he has received from the CFA. They impact upon the way firefighting is carried out, particularly in rural areas of Victoria.

Without going over the ground in detail again, because I do not want to occupy the time of the house too long on this matter as other members wish to speak, I highlight three of the points in particular that I believe need a significant response from the minister, either, as I said, when the bill is dealt with later today, or between houses so the matter can be dealt with in the other place, because some amendments may need to be made or responses given.

The first issue concerns what happens to farmers and individuals who supply their own tankers or equipment and whether they will be compensated if the equipment is destroyed. Acting Speaker, as you would be well aware, this happens so many times, since the days of yore: when a fire breaks out farmers back up their utility to the tank sitting on a frame, the tank is lowered onto the back of the utility and off it goes and forms part of the firefighting force.

This used to be called private fire equipment, and I assume it still is. But as easily as CFA-issued equipment can be destroyed, so can the farmer's equipment. The farmer's tank may be sitting waiting for a fire to erupt, but the vehicle on which the tank is placed is an essential part of his everyday equipment.

The farmer may be fighting the fire on his own property or helping to protect his neighbour's property or his own from a threatening fire on public land. He is out there doing a job for the community, and the community needs to understand that he is entitled to the same protection as his equipment and the equipment provided by the taxpayers to the Country Fire Authority brigades. What happens to the farmer or others who supply their own tanks and equipment is important. It is an issue that people from country Victoria have asked about on numerous occasions, and it needs to be addressed by the government.

The second point concerns the situation where a person who is not a CFA member as defined in the act is injured in performing firefighting duties on a fire ground prior to the arrival of CFA personnel. Is that person deemed to be a volunteer for compensation purposes? If a fire breaks out and somebody sees it and thinks they could do something about it before the fire crews arrive, should they just drive away and say 'It is

nothing to do with me, I will leave it to somebody else.'? The average Aussie does not do that. The average Aussie rolls up his sleeves and does what he can to help. If he is injured, then he is injured while acting in good faith and should be treated as someone who has acted in good faith. That is an issue that needs to be addressed by the government, and it is one on which we seek some answers.

The last point of concern I wish to raise is whether CFA volunteers are fully covered for compensation while undertaking firefighting duties interstate. This is happening more and more these days, as we have seen in the last two or three years. New South Wales is now referred to as another region of the CFA, because when fires break out in and around Sydney or in Canberra, a large number of fire crews from Victoria, with the best fire equipment in Australia under them, go off to assist their northern neighbours, who still have not managed to catch up with Victoria and the way fires are properly tackled. One day New South Wales may well learn the lessons, but at the present time Victoria is called on, as is South Australia. Are the Victorian volunteers who put up their hands and are prepared to give up two or three days to help people in and around Sydney or Canberra covered for compensation when they are interstate? There is a question there, and it is one that I think certainly needs to be answered.

With those queries, and in the hope that the minister and the government will respond to them properly while this bill is going through this Parliament, if not in this house then in the other place, I believe the bill as it stands is very welcome. With some additions and changes to cover the points and queries I have raised it probably will be even better. I support the bill.

Mr CRUTCHFIELD (South Barwon) — I am pleased to participate in the debate on the Country Fire Authority (Volunteer Protection and Community Safety) Bill 2003. I agree strongly with the member for Mornington on the majority of the points he raised. The bill is about making it easier and more attractive for volunteers, in terms of both retaining them in the fire service and attracting further recruits. It is also important not only to retain the volunteers we have but to keep them in an operational capacity. The more volunteers we have in an operational capacity the healthier the fire service, because some volunteers are electing not to be as active as others. I am sure members in this place would be well aware of the burden in time that we impose on our Country Fire Authority volunteers and that we are increasingly calling on a smaller pool of volunteers.

The legislation forms part of the Bracks government's philosophy of supporting the CFA volunteers, and it will make it easier to retain them in an operational capacity. There is certainly an important place for volunteers who are not part of the operational capacity in terms of support, but the operational volunteers are the ones at the fire front. They are certainly the ones we need more of, and we increasingly need a larger pool of them.

I do not need to remind members of the reputation that has been garnered most deservedly by firefighters from all fire services, both volunteers and career firefighters, during the recent bushfire season. Considering the magnitude and complexity of those fires, and the risk of loss of life from a fire service and public point of view, all fire personnel need to be congratulated, even though we lost one firefighter.

This bill is particularly pertinent to both rural and urban volunteers on both a bushfire front and a structural firefighting front. The changes in civil liability immunity or protection in our increasingly litigious society impact on the volunteers who fight structure fires as well. I have been to a number of fires in the Ballarat district in recent times where volunteers have been reluctant to gain access — putting it politely — to some structures because of the damage they may cause. Although the current act covers them in terms of fighting a fire, it is an important message to send to volunteers that we support their service in both structural and rural firefighting.

The CFA has been increasingly well resourced in the last three and a half years. I know there has been a significant difference in the resources the Bracks Labor government has put into tanker replacement fleets and instructors, predominantly for volunteers and structural and rural instructors. A number of our excellent volunteers have taken up positions as instructors in the regions. There has also been an increase in brigade support and in the number of recruits, and our volunteers have accessed that. Lastly, there have been a number of station upgrades. This is all important in encouraging our volunteers to remain active. I repeat, it is of concern to all members in this place that we increasingly rely on a reduced number of active volunteers.

I would like to touch on the issue of access. I know reference has been made to the example about leaving a gate open. I have been to a rural fire and to a number of other fire incidents resulting from burn-offs in the member for Lowan's electorate, to which I will not refer publicly — I can tell him about them privately — where volunteers did their jobs in good faith, and they

should not be penalised for doing something when acting in good faith.

I have been to an incident myself where the easiest option was to cut one link out of a chain, but there are other actions such as cutting three or four expensive padlocks or other pieces of equipment that lock gates. Sure, as the member for Mornington said, there are decisions that all firefighters look back on and say, 'We could have done this better or more efficiently', but so long as they are acting in good faith they should certainly not be penalised.

I was on duty the day of the Linton fires at Ballarat. I knew all the participants in that incident, including the five firefighters who lost their lives on that night. This component of the bill, the question of compensation for volunteers, arises directly out of that incident.

I was mayor of the day when the Linton trust was distributing the community's funds to those families. A lot of complications emerged, indicating that the existing legislation covering compensation was inadequate. This legislation does not concern only dependants; it expands the eligibility of dependants to include family members, spouses and domestic partners. It is an initiative that is welcomed by the Country Fire Authority. There were certainly some complexities that the Geelong community worked through. I congratulate the Bracks government for addressing that particular anomaly in the bill.

The third part of the legislation, new section 99B, relates to a special recognition award. Again I congratulate the minister and the Bracks government, and I note that all members of the house support this award. It is about recognising individuals in the CFA or specific brigades, and I am sure we can all quote examples of noteworthy community service in our own electorates. I encourage all members to either nominate particular brigades or encourage individuals to nominate their most deserving brigades.

The other change in the bill involves compensation for damage to or loss of personal property. It is quite common for volunteers' clothing or personal equipment to be damaged — and watches are one of the items that are often damaged. The previous compensation level of $600 certainly would not buy a good watch. Some might argue that firefighters should not be wearing dress watches, and most of them do not.

Mr Mulder — They have expensive tastes.

Mr CRUTCHFIELD — Some volunteers do have expensive tastes. They come from all walks of life, as you are well aware.

A diving watch, as the honourable member for Polwarth knows, would cost well over $600. It is recognised in this place that we do value volunteers, and it is a particularly noteworthy issue, but the situation does occur. It may not be watches; it may well be more an item of expensive personal equipment such as a vehicle. This provision allows the CFA some leeway in compensating our most important firefighting asset — our volunteers.

I support the bill. I could relate a number of war stories but I will not. I note that the honourable member for Mornington and other members are or have been volunteers. The tenor of the bill is about supporting volunteers and making it easier for them. We understand that some changes are needed in terms of discipline, training in firefighting and associated responsibilities. This bill is about safety and saving lives, and I think our volunteers are becoming much more disciplined.

Mr SMITH (Bass) — I support the Country Fire Authority (Volunteer Protection and Community Safety) Bill. I also acknowledge and support the Country Fire Authority (CFA) volunteers and paid staff in the great work that they do all year round. We have seen recently with the devastating bushfires the great work that the volunteers do. They put their lives at risk, and they virtually walk away from their families and their jobs to work for their communities in a way that many of us are unable to do or in some cases are not prepared to do. It is great to hear that members such as the honourable member for South Barwon and the honourable member for Mornington, and I am sure a number of other members, are volunteers with the CFA.

The Liberal Party supports this legislation, and so it should. It was an initiative of its shadow minister that resulted in this bill being proposed. This came about as a result of discussions he had with a member of the CFA, who then leaked the information he had discussed in a confidential way to the minister and the Labor Party, who then put this bill together. So, yes, the Liberal Party should support it.

Approximately 18 months ago the government of the day put this bill together, but it included a couple of other pieces of the legislation that the Liberal Party did not consider should be in the bill, and the Liberal Party used its numbers in the upper house to reject the bill. If the minister had listened to the Liberal Party and deleted the clauses it found offensive this legislation would have been in place during the most recent bushfires we had in Victoria. A large number of the CFA volunteers would then have been able to sleep

better at night knowing that they would have no civil liability problems because they were covered by the new legislation that had been put in place.

We must look after our CFA volunteers, and I have already spoken about civil liabilities and the damage that can occur when they are performing their duties in good faith. A couple of examples have been mentioned today by the honourable member for Mornington and the honourable member for South Barwon. Perhaps at times firefighters could have done things a little better, but on reflection we realise that at a time of great pressure when there is a need to make quick decisions it is not always possible to make correct decisions about whether to cut locks and fences and leave gates open — at the time they were most certainly the right decisions. The fact that those people might have been in the position of being sued by individuals is a problem, but the implementation of this bill means that it will not be such a problem in the future.

Another provision in the bill that I think is just commonsense is the explanation of what is a properly constructed fireplace. The bill states that a properly constructed fireplace means:

> … a fireplace that is constructed of stone, metal, concrete or any other non-flammable material so as to contain the perimeter of the fire.

We look at that as commonsense, but I am sure there would be lawyers who would be prepared to go to court to argue the case of some people who saw fit to light fires in open ground with just a few rocks thrown around and who were not in a position to contain the fire if it got out of control. We know that can lead to fires spreading and that people are more than happy to run away or to get into their cars and drive away from such situations because they do not want to be in a position where they may be charged. Under the provisions of this legislation, if they are charged the courts will be able to have a document faxed or emailed that will allow the magistrates who do not have the actual declaration of a high-risk fire day before them to have an electronic copy before them. I see that as plain commonsense. This is the type of legislation that I am more than happy to support because it is commonsense legislation that cuts out some of the crap that goes on in the courts in the way that the legal eagles around this state are prepared to argue some cases.

I reiterate my support for the bill. I am pleased it is before the house; I am only sorry that it was not brought in some months ago. It would have given the volunteers in our community some comfort to know that the legislation was in place to give them protection.

Mr LOCKWOOD (Bayswater) — Of course I rise in support of the bill. My electorate has two Country Fire Authority (CFA) brigades, Bayswater and Boronia, which are staffed by both volunteers and career firefighters. They are not country brigades but urban brigades so they have quite different demands to some of those in the country. As an urban area my electorate has lots of houses and factories, and bushland too, and there are demands on the brigades. Last year there was a major fertiliser factory fire which put a lot of demand on the local CFA brigades, but they handled it quite well, as they always do.

Being in a residential area the brigades have to meet the demands of the local community and get to house fires on time. We are quite close to bushland so they are often called on to help other brigades in the Yarra Ranges during those hard times when we have fires there. Our local brigades volunteered to go interstate, and they have done a great job fighting fires in Sydney and other parts of New South Wales. They are very keen.

The difficulties of volunteers getting to their stations through urban areas is quite different when compared to the situation of rural brigades. That is why the brigades are structured with career firefighters available to handle the times when volunteers cannot get through peak hour traffic from their jobs in the city. The varying demands are met by balancing the nature of the staff in the local CFA brigades.

The volunteers are still the core of the brigades, even urban brigades, so volunteerism is alive and well in the electorate of Bayswater — and we are well served by them. However, volunteerism needs to be strengthened. We do not always have the full complement of volunteers that we would like, and the bill goes a long way towards encouraging more volunteerism in our local brigades.

As I said, we rely on volunteers for the protection of our homes and places of work. The work they do is greatly appreciated by their local communities. They are often out at intersections on local charity days fund raising — for example, for the Royal Children's Hospital or for their local communities. They put a lot back into the community as well as providing protection — an essential service that we all rely on.

We must protect our volunteers and we are doing that with this bill. They take risks on our behalf, and so we have to give them strong legal protection to make them not personally liable for anything that may go wrong, for minor incidents, and to encourage more volunteers to come along and help.

The bill increases the compensation for the loss of personal items such as protective gear and provides for a new award. The local volunteer brigades thrive on awards — their annual award nights are always well attended and provide a lot of the motivation and enthusiasm and thankyous for being a volunteer. This is another one of those events that acknowledge the whole brigade — and acknowledgement is great thing for volunteers. I am an enthusiastic supporter of my local brigades, and I get along to see them whenever I can. They put a great deal into the local community.

Mr PLOWMAN (Benambra) — This bill is clearly about supporting volunteers in the Country Fire Authority. Members on both sides of the house recognise that the CFA could not do the job that it does without the extraordinary support of volunteers in all sorts of capacities. Everything we can do to ensure that the CFA retains its volunteer component must be done because the government, no matter of what persuasion, could not support firefighting efforts in any way other than through volunteers.

Having had about 30 years as a firefighting member of the CFA, I see being involved in the rural CFA as a privilege. The CFA does more than fight fires; it provides a nucleus for small towns and districts. Often when there is nothing else in a district there might be a CFA shed and the presence of the CFA provides a catalyst for community action. The Liberal Party strongly supports this bill and any bill which supports the CFA in respect of its volunteer component.

I will speak briefly on clauses 10 and 11 of the bill, both of which deal with civil liability immunity for CFA members and volunteers. That immunity is required for them when they go out fighting fires. Clause 10 provides immunity from civil liability for the Chief Officer, any officer exercising the powers of the Chief Officer, any officer or member of any brigade or group of brigades or an interstate fire brigade, a volunteer auxiliary worker, or a person to whom section 30A applies.

The important thing is that there needs to be the same level of immunity for those people who are present at a fire and who may not be members of the CFA or not involved in the CFA action but who are there with the best will to do something to support the effort of putting a fire out whether a CFA brigade is there or not. It is important that any person who acts for themselves or on behalf of their community, whether they are on a private firefighting unit or acting as an individual, needs to have that same level of immunity. I would like the minister in his summing up to give his assurance that any person acting to fight a fire, providing they are doing so in good faith, has that same level of immunity.

I am most concerned about aspects of clause 11. The principal act deals at length with the standing orders of the Chief Officer. There are many occasions when a CFA brigade or a member of a CFA brigade acts on the spur of the moment to get people to assist him or her in the effort of getting to a fire quickly and acting to put that fire out or at least to contain it. In those early hours or minutes of getting to a fire and doing something those standing orders could well be contravened.

I was talking to a very senior member of the CFA who has been a member for nearly 50 years, who has been a group officer and who has had a role in the hierarchy of the CFA for a long period. He said that during the past six fires he has fought he believes he has had to contravene standing orders of the Chief Officer in order to do what he thought was best while attending those fires so as to put them out or contain them. That being the case — and I am taking the word of someone much more experienced in the CFA than I am — I would like to get assurance from the minister that someone who contravenes those standing orders is still covered if something more serious occurs in respect of the life of a person involved in that firefighting exercise. It is important that those standing orders should not exclude immunity provided under this clause. Hopefully that is the case, but I would like to have assurance from the minister that it is.

In respect of compensation, it is good to see that provisions are there. You can never compensate for the time and effort that the volunteers put into fighting fires, much as we might all like to. So many people in the community make extraordinary efforts and those efforts have been mentioned on many occasions during this and other debates as being worthy of the greatest and the highest recognition we could give for almost any public service. Again I add my congratulations to everyone who has been involved over this fire season, which in my memory as a firefighter is the worst we have had.

We should be able to look at the need to take compensation further, and not just for the time and effort because that is part and parcel of being a volunteer. In many cases you have volunteers who give the use of their personal equipment. In many cases that personal equipment is a vehicle. During the major fires in the north-east of Victoria a deputy group officer in the heat of the moment — sorry, I did not mean that as a pun! — in the intensity of the moment went to the assistance of other firefighters in his own vehicle. He was acting as a deputy group officer. That vehicle

rolled over and was severely damaged. I am not sure whether it was written off. We need to look at the opportunity to compensate people who are acting in a volunteer capacity and who are using their own equipment. The opportunity to fund or compensate the loss of that private equipment should be considered in future legislation. I will never forget the experience of fires of this magnitude and I hope we will never see them again in our lifetimes.

This fire, with a front of 360 kilometres, could have done an extraordinary amount more damage had luck not been with us inasmuch as we did not get a string of northerlies, which we usually get. Considering it ran over a six-week period it is astounding that we were so fortunate. However, it was also a great effort by firefighters from both the department and the CFA — the volunteers in particular — to contain that fire.

I have to say that in a forest fire the best protection that volunteers can have is fuel reduction burning. I reiterate the need for a fresh approach to fuel reduction burning across all forest areas in the state to bring about the most substantial level of protection we can give our firefighters so that when they are fighting forest fires the forests do not have fuel loads that make it excessively dangerous for firefighters acting in that capacity.

The Liberal Party supports and commends the bill, but believes in those few issues it could go further. I seek the assurance of the minister in respect of those two issues I raised.

Ms ECKSTEIN (Ferntree Gully) — It gives me great pleasure to rise and speak in support of this bill because of the very important work that the Country Fire Authority (CFA) and other emergency services do for our community. This bill will support that important work with better protection, compensation and recognition. I live one street away from the Ferntree Gully National Park and therefore have a very strong personal appreciation of the work of the various local CFA brigades in protecting our local community. This was particularly brought home to me in the 1997 Dandenong bushfires, one of which raced up the ridge near my home. All our local brigades, including the Ferntree Gully and Upper Ferntree Gully CFAs and the various other brigades in the area — the member for Bayswater mentioned Boronia — and also the Basin and Rowville brigades were all involved in fighting those fires, which was very much appreciated by the local community.

Tragically, a number a people lost their lives in those fires. This year one life only was lost in that work. My neighbours and I were particularly grateful for the many local volunteers and those from further afield who gave up their time and risked their lives to save our homes. These people have a proud tradition of unpaid community service which we all very much appreciate. Not only do they turn out to specific instances which threaten life and property but they also deliver important local community education programs and information.

After the 1997 fires the local CFA set up a number of community fire guard groups and provided training and information to local residents on fire safety, protecting our homes, developing personal emergency plans — all for dealing with bushfire emergencies. As a result local residents have been far better prepared for dealing with bushfire emergencies in the years since.

Our CFA volunteers provide this very important community service as well, and often we do not recognise them or the work of the brigades nearly enough. It is therefore very important to ensure that our CFA and other volunteers have the best protection, compensation and recognition we can provide for the important work they do on behalf of all of us.

In speaking in support of the bill I am pleased to note that it provides stronger legal immunity against civil liability. Volunteers need to carry out their duties in good faith to be afforded that legal protection. Minor negligent acts or omissions such as forgetting to close a gate on their way to a fire or having to cut a chain to get access to a fire will not now preclude volunteers from receiving legal protection. Currently simple oversights such as the ones I mentioned leave volunteers open to liability claims from third parties for loss of stock or other damage. In our increasingly litigious society it is important to protect our volunteers from that. Those who have suffered a loss require protection as well, so it is important that the bill ensures that they will still be able to claim against the authority. However, the individual firefighters will not be personally liable in those events.

The bill also extends the compensation arrangements. In the event of the unfortunate death of a volunteer, family members, domestic partners, spouses and dependants will receive compensation. This is an important extension of protection for volunteers.

The bill also provides compensation for loss or destruction of personal apparel, equipment, effects and those sorts of things. As other members have said, it is important that our CFA, State Emergency Service (SES) and other volunteers are compensated for the loss of personal items or equipment. It is the least we can do

for the volunteer firefighters and emergency service workers who provide such important community services. The bill will increase the maximum amount of protection available to volunteers, which is currently $600 and not a great deal of money, as others have said. It is pleasing to see that there will be some discretion as well. I understand that initially the amount is to be increased to $1000 with discretion to provide a greater amount if extenuating circumstances warrant it, so it will ensure that our volunteers are properly compensated.

The bill also allows for the CFA board to award community service decorations to whole brigades rather than individual volunteers. This is a really important aspect of the bill. It will enable the outstanding work of brigades to be acknowledged by the CFA and the community as a whole.

As I said, CFA, SES and other volunteers do not ask to be paid, and much of their important work goes unrecognised. This is one way we as a community can better recognise and acknowledge their important work. We would all be the poorer both financially and socially if the many hours of voluntary work were not undertaken. As others have indicated, it has been estimated that the voluntary work of the CFA would cost around $500 million if it were provided through paid staff. If SES and other types of volunteers were included, the figure would probably double, so this part of the bill is most important. It now allows us to collectively recognise and acknowledge this important work. It is a welcome aspect of the bill.

The CFA will have discretion to call for nominations from the public for such special recognition awards, which will also give members of the public an opportunity to acknowledge the valuable role volunteer brigades play and the contribution they make to their local communities.

This is an important bill and will provide better protection, compensation and recognition for our important Country Fire Authority and State Emergency Service volunteers for the work they do on behalf of all of us. I commend the bill to the house.

Dr SYKES (Benalla) — I speak in support of the Country Fire Authority (Volunteer Protection and Community Safety) Bill, because it is commonsense and increases the protection of volunteers in line with previous proposals put up by the National Party.

Volunteerism is the basis of country living, and it is heartening to see some positive proposals put forward, in sharp contrast to the general trend that makes it increasingly difficult to be a volunteer and to enable the work of community groups to go on. In particular, the public liability insurance issue continues to eat the heart out of country communities. I call upon the government to adopt the National Party proposals to address that issue.

I also request that the protection proposed for the Country Fire Authority (CFA) volunteers be extended to volunteers in other services such as the State Emergency Service. I support the intention to increase the level of compensation for damaged apparel — although I am not sure that either I or many of my mates have $600 watches like the member for South Barwon has! I support the suggestion of the member for Benambra to ensure that damage to equipment or vehicles is covered. People often race in with their own equipment and vehicles to get on top of a fire in its early stages.

I also ask that this principle be extended to land-holders who have made water available to combat fires. This issue was particularly relevant during the combating of fires in north-east Victoria in the midst of the severe drought. The Department of Sustainability and Environment (DSE) and the CFA simply took the water and had no legal responsibility to replace it, causing great hardship to land-holders desperate for stock and domestic water. This issue was raised with me as recently as last week, when I was attending a meeting between the DSE and Goulburn Valley Water about the decommissioning of the Honeysuckle Creek reservoir.

CFA volunteers and the local Violet Town community wish to retain the Honeysuckle Creek reservoir as part of a strategic approach to retaining water for combating fires. The DSE representative stated quite simply that neither the DSE nor the CFA had a need for the water, as they just accessed water directly from any source they saw, and they had no responsibility to compensate for the water they used or to replace it. This may be legally correct, but it is morally unjust and does little to encourage people to assist in combating fires, particularly those starting on public land. I therefore request that this issue be addressed, firstly by fire combat authorities and communities developing a strategic plan of identifying water sources, and secondly by including compensation for water used in a time of short supply in either this legislation or some other relevant legislation.

This issue of planning for the future raises a couple of broader issues. The first is the government's ongoing failure to conduct a fully independent and broad-ranging inquiry into the recent fires, including the preparation, combat and recovery phases. In relation

to the recovery phase, the government's package is inadequate. Of the $69.4 million recently announced, over $67 million is going into dealing with issues on public land, and less than $3 million is going towards assisting affected land-holders and local communities.

Whilst I recognise the importance of addressing the devastation caused by the fires on Crown land, the government also has a responsibility to honour its commitments to local communities to do things such as fast-track local infrastructure projects. In our area, the upgrading of the Bright water supply and the staged sealing of the Bogong High Plains roads would be a great start. Perhaps the Treasurer has earmarked funds in the Regional Infrastructure Development Fund for this project.

Still the government has failed to adequately compensate land-holders for fences and pastures damaged by the fires and back-burning activities. This is totally unacceptable, and is a source of seething anger amongst many land-holders in my electorate.

As raised by previous speakers, there is a need for a careful consideration of who is covered by the protection proposed in this legislation. I support the points made by the member for Mornington and the member for Benambra and suggest we keep in mind that these people act in good faith in an emergency. Some of them may not have all the competencies required of Country Fire Authority members. I know that I am struggling to find the time to complete my competencies training, although I did find time to take the truck out on Sunday for its weekly run and admire the growing grass in our area. Some of the people involved may also lack local knowledge and may be short on practical skills.

As other speakers said, there is the possibility that some may be under the influence of alcohol. On that point, commonsense needs to prevail. If someone has only had one or two drinks, then I think it is reasonable to cover them, but of course if someone is totally under the weather, then they should not be anywhere near the firefighting line.

On the issue of commonsense and good faith, I would like to use this opportunity to highlight a few examples during the recent fires of where they reportedly went out the door. One example was the turning back of the bulldozers that were needed to put in fire control lines because the blade width was 60 centimetres greater than that allowed by the DSE. Another example was the deferment of back-burning in ideal conditions until the situation became desperate, when it was conducted in high temperatures and raging winds in the face of a fire.

Another example was the prevention of teams from extinguishing small spot fires. Then there was a wait of up to an hour for aerial firefighting support to come in, during which time there were some rather forthright discussions between the local fire brigade captain on the ground and distant management.

On balance, I support this legislation because I believe it is a step in the right direction, in the direction of protecting and encouraging the volunteers who are the backbone of our communities.

Ms D'AMBROSIO (Mill Park) — I am pleased to say a few things about this bill. I am sure that no-one living in Victoria or Australia would doubt the life-threatening nature of the work done by volunteer firefighters. As true as it is that Australia is naturally highly susceptible to major bushfires, Australians have become more cognisant of the level of danger that confronts all firefighters, particularly our volunteer firefighters who give their all for no gain save for the knowledge that they are saving homes and lives. The visual media has played a significant role in promoting this greater awareness among all Victorians whether they live in the town or the country.

While this bill gives due recognition to the unique circumstances faced by our Country Fire Authority volunteers by providing more certainty with regard to civil liability immunity, the bill also marks the level of respect this government has for the work of these volunteers. It also deals with a certain level of discouragement faced by many potential CFA volunteers because of the currently limited level of civil liability immunity. While we should praise the heroic and courageous role played by our existing volunteers, we should try to facilitate the entry to the ranks of CFA volunteers of other members of the community, people who may otherwise be uncertain about the consequences of civil actions taken against them in the course of their duties.

While, as I said earlier, Victorians are more acutely aware of the aspects of volunteer firefighting and its dangers, this awareness has come at a time of increased litigation in general — hence the need for the provisions in this bill not only to protect the current size of our volunteer firefighting force but also to seek to expand it for the benefit of all Victorians. Actions taken in good faith by individual firefighters which may lead to claims for civil damages will now become protected actions. Where a potential liability arises from actions

undertaken by a volunteer firefighter that liability will be shifted to the CFA.

In a way these measures say thank you to the hundreds of volunteer firefighters who were involved in the recent Victorian bushfires. I wish to take this opportunity to thank the men and women volunteers in my own electorate who form part of the South Morang CFA brigade. I am sure they will appreciate the significance of this bill when they are next called upon to fight a fire.

I also take this opportunity to inform the house that on 13 March I, together with the member for Yan Yean, attended the turning of the first sod by the Minister for Police and Emergency Services for the new CFA station to be built in Old Plenty Road, South Morang. I refer to this to illustrate what this government is about — it is about upgrading the facilities which house our professional and volunteer firefighters, it is about giving them the recognition they deserve not just in words but also in deeds.

The professional and volunteer firefighters who attended the sod-turning event were very excited about the prospect of a new station. I am sure they are delighted that this government's assistance to them does not stop at providing modern and comfortable infrastructure projects, however important they are. This government is also about providing individual volunteer firefighters with the much-needed certainty of protection against being taken to court for actions performed in certain circumstances and which cause damage or injury to a third person. That liability should quite rightly rest with the CFA and not its individual volunteers who give up their family life and paid work to tend to community disasters such as fires. This bill will protect volunteer firefighters from claims for civil damages as long as they have acted in good faith in the course of their duties. Even when a volunteer has failed to perform an act from which foreseeable liability could emanate they will still be protected under the new provision, and quite rightly so.

The bill extends beyond firefighters. We should not forget that this legislation also covers people who perform administrative functions, interstate firefighters assisting the CFA in Victoria under reciprocal arrangements, paid firefighters and anyone else acting under an authorisation given under the act. It is important that members of the general public remain assured that they can still pursue genuine claims for damage or personal injury caused by negligent actions of representatives of the CFA. However, the liability for this will rest squarely with the CFA and not any individual.

I turn now to the issue of compensation as it affects volunteers who suffer some loss as a result of their volunteer activities. This change goes to the heart of removing the disincentives facing people who would join the CFA if it were not for the substantial loss they could suffer. Compensation provisions will now apply to volunteers, their families, partners and spouses. Expenses or loss experienced by volunteers during the course of their duties will be compensatable. This is a big tick for volunteerism, recognising as it does the spirit and importance of it for community building and cohesion. The Minister for Police and Emergency Services should be congratulated for this terrific initiative and celebration of our CFA volunteers. That is what this is — a celebration.

This bill should be commended for its beneficial effect on a worthy group of people in the community and their families. However, it is more than that. It is an illustration of this government's credo which permeates every area of public policy in this state. The credo is simple but well regarded. It is about saying that everyone in the Victorian community is important and should be valued — not just people who get paid, not just people at the top of whatever heap you want to point to, and not just the celebrities who take up a lot of media space. It is about everyone, and everyone counts. That is why this bill provides for special recognition awards. In keeping with the government's credo of recognising the value of everyone in the community, these awards will be able to be made to brigades. Nominations will be received only from the public and the CFA will have complete discretion to make these awards. The awards will be determined by and for the community, not governments or politicians.

Several other worthwhile provisions in the bill have already been referred to by other members of this house so I will not repeat them. I conclude by again congratulating all CFA volunteers and their families. This bill is for and about them and is but one measure of this government's appreciation of them. I commend this bill to the house.

Mr WILSON (Narre Warren South) — I am very pleased to have the opportunity to speak on the Country Fire Authority (Volunteer Protection and Community Safety) Bill. I sincerely believe Country Fire Authority (CFA) volunteers and paid staff do sterling work on behalf of all Victorians. This bill will provide these volunteers with increased protection from civil liability.

As all members would be aware after the past few months, Victoria has many areas of extreme high fire danger and that places life and property at risk. As a local government councillor I served on the municipal

fire protection committee with many CFA officers. This committee worked to identify local fire risks and develop local fire protection plans. Both volunteer and paid staff of the CFA gained my respect in the many years I served on that committee.

My electorate of Narre Warren South is thankfully flat with the major identified fire risks being urban structures such as major shopping centres and aged care and disability facilities. However, as both the Narre Warren and Hampton Park CFA brigades know, they serve not only in their local community but also in many other parts of Victoria and interstate. The Narre Warren brigade was one that suffered tragically during the Ash Wednesday fires. Many lives were lost in that fire season. I again acknowledge the tragic loss at that time, including many members of the Narre Warren CFA brigade.

I believe volunteers are vital because they are the core of the CFA. As a community we need the support of volunteers and we need to encourage more people to volunteer. This bill will provide protection for volunteers who act in good faith in the course of their duties from civil liability actions. The compensation provision transfers the cost of actions to the CFA rather than to individual volunteers provided they acted in good faith. Damages are still available to people who suffer loss, but from the authority rather than the individual volunteer.

Country Fire Authority volunteers are active because they wish to serve the community, and we cannot pay them for having such a desire. In events where volunteers are injured, compensation is thankfully available. However, this bill extends the payment of compensation to family members, dependants, spouses and domestic partners in the tragic event of death. One needs to be realistic and note that firefighters and other volunteers are placed at risk by fighting fires. Further, the bill increases the maximum compensation available for the loss of personal items from $600 to an amount to be determined at the discretion of the authority. This is a logical and sensible provision.

Another provision will ensure that community charity organisations such as the Lions Club, of which I am a member, are able to continue their activities on fire ban days by applying for an exemption. Our brigades deserve the best of resources, and I am pleased to note that the CFA brigade in Narre Warren has had land purchased for a new brigade building, which they truly need given the growth in the area.

Currently the CFA has the ability to recognise the outstanding community work of brigades, volunteers and paid staff individually. This bill extends the authority's ability to give special recognition awards to a CFA brigade as a group, and I expect many would deserve such recognition. It also offers important improvements for CFA volunteers by providing for their communities. I am truly pleased that this bill is supported by all parties, and I commend it to the house.

Mr HARDMAN (Seymour) — It is a great pleasure to speak on the Country Fire Authority (Volunteer Protection and Community Safety) Bill. It is a fantastic bill that will strengthen the legal protection and compensation provided to volunteers and paid members of the Country Fire Authority (CFA). It will also provide an improved means of enhancing community safety through the provision and clarification of the operational and regulatory powers of the authority.

The CFA, like all of us, is under increasing pressure due to the litigious nature of the society we are in, so the bill is very appropriate. It is an up-to-the-minute move by the Bracks government to ensure that volunteers are able to work within our communities, feeling secure about what they are doing and not putting their families at risk. Volunteers will have to carry out their duties in good faith in order to get that protection, which is only reasonable. It is an ask that I am sure they will greatly appreciate, because the vast majority of our volunteers are there to serve their communities.

The good thing about volunteers not being able to be sued is that the people who are affected will still have their rights protected, but they will have to sue the CFA directly rather than individuals. That is great for making sure we are able to attract country people and metropolitan fringe dwellers into the service.

The bill also provides compensation for volunteers, and in certain cases family members will be eligible to receive compensation. This improves the sense of security of the people dependent on the firefighter — whether a father, a mother or a partner — who goes out and puts their life at risk for the benefit of the whole community. It is a great move to compensate volunteers for the loss of personal effects up to $1000, an increase on the current limit of $600.

Charitable organisations raise a great deal of money for the CFA, and the Bracks government is extremely supportive of volunteer organisations through programs such as the Community Safety Emergency Support Fund program and the rural fire stations program. These things still require matching funding, often from the local brigade and community. It is a great thing that charitable organisations are now able to raise funds for

brigades even on days of total fire ban. The Marysville Lions Club, for example, raised $3500 for the Narbethong fire brigade, as I mentioned last night in the adjournment debate. That donation was very much needed.

This is an important bill that has support from all sides of the house. I recognise the work of volunteers right across the Seymour electorate. The special recognition award is a great thing for deserving volunteers in our brigades. I commend the bill to the house.

Mr LIM (Clayton) — In supporting this bill, I wish to pay tribute to all those public-spirited people who work so selflessly for the common good. As I said in the chamber earlier, I offer my congratulations to all the Centenary Medal winners.

Many aspects of this legislation have already been touched on by other members, so I will not repeat their words needlessly. The point that concerns me particularly is that it is becoming more common in our increasingly litigious society for people to respond to the generosity of our volunteers not with thanks and praise but with lawsuits and allegations of negligence. It is beyond me, this concept of suing somebody who has generously given their support to fight a common threat, but it is something that happens — and it seems to be happening more frequently all the time.

The bill modifies the Country Fire Authority Act 1958 to provide stronger civil liability protection for volunteer firefighters and other members of the Country Fire Authority, and it also extends this protection to other volunteers who may from time to time work alongside their CFA colleagues.

This will include interstate firefighters assisting CFA members in Victoria and also forestry workers and anyone else acting under an authorisation given under the act. I congratulate the minister on covering that aspect in the bill. This change does not, of course, remove the right of property owners who have suffered loss to sue for negligence. It merely transfers the liability from the individual to the authority.

The bill is making the business of volunteering with the Country Fire Authority a much easier process than has occurred in the past. I have raised in a different forum the fact that we have not seen many people with a non-Anglo-Saxon background volunteering. I hope with the passage of the bill more people from our community will volunteer their services to work alongside CFA people so that the composition of our population is better reflected. I commend the bill to the house.

Mr DONNELLAN (Narre Warren North) — I rise today as a big supporter of the Country Fire Authority (Volunteer Protection and Community Safety) Bill because it provides clarity on the issue of compensation and civil liability protection for our Country Fire Authority (CFA) volunteers. In my local area it will provide comfort to the volunteers from Berwick, Doveton and Narre Warren.

In years gone by civil liability protection was provided in a limited way only to those people who protected our lives, which was not fair or proper. We must invest in the protection of our volunteers. We must show we are truly grateful for their sacrifices and their time and certainly not leave them on the scrapheap once they have done the difficult and tiring job of protecting our interests. Previously legislation only provided a protection in the instance where volunteers had not acted in a negligible or wilful manner in carrying out actions authorised under the act. What message would this government or any other government give to our volunteers if it was not prepared to protect them? We need to encourage and train them.

The new provisions introduce the issue of good faith — that is the test that will now be applied to volunteers. Good faith works both ways: they are protecting us in good faith and we should be protecting them in good faith. The bill will further allow protection for full-time firefighters, volunteers, administrators, forest officers and others doing their duty under the act, including officers from Parks Victoria and the Department of Sustainability and Environment. The bill does not limit the opportunities for people who suffer injury from the actions of the aforementioned people to be compensated but transfers the liability to where it should be — with the CFA.

One of the most positive initiatives of the bill is the introduction of compensation in the event of death for those people who are partners, family members, dependants and spouses of volunteers. This is an extension of the compensation provisions and some increase in cost will be required to provide for it, but I believe all members of the house will support it, as the cost will be miniscule in comparison to the fine job volunteers do.

In a similar way to the recognition of volunteers through the International Year of Volunteers the state government is introducing specific recognition for volunteer work carried out by CFA brigades. The award will not be decided by the minister or the government but by the CFA. Further, any member of the public will be able to make a nomination at any time.

My area has three local CFA brigades — Hallam-Doveton, Narre Warren and Berwick. Although they are not all within the boundaries of my electorate they all service the incredibly fast-growing area of Narre Warren North. Many volunteers and full-time firefighters have had an extraordinary summer period. There have been fires in Lysterfield Lake Park, in north-east Victoria and in the paddocks of Narre Warren North. Our firefighters have bravely protected the interests of Victoria and Narre Warren North alike. Sadly the fires at Lysterfield were lit by a firebug, which has wasted the time of our volunteers. I think four fires were lit at Lysterfield this year and the CFA has had to continually go up there to put them out. On a more positive note, I hope the police have caught the person and will use the full weight of the law against him.

The government is currently upgrading facilities for our local CFAs. We are in the process of designing and planning for the new Hallam-Doveton CFA site in Belgrave–Hallam Road. This will be a state-of-the-art facility, something our CFA personnel deserve. On a more selfish note, it will help service the fast-growing area of Narre Warren North. This is in addition to other improvements that are being made, such as upskilling the volunteers and full-time firefighters and upgrading the facilities in which they work. The government has provided $98 million over four years for more firefighters, more firefighting appliances, refurbished fire stations and training. Additionally $27.5 million of this money will be specifically targeted to training, which is essential when volunteers put their lives at risk for us. I fully support the bill and commend it to the house.

Mr NARDELLA (Melton) — I support the bill, which is about attracting and retaining our Country Fire Authority (CFA) volunteers. It is a dangerous occupation for both our volunteers and full-time firefighting officers. That was brought home to me in a very direct way when Scotty Lloyd, a volunteer at the Hillside fire brigade, was killed while fighting a fire just last year. It was an awful situation because it affected not just the family involved, which had to deal with the loss and which is still grieving, but the friends and other volunteers involved in the Hillside and Rockbank CFAs who worked on the fire and were there at the time. The people in the region who took the call were affected. It is an absolutely awful and devastating situation for those families, volunteers and officers who were and still are involved in the CFA.

This bill is about giving volunteers assistance in those situations and understanding the difficult and tragic work they undertake in many instances. The safety of CFA and other full-time officers has to be the no. 1 priority. Especially after the Linton fires it has been the no. 1 priority, and I thank all the volunteers from my area, stretching from Blackwood all the way through to Rockbank, Diggers Rest, Melton, Parwan and so on, who went out and fought the fires recently. I support the bill before the house.

Mr SEITZ (Keilor) — I support the bill and endorse the comments made by the member for Melton. We share common Country Fire Authority stations in our region, particularly in the Shire of Melton because the Hillside fire station is in my electorate. The CFA is an integral part of our community, and it is important that we maintain and support volunteers and their families when tragedies happen. Members of the community should understand the risks that they take when they do not comply with the requirements of fire safety, particularly on fire ban days.

With increasing urban development coming under the umbrella of the CFA there is a need to understand what is a safe fireplace in which to hold an outside barbecue on fire ban days. This bill makes it clear and sets out when people can have an open fire without applying for a permit and where they must have a permit before having an open fire. That applies whether they are doing mechanical work or whether a plumber is using an oxywelding torch, doing electric welding or causing sparks to fly when grinding steel, which occurs sometimes in the construction industry.

In the view of development in that growth area that is now under the Country Fire Authority, with a lot of farmlands, open lands and grasses around the region, it is important that this be understood. This bill goes a long way towards the provision of those services. I commend the bill for those reasons, that we are able to maintain the volunteers. Of course the encouragement of volunteers is very important in that particular region, which we call the interface council, between the urban development and Melton shire, which is part of my electorate now and shared with other colleagues here. It is important that that area and the people who settle and move in that area are familiar with those situations, because too many come from inner urban areas where there are no grasses and no bushes around; it is all nicely kept green lawns.

Sitting suspended 1.02 p.m. until 2.03 p.m.

Business interrupted pursuant to sessional orders.

ABSENCE OF MINISTER

The SPEAKER — Order! Before calling the first question I wish to advise the house that the Minister for Gaming is absent today. Questions relating to gaming and racing should be addressed to the Attorney-General, and questions relating to tourism should be addressed to the Treasurer.

Honourable members interjecting.

The SPEAKER — Order! The member for South-West Coast!

Dr Napthine — On a point of order, Speaker, can you advise the house where the minister is? Is he attending an interstate ministerial council? Is he unwell? Or is he at the Warrnambool Cup?

The SPEAKER — Order! There is no point of order. That is a frivolous point of order.

QUESTIONS WITHOUT NOTICE

Minister for Community Services: conduct

Mr DOYLE (Leader of the Opposition) — My question is to the Minister for Community Services. I refer the minister to the findings of the Ombudsman, which were tabled today, that she had been involved in a conflict-of-interest, round-robin, money-laundering deal, and I ask: in her present portfolio is she continuing to do these funny-money deals, and is that why she did not cooperate with the Ombudsman's investigation?

Ms GARBUTT (Minister for Community Services) — You would have to be amazed at the hypocrisy of the opposition talking about community services. In government, it cut and slashed community services and now there are pretend crocodile tears. With regard to the inquiry, the Ombudsman found that the allegations were not substantiated, and the government welcomes the findings.

I am spending my time carefully rebuilding community services after the seven years of cuts and neglect by the Kennett government. Those cuts and that neglect are still washing through the system and are still having a big impact.

After seven years under the black hand of the Kennett government there is a lot of work to be done in community services. The opposition's hypocrisy is amazing. Its cant and its hide in asking about community services after slashing maternal and child health, slashing preschools and disability advocacy and after going through community services with a razor blade and barely leaving anything standing — in coming in here and pretending to be concerned about community services — is outrageous.

Mr Perton — On a point of order, Speaker, the minister is clearly debating the question. The minister should answer the question, which is: why did she not answer the Ombudsman's questions?

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

Ms GARBUTT — While we endorse the findings of the Ombudsman, much of this came out of the lurid allegations by the member for Doncaster. He loves a conspiracy, but at the end of the day he was telling a big fat porky!

Severe acute respiratory syndrome: diagnostic test

Ms CAMPBELL (Pascoe Vale) — My question without notice is to the Premier.

Honourable members interjecting.

The SPEAKER — Order! I ask members of the opposition, particularly the member for Mornington, to cease interjecting while questions are being asked.

Ms CAMPBELL — Can the Premier inform the house how Victoria's world-class scientists are playing a leading role in combating the severe acute respiratory syndrome virus?

Mr BRACKS (Premier) — I thank the member for Pascoe Vale for her question. As the house would know, the spread of the severe acute respiratory syndrome (SARS) virus is the biggest challenge that faces health authorities around the world currently. Already 5800 people have been infected by the disease in 30 different countries, and regrettably 354 people have died from the disease world wide.

I can inform the house that in Victoria we are very well prepared. Hospitals are fully prepared to identify and manage any suspected SARS cases that are presented before them. They have the equipment, resources and capacity to do such a job. We have listed SARS on the official list of notifiable diseases.

I can also inform the house that Victoria is leading the way to find a breakthrough in the treatment of the SARS disease. Next week Melbourne will host a special worldwide briefing for 400 emergency medical experts on SARS from 30 different countries.

The house would also be aware that a week ago some live samples of the SARS virus were imported from Hong Kong and from laboratories in Atlanta to Melbourne's National High Security Quarantine Laboratory for examination in order to develop a diagnostic test that could assist in the early, quick and accurate identification of the SARS virus. I can inform the house that after just one week those scientists have had a breakthrough in Victoria, and I congratulate them for it.

After one week of having the SARS virus under scrutiny and investigation a diagnostic kit has been developed, and it will be now sent out. As I speak it is being sent out by plane to other hospitals around Australia. The diagnostic kit will enable quick and accurate diagnosis of those people who have the SARS symptoms so there can be an early and quick identification.

I congratulate in particular Dr Mike Catton and his team at the National High Security Quarantine Laboratory in North Melbourne. They have done a fantastic job in a very short time. They are leading the world in scientific research into these diseases. It also points out again, if we needed it to be pointed out, that Victoria leads the way in biotechnology and scientific research. This new diagnostic kit will go a long way to achieving early and accurate identification of the SARS virus. I am pleased this has happened in Melbourne, but I am more pleased that we have had this breakthrough and will have this kit available for medical practitioners around the country.

Rail: gauge standardisation

Mr RYAN (Leader of the National Party) — My question is to the Minister for Transport. I refer to the minister's media release of 18 June last year headed 'Progress on rail gauge standardisation' in which the minister said:

> More [than] 300 tonnes of steel rail have already been delivered … and a further 2000 tonnes are on the way …

The minister said that 12 contracts had been awarded for the project and that:

> Standardisation is a vital project for regional economies …

Given that the minister has now abandoned the project, what has happened to all that rail, what has happened to those 12 contracts, and what has been the cost to the Victorian taxpayer of achieving nothing?

Mr BATCHELOR (Minister for Transport) — Once again the National Party has got things completely wrong. It is not unusual. We have not abandoned our proposals for the rail standardisation project. As I reported to Parliament on two occasions recently, certain criteria must be met before the government can proceed. They have not changed since we first announced this project; they are still the same.

Firstly, we must get the support of Freight Australia, which is the controller of the rail network. We do not own it; we do not control it. It was flogged off by the National Party when it was part of the former coalition government.

Secondly, when we announced this project we indicated that we could not do it alone, that it was a nation-building exercise and that we would require the support of the commonwealth government and the private sector. To date we have not got those. That could well be because of the failure to get a final agreement with Freight Australia; nevertheless those three criteria have stood all the way through, and they still remain.

Wind farms: Portland project

Ms LINDELL (Carrum) — My question is to the Minister for State and Regional Development. Can the minister inform the house of the government's latest commitment to regional development, the environment and innovative industries in Victoria?

The SPEAKER — Order! The Minister for State and Regional Development, on what once again sounds like a very broad question to which I do not require a very broad answer!

Mr BRUMBY (Minister for State and Regional Development) — A very broad question, Speaker, and a very concise answer.

I am delighted to advise the house today that this morning I visited Portland and announced that the government has given final approval for the Portland wind energy project. I announced two aspects of that project today: firstly, the planning approval which was finalised last week by the Minister for Planning; and secondly, the near finalisation of the agreement between the government and NEG Micron to invest in and deliver a plant which will produce blades for the wind turbines.

This is Australia's largest wind energy project. It has been facilitated, delivered and approved under the Bracks government. It is a $270 million project that will deliver hundreds of direct job opportunities and hundreds of indirect job opportunities. As I said, it is the largest wind energy project in Australia. To give an idea of the scale of this project, 180 megawatts of

power will be produced. Put into context, that is enough power to provide energy for a city the size of Geelong — in other words, enough power for 100 000 households. To put it another way, and this is of great interest to the government in relation to environmental outcomes, the amount of greenhouse emissions that will be saved as a result of this project is 750 000 tonnes of carbon dioxide per year. If you took 150 000 cars off the road that is how much carbon dioxide would have been produced by those cars. This is a leading project for Australia. It will produce significant environmental benefits for industry and innovation and significant benefits for regional development.

Still on the industry aspect, today I visited Keppel Prince, an engineering firm in Portland — and the Premier and other ministers have visited Keppel Prince in the past. This company will be directly employing 75 additional people as a result of the conclusion of this agreement.

The government was also able to announce in-principle approval, in conjunction with NEG Micron, for the establishment of its plant, which is also likely to be located in Portland. This will create 55 direct jobs. Of course there are many related jobs in areas such as maintenance, installation and transport that will also be created. In total the government estimates that 400 direct jobs will be created as a result of this project — and of course hundreds of indirect jobs that will be ongoing.

The final point I want to make is that the potential market for wind energy across Australia over the next 10 years is close to 10 000 megawatts. At the moment in Australia only 100 megawatts is being produced, so members can see the enormous scale, capacity and opportunity in this industry. Because the government has made this decision and because the industrial infrastructure is being put in place at Portland in south-west Victoria at Keppel Prince and NEG Micron, Victoria is the best placed among all the states to win the industrial, manufacturing, maintenance and design jobs that go with this exciting new industry.

This government has put the policy framework together and got the approvals. I thank the Minister for Planning in particular for her expeditious approval of this project, which has meant that we have been able to sign off on the biggest wind farm project in generating jobs, generating innovation and saving the Australian environment.

Government departments: Casselden Place lease

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the Labor government's agreement to lease 50 000 square metres of office space in a building to be constructed at Casselden Place in Lonsdale Street, which will be owned by the Trade Union Industry Superannuation Property Trust. I ask the Premier why Labor has committed taxpayers to a $260 000 million deal which is grossly out of step with comparable office lease conditions and costs and which will cost taxpayers $71 million more than the going market rate.

Mr BRACKS (Premier) — I am very happy to answer the question from the Leader of the Opposition, who may or may not be aware, depending on the research he undertook for his question, that the Minister for Finance sought through the Department of Treasury and Finance expressions of interest and ultimately tenders for office space around Victoria. That process was undertaken independently and appropriately — —

Mr Perton interjected.

The SPEAKER — Order! The honourable member for Doncaster will cease interjecting.

Mr BRACKS — The recommendations from the Department of Treasury and Finance were followed by this government.

Roads: Arrive Alive strategy

Mr LANGDON (Ivanhoe) — My question is to the Minister for Transport. Can the minister inform the house on the progress of the Bracks government's Arrive Alive strategy to reduce the deaths on Victorian roads by 20 per cent?

Mr BATCHELOR (Minister for Transport) — I thank the honourable member for his question. He is one of the members of this Parliament who has contributed to road safety through his work on the parliamentary Road Safety Committee, which has done a fantastic job. Through its membership, which comprises members on both sides of this chamber, it can take credit for the outstanding results in reducing the number of deaths on Victorian roads.

As of last night 127 Victorians had died on Victorian roads this year. That is 12 fewer than at the same time last year, or a fall of 9 per cent. That is an encouraging trend, but large numbers of Victorians are still losing their lives on our roads.

I am also pleased to report to the house that Victoria has just recorded its lowest ever road toll figures since records first started — that is, the lowest road toll figures for April since 1952. The figures represent 28 deaths, but they continue the downward trend in Victoria's road toll over the past 12 months — a trend that this government and its road safety partners are determined to continue through the implementation of our five-year Arrive Alive safety strategy.

Further analysis of the year-to-date figures shows some interesting highlights, some encouraging trends and some areas where more work clearly needs to be done. The number of fatalities in metropolitan Melbourne, compared to this time last year, has fallen from 70 to 48. This is a fall of 31 per cent. Further year-to-date figures indicate that pedestrian deaths are down 52 per cent and motorcycle deaths are down 56 per cent. It is important that when we talk about these figures we never forget that they refer to lives saved or, unfortunately, lives lost.

This year in country Victoria the road toll is up from 69 to 79 — that is 10 more lives that have been lost in the year to date in country Victoria, which is an increase of 14 per cent. Through our Arrive Alive strategy we will continue to work with our road safety partners to try to reduce the country road toll. At the same time we want to maintain the excellent trends that are emerging in metropolitan Melbourne and continue saving Victorian lives. We cannot be satisfied that there have been 127 deaths on Victorian roads and we have to work harder. It is a daily tragedy that affects individual families and thousands of people throughout the state. That is why this government will continue to do everything in its power to get the message through to motorists and the broader community that we all have a part to play in saving lives on our roads.

I would like to take this opportunity to thank every Victorian who has supported the government's road safety initiatives and the collective action by the community to save lives in Victoria. We ask them to continue that effort into the future.

Government departments: Casselden Place lease

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. Can the Premier confirm that former Labor minister, David White, was paid a success fee of $500 000 to clinch the Casselden Place office deal between the state Labor government and the trade union-owned Industry Superannuation Property Trust?

Mr BRACKS (Premier) — I am not aware of any such arrangement. I am not aware that those allegations made by the Leader of the Opposition are correct, and, given his track record, I would very much doubt that there is any truth to them. I reiterate that submissions were sought for accommodation space in Melbourne for the Victorian public sector. Those tenders were received and assessed by the department, and the recommendations from the department were adhered to by our government.

Crime: incidence

Mr SEITZ (Keilor) — My question without notice is directed to the Minister for Police and Emergency Services. Can the minister advise the house of the latest evidence that reaffirms Victoria's reputation as Australia's safest state?

Mr HAERMEYER (Minister for Police and Emergency Services) — I thank the honourable member for Keilor for his question, and I have to say it is probably the most constructive question I have ever received from that side of the house.

Victoria is the safest place to be, and the figures released by the Chief Commissioner of Police this morning show that it is getting even safer. We are headed for yet another substantial drop in our crime statistics. All members should welcome this — obviously some members over there do not because they think falling crime figures — —

Mr Smith interjected.

The SPEAKER — Order! The member for Bass will cease interjecting in that manner.

Mr HAERMEYER — All members should welcome the fact that our crime rate has fallen by 8.4 per cent since last July.

Mr Doyle interjected.

Mr HAERMEYER — Where is your hat? Did it fall off? I feel like I have been brutally affronted by a blancmange.

Mr Doyle interjected.

The SPEAKER — Order! The Leader of the Opposition will cease interjecting, and the minister will continue answering the question.

Mr HAERMEYER — Since last July our crime rate has fallen by 8.4 per cent. The most recent Victoria Police interim statistics for crime per 100 000 of population show that in the financial year to March,

theft of motor vehicles was down by 27.4 per cent; homicides are down 17.3 per cent; sex offences are down 11.9 per cent; robberies are down 18.4 per cent — —

Mr Wells — On a point of order, Speaker, the minister is quoting from a document. I wonder whether he will table that document, not just the sanitised version he gave to the media, but the full set of crime statistics including total population.

The SPEAKER — Order! Is the minister quoting from a document or using notes?

Mr HAERMEYER — I am referring to notes.

The SPEAKER — Order! The minister is referring to notes. I ask him to continue.

Mr HAERMEYER — For the first time the overall figures for crimes against the person, which for 10 years had shown a fairly consistent upward trend, are down by 2.9 per cent. Property crimes are down by 10.3 per cent and the overall drug offences figure is down by 2.8 per cent. So crime figures are continuing to fall substantially in Victoria for the second successive year. This is what happens when you invest in resourcing for Victoria Police, when you recruit police rather than sack them!

Last year the Australian Bureau of Statistics found that Victoria's crime victimisation rate was 20 per cent below the national average and the lowest of any state. This government's investment in community safety and in policing is starting to reap dividends.

Yesterday the opposition asked where the money had gone. Victorians know from these figures that the government has been investing in a safer community. Unfortunately the opposition would argue that that money should not have been spent. Opposition members would have been doing what they did in their seven years of government — that is, cutting police resources. There are now more police on the beat than ever.

The government has committed to providing 600 additional police on top of the 800 it provided in its first term. That is 1400 additional police overall. Those numbers will enable the police to have proactive policing strategies rather than catching up with crimes after they have occurred. That reflects the investment the government has made, which has been not just in new police but also in new police stations.

Today the Premier and I went down to Brunswick police station, one of the oldest and most decrepit police stations in the state. The government has committed to building a $12 million police station for Brunswick. We have also committed to building or rebuilding 135 police stations across the state. That represents almost 40 per cent of the total police station stock in Victoria. The government is committed to investing in better equipment, such as mobile data networks and the mobile metropolitan radio. We are also committed to giving police more powers to provide more policing. That is all paying off, because the bottom line is lower crime rates. That investment is reaping rewards.

Mr Cooper interjected.

The SPEAKER — Order! The member for Mornington will cease interjecting! I warn the member for Mornington.

Drought: Wimmera–Mallee region

Mr DELAHUNTY (Lowan) — My question is to the Minister for Water. I refer to the fact that Wimmera Mallee Water is preparing an $8 million emergency plan to cart water to rural households if the drought continues through winter. Given that these measures may be necessary right across the state, what financial arrangements is the government making to cover the cost of this water carting?

Mr THWAITES (Minister for Water) — I thank the member for Lowan for his question and his continuing interest in water. I was very pleased to be with him recently at the launch of the Glenelg-Hopkins catchment management strategy. His question relates to the very severe situation facing Wimmera Mallee Water and its current capacity to provide water. The government is providing support for farmers throughout the Wimmera–Mallee area and will continue to do that. We have a program to assist with the carting of water, and we are looking at how we can expand that, given the threat of the requirement for further water transport over the coming months.

Judiciary: appointments

Mr ROBINSON (Mitcham) — My question is to the Attorney-General. Can he inform the house of any recent steps the government has taken to ensure that the best applicants are appointed to Victoria's judiciary?

Mr HULLS (Attorney-General) — I thank the honourable member for his question. I am certainly proud of the charge we are leading in reforming the composition of Victoria's judiciary. As Attorney-General I have had the opportunity to make an almost unprecedented number of judicial

appointments and to make them from a pool of candidates who better represent the community.

We all want judges to be the best and the brightest, but this government certainly knows that the best and the brightest are not always white, Anglo-Saxon, middle-class males. This government wants to appoint judges on the basis of merit rather than on the basis of their old school ties or their membership of golf clubs. That is why some 58 per cent of our appointments to the Magistrates Court have been women and why 52 per cent of our appointments to the County Court and 22 per cent of our appointments to the Supreme Court have also been women. That is why I have called for expressions of interest from candidates for judicial appointment, and it is why this weekend's newspapers will include advertisements seeking expressions of interest from suitably qualified people to lead Victoria's highest court. This is an Australian first. The Chief Justice of the Supreme Court is the most senior judicial post in Victoria, and it is vital that candidates are drawn from the best and brightest this land has to offer. The successful candidate will have big shoes to fill.

His Honour Chief Justice John Harber Phillips is a leader of the highest calibre, having given 12 years of service to Victorian justice and having shown a real commitment to the ongoing modernisation of our court system. Chief Justice Phillips is retiring in October, and we are seeking expressions of interest five months early to ensure we get the best possible candidate for the job. The successful candidate will have to demonstrate numerous qualities including leadership, integrity, fairness, a high level of intellectual and analytical skill, the capacity to communicate effectively and sensitivity to issues of diversity. Perhaps we should be advertising for another position based on the former member for Portland, who is now the member for South-West Coast.

Mr Perton — On a point of order, Speaker, the minister is debating the question. He ought to confine himself to matters of government administration and the way in which the government is proceeding to fill judicial appointments.

The SPEAKER — Order! I do not uphold the point of order. I believe the Attorney-General was making a passing reference. The Attorney-General, continuing his answer.

Mr HULLS — It is important that we get people of the highest possible quality. But it would appear that there is a vacancy in another organisation, because we saw yesterday the all-singin', all-dancin', shootin' and tootin' Denis — —

Honourable members interjecting.

Mr Perton — On a point of order, Speaker, there can be no possible link between judicial appointments and the Attorney-General's attempt to engage in his Thursday afternoon humour and relate to vacancies in any organisation other than that of a judicial institution in Victoria. I ask you to hold him to order.

The SPEAKER — Order! The honourable member for Doncaster is asking the Chair to prejudge what the Attorney-General says will happen in the future.

Honourable members interjecting.

The SPEAKER — Order! I suggest you read *Hansard*. I overrule the point of order.

Mr HULLS — While Liberal Party members squabble among themselves and resubmit their CVs, we will get on with the job of appointing the best and brightest to all positions, and in particular to the position of Chief Justice in Victoria. That is why we have taken what some would say is the unprecedented step of calling for expressions of interest for this very important position.

The SPEAKER — Order! The time for raising questions has now expired.

Dr Napthine — Speaker, I raise a point of order with respect to the absence of the Minister for Gaming. I refer to standing orders 35(a) and 35(b), which state that members are required to attend the house unless special circumstances apply. It has been the normal procedure of this house to give ministers leave not to attend question time or the service of the house when they are required to be away on urgent business, and that business has been reported to the house, or when personal circumstances have required the member or minister to be absent. At all times, to my recollection, those circumstances have been advised to the house.

Many of us would like to attend the excellent race meeting in Warrnambool today, which features the Warrnambool Cup and the Grand Annual Steeplechase. I ask you, Speaker, to advise the house where the minister is. Is he in attendance at the Warrnambool Cup and steeplechase meeting rather than being in the house to answer questions that may be asked of him?

Mr Batchelor — On the point of order, Speaker, you have already ruled on this matter. It is clear that the member for South-West Coast has made — —

Honourable members interjecting.

Mr Batchelor — This was ruled on earlier on. It is the same point of order that has already been raised, and it is just an attempt by the former Leader of the Opposition to stake a claim on his coveted leadership position. It is about running for the leadership. It is something we are seeing time and again, with the member for South-West Coast attempting to outshine the current Leader of the Opposition. It is happening time and again, and we have seen it twice today — at the beginning of question time and at the end.

The SPEAKER — Order! It is my understanding that when ministers are absent it is the responsibility of either the Chair or the Premier to advise the house of which minister will be accepting questions on their behalf, and the Chair has done that.

COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL

Second reading

Debate resumed.

Mr SEITZ (Keilor) — As I was pointing out before the lunch break, the Country Fire Authority (Volunteer Protection Community Safety) Bill is important in the sense that it supports our volunteer firefighters and clarifies issues that arose in the recent fire danger period.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bass! There is too much audible conversation. I ask members to either take their seats or leave the chamber.

Mr SEITZ — As is pointed out in clause 5, a person must not conduct or engage in the conduct of a high fire-risk activity in the open air in the country area of Victoria during a fire-danger period except in accordance with the regulations. Again, that is an important stipulation which clarifies for CFA members as well as for members of the community which activities may or may not take place during fire-danger periods. The bill enables CFA volunteers to advise the community on what is or is not acceptable behaviour for Victorians during periods of fire danger. It is important to enshrine that information in the legislation, thereby making it easier for the volunteers to interpret the rules to the community and encouraging community acceptance of the volunteers task of enforcing those rules. With those few comments I will commend the bill to the house and wish it a speedy passage through the chamber.

Mr DELAHUNTY (Lowan) — I want to make a few comments about the Country Fire Authority (Volunteer Protection Community Safety) Bill. Although it has been well covered by various speakers, I want to add a couple of points from the Lowan point of view.

This is about supporting and attracting volunteers, and we can do nothing more significant than that for our important volunteers. They are an enormous resource that protects the environment and the communities in our country electorates. We also must treat our volunteers with respect, not only through legislation but also through funding and in the way we support them with trucks and other equipment.

A couple of weeks ago I had the great pleasure to attend the country brigade championships at both Natimuk and Penshurst. I was not able to get to Portland for the state championships — —

Dr Napthine — I was there.

Mr DELAHUNTY — But I am informed that the member for South-West Coast was there. I do not know if he was running — —

Dr Napthine — The minister was not there!

Mr DELAHUNTY — The minister was not there. They are very important championships, because they keep up the firefighters' competitive spirits and also help them learn new skills.

One concern many people have raised with me is the Country Fire Authority's inability to produce fire maps. These are an important resource that are not only used by the CFA but also purchased by many other organisations for use in country Victoria. I am informed that it is because of a lack of financing — again by this government, which has burnt $1.8 billion. There is no funding to produce these very important fire maps.

While I am talking on this subject I want to put in a plug for the Nhill fire brigade station, which has been talked about for many years. The Minister for Police and Emergency Services is at the table, so I want to ensure that he hears about the Nhill fire brigade station. He has his ears pricked; he is listening! I hope that there are some resources in the budget that is coming down next week — —

An honourable member interjected.

Mr DELAHUNTY — He is a fellow Essendon supporter! He is not bad in that regard — and it might help the Nhill fire brigade get its fire brigade station! At

lot of good Essendon footballers have come from Nhill, Minister, and they need your support!

The SPEAKER — Order! Will the member return to the bill.

Mr DELAHUNTY — I have heard other members speak about upgrades to fire stations, equipment and vehicles, and that happened under the previous government. I congratulate the former Minister for Police and Emergency Services, Bill McGrath, who put a lot of effort into upgrading equipment and vehicles across country Victoria. We must also remember that a lot of this work goes on through local fundraising by CFA brigades. The compensation issues have been very well covered by many members, so I will not go over them, but it is very important that they are addressed. We must ensure that people act in good faith.

The member for Mornington brought up a very important thing: people do jump in and help in emergency situations when fires occur. Some of these people are not members of the Country Fire Authority. I believe they should also be covered regarding the compensation issue because they are acting in good faith.

The other issue I want to highlight that has been raised in this Parliament is the use of private units. They are a very important resource in supporting the CFA, and one that the CFA hierarchy and the government need to address. They need to give some firm direction for the use of private units in country Victoria. With those few comments, I wish the bill a speedy passage.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

WATER LEGISLATION (ESSENTIAL SERVICES COMMISSION AND OTHER AMENDMENTS) BILL

Second reading

Debate resumed from 30 April; motion of Mr THWAITES (Minister for Water).

Mr MAUGHAN (Rodney) — I just want to make a few comments on this very important legislation. There are two aspects of it: the establishment of the Essential Services Commission and the ability to make a toxic waste dump at Dutson Downs.

It is the first aspect that I want to deal with — the role of the Essential Services Commission in the management of the water industry. The 1989 Water Act made some dramatic changes to the water industry. I was only a very new member at the time, and I recall the debate. As I recall, it consolidated about 1000 pages of legislation — five or six separate acts of Parliament — into one act. There was debate earlier as to whether there were 300 or 700 amendments. I think the member for Swan Hill's interjection was much nearer the mark: there were about 700 amendments. Nonetheless, it was a very interesting time and led to some very significant reforms of the water industry. Out of that we have a water industry that is far more efficient and responsive to consumer needs — far more consumer focused — both in the urban and irrigation sectors.

Regarding the urban sector I will speak of two that I am most closely associated with: Coliban Water and Goulburn-Murray Water. They are both very large water authorities, technically very efficient and, because of their size, very efficient from the financial point of view. There have been some real benefits, though some consumers would probably dispute that, but it has overall been a move in the right direction.

In terms of changing back to where we were, it is interesting to go back through some of the previous contributions to water industry law. We did at one stage have a minister responsible for making these decisions. That changed, and went out of the hands of the minister. It has come back again, so that ultimately the Minister for Water is responsible.

In terms of irrigation water — I use Goulburn-Murray Water, the largest irrigation supplier in this state, as an example — there are now well-established water user committees made up of irrigators. They clearly understand the issues, meet regularly, have a good working relationship with the board, and provide ownership of the decisions that are taken at the board level regarding pricing and the understanding of obligations. I fear that the legislation that is before the house will remove that and have the price-setting mechanism taken away from those who are most closely associated with the industry and given to a body — in this case, the Essential Services Commission. I do not think that is a good thing.

There is also the provision in this legislation to charge, for example, for the running of the commission, but also for a range of other services. That is inevitably going to lead to an increase in the price of water, whether urban or irrigation. That move should be resisted. The National Party, as was very clearly articulated by its lead speaker, the member for Swan Hill and Deputy Leader of the National Party, will be

opposing this legislation because its constituents are concerned about the implications that this legislation might have.

I want to conclude by saying, as I said earlier today, that the irrigation industry is absolutely crucial, certainly to the people of northern Victoria and my electorate. It is a very important contributor to the economy of Victoria. It is not just important to the farming community, but to all the add-on industries — the food-processing industry, the transport industry and the port industry in Melbourne. It creates that economic activity on which the state relies so heavily.

The administration of the water industry is critically important, certainly to the people of northern Victoria and to the state generally. We in the National Party feel that some of these proposals are going in the wrong direction. We feel we have a very efficient industry at the moment — one which is responsive to consumers' needs and one where, as I indicated earlier, there is ownership of the decision-making process — so we will be opposing this legislation.

Mr JENKINS (Morwell) — It gives me a great deal of pleasure to speak in support of the Water Legislation (Essential Services Commission and Other Amendments) Bill today. This bill provides a legislative framework for the independent economic regulation of the Victorian water industry. That independent regulation is essential if we are going to be able to continue to provide a cost-effective, quality water supply to the people of Victoria through into the next generations.

This legislative framework will ensure that the costs of regulation do not exceed the great benefits in costs and quality. These benefits will be great for future generations, not just today. The Essential Services Commission must take into account the different environments that the water authorities operate in and the circumstances which regulate to a large extent how accessible their water supply is. However, at the end of the day there is no doubt that the water industry requires legislation and independent oversight to ensure that as far as possible politics is taken out of the industry and it does what it is set up to do — that is, provide an essential public service to the community of Victoria.

The Essential Services Commission will also ensure that the decisions it makes in relation to the pricing and quality of the supply agreements entered into take into account not only the health and safety of the community but also the environment. In that way the bill supports the government's commitment to ensuring secure, reliable, efficient and sustainable water resources. The Essential Services Commission is the appropriate body to oversee that commitment and the price, quality and reliability of these essential utility services. The commission currently oversees electricity, gas and certain parts of grain handling and rail freight access. Those are areas that saw privatisation under the Kennett coalition government and they are now being overseen by the Essential Services Commission.

This bill is a critical part of the program of reform. It does not stand alone; it stands with a range of reforms which were begun by this government in its first term and which will continue in this second term. Already we have the Water (Irrigation Farm Dams) Act 2002, the development of the Victorian rivers health strategy and, as we heard earlier, the restoration of flows to the Snowy River. The ministerial statement made a couple of weeks ago outlined Labor's water for the future policy. Within that we have a Victorian Water Trust, the Safe Drinking Water Bill, and importantly the enshrining in public ownership of the Victorian water authorities.

This government will guarantee that water stays in public hands. Unlike the last government, unlike in those seven years, this government will ensure that the water industry and the people's water stays in the people's hands. This government is doing something that the former government would not do. When the opposition was in government it was going to sell the water industry. The Leader of the National Party yesterday described the undeniable fact that the previous government was going to sell the water industry as a Labor fiction. It is not a Labor fiction — —

Mr Delahunty — On a point of order, Speaker, that is untrue.

The SPEAKER — Order! What is the point of order?

Mr Delahunty — The point of order is about relevance and about the member not telling the truth — he never said that at all.

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

Mr JENKINS — When the Leader of the National Party described that as a Labor fiction yesterday he wanted the government to prove its assertion. It is quite simple to prove. I come from the Latrobe Valley, and we are experts on what the coalition did with privatisation. We know the former government was going to sell the water industry because it meets the former coalition's criteria for sale: it provides an

essential public service to the community, it is an essential service that needs to be provided into the future, it has been built up by generations of Victorians, it is owned by all Victorians, and the government could have made a fast buck by selling it. That was the former government's criteria for selling everything else it did in the Latrobe Valley — not just the electricity industry but our hospitals as well. The former government was in there to sell it, but Labor stopped it and the people are on to it.

I turn now to Gippsland Water. It is good to see that the Leader of the National Party has come into the chamber, because he has been talking about Gippsland Water and the provisions in the bill related to it. The member for Mornington described this as a sneaky part of the legislation. How sneaky could it be? The member for Mornington woke up to it. It stands out like the member for Benalla's proverbial dog's anatomy — it is out there for all to see. It is out there in the open because that is how this government does business.

In relation to Gippsland Water the bill reinstates provisions inadvertently removed — read the second-reading speech — in 1997. I have only been around here for a short time, but I remember that Labor was not sitting on this side in 1997. Who was here in 1997 and for two years after this inadvertent loss of provisions relating to Gippsland Water? The opposition was here, and it did nothing about it. As I was before Easter with the public holidays bill I am here talking about fixing up the mistakes the opposition made when it was in government. We are fixing up the mess the former government created. We have to keep coming back and doing this.

These provisions were inadvertently removed in 1997. Gippsland Water's activities have not changed since then. They did not change before 1997 and they have not changed since. They did not change when that side of the house was in government for two full years after 1997. If there was something wrong why did the former government not fix it? We are fixing the opposition's mistakes. It is unreal.

The member for Brighton had a go at the management of Gippsland Water. She cited WRATH — the Wellington residents against toxic hazards — while having a go at Gippsland Water. Who put the management of Gippsland Water in place? The opposition put it in when it was in government and nothing has changed. Labor has made some improvements in the Gippsland Water board management. We have tried to put some reasonable people there. We put in Richard Elkington, Lorraine Bartling, OAM, and my close personal friend, Lisa Proctor. We have put these people on the board to help us fix the mess the former government made of the management of Gippsland Water.

The language has not changed. These are the same provisions as those that were taken out in 1997 except for one — except for Dutson Downs. We have moved on from Dutson Downs. Members of the National and Liberal parties seem to be pining for times gone by, but Dutson Down's activities will stay the same now as they were prior to and after 1997 when the coalition was in charge. This is fixing up another one of the former government's messes at Dutson Downs. These provisions will not turn Dutson Downs into a toxic waste dump; they will allow the facility to operate in the way it was supposed to operate before the coalition made the mess in 1997 and before we had to come in here and fix it. I am looking forward to a time when I can come here and get through a bill that does not concentrate on fixing up the mistakes of the Kennett government.

Mr JASPER (Murray Valley) — I have listened with a great deal of interest to the debate and I acknowledge the comments made by the Leader of the National Party. I pay tribute to his contribution to the debate yesterday because he put into perspective what we in the National Party see as the main aspects of this legislation and why we are opposing it. I also acknowledge the comments made by the Deputy Leader of the National Party when he spoke as the lead speaker for us on the bill.

I was disappointed in the comments made by the member for Morwell. It was quite clear to me that he has only been here a very short time and has rose-coloured glasses when he looks at what has happened in the past and what legislation he expects the Victorian Labor government to produce. He indicated that his party was correcting mistakes made by the former coalition government. I advise him that this is the fourth year the Labor Party has been in government. It appears it is taking a long time to look at correcting legislation that he sees as wrongly passed by the coalition when in government.

I remind the house also that the legislation refers back to the Water Act 1958 which, as was indicated by earlier speakers, had over 700 amendments in 1989. It was a massive piece of legislation and caused an enormous amount of debate in both houses, drawing a lot of comment from members on both sides of this house. Because of the sheer size of the bill and the difficulties associated with operating the water industry across the state it was most important legislation.

My view at the time was that the bill should have been withdrawn and redrafted to take account of the huge range of amendments that were being debated during its passage. The bill was difficult to handle because there were amendments on amendments. I believe that bill should have been withdrawn and redrafted to get clarity into the legislation.

It has nevertheless been a major piece of legislation because control of the water industry has become a huge issue. In my contribution earlier today on the Murray-Darling legislation I indicated my concern about the changes being implemented, particularly about the ministerial statement made by the Minister for Environment, amounting to massive increases in water charges. I see those as a key element of the minister's statement and I was disappointed at being unable to debate the matter immediately because of its importance.

The issues are quite clear, and many speakers have highlighted the importance of water and the degree of change over the years. In the more than 20 years I have been in the Parliament there has been a huge change in people's attitudes to water generally and its importance for the state of Victoria. I place on record again that in my view the key issue with water is its contribution to the economy of the state and of Australia. If the government goes through with this legislation I believe it could be to the detriment of the primary industries that have been the great wealth generators in the Murray-Darling Basin and all around Victoria.

You will be aware, Speaker, that in statements made by coalition members during the 1990s when we were in government, and particularly by the then agriculture minister, it was clear that we were seeking to increase the contribution of agriculture to the Victorian economy by a huge amount through the years leading up to 2010. That process is ongoing. I note that the Minister for State and Regional Development highlights in all his comments now the importance of agriculture to the state, as was expressed by previous governments. Agriculture has an important role in the economic viability of Victoria.

My concern is that changes being implemented with this legislation will cause increased charges for people living in country Victoria and for the irrigation industry. If you follow what the minister said in his ministerial statement and what is set out in the bill you will see increases in water charges that could make the business of irrigation farming unviable.

I am not suggesting for 1 minute that we cannot get more efficient. As I said earlier, in the more than 20 years I have been in the Parliament there has been a huge change in the recognition of the importance of water and its contribution to the state of Victoria, not only to industry and primary industry but in the rural towns and regional cities and in metropolitan Melbourne.

We need to understand how important it is to be more conscious of the importance of water, especially since we live on such a dry continent. We must be more economical in our use of available water. The changes I have seen implemented by irrigators over that period have been enormous and they are getting greater and greater usage of their water and becoming more efficient in their operations. They have now achieved transferability of water rights to allow greater efficiency of water usage.

In country towns and cities people have not in the past been responsible water users, nor have water users in metropolitan Melbourne. I support the comments made by the minister in his statement that we need to ensure that people in the towns and metropolitan cities use water more efficiently, because water is scarce.

I now turn my attention to the rivers and streams across country Victoria and Australia. The saviour for us in the Murray system has been Dartmouth Dam, a huge water storage that even now holds about 30 per cent of its capacity. It has saved the whole Murray region, and irrigators have been able to maintain a 100 per cent water entitlement, much more than irrigators in the Goulburn system who get their supply from Eildon Weir, which is now at a very low level.

I make a point about the importance of strengthening our water storages. Look at the storages on the Ovens and King rivers, with the Buffalo Dam and Lake William Hovell. Consideration should be given to extending the capacity of the Buffalo Dam, but unfortunately that view is not supported by Goulburn-Murray Water and the Murray-Darling Basin Commission. They believe there is only a limited amount of water available in the system under the cap established in 1992.

A former Premier, Sir Henry Bolte, purchased all the land around the Buffalo Dam about 35 years ago. Little Buffalo, as it is known, was constructed as a temporary dam with a life of approximately 30 years, and now $5 million is being spent on repairs to the dam. Consideration should be given to building Big Buffalo on the basis that we will soon get rain. We are in a desperate drought at present, but the seasons will change and rain will come. We should be able to retain more water in water storages.

Some people believe that we should not have water storages at all, but I strongly support the view that we need dams to contain water to make sure we can supply water at the appropriate time. Indeed, as I have mentioned, Dartmouth Dam has been a saviour as far as we in northern Victoria are concerned. I strongly support the action being taken to get greater efficiency in water usage and to look at increasing environmental flows, which we need to take into account across the whole of the water system.

In summary the National Party is opposed to the legislation because we believe that in taking over responsibility for water management the Essential Services Commission will take authority away from those who have a greater understanding of water, which will result in additional costs for those who use water across Victoria. The importance of water needs to be understood. Water has been managed in the past, and perhaps the system needs refining in some areas, but we do not support the legislation.

Mr LUPTON (Prahran) — I am pleased to be able to speak on such an important bill, which goes to the future of the water industry in Victoria. I have enjoyed listening to a number of members speaking on this legislation, and it has been a lively debate. A number of the speakers represent country electorates, so I feel it is important as a representative of an inner-city seat to make some remarks on this important legislation. Water is our most precious resource, and it is crucial that its importance is understood by everyone in the Victorian community, whether we live in the city, in regional centres or in country areas.

The government has a wonderful plan for the future of sustainable water services in Victoria. Recently the Minister for Water made an important ministerial statement in which he set out a range of initiatives that the government is undertaking to secure a sustainable future for water in this state. They include enshrining the ownership of water authorities in public hands; establishing the Victorian Water Trust; and repairing the great rivers in Victoria, notably the Snowy River but also others that have suffered severe environmental degradation over many decades. Unless we take those steps now and make sure we have a good, sensible and coherent plan, the future of Victorian agriculture and much of Victorian industry and the lifestyle we have grown accustomed to in urban areas will be under threat. I welcome the legislation as part of a broader package that is being developed by the Bracks Labor government to ensure the future of our water resources, which are so important to the future of Victoria.

The legislation deals with the powers and obligations of the Essential Services Commission, which has jurisdiction over a number of areas, including the electricity and gas industries. In many ways those industries share certain characteristics with the water industry, and it is for that reason that all of these industries are appropriately being brought under the jurisdiction of the commission.

I note that the objectives of the commission include the following: that the interests of consumers across the state, including low-income and vulnerable customers, are protected in terms of the price, quality and reliability of the services supplied by essential service utilities; that the health and safety and environmental impacts of utilities are considered in an integrated manner; that Victorian commerce and industry are competitive; and that there is effective coordination, transparency and efficiency in the overall regulatory framework for utilities.

Those objectives of the Essential Services Commission make it abundantly clear why the water industry ought properly be brought within the jurisdiction of the commission. The commitment of the government, as set out in the bill, is that the whole of the water industry will be covered and regulated by the Essential Services Commission. The objectives of the bill in particular are: to protect the long-term interests of all customers in terms of the price and quality of their water services; to facilitate a financially viable water industry; importantly, to ensure the environmental public health and safety and social obligations are fully considered; to ensure transparent and efficient processes for regulatory decision making; and to provide incentives for optimal long-term investment. They are sound, sensible and appropriate objectives and will no doubt go towards ensuring that the future of our water industry in Victoria is in good hands.

Water is one of those industries that needs regulation of this sort, and two particular features of the water industry make this apparent. The first is its nature as a natural monopoly industry, and in that sense it shares significant similarities with the electricity and gas industries, which are already within the jurisdiction of the Essential Services Commission. The second is the importance of the water industry to all Victorians, whether they be individual domestic users, business operators, farmers or irrigators in country areas. The water industry is vital for the future of Victoria, and we need to make sure it operates in a transparent, independent and well-controlled manner. This bill is part of a very important package of legislation that I am proud to support. I commend the bill to the house.

Mr INGRAM (Gippsland East) — I wish to make a brief contribution to the debate on the Water Legislation (Essential Services Commission and Other Amendments) Bill. I have had a good look at the legislation, which has two sections to it. The main purpose of the bill is to put the pricing and management of water under the authority of the Essential Services Commission. In the end that will bring more transparency to the pricing structure of water, which is our most valuable natural resources. In principle I support that part of the bill. There are a couple of issues about that, but overall that section of the bill provides for something we need to be doing for the future of our water industry.

One issue that has been raised, which I think is valid, is that it will put the government at arm's length from controversial decisions about water. It also basically puts a protective blocker between the government and the consumer, and that potentially raises some concerns.

I am opposing the bill because of Dutson Downs and clauses 8, 9 and 10 of the bill. On the surface the main purpose is to retrospectively change previous legislation to enable Central Gippsland Regional Water Authority to conduct operations at Dutson Downs, which it has conducted there in the past. Dutson Downs is an extremely controversial facility. I have visited that facility and overall it does a good job with what it has got, but it is an archaic and out-of-date practice to have waste from the Latrobe Valley and other areas of central Gippsland transported to Dutson Downs in open channels. We are talking about sewerage waste and waste from industrial facilities in the Latrobe Valley being delivered through open channels. On the wrong day, or after a couple of hot days with a bit of wind, it is not a pretty sight for anyone who lives there, and I would not wish to live too close to those open channels.

When the waste gets to Dutson Downs it goes into natural storage dams. It goes through a number of natural storages and then it is partially treated and pumped out as ocean outfall. While the central Gippsland water authority will assure us that the water quality is good and that it meets Environment Protection Authority regulations, I am sure all members would agree that ocean outfalls are not the best way of disposing of waste in our current environment. In 10 years or 20 years there will not be ocean outfalls of this sort at all, unless it is extremely good quality water and then only when it is saline water. The ocean is not the place for partially treated waste, because it causes damage. Members only have to talk to the commercial fishermen from the area. Anecdotal evidence suggests it has historically caused damage to some of the fishing grounds off Gippsland.

My real concern is that the main purpose of the legislation is to make a retrospective change and the effect of that on toxic waste. The definition of waste includes:

> … any matter that is offensive or injurious to human life or health.

That is what we are talking about. There is already storage of that type of waste there — low-grade radioactive waste, oil sludges, by-products from industrial areas and tannery waste. That is waste material that needs special treatment and has been well dealt with on that site. It is a pretty good site at which to do it.

Over the last few years there has been a lot of discussion about a toxic soil recycling and re-treatment site. It appears that this facility is the only place still in the market, and there is a lot of opposition to that in East Gippsland. While it is not in my area, it potentially has an impact on the Gippsland Lakes and particularly on the community's perception of the Gippsland Lakes and that far east area which we like to think is one of the most pristine areas of the state. We are talking about a major area for tourism activity and having a toxic waste dump at your back door does not go well with it.

The bill will mean the government does not have to legislate if it decides that is the site for a soil treatment area. For that reason I am opposing the bill. We need to have that debate in this Parliament in the future. I know we have to go through the environment effects statements and the planning regulations and there are other protections, but Dutson Downs should have been a single issue. This legislation allows the government and the central Gippsland water authority to basically avoid one of the essential parts of scrutiny of a major decision of that nature.

Ms D'AMBROSIO (Mill Park) — I rise to speak in support of this bill. It is a sign of the times and it would be good for the opposition to understand and accept what the sign says when it comes to water and its conservation. The sign clearly says: 'No more failed Liberal experiments welcome here'. In fact this bill is a full-frontal response to the opposition's agenda. It is an antidote to the years under the Kennett government which was intent on squandering our precious water resource. Members of the Kennett government cannot deny that they put in place the building blocks to break up our water authorities ready for privatisation, ready for uncontrollable price increases and poor quality water, with no counterbalancing water conservation

strategies at all. That is what they planned for Victoria, but they were stopped from carrying it out in 1999 when people understood what it was all about and they said no to another failed experiment. It was bad medicine.

I had the pleasure earlier today of speaking on the Murray-Darling Basin (Amendment) Bill. This bill is another example of the Bracks Labor government's 10-year water plan which will benefit all Victorians. It will do this by establishing a regulatory framework which will oversee and ensure fair pricing of our precious scarce water resource. The government will do this at the same time as it gets on with implementing its 10-year water plan, a whole-of-state strategy for improving our water supply, water quality, and returning flows to the Murray and Snowy rivers. The Essential Services Commission will act independently of the government and, luckily for Victorians, independent of the opposition.

With this government's commitment to protecting water as a public asset through its entrenchment in our constitution, the bill will give water greater protection from the clutches of the Liberals. Only through this bill can the long-term interests of all water consumers be protected in terms of pricing and quality of water. No longer will the wide disparities in water pricing across the state go unmonitored and unscrutinised. Movements in prices have to be justified and will be adjudicated by the Essential Services Commission in a transparent fashion within its objectives, which I have already mentioned. Only through this bill can we ensure the environmental public health and safety and social obligations are factored into the consideration of price increases. Only through the Bracks Labor government will we get such a bill.

I wish to articulate some of the mechanisms to be invested in the Essential Services Commission which this bill provides. The Essential Services Commission will have the power to establish codes specifying minimum customer-related standards, policies and practices that must be included in a customer charter. That is a terrific protection for consumers and ought to be applauded.

Finally, this government is committed to retaining water authorities in public ownership. The Essential Services Commission's objective is to protect the long-term interests of consumers regarding price, quality and reliability, and it will do this without the costs of regulation outweighing its benefits. I commend the bill to the house.

Mr DELAHUNTY (Lowan) — I am pleased to have the opportunity to speak on the Water Legislation (Essential Services Commission and Other Amendments) Bill which is very important for the people of western Victoria and for those I represent in the electorate of Lowan. I am disappointed that the member for Mill Park did not have the decency to at least use her own lines, but used much of the Labor rhetoric that has been produced from around the chamber. I give credit to the member for Prahran. He at least has been in the chamber during the majority of the debate and was prepared to learn something about the water industry from other members who made good contributions to the debate.

It is a pity a member comes into the house running that rhetoric because it is not true. The reality is the bill is changing Labor legislation that was introduced in 1989 and 1992 by former Labor minister Steve Crabb after many protest marches by country people, who find it difficult to come down here to protest because of the distances they have to travel. They marched down Orrong Road because the old Rural Water Commission had lost the plot. Here we are again reinventing the wheel and centralising decision making back into Melbourne.

As we know, this bill establishes the Essential Services Commission as an economic regulator of the water industry. Rural water authorities have good business practices, and importantly we know they have to have full cost recovery — they have excellent customer committees that are aware that they must cover their costs. Because of the involvement of customer committees there is a good acceptance of what happens in the water industry in country Victoria. Although that is not always the case — there will always be individual instances where there is some disagreement — as a whole country Victoria does not have that central bureaucracy that this legislation will reintroduce.

The bill will also require the regulated entities to contribute to the cost of the Essential Services Commission. This highlights the fact that this bill is about giving the government more money to spend as it sees fit. This was illustrated by a press release a couple of weeks ago by the Minister for Water in which he said:

> Water has been undervalued in the past and sold at prices not reflecting its true cost. Melbourne households pay more for one litre of milk than they do for a thousand litres of water.

What the minister was trying to say was, 'Get ready, boys and girls, I am going to hit you with big water charges'. Because of this we are going to see rural

water authorities and others contributing heavily to fund the Essential Services Commission and the work it is doing, which I am sure will not be any better than what has been done in the past.

This legislation also removes the current statutory immunity of officers and members of the rural and urban water authorities. That will only happen after their terms have expired. I believe this will increase liability and insurance costs. The second-reading speech mentions good business practices. The unfortunate fact is that it does not say that at the moment if someone makes a claim they make it against the entity itself, not against the person who is a member of the board or a member of the staff. We have already had a big increase in public liability costs, now we are going to see further increases in insurance costs because of this legislation.

We must also remember that these people in the rural water authorities are not paid anything like the salaries that are paid to staff in the Melbourne metropolitan water authorities, yet the minister compares what is happening in Melbourne with what is happening in the country. That would be fair if the chairs of water authorities in the country were paid the same as their counterparts in Melbourne, which I believe is actually 10 times the amount paid in the country authorities. Where would the money come from if that happened? It would come from the people who pay the bills — that is, consumers of water in country areas. There is no doubt that this legislation will result in not only an increase in water charges to meet the cost of the Essential Services Commission but an increase in the other costs that I have already highlighted.

In researching this speech I looked at a section of the Department of Sustainability and Environment web site entitled 'Valuing Victoria's water' and I strongly agree with the following comment on that page:

> The biggest long-term challenge facing our nation is securing sustainable water supplies for our future.

However, I do not believe the Essential Services Commission is going to help in that regard. Quoting again from the web site:

> Water is critical to Victoria's economic performance and quality of life.

It is no more critical in that respect than it has been in country areas. Members of this house from country Victoria have highlighted the importance of water to country areas. Again I draw attention to what happened with power lines across Victoria, and refer to the Wimmera–Mallee stock and domestic channel system, which really did open up rural western Victoria and the towns that live on there to economic development.

Water is vital for many industries, for tourism and for fishing. I do not believe this bill is going to help in those areas. For reasons I have outlined earlier and because other members want to speak, I make it known that I am opposing this legislation.

Mr SAVAGE (Mildura) — I will be brief because I know members are queued up to make a contribution before the guillotine at 4 o'clock.

I have some misgivings about the Water Legislation (Essential Services Commission and Other Amendments) Bill, but only on the basis that it includes rural water authorities. I believe there is a distinction between rural and city-based authorities.

It goes even further than that. The First Mildura Irrigation Trust, which is probably an icon in the area of water delivery by irrigation authorities, is unique and there is a dispute as to who owns its assets. Irrespective of that this is an authority that has its own board, and it has a significantly lower price for water for irrigation purposes in Mildura than the Sunraysia Rural Water Authority. I cannot see why the FMIT has been included in this bill.

I listened with some interest to the comments of a number of members on the question of whether or not the previous government intended to sell off water. It is my belief that it was preparing to do that. I recall asking several questions in this house of the former Leader of the National Party, Mr Pat McNamara, who said, 'We have no intention of selling water this term'. That changed later to, 'We have no intention of selling water'. So there was a change of attitude when it was determined that there was significant resistance in regional Victoria and elsewhere to selling off any more state assets.

I think the Essential Services Commission will add another layer of cost to water that is already significantly expensive. A good example would be the Robinvale district of the Sunraysia Rural Water Authority, which is currently paying about $115 a megalitre for water as opposed to about $45 to $50 a megalitre in Western Murray Irrigation in New South Wales. This is a huge difference and is related to the fact that there has not been investment by the government. At the time of the transfer from the Rural Water Commission to the Sunraysia Rural Water Authority there was not sufficient updating of the assets. Now these irrigators are forced to pay significant amounts of money in renewals which are not really

renewals, they are just bandaids to fix a system which is quite clearly inadequate for current market requirements.

This means that Victorian irrigators are disadvantaged when they compete with New South Wales. This is totally unacceptable and means that we have a situation where the economic growth of Robinvale, and to some extent Mildura, Redcliffs and Merbein, are put at a disadvantage. I do not see anywhere in this bill where the Essential Services Commission is going to say that the investment is necessary and therefore the government is going to come on board. All this bill will do is add a dimension of cost. It is not appropriate for there to be a connection between the minister and the Essential Services Commission relating to the price structure. This should be an autonomously reached decision by the local water authorities which are delivering the product at the best possible cost.

When you look at the current status of the Wimmera–Mallee channel system, which the honourable member for Lowan mentioned, you would have to say that this is probably going to be the worst year it has ever faced in the history of that system. This is about the third or fourth year that there have been limited dam fills. The rating structure is one that, keeping in mind that it is going to be pipelined in the next 10 years, should be changed to a volumetric system so that the emphasis is not on the fact that water is accessible but on how much water is used.

We should also have a rating structure that allows people to opt out and pay a service fee not a hectare charge, which I think is about $2.05 a hectare. We need to look at the way water is delivered and how it is rated. I am not sure that the Essential Services Commission has a brief to do that; it is not spelt out in the bill. I acknowledge that time is against us, and I indicate that on the basis that rural water authorities have been included I will oppose the legislation.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

MELBOURNE (FLINDERS STREET LAND) BILL

Second reading

Debate resumed from 30 April; motion of Ms DELAHUNTY (Minister for Planning).

Ms ASHER (Brighton) — This bill is one of facilitation for the development of the north bank of the Yarra. The opposition does not oppose the bill and strongly supports development of the north bank of the Yarra, including the removal of the overpass, which we have been talking about for some time. I am conscious of the fact that a number of members want to say a number of words on other bills, and I will attempt to be as brief as possible.

The key issue for the Liberal Party is: what is the government facilitating here; what is the plan? The original idea for the development of the north bank involved removal of the Flinders Street overpass, but the land was earmarked for a convention centre and expansion of the aquarium, both of which we support.

In particular I want to touch upon the subject of a larger convention centre for Melbourne. There is a great need for a 5000-seat plenary centre in this city. Business events are particularly lucrative in the tourism industry and are estimated to be worth $1.1 billion for Victoria. That is an estimate made pre-SARS, before the outbreak of the severe acute respiratory syndrome virus, but indicates that it is a very lucrative end of the travel market — for example, delegate expenditure in that area is far greater than in other areas of tourism. For international delegates the latest figures available on expenditure are $5832, and for domestic business events the figure for expenditure by travellers is $3043. The average days are longer and the expenditure is greater than in other areas of tourism. It is a critical part of the travel market that Victoria has to enter to a far greater extent.

However, there are a number of areas of concern. For example, according to the 2001–02 annual report of the Melbourne Convention and Exhibition Trust, revenue has declined for the past two years. While it is perfectly reasonable to expect a decline in the face of the collapse of Ansett and the events of 11 September we have seen a decline in revenue for the second year in a row, and that is of concern. In 2000 revenue was $38.9 million, the highest point, but unfortunately it went down to $37.4 million in 2001 and $35.7 million in 2002. On revenue grounds alone there is cause for concern in terms of the effect on the city of these business travellers, who have the greatest tourism impact and create the greatest multiplier effect.

For many years the chairman of the Melbourne Convention and Exhibition Trust voiced many of these concerns and has been, as you would expect, a very strong supporter of a 5000-seat plenary centre for Melbourne. The chairman's foreword at page 2 of the report states:

> The trust considers that further development of its facilities is critical and believes that the economic impact that would arise from the construction and ongoing operations of expanded facilities, clearly justifies such development.

The government has earmarked $2 million for a feasibility study, but I for one am concerned that this issue is dragging out. In the face of international and domestic competition this issue is becoming more pressing, particularly in relation to declining international tourism.

At page 11 of the annual report the level of competition is referred to:

> In the last 12 months, the Adelaide Convention Centre has significantly increased both its convention and exhibition capacity and a new centre has opened in Alice Springs. During the next two years new facilities in Perth and on the Gold Coast will also add to the competitive environment in Australia.

The report also refers to additional new facilities in Auckland, and — although this will be tested with the current SARS outbreak — additional facilities in Kuala Lumpur, Hong Kong and Singapore. Notwithstanding the present threats to tourism the issue remains that a 5000-seat plenary centre is desperately needed for Melbourne. Business travellers represent the most lucrative end of the tourism market.

While I have referred to the revenue of the Melbourne Convention and Exhibition Centre the real issue is the multiplier effect of events travel, in particular on the City of Melbourne but perhaps with some capacity to move out to the regions for both spouse or partner travel and the delegates themselves.

The centre is something the Bracks Labor Government has talked about for some time. The Liberal Party promised it in 1999 and had advanced plans on this site, which the bill is facilitating, when it left office. I urge the government to make sure that the $2 million feasibility study is not shelved, that the exhibition centre is built and that we attract this business end of the travel market to Melbourne.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL

Second reading

Debate resumed from 29 April; motion of Mr HULLS (Attorney-General).

Mr KOTSIRAS (Bulleen) — It is with pleasure that I stand to speak on the Crimes (Property Damage and Computer Offences) Bill, and I do so briefly to allow the members for Richmond and Mornington to have a say as well. It is vital that our justice system moves with the times and remains relevant. That is as important and as applicable today as it was yesterday. I agreed with the minister when he said in his second-reading speech that it would provide a modern and effective criminal justice system that meets the needs of the 21st century. The new offences will help to ensure that the Victorian criminal law effectively responds to those who start bushfires, sabotage public facilities and commit computer crimes.

The bill amends the Crimes Act 1958 in three areas. It introduces new computer offences and new offences for sabotage and creates a new bushfire offence. While I do not oppose the bill, it is interesting to note that, for example, the New South Wales Labor government introduced computer offences in April 2001. It has taken this government an extra two years to come to terms with IT and computer offences. But what do you expect from a government that is reactive, passive and run by bureaucrats? All I can say is that it is about time.

A new offence is created to deal with intentionally and recklessly causing bushfires. This is vital when one looks at the pain and hardship people suffered during the recent bushfires in Victoria. I also put on record my appreciation of the work of the volunteers and firefighters who assisted in the recent fires in Victoria. The hardship and suffering experienced by so many only illustrates how important it is that we avoid bushfires in the future.

If someone is found guilty of causing a bushfire, they can face up to 15 years in jail. The opposition has moved an amendment to increase the penalty from 15 years to 20 because of the seriousness of the offence. I hope the government will support the amendment. I hope the government backbenchers will think for themselves, do something logical and send the right message to the community that this type of offence will not be tolerated. If a person causes a fire to continue to burn only in the course of carrying out fire prevention or suppression, then this offence will not apply.

The sabotage offence has two parts. The offence of intent to carry out sabotage has the same penalty as the offence of actually causing sabotage. The bill creates a new offence relating to damaging public facilities with the intention of causing major disruption to government functions or economic loss.

As I said, the bill introduces new computer offences. It has been said that 67 per cent of Australian households have personal computers and 52 per cent of Australian households are online. A recent survey has indicated that Australia is ranked the eighth-largest Internet user in the world per head of population; but people, organisations and businesses are concerned with the approximate 67 per cent increase in cybercrime over the past 12 months. It is not just happening in Victoria or Australia, it is a global problem.

An article in the *Herald Sun* of Thursday, 20 February, entitled 'Hacker hits 8 million accounts' states:

> A computer hacker gained access to some 8 million Visa and Mastercard accounts in the US, a Mastercard spokeswoman said yesterday. In one of the largest security breaches to affect the two companies some 2.2 million registered Mastercard users 'were possibly compromised …
>
> The problem was reported by a third-party merchant processor who was unable to say whether the intrusion came from the US or overseas.

So it is a problem and a concern, and it is important that we attempt to do something. The bill introduces 70 new offences to ensure that our laws are relevant to the advances in computer technology.

Section 9A of Victoria's Summary Offences Act 1966 prohibits any unauthorised access to a computer system, but this is old and outdated. Victorians face challenges in ensuring that our legal system is relevant and equipped to deal with new and emerging types of crime. This bill introduces a new range of offences in an attempt to meet these challenges. I urge government members to support the amendment which has been proposed by the opposition, otherwise what the minister said in his second-reading speech will be just rhetoric and nothing more. As I said, I do not oppose the bill, but I hope government members support the amendment which has been put forward by the opposition. I wish the bill a speedy passage.

Mr WYNNE (Richmond) — I rise to support the Crimes (Property Damage and Computer Offences) Bill, and in doing so I indicate that the government dealt with the amendment proposed by the honourable member last time the bill was debated in the Parliament, prior to the proroguing of the 54th Parliament. That amendment pertained to increasing the penalty for fire offences from 15 to 20 years. At that time the government indicated that it would not support the amendment, and that remains the government's position.

This bill enjoys, as many of these justice bills do, much bipartisan support, save and except for the matter I initially indicated the government's opposition to, which is the amendment. In essence the bill lays out three offences: a new bushfire offence, a new computer offence and a sabotage offence.

I am very cognisant of the time, and I know my colleague the member for Mornington wishes to make a contribution as well, so I will confine my comments to the bushfire offence. The bill increases to a maximum of 15 years imprisonment the penalty for intentionally or recklessly causing a fire or being reckless in the spread of fire to vegetation on property belonging to another.

It is the government's view that the deliberate and malicious lighting of fires by individuals is a horrendous offence. We know the deleterious impact of this on the community as a whole. We have just gone through a summer of savage bushfires with, thank God, no loss of life in the bushfires themselves but, tragically, the loss of a member of the firefighting personnel in the mopping up time after the fires. The bushfires resulted in an enormous loss of property, stock and fences. As Parliament knows, the government has put in place a very extensive package to make reparation to those rural communities.

This bill before us is a clear signal from the government, supported, I would have thought, by both sides of the house, of our absolute abhorrence of those who seek to maliciously light fires and cause such rampant damage, not only to private property but also to the national estate. We know of the extensive damage that was done to our native forests and grasslands and flora and fauna during the summer fire season.

The other two measures that are addressed in the bill are the new computer offence and the new sabotage offence, which my colleagues have adequately canvassed. I welcome the bill and the bipartisan spirit in which it has been dealt with. These are important measures that the government is putting in place.

I want to indicate to the member for Bulleen that the government has in the past indicated that it does not support extending the period of potential imprisonment from 15 to 20 years. Apart from that, I commend the bill to the house.

Mr COOPER (Mornington) — I thank the member for Richmond for his courtesy in giving me some time — albeit a very short time — to address some aspects of this bill, so I will do what I can. This bill has bipartisan support, but in saying that the Liberal Party is disappointed that the government is not going to accept

its amendment to increase the penalty for intentionally or recklessly causing a fire from 15 to 20 years.

It is a matter of regret that the experience we have had in Victoria and elsewhere in this country over the last summer period has shown that the reckless and intentional causing of fire seems to be on the increase. So many of the fires — and I refer particularly to the fires in Sydney and Canberra and some of the fires here in Victoria — were deliberately lit. We need to send a clear message to those morons in our society who seem to get a thrill out of lighting fires and causing enormous damage that they will pay a significant penalty for it. While 15 years may seem to be a relatively long period, I believe the community would be strongly in favour of having a lengthy jail period with very little time off for good behaviour for these kinds of people.

I urge the government to give some consideration over the next few months to reviewing this and seeing whether it believes this is the right way to go. We on this side believe it is, and we would like the government to give this matter further consideration. With those few words I support the bill, but I ask the government to give further consideration to an increase in the penalty.

Business interrupted pursuant to sessional orders.

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

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

TERRORISM (COMMONWEALTH POWERS) BILL

Second reading

Debate resumed from 29 April; motion of Mr HULLS (Attorney-General).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

MURRAY-DARLING BASIN (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr THWAITES (Minister for Environment).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL

Second reading

Debate resumed from earlier this day; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

WATER LEGISLATION (ESSENTIAL SERVICES COMMISSION AND OTHER AMENDMENTS) BILL

Second reading

Debate resumed from earlier this day; motion of Mr THWAITES (Minister for Water).

The ACTING SPEAKER (Ms Barker) — Order! The question is that this bill be now read a second time, that the bill be now read a third time, and that the bill be transmitted to the Legislative Council and their concurrence desired therein.

House divided on question:

**Ayes, 58*

Allan, Ms	Kosky, Ms
Andrews, Mr	Langdon, Mr (*Teller*)
Batchelor, Mr	Languiller, Mr
Beard, Ms	Leighton, Mr
Beattie, Ms	Lim, Mr
Bracks, Mr	Lindell, Ms
Brumby, Mr	Lobato, Ms

Cameron, Mr	Lockwood, Mr (*Teller*)
Campbell, Ms	Loney, Mr
Carli, Mr	Lupton, Mr
Crutchfield, Mr	McTaggart, Ms
D'Ambrosio, Ms	Marshall, Ms
Delahunty, Ms	Maxfield, Mr
Donnellan, Mr	Merlino, Mr
Duncan, Ms	Mildenhall, Mr
Eckstein, Ms	Morand, Ms
Garbutt, Ms	Munt, Ms
Gillett, Ms	Nardella, Mr
Green, Ms (*Teller*)	Neville, Ms
Haermeyer, Mr	Overington, Ms
Hardman, Mr	Perera, Mr
Harkness, Mr	Pike, Ms
Helper, Mr	Robinson, Mr
Herbert, Mr	Seitz, Mr
Holding, Mr	Stensholt, Mr
Howard, Mr	Thwaites, Mr
Hudson, Mr	Trezise, Mr
Hulls, Mr	Wilson, Mr
Jenkins, Mr	Wynne, Mr

Noes, 26

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr (*Teller*)	Ryan, Mr
Doyle, Mr	Savage, Mr (*Teller*)
Honeywood, Mr	Shardey, Mrs
Ingram, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr (*Teller*)	Wells, Mr

[*Division list subsequently corrected by inclusion of Ms Green]

Question agreed to.

Read second time.

Remaining stages

Passed remaining stages.

MELBOURNE (FLINDERS STREET LAND) BILL

Second reading

Debate resumed from earlier this day; motion of Ms DELAHUNTY (Minister for Planning).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

PORT SERVICES (PORT OF MELBOURNE REFORM) BILL

Second reading

Debate resumed from 30 April; motion of Mr BATCHELOR (Minister for Transport).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CONTROL OF WEAPONS AND FIREARMS ACTS (SEARCH POWERS) BILL

Second reading

Debate resumed from 29 April; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

FEDERAL AWARDS (UNIFORM SYSTEM) BILL

Council's amendment

Message from Council relating to following amendment considered:

> Clause 52, line 27, after "industry," insert "but so as not to exclude or limit the concurrent operation of any law of the State,".

Mr HULLS (Minister for Industrial Relations) — I move:

> That the amendment be agreed to.

Mr McINTOSH (Kew) — The opposition has been fully and frankly briefed by the Minister for Industrial Relations. I am very grateful for the amount of time he was able to spend with me this afternoon. I am also grateful to Mr Teague from the minister's department.

The ACTING SPEAKER (Ms Barker) — Order! I take it the member for Kew is speaking on the amendment.

Mr McINTOSH — That is right. While the opposition may not agree with the substratum of the bill itself, it will not oppose this amendment. In conclusion, I seek an assurance from the Minister for Industrial Relations that the only bill he is aware of that is touched on by this amendment is the Outworkers (Improved Protection) Bill. I seek that assurance from the minister.

Mr HULLS (Minister for Industrial Relations) (*By leave*) — I have had a very lengthy discussion with the shadow Minister for Industrial Relations on this matter. I have indicated to him that this amendment is essential to ensure that the Outworkers (Improved Protection) Bill is not in effect made redundant as a result of the possible accepting of a reference in relation to those schedule 1A workers by the federal government. The only bill that I am aware of that falls into this category is the outworkers bill. Without this amendment the Outworkers (Improved Protection) Bill would not be able to operate effectively in Victoria. That is what this amendment is about.

Motion agreed to.

ROAD SAFETY (HEAVY VEHICLE SAFETY) BILL

Second reading

Mr BATCHELOR (Minister for Transport) — I move:

That this bill be now read a second time.

The main purpose of this bill is to amend the Road Safety Act and the Transport Act to enable effective enforcement of road transport 'chain of responsibility' laws. To this end, the bill will introduce enhanced investigatory and enforcement powers in relation to compliance with road transport and road safety laws.

The aim of the chain of responsibility principle is to ensure that everybody who bears responsibility for conduct that affects a person's compliance with road transport law should be made accountable for any failure to discharge that responsibility. This principle has been used to extend liability beyond the driver by introducing offences for employers, consignors and other parties in the transport chain where their actions lead to a breach of road transport legislation.

The chain of responsibility principle is a cornerstone of the national compliance and enforcement reforms being developed by the National Road Transport Commission and has wide support from industry and government.

The current approach and the current problem

The ongoing problem of heavy vehicles breaching road safety and transport laws is well known. Traditional law enforcement has focused on detecting and punishing drivers who break the law in an attempt to deter such conduct. This bill recognises that the deterrents against breaking the law are often substantially weaker than the pressures on drivers to break the law.

It is well known that pressure to break road safety and transport laws is applied by some employers and consignors and others in the transport chain, who can gain substantial commercial advantage by the breaking of these laws. Speeding and breaking of driving hours requirements means goods can be delivered more quickly, resulting in higher profits and a competitive advantage over transport operators who observe the law.

Drivers who do not conform may risk detriment in their employment or, in the case of self-employed drivers, risk loss of business to other operators.

The risks and losses caused to the community by this situation are significant, though they are not often acknowledged because their effects are indirect. The costs include financial loss, injury and death from collisions caused by speeding heavy vehicles or drivers who are fatigued because they have not taken the required rest breaks. Costs also include damage to roads and bridges caused by vehicles that are overloaded. There is also the commercial harm suffered by operators who comply with the law, because those who break the law have an unfair commercial advantage.

The 'chain of responsibility' principle is already established by the law. For example, it is already an offence for a consignor of goods, or an employer or supervisor, to require a driver to adhere to a schedule that can only be met by not taking required rest breaks. However, these laws are difficult to enforce in practice. Police and Vicroads inspectors presently lack adequate powers to gather evidence to prove that parties in the transport chain other than the driver, for example transport operators or consignors, have caused breaches of road safety and transport laws.

Consequently, parties in the transport chain who induce drivers to break the law can do so at little risk to themselves. It is the drivers who run the risk of detection and prosecution. It is also the drivers, as well as other road users, who incur the risks of death, injury or loss from vehicle collisions.

What the bill proposes

This bill will allow for heavy vehicles and premises associated with road transport to be inspected and searched for the purpose of determining whether participants in the transport chain are meeting their obligations under road and transport laws and under approved road transport compliance schemes.

The bill provides for a staged approach to the investigation of possible road transport offences. It allows for the inspection of particular heavy vehicles and premises for the purpose of determining whether relevant laws and schemes are being complied with. However, the search of those heavy vehicles and premises is only allowed if the inspector has formed a reasonably based belief that one of a number of specified circumstances exist.

The bill contains a number of safeguards that are designed to ensure that these inspection and search powers are exercised responsibly. Force may not be used during a routine inspection of heavy vehicles or premises. In the case of a full search, which may only be conducted in limited circumstances, only members of the police force will be entitled to use reasonable force. In addition, an inspection or search of premises that are unattended or used for predominantly residential purposes may only be conducted with the consent of the owner, occupier or person in charge of the premises, or with a search warrant.

One of the difficulties in enforcing road transport laws is gathering evidence of breaches. Another common difficulty is ascertaining who is responsible for the management of a particular vehicle or transport business. Under this bill inspectors will have the power to direct a person associated with road transport to provide documents and other items relating to heavy vehicle compliance. They may also require a driver or other responsible person to provide reasonable assistance to the inspector and to state the person's name, home address and business address. If requested, the person will also be required to provide similar details regarding any other person who is associated with the vehicle or its load and to give information to help identify who was the driver.

The bill also clarifies the scope of existing inspection powers that may be used in relation to heavy vehicles. The Transport Act already gives power to police and Vicroads inspectors to inspect heavy vehicles. The bill makes it clear that this power extends to carrying out tests, making copies of documents and extracting data from equipment or devices on the vehicle. It also allows an inspector or member of the police force who inspects or weighs a heavy vehicle under the Transport Act to issue a defective vehicle notice under the Road Safety Act.

Conclusion

The chain-of-responsibility laws are designed to sheet home responsibility for breaches of road safety laws to all parties in the transport chain who contribute to those breaches through their acts or omissions. However, if the enforcement of these laws is to be effective, improved inspection and search powers are needed. This bill will provide those powers. At the same time, the bill contains appropriate protections and safeguards for people and businesses affected by chain-of-responsibility investigations.

The bill is consistent with a model that has been developed in this area by the National Road Transport Commission. I am proud to say that Victoria is the first jurisdiction to implement these initiatives, which were recommended by the commission. The Bracks government has taken this leadership role because of the importance it places on enforcing the chain-of-responsibility principle. The government is committed to protecting truck drivers, the trucking industry and the wider community from those who would put their commercial interests ahead of their legal duties and the safety of their employees and road users generally.

I commend the bill to the house.

Debate adjourned on motion of Mr MULDER (Polwarth).

Debate adjourned until Thursday, 15 May.

VICTORIAN URBAN DEVELOPMENT AUTHORITY BILL

Second reading

Mr BATCHELOR (Minister for Major Projects) — I move:

That this bill be now read a second time.

The main purpose of this bill is to establish a single urban development and renewal agency of government.

The bill will create the Victorian Urban Development Authority by merging the Docklands Authority and the Urban and Regional Land Corporation. The new Victorian Urban Development Authority will be able to trade as 'Vicurban' and will report to the Minister for

Major Projects, with oversight by the Department of Infrastructure.

The benefits of merging the two bodies include:

the creation of a single urban development arm of government with a stronger focus and enhanced capability to undertake strategic urban renewal projects across Victoria;

a more explicit focus on the delivery of the government's key urban and regional policy agendas, including implementation of the Melbourne 2030 strategy and the provision of affordable housing; and

clearer separation of ministerial responsibility for planning regulation and the commercial urban development activities to be undertaken by Vicurban.

The newly merged body will be able to operate a responsible and successful urban development business (involving residential, commercial, industrial land and mixed-use developments). It will also assist the government in implementing its urban and regional development strategies by providing advice and expertise and by undertaking development projects on government and other land holdings.
Vicurban will protect and enhance the environment by conducting its operations in accordance with the principles of sustainable development.

Vicurban will assume the functions previously undertaken by the Urban and Regional Land Corporation and the ongoing functions of the Docklands Authority. These functions include:

purchase, consolidate, take on or otherwise acquire land in metropolitan and regional areas for development for urban purposes;

carry out development of land alone or in partnership or to enter into arrangements or agreements for the development of land;

develop land in Victoria for residential and other urban purposes to provide a competitive market for land in Victoria;

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

assist the government in the implementation of its urban development policies and strategies, for example, the government's long-term strategy to guide the city's growth, 'Melbourne 2030';

contribute to improvements in housing affordability in Victoria;

provide consultancy services in relation to urban development, whether within or outside Victoria or outside Australia;

undertake or manage major urban development projects on behalf of the Victorian government; and

carry out any other functions conferred on the authority by the act.

The functions of Vicurban are to be carried out on a commercial basis.

The bill provides for the Governor in Council on the recommendation of the minister to declare an urban development or proposed urban development to be a 'declared project'. Each declaration will specify the particular powers to be exercised by Vicurban to facilitate the completion of the declared project.

Consistent with the government's vision of achieving urban development outcomes, Vicurban will operate in two separate modes, as a developer and a development facilitator for the purpose of declared projects.

As a developer Vicurban will continue the commercial development activities the URLC has successfully delivered in the past and will continue to lead the market by assuming market risk and competing with the private sector in residential development.

In its role as a developer Vicurban will utilise powers and functions which parallel the existing powers and functions of the Urban and Regional Land Corporation to achieve its developer objectives by acting within a competitively neutral framework. Examples of the activities Vicurban will undertake as a developer include the Aurora and Cairnlea projects.

In this role Vicurban will also assist in the development of rural and regional centres, including undertaking development in locations where the availability of development sites and housing is a significant constraint.

In its role as a development facilitator Vicurban will facilitate the delivery of declared projects on behalf of the state where the state determines there is one or more of the following:

an important strategic development area;

a significant market impediment to the private sector initiating development;

a desire by the government and the community to see that development occurs;

an agreement with the relevant local council, department and minister to facilitate development of the area by the private sector;

a nominated project area agreed by government.

Participation by developers in declared projects will be through an approved competitive process.

Vicurban will contribute to achieving key outcomes of importance for government, such as the Melbourne 2030 strategy. In particular it will facilitate well-planned, sustainable development in strategic locations where problems of site assembly and market failures may otherwise delay or inhibit achievement of Melbourne 2030 outcomes.

It is government's intention to have a clear distinction between the ongoing financial structure of the Melbourne Docklands project and the commercial activities formerly undertaken by the URLC.

This bill will ensure that Vicurban will at all times act in a commercially and financially responsible and viable manner. It will build on the existing networks and skills of the Urban and Regional Land Corporation and Docklands Authority in its commercial transactions with the private sector.

I commend the bill to the house.

Debate adjourned on motion of Mr HONEYWOOD (Warrandyte).

Debate adjourned until Thursday, 15 May.

ROYAL AGRICULTURAL SHOWGROUNDS BILL

Second reading

Ms DELAHUNTY (Minister for Planning) — I move:

That this bill be now read a second time.

I have pleasure in introducing this bill to the house as a component of the project announced by the Premier in April 2002, through which the state government and Royal Agricultural Society (RAS) will jointly enhance the Royal Showgrounds site and promote the state's agribusiness sector both within Australia and overseas.

The Royal Melbourne Show is a major event attracting visitors from all parts of regional Victoria and the metropolitan area since 1853, providing an opportunity for Victorian rural producers to showcase their products, share knowledge and remind Victorians of the importance of the rural sector. It has successfully showcased the very best of rural and regional Victoria.

It is extremely important that the show remains a major event for all Victorians and continues to attract large patronage well into the future and caters for changing needs and user aspirations to ensure its ongoing success.

The showgrounds are well overdue for a facelift as most of the buildings were constructed between 1918 and 1927 with only three major structures built after 1950. Although the RAS holds valuable land assets it has in recent years had difficulty in raising the capital to improve and develop new facilities for the visiting public to continue to offer a first class event on the site and had sought government assistance to ensure viability of the show for future generations.

This issue had failed to be resolved by the former Kennett government and the Bracks government has worked closely with RAS and the agricultural sector to provide for the show and facilities at the showgrounds meeting future community and industry sector needs.

The government is working with the RAS to deliver a state-of-the-art multipurpose venue for the show as well as other events and functions throughout the year. The project will support regional industries and continue the government's investment in infrastructure that delivers real economic and social benefit to Victoria.

The Royal Melbourne Show generates significant economic benefits for the state. It attracts around half a million attendees each year and a recent estimate of its economic value to the state annually, is $78 million.

The showgrounds redevelopment project will provide the state and the RAS with capacity to add significant value to the state. It will also provide for a major strategic change to improve the effectiveness and relevance to the agricultural community.

The high level objectives of the redevelopment are to:

create a versatile exhibition precinct, capable of hosting the Royal Melbourne Show and other events and functions;

maintain and enhance the show as a significant state event;

develop the Royal Agricultural Society into a catalyst for achieving improved outcomes for Victorian agribusiness through competitions, showcasing and knowledge exchange;

improve understanding between urban and rural communities;

increase participation in the show;

contribute to the growth of the food and agribusiness sector.

The Premier has already announced that the state will commit $100 million over three years to the redevelopment of the showgrounds in partnership with the RAS. Visitors to the show last year would have seen some of the benefits which will flow through enhanced facilities. Commercial and legal arrangements supporting this partnership venture are currently being finalised but as a first step the RAS and the state government have agreed to provide in legislation for the consolidation of the land assets at the showgrounds. This is the purpose of this bill.

The showgrounds site is held under a number of tenures, some of which have interest in an historic sense because they were among the very early sites reserved for showgrounds. Some land, as honourable members will see from the bill, is permanently reserved and therefore legislation is required to remove the reservation. The RAS is trustee over some parcels of the land and also holds some land in its own right as freehold.

Under this legislation all existing reservations will be revoked so that the land becomes unreserved Crown land. The RAS will also surrender its freehold land to the Crown and the land will then become unreserved Crown land. Once this consolidation is achieved the land will be granted to a corporate entity representing the interests of the state and the RAS. This is provided for in the legislation, as an assurance that having contributed its land interests to the project, the RAS as part of the new venture will receive a subsequent Crown grant.

The legislation will preserve several leases issued over portions of the site and will substitute the new entity as a party in place of the RAS.

Because a number of commercial negotiations between the state and RAS have not concluded it was considered desirable in this legislation to provide a further assurance to RAS that any changes in land status will not take place without its full support, notwithstanding the passage of the legislation. Accordingly, the legislation makes provision for the changes in land status to be triggered only after the minister administering the act has approved the corporate entity which will be the recipient of the Crown grant. One of the necessary conditions for the minister's approval will be the consent of the RAS.

In addition to the leases over the land, the RAS is party to a number of contractual arrangements for the supply of services or short-term uses of parts of the site. Under the new arrangements the RAS may wish to retain some obligations and entitlements, while others will become the responsibility of the approved corporate entity. The bill therefore makes provision for these obligations and entitlements to be allocated following approval of the corporate entity, through the mechanism of an allocation statement to be approved by the minister and the Treasurer and with the consent of the RAS.

This project offers significant opportunities for the enhancement of the agribusiness sector of the Victorian economy. It will also enhance the qualities of the Royal Melbourne showground site as a prime entertainment and exhibition venue for Melbourne and for the whole of Victoria.

I am pleased, as minister with responsibility for Crown land matters, to have the opportunity to contribute to this project and I commend the bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Thursday, 15 May.

CORRECTIONS (AMENDMENT) BILL

Second reading

Mr HAERMEYER (Minister for Corrections) — I move:

That this bill be now read a second time.

This bill makes several miscellaneous amendments to the Corrections Act 1986 (the act).

Transport provider immunity

There is currently a difference in the act between the immunity afforded to an escort officer who uses reasonable force to compel a prisoner to obey a lawful direction and a police prisoner transport provider who uses similar reasonable force in the same circumstances.

Section 55E of the act provides that where an escort officer uses reasonable force to compel a prisoner to obey a lawful direction, the escort officer will not be liable for injury or damage caused by the use of that force. However, section 9CB(3) of the act only provides that a police prisoner transport provider who uses reasonable force to compel a detained person to obey a lawful direction is not liable for injury caused by the use of that force. In the case of police prisoner transport providers, there is no immunity where damage is caused.

Therefore, section 9CB(3) of the act will be amended to insert the words 'or damage' after the word 'injury'. It is intended that the amendment of the immunity given to police prisoner transport providers will vary the jurisdiction of the Supreme Court. I will make a section 85 statement later in this speech.

Testing prisoners for use of alcohol

Detecting alcohol use in prisons and taking action to deter its use is an integral part of the Victorian prison drug strategy 2002. Alcohol use in prisons raises a plethora of complex management issues that affect corrections authorities ability to maintain the good order and security of a prison. In keeping with the objective of the Victorian prison drug strategy toward proper prison management, good order and security, an emphasis is placed on detection of alcohol and drug use in prisons. Given this emphasis on detection, and therefore the high level of testing that occurs, it is important that there is clear power of authorities to be requiring prisoners to undergo these tests.

Corrections authorities currently engage in a regime of testing prisoners for alcohol use under authority derived from sections 20 and 21 of the act. Sections 20 and 21 of the act impose on the governor and officers in charge of a prison or part of a prison responsibility for the management, security and good order of the prison and the safe custody and welfare of the prisoners. It is to achieve these purposes that alcohol use must be detected and punished, and future use must be deterred.

However, the power for corrections authorities to require prisoners to undergo tests to detect alcohol use is not expressly clear in the same way that it is clear that the governor of a prison may require a prisoner to undergo a test to detect consumption or use of a drug of dependence as defined in the Drugs, Poisons and Controlled Substances Act. The power for a governor to test a prisoner for a drug of dependence is expressly provided for in section 29A of the act. It is preferable that a governor's power to require a prisoner to undergo a test for alcohol be provided for in the same way as drugs of dependence. Therefore, a new section 29A of the act will be inserted to give express recognition to testing for alcohol and to tidy the provision, which currently refers to the now repealed 'drug of addiction … as defined in the Drugs, Poisons and Controlled Substances Act'.

To avoid any arguments about the power of a governor to require prisoners to undergo tests for alcohol, the bill will insert a new section 29A(3) in the act. The provision will ensure that any direction for a prisoner to undergo a test for alcohol given prior to the commencement of the new section 29A(1) will be deemed valid.

Interstate leave of absence

For technical reasons concerning the complementarity of jurisdictions laws, it is not currently possible to grant Victorian prisoners leave for temporary attendances interstate in spite of the provisions in the Corrections Act purported for that purpose. This means that even if the corrections authorities have no concerns about granting a prisoner temporary leave, the prisoner cannot travel interstate for a family member's funeral, cannot travel interstate to visit a person who is seriously ill, cannot travel interstate for urgent medical care. In short, the person cannot travel interstate for any compassionate purpose. This bill addresses that problem.

The bill also enables the recognition of special kinship and family obligations of Aboriginal prisoners and the need to support attendance at funeral services, burials, and other occasions of special family significance in line with recommendation 171 of the Royal Commission into Aboriginal Deaths in Custody.

The bill recognises the government's commitment to enhancing community safety. It will ensure that Victorian prisoners travelling interstate on leave remain in lawful custody. In almost all cases, prisoners travelling interstate will be escorted. In appropriate circumstances, however, this requirement need not apply.

The safety of the community is further protected by this scheme as it enables prisoners from other states on leave in Victoria to be apprehended and returned to their state of origin if they fail to return or fail to comply with conditions of the permit. Victorian prisoners who escape whilst on leave interstate may be apprehended under the provisions in the interstate legislation and returned to Victoria.

The vast majority of current prisoners from other states held in Victorian prisons are from New South Wales. It

is important that the current technical problems concerning the need for substantial correspondence between Victoria and NSW's laws, which have prevented the operation of the scheme in NSW, are overcome, provided that it does not compromise the safety and security of the prisoner or the community. The amendments in this bill will overcome the technical problems whilst at the same time maintaining the safety and security of prisoners and the community.

It is also expected that the scheme will operate effectively in most other jurisdictions.

Section 85 statement

As mentioned earlier, I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons why section 9CB of the Corrections Act 1986, as amended by this bill, is to alter or vary section 85(5) of the Constitution Act 1975 in relation to the jurisdiction of the Supreme Court.

Clause 11 inserts a new section 111(3A) into the Corrections Act 1986, which states that it is the intention of section 9CB, as amended by this bill, to alter or vary section 85(5) of the Constitution Act 1975.

Clause 3 amends section 9CB(3) of the Corrections Act 1986 by adding 'or damage' after 'injury' in that section.

As I pointed out earlier, the immunity afforded to an escort officer who uses reasonable force to compel a prisoner to obey a lawful direction is different to the immunity given to a police prisoner transport provider who uses similar reasonable force in the same circumstances. Police prisoner transport providers currently only have immunity for injury caused when using reasonable force to compel a detained person to obey a lawful direction.

The proposed amendment to section 9CB(3) is intended to remedy this anomaly by ensuring that all transport powers of those undertaking escort functions will be consistent under the act. To ensure that this amendment will have the effect intended it is necessary to vary the jurisdiction of the Supreme Court to extend the existing limitation on that jurisdiction provided in respect of section 9CB.

The reasons for this limitation on the jurisdiction of the Supreme Court are as follows.

The provision of prisoner transport services under agreements with the Chief Commissioner of Police will at times require authorised persons under those agreements to use reasonable force to ensure that detained persons comply with the authorised person's lawful directions. Persons undertaking transport duties need to be confident that in acting in accordance with the section they, like escort officers, will be protected from proceedings against them when acting properly. This amendment will ensure that the protection and safety of the community remains a paramount consideration.

On balance, the criminal justice system will operate more effectively and compassionately as a result of this legislation. It is a small, but significant measure in addressing the needs of prisoners, whilst being ever-mindful of the primary consideration of community safety.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Thursday, 15 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 the interests of Victoria and the Wodonga region.

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 to represent a 15–20 year supply of land.

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.

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 deals 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 $3.69 million will be returned to Victoria. The government expects that this payment will occur on the day on which Victoria Corporation assets are transferred to the commonwealth corporation. This will follow the signing of the winding-up agreement.

While the $3.69 million will be repaid to consolidated revenue in line with longstanding financial management practices, the Bracks government's substantial investment in the Wodonga region should not be underestimated. Major investments include:

$30 million over three years for the Wodonga rail bypass;

$2.75 million for the new joint library/learning resource centre at the Wodonga TAFE;

$3.3 million and $1.46 million respectively for capital works at the Mitchell Secondary College and the Baranduda Primary School;

$12 million for the new Wodonga Court Complex;

$1.5 million for the relocation of the Murray-Darling Freshwater Research Centre to La Trobe University's Wodonga campus; and

$1.2 million to help establish the Wodonga Enterprise Business and Technology Park. This investment, through the Regional Infrastructure Development Fund, was vital in securing a $60 million investment by Visy Industries which is generating 140 new jobs in Wodonga in its initial phase. The Bracks government will continue to invest and support Wodonga's economic growth.

Conclusion

In closing, 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 Kennett 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 Dr NAPTHINE (South-West Coast).

Debate adjourned until Thursday, 15 May.

AUDIT (AMENDMENT) BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

The bill introduces amendments to the Audit Act to further enhance the independence of the Auditor-General, strengthen the accountability arrangements of his office and provide greater scope in his powers to promote sound financial management in the state.

In November 1999, during the debate on the Audit (Amendment) bill 1999, the Premier advised that the government was considering further amendments to the Audit Act that had been requested by the Auditor-General. The Premier stated that these further amendments required more consultation than could be accommodated in the time available for the preparation of that bill. On behalf of the government, the Premier assured that further legislation would be introduced after the necessary consultation had occurred.

There has now been extensive consultation between the Department of Treasury and Finance, the Auditor-General, the Department of Premier and Cabinet, the Department of Justice and other bodies, including other jurisdictions within Australia and New Zealand. As part of this consultation process the Public Accounts and Estimates Committee was also consulted fully on the Audit Act amendments. On behalf of the government I thank the chair and members of the committee during the 54th Parliament for the valuable contribution they have made to the development of the bill.

The amendments to the Audit Act introduced by the bill relate to the following issues:

Greater protection for the Auditor-General

1. Indemnity for Auditor-General and staff

Consistent with the government's steps in restoring the independence of the Auditor-General, the bill provides an indemnity for the Auditor-General and his staff, through the insertion of section 7H in the Audit Act. Although such indemnities in legislation are rare, this provision ensures that as an independent Officer of the Parliament, appropriate indemnity protection is provided to the Auditor-General through legislation rather than at the discretion of the government.

Both the current Auditor-General and his predecessor have requested a statutory indemnity to cover the Auditor-General and audit staff. In support of these requests, the Auditor-General commented that a number of other officers, such as the essential services commissioners, the Ombudsman, the Legal Ombudsman and the Chief Electrical Inspector enjoy strong statutory protection.

The indemnity that has been provided exempts the Auditor-General and his staff from any personal liability for acts or omissions in performance of official duties, provided they have been done in good faith.

2. Disclosure of information in reports yet to be tabled

As part of the amendments to the consultative process the government has provided the Auditor-General's proposed reports with greater protection. Under the proposed insertion of section 20A(2) into the Audit Act, a person receiving a proposed report or part of a proposed report must not disclose any information in that report unless acting in the course of their official duties or the information has been made public in a report by the Auditor-General to the Parliament.

The bill also introduces penalties for a person or a body corporate that breach these secrecy provisions. In disclosing information outside of the avenues available under section 20A(2) a person is liable to a maximum penalty of 50 penalty units, while a body corporate is liable to a maximum penalty of 250 penalty units.

Scope of the Auditor-General's powers

3. Scope of powers

The Auditor-General has sought clarification in the general scope of his powers, duties and functions under the Audit Act in order to ensure a common understanding of what types of activities his office may undertake. To this end the bill proposes to amend the Audit Act to provide clarification of the Auditor-General's powers and functions through the revision of the act's objectives within section 3A.

In addition, the government recognises the important role the Auditor-General plays in the identification of any wastage, lack of probity or financial prudence in the management or application of public resources. Accordingly the public interest focus of the Auditor-General's work will now be clearly articulated in the Audit Act.

4. Extension of the definition of 'authority'

The Auditor-General has raised concerns that the definition of an 'authority' in section 3 of the Audit Act

is insufficient to give him the power to audit entities controlled by the state or other authorities.

The definition of an 'authority' in section 3 of the Audit Act includes 'a corporation, all the shares of which are owned by or on behalf of the state, whether directly or indirectly'. This section does not confer power on the Auditor-General to audit partly owned corporations, no matter how close to 100 per cent the state's effective shareholding is. While section 3 allows for other persons or bodies to be prescribed as authorities, the Auditor-General has expressed the preference that a power to audit bodies that are not wholly owned be provided explicitly.

The bill amends section 3 to provide the Auditor-General with the power to audit all entities controlled by or on behalf of the state or authorities.

Where the state or an authority does not hold a controlling interest in an entity, the Auditor-General shall continue, as now, to audit the authority in whose books this minority shareholding appears as an investment and comment on the value or risk of such an investment.

This amendment will ensure that the Auditor-General has responsibility for the financial audit of all entities in which the state or an authority has control.

In addition, the Auditor-General's powers to audit are further enhanced by the proposed insertion of section 16D in the Audit Act to allow the Auditor-General to accept appointments as a Corporations Act auditor. This overcomes the circumstance where the Auditor-General cannot act as auditor for a controlled entity due to the appointment of their auditor being governed by section 328 of the Corporations Act rather than the Victorian Audit Act.

5. Auditor of the Victorian public sector (VPS) non-authority bodies

Circumstances can arise where it is desirable for the Parliament to enable the Auditor-General to undertake financial statement audits for entities not coming within the definition of an 'authority' under the Audit Act but still within the Victorian public sector. An extension of the Auditor-General's powers to audit these types of entities provides him with greater opportunity to scrutinise the use and flow of public funds.

With the proposed insertion of section 16G the bill provides the Auditor-General with the power to audit entities outside of the definition of an authority under the Audit Act but still within the Victorian public sector. The Auditor-General will only be able to undertake such audits if invited to do so by the entity and it is in the public interest and practicable for him to do so.

6. Examination of funded bodies

The Auditor-General has advised the definition of a 'public grant' in section 20 of the Audit Act has caused some interpretive difficulties for his office. For example, the question has been raised whether goods or services provided to a community or private body at subsidised or nominal cost, or free of charge, constitute a 'grant' within the meaning of the section.

The bill provides clarification of the nature of grants to funded agencies. The purpose of the amendment is to ensure that the Auditor-General has clear directions as to what resource flows to funded agencies he has the power to examine.

To achieve this the bill inserts section 16C into the Audit Act, which provides the Auditor-General with a general audit power to conduct any audit necessary to determine whether a financial benefit, paid by an authority to a person or entity that is not an authority, is being applied economically, efficiently, effectively and for the purposes for which it was given.

7. Other auditing services

The Auditor-General has sought an explicit power in the Audit Act to enable him to provide additional auditing services to authorities, when requested to do so. Situations can arise where, due to the knowledge the Auditor-General may have of an authority's activities or particular expertise in a sector, an authority may wish to engage the Auditor-General to undertake additional audit services.

Through section 16E the bill provides for a limited extension of the Auditor-General's powers to undertake additional audit services for authorities. Under this provision the Auditor-General can only provide these services where an authority has requested him to do so and the authority has gained the approval of its responsible minister to make the request.

8. Information to public officials during the course of an audit

The Auditor-General has requested he be provided with the ability to communicate information to other persons and bodies where it is considered appropriate.

A situation may arise during the course of an audit where the Auditor-General becomes aware of information that is more suitably dealt with by another

person or body. For example, if fraud is found taking place in an authority the Auditor-General may wish to pass on this information to the Chief Commissioner of Police. However, under the current provisions of the Audit Act the Auditor-General cannot pass on any information, obtained during an audit, to other persons or bodies.

A new section 16F is proposed in the bill to enable the Auditor-General to provide written information to a minister, the Chief Commissioner of Police, an authority, a member, officer or employee of an authority and a statutory office-holder — for example the Ombudsman. Where the Auditor-General passes information on under this section, he must notify the Premier.

9. Offences — increases in penalties

The bill proposes to increase penalties for breaching certain provisions of the Audit Act. Section 20A deals with the protection of information contained within proposed Auditor-General reports. A person who breaches this section or section 16F, which provides the Auditor-General with the power to disclose information obtained during an audit to selected parties, will be subject to the penalties proposed by the bill. As briefly mentioned previously, a person will be liable to a maximum penalty of 50 penalty units and a body corporate to a maximum of 250 penalty units for disclosing information outside the avenues available under section 20A.

Consequentially, the penalties contained within section 14 of the Audit Act have been increased to be in line with the penalties proposed under section 20A. Section 14 provides for a penalty where a person has failed to attend or provide the Auditor-General with information or documents requested under section 11.

Efficiency of the operations of the Auditor-General

10. Capacity to transmit reports to the Parliament out of session

The Auditor-General has requested that he be provided with the power to send his completed reports to the Parliament when it is in recess and therefore be provided with parliamentary privilege. This would obviate the need for additional work to ensure that reports are still current at the time of transmission to the Parliament and would better meet the public need for information to be available as soon as possible after an audit is completed.

Under the proposed section 16AB, the bill provides for the transmission of reports of the Auditor-General when the Parliament is in recess. Section 16AB sets out specific requirements for both the Auditor-General and the clerks of the Parliament in the operation of this provision. The Auditor-General is required to give one business day notice of his intention to transmit a report to the Parliament and once the report has been provided to the clerks, the Auditor-General is required to publish the report on his Internet web site.

As part of this process the clerks must notify members on the same day of the receipt of a notice from the Auditor-General and distribute the report to members as soon as practicable. The report must then be laid before the house on the next sitting day.

This last provision is to ensure a report transmitted to the Parliament, while in recess, is not precluded from being debated in the Parliament once the Parliament is sitting.

11. Revised threshold for the delegation of authority to undertake financial audits

The threshold for the Auditor-General to delegate the undertaking of a financial audit and signing of an audit opinion is currently set at authorities with net assets of $1 million or less. The Auditor-General requested this threshold be increased to cover authorities with $5 million or less in expenditure for that financial year.

The increase in the delegated threshold is not a move towards greater outsourcing of the Auditor-General's work. Approximately 65 per cent of the Auditor-General's current financial audit work program is contracted out to private audit service providers. The main difference between contracted-out work and that work coming within the delegated threshold is that an audit service provider is required to sign the audit opinion as the Auditor-General's agent under the delegated provisions.

The purpose of this amendment is to achieve greater efficiency and effectiveness in existing outsourcing arrangements of the Auditor-General. It provides him with the ability to gain greater flexibility in achieving value for money (and accountability) from private sector audit firms he contracts work to. Under the current threshold levels the majority of contracted audits are required to be reviewed (and often have re-work conducted) and then signed by the Auditor-General, leaving only a small number of audits being signed-off by the contractor who actually did the work. This situation does not lend itself to an efficient means of contract management for the Auditor-General.

Through the bill, the new section 7G increases the threshold limit to entities with expenditure of $5 million or less. It also includes the requirement that only those persons registered as company auditors, under the Corporations Act, may be delegated the authority to undertake financial audits as agents of the Auditor-General. Although currently the Auditor-General only delegates audits to company-registered auditors, the Audit Act did not specify this requirement.

12. More practicable time frame of tabling the Auditor-General's narrative report on the annual financial report

The Auditor-General has requested a more practicable time frame be provided in the tabling of his narrative report on the annual financial report, under section 16A. The current timing requirement is presentation to the Parliament within seven sitting days after the tabling of the annual financial report (which is set from 27 October).

The bill provides that in section 16A(4) of the Audit Act, 'seven sitting days' be deleted and the date 24 November under section 16AB(2)(b) be substituted in place thereof.

The bill also amends the current requirement in section 16A(3)(a)(ii) that states the Minister for Finance only has seven days in which to provide comment on the Auditor-General's report on the annual financial report. This requirement is amended to 10 business days. This provides for a more realistic time frame in which to comment and removes the confusion as to whether the number days referred to in the Audit Act are business days or calendar days.

Provide greater accountability for the Auditor-General

13. Publication of auditing standards

The Audit Act requires the Auditor-General to comply with those auditing standards produced by the accounting profession.

The insertion of section 7B(2)(f) by the bill requires the Auditor-General to summarise in his annual report details of any additional standards he develops above those produced by the accounting profession.

14. Professional quality control arrangements

In extending the powers of the Auditor-General, such as the ability to audit non-authority entities within the Victorian public sector and the delegation of a greater number of audits, it is important the Parliament is provided with greater accountability mechanisms over the Auditor-General's work.

As part of the development of greater accountability, the bill sets out a new requirement with the insertion of section 7B(2)(e), for the Auditor-General to summarise in his annual report the quality control processes undertaken by his office each year. This will provide an effective mechanism through which the Auditor-General can highlight to the Parliament the quality control systems he maintains and any improvements undertaken in these systems from year to year.

15. Auditor-General's annual plan

Under the current requirements of the Audit Act (section 7A(4A)) the Auditor-General is required to have regard for any comments received back from the PAEC on a review of his annual plan, but does not have to change the plan or document where he does not accept a recommendation. We do not believe the Auditor-General should have the need to change his annual plan, but where the changes from the PAEC recommendations have not been adopted, this is to be documented. This is achieved by the bill with the introduction of a new section 7A(4A) that requires the Auditor-General to indicate in his annual plan the nature of any changes suggested by the PAEC that he has not adopted.

In addition to the above, section 7D(2) has also been amended to require the PAEC consider the Auditor-General's annual plan and budget concurrently. These two changes in approach provide a much stronger accountability back to the Parliament in its review of the Auditor-General's planned activities and establish a more transparent process between the development and review of planned work.

In the tabling of the Auditor-General's annual plan, there is a current technical anomaly that will be overcome by the bill with an amendment to section 7A of the Audit Act. Currently, the Audit Act requires the annual plan to be tabled by the Auditor-General after the appropriation bill, but prior to the end of the preceding year to which it relates. The amendment seeks to overcome this by the introduction of an out-of-session provision which deems the annual plan to be tabled when it is presented by the Auditor-General to the clerks of each house when Parliament is in recess. This will enable the annual plan to be available to members of Parliament, public sector agencies and the community prior to the beginning of the financial year to which the annual plan relates. The annual plan

will still be required to be laid before each house on the next sitting day after which it is received.

16. Performance audit of the Victorian Auditor-General's Office to be undertaken by a suitably qualified person

The Audit Act provides that a performance audit shall be conducted on the Auditor-General's Office at least once every three years to determine whether the Auditor-General is achieving his objectives effectively, economically and efficiently and further in compliance with the act.

The accountability of the Auditor-General to Parliament will be further enhanced by amendments to section 19 of the Audit Act. The amendments clarify the scope of the performance audit to cover both the Auditor-General and the Auditor-General's Office and require the performance audit to be undertaken by a 'suitably qualified person', recommended by the PAEC and appointed by resolution of the Legislative Council and Legislative Assembly.

The bill through the insertion of section 19(2A) clarifies a person who meets the criteria of a 'suitably qualified person'. In order to be appointed to conduct a performance audit on the Victorian Auditor-General's Office, that person must not be engaged by the Auditor-General to assist in his functions under section 7F of the Audit Act, they must not hold a delegation from the Auditor-General under section 7G of the act and they must not be the independent auditor.

The purpose of these amendments is to ensure the utmost in independence of the person undertaking the performance audit by ensuring that there is no overlap between the operations of the Auditor-General and the suitably qualified person. That is, the person should be independent from a registered company auditor appointed to audit the financial statements of the Auditor-General's office or delegated by the Auditor-General to audit the financial statements of an authority.

Additional clarification of administrative arrangements of the Audit Act

17. Clearer distinction between audit opinions and audit reports

The Audit Act contains numerous references to requirements that the Auditor-General prepare and present a 'report'. This wording draws no distinction between a 'report' in the sense of an audit opinion and the more extensive narrative reports that the Auditor-General prepares for some audits.

Sections 9, 9A, 15 and 16 of the Audit Act have been amended through the bill to make a clear distinction between the types of reports prepared by the Auditor-General.

18. Clarification of audit fee

The current wording of the Audit Act is not clear in what services the Auditor-General can charge a fee. The bill, with the insertion of section 10, sets out the Auditor-General's power to only charge for his mandatory financial statements audit activities. No charges will apply to those audits and reports reflecting his discretionary work in informing the Parliament on accountability and resource matters. Instead, these audits and reports are funded through the Auditor-General's annual appropriation.

19. Narrative reports covering more than one financial audit

The Audit Act's current provisions provide the Auditor-General with the power to make a narrative report on a performance audit that relates to the activities of multiple authorities. However, he may not make a single narrative report that relates to issues arising from the financial audits of several authorities.

The bill, through amendment to sections 15 and 16, provides the Auditor-General with the ability to make a narrative report covering more than one audit.

20. Enhancements to the consultative process for audit reports

In the development of a report to the Parliament the Auditor-General goes through a process of consultation with entities directly related to the report and other interested parties. As part of this process the Auditor-General is required to seek formal submissions or comments from these groups and include this material in his final report to the Parliament.

Under the current reporting provisions of the Audit Act the Auditor-General is required to provide these parties with a copy of the summary findings and proposed recommendations. However, the Auditor-General has advised government that he wishes to have the option of providing a full copy of a report or a section of a report that is relevant to a particular party. In most circumstances it is appropriate to provide an entity with a full copy of a proposed report. However, situations do arise where it is more appropriate for an entity to receive only that part of a report that directly relates to them.

Under the new section 16(3)(a) the bill provides the Auditor-General with the discretion to provide a full copy of a proposed report to an entity, or only that part or parts that directly relate to the entity, for comment.

21. Business days

In the past confusion has arisen when interpreting the Audit Act as to whether days include for example public holidays or weekends, and in the event it was interpreted as such, deadlines for authorities to comment on the Auditor-General's reports had the potential to become unreasonably tight. Accordingly, the bill proposes to amend all references to 'days' in the Audit Act to 'business days'. The definition proposed to be inserted into section 3 defines a 'business day' as a day other than a Saturday, Sunday or public holiday.

I commend the bill to the house.

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

Debate adjourned until Thursday, 15 May.

ENERGY LEGISLATION (CONSUMER PROTECTION AND OTHER AMENDMENTS) BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

The bill before the house, the Energy Legislation (Consumer Protection and Other Amendments) Bill 2003, fulfils the government's commitment in the 'Energy for Victoria' statement to extend the duration of the energy consumer safety net until the end of 2004. The government introduced full retail competition for electricity customers in January 2002, and full retail competition for gas customers in October 2002. Competition is emerging in both markets.

When the government introduced the consumer safety net for electricity consumers, it announced that the independent regulator would be given a reference to review the way in which competition is impacting on Victorian domestic and small business customers and to advise the government on whether there is a need to extend electricity retail price regulation beyond 2003. The Essential Services Commission reported to the government in September 2002, concluding that whilst competition is successfully evolving in the retail electricity market, it is not yet fully effective.

Competition is also emerging in the gas market. However, it is premature to rely on competition to deliver fundamental consumer protections such as minimum standards, fundamental terms and conditions, and ensuring that all consumers can access energy services at affordable prices. The government is concerned to ensure that the competitive market functions in a manner that protects domestic and small business customers, and especially low income consumers. In view of the findings of the Essential Services Commission on the effectiveness of emerging retail competition in the electricity market, the government will extend the consumer safety net for electricity and gas domestic and small business consumers until 31 December 2004.

A key feature of the electricity and gas consumer safety nets is the government's reserve power of retail price regulation. The government favours competition rather than government intervention as a means of setting prices, with a safety net for those consumers that require it. Effective competition is the best form of consumer protection and the government is taking steps to ensure that competition is enhanced. The manner in which the government has exercised the reserve pricing power has ensured that consumers are protected while competition is facilitated.

Once the electricity and gas retail markets have had more time to develop, and consumers have had further opportunity to respond to retail competition, the government will commission a review of the energy consumer safety net. The Essential Services Commission will play a central role in that review, which will occur prior to the expiry of the proposed consumer safety net provisions and will focus in particular on whether low income and rural users are obtaining a fair share of the benefits of competition. The review will also examine if there is a need for an ongoing consumer safety net, whether in the existing form or some other form.

I turn now to the specific provisions in the bill. Part 2 of the bill provides for the extension of the consumer safety net provisions in the Gas Industry Act 2001 until 31 December 2004. Part 3 of the bill provides for the extension of the consumer safety net provisions in the Electricity Industry Act 2000 until 31 December 2004. The special reference provisions in part 6 of the Essential Services Commission Act 2001 are an integral part of the consumer protection framework, and part 4 of the bill extends these provisions until 31 December 2004.

In addition, parts 2 and 3 of the bill contain amendments to clarify that certain of Vencorp's

functions and powers under the Gas Industry Act 2001 apply equally in the context of the electricity industry. The amendments also ensure that Vencorp is subject to ministerial direction under the Electricity Industry Act 2000. These amendments are consistent with Vencorp's role in both the electricity and gas industries.

Clause 13 of the bill includes an amendment to the Electricity Industry Act 2000 to enable the Essential Services Commission to impose a condition on a transmission company's licence under which the transmission company will be required to grant certain access rights to its land to the winner of a competitive tender run by Vencorp for a transmission upgrade and to codify the circumstances under which that access is to be granted. Under the proposed amendment the winner of a competitive tender will be able to gain access to the transmission company's land for the purpose of constructing, operating and maintaining an augmentation to the transmission system.

Clause 15 of the bill proposes to insert new sections 26A and 26B into the act. Under proposed section 26A the Essential Services Commission will be able to set out a transmission company's obligations in relation to the granting of access to its land in guidelines. These guidelines will be issued as a binding regulatory determination and enforced through a licence condition on the owner of the majority of the Victorian electricity transmission system, SPI Powernet. Proposed section 26B will enable the Essential Services Commission to also direct a transmission company on which a land access licence condition is imposed to lease land, in accordance with the guidelines issued under proposed section 26A, to the winner of a competitive tender for a transmission upgrade if the transmission company fails to enter into a lease of the land within the required period after receiving a written request from that person.

The issue of guidelines and directions by the Essential Services Commission under the proposed sections will be determinations for the purposes of the Essential Services Commission Act 2001 and will be subject to the procedural and appeal provisions in that act. This will enable a transmission company to have a right of appeal in respect of the guidelines and directions, in accordance with section 55 of the Essential Services Commission Act 2001.

These amendments will reinforce the separation of the planning and ownership of the Victorian electricity transmission system that has been in place since industry reform and is overseen by the Essential Services Commission through its administration of transmission licences. It was always the intention that Vencorp would conduct competitive tenders for augmentations to the shared transmission network, that distribution businesses would run tenders for the augmentation of connections to the electricity transmission system and that SPI Powernet would make the necessary land available to successful tenderers. The amendments will ensure that the need for access to SPI Powernet's land under this longstanding policy is given legal effect. It will also ensure that the successful tenderer for augmentations to the shared transmission network is able to build, own and operate the augmentation.

It is important to note that SPI Powernet and its predecessors have already cooperated with this policy. Several Vencorp tenders have already resulted in third parties being given access to SPI Powernet land. However, SPI Powernet has indicated its reluctance to continue with this arrangement in the absence of a clear obligation to do so.

SPI Powernet has been fully remunerated for the use of its land for this intended purpose by the Australian Competition and Consumer Commission, which took into account all of SPI Powernet's assets including its holdings of unused land in determining SPI Powernet's revenue cap for the revenue it may earn by way of transmission charges. Compensation issues therefore do not arise.

The bill also contains several technical amendments to the energy legislation. For example, clause 22 puts it beyond doubt that the power to acquire easements in section 86 of the Electricity Industry Act 2000 may be used for the undergrounding of power lines.

Clauses 24 clarifies the operation and effect of sections 76, 77A and 78 of the National Electricity Law, as incorporated into the law of Victoria by the National Electricity (Victoria) Act 1997, in accordance with the requirements of section 85 of the Constitution Act 1975.

Finally, part 7 of the bill amends the Co-operative Schemes (Administrative Actions) Act 2001.

Recent High Court decisions, in particular the decision in *The Queen v. Hughes*, have cast some doubt on the framework that supports the Australian Competition and Consumer Commission's role in regulating the Victorian gas industry. Part 7 of the bill will include the Victorian gas legislation under which the Australian Competition and Consumer Commission carries out these regulatory functions within the scope of the Co-operative Schemes (Administrative Actions) Act

2001, addressing the issues arising from the Hughes case and related decisions.

By specifying the Victorian gas legislation in the Co-operative Schemes (Administrative Actions) Act 2001, previous administrative actions undertaken by commonwealth authorities and officers under Victorian gas legislation are validated.

Proposed clause 30 of the bill amends section 13 of the Co-operative Schemes (Administrative Actions) Act 2001 to ensure that these amendments do not give rise to any liability against the state.

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

I wish to make the following statements under section 85(5) of the Constitution Act 1975 of the reason for altering or varying that section by the bill.

Clause 25 of the bill inserts a new section 8B(2) into the National Electricity (Victoria) Act 1997. Section 8B(2) states that it is the intention of new sections 8AB, 8AC and 8AD of the National Electricity (Victoria) Act 1997 to alter or vary section 85 of the Constitution Act 1975. Sections 8AB, 8AC and 8AD give effective operation in Victoria to sections 76, 77A and 78 of the National Electricity Law. These provisions limit the liability of certain persons, including national electricity code participants, NEMMCO and network service providers. The reason for limiting the jurisdiction of the Supreme Court is that the National Electricity Law provisions safeguard the public interest in ensuring that those involved in the safety and security of the electricity system, the performance or exercise of functions and powers under the National Electricity Law, and the supply of electricity generally are able to take necessary action with confidence that immunity against indeterminate civil monetary liability applies.

It is a requirement of the national electricity market legislation agreement between national electricity market jurisdictions that they will maintain uniformity in the application of the National Electricity Law across jurisdictions. Sections 8AB, 8AC and 8AD and 8B(2) will ensure this uniformity.

Proposed clause 31 inserts a new section 14(2) into the Co-operative Schemes (Administrative Actions) Act 2001. New section 14(2) states that it is the intention of section 13 of that act as amended by the bill to alter or vary section 85 of the Constitution Act 1975. Section 13, as so amended, is necessary to limit the jurisdiction of the Supreme Court in respect of any proceedings that might otherwise be brought against the state of Victoria in respect of an administrative action validated by the amendments made by part 7 of this bill. The reason for this is to protect the state from potential liabilities arising out of past administrative actions undertaken by commonwealth authorities or officers, including the Australian Competition and Consumer Commission, under state gas legislation. The government considers that part 7 of the bill is vital to ensure the validity of regulatory functions performed by the Australian Competition and Consumer Commission under Victorian gas industry legislation. These amendments will be complemented by amendments to the Trade Practices Act 1974 (Commonwealth) that are currently before federal Parliament.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 15 May.

BUSINESS OF THE HOUSE

Division list

The ACTING SPEAKER (Mr Ingram) — Order! I have to inform the house that in the division which took place in the house today on the Water Legislation (Essential Services Commission and Other Amendments) Bill the member for Yan Yean was present as a teller but not recorded by the tellers for the ayes. The total of the ayes is therefore 58 instead of 57. The Clerk will make the necessary correction in the division list.

VICTIMS OF CRIME ASSISTANCE (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

As part of the government's commitment to strengthening support services to victims of crime, the Department of Justice has undertaken a review of services to victims of crime to:

examine how those services are currently being delivered; and

determine the best way of delivering services to victims in the future.

The *Review of Services to Victims of Crime Report* was released in February 2002. It found that although there are a wide range of services available to victims of crime, service delivery is fragmented and requires greater coordination.

The report made a number of key recommendations about how services to victims of crime can be improved and better coordinated. A victims services task force has been established to implement these non-legislative recommendations.

The report also made recommendations about the potential to improve and streamline the current processes at VOCAT in order to make it more accessible and responsive to victims of crime. Implementing these recommendations will help redress the current imbalance in the provision of counselling services and access to practical assistance following a crime. This imbalance has occurred as a result of the ease with which victims have been able to obtain counselling through the VRAS-administered victims counselling scheme and the delays that victims seeking counselling have experienced at VOCAT.

The Victims of Crime Assistance (Miscellaneous Amendments) Bill will amend the current legislation by:

removing the current legislative restrictions on making interim awards and enabling some to be made by registrars of VOCAT;

correcting an unintended anomaly in the legislation by widening the circumstances in which childhood victims of sexual assault may be awarded special financial assistance;

enabling VOCAT to determine a matter without a hearing if it relates to making an interim award or if the applicant's consent has been obtained; and

empowering the Chief Magistrate to make guidelines in relation to non-procedural matters.

Interim awards — providing early assistance to support victims

Currently, in order to be satisfied that an applicant is entitled to a final award, applicants are required to provide the tribunal with a series of documents, including police and medical reports and any other relevant supporting material. It is also preferable that any injury sustained by an applicant has stabilised prior to the tribunal making a final award. In some cases, it may take many months before a final award can be made. For this reason, the tribunal has the power to make interim awards.

When making interim awards under the current legislation, magistrates must be satisfied that the applicant will be, or is likely to be, entitled to receive a final award under the act. To date, a number of magistrates have been reluctant to make interim awards on the basis that if a final award is not made, the act states that the amount of the interim award becomes a debt due to the state.

This bill will make it easier for magistrates to make interim awards by removing these requirements in the act and providing magistrates with a discretion. An interim award will only become a debt due to the state if the tribunal considers it appropriate to make such an order.

This bill will also give registrars of the tribunal the power to make interim awards up to a prescribed limit. This limit will be detailed in regulations. This will enable the tribunal to deal with interim applications more quickly, especially where applicants are seeking urgent counselling or relocation. Registrars who undertake these functions will receive appropriate training.

Childhood victims of sexual assault

When this government restored compensation for pain and suffering for victims, it recognised the special position of childhood victims of sexual assaults.

The rationale for providing assistance to child victims was explained at the time the original amendments were introduced. It was intended that special financial assistance be made available to victims of childhood sexual assault as they are among the most vulnerable victims in society. Because of the nature of child sexual abuse, cases are often not reported for years. Offenders are often known to the victim and are often in positions of power and trust. Children are generally weaker than their assailants and are often dependent on them. Providing special financial assistance to these victims acknowledges and recognises the courage shown by them in reporting the crime to police and the suffering they have experienced.

The original amendments provided that victims of childhood sexual assault would be eligible for special financial assistance in the following situations:

where the abuse occurred between 1 July 1997 (the date when compensation for pain and suffering was abolished by the Kennett government) and 1 July

2000 (the date the government re-introduced compensation for pain and suffering); and

where a sexual offence was committed against a child at any time prior to 1 July 1997 if a person has been (on or after 1 July 1997) committed or directly presented for trial on a charge for a relevant sexual offence.

This criteria has unintentionally excluded certain childhood victims who were intended to come within the scheme, but who fell outside of it because the perpetrator of the offence was dealt with summarily, rather than by trial, or died prior to summary determination.

The bill corrects the unintended anomaly in the legislation by extending the situations in which victims may apply for special financial assistance to include those where a person has, on or after 1 July 1997, been charged with a relevant offence and:

those charges are heard and determined in the Magistrates' or Children's Court; or

the person dies without the charges having been determined.

The amendments will ensure that victims who fit within these categories will be able to apply for special financial assistance.

Determining applications without a hearing

This bill provides that the tribunal can determine or make a decision in relation to an interim application without conducting a hearing, unless the tribunal considers that a hearing is necessary or desirable.

This amendment recognises that the number of interim applications received by the tribunal has markedly increased. Giving the tribunal the power to determine interim applications without a hearing will increase the efficiency of the tribunal and enable it to be more responsive to victims who present with urgent needs, for example, those victims who require urgent counselling or relocation.

The tribunal does not have the power to decide on a final application without conducting a hearing, unless the applicant has consented in writing to the tribunal doing so.

If an applicant is not satisfied with the tribunal's decision in relation to an interim award, the matter will be revisited when the application is finally determined. Every applicant has a right to apply to VCAT for a review of any final decision made by the tribunal.

Guidelines

This bill will give the Chief Magistrate the power to issue guidelines for the tribunal in relation to the matters that may be taken into account in determining whether expenses of a specified kind are reasonable.

Guidelines which set out what is reasonable will help to promote consistent practice within the tribunal and assist in managing the expectations of victims. They may also be used as a means of disseminating information to applicants and potential applicants.

It is not intended that guidelines made under this clause will fetter the discretion of magistrates who constitute the tribunal.

Evidence of deemed injury

The bill amends the current legislation to provide that the tribunal may rely on psychological evidence as well as medical evidence in determining whether a person is deemed to be suffering from an injury as the result of trauma associated with an act of violence. This amendment recognises that evidence from a psychologist is often the best evidence in determining whether a victim has suffered psychological injury.

Conclusion

This bill is a further example of this government's commitment to improving services for victims of crime. It will ensure that the system in place is responsive to the particular needs of victims and assists them in recovering from the impact of violent crime.

I commend the bill to the house.

Debate adjourned on motion of Dr NAPTHINE (South-West Coast).

Debate adjourned until Thursday, 15 May.

COURTS LEGISLATION (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill makes a number of amendments to 'court' legislation to improve the operation of Victoria's courts

and to facilitate the appointment of high-quality candidates to the Victorian bench.

Part 2 of the bill amends the Constitution Act 1975 and the County Court Act 1958 so that a person who has served as a judge in a commonwealth or interstate court can have that service taken into account for the purpose of accruing an entitlement to a judicial pension in Victoria.

Part 3 of the bill makes three amendments to the Magistrates' Court Act 1989. The purpose of these amendments is to:

facilitate the appointment of deputy chief magistrates on limited tenure;

allow the court to make diversion orders for minor traffic offences; and

clarify the operation of part 4 of schedule 7 of the act as it applies to persons without a mental disability or impairment.

Part 2 — Judicial pensions

Part 2 of the bill seeks to remove unnecessary barriers for appointment to judicial office and to further the government's commitment to ensuring that there is a wide pool of candidates, representing the best and brightest legal minds in the country from which to make judicial appointments.

Currently there is a serious disincentive for judges of commonwealth and interstate courts to accept an appointment to the Victorian bench. This is because the legislation that governs these appointments does not enable judicial service in another Australian jurisdiction to be taken into account for the purpose of accruing a pension entitlement. Such an entitlement arises in Victoria after 10 years of judicial service and upon attaining the age of 65 years (or 60 years if appointed prior to 18 May 1995), or after 20 years judicial service.

At the present time any interstate or commonwealth judges who then agreed to join the Victorian Supreme or County Court benches would have to 'start again' in terms of their eligibility for a judicial pension. This would be unfair since by accepting a judicial appointment in Victoria they would have usually forfeited the pension entitlement they had been accruing in the other jurisdiction.

This bill seeks to bring Victoria into line with a number of other jurisdictions, including the commonwealth and New South Wales. Those jurisdictions recognise prior judicial service in another jurisdiction and so are in a position to recruit Victorian judges for positions interstate.

Part 2 of the bill is also fiscally responsible, in that it prevents any possible double dipping in relation to judicial pensions. It provides that if a judge is entitled to a Victorian pension upon retirement and is also eligible for a pension from another jurisdiction, the Victorian pension is then reduced by the full amount of the other pension.

Part 2 is deemed to commence upon 1 May 2003. This is to ensure that Part 2 is fully effective and that the ability to attract high-quality candidates to judicial service in Victoria is not compromised by any delay in the passage of the bill.

Part 3 — Amendments to the Magistrates' Court Act 1989

Deputy chief magistrates

Part 3 of the bill makes three amendments to the Magistrates' Court Act 1989. The first of these concerns deputy chief magistrates. Under section 7(2) of the act the Governor in Council may appoint two or more magistrates to be deputy chief magistrates. Currently the subsection does not permit the Governor in Council to appoint deputy chief magistrates for fixed terms. This means that a deputy chief magistrate holds that office while he or she holds the office of magistrate.

Both the government and the Chief Magistrate agree that the operation of the court will be enhanced if deputy chief magistrate appointments are not made for life. Deputy chief magistrates are vital to the effective and efficient running of the Magistrates' Court. They provide assistance to the Chief Magistrate as requested and exercise delegated powers in the Chief Magistrate's name. Fixed terms for deputy chief magistrates will provide the court with flexibility both in meeting its operational needs and by providing a broader range of magistrates with the opportunity to participate in the management of the court. The three current deputy chief magistrates will not be affected by the amendment.

Criminal justice diversion

Part 3 of the bill also clarifies the application of the diversion program to people charged with minor traffic offences. This government is committed to the concept of therapeutic justice and to diverting offenders away from the criminal justice system on conditions that benefit the offender, the justice system and the community as a whole. In appropriate cases the

presiding magistrate may adjourn the charges and place the offender on a 12-month diversion plan. The conditions of a diversion plan are flexible and may include apologising to a victim, compensating a victim, receiving counselling or performing community work. If the offender satisfactorily complies with the conditions of a diversion plan, the court will discharge the offender without conviction.

Diversion orders are made under section 128A of the Magistrates' Court Act 1989. A number of magistrates have formed the view that section 128A excludes any offences which attract demerit points under the Road Safety Act 1986, and the bill clarifies that section 128A should enable people who have committed minor traffic offences to participate in the diversion program. I would like to stress that this provision relates to minor traffic offences only. More serious traffic offences, such as dangerous driving, cannot be considered for the diversion program and so will not be affected by this legislation. Additionally, the bill specifically excludes offences under section 49(1) of the Road Safety Act 1986, which means that people charged with driving offences involving alcohol or other drugs will be ineligible to participate in the diversion program.

The bill amends section 128A(1) to provide that offenders charged with traffic offences which automatically carry demerit points on proof could be the subject of a diversion order. Offenders subject to such an order would still suffer the loss of demerit points in the normal way.

PERIN matters — power of the court

The PERIN (penalty enforcement by registration of infringement notice) Magistrates' Court is the venue of the Magistrates' Court that deals with the processing and enforcement of infringement notices and penalties. Schedule 7 of the Magistrates' Court Act 1989 outlines the procedure for the enforcement of infringement penalties. In 2000 the Bracks government inserted part 4 into schedule 7 of the Magistrates' Court Act 1989 to ensure that a person who fails to pay an infringement notice and who is arrested and taken into custody is brought before the court for a hearing before a sentence of imprisonment can be imposed. At present, clause 24 of part 4 allows a magistrate to make one of the following dispositions in relation to a fine defaulter:

order that the person be imprisoned for one day for each $100 or part of $100 the person has outstanding;

order that the person be imprisoned for up to two-thirds less than the time determined above; or

make a community-based order.

As I stated in 2000, some people unfortunately incur infringement notices as a result of suffering from a mental disorder or impairment that prevents them from fully understanding or being responsible for their conduct. To address this, part 4 of schedule 7 specifically enables the court to dismiss a matter in whole or in part where it is satisfied that the default has occurred as a result of a mental disorder or intellectual impairment and the defendant has no means to pay or a reasonable excuse not to pay. This provision was designed to take the special needs of more vulnerable members of the community into account as part of the infringement notice enforcement system.

Since the enactment of part 4 some doubt has arisen over the jurisdiction of the court with respect to the availability of sentencing options for persons without a mental disorder. A number of magistrates have interpreted the provision to mean that the court has no jurisdiction to make a community-based order or sentencing order for infringement notice defaulters who do not have a mental disability. Clearly this is an anomalous situation. The proposed bill addresses this anomaly by amending part 4 of schedule 7 to remove any doubt about the court's jurisdiction to make a community-based order or impose a term of imprisonment for persons without a mental disability or impairment.

I wish to make the following statement under section 85 of the Constitution Act 1975 of the reason for altering or varying that section by clause 29 of schedule 7, as affected by clause 28(4) of that schedule. The bill, in amending clause 28, necessarily attracts the operation of clause 29. Clause 29 of schedule 7 provides that no proceedings may be brought (including proceedings in the Supreme Court) in respect of any matters that are deemed to be valid or lawful due to the operation of clause 28. The bill inserts clause 28(4) to validate past actions of magistrates who have placed PERIN defaulters on community-based orders or sentenced them to terms of imprisonment, where those infringement notice defaulters were not suffering from a mental disorder or impairment. This amendment is necessary to protect the state and state officials from potential liability arising out of their actions, avoid the prospect of lengthy appeals against the validity of such orders and ensure that the intention of the legislature in enacting part 4 of schedule 7 of the Magistrates' Court Act 1989 is given full effect.

Conclusion

The bill will improve the administration of justice in the Magistrates' Court and ensure that the best and brightest candidates across Australia are encouraged to apply for appointment to the Victorian County and Supreme Court benches.

I commend this bill to the house.

Debate adjourned on motion of Dr NAPTHINE (South-West Coast).

Debate adjourned until Thursday, 15 May.

CONFISCATION (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Victoria's asset confiscation regime should operate to ensure that those who engage in criminal activity do not profit from that activity. The Confiscation Act 1997 replaced the Crimes (Confiscation of Profits) Act 1986 and introduced a new and expanded asset confiscation regime. It is more than four years since the Confiscation Act commenced operation in July 1998. Despite the breadth and nature of the changes introduced by that act, it has already become apparent that:

some offenders are conducting their criminal activities in such a way as to deliberately avoid confiscation proceedings, and are thereby retaining their criminal profits;

some offenders deliberately hide their criminal profits and police have difficulty in tracking down these profits; and

improvements can be made to the manner in which restrained and confiscated property is managed.

The Confiscation (Amendment) Bill addresses these issues and reflects the government's commitment to strengthen and toughen the Confiscation Act in order to provide a more effective asset confiscation regime for Victoria.

Key features of the bill

I now turn to some of the key aspects of the bill.

The proposed bill will make significant amendments in the following key areas of asset confiscation:

automatic forfeiture;

tainted property substitution declarations;

investigation and information gathering for confiscation proceedings; and

management of seized, restrained and forfeited property.

Changes to automatic forfeiture

If a person is convicted of an offence, they may be subject to forfeiture or automatic forfeiture proceedings under the Confiscation Act.

Forfeiture is available where a person is convicted of any indictable offence or certain summary offences. If the prosecution proves on the balance of probabilities that property is 'tainted' (either used in or derived from the offence), the court can order that the property be forfeited to the state. This forfeiture process ensures that the offender is stripped of any profit made from committing the offence.

However, sometimes the offence of which the person is convicted is just the tip of the iceberg in terms of their criminal activities. For this type of offender, losing the profits from one criminal offence may have little impact because the offender has considerable assets from other criminal activities. The process of automatic forfeiture is effective in dealing with this type of offender.

Where automatic forfeiture applies, all property belonging to the defendant may be subject to automatic forfeiture. This includes any property in which the defendant has an interest, or over which the defendant has effective control, and gifts made by the defendant at any time to any person.

The Director of Public Prosecutions can initiate automatic forfeiture by applying to the court for an order to restrain property within 48 hours of the expected laying of criminal charges. If the defendant is convicted, the restrained property is automatically forfeited to the state 60 days after conviction. Property can be excluded from the restraining order if the defendant can prove on the balance of probabilities that it was lawfully acquired and not derived from unlawful activity (for example, a house inherited by the defendant).

This procedure can be very effective in removing the criminal profits from an offender who is involved in many criminal activities. Currently, automatic forfeiture is available in relation to:

drug trafficking and other offences involving a commercial quantity of drugs (for example, 500 grams of dilute heroin); and

a limited number of dishonesty offences (for example, obtaining property by deception) where the value of the property involved was $100 000 or more.

These thresholds are relatively high compared to other jurisdictions. It is therefore proposed that they be reduced as follows:

drug trafficking involving an 'automatic forfeiture quantity' of drugs (e.g. 30 grams of dilute heroin); and

a wide range of dishonesty offences where the value of the property involved was $50 000 or more where one offence is charged, and $75 000 or more where more than one offence is charged.

At the joint parliamentary sitting held on 21 March 2001, Parliament was informed about, and debated, the effects of drugs in our society and additional strategies which could be developed to effectively address the wide-ranging pervasive effects of drugs. The importance of a comprehensive drug strategy was discussed. Whilst there is a clear need for effective prevention, education and treatment strategies and services, it is also essential to stem the supply of drugs.

In 2001, this government introduced new offences for drug trafficking in a large commercial quantity of drugs. That offence carries a maximum penalty of life imprisonment. Whilst maximum penalties are an important component in deterring people from committing crimes, ensuring that offenders will not profit from their crimes is also essential.

Some high-level drug traffickers never personally traffick in a 'commercial quantity'. Instead, they arrange for others to do this for them, making it difficult to convict them of an offence which accurately reflects their criminal activities. However, sometimes they will traffick in smaller amounts personally. In addition, there are drug traffickers who make significant profits by trafficking in amounts that are less than a commercial quantity.

Such offenders are already subject to forfeiture proceedings. However, by lowering the threshold for the application of automatic forfeiture from 500 grams of heroin to 30 grams of heroin, these offenders will now be subject to automatic forfeiture. Victoria Police indicate that trafficking in 30 grams of heroin equates to approximately 300 street level deals of heroin. Anyone convicted of trafficking in such quantities may now be required to prove that their property was lawfully acquired and was not used for any unlawful purposes. Stripping such offenders of the profits from all of their criminal activity, and not just from the offence of which they have been convicted, will act as a powerful deterrent.

The automatic forfeiture threshold has been set at 30 grams in the case of heroin, rather than 3 grams for instance, because the new provisions are intended to apply only to those people who are involved in the drug trade for profit reasons. There are unfortunately many people who are addicted to drugs, and who traffick in drugs simply to support their own addiction. Such people should not be subject to automatic forfeiture. Rather, for them the focus must be upon rehabilitation. Such offenders may be eligible for a drug treatment order from the drug court, which was recently established by this government.

It is essential that the government's comprehensive drug strategy have punitive, deterrent and rehabilitative components which are targeted at the appropriate types of drug traffickers. Only through a strategy of this nature will effective inroads be made into addressing the scourge of drugs in our community.

The automatic forfeiture processes have also been significantly expanded in the areas of white-collar crime. Under the system introduced by the previous government, automatic forfeiture only applied to a few white-collar offences and did not even cover common dishonesty offences like theft.

This government believes that it is important to tackle the whole range of criminals who cause harm in our society in a consistently tough but fair manner. We all know of instances of offenders who prey on people by telling them about a 'great new investment opportunity' only to steal all of their life savings. This causes great distress and economic loss for the victims of these crimes. The bill demonstrates that this government does not treat white-collar criminals any differently from other criminals, and demonstrates this government's respect for the victims of all crimes.

Tainted property substitution declarations

Some offenders are now aware of the provisions of the Confiscation Act as it relates to tainted property. Property that is used in the commission of a crime is tainted property. Tainted property is usually forfeited to the state. For instance, if a bank robber's own car is used in the commission of the bank robbery it will be forfeited to the state. However, where the tainted

property is owned by an innocent third person, the property will not be forfeited. Accordingly, if a bank robber steals another person's car and uses that car in the bank robbery, that car will not be forfeited to the state, even though it was used in the commission of the robbery. Instead, the car will be returned to its rightful owner.

It is now increasingly common for offenders to use rental premises to cultivate large hydroponic cannabis crops, rather than using their own premises, which may become subject to forfeiture. In addition, Victoria Police indicate that drug traffickers are more frequently using rental cars to conduct unlawful activities while using their own cars for personal use.

The bill addresses this by creating a new process known as tainted property substitution. Where a court is satisfied that tainted property is not available for forfeiture, the court may order that any property of the same nature or description, in which the offender has an interest, may be substituted for the actual tainted property. The property that is declared to be substituted for the tainted property is then treated as if it were the tainted property.

The prosecution may then apply for the forfeiture of that property. To ensure that the defendant does not dissipate assets prior to such a declaration being made, a restraining order may be obtained in respect of the property. A restraining order may be made because the property sought to be restrained is property in which the defendant has an interest, for which application will be made for forfeiture (following a substitution declaration by a court). These new provisions will prevent the exploitation of current provisions, which are designed to protect the legitimate interests of third parties.

Investigation and information gathering

Expanding the definition of 'financial institution'

The Confiscation Act currently provides that monitoring orders may be obtained in relation to a financial institution. This enables information to be gathered by police about the transactions that a person is conducting through a particular account. A financial institution is currently defined so that it primarily applies to banks, building societies and credit unions. It is also possible that a person may, for instance, seek to deposit their criminal profits in an account held with the TAB or a casino. By broadening the definition of financial institution to cover these situations, police will be able to apply for monitoring orders in relation to these accounts.

Information notices

Many offenders disperse their criminal profits in different accounts in different financial institutions. The bill will allow police to issue 'information notices' to financial institutions. An information notice will require a financial institution to provide information about whether an individual who is the subject of a confiscation investigation holds an account with that institution, and if so, the balance of that account.

Once this information is obtained, police can determine whether further action should be taken in relation to the individual concerned. This will provide a powerful investigative tool that will enable confiscation investigations and forfeiture proceedings to be conducted more quickly. A similar power will also be provided to the Asset Confiscation Office in the Department of Justice (as a prescribed person) to enable it to perform its role of enforcing pecuniary penalty orders made under the Confiscation Act.

Section 85 statement

I wish to make a statement under section 85(5) of the Constitution Act 1975 as to the reasons why section 118L, as inserted by clause 29 of the bill, alters or varies section 85 of that act by limiting the jurisdiction of the Supreme Court.

Clause 35 inserts a new subsection (2) in section 145 of the Confiscation Act, which states that it is the intention of section 118L to alter or vary section 85 of the Constitution Act 1975.

Section 118L provides that no civil proceeding lies against a financial institution or an officer, employee or agent of the institution acting in the course of that person's duties, in relation to any action taken or information given by the institution or person in compliance with an information notice. It is the intention of section 118L to limit the jurisdiction of the Supreme Court, so that civil actions cannot be brought against financial institutions that comply with information notices issued by Victoria Police or the Asset Confiscation Office in the Department of Justice (as a prescribed person).

The reason for the limitation of the Supreme Court's jurisdiction is that, without such an immunity, by assisting the state in investigating and enforcing matters under the Confiscation Act, financial institutions and their officers could be exposed to significant civil liability for breach of obligations to account holders, such as the obligation to maintain confidentiality.

Freezing orders

It is now possible to quickly transfer large sums of money overseas and out of reach of law enforcement agencies, without even going into a bank. Under the Confiscation Act, a restraining order is usually used to prevent the suspected proceeds of crime from being dissipated. However, to enable police to act as quickly as possible prior to a suspect learning about a police investigation, the bill gives police the power to apply for a court order to freeze the funds in an account before a restraining order is obtained. The court may attach any conditions it considers appropriate when making the freezing order.

Because of the serious consequences of freezing the funds in a person's account, it is essential that a court make this decision. However, because of the need to act quickly, considerable flexibility has been introduced to enable the court to be informed and its order to take effect as quickly as possible.

An application for a freezing order may be made over the telephone, by fax or by any other method acceptable to the court. A freezing order takes effect immediately upon it being given to a financial institution. Because of the potential impact of a freezing order, it will only last for a period of 72 hours. While a further freezing order on the same account cannot be made, the period of 72 hours may be extended in limited circumstances. Where an application is being made for a restraining order in respect of the money in the account, the freezing order may be extended until the application for the restraining order is determined.

It will be an offence punishable by a fine of up to $120 000 for a financial institution to allow any funds to be withdrawn from a frozen account contrary to the conditions of the freezing order. However, this will not prevent the financial institution from making withdrawals from the account for the purposes of meeting the institution's statutory liabilities.

Declarations

Confiscation proceedings concern property in which a defendant has an interest. However, often other people (such as the defendant's spouse or a bank) will also have an interest in that same property. Currently, police are not always aware of interests in property other than those of the defendant. As a result, if the defendant does not tell the third party that confiscation proceedings which affect that person's property are on foot, and the police do not know about the third party's interests, the proceedings may be conducted without key information.

This can result in third parties only becoming aware of court orders affecting their property when the state takes action to seize or sell the property. Sometimes a third party will not become aware of confiscation proceedings until the property is forfeited to the state and sold. Whilst the act enables the third party to be compensated in such circumstances, a preferable approach is for the court and the state to be fully informed about these interests prior to any court orders being made.

The bill will require a person served with a restraining order to provide police with the details of every other person that he or she knows has an interest in the restrained property. Police will then be required to give each identified person notice of the restraining order. This will ensure that innocent third parties with an interest in restrained property are made aware of confiscation processes at an early stage. It will better protect third party interests and allow proceedings to be conducted simultaneously, where appropriate.

Information sharing

There are three agencies in Victoria with primary responsibility for administering the asset confiscation regime — Victoria Police, the Asset Confiscation Office in the Department of Justice (the ACO) and the Director of Public Prosecutions (the DPP). In broad terms, responsibilities are divided between the three agencies along the following lines:

Victoria Police conducts investigations, gathers information and seizes property;

the ACO manages assets and enforces confiscation orders; and

the prosecution (either Victoria Police or the DPP) conducts confiscation proceedings in court (for example, for restraining orders and forfeiture of property).

These three agencies have played these key roles since the new confiscation regime was introduced in July 1998. To ensure that the confiscation regime works as effectively as possible, the bill will allow law enforcement agencies such as Victoria Police and the DPP to provide information to another law enforcement agency such as the ACO and its staff for the purposes of confiscation proceedings.

This will assist the ACO with its function of managing assets and enforcing confiscation orders. For example, information gathered by Victoria Police during an investigation for the purposes of an application for a restraining order may be necessary for the ACO's

management of restrained property and the enforcement of forfeiture orders.

Property management

Before it is forfeited to the state, property is often held under the Confiscation Act by virtue of it having been seized under warrant or restrained under a restraining order. Forfeiture proceedings commence after conviction and automatic forfeiture does not occur until after conviction. It is not uncommon for large drug trafficking cases to take two years to be determined.

Until a determination is made, seized and restrained property needs to be managed so that it does not lose its value — either for the owner of the property if the property is ultimately not forfeited, or for the state if the property is forfeited. This can be particularly important in cases where forfeited property is sought to be used to help compensate victims of crime.

The ACO was established to manage seized and restrained assets under the Confiscation Act and to enforce confiscation orders. However, the ACO does not have adequate powers to fulfil these functions. The bill will address this by:

creating a mechanism for the transfer to the ACO of responsibilities in relation to property from law enforcement agencies who are responsible for seized and restrained property;

giving the ACO powers to manage seized and restrained property, for example, to enter premises under warrant to inspect property and arrange for its valuation;

enabling the court to order that work be carried out on restrained property to assist in maintaining the property; and

enabling the Secretary to the Department of Justice to ask a person to produce documents in relation to seized or restrained property to allow appropriate steps to be taken to manage the property (for example, by obtaining adequate insurance for the property).

The bill will also enable the Secretary to the Department of Justice to delegate to the ACO (in connection with its responsibility for property management) the power to request the production of documents in relation to seized or restrained property.

A number of provisions in the bill give powers to ‘a prescribed person’. For these purposes, it is intended to prescribe the director of the ACO (and in some cases also the staff of the ACO) on the basis of the ACO’s responsibility for property management under the Confiscation Act. The director and staff of the ACO are already prescribed for the purposes of a number of provisions in the act.

These amendments will allow the ACO to manage seized and restrained property on behalf of the state in an accountable, professional and commercial manner, and prevent the diminution in value of the property.

The power to seize property

The Confiscation Act currently enables a police officer to seize tainted or forfeited property from any premises under a search warrant. This does not provide police with the power to seize property that is not in or on premises. For instance, a car parked in a street is not on any ‘premises’. The bill will enable police to obtain a court order for the seizure of tainted or forfeited property from a public place. This will be another valuable tool for police.

Police often seize property pursuant to a warrant under section 465 of the Crimes Act 1958 or section 81 of the Drugs, Poisons and Controlled Substances Act 1981. These warrants are issued by the courts to enable police to seize property that may provide evidence of the commission of a crime. If police seize this property and it is held for the purposes of providing evidence, that property cannot be held once it is no longer required for such purposes.

However, sometimes the seized property is also required for confiscation proceedings. Police are then confronted with the situation of either having to apply for a warrant under the Confiscation Act to seize property which is already in police possession so that it can be held under the authority of that act or returning the property to the defendant.

The bill addresses this situation by providing police with the power to apply to the court for a direction or a declaration that property seized under section 465 of the Crimes Act or section 81 of the Drugs, Poisons and Controlled Substances Act may be held as if it had been seized under section 79 of the Confiscation Act. To provide maximum flexibility, a court may make this direction or declaration either:

at the time a warrant is issued under the Crimes Act or the Drugs, Poisons and Controlled Substances Act; or

at the time police return to court for directions concerning property seized under the Crimes Act or

the Drugs, Poisons and Controlled Substances Act; or

within seven days of the property no longer being required for evidentiary purposes.

Conclusion

This bill introduces significant reforms to the confiscation regime in this state. It provides significant new powers and simplifies procedures to assist police in ensuring that confiscation is a powerful deterrent to those considering engaging in criminal activities and to strip the criminal profits obtained by those who are not deterred from the outset. It will ensure that those responsible for crime, and particularly drug traffickers, are dealt with severely.

It is another important and substantial step in this government's commitment to provide a safer Victoria through tough new confiscation powers.

I commend the bill to the house.

Debate adjourned on motion of Dr NAPTHINE (South-West Coast).

Debate adjourned until Thursday, 15 May.

LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL

Second reading

Mr CAMERON (Minister for Agriculture) — I move:

That this bill be now read a second time.

The Livestock Disease Control Act 1994, as its name suggests, is the principal legislation for ensuring that livestock disease is minimised and controlled and for the monitoring and eradication of exotic livestock disease to protect domestic and export markets for livestock and livestock products. It operates to secure public health from diseases which can be transmitted from livestock to humans. It also provides compensation for certain losses caused by livestock diseases.

Similarly the Plant Health and Plant Products Act 1995 provides for the monitoring, controlling and eradicating of plant pests and diseases and for the packaging, labelling and description of plants and plant products. It facilitates the movement of plants, plant products, used packages, used agricultural equipment and soil within and into and out of Victoria.

During September 2002 Victoria participated in the national foot-and-mouth disease outbreak simulation, Exercise Minotaur. Most of the issues addressed in this bill were identified during that exercise.

Exercise Minotaur demonstrated that there could be an immediate need to appoint Victorian Police officers in order to provide them with the powers of inspectors under division 3 of part 8 of the Livestock Disease Control Act, which provides additional powers for inspectors for exotic diseases.

Police officers would play an important role in enforcing livestock movement restrictions and restrictions on the movement of people and vehicles in and out of declared infected areas. Appropriate powers to effectively carry out this work are currently provided under the act, including the power to stop, board or detain any vehicle, stop or order the movement or mustering of livestock or livestock products, or restrain persons acting in contravention of the act.

However, the current wording of sections 108 (2) and 108 (3) makes appointment of police officers to be inspectors very cumbersome, as each of the 8000 Victorian police officers would need to be individually appointed and provided with an identification certificate.

The bill provides for an amendment to section 108 to allow the secretary to appoint, as a class of person, all Victorian police officers as inspectors for the purposes of division 3 of part 8 of the Livestock Disease Control Act. The relevant identification in the case of police would be the officer's identification as a police officer. The bill also provides for the appointment of other classes of persons engaged or employed by an emergency services agency as defined in the Emergency Management Act 1986, for example, State Emergency Services officers and Country Fire Authority officers, the identification for emergency services workers being, where appropriate, the official identification associated with that class of person in conjunction with a copy of the instrument of appointment of that class of person as inspectors. The particular powers such officers would be provided with would be set out in their instrument of appointment according to the particular disease incident.

The Plant Health and Plant Products Act is also the subject of amendment, as the same problems could arise with respect to the appointment of police and other emergency service workers as inspectors under that act as were identified during Exercise Minotaur. The bill, therefore, provides for inspectors under the Plant Health and Plant Products Act to be appointed as

a class during the outbreak of an exotic disease in the same manner as provided for the Livestock Disease Control Act.

Currently the Livestock Disease Control Act prohibits a person from storing, collecting or feeding any material originating from a placental mammal to pigs.

The purpose of this provision is to prevent the transmission to pigs of any pathogenic disease agent which may be present in the mammalian material.

The effect of this provision, however, is weakened by the fact that material which may have been in direct contact with and be contaminated by such mammalian material but not be of itself mammalian material, may be legally fed to pigs and cause a disease outbreak, for example, foot-and-mouth disease. This weakness in the Victorian legislation was identified during Exercise Minotaur.

The bill amends section 41 to extend the prohibition on storage, collection or feeding of mammalian material to include material or substance which contains or has been in direct contact with mammalian material.

The bill also makes it an offence to knowingly supply any such material for the purpose of being fed to pigs. This strengthens the swill feeding provisions by placing an obligation on the suppliers of food wastes to dispose of that material safely.

In framing the current program for control of ovine Johne's disease, the government agreed that the Sheep and Goat Compensation Fund should be subject to greater financial accountability. This will be implemented by repealing section 79B(4) of the act, which currently allows an amount to be appropriated from the Consolidated Fund where the Treasurer certifies the compensation fund is insufficient to pay any amount of compensation.

In addition, section 79C of the act will be amended to enable compensation to be payable from industry funds in respect of diseases other than Johne's disease which are declared compensatable by order of the Governor in Council. This extends the notional use of these industry funds to other diseases as appropriate from time to time.

In framing the Livestock Disease Control Act the main purposes were defined as 'to provide for the monitoring and control of livestock diseases and to provide compensation for losses caused by certain livestock diseases'.

Since then the act has been amended to include provisions to facilitate the operations of national livestock identification and tracing programs for disease control, market access and residue control. The bill therefore amends the purposes and objectives to refer to 'preventing' disease to properly describe programs covered by the act.

Statement under section 85(5) of the Constitution Act

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

New section 138A of the Livestock Disease Control Act 1994 to be inserted by clause 9 of the bill states that it is the intention of section 105(2) as amended by clause 7(2) of the bill to alter or vary section 85 of the Constitution Act 1975.

Section 105(2) currently prevents the institution or continuation of certain court proceedings to prevent or restrain the minister, the secretary, an inspector or any other person from undertaking disease control activities necessarily associated with controlling and eradicating an exotic livestock disease which the secretary has certified under section 105(1) to exist in Victoria.

New section 105(1) of the act substituted by clause 7 of the bill will enable the secretary to certify that an outbreak of an exotic disease exists in any part or area of Australia, not just Victoria, if it is necessary or expedient to take action to prevent, or reduce the risk of, the spread of the disease in Victoria. Section 105(2) is therefore amended by clause 7 of the bill to prevent the institution or continuation of certain court proceedings that would stop, prevent or restrain action being taken under the act to deal with the outbreak or suspected outbreak of a disease certified to exist under section 105(1), whether in Victoria or any other part of Australia.

The reason for preventing the institution or continuation of any proceedings in the Supreme Court that would stop, prevent or restrain action in response to an outbreak or suspected outbreak of an exotic disease in any part of Australia is that preventive action following such an outbreak must be put in place immediately. Delays in this action by proceedings before a court, even by hours, could result in the epidemic spread of disease, adding significantly to the impact and costs of any eradication response.

If there is an outbreak of disease such as foot-and-mouth disease or BSE (mad cow disease) in another state, Victoria would have to take immediate response actions such as imposing bans on the movement of livestock or preventing livestock leaving

saleyards until the situation and the risks to Victoria were better understood.

It was clear from Exercise Minotaur that immediate response actions are required when an exotic disease is confirmed or suspected to be present in any part of Australia.

The lessons from the 2001 outbreak of foot-and-mouth disease in the United Kingdom were clear. An earlier response to the disease outbreak, particularly action to prevent the movement of livestock, could have significantly minimised the extent of the epidemic and saved billions of dollars.

It should be noted that a person is not prevented from taking action to recover damages in respect of any loss incurred or damage suffered as a result of negligent action undertaken in respect of a control program.

I believe that the provisions of this bill will significantly enhance Victoria's capacity to prevent and respond to serious outbreaks of exotic disease, and there is a national obligation to implement these matters.

I commend the bill to the house.

Debate adjourned on motion of Dr NAPTHINE (South-West Coast).

Debate adjourned until Thursday, 15 May.

VOCATIONAL EDUCATION AND TRAINING (TAFE QUALIFICATIONS) BILL

Second reading

Ms KOSKY (Minister for Education and Training) — I move:

That this bill be now read a second time.

This bill will empower the councils of Technical and Further Education (TAFE) institutes to seek accreditation to offer undergraduate degrees.

A bill containing these measures was introduced into Parliament in 2002 but lapsed when the state Parliament was prorogued prior to the election. The reintroduction of this proposal in the current session is in accordance with this government's commitment to ensure positive reform in education.

In 2002 the Minister for Education and Training made the ministerial statement on *Knowledge and Skills for the Innovation Economy.* This bill amends the Vocational Education and Training Act 1990 implementing the main features of the statement. It will give TAFE councils the opportunity to provide specialised, high-level, vocationally oriented undergraduate degree qualifications to match the skill needs of emerging occupations and industries. It is expected that the degrees would be offered in niche areas such as aquaculture, viticulture, information technology and biotechnology. Degrees will be delivered in areas where a TAFE institute already has extensive expertise and can identify strong student and industry demand.

TAFE institutes will be able to make submissions to deliver degrees in their area of expertise on a fee-for-service basis under the same processes that currently apply to any other providers approved to deliver higher education courses under the Tertiary Education Act 1993.

Under this initiative TAFE institutes will be required to meet the statutory standards that apply to all non-universities proposing to offer higher education awards. They will need to apply to the Higher Education Advisory Committee, which will ensure that the content, standard and outcomes of the degree course are of the same calibre as degrees offered by universities and other higher education award providers. The right to deliver higher education awards will be limited to undergraduate degrees.

To implement these changes it is necessary that the minister is empowered to issue directions to TAFE councils relating to the provision of higher education awards. The directions would address matters such as the types of qualifications and degrees that could be offered, fees to be charged and other relevant matters. TAFE institutes will not be able to confer honorary degrees or higher education awards other than degrees.

The initiative does not involve public funding (state or commonwealth) and will provide TAFE institutes with better opportunities to market themselves to business and individual students (including overseas students), generate additional income and encourage greater innovation and flexibility.

The bill will provide the Victorian Qualifications Authority with the ability to delegate to the council of a TAFE institute and other registered training providers the power to accredit courses pursuant to section 16 of the Victorian Qualifications Authority Act 2000. This will result in providing greater flexibility in meeting emerging needs for customising training and courses of study for TAFEs and registered training providers.

The ministerial statement on *Knowledge and Skills for the Innovation Economy* focused on the challenges and contributions that the vocational education and training sector can make to the innovation and knowledge economy. One of the key concepts in that statement focused on providing an environment where the vocational education and training sector can be responsive to the emerging needs of its clients.

The bill will empower the Victorian Qualifications Authority to delegate to those providers who are able to satisfy the Victorian Qualifications Authority as to the quality and standards that the provider is able to meet the power to accredit their own courses.

The Victorian Qualifications Authority Act 2000 already allows the Victorian Qualifications Authority to delegate this power to certain bodies or organisations that are listed in the act. The bill will allow the same power to be delegated to providers who, in the view of the Victorian Qualifications Authority, have been able to demonstrate the appropriate level of quality and standards. There will not be a blanket right to the delegation, as providers will need to satisfy the Victorian Qualifications Authority.

I commend the bill to the house.

Debate adjourned on motion of Mr DIXON (Nepean).

Debate adjourned until next day.

UNIVERSITY ACTS (AMENDMENT) BILL

Second reading

Ms KOSKY (Minister for Education and Training) — I move:

That this bill be now read a second time.

The main purpose of this bill is to introduce measures to improve the quality of higher education in Victoria through the strengthening of the governance arrangements in our universities.

A bill containing these measures was introduced into Parliament in 2002 but lapsed when the state Parliament was prorogued prior to the election. The reintroduction of this proposal in the current session will ensure that the government decisions on the review of university governance will be implemented.

In 2002 Victoria's eight publicly funded universities, together with the national Australian Catholic University campuses, had over 157 000 students studying for over 980 different undergraduate awards. In addition, there were more than 55 000 postgraduate students.

Of these, there were almost 43 500 overseas students enrolled in our universities either here in Victoria or in their own country. This was an increase of 19.8 per cent over the previous year. These students represent 20.9 per cent of all such students undertaking Australian university studies.

Our universities are a fundamental component of this state's education system and also to our economy.

It is essential that they continue to be true to their core business of teaching, learning and research and at the same time are equipped to take the best possible advantage of emerging opportunities for commercial activities.

Our Victorian universities enjoy well-earned reputations for the high quality of the higher education that they offer to all students. It is essential that the public continue to have complete confidence in our universities.

In December 2001, I established a review of university governance to examine the accountability of Victoria's universities.

The review was undertaken in response to concerns expressed by the state Auditor-General regarding the role and accountability of university councils to effectively manage their subsidiary companies.

The review canvassed a wide range of matters with key stakeholders including the universities, relevant unions and associations. Discussions were held with the Victorian Ombudsman and the Victorian Auditor-General and his staff. Stakeholders and the general public were given an opportunity to comment on an issues paper and on the review report.

The review was completed in May 2002, and in accepting the report the government made a number of decisions in regard to:

strengthening the control of university councils over their own commercial operations;

student grievance procedures being strengthened and published by universities, including information about the rights and procedures for submitting complaints to the Victorian Ombudsman; and

the government legislating to remove any doubt in the ability of the Auditor-General to audit our universities' overseas commercial entities.

The implementation of the government's decisions will result in a strengthening of university governance, particularly in regard to commercial activities.

This bill implements the legislative amendments that flow from those decisions.

Each of the Victorian universities is governed by their own act of Parliament. The Victorian College of the Arts, that is affiliated with the University of Melbourne, also has enabling legislation.

The Victorian College of the Arts is included because of the similarity in governance arrangements to that of the universities.

Amendments will be made to these enabling acts so that they contain common provisions.

The Australian Catholic University expressed a readiness to be included in any proposed legislative change. However, the complexities surrounding any proposed changes due to its unique legal status and operation in three states and a territory, make it difficult to consider amending legislation relevant to that university.

The proposed bill ensures that where required the Victorian universities' and the Victorian College of the Arts enabling acts will:

include an object that the university is to serve the public interest by promoting critical inquiry;

declare that council members have a duty to act in the best interests of the university as a whole, having regard to the university's objects;

provide consistent provisions for protection against conflicts of interest of council members;

provide for the remuneration of council members who are 'external' to the university;

be amended so that the role of the university visitor is ceremonial only; and

remove any doubt in the mandate of the Auditor-General to audit companies that are controlled by Victorian universities but are established overseas.

While there is commonality between the universities and Victorian College of the Arts acts, there are differences that reflect each institution's historical development and the communities they serve.

The Melbourne University Act 1958 does not include objects for the university, whereas the act for each of the other universities does. This bill incorporates objects for the University of Melbourne. The proposed objects reflect the University of Melbourne's international standing and commitment to the principles of excellence, access and equity. The objects are supported by the university.

The inclusion of an object in each of the university and Victorian College of the Arts acts specifies that the institution is to serve the public interest by promoting critical inquiry. This object will ensure that institutions remain focused on their traditional academic roles at a time when there is increasing pressure on them to expand their commercial activities.

This bill removes any doubt as to where a council member's primary obligations lie. Council members must act solely in the interest of the university or the Victorian College of the Arts, taken as a whole, having regard to its objects.

Any perception of council members having a conflict of interest undermines the public's confidence in council decision making. This concern is well addressed in a number of acts but not in all. Thus there is a need to ensure that there is consistency across the enabling acts relating to conflict of interest and disclosure. To enable this, an amendment or amendments will be made to the university enabling acts.

All university and Victorian College of the Arts acts will be amended to provide for remuneration of council members external to the institution at a rate set by the minister. This provision should broaden the experience available to councils and will enable those who have been previously unable to participate as council members to do so.

There is no doubt that this amendment will be received differently in each institution and so it will be left to the respective councils to seek my approval to remunerate those members who wish to receive such payment. It is not intended to remunerate any person who is an employee of council, or is employee of the Crown or who otherwise may have their regular employment jeopardised should remuneration be offered. This includes state and commonwealth parliamentarians and judges of the Victorian Supreme Court and of the High Court of Australia.

One of the concerns raised by the Victorian Auditor-General was the lack of clarity as to his responsibility to audit the overseas operations of our universities. This bill clarifies the Auditor-General's

right to audit such activities by providing for the Auditor-General to have the same right to audit and investigate overseas operations of universities, as he currently has for each university's activities here in Australia.

Each of our universities has a visitor who has the same role and responsibilities in the university. The university enabling acts specify that the Victorian Governor is the visitor.

While the visitor's role is largely ceremonial it also includes the responsibility to determine complaints from students and staff that have not been able to be resolved within the university. This avenue of appeal is rarely used and there is little evidence to suggest that this situation is likely to change.

In actual fact students and staff with grievances at university decisions are usually satisfied by the university's own appeal mechanisms. Where this is not the case the aggrieved person has recourse to the Victorian Ombudsman, and where it has jurisdiction to the Victorian Civil Administrative Appeals Tribunal.

The provision in this bill to restrict the powers of the visitor to being only ceremonial recognises the modern role of a visitor in universities without effectively limiting the appeal avenues for university students and staff.

In addition to the legislative amendments required to implement the government's decisions on the review of university governance, this opportunity is being taken to make amendments to university and Victorian College of the Arts acts to provide for each university to recover administrative costs, paid from trust funds for the administration of those funds. While the number of trusts administered by universities differs between them, where there are a large number of trusts the associated administrative costs can be significant.

This is particularly so for the University of Melbourne which has over 400 trusts to administer on a daily basis. The cost of administering these trusts is considerable and this together with the large number of trusts the university needs to manage has led the government to agree to the university's request to provide for it to recoup up to 5 per cent of the annual income derived from the trusts it administers. The universities will only have access to this 5 per cent commission in administering trusts and they will not be able to charge anything above this 5 per cent.

This provision recognises the unique position of the University of Melbourne in regard to the number of trusts it administers. The provision is extended to the other universities and the Victorian College of the Arts so that these enabling acts continue to have common provisions.

I commend the bill to the house.

Debate adjourned on motion of Mr DIXON (Nepean).

Debate adjourned until next day.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Transport).

ADJOURNMENT

Mr BATCHELOR (Minister for Transport) — I move:

That the house do now adjourn.

Bass Highway: duplication

Mr SMITH (Bass) — I would like to raise an issue with the Minister for Transport before he leaves the house. No, I see he is going anyhow. I know he has had a bad day, and I was going to be gentle on him anyway.

I raise the issue of the Bass Highway and the problems experienced by people travelling down to that area. I have a Vicroads document here which states that the existing Bass Highway is a strategic link in Victoria's road network. The document states:

> It provides essential access between Melbourne and the State's premier natural tourism destination, the Penguin Parade at Phillip Island, and to Wilsons Promontory and the Bass Coast region.

It goes on further to emphasise the importance of this road to move people carefully. It states:

> Between November and April weekend traffic volumes regularly exceed 12 000 vehicles per day between Lang Lang and Anderson. Severe congestion occurs regularly on Sunday afternoon, particularly for Melbourne-bound traffic.

This is a Vicroads document that was put out in about 1999–2000, so the traffic is increasing all the time. Traffic volumes exceed 10 000 vehicles a day on summer weekends. The problem is that the road is not properly divided. It should be up to a class M standard and made a double divided highway all the way from Lang Lang right through to Anderson, which for people who do not know the area well is where you turn off to go on to the Penguin Parade up at the top of the hill. This is an extremely dangerous road that takes all sorts of traffic — holiday-makers, people travelling to and from work, a lot of business people, trucks carrying all

sorts of things such as vegetables, sand, or whatever there may be.

I ask that the minister take note of my concerns and the fact that it was promised that this road would be made a four-lane divided road to ease some of the stress that people are facing every weekend and weekday on that road. There was another severe accident on that road on Tuesday of this week, which held up traffic for 3 hours. The road was blocked off. There is no fatality at this stage, but the people involved are in a serious state. I ask that the minister look towards the budget, which I know is to be brought down next week. There should be an allocation of funds to continue the duplication of this highway from where it now ends to ensure that that double divided highway goes all the way through to Anderson. It is a death trap.

Richmond Primary School: minor works

Mr WYNNE (Richmond) — I raise a matter for the attention of the Minister for Education Services. It concerns the Richmond Primary School — an excellent school and one of the wonderful primary schools in the seat of Richmond. We look forward soon to the reopening of Fitzroy high school for the 2004 academic year.

In raising this issue I wanted to acknowledge that I have had discussions with the shadow minister for education who raised with me the matter of funding for this particular primary school, and I acknowledge the conversation he and I had on this matter last week. This is a unique circumstance in that the Richmond Primary School has had stewardship of a house at 2 Burgess Street, which is opposite the school. It is one of the those historic precedents that a number of schools in the inner city had. It was a caretaker's cottage which had been under the stewardship of the school for many years. The school had been maintaining the cottage and had been paying the rates to the council, also for a number of years. Appropriately the Department of Education and Training has in the last couple of months realised this asset, and of course, the inner city property values are very high.

Mr Perton — How much?

Mr WYNNE — It is $382 000 — quite a significant amount of money. The school wrote to me seeking a small allocation from that asset sale to be used for some urgent minor works programs that the school wished to undertake to an amount of $25 000. This is a unique circumstance, in that it is quite rare for a school to have stewardship of a property not specifically directed to school use, so it is in that context that I raise this matter for the attention of the Minister for Education Services. I seek the minister's support for making a small allocation from the asset sale of 2 Burgess Street to be directed back towards a much-needed urgent minor works program at Richmond Primary School, which is a fantastic school in my electorate.

Severe acute respiratory syndrome: Goulburn Valley Health

Mrs POWELL (Shepparton) — I raise an issue with the Minister for Health. Today during question time the Premier spoke about the recent outbreak of severe acute respiratory syndrome (SARS) being the biggest health challenge facing the world and how Victoria was leading the way, particularly our scientists and our hospitals.

The first reported case of SARS in Australia was dealt with initially by Goulburn Valley Health in Shepparton, and I commend the staff, doctors and nurses for the prompt, sensitive and professional way they handled the incident. The emergency started when the Hogarth family alerted Goulburn Valley Health. Arriving at the hospital Mr Hogarth left his wife and children in the car and identified himself to the triage nurse. He explained that they had recently arrived from Toronto and that two of his three children had symptoms of respiratory tract infection. The triage nurse recognised the risk of SARS and assessed the children in the car. The family were then taken to the emergency department through the ambulance entrance to avoid risk to the people in the waiting room, and the necessary infection control procedures were initiated in order to protect the family, the medical and nursing staff, and also the community.

While the hospital handled this emergency exceptionally well there were some challenges. There is no negative pressure isolation facility or class N facility in the emergency department, therefore in order to prevent infection spreading to the rest of the hospital the airconditioning unit had to be switched off while the engineer isolated the duct to the room with a galvanised iron obstruction.

Goulburn Valley Health provided quality care for this family for about 7 hours while decisions about transferring the family to Melbourne were made. All of the proper procedures were followed. The hospital staff did a great job — from the prompt response of the triage nurse to a nurse who stayed with members of the family until they were transferred to Melbourne, even after her shift had ended. The after-care was also organised by the hospital.

Goulburn Valley Health serves a population of 145 000 people. A review of the hospital has recently been completed and a number of requirements are to be met, including the need for an isolation facility. I understand the hospital is working with the Department of Human Services to address these issues. The recent severe acute respiratory syndrome crisis has highlighted the urgent need for a class N isolation facility in the emergency department, the cost of which would be about $54 000. An isolation facility is important not only to provide protection during acute infectious disease outbreaks but also for people who have been contaminated by herbicides or pesticides. The Goulburn Valley has a large agricultural area, and it is essential that we have this isolation facility.

I therefore ask the minister to provide the $54 000 required to redevelop a single room in the emergency department as a class N facility to ensure that the health and safety requirements of the patients and their families, the staff and the community are met.

Rail: Frankston line crossings

Ms MUNT (Mordialloc) — I call on the Minister for Transport to take action on safety upgrades for the Frankston line pedestrian rail crossings at White Street, Parkdale, and Mitchell Street, Mentone, and on the construction of a new pedestrian crossing between Antibes Street and Seventh Street, Parkdale.

The upgrades would improve the safety of everyone crossing the railway line on what are busy and well-used crossings. The crossing at Mitchell Street, Mentone, is currently used by many local schools, including St Patrick's primary, Mentone primary and Kilbreda girls secondary school. Electronic protection would mean the gates would automatically close and prevent children and adults from accessing the track while a train was in the vicinity — a great safety feature, particularly during peak school times for local families and children.

Antibes Street has been identified as a site used as a rabbit trail pedestrian crossing, which is a crossing that people are using without the benefit of a designated facility. Construction of a full pedestrian crossing with automatic gates at this site would significantly increase the safety of people who currently use this rabbit trail crossing to access the beach, schools, the local shops and the private hospital and its consulting suites.

I have been presented by Mr Oldrich Firtl with a petition signed by 240 local residents calling for this crossing to be constructed. I ask for these works to be undertaken as quickly as possible for the residents of Mordialloc, Parkdale and Mentone.

Stud Road: upgrade

Mr WELLS (Scoresby) — I would like to raise a matter of grave concern for the Minister for Transport and ask him either to take immediate action to implement his 1999 election promise to upgrade Stud Road or admit to the people in the outer east that this was simply another lie.

This is crucial for two reasons. The first is that the Bracks Labor government is now going to toll the Scoresby freeway, which is contrary to what was said in every single ALP candidate's literature for the 2002 election campaign, which stated very clearly that there would be no tolls on the freeway under a Bracks Labor government — a lie; that key tasks leading up to the tender process had been completed — a lie; that under the signed state-commonwealth funding arrangement the tollway would be completed by 2008 — a lie; and that the Bracks Labor government had negotiated and signed the fifty-fifty funding agreement with the commonwealth government — a lie. Labor said that the re-elected Bracks government had committed to calling for expressions of interest from construction companies by the end of this year — another lie.

The second reason why it is imperative that Stud Road be upgraded is that in this house this week the Premier gave a rock-solid guarantee that no local roads would be downgraded, forcing traffic off Stud Road or Springvale Road onto the Bracks tollway. He gave that rock-solid guarantee, but we believe it is another lie to the outer east, and that is why tonight we want a rock-solid guarantee from the — —

Mr Nardella — On a point of order, Deputy Speaker, under standing order 108 honourable members are not to impugn other members. I think I have been lenient. I ask you to bring the honourable member to order and direct that he not impugn people by calling them liars.

The DEPUTY SPEAKER — Order! I do not believe the member for Scoresby has done that; however, all members should be aware of the provisions of standing order 108.

Mr WELLS — Thank you, Deputy Speaker, and you are dead right — I referred to lies, not liars.

At a public meeting on Monday night — it was disappointing that no Labor members were there to defend the government — it was made very clear that the people in the outer east were going to avoid the

Scoresby freeway, or the Bracks tollway, and use Stud Road and Springvale Road. This is why it is very important that the minister take action to implement Labor's 1999 election promise by upgrading Stud Road. That is a very important point.

Just to add salt to the wound, I received a letter from a particular person at my home address saying:

> On July 14 you have a chance to send John Howard a message that we want better transport in Aston, not just more Liberal Party lies.

It was signed by Peter Batchelor, the Minister for Transport. This was another lie that we were told during the Aston by-election.

Port of Geelong: management

Mr CRUTCHFIELD (South Barwon) — I seek action from the Minister for Transport on behalf of the six members from Geelong — —

An honourable member interjected.

Mr CRUTCHFIELD — We have the whole lot here, which is interesting, and there is a fair reason why.

I call on the minister to ensure that the Port Services (Port of Melbourne Reform) Bill has no negative impact on the port of Geelong, and that he continue consultation with operators and users of the port about the management of the Geelong channels in the future.

I note that the member for Box Hill yesterday inadvertently — and I am sure it was inadvertent — referred to some issues that may negatively impact on the port of Geelong. I am calling for the minister to reconfirm that the bill will have no negative impact on the port of Geelong in terms of access or pricing. The bill does not provide the Port of Melbourne Corporation with the power to direct vessels or vessel traffic away from Geelong to Melbourne for commercial gain. I would like the Minister for Transport to confirm that and to reassure the member for Box Hill that that is the case.

The six government members representing Geelong have given undertakings to the operators and users of the port of Geelong that they will not be unfairly disadvantaged by these arrangements relative to the operators and users of the port of Melbourne and that this matter will be addressed through the Essential Services Commission.

A key principle behind the reform is to ensure, if you like, that the driveway and the house are in similar hands or are integrated. This happens at Portland and Hastings, it will now happen in Melbourne, and we want it to happen in Geelong. I can see you, Deputy Speaker, and the former port of Geelong employee — —

An Honourable Member — An old wharfie!

Mr CRUTCHFIELD — The old wharfie, the member for Geelong, who is travelling very nicely too.

We can be assured that the arrangements for the management of the channels used solely by Geelong vessels approaching the port of Geelong are currently under discussion with the operators and users of the port. We encourage the minister to confirm that those things are happening. The future of the port of Geelong is in its own hands, not the port of Melbourne's, and I again ask the Minister for Transport to confirm those arrangements.

Ambulance services: Paynesville

Mr INGRAM (Gippsland East) — I raise a matter for the attention of the Minister for Health. The action I seek is that the minister review and assess the ambulance service needs of the areas around Paynesville and Bairnsdale. I note that when the community cabinet went to Lakes Entrance and Bairnsdale the Minister for Health received a submission on behalf of the Paynesville ambulance auxiliary concerning the provision of ambulance services to Paynesville. The Paynesville branch of the ambulance auxiliary has done an incredible job, to date raising $120 000 towards the provision of an ambulance service for Paynesville.

Paynesville is one of the largest areas in the state — it is currently among the 100 largest — that does not have an ambulance service. It has an incredibly large retirement population, with a 40-bed nursing home and a 60-bed aged care home with 50 residential units and a retirement village, yet the closest ambulance service is 19 kilometres away at Bairnsdale. This is causing some concern within the community, and people are very keen to get the service.

A submission was put to the Minister for Health at that community cabinet meeting. The ambulance auxiliary is requesting that the minister assess the urgent need for an ambulance service at Paynesville and ask:

> … the relevant department and/or RAV to review ambulance needs and prepare a detailed report on the matter of the provision of an ambulance service in Paynesville, taking local issues such as availability and cost of land and the current economics of the use of the Bairnsdale service into account.

The members of the ambulance auxiliary are very keen to say that they do not want to jump the queue; they just want to know if they are in line for an ambulance station. They believe there is a very good opportunity to co-locate with the Country Fire Authority on a current site, but that matter would need to be addressed. They are after two full-time ambulance officers, as the community ambulance officers would provide the rest of that service.

I reiterate that I am requesting the Minister for Health to ask her department to conduct a review of the provision of ambulance services to that area and to see whether it is cost effective to maintain the current service provision at Bairnsdale or whether it would be better to use a full-time station at Paynesville.

Schools: class sizes

Mr HARKNESS (Frankston) — The matter I wish to raise this evening is for the attention of the Minister for Education and Training. The action I seek from the minister is that she ensure that the benefits of reduced class sizes, such as those achieved in my electorate of Frankston, are felt by students and parents right across the state of Victoria. Specifically I ask the minister to outline how the Bracks government has been able to achieve such a remarkable reduction in prep-to-grade 2 Victorian class sizes.

I was very pleased to receive information earlier in the week that Frankston Primary School class sizes are the lowest since the education department began keeping records in 1973. I was also informed that the average prep-to-grade 2 class size in Frankston is 20.5 students. This is much better than the 1999 figure of 25.5. This means that on average there are five fewer students in every prep-to-grade 2 class in the Frankston electorate. At Frankston Primary School, for instance, the average prep-to-grade 2 class size in 1999 was 28 students, and today that figure is 19.4.

It is with some emotion that I note the figures for the wonderful Frankston Heights Primary School, which I attended for seven years in my younger days. I attended its 40th anniversary late last year. The school has achieved some remarkable reductions in average class sizes. In 1999 the Frankston Heights Primary School had a prep-to-grade 2 class size average of 26 students. Today that figure is 19.1. In the critical early years of schooling — when the foundations of literacy and numeracy are laid down — our Frankston students are now receiving more personal attention.

The Bracks government's commitment to education is further highlighted by the recent announcement that government schools in Frankston will this year share in a record $48.2 million for their school operating budgets. This means that government schools in Frankston will receive $7.2 million more than they did in 1999.

I take this opportunity on behalf of the parents of primary school children in Frankston to thank the Minister for Education and Training for her commitment to reducing class sizes. The people of Frankston are stoic and resilient, but they care very much about education and they are concerned about their kids' welfare, and so am I. That is why I am standing up for Frankston as part of a government that delivers and a government that is getting on with the job of delivering in education. We believe that when starting their education our youngest students should have the chance to learn in small classes where teachers can give them more individual attention.

I reiterate that I ask the Minister for Education and Training to advise the house how such a remarkable reduction in class sizes has been achieved.

Housing: waiting lists

Mrs SHARDEY (Caulfield) — I address an issue to the Minister for Housing in another place, and the action I would like her to take relates to a very serious issue. Public housing transfer waiting lists rose by 29 per cent between June 2000 and December 2002. The transfer waiting lists refer to people who are currently living in public housing and who, usually for very good reasons, apply for a transfer to move to public housing in another place.

Between June 2000 and December 2002 the public housing transfer waiting list in the City of Morwell rose by 178 per cent; in Benalla, by 104 per cent; in Gippsland, by 121 per cent; and in the member for Richmond's electorate, by 99 per cent. These figures demonstrate the government's unofficial policy of ignoring thousands of Victorians who need to transfer — that is, need to move house.

The government endeavoured to avoid mentioning the public housing transfer waiting list in its waiting list figures as of September last year. By not counting the applications for transfers in the waiting list figures the government is trying to cook the books, but it is causing a massive amount of disappointment to thousands of Victorians. Some 1369 extra families in Victoria have sought a transfer to other public housing but have been denied it under this government in the period mentioned.

People who wish to transfer to another house might want to move for various reasons. Sometimes it is because they have found the opportunity for employment; sometimes it gives easier access to schools or to their support network, family and friends. But often it is to escape neighbourhood disputes. One must remember that public housing tenants cannot move home like private renters or home owners. Once they get into public housing they are really stuck there unless they can get a transfer application approved.

I will mention very briefly a woman in public housing who was attacked by a neighbour. She sought but was not given a transfer and was subsequently attacked by a neighbour with an axe and finished up in hospital in a serious condition. That is appalling, and I ask the minister to take action.

Schools: Geelong

Mr TREZISE (Geelong) — I raise an issue for action by the Minister for Education Services — a very good minister, I must say. The issue I raise for the minister relates to the building or refurbishment program for schools in the Geelong region.

In 1999, as you will know, Deputy Speaker, the Bracks government committed itself to refurbishing or, in some instances, rebuilding a number of schools in my electorate of Geelong — a promise that was very warmly welcomed by the electorate, given the years of neglect by the Kennett government. The works on these schools have now commenced, I am happy to report, and are currently under way in schools such as South Geelong, East Geelong, Tate Street and Chilwell.

The Minister for Education Services and I attended the Herne Hill Primary School only two weeks ago when it opened its newly refurbished buildings. As the house would appreciate, such works disrupt school life and its operation, especially in the winter months and in wet weather — as we discovered down at South Geelong only two weeks ago. The action I seek from the minister is for her to investigate the progress of works at the schools at this time and to ensure that works are completed in a timely fashion.

As members of the Bracks government are well aware, a major priority of this government is to provide a quality public education system to the people of Victoria. In doing this a major focus across Victoria has been refurbishing and modernising schools that, as I said, were sadly but deliberately neglected by the Kennett government. Schools that were not neglected by that government were closed.

South Geelong Primary School is a good example in my electorate. Its neighbouring school, Swanston Street Primary School, was closed by the Kennett government and the children were forced to cram into South Geelong Primary School. There we saw important school lessons being taught in areas such as the sick bay, and classrooms were bursting at the seams. In complete contrast to that, at the completion of refurbishment works students will enjoy ultra-modern facilities, as will teachers, leading to a better quality education outcome.

However, it is important that disruption in the schools is kept to a minimum, and to do this works must be carried out efficiently and effectively. Therefore I look forward to the action of the Minister for Education Services to complete her investigation into those works to ensure that they are completed in a timely fashion for the benefit of students in the Geelong electorate.

The DEPUTY SPEAKER — Order! Ten matters having been raised on the adjournment debate, the time for raising matters has concluded.

Responses

Ms ALLAN (Minister for Education Services) — I am pleased to respond to the outstanding member for Richmond, who is a very passionate advocate for state education in his electorate and, as he mentioned, for the reopening of Fitzroy Secondary College next year. He is continuing his good work on this case as well as seeking funding for Richmond Primary School. He noted the unique circumstances around this request for funding for Richmond Primary School and its extraordinarily unique circumstances in that there was bipartisan support for funding for that school. I notice that the shadow minister for education is nodding in agreement.

I am pleased to inform the member for Richmond and the house that $25 000 for minor capital works has been approved for Richmond Primary School to meet the occupational health and safety needs identified by the member in his contribution. I congratulate the member for Richmond on his work and also the Richmond school community on their joint efforts in this important matter. I will ensure that the department provides the school with these funds promptly so that works can be completed quickly for the school. I am sure the member will convey that message back to the school community. As I said, I cannot praise the member for Richmond enough.

As, indeed, I cannot praise enough the member for Geelong, another outstanding member and strong

advocate for public education in his local community. We also have a couple of other members in the chamber tonight from the general area of Geelong: yourself, Deputy Speaker, and the member for South Barwon, both also stout advocates for state education in the Geelong region.

The member for Geelong listed a range of projects in his community that are under way. I inform the member and other members in the house that there is another school involved in our facilities upgrade planning in the electorate, the North Geelong Secondary College. That project is in the master-planning stages and has been allocated $1 million for refurbishment.

As I said, the member for Geelong listed projects and was seeking assurances about the timeliness of progress in capital works. I inform the member that the schools he specifically named will be promptly informed of the department's capital works processes so that the schools can make the necessary plans to accommodate these improvements to school facilities. Building works times can be both exciting and also difficult times for school communities. It would be good for the member for Geelong to work with the school community during this period, and I congratulate him for his fine work.

The members for Bass, Shepparton, Mordialloc, Scoresby, South Barwon, Gippsland East, Frankston and Caulfield raised matters for various ministers, and I will refer those issues to the ministers for their attention and action.

Motion agreed to.

House adjourned 7.10 p.m.

QUESTIONS ON NOTICE

Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Assembly.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.

Tuesday, 29 April 2003

Transport: train station upgrades

2. **Mr MULDER** — To ask the Honourable the Minister for Transport —

(1) Which stations are scheduled for an upgrade in 2003 on the —

(a) M Train network run by the Director of Public Transport; and

(b) Connex network.

(2) How much is anticipated to be spent in each case.

(3) What works will be carried out as part of each upgrade.

ANSWER:

The following stations will be upgraded during 2003. The range of works includes construction of new station buildings, provision of shelters, improved lighting, improved signage, improved bus access, improved pedestrian fencing, improved car parking, provision of additional CCTV surveillance cameras, landscaping and provision of bicycle facilities. The budget for the works is generally in accordance with the Franchise Agreements, Interim Operating Agreements. The Government has also funded a range of initiatives in this area.

–	Narre Warren Station	–	Belgrave Station
–	Cheltenham Station	–	Croydon Station
–	Dandenong Station	–	Glen Waverley Station
–	Essendon Station	–	Reservoir Station
–	Glenroy Station	–	Ringwood Station
–	Newport Station	–	Thomastown Station
–	Sandringham Station	–	Blackburn Station
–	Upfield Station	–	Heidelberg Station
–	Broadmeadows Station	–	Ivanhoe Station
–	Clayton Station	–	Lilydale Station
–	Frankston Station	–	Mitcham Station
–	Hoppers Crossing Station	–	Nunawading Station
–	Laverton Station		
–	Oakleigh Station		
–	Springvale Station		
–	Sunshine Station		
–	Werribee Station		
–	Yarraville Station		

Additional station upgrade projects will be announced as scopes and schedules are finalised.

Transport: train platform works

3. **Mr MULDER** — To ask the Honourable the Minister for Transport —

(1) How many separate platform copings in the suburban area had been shaved by 9 February 2003, to prepare for the new, wider Nexas carriages.

(2) What was the cost of the works to 9 February 2003.

(3) What proportion of the cost is being paid by —

(a) National Express;

(b) the Director of Public Transport; and

(c) the manufacturer of the carriages.

(4) How many more platforms require shaving.

(5) What is the anticipated further cost of these works.

(6) What date is work expected to be completed.

ANSWER:

Platform adjustment and track realignment works to provide satisfactory clearance for the Nexas vehicles on the Pakenham, Cranbourne, Sandringham and Frankston lines were completed by 1 March 2003.

National Express is responsible for all of the platform adjustment and track realignment costs to provide satisfactory clearance for the Nexas vehicles.

All platform adjustment and track realignment works on the National Express network are expected to be completed by the end of May 2003.

Police and emergency services: Victoria Police numbers

13. **Mr WELLS** — To ask the Honourable the Minister for Police and Emergency Services, what was the number of operational full-time equivalent sworn police as at 31 December 2001 and 31 December 2002.

ANSWER:

I am informed as follows:

Data on Victoria Police Numbers is publicly available in both State and Commonwealth formats. I refer the Honourable Member to Victoria Police Annual Reports, which are tabled in Parliament, and the 2003 Report on Government Services of the Steering Committee for the Review of Commonwealth/State Service Provision (COAG Report). The COAG format provides comparative numbers on operations members of police organisations.

Corrections: prisoner suicides

17. **Mr WELLS** — To ask the Honourable the Minister for Corrections, with reference to HM Prison Ararat, HM Prison Barwon, HM Prison Beechworth, HM Prison Bendigo, HM Prison Dhurringile, HM Prison Langi Kal Kal, HM Prison Loddon, HM Melbourne Assessment Prison, HM Prison Tarrengower, HM Prison Won Wron, Fulham Correctional Centre, Dame Phyllis Frost Centre and Port Phillip Prison, how many prisoners have committed suicide in each of the prison facilities between 1 January 2000–31 December

2000, 1 July 2000–30 June 2001, 1 January 2001–31 December 2001, 1 July 2001–30 June 2002 and 1 January 2002–31 December 2002.

ANSWER:

I am informed as follows:

The information required in set out in the following table for the period from 1 January 2000 to 31 December 2002.

Location	Deaths by suicide	Date of Death	Suspected/confirmed as suicide*
Ararat	Nil		
Barwon	One	19.11.00	Suspected
Beechworth	One	21.11.02	Suspected
Bendigo	Nil		
Dhurringile	Nil		
Langi Kal Kal	Nil		
Loddon	One	19.10.02	Suspected
Melbourne Assessment Prison	One	5.2.01	Confirmed
Tarrengower	Nil		
Won Wron	Nil		
Fulham	Nil		
Dame Phyllis Frost Centre	One	30.11.00	Confirmed
Port Phillip Prison	One	29.3.00	Confirmed

**Confirmed* — Cause of death by suicide has been confirmed by the coroner
Suspected — Suspected cause of death is suicide, awaiting coronial finding for confirmation of cause.

Transport: tram timetables

27. **Mr MULDER** — To ask the Honourable the Minister for Transport with reference to each of the M Tram and Yarra Tram networks —

(1) When was the last audit conducted on each network to determine how many timetables were either missing from holders installed at stops or were unreadable due to graffiti, stickers or scratching on the cases.

(2) How many timetables are installed on each tram line and how many are missing or damaged.

(3) How many complaints were received via the Director of Public Transport's free call telephone lines between 1 July 2002–31 December 2002 regarding missing or damaged timetables at tram stops on each network.

(4) What is the typical cost of installing a single timetable case at a tram stop.

ANSWER:

Timetable cases are inspected regularly and replaced when damaged. No complaints have been recorded via the Director of Public Transport's free call telephone lines between 1 July 2002 and 31 December 2002 regarding missing or damaged timetables at tram stops.

Transport: Z-class trams

72. **Mr MULDER** — To ask the Honourable the Minister for Transport, what is the typical cost incurred for the refurbishment of a Z3 class tram in the M Tram fleet.

ANSWER:

Payment for a tram refurbishment is in accordance with the amount set in the Swanston Trams Franchise Agreement (as amended).

A copy of the Franchise Agreement is available at www.contracts.vic.gov.au.

QUESTIONS ON NOTICE

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The portfolio of the minister answering the question on notice starts the heading.

Thursday, 1 May 2003

Innovation: ministerial officers

33. **Mr KOTSIRAS** — To ask the Honourable the Minister for Innovation —

(1) What are the names of each officer employed by the Minister.

(2) What is the date that each officer employed by the Minister —

(a) commenced employment; and

(b) signed a pecuniary interest form.

ANSWER:

I am informed as follows:

All staff working in my office are employed by the Premier. Therefore, there are no Ministerial staff employed by me working in my office.

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