

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

5 June 2002

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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Temporary Chairmen of Committees: Ms Barker, Ms Davies, Mr Jasper, Mr Kilgour, Mr Loney, Mr Lupton, Mr Nardella,
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The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

The Hon. D. V. NAPHTHINE

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The Hon. LOUISE ASHER

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Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:

Mr B. E. H. STEGGALL

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Helper, Mr Jochen	Ripon	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Springvale	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
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Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb ¹	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Treize, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantima	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 3 November 1999

² Elected 11 December 1999

³ Resigned 12 April 2000

⁴ Elected 13 May 2000

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Wednesday, 5 June 2002

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.19 a.m. and read the prayer.

Members of the Legislative Council entered chamber.

The SPEAKER — Order! I advise that the time has arrived to hear an address by His Excellency, Constantinos Stephanopoulos, the President of the Hellenic Republic. I ask the Serjeant-at-Arms to escort His Excellency into the chamber.

Serjeant-at-Arms escorted President of the Hellenic Republic into chamber.

ADDRESS BY PRESIDENT OF THE HELLENIC REPUBLIC

The SPEAKER — Εξοχότατε Κύριε Πρόεδρε της Ελληνικής Δημοκρατίας Κύριε Στεφανόπουλε, καλώς ήλθατε στη Βουλή της Βικτώριας. Καλώς ήλθατε στη Μελβούρνη, τη Μητρόπολη του Ελληνισμού στην Αυστραλία.

[Your Excellency, Mr Stephanopoulos, President of the Hellenic Republic, welcome to the Parliament of Victoria and to Melbourne, the metropolis of Hellenism in Australia.]

I also welcome to the sitting the Honourable Bruce Chamberlain, President of the Legislative Council

Accompanying the presidential delegation is a distinguished group that I must also recognise. It is headed by Mr Ioannis Magriotis, Deputy Minister of Foreign Affairs. Welcome to you, Sir.

I also welcome Ambassador Constantinos Ailianos, the Secretary-General of the Presidency of the Republic.

I welcome a person who does not need any introduction to this place, the Secretary-General of Greeks Abroad, Mr Dimitri Dollis.

I also recognise Mr Minas Stavrakakis, Secretary-General of International Relations, Ministry of Economy and Finance.

I introduce to the house the new Ambassador of Greece in Australia, His Excellency Mr Fotios-Jean Xydias.

Honourable members applauded.

The SPEAKER — It now gives me great pleasure to call upon the Premier, Mr Steve Bracks, to welcome the President.

Mr BRACKS (Premier) — Thank you, Mr Speaker. Your Excellency, on behalf of the Victorian government it is both a pleasure and an honour to formally welcome you and your delegation to this joint sitting of the state Parliament of Victoria and to have you address us. Only occasionally do our two houses of Parliament, the Legislative Assembly and the Legislative Council, come together. We do so on issues of state importance, and we do so today to honour your visit to Victoria.

Victorians have a close affinity with Greece. Australians and Greeks have formed close and strong bonds through many wars and battles, from assisting the wounded at Gallipoli to fighting side by side for democratic principles in World War II and later in the Korean War. These bonds between us have been forged throughout our people's histories. Over the past 100 years the Greeks have left an indelible presence on this state. Their contribution has nurtured and developed our community.

Melbourne, of course, is home to the world's second-largest Greek community outside Greece itself. Greek Australians have contributed to all facets of society, from the factory floor to our tens of thousands of small business, from our community life to life on our farms, and from our education and science institutions to this place, of course, as members of Parliament — and that includes our Speaker. It is the first time ever that a Greek-born member has become Speaker of the Legislative Assembly.

Greek Australians have worked hard to establish themselves and their families, and while making their contribution they have never lost sight of their proud Greek heritage.

As a government we have continued to support the Greeks in our community. Your Excellency, we stand shoulder to shoulder with the people of Greece in supporting the return of the Parthenon Marbles.

Honourable Members — Hear, hear!

Mr BRACKS — We are also extremely pleased, Your Excellency, to congratulate you on the Olympic Games being returned to their birthplace, and on behalf of all Victorians I extend my best wishes for a successful games in 2004.

Victoria is Australia's second-most populous state and the nation's most culturally diverse state. One in four Victorians was born overseas, and they come from more than 200 different countries. You, Mr President, have come to one of the most harmonious and open societies anywhere in the world. Australia is a robust

democracy and a place of peace, a place of opportunity and a place of prosperity.

I know you have come here, Your Excellency, because of the great interest you have in the Greek diaspora and your wish to continue building on the strong relationship between our two countries. Your visit here will undoubtedly strengthen the links between Victoria, Melbourne and Greece itself.

Again, on behalf of the Victorian government I say it is an honour to host you during your stay and to have you address this joint sitting of the state Parliament. I thank you very much for your presence here in Victoria. Welcome, Your Excellency!

The SPEAKER — I now call upon the Leader of the Opposition, Dr Denis Napthine, to address the chamber.

Dr NAPHTHINE (Leader of the Opposition) — Thank you, Mr Speaker. It is with great pleasure that I welcome the President of the Hellenic Republic, Mr Constantinos Stephanopoulos, to this historic joint sitting of the Victorian Parliament. Your Excellency, Greece is the home of democracy, and this Parliament is the home of democracy here in Victoria. It is very appropriate that you are here to address this Parliament today.

Mr President, you should feel right at home here in Victoria. We are proud in Victoria to be home to almost half the Greeks who live in Australia. There is no doubt that the heart of the Greek diaspora beats loudest in Melbourne and Victoria.

Australia and Greece share a relationship that few countries can boast. We have strong historic ties which date back many decades. These ties were strengthened during the Gallipoli campaign and in particular during World War II, when Australians and Greeks fought side by side in the hills of mainland Greece and in the olive groves of Crete.

It is a bond that has been further strengthened by the many thousands of Greeks who chose after World War II and even before then to make Victoria their home and raise their families here. Those Greek Australians, who have maintained their proud Greek heritage, have enriched Victoria's life in every aspect, whether it be cultural, social or political, or in finance, industry, science or medicine. They have made Victoria and Melbourne a proud, cosmopolitan community of the 21st century.

Melbourne is proud to be home to the Hellenic Antiquities Museum, which our former Victorian

government worked energetically to establish as part of our Immigration Museum. We thank you, Mr President, for working with us to turn our dream into reality.

Mr President, your visit to Australia is due to your profound interest in Greeks abroad since taking up your post in March 1995. In what is sadly now a changed world, there is hardly a more unfortunate reminder of the contribution of Greeks abroad than the St Nicholas Greek Orthodox Church in New York. Established in 1916 by the many Greeks who moved to America in the early years of the establishment of that great nation, it stood in the shadows of New York's twin towers until they were destroyed on 11 September.

Greece's pledge to help rebuild the church again shows that we must never forget what happened but that we need to rebuild and recommit ourselves to what Greece and Australia and Victoria stand proudly for, which is freedom and democracy.

On that note, Mr President, the Olympic Games in Athens 2004 are an opportunity to help repair a damaged globe and re-install around the world the original Olympic ideals of excellence, honour and harmony.

These are exciting times for Athens and Greece. We support you strongly in your efforts to conduct a very successful Olympic Games. As Australia was the host of the 2000 games we offer to you our support, expertise and assistance to ensure that the Athens games are similarly successful.

In yet another example of our friendship I proudly highlight Australia's role in leading the international campaign for the return of the Parthenon Marbles to their rightful home. I stand side by side with all Australians in fighting for the return of the Parthenon Marbles to their correct home in Greece in time for the 2004 Athens Olympic Games.

Mr President, around you in this Victorian Parliament there are many Greek-born members and members who are of Greek origin. My own party boasts the honourable member for Bulleen, Nicholas Kotsiras, and an honourable member for Monash Province in the other place, the Honourable Peter Katsambanis.

I am also pleased to say that there is a large Greek presence in the Liberal Party and what I describe as the party support team. The honourable member for Sandringham, Murray Thompson, is married to Theana and has named his children Theophilos, Alithea and Alexander. Theana is the head of the women's section of the Liberal Party. An honourable member for Geelong Province, the Honourable Ian Cover, is

married to Lydia, who is of Greek background, and has a daughter named Olympia. I am also proud to say that in my own family my sister is proud to be married to a Greek Cypriot. I am personally proud to have a Greek Australian nephew and two nieces.

Mr President, your visit has added a profound touch and a positive, forward-looking attitude to what is already a strong relationship between Victoria and Greece. I wish you and the members of your entourage very well for a successful visit to Victoria, Australia and New Zealand. We look forward very much to your address to the Parliament this morning.

The SPEAKER — I now call on the Leader of the National Party to provide his welcome.

Mr RYAN (Leader of the National Party) — Your Excellency, welcome. On behalf of the Victorian National Party we are honoured to have you among us here in the home of democracy in Victoria. As you have heard, Melbourne quite rightly boasts of its position as one of the largest centres of the Greek community outside your own country. For many years Australians have enjoyed an enormously close relationship with the people of Greece, not only in times of war but also in times of peace, not only in the bad times but also in the many good times.

We have celebrated with you so many aspects of your cultural diversity: those things that are celebrated in your language, in your dance, in your music, in your food, and in the passionate commitment of your people to their home country. These are things which Victorians identify and celebrate in concert with those of the Greek community.

I am pleased to say that I represent a party whose interests are very much outside Melbourne. Country Victorians have a great pride in the city of Melbourne. It is truly one of the great cities of the world, but our particular interests from a political perspective are based in the country centres of Victoria. We have done much to add to the growth of the Greek community in our many locations around country Victoria, not only in the small towns, sometimes with populations in the hundreds, but also in our larger regional centres, often with populations numbering in the thousands and in some instances in the tens of thousands.

We have been able to bring to the members of the Greek community our wide-open spaces, our natural areas, our mountains, our streams, our beaches and the vast open areas of western Victoria. Many of these things have brought facets to the development of the

Greek community which perhaps it may not otherwise have seen.

Mr President, if I may say so it truly is a marriage made in heaven between two great communities that have much to celebrate together. Such has been the case for many decades, and I am sure that such will be the case in time to come.

The relationship between our respective communities is truly an enduring one. It is therefore my great honour, together with the Premier and the Leader of the Opposition, to welcome you here today. We are genuinely delighted to have you amongst us, particularly in what is our home of democracy in this state and even more particularly to address our welcome to the leader of the nation which can quite rightly lay claim to being the home of democracy in this modern world. Welcome, Sir.

The SPEAKER — It now gives me great pleasure to invite His Excellency Constantinos Stephanopoulos, the President of the Hellenic Republic, to address us.

Mr STEPHANOPOULOS — Mr Speaker, Mr President, the Premier, the Leader of the Opposition, the Leader of the National Party and ladies and gentlemen, I ask for your permission to speak in Greek, because my English is very bad, as you can see! I have my interpreter here, who can translate my words.

Οφείλω να σας ευχαριστήσω θερμώς για την υποδοχή που μου επιφυλάξατε και τους θερμούς σας λόγους για την Ελλάδα. Θεωρώ πολλή μεγάλη τιμή το γεγονός ότι έχω το δικαίωμα να απευθύνομαι στη Βουλή σας και να εκφέρω μερικές σκέψεις εις απάντηση των όσων είχατε την καλοσύνη να μου απευθύνετε.

Θέλω να σας βεβαιώσω ότι τα αισθήματα του Ελληνικού λαού απέναντι της Αυστραλίας και του λαού της είναι κάτι περισσότερο από ειλικρινή και θερμά. Αισθάνονται οι Έλληνες βαθύτατη υποχρέωση και θέλω να την εκφράσω και εγώ για το γεγονός ότι οι Αυστραλοί στους δύο Παγκοσμίους Πολέμους θυσίαστηκαν για την ελευθερία όχι μόνον ολοκλήρου του κόσμου αλλά ειδικότερα και της Ελλάδος. Οι τάφοι των Αυστραλών που βρίσκονται και στο νεκροταφείο των Αθηνών και εις την Κρήτη είναι τόποι ιεροί για εμάς και κάθε περίοδο που εορτάζεται η επέτειος της Μάχης της Κρήτης δεν λησμονούμε να τους στολίζουμε με άνθη και να καταθέτουμε το στέφανο του σεβασμού μας.

Αλλά δεν είναι αυτός μόνο ο θεσμός που μας ενώνει, θέλω να σας ευχαριστήσω θερμότατα για τη φιλοξενία την οποία προσφέρετε εδώ και πολλά χρόνια προς εκατοντάδες χιλιάδες Ελλήνων οι οποίοι μένουν στη

θαυμάσια Πολιτεία της Βικτώρια και την τόσο ωραία πόλη της Μελβούρνης. Εγκατέλειψαν την Ελλάδα, την Πατρίδα μας, σε μια περίοδο πολλών δυσκολιών για όλους μας και γι' αυτούς και βρήκαν διέξοδο σ' αυτό το φιλόξενο τόπο στον οποίο μπορεί να εργάζονται, να προσφέρουν αλλά και να ευημερούν οι ίδιοι.

Σήμερα τα πράγματα έχουν αλλάξει στην Ελλάδα, δεν είμαστε πια κράτος το οποίον εξάγει μετανάστες προς άλλες χώρες δεχόμαστε μετανάστες και δημιουργείται και εκεί ένα πρόβλημα για την καλύτερη δυνατή υποδοχή τους.

Κυρίες και κύριοι γνωρίζω ότι απευθύνομαι προς ένα κοινοβουλευτικό σώμα που εκφράζει κατά τον καλύτερο τρόπο τις αρχές της Δημοκρατίας και προστατεύει πλήρως τις ελευθερίες των πολιτών.

Υποκλίνομαι ενώπιον των εκπροσώπων του λαού της Πολιτείας της Βικτώριας που εκφράζουν με την καθημερινή πράξη τους την αφοσίωσή τους στο δημοκρατικό μας πολίτευμα, το μόνο που αρμόζει σε ελεύθερους ανθρώπους, το μόνο που υπηρετεί την ελευθερία της σκέψης γιατί στηρίζεται στην εμπιστοσύνη των πολιτών.

Φαντάζομαι ότι θα μου συγχωρήσετε την υπερηφάνεια την οποία εκφράζουν οι λόγοι μου να ενθυμηθώ ότι η ιδέα της Δημοκρατίας όχι μόνο γεννήθηκε αλλά και αναπτύχθηκε στην πληρότητά της στην πόλη των Αθηνών. Στους νεώτερους χρόνους, η Ελλάδα αγωνίστηκε, ο Ελληνικός λαός μάλλον αγωνίστηκε πολλές φορές για τη Δημοκρατία και την ελευθερία του και στους πρόσφατους ακόμα χρόνους, και σήμερα είναι απολύτως αφοσιωμένος σ' αυτή την αρχή στην οποία όλοι πιστεύουν και όλοι υπηρετούν. Πιστεύουμε ότι η Δημοκρατία είναι ένα ιδανικό Πολίτευμα το οποίον ποτέ κανείς δεν μπορεί να κατακτήσει στην πληρότητά του, παραμένουν πάντοτε περιθώρια βελτίωσης της Δημοκρατίας και αυτό επιχειρούμε και στην Ελλάδα. Η τελευταία προσπάθεια έγινε με την τροποποίηση του Συντάγματός μας προ ολίγων μόνο μηνών.

Ο ισχυρότερος κρίκος που ενώνει τις δύο χώρες μας, πέραν εκείνων τους οποίους ήδη εμνημόνευσα, πιστεύω ότι είναι η πίστη και η αφοσίωση στις αρχές του δημοκρατικού πολιτεύματος, είμεθα και οι δύο αφοσιωμένοι στη μεγάλη αυτή αρχή. Επιτρέψτε μου να επανέλθω και πάλι στην παρουσία εδώ στο χώρο της Βικτώρια εκατοντάδων χιλιάδων Αυστραλών πολιτών ελληνικής καταγωγής, για να σας βεβαιώσω ότι τους θεωρούμε να μην Έλληνες στην καταγωγή αλλά και πιστούς Αυστραλούς πολίτες αφοσιωμένους στην πατρίδα τους και εργαζόμενους χάριν της ευημερίας της Αυστραλίας. Για εμάς είναι πολλή μεγάλη

υπερηφάνεια ότι συμβάλλουν με τις προσπάθειές τους σε μια καλύτερη ζωή για όλη την Αυστραλία.

Εύχομαι στην Αυστραλία και στο λαό της να συνεχίσουν προάγοντες τη Δημοκρατία, τον πολιτισμό, τις επιστήμες και τα πανανθρώπινα ιδεώδη. Θέλω να σας μεταφέρω το θερμό χαιρετισμό και τις ευχαριστίες του ελληνικού λαού δια όσα υπέρ της Ελλάδος πράττετε. Ιδιαίτερος ακούγοντας την επιθυμία σας να βοηθήσετε την επιστροφή των γλυπτών του Παρθενώνας στην αρχαία τους πατρίδα. Είναι ένα πολύ σπουδαίο ζήτημα για την Ελλάδα, ήδη στην Ακρόπολη, στον Παρθενώνα γίνονται εργασίες αποκαταστάσεως των αρχαίων μνημείων που θα διαρκέσουν πολλά χρόνια. Εάν τα μάρμαρα επιστρέψουν στην Ελλάδα, ο Παρθενώνας θα ανακτήσει ένα μεγάλο μέρος της αρχαίας λαμπρότητός του.

Θέλω επίσης να ευχαριστήσω επίσης για τις ευχές τις οποίες εκφράσατε δια την επιτυχία των Ολυμπιακών Αγώνων στην Αθήνα. Θα καταβάλλουμε κάθε προσπάθεια ελπίζοντας να επιτύχουμε τα αποτελέσματα που επέτυχε η Μελβούρνη στο παρελθόν και προ ολίγου καιρού το Σίδνεϊ. Θέλουμε σ' αυτό το διάστημα από την Ολυμπιάδα του Σίδνεϊ μέχρι την Ολυμπιάδα των Αθηνών το 2004, να εκφράσουμε συγχρόνως την αφοσίωσή μας όχι μόνο στο Ολυμπιακό ιδεώδες αλλά και σε όλες τις αρχές του πολιτισμού, γι' αυτό την έχουμε ονομάσει και Πολιτιστική συγχρόνως Ολυμπιάδα, τη χρονική διάρκεια από της μιας Ολυμπιάδος εις την άλλη.

Πάλι σας ευχαριστώ θερμώς και θέλω να σας βεβαιώσω ότι υπήρξε πολλή μεγάλη τιμή και πολλή μεγάλη χαρά για μένα να έχω το δικαίωμα να σας απευθύνω αυτούς τους ολίγους λόγους.

Thank you very much.

[I am indebted and sincerely thank you for the welcome by which you received me and for your kind words about Greece. I consider it a great honour and privilege to be able to address your Parliament and to express some of my thoughts in response to the kind words by which you addressed me.

I wish to assure you that the feelings of the Greek people towards Australia and her people are more than sincere and warm. The Greeks feel deeply indebted, and I also wish to express this indebtedness myself, for the fact that Australians were sacrificed in both world wars not only for the freedom of the entire world but for Greece's freedom in particular. The graves of Australians in cemeteries in both Athens and Crete are sacred places for us, and at each anniversary when the Battle of Crete is commemorated we do not forget to

adorn them with flowers and lay a wreath of our respect.

But this is not the only bond that unites us. I would like to warmly thank you for the hospitality you have been offering for many years now to hundreds of thousands of Greeks who live in the wonderful state of Victoria and the beautiful city of Melbourne. They left Greece, our homeland, during a period of great difficulty for all of us and for them, and they found a way out in this hospitable land, where they were able to work, contribute and prosper.

Today the situation in Greece has changed. We are no longer a country that exports migrants to other countries; we receive migrants, and we also face a problem regarding their best possible reception.

Ladies and gentlemen, I am aware that I am addressing a Parliament which conveys in the best way the principles of democracy and fully protects the freedoms of the citizens.

I bow before the representatives of the people of the state of Victoria, who, through their daily deeds, express their dedication to our democratic system of government, the only system that befits free human beings and the only one that serves freedom of thought because it is built upon the trust of the citizens.

I hope you will excuse the pride my words are conveying in recollecting that the idea of democracy was not only born but was developed in its entirety in the city of Athens. In more recent times the Greek people have fought for democracy and their freedom many times, even in modern times; and today they are fully committed to this principal, which we all believe in and serve. We believe that democracy is an ideal system of government which no-one could ever conquer in its entirety. There is always room for improvement, and this is what we are attempting to do in Greece. Our last attempt was through an amendment to the constitution just a few months ago.

The strongest link that unites our two countries, I believe, apart from those I have already mentioned, is our trust and commitment to the principles of the democratic system of government. We are both committed to that principle. Allow me to return yet again to the presence here in Victoria of hundreds of thousands of Australians citizens of Greek background in order to assure you that although we see them as people of Greek origin we also regard them as loyal Australian citizens, committed to their country and working towards the prosperity of Australia. We are

very proud that they contribute with their efforts to a better life for Australia as a whole.

I hope Australia and her people will continue to promote democracy, culture, the sciences and universal ideals. I would like to convey to you the sincere regards and thanks of the Greek people for everything you are doing for Greece, and in particular for your efforts to help with the return of the Parthenon Marbles to their ancient home. This is a very important issue for Greece. Already restoration work on the ancient monuments is under way on the Acropolis and the Parthenon, which will last for many years. If the marbles return to Greece, the Parthenon will regain a significant part of its ancient glory.

I wish also to thank you for the wishes you expressed for the success of the Athens Olympic Games. We will make every effort to match the results achieved by Melbourne in the past and recently by Sydney. We would like during this time, between the Sydney Olympiad and Athens Olympiad in 2004, to also express our commitment not only toward the Olympic ideal but also toward all principles of civilisation. That is why we have called this period between the two Olympiads the Cultural Olympiad.

I would like to sincerely thank you yet again, and I wish to assure you that it has been a great honour and a great pleasure for me to have the privilege to address you with these few words.]

The SPEAKER — Your Excellency, on behalf of members of both the Legislative Assembly and the Legislative Council I thank you for honouring the Parliament of Victoria by your attendance here today and for your very wise words and very warm greetings on behalf of the people of Greece. Thank you very much.

Serjeant-at-Arms escorted President of the Hellenic Republic from chamber.

PETITIONS

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

Sorrento: settlement display centre

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

The humble petition of the Friends of the Collins Settlement Sorrento Inc. and/or the undersigned citizens of the state of Victoria sheweth

- (i) that the cultural importance of the 1803–04 settlement site as being a place frequented by the Boon Wurrung Balluk people for thousands of years before the arrival of Europeans
- (ii) that in 1803 the first European settlement in Victoria was established at Sullivan Bay under David Collins
- (iii) that the present-day city of Hobart was established by people who moved from Sullivan Bay to Van Diemen’s Land in 1804
- (iv) that the Sullivan Bay settlement resulted [in] some of the earliest recorded contacts between the Europeans and the Boon Wurrung people
- (v) that erosion has made the site’s display centre unsafe and removal of the building is recommended as an urgent action by Parks Victoria.

Your petitioners therefore pray that the Victorian government appreciates the cultural, historical and educational importance of this by exploring ways in which a replacement centre can be created.

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

By Mr DIXON (Dromana) (592 signatures)

Insurance: public liability

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

The humble petition of certain citizens of the state of Victoria sheweth concerns over the public liability crisis facing the horse industry and adventure tourism. We request that emergency assistance is made available to those groups that cannot obtain insurance when their current policies expire. The assistance required could take the form of direct premium relief.

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

By Mr INGRAM (Gippsland East) (673 signatures)

Road safety: motorcycle levy

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

The humble petition of BTX Motorcycles sheweth and your petitioners therefore pray that there is no \$50 surcharge on top of motorcycle registration.

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

By Mr LUPTON (Knox) (147 signatures)

Sunshine: swimming pool

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 mayor and the councillors of the City of Brimbank have taken steps to deny the residents of Sunshine of their swimming centre, by closing down the

swimming facility and not consulting with the citizens of Sunshine.

Your petitioners therefore pray that the Bracks Labor government will ensure that the Sunshine swimming pool is preserved, restored and redeveloped for the enjoyment by all of the community once again.

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

By Ms BURKE (Pahran) (1262 signatures)

Forests: box-ironbark

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

The humble petition of the undersigned citizens of Victoria respectfully shows their great concern with the government’s decision to accept the recommendations of the Environment Conservation Council to create extensive parks and reserves in the box and ironbark region, despite the council’s failure to demonstrate that the area will be improved by declaring additional parks and by prohibiting or curtailing existing uses therein.

Your petitioners pray that the government give urgent attention to conducting an independent review of the effectiveness, social implications and full costs of any such parks and reserves prior to their implementation.

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

By Mr MAUGHAN (Rodney) (7770 signatures)

Laid on table.

Ordered that petition presented by honourable member for Knox be considered next day on motion of Mr LUPTON (Knox).

Ordered that petition presented by honourable member for Rodney be considered next day on motion of Mr MAUGHAN (Rodney).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Parliament: committee system

Mr ROBINSON (Mitcham) presented report, together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Audit Act 1994 — Auditor-General — Report on Public Sector Agencies —

Results of special reviews and 31 December 2001 financial statement audits — Ordered to be printed

Forensic Leave Panel — Report for the year 2001

Parliamentary Committees Act 1968:

Response of the Attorney-General on the action taken with respect to the recommendations made by the Law Reform Committee's Review of Legal Services in Rural and Regional Victoria

Response of the Minister for Energy and Resources on the action taken with respect to the recommendations made by the Environment and Natural Resources Committee's Inquiry into Fisheries Management.

MEMBERS STATEMENTS

State Emergency Service: funding

Mr WELLS (Wantirna) — This statement condemns the Bracks Labor government and the Minister for Police and Emergency Services for placing the safety of several rural communities at risk. Concerned citizens from the communities of Phillip Island and Yarram have raised serious fears over the long delays in their local State Emergency Service (SES) units receiving long-promised and now well-overdue new truck replacements. These trucks are mostly for road accident and rescue response, so there is a real and current threat to community safety.

It is my understanding that the SES units were promised that the first of 50 new trucks for the state were to be delivered by the end of last year. The rollout phase has only just commenced, with most SES units still waiting anxiously for their arrival. The long delays are now threatening community safety right across rural Victoria.

The situation on Phillip Island is so serious that the SES unit had to sell off its unroadworthy truck and is now relying on a backup trailer being towed by a four-wheel-drive vehicle. This is negatively impacting on the unit's response time and level of service. Due to the large number of events and tourist activities on the island, community safety is currently being seriously compromised by the continuing delays in the Phillip Island SES unit receiving its new truck.

To make matters worse, the Minister for Police and Emergency Services recently conned the public and the SES volunteers with the premature launch of the new trucks. There was great fanfare involving the minister handing over the first truck to the Wonthaggi SES unit but — surprise, surprise — the truck was not even ready! The Wonthaggi SES expected to drive the truck back home that day; however, that was not to be. This

was a great disappointment to the Wonthaggi SES volunteers.

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

Doug Pentland

Ms CAMPBELL (Minister for Senior Victorians) — I welcome Doug Pentland to the world of senior Victorians. Surrounded by his many friends Doug celebrated his 60th birthday at a very special party on 24 May. During Doug's inspirational speech he spoke of putting one's head and heart into one's life and work, and he has certainly lived that message.

In 1945 Doug was committed to the care of the then Children's Welfare Department; in 1946 he lost his father. In 1947 Doug was sent to the Ballarat orphanage and since then he was transferred to a range of homes, including the Sandhurst Boys Centre in Bendigo and the Sunbury training centre. In 1963 Doug saw his mother for the last time.

In 1969 Doug moved into the community where he has lived a very vibrant life, including organising in 1981 the Right to Rock concert at the Melbourne Town Hall. In 1987 he started a radio program on 3CR and in 1988 he attended a demonstration to close the Caloola Training Centre in Sunbury. In the same year he was reunited with his brother Ronald, and a year later he was reunited with his brother David and sister Florence. In 1992, on the day it closed, Doug took the then Premier, Joan Kirner, on a guided tour through Caloola.

Doug lives and works spectacularly, and through the Reinforce and People First programs and his radio program at 3CR — —

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

Awakenings Performing Arts Festival

Mr DELAHUNTY (Wimmera) — Yesterday I was pleased to receive by email the first newsletter from Wimmera Uniting Care headed *Awakenings 2002*, outlining the seventh Awakenings community arts festival to be held in Horsham on 11 to 20 October. The newsletter highlights many things, including the venues, media promotion, outdoor recreation and youth projects, visual arts and the web page.

One thing I will highlight is that last Monday the organisation's esteemed patron, David Helfgott, performed at a gala charity concert in Horsham. All the profits from this concert will be channelled back into

the festival. The concert was attended by 850 people from Port Fairy, Melbourne, Ballarat, Bordertown and the Horsham region. Major sponsors were the University of Ballarat, DIRT Management Pty Ltd, De Bortoli Wines and Sign Online. Special thanks go to the organising committee.

As outlined in an article on David Helfgott's concert appearing in today's *Wimmera Mail-Times*:

His style ranges from gentle and flowing to rapid and frantic, as if he aims to put as much emotion into the notes as possible.

...

It will certainly be a long time before Horsham town hall enjoys another performance such as Helfgott's. The Awakenings festival could not have enjoyed a more appropriate launch.

The Awakenings festival will provide unique opportunities and life experiences for people with disabilities. The growth and expansion of this innovative and creative festival have been amazing. Be in the Wimmera in October or be square!

Joseph Aldridge

Ms ALLEN (Benalla) — Following on from the statement by the Minister for Senior Victorians I acknowledge and congratulate a very inspirational senior Victorian in the Benalla electorate. Joseph James Aldridge was born on 23 September 1919. Joe joined the Australian Labor Party in Violet Town in 1953–54. He thinks his cousin Quinton 'Gundy' Aldridge led the way, and eventually there were five male Aldridges and Gundy's sister, Margaret Hogan, flying the flag for the ALP in conservative Violet Town.

At this time Labor Senator J. J. Devlin lived 8 miles from Violet Town and the ringleader of the party was Harold 'Bluey' Thompson, whose sister, Marie Berry, is still on the executive of the Benalla branch of the ALP. Joe became and was the president of the Violet Town branch until it amalgamated with the Benalla branch. He continued to run its operations in Violet Town for many years, eventually handing over to his sister Marie.

Joe spent six years in the army during World War II, serving in the Middle East, New Guinea and Finchhaven with the 2/2 heavy ack-ack unit. One year in Melbourne working for Metters KFB was enough of the city for Joe, who then had various labouring jobs around Violet Town before working for the railways for 30 years. He retired in 1981.

On 7 February 1969 the *Southern Aurora* from Sydney collided head-on with a north-bound goods train near Violet Town. Nine people died. For his efforts at the scene Joe Aldridge, along with his brother Alan, was awarded the British Empire Medal. The courage and convictions of the Aldridge family have been an inspiration to the people of Violet Town for more than 100 years.

I congratulate Joe on receiving his 40-year medal from the Australian Labor Party.

President of the Hellenic Republic

Mrs SHARDEY (Caulfield) — As shadow Minister for Multicultural Affairs I add my welcome to the President of the Hellenic Republic, Mr Constantinos Stephanopoulos. The events surrounding his visit have been of historical significance, and I and I am sure all other members of Parliament and all members of the Greek community in Melbourne have felt a great sense of privilege in being participants.

As was said earlier this morning, the heart of the Greek diaspora beats loudest here in Victoria and is matched only by the pride Victorians feel in this large community which has contributed so much to our cultural diversity and our achievements.

I am sure all Australians look forward with great anticipation and excitement to the Olympic Games being held in Greece in 2004. At a time of such tension and anxiety in world affairs we look forward to the return of the games to the birthplace of democracy. We also look forward to the return of the Parthenon Marbles, and we continue to gather support for what we believe is desirable and just.

I am sure we all join in wishing President Stephanopoulos a memorable visit to our state and thank him for honouring us by addressing this Parliament this morning.

Police: Preston station

Mr LEIGHTON (Preston) — I am pleased to be able to advise the house that work has commenced on the new \$7 million, 24-hour-a-day Preston police station. That follows a doubling of the Australian Labor Party's election commitment. The existing station should have been condemned years ago. The working conditions for police officers are appalling, and the cells are barbaric.

In 1992 the previous state Labor government announced the construction of a new Preston police station. The Liberal opposition at the time attempted to

have it both ways. Although it criticised the announcement, its local upper house candidate, Mr Greg Eade, announced in the *Preston Post-Times* of 28 September 1992, only days before the state election, that a Liberal–National state government:

... will honour the \$1.73 million allocated to buy the land for the new station.

Following the change of government in October 1992 the Liberal Party tore up that commitment and the contract to build a new station. For the following seven years the Preston police station sat at the top of the Victoria Police priority list. Nothing happened because the Liberal government was not making decisions on merit but was pork-barrelling.

I know that when it comes to Preston nobody will believe any claims by this Liberal Party about being strong on law and order.

Parliament: sitting hours

Mr THOMPSON (Sandringham) — Where was the Minister for Health? Where was the minister responsible for occupational health and safety in the early hours of this morning when the Legislative Assembly sat to just before 3.00 a.m.? Was the Attorney-General conducting a slide show of his recent trip to Hollywood? What were the exceptional circumstances that caused the Labor Party to breach the Lenders ‘Making Parliament work’ document in relation to reasonable sitting hours?

Why was Parliament forced to sit into the depth of the night? Where were the voices of the Independents and the Minister for Education and Training? Why were the concerns of the electorates of Kew, Bulleen, Caulfield, Doncaster, Bennettswood and others about the budget able to be aired only after midnight?

Where were the rest of the government members while the Hansard reporters, the building engineers, the library staff, the catering department, the parliamentary attendants and the clerks of the Assembly kept Parliament running? What occupational health and safety issues were taken into account not only last night but also today for the parliamentary work force?

Last night’s legislative program debacle is exacerbated by the fact that one parliamentary staffer has still not been home. It is a disgrace!

Lucy Fiamengo

Mr SEITZ (Keilor) — I bring to public attention my appreciation and recognition of Lucy Fiamengo,

who has been a tireless worker within the Croatian and the broader community.

Lucy has worked very hard with the women’s group at St Leopold, which is the Catholic centre in Ardeer where a Croatian church has been established. Some 20 years ago Lucy became involved with the women’s group in catering to the needs of the community, and particularly the Croatian community in that area, and in developing a Croatian centre before the church was built. She has worked very hard for that community and has committed herself to continuously working, raising funds and assisting the elderly. She is making a last attempt to realise the building of a bocce court in the area. She is the driving force behind the move.

Once the court is built Lucy says it will need a roof, because playing bocce in inclement weather is not desirable. The years of service that Lucy has provided not only to the Croatian community in my area but also to the City of Brimbank as a volunteer and citizen — —

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

STARS Supernova program

Mr HONEYWOOD (Warrandyte) — Seven young Victorians are about to miss out on the opportunity of a lifetime because of the meanness and hypocrisy of this inept government. For two and a half years the students have been working on an Australian first. They are students at the first school — not a private school but a government school, Glen Waverley Secondary College — to be invited by the NASA space agency to have an experiment sent on the space shuttle into outer space.

The Kennett government had a contract with the space subsidiary of NASA to pay for the experiment in full at a cost of A\$120 000. What happened? Only two years ago the former Minister for Education and Training, now the Minister for Planning, and the current industry minister attended the media launch, where they got wonderful publicity. But then they surreptitiously pulled the plug on this government-sponsored program.

Now we find that corporate Australia has come to the fore. Tabcorp has provided the money to ensure that those seven young people who have worked so hard for two and a half years, along with the honourable member for Cranbourne and local members in Glen Waverley, can get their experiment into space. However, because Tabcorp is into gambling — even though the government is addicted to gambling — it will not be allowed to sponsor the students. This is an

absolute outrage, and I call on the minister to overturn her decision.

Refugees: human rights

Mr LANGUILLER (Sunshine) — At its recent conference the Australian Labor Party recognised that the world is facing a humanitarian crisis, with approximately 22 million people now being displaced. It also recognised that people are fleeing for a variety of reasons, including famine, natural disasters, endemic poverty, violence and persecution.

Labor believes Australia should play a substantial role in meeting the international challenges facing all countries, particularly First World countries, in ensuring generous levels of acceptance of refugees for settlement. The conference expressed its support for the policy announcements made by Simon Crean, the federal leader of the ALP. It said that in that context we should strive to work towards a system that treats all asylum seekers with dignity and respect and as being entitled to a fair hearing. That includes the fast and fair processing of claims by competent decision-makers who are fully trained in all relevant areas, including human rights law, and the right to judicial review.

That would replace the completely discredited current concept of mandatory sentencing with an initial custodial appraisal for identification, health and security checks, followed by accommodation in community settings.

The further recommendation of the conference was to repeal the current temporary protection visa, which requires continual reprocessing, denies family reunion, leaves individuals open to industrial exploitation and places an undue burden on community support, and to ensure that there are appropriate visa classes to meet refugees' protection and humanitarian needs. That does not include onshore asylum applications in the calculation of offshore numbers. That maintains an ongoing — —

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

The honourable for Benambra has 15 seconds.

Walwa and District Bush Nursing Hospital

Mr PLOWMAN (Benambra) — While the Walwa and District Bush Nursing Hospital has agreed to change from a bush nursing hospital to a bush nursing centre, it desperately needs the support of the government for transitional funding as well as ongoing funding for accident and emergency services.

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

MATTER OF PUBLIC IMPORTANCE

Insurance: public liability

The SPEAKER — Order! I have accepted a statement from the Deputy Leader of the Opposition proposing the following matter of public importance for discussion today:

That this house condemns the government for refusing to debate the Adventure Activities Protection Bill and calls on the government to legislate before 30 June 2002 to prevent further closures of tourism businesses.

Ms ASHER (Brighton) — It is with great disappointment that I rise to speak on this matter of public importance. I had, naively perhaps, thought that under this honest, open and accountable government we would be able to debate a private members bill that addresses the issues faced by a tourism industry in crisis.

I refer to a document entitled 'Making Parliament work', printed and authorised by one J. Lenders, who is also the Minister for Finance and who is sitting opposite me at the moment. These were the commitments the Australian Labor Party made to the Victorian electorate prior to the 1999 election.

One was to:

... allow more time for private members bills, private members business, matters of public importance and grievance debates.

I also refer to the fact that in this document the ALP said:

Labor will guarantee in the Legislative Assembly times for private members bills to be debated.

Mrs Peulich interjected.

Ms ASHER — As my colleague says, it is not worth the paper it is written on. Labor has not only not guaranteed time for private members bill, it has actively intervened on four occasions to stop this very important bill from being debated in this Parliament. The first occasion on which the Labor Party tried to have debate on this solution stopped was in the Legislative Council, when a letter from the Minister for Finance went to the Leader of the Government in the other place at 11.30 a.m. on 29 May, asking the upper house to withdraw the bill.

One can speculate on why he would ask one house of Parliament to withdraw a bill, but again that clearly showed a lack of commitment to trying to find a solution to a problem that is immediate and urgent.

The second occasion on which the Labor Party showed its disdain for the tourism industry, particularly in regional Victoria and in the adventure tourism area, was when on 29 May in the other place it in effect voted against this bill. It is interesting that in the upper house there is provision for members to debate private members bills every week. Every Wednesday morning in the upper house the opposition can debate what is loosely termed opposition business.

This bill was debated in the upper house not because of the numbers of the Liberal and National parties but because the rules of that house allow it. This house should adopt those rules because they allow opposition members to raise legitimate concerns and, as in this instance, to raise private members bills. The bill was debated in the upper house and the Labor Party voted against it. That is what the government thinks of this bill. A reasoned amendment was moved to have the bill withdrawn, and the Labor Party supported it. Let's make no mistake about Labor's performance on this bill.

The third occasion when this bill was blocked was in this place when the Labor Party refused to allow the second-reading speech. Who refused it? It was none other than the Minister for Tourism, the person charged with the responsibility to look after tourism in this state.

The fourth occasion on which this private members bill was blocked from being debated — let alone a discussion about whether or not it would pass — was yesterday, when the Leader of the House indicated that he would not allow this private members bill to be read a second time, even if it were slotted in as a matter of public importance. This is in complete contrast to the treatment given to the honourable member for Gippsland East last week on his bill to debate four-year terms, when the government actively made provision for the honourable member to not only debate his bill but to have a vote taken on it.

Ms Allen interjected.

Ms ASHER — We will leave aside commentary on how the government renege on its charter in that particular instance.

There have been four occasions on which the Labor Party did not allow debate on this bill. There is a crisis in tourism in Victoria, and it is not simply one that has been engendered by the events of 11 September or the

collapse of Ansett domestically. Unfortunately we are seeing a crisis in tourism since the election of the Bracks Labor government. The Minister for Finance and the Minister for Tourism need to look at their own budget papers, which reflect the fact that the government had been performing particularly badly on domestic tourism prior to the events of 11 September and the collapse of Ansett.

In terms of domestic visitor nights, which is probably the most important statistic and performance indicator in the budget papers, in 1998–99 there were 55.4 million domestic visitor nights. This was the last full year of the previous government. In the first year of the Bracks Labor government the figure for domestic visitor nights had dropped to 52.5 million — in other words, in the first year of the Bracks Labor government Victoria saw domestic visitor nights drop by 2.9 million, a significant decline on the government's own performance indicators, which appear in the budget papers — and it appeared pre-Ansett.

Further, if we look at 2000–01, there were 54 million domestic visitor nights — —

Ms Allen interjected.

Ms ASHER — They were due to your lack of achievement rather than the budget.

In 2000–01 there were 54 million domestic visitor nights, which was still not at the level achieved under the Kennett government. The expected target for 2002–03 is now listed at 52 million to 54 million domestic visitor nights, which is still not at the level achieved by the previous Kennett government. Similarly, international tourism has seen a stagnant series of figures, which unfortunately I do not have time to go into.

On top of these figures there is a public liability insurance crisis. Already 60 tourism businesses in Victoria have gone out of business. One of the most tragic has been the collapse of Bluff and Beyond, the business run by the Stoney family. They are the face of the tourism collapse; their horses were auctioned off at the weekend. It is a tragic indictment of the government's failure to do something to stop these businesses from going broke.

The government's cut-off date is 30 June. More businesses will go broke if the government does not do something by that date, but the government is showing no indication or inclination to do anything. The government has held a summit, and it put out a ministerial statement on 26 March in which there was no commitment to action. Again the minister promised

another April statement, and we have seen press releases by the score. Indeed the latest press release from the Minister for Finance, which is dated Thursday, 30 May, shows that the government proposes to legislate in the spring sitting. That will be too late — that is the problem! — and more businesses will go broke.

Referring to the press release of the Minister for Finance, its first dot point talks about the provision of waivers under the Trade Practices Act through amending commonwealth and — I emphasise — state laws that will allow people to accept responsibility for their own participation in risky activities. The minister goes on to say:

This is essential for the survival of a number of industries, especially adventure tourism.

But what we have seen is a press statement and no bill. The timetable is not of the minister's choosing; the timetable is of the insurance companies' choosing and we are going to see, in addition to the 60 businesses that have already gone broke, more going broke simply because of the government's incapacity to legislate prior to 30 June.

Indeed the government's own 'Adventure tourism action plan 2002–04', which the minister released and which is listed on page 9, touches on the issue of increases in the cost of public liability being a substantial threat to any analysis of strengths, weaknesses, opportunities and threats. However, on page 13 of that document, again covering the issue of public liability insurance (PLI), the government's proposed solution is shown as investigating opportunities to minimise the impact of PLI increases on operators, including the development of an insurance proposals and claims committee — another committee, committee no. 701! We do not need committees, we need decisive legislative action to stop businesses going broke over the course of the next couple of weeks.

The government has shown an incapacity to grasp that fact. It talks about legislating in the spring sitting to deal with this point, which is covered in the Liberal Party's Adventure Activities Protection Bill.

Ms Allen — It is not yours.

Ms ASHER — I am happy to move onto that. We have sponsored it, and we are happy to acknowledge the role of the Mansfield community in it.

Ms Allen — That is nothing but political point scoring.

Ms ASHER — The honourable member for Benalla would do well to spend her energies convincing the minister, with whom she is sitting, to actually do something to save the businesses in her electorate. I might add that the background to the bill is indeed the Mansfield proposal, and I have spoken on it to the house on many occasions.

Tourism is worth \$250 million a year to the broader Mansfield area, and the proposal is based on 81 per cent of the minor claims being for less than \$50 000. The bill asks individuals undertaking an adventure tourism activity to assume some of the personal risk inherent in adventure tourism — with, of course, provision for negligence to be covered under Transport Accident Commission-style regulations.

The bill has been brought to both the Liberal Party and the Labor Party by the Mansfield task force and was drawn up by Peter Clark, SC. It lists in schedule 16 the adventure tourism activities that would be covered, and it allows for the accreditation of these businesses by the Minister for Tourism.

The key question that I know the minister will focus on is, 'Will it reduce claims?'. The opposition has actuarial evidence that the bill has the capacity to reduce claims, and I think it is universally accepted — —

Mr Lenders interjected.

Ms ASHER — Indeed, in the communiqué coming from the ministerial meeting on public liability held on 30 May it was universally accepted that cutting the cost of claims will lead to cuts in premium costs, and if the commonwealth government needs to act to amend the Trade Practices Act I would support that as well.

Will the bill solve the problem? Well, it will go some way towards solving the problem; but the Labor Party is saying, 'Because we don't have a complete solution, let's do nothing at all!'. That is the attitude of this government. The key question, however, is whether businesses in adventure tourism will be able to pay their insurance premiums by 30 June, and the answer is no. Premiums in this area have had increases of the order of 200 per cent, 300 per cent and 400 per cent, and that poses the key question for the government.

I compare the incapacity and inability of this government to act with the performance of the Labor government in New South Wales, which has already brought in a civil liability bill that is extremely broad. Premier Carr tabled actuarial advice from Pricewaterhousecoopers, indicating that he was persuaded that premiums would decrease, or at least

that his government was introducing the necessary reforms to enable premiums to fall.

We can contrast the behaviour of the New South Wales government, where an attempt has been made to address a genuinely difficult circumstance, with the inactivity, indecision and inertia of the Victorian government and this minister. Adventure tourism businesses are going broke now and jobs are being lost now. What does the minister do? He issues a ministerial statement and 10 press releases and thinks he might legislate in the spring sitting.

This is one of the most shameful performances we have seen from this do-nothing government. I call on the government not to issue a press release and not to have a talkfest but to act now before further businesses go broke and further jobs are lost — and even to help the honourable member for Benalla to retain her seat, if that is the price we have to pay!

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

Mr RYAN (Leader of the National Party) — That is too high a price!

It is my pleasure to join debate on this motion, to which there are two aspects, it seems to me, the first being the principle that underpins this area of legislation.

The government made commitments in signing the so-called Independents charter about how processes would occur, and I am sorry to see that it has been abandoned yet again. This is all being done in the name of the famous charter, which in practical terms is in absolute tatters. We have a purported arrangement between the Independents and the Labor government that is supposed to make all sorts of wondrous changes to the conduct of the Parliament; but again and again its terms have been flouted, to the point where the document has become largely irrelevant.

One of the terms of that document is about enabling pieces of legislation of this nature to be debated in a manner which, it was proclaimed, had not occurred before. Here, however, the government has actively intervened to prevent that debate from happening, and it should be condemned for that. This is another instance of the government not keeping the promises it made to the people of Victoria prior to the last election.

The other aspect of this whole debate is the merits of the process surrounding dealing with the crisis that we have in relation to public liability insurance and, more particularly, that element of it upon which the private members bill is focused — namely, the adventure

tourism industry. First, as to the problem, it is of massive proportions. We do not need to go through it chapter and verse. I think it is broadly recognised that we have a terrible problem on our hands. It was never better illustrated than in the main street of Mansfield only a few weeks ago when I was there with a number of other members of the Parliament, including the honourable members for Benalla and Brighton and an honourable member for Central Highlands in another place.

Ms Allen interjected.

Mr RYAN — It is not my party, you understand. So we were part of that process of an important meeting which was held in the main street of Mansfield. That day highlighted the difficulties which the industry is facing. It highlighted the fact that, come 30 June, we are going to have terrible problems in the industry.

I congratulate the Liberal Party on having a go in relation to this problem. It brought forward some legislation into the upper house which contains measures it would like to see advanced for the purpose of assisting the industry.

As the Honourable Peter Hall said on behalf of the National Party in the course of that debate, and indeed as I have said to the Liberal Party, there are elements of the legislation which, whilst I commend the general tenor of it, we need to have some regard to in the sense of whether they need to be modified somewhat. I do not know that the Transport Accident Commission model upon which it is based is the appropriate mechanism to translate into the sort of legislation that the Liberal Party contemplates.

I think principles to do with the capacity of a participant in adventure tourism to buy some sort of insurance policy at the gate at the time they actually undertake the contract for the provision of those services are an issue that needs to be discussed further.

There are some issues to do with the assessment of some of the accreditation processes under the legislation which perhaps need to be looked at, because I have a concern about the notion of the government being involved in the regulation of the industry in the way the legislation contemplates. But at the end of the day what it does is bring into the Parliament an effort which I must say stands in stark contrast to that of the Labor government up until now. We have had all these efforts dancing around the edges of where the problem really lies, and it is no more clearly demonstrated than in the case of the adventure tourism industry. We are

going to have a crisis in a place like Mansfield within about the next three weeks if this issue is not sorted out.

It is a shame that the bill is not being debated. It would need to be modified somewhat to achieve its ends, but I congratulate the Liberal Party on at least having a go in relation to getting a solution to this. Insofar as the government is concerned, particularly with a focus on this issue of adventure tourism, its efforts so far have been absolutely lamentable. We have a position now where every state jurisdiction in Australia is under the hand of a Labor government.

Mrs Peulich — That is lamentable!

Mr RYAN — That in itself is lamentable, but it is also lamentable that in circumstances where everybody agrees that the states have a strong capacity to have influence in this area, and that is demonstrably so because of what is happening over the border to the north of us, we are yet to have a meeting of the Labor states to deal with this issue as a group. Would you not have thought that, in a situation where the Labor Party has the reins in each of the jurisdictions around Australia and has a clear capacity to intervene in this situation, it would have had a gathering of its own with a view to putting a united position which would serve the purpose of bringing this whole thing to a close?

The comment will be made, 'It's a federal government responsibility. The federal government should be convening these meetings'. That is absolute rubbish. It has its own place in things, yes, but in the first instance the states, which are able to determine their own future with regard to this issue, should be coming together, and the Victorian Labor government should be the one that is driving that activity. The Victorian Labor government should be calling the states together to enable appropriate proposals to be developed to put amongst its own, as well as at the federal level.

What is happening in the absence of that arrangement? We have this break-out of action over the border in New South Wales, where Bob Carr is introducing his form of solution. We have a similar position happening in Queensland. The outcome, of course, is that we have ad hoc arrangements occurring between the Labor states in circumstances where they should be coming together with a view to, in a united sense, resolving the way forward from a state perspective. Pathetic!

The next thing is that we have three weeks to go before the tourism industry in particular faces its very difficult time. What the government of Victoria could be doing in these very trying times is entering the fray. It has to be prepared to get in there and give these people a hand.

It can be done in different ways. I emphasise that in so saying I recognise that as a matter of policy you would not normally do it. But these are not normal times. We have an absolute emergency on our hands, and the government should step into the breach — even if it rebated 10 per cent of the stamp duty; even if it looked at those who perhaps do not pay payroll tax, for example, and gave them some assistance in the adventure tourism industry; even if, for example, it negotiated with the insurers for structured premium payments and assisted in the payment of at least the first instalment. There is a plethora of ways in which the government could get involved here if it had the mind to do it. But it has not got the mind or the heart or the will to do it. What is going to happen is that a lot of these organisations are going to go to the wall because of this government's inactivity.

The other feature of this issue is, of course, that although the federal government is intimately involved in the regulation of the insurance industry, the state government of Victoria has not done nearly enough to haul the industry into line and get a position out of it. We have the happy position from the insurers' perspective where the industry has been able to stand aside from this whole debate, and the state government of Victoria has not done nearly enough in my view to hold it to account.

There are solutions available. In fact it was the National Party, as I have set out here several times, which started this whole debate 12 months ago. I do not think even the government would deny that it was the National Party which instigated the conversation over this — an issue that it initially dismissed as being irrelevant; an issue that it initially dismissed as being something outside its purview altogether; an issue in relation to which it was not even going to have any sort of a public forum until it was dragged kicking and screaming to it by the National Party; and an issue in relation to which it has subsequently demonstrated a complete capacity for ineptitude.

The fact is this government should be taking the reins in relation to this matter, particularly on behalf of Victoria's adventure tourism industry, to give some realistic assistance to that important aspect of our regional economy. It is crucial that it does so and does so now. Regrettably we have a situation now where in other states of Australia other issues are being pursued with a view to bringing about solutions. I readily confess I am not satisfied as to whether those interstate solutions are going to solve the problem, but what I do say is that at least over the border, at least in the other jurisdictions around Australia, at least in the other Labor states they are actually doing something. At least

they can point to the adventure tourism industry in their areas and can say, 'We are in there doing something for your industry, trying to get a solution'. Here in Victoria it is a lamentable shame that the government is not doing that, and so it is that this bill is not even being debated here today.

Mr LENDERS (Minister for Finance) — It gives me great pleasure to rise in this debate today, firstly, to outline what the government has done in these areas, and secondly and more particularly, to address the matter before us today on the issue of the Adventure Activities Protection Bill and the government's position in both chambers on how we deal with it and where it fits into the issue of addressing insurance problems in this state.

First and foremost, I will debunk some of the myths that have come from the Deputy Leader of the Liberal Party. If she had been serious about having debate in this place, she had seven years to deal with the standing orders in this place to let debates on. So addressing the issue of debating a private members bill in the place, let us put that absolutely on the record.

The second issue I will address today is the private members bill and the history of the bill. This bill was presented to the government some time ago. It was considered by us along with a lot of other things as a solution to some of the problems we had. We did not accept it as a solution, for a number of reasons I will go through. The process issue I raise here, though, is the shameless exploitation by the Liberal Party of the disadvantaged in the community — the fears it has raised in the community by grabbing this bill, saying this will solve every problem and giving false hope that the adoption of this flawed piece of legislation will somehow or other deal with the issues of adventure tourism. I want to put that on the record.

I wrote to the Leader of the Opposition in the upper house about this. I outlined and praised the efforts of the honourable member for Benalla, who has worked with the Mansfield community and the Shire of Delatite to try to address the issues facing them. She has been working with them to find solutions, not attempting political stunts, like the opposition. If the opposition was serious about this bill being a solution it, like the National Party, would have come forward and focused on the issue many months ago and not only two or three months ago as a last-minute conversion — 'We'd better make some noise about it'. It would also have paid attention to the government's letter.

I have written to the Leader of the Opposition in the upper house outlining why the government thought the

bill was not a solution and why it is flawed. I mentioned issues such as the fact that if this piece of legislation removed appeals to the Supreme Court it needed to have a section 85 statement, which it did not; the opposition did not care, it did not check, it just wanted a political stunt. The government has advice from parliamentary counsel and the Insurance Council of Australia among others as to why this particular model would not work. If it would work, if it was easy, the government would have seized it months ago as the easy solution that the opposition is cruelly trying to portray it as.

The nub of why this legislation would not work is that the government does not want to impose yet another experiment on a grieving industry that is struggling to find insurance and deal with this issue. The opposition is happy to throw experiments at the problem and see every gimmick that it finds as a solution. The government did not want to go down that path for several fundamental reasons. Firstly, you can legislate until the cows come home and place all the demands you like on industry but you will not get an insurer into the market unless it wants to come in and thinks there is a business case. This legislation would not guarantee that any insurers would come into the market, for a number of reasons. The government is already trying to bring insurers into the market. For the record, adventure tourism operators are getting insurance as we speak. None of them particularly like the price of the insurance and their group buying schemes will be stressed until 30 June, as the Deputy Leader of the Opposition has identified, but let's get it right: insurance policies are being written for adventure tourism operators in Victoria today.

The second issue I raise is this: not only can you not force an insurer to come into the market in the way the opposition seeks to do, but this would set up the most complicated series of systems to deal with the tests. The opposition is replicating the Transport Accident Commission and the Workcover authority and a whole range of things that deal with these issues. It seeks to do this by way of a private members bill introduced into the upper house in the dead of night without consultation. If that is how people want to deal with these things, let them do it.

However, the most fundamental issue that the opposition seems to have completely ignored — this goes to the issue raised by the two lead speakers — is that this legislation would be totally ineffectual in the state of Victoria because of the provisions of section 68 of the Trade Practices Act. The Victorian government has pursued this issue with the commonwealth government. Last Thursday Senator Coonan finally

gave a commitment to the state to Victoria that the commonwealth government will move amendments to section 68A of the commonwealth Trade Practices Act in the next few months when it has had a chance to evaluate it. If the opposition can assist in getting the commonwealth to step up that process I will give my full strength to its arm — —

Mrs Fyffe interjected.

The DEPUTY SPEAKER — Order! The honourable member for Evelyn will cease interjecting. If she wants the call, she can put her name down on the list. Likewise the honourable member for Benalla.

Mr LENDERS — The point I would make is that the commonwealth government, along with every single state and territory government, is committed to a joint approach; it is a joint commonwealth–state issue. I give full praise to the commonwealth government. I was critical of it two months ago for being slow in coming to the mark, but now it, like the states, is determined to find solutions that will not further destabilise the industry. Like the states, it is committed to finding solutions. It would be of great assistance if the parliamentary Liberal Party in Victoria would come to the party and try to find solutions rather than coming up with gimmicks and stunts that it thinks will give it some carriage out there.

Let's not beat around the bush. The Liberal Party has not developed a newfound interest in this issue because it cares about adventure tourism — if it does, it is slow off the mark. This is to position it against the National Party to decide which of them makes a bid for the seat of Benalla. That is what it is all about. The Liberal Party is upset that the National Party got ahead of it, and it has grabbed the Benalla issue. The Liberal Party is not looking for solutions for industry, it is just having a go in this industry.

The one final thing I will say on this issue is that I have a letter dated 21 May from the Honourable Bill Forwood, the Leader of the Opposition in another place. In it he says:

The Liberal Party believes that the passage of this bill will immediately lead to lower public liability insurance premiums ...

If the opposition thinks that this will happen simply because it says it will then it should talk to its colleague Senator Coonan and the eight state and territory governments which are trying to fix these problems.

There are a number of ways we can deal with the insurance issues in this country. First and foremost, the

government's approach from the very start has been to isolate the sectors that are in greatest distress. Adventure tourism is in great distress; I fully concede that. That is why the government is working flat out trying to find a solution to this that will work and make insurance accessible, affordable and equitable. They are the three tests the government has applied to this problem from day one. The honourable member for Brighton skites; she thinks she is so clever talking about solutions in other states. I put on the record for the honourable member for Brighton the fact that Victoria is the only jurisdiction that has managed to find solutions for the not-for-profit organisations — 12 000 not-for-profit organisations now have public liability insurance. No state or territory other than Tasmania, which is part of the Victorian scheme, has come up with a solution to that issue.

If the honourable member for Brighton thinks this government is doing nothing, she should perhaps trawl around the country and she will see that this is the one state that has done that. The Thorpdale potato festival, the Metro Rabbit Fanciers Club and the Lismore Progress Association — organisations that were under stress — all have affordable insurance. That is a stunning situation. The Victorian government, in partnership with the Municipal Association of Victoria, the community groups and the insurers, has managed to get a solution to that problem. It has also managed to get a solution to the issue of builders warranty insurance by working in partnership and dealing with these issues. The honourable member for Brighton thinks it is easy to sit here and pontificate, but she should go out and see what governments have done. Solutions have been found in these areas of stress. There are more areas that need solutions, and this government will continue to work on them.

Another thing the honourable member for Brighton should focus on is the fact that we need to get insurers into the market. According to the Trowbridge report commissioned for the insurance ministerial council, in the last four years in Australia the average cost of payouts has been rising at 10 per cent per annum, which is 6 per cent above wage inflation. That is an economic problem that needs addressing. The states and territories are moving to deal with issues of tort law reform to address this. We are working on these issues. However, the Trowbridge report also showed that last year premiums in this country rose on average by 30 per cent — costs are up 10 per cent and the premiums are up 30 per cent.

If the honourable member for Brighton thinks the answer is to go to the insurance industry and ask it to help, she should realise that governments have a

responsibility to ensure that any fundamental changes they bring into the system deliver lower premiums for businesses, community groups and consumers. We should not just swallow the line of the Insurance Council of Australia that all these changes will miraculously fix the problem. In the last four years the cost of payouts has risen 10 per cent per annum and the cost of premiums has risen 30 per cent. Our solutions must deliver any savings to consumers.

When we are talking about how to deal with the issues we must understand the industry. The government and the honourable member for Benalla have met constantly with the tourism operators. The Minister for Tourism has met with them, has dealt with them and has addressed their issues. There are complicated issues like those in the adventure tourism industry where a lot of the programs and prices are printed and advertised 18 months in advance. The industry is in need of restructuring and assistance, and it is working with the government to determine how the government and the industry together can get through these problems. Insurance is a way of dealing with them, but there are a whole lot of other issues that assist with this.

The honourable member for Brighton keeps suggesting that this bill will fix all the problems. If it were that simple this bill would have been introduced a long time ago with the support of the government. The honourable member for Brighton seems to be urging the government to pick up all the areas where insurance is not profitable and leave the profitable areas to the private sector. If that is what the member is suggesting, then let's bring on the debate on these issues.

The government is determined to find solutions. It wants the adventure tourism industry in this state to thrive as it has done for many years. It wants to overcome the problems insurance premiums present to adventure tourism. That is why the government is working with the tourism operators association to try and get products for its group scheme. That is why the government is out there trawling to get insurers to come into this state and offer products — as some insurers are now doing, although admittedly not at the price the industry wants.

That is why this government, under the leadership of the Minister for Tourism, is the first government in Australia to put money into risk mitigation strategies to assist the adventure tourism industry on how it could address some of the issues of why insurers will not go into this area. These are all absolutely critical issues that we need to be dealing with in a package to try to deal with it.

Despite going around saying glibly that if this bill is passed it will bring down the premiums — and glibly mocking the efforts of the honourable member for Benalla, who has done more hard work with such passion and commitment in that electorate than I have probably seen anyone in this state do — the fundamental issue that the Liberal Party does not understand or forgets is that unfortunately its bill is flawed. It does not have the section 85 statement, and it is powerless to deal with the issues until the commonwealth removes the provisions of section 68A of the Trade Practices Act, as otherwise this legislation will not take effect.

Opposition members can glibly say again and again that this legislation is the miracle panacea that will solve all the problems of insurance, but they know that the commonwealth needs to remove that part of the act. The commonwealth has committed to doing that, and once that is gone that will be one impediment out of the way. Even with these amendments to the act we still need to get insurers into this area. We need to convince them that this is a very important industry that they should be supporting.

The packages this government is bringing in are complete packages that are trying to address this on every single front. In the first instance priority 1 is to find insurance for people who need it. As I said, there are already runs on the board in a number of areas, but more needs to be done.

The second item is that we need to bring in insurance that is affordable, and to make it affordable we have to hold the insurance industry accountable, which is something that all governments — state and federal, Labor and Liberal — are now committed to doing, and the Australian Competition and Consumer Commission will be asked to come in and assist with that.

We need to hold the insurance industry accountable so that any of these changes in the macro sense dealing with tort law reform and the like actually bring reduced premiums to the areas that need them, so that it is not just rhetoric to add to the bottom line of insurance companies. We need to make sure the premium is delivered and actually assists in these areas.

Thirdly, there have to be equitable and workable solutions. We cannot just bowl up half adaptations of the transport accident scheme, the Workcover scheme or any other scheme that was a good idea at the time and think that they will somehow or other miraculously work in Victoria to address the issues of insurance for adventure tourism.

They are the three tests this government has consistently applied. This government has now brought relief in a number of sectors. We will continue to work to the best of our ability, and Victoria has been a leader in this area. No other state has solutions for adventure tourism. We hope to be the first and to share that solution with every part of the country, primarily because we want the adventure tourism industry in north-eastern Victoria in particular to continue to thrive because it is a good industry.

We want to be part of the solutions for the industry and we want to be working with it. We do not want to be part of political stunts and gimmicks that are thrown at us in the dead of night as a solution or to be told, 'If you just pass this bill the world will be fixed and the problems will be over. Why aren't you supporting the Liberal Party?'. That is the rationale the opposition is putting to the government. It cannot seriously think that the bill is a solution to the complicated problems we have. This government is working on them in cooperation with the local member of Parliament and the industry; and it is working across the globe. We want solutions, and we will work towards finding them.

This bill is not the solution that the Liberal Party says it is. It is a cruel hoax.

Mr CLARK (Box Hill) — Honourable members just heard the Minister for Finance for 15 minutes telling this house why the Bracks government is going to stand by and see hundreds of tourism operators, riding schools, pony clubs and other establishments close their doors and cease operations on 30 June. If the minister were able to prove a case that there was absolutely nothing to be done, that would itself be a tragedy, but he has failed abysmally to do so. Let me address that by coming to the guts of his argument. He puts two points.

First of all he says the Mansfield proposal — the legislation that the Liberal Party has been supporting — will not work because there need to be amendments to the Trade Practices Act before that can happen. Let me simply say this: the way the Mansfield proposal is structured is exactly the same way as the Transport Accident Act is structured. Let me quote from section 93(1) of the Transport Accident Act. It says:

A person shall not recover any damages in any proceedings in respect of the injury or death of a person as a result of a transport accident occurring on or after the commencement of section 34 except in accordance with this section.

The Mansfield proposal says:

A person shall not recover any damages in any proceedings in respect of the injury or death of a participant arising out of or

in the course of an adventure activity, where the participant participated in that adventure activity on or after the commencement of this Act except in accordance with this Part.

If the house will excuse the legal quotes, the essence of what I am saying is this: if the government were correct that the Trade Practices Act caused a difficulty for the Mansfield proposal, exactly the same difficulty would apply under the Transport Accident Act. In other words, every time a passenger bought a ticket on a bus and was then injured due to the negligence of the bus driver the entire transport accident scheme, which has been operating without difficulty or obstacle throughout Victoria for many years, could be avoided by going off to the federal jurisdiction and invoking the Trade Practices Act. It has not happened under the Transport Accident Act; there is no reason to believe it would happen under the Mansfield proposal embodied in the bill that the Liberal Party has introduced.

The reason, as a matter of law on the best advice we have been given, is that the Mansfield proposal does not seek in any way to alter the warranties that are implied by the Trade Practices Act. Those warranties continue to operate outside the field of personal injury. Those warranties can still be activated. Therefore there is no attempt to overturn them. There is thus no threat to the validity or the effective operation of the Mansfield proposal which the Liberal Party has been supporting. So the minister's key argument falls over at the first hurdle.

The minister then goes on to say that even if Parliament passed this legislation it could not to give any guarantee that it would have any effect, and therefore the government will not support it. The point that we on this side of the house have been making about this legislation is not that it is a panacea and that it will solve all the problems of the adventure tourism industry, and certainly not that it will solve problems outside the adventure tourism industry; what we are saying and what I stick by saying is that this will provide the stability needed to give adventure activity industries the best possible hope of attracting and retaining the insurers to offer the cover they need so that their doors do not close on 30 June.

In all of the 15-minute speech we heard from the Minister for Finance he did not offer any hope or solution or comfort that hundreds of operations around the state will not be forced to close on 30 June. He said, 'Give us proof'.

Mr Plowman — And no urgency.

Mr CLARK — He has no understanding of the urgency of it: the fact that once these businesses and operations close many will find it impossible to reopen and a whole way of life will be decimated throughout country Victoria, including pony clubs and riding clubs around the state.

The minister said, ‘Give us proof and we will believe’. We have before this house a bill on marine parks. Marine parks are supported in one shape or another, as I understand it, by every member of Parliament. Do we need to demand absolute proof as to the efficacy of this legislation? No, we make a judgment based on the best available evidence.

The best available evidence in this case is very strong. The minister knows as well as other interested members and I do that there are insurance companies that are thinking about whether they will come in and provide cover for some or all adventure tourism operators. As the minister said, some operators are already getting cover at a very high price. The rally on Saturday was told that there is some hope that some pony clubs will get cover. It will be marvellous news if it happens.

What it shows is this: there are insurance companies out there that are deciding whether they will offer cover in this industry. The insurance companies are looking for an ability to price the risk on which they will write the cover. What the Mansfield proposal and the bill the Liberal Party has introduced do is get rid of a lot of the minor claims and the legal and administrative costs that go with them and provide more certainty and a model on which there has been previous experience which will enable insurance companies to price their product and therefore make a decision that they will offer cover. The offer of cover is what is desperately needed in so many instances. This bill will give that certainty and the best possible chance of cover being available before 30 June — and I come back to the fact that the critical date is before 30 June.

Introducing a bill in spring is too little and too late. There are question marks over the waivers model to start with, but even given that it would work, spring is too late. This model is available now, it is focused on a distinct and specific industry and it does not in any way cut across broader reform models that may evolve over time. This is an urgent package to provide a solution for this industry. It is based on very clear principles.

This model is based on a voluntary assumption of risk in a recreational field where there is free choice in participating in whitewater rafting, horseriding or whatever else it may be. The participants themselves say — and they were saying this strenuously at the rally

on Saturday — that they accept that if they go riding on a horse there is a risk of falling off and breaking a limb or suffering some other injury. They are prepared to accept the risk of minor injuries if they are undertaking their activities with properly accredited operators, and they recognise that if there is a serious injury their full legal rights will remain.

A range of other arguments have been raised by the government and the Victorian Government Solicitor. The minister refers to a section 85 clause; for heaven’s sake, if that is the only obstacle he could put one into the legislation, but it is an issue we have considered and it is not necessary because our proposal does not exclude the jurisdiction of the Supreme Court.

Arguments have been raised about thresholds and the 30 per cent test. Those critics need to be reminded that there is a narrative test as well as a 30 per cent test, and if they consider the threshold is too high, for heaven’s sake let them put forward some alternative solutions. The Liberal Party is not trying to monopolise this solution. It is more than happy to go outside the chamber, sit down with the Minister for Finance, the honourable member for Benalla, the National Party representatives and the honourable members for Gippsland East, Gippsland West and Mildura and talk this through this week so we can get a bill to which everybody can attach their names passed through the Parliament to provide a solution.

It has been argued that the Minister for Tourism might end up being sued if he presides over this regime. Governments issue a plethora of licences already through ministers or departmental secretaries; are we worried about the risk of that? This bill is no different to those situations. It is also argued that private insurers cannot handle the injury assessment, but they do that for common-law claims already in assessing the degree of injury.

A whole host of spurious and trivial arguments have been raised by the government. Most of them are wrong, and if there is any substance in the others, they are solvable. The bottom line is this: there needs to be a sense of urgency and there needs to be action now if we are not to see hundreds of businesses and other operations closing their doors on 30 June.

This bill is the best available chance of making a real difference and of having some legislation that will give certainty and stability to the assessment of risk, and it is the best possible chance of ensuring that insurance companies will be willing to provide cover before 30 June. The government is being ridiculously, unfairly and callously blind in turning its back on that. It says it

is compassionate and caring, but it has shown itself to be exactly the opposite!

Ms ALLEN (Benalla) — I commend the Mansfield tourism and public liability insurance task force and also Peter Clark, SC, who drew up the Adventure Activities Protection Bill. Their intentions were obviously very honourable, they certainly had the right idea and they were heading in the right direction, but unfortunately this legislation is flawed — and the Liberal Party knows it. The upper house members of the Liberal Party know it.

I had been working with the Mansfield public liability insurance task force for some time on this proposed legislation and we had facilitated a number of meetings with the office of the Minister for Finance, and through those meetings the government had made it quite clear that it needed information and it needed documents to prove that this legislation would bring down premiums.

At one meeting we had in the minister's office the task force was adamant and assured us — it guaranteed us — that it could get a letter from an insurance company to prove that premiums would come down. To date, we still do not have that letter. That is because we cannot get an insurance company to document exactly what premiums will be as a result of this legislation. Not even the National Party has been able to get insurance companies to come on board in response to that particular request.

This bill was introduced into the upper house a couple of weeks ago and the following Monday the Liberal Party called a meeting in Mansfield, giving me notice of one and a half days. When asked by the Delatite shire mayor, Cr Don Cummins, what they hoped to achieve out of that meeting, an honourable member for Central Highlands in another place said, 'We were hoping Denise would come along to support the bill'. Being a government member my diary is booked two months in advance, and it is very difficult to break appointments when the Liberal Party chooses to call a meeting on a whim. The honourable member for Central Highlands also told me that I was the first one to be notified about that meeting. If I was the first one to know about it, I must be a mind-reader because I obviously knew before the honourable member for Brighton, before the shadow minister for rural and regional development in the upper house and before the honourable member for Central Highlands.

That said, if opposition members wanted my support and the support of the minister and if they also wanted to discuss this with the Leader of the House in the lower house, why didn't they approach us to talk about

this legislation and to ask us to support it on the Tuesday after they had introduced it when we were here in Parliament for the rest of the Tuesday afternoon and for all day Wednesday and Thursday? Why didn't they? They have still not been able to answer that question. They just choose to ignore it because they know this legislation is flawed.

The bill was introduced into the upper house, and it is obvious that the honourable member for Brighton, the shadow Treasurer and subsequently the Leader of the National Party are not aware that what they have done in the upper house is literally make this bill null and void. The government has had advice from Eamonn Moran, the Chief Parliamentary Counsel, about a section 85 statement being inserted into this legislation because without one it would mean that consumers could still go to the Supreme Court to make a claim for damages. According to section 85(5) of the Constitution Act 1975, the only way this provision can be inserted is if:

- (b) the member of the Parliament who introduces the Bill for the Act or, if the provision is inserted in the Act by another Act, the Bill for that other Act, or a person acting on his or her behalf, makes a statement to the Council or the Assembly, as the case requires, of the reasons for repealing, altering or varying this section; and
- (c) the statement is so made —
 - (i) during the member's second reading speech; or
 - (ii) after not less than 24 hours' notice is given of the intention to make the statement but before the third reading of the Bill; or
 - (iii) with the leave of the Council or the Assembly, as the case requires, at any time before the third reading of the Bill.

This has not been done. The opposition has not put forward the amendment prior to the third reading of the bill, and it has been read a third time in the upper house and passed in the upper house.

When the shadow minister for rural and regional development was made aware of this by the Honourable Monica Gould, the Leader of the Government in the upper house, after the bill was passed, he said, 'We looked at that but we didn't think it was needed'.

Subsequently they have allowed the legislation to be passed in the upper house without a section 85 statement being included. The legislation is now null and void. Regardless of that, even had it been inserted that provision would have been overridden by the Trade Practices Act, and until such time as section 68A of the

Trade Practices Act is amended it will still override the legislation because the client would be able to go to the Federal Court.

This has been made clear by the Chief Parliamentary Counsel, Eamonn Moran. I am amazed that the Liberal Party did not bother to seek that advice because it is outrageous that the Liberal Party has given the people of Mansfield false hope. The Liberal Party put forward this legislation and encouraged the people of Mansfield to believe the bill would suffice, even without checking whether the legislation had been written according to the constitution. It bulldozed ahead because it was trying to score political points in Benalla and with the Mansfield people as a result of the public liability insurance crisis.

I have no doubt it has done this because the Liberal Party candidate for Benalla is a tourism operator. I am sure the Liberal Party thinks it will score brownie points for its candidate because of the public liability insurance crisis, but I also remind the Liberal Party that the Liberal Party candidate was a Labor Party candidate in 1993, 1994 and 1995.

Ms Asher interjected.

Ms ALLEN — You have not checked. I have checked with the Labor Party head office. He joined in 1993, 1994 and 1995; he did not renew in 1996. He has not officially resigned, but of course once he does become the candidate, he is no longer a member.

He was appointed to the Victorian Tourism Operators Association by the previous Labor government but was sacked from that role by the previous tourism minister, the Honourable Pat McNamara. The reason he stated for joining the Labor Party was because he hated Kennett and hated the Liberal Party policy. Now he is an opportunist running for election in the seat of Benalla.

Ms Asher — On a point of order, Deputy Speaker, a very narrow matter of public importance is before the house at the moment. It is specific and narrow, as is required under the standing orders. The honourable member for Benalla is embarking on a tirade against a gentleman from her area. That is inappropriate and is not within the boundaries of the matter of public importance before the house. I ask that you advise the relatively new member to the house that matters of public importance are specific, that she should be debating the issue before the Chair, leave aside her vitriol in relation to our fine candidate in Benalla and revert to addressing the matter of public importance.

The DEPUTY SPEAKER — Order! I uphold the point of order. I ask the honourable member to return to the matter of public importance. The nature of a candidate for Benalla is not covered by the debate.

Ms ALLEN — I may be new to this house, but obviously I know more about the bill than do the honourable member for Brighton and the upper house members, because they were stupid in that they did not check the bill before that place and did not realise that it needed a section 85 statement included in it. As it does not contain that section 85 statement and it has been read a third time in that place, and passed there, it now becomes null and void. Even if it did contain a section 85 statement the Trade Practices Act would override it.

My heart goes out to the people of Mansfield and particularly to the adventure tourism operators because that area is part of my home town area. I am passionate about those people. I have delivered enormous wins for the people of Mansfield and I am not about to let them down now — not like the Liberal Party, which has given them false hope by telling them the bill will be their saviour, when in fact the Liberal Party members in the other house have literally stuffed it by not amending it through the insertion of a section 85 statement. They have subsequently given the Mansfield people —

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

Ms Asher interjected.

The DEPUTY SPEAKER — Order! Last night — only a few hours ago — when I was in the chair I had continual interjections from the Deputy Leader of the Opposition. I do not wish to have continual interjections from her today. I have had enough interjections from the Deputy Leader of the Opposition, and I ask her to be quiet.

Mr McINTOSH (Kew) — There is an old adage among old barristers such as me that when you are weak on the facts, go to the law. The house has heard a legal lesson by the honourable member for Benalla. We should be pleased that we have had the lesson, but she simply demonstrated a great flaw in her understanding of the bill.

The bill is not the Liberal Party's bill. The community of the honourable member for Benalla drew up the bill with the assistance of Peter Clark, who is also a resident in the Mansfield area. Peter is a senior barrister practising in the Victorian bar in this jurisdiction. If the honourable member wants to quibble about it, that is fine, but her own community, not the Liberal Party, came up with the bill.

It is imperative that all members of Parliament listen to their communities, whether it be our constituents or the people of Victoria. But the honourable member for Benalla has not listened to her community. It would appear by her failure to attend public meetings on this issue that she continues to fail to listen to the community or to address its particular concerns.

The honourable member has the gall to stand in this place and talk about section 85 being the impediment to the bill. Had that been the major impediment I would have thought she surely could say to the Minister for Finance, as she has moved to sit next to him, 'Minister, it is a simple thing to amend the bill to include a section 85 statement to get it right because my community wants me to introduce this bill on its behalf to do something for a major industry that goes to the core of Mansfield'. But she does not care.

The honourable member wants to pick and choose on legal technicalities such as the implementation of a section 85 statement. You should do that. We do not have access to Eamonn Moran: he is parliamentary counsel and on your government's payroll. We cannot get access to him, but you can. Lean over and tell the Minister for Finance, 'If that is what is required to get this through, do it'.

In addition we heard an unbelievable diatribe about the Trade Practices Act. I have spoken to Peter Clark about this bill as recently as last night when he was at Parliament House. Did you speak to him? I do not know, because if you had you should have raised the issue about section 85 with him then.

The DEPUTY SPEAKER — Order! The honourable member for Kew should address the Chair.

Mr McINTOSH — I apologise, Deputy Speaker. I move to talk about the Trade Practices Act. Sure, part 5 of that act provides consumer protection but equally that can apply to all sorts of other areas such as the transport accident and the accident compensation legislation. I particularly think of the Transport Accident Act. If you are injured in your car or when you are with somebody else there will be no contractual relationship between yourself and the driver. But what about a bus, a tram or a taxi that may be involved in an accident when you are injured?

This morning I have spoken to two silks — not Peter Clark — about this issue. There is an authority in New South Wales that stipulates the Trade Practices Act does not apply to the equivalent to the Victorian Transport Accident Act. I understand that of course that authority does not bind the state of Victoria, but it is a

good indication. During the 15 years that act has been in operation to my knowledge nobody has taken that point to the High Court, but that does not mean somebody may not take the point or that they cannot take it to the High Court tomorrow or the following day to challenge the constitutional validity of the exclusive jurisdiction in relation to transport accidents.

I will bet my bottom dollar that if that happens, this government will actually get off its backside to do something about it and make the legislation work. The government has all the resources. A local community has a major problem in relation to insurance in Mansfield. This government is ignoring the pleas for help from that community. It is not facilitating a piece of legislation it believes will address the problem.

It is not as though the issue has not been properly researched. Research has taken place over a number of months. People of the calibre of Peter Clark have been available to advise about the legalities. They may not have it right and a section 85 statement could be included, if that is what it requires.

I do not necessarily believe the bill requires a section 85 statement because it does not exclude the jurisdiction of the Supreme Court. It limits the capacity to sue for damages. Similarly, with this bill the jurisdiction of the Supreme Court is not excluded, but it is a nuance. If it is not right, the government should fix it. The government has all the power of government behind it.

Listen to and respond to your communities! Do something about your communities because 600 businesses are at risk in this area as a direct result of premium increases and 60 have already gone out of business, including a business started by an honourable member representing the Central Highlands Province in the other place and which had been operated by his son, according to newspaper reports.

Some are facing premiums of \$30 000. It is horrific that the government is doing what it does better than anything else — it talks big and talks up issues, but it is blaming the Liberal Party for the bill. This is not the Liberal Party's bill; this is the Mansfield community's response to the issue.

The Mansfield community wants the government to pick up the ball, but it has done nothing about it. If the government and the honourable member for Benalla really cared about these issues they would address them and address them appropriately and not make technical points about the Trade Practices Act. I do not accept for one minute their arguments in relation to that act, and I do not accept for one minute the legal argument about

section 85 of the constitution, because it is in the government's power to deal with those sorts of issues.

The Minister for Finance has indicated that his federal counterpart, Senator Coonan, is going to make appropriate amendments to the Trade Practices Act. If that is the case, why does the government not mirror them in this piece of legislation to get some concomitance between the two? I was not present at those meetings. I have read the press releases from 30 May about them, but the Minister for Finance was there and knows the precise terms of the amendments Senator Coonan proposes to put through the commonwealth Parliament to do something about the problem.

The government should use this debate as a vehicle. It should listen to its own communities, do something for them and make this legislation work rather than barking around the place and causing unbelievable angst over this serious issue by blaming everybody but itself.

Ms Allen interjected.

The DEPUTY SPEAKER — Order! The honourable member for Benalla is out of her seat!

Mr SAVAGE (Mildura) — I am grateful for the opportunity to speak on this matter of public importance. I support the argument that there should be debate on this issue today. We are talking about the upper house legislation, the Adventure Activities Protection Bill. I am disappointed that we are not having the appropriate debate here, but discussing this matter of public importance is a very good way of clearing the air and reaching an appropriate and democratic resolution of the issue.

At the same time I have some reservations about the content of the bill, which I will come to in a few minutes. I listened intently when the Minister for Finance — —

The DEPUTY SPEAKER — Order! Is there something wrong with the honourable member's microphone? Perhaps we could have the one next to it turned on.

Honourable members interjecting.

Mr SAVAGE — Not yet! I think it is to do with my table. I will remove it so the problem can be resolved, unlike that of the insurance industry! The honourable member for Gippsland East will move to one side.

Mr Ingram interjected.

Mr SAVAGE — One of the issues that needs to be resolved is that we are inheriting some problems of the past, including removing from state ownership our own State Insurance Office, our state and commonwealth banks and the Housing Guarantee Fund, through which the state and the commonwealth provided some inherent backstops and some standards of service that were reflected upon by the industry so they were not beholden to shareholders in the true sense but to the people of Victoria and the commonwealth.

Having said that, we have to resolve this because we have to move forward. I listened intently to the speech by the Minister for Finance. He raised some valid points, one of which was that, as of this time, adventure tourism is still receiving public liability insurance.

One of the issues the government has not addressed is tort reform, which needs to be looked at in the long term. It will not have an impact straightaway — it will not alter premiums in the short and medium term — but in the long term it will. I have also had a conversation and a meeting with Mr Peter Clark, who was mentioned last night by my colleague the honourable member for Gippsland East. We are certainly heading in the right direction, but the end solution is yet to be determined.

I note that the Premier of New South Wales, Mr Carr, cannot extract from insurance companies a guarantee that premiums will fall if the measures he has announced, which are as significant as those in Victoria, are implemented. Every state faces a significant problem.

There is a belief that the Insurance Council of Australia supports this bill. The council sent a response to me yesterday saying:

While there are a number of positive aspects to the bill for adventure tourism operators, the insurance market in Australia operates on a national basis and therefore a consistent solution is required across all states and territories. ICA believes that it is extremely important that there is consistent reform aimed at assisting all sections of the community. The NSW Civil Liability Bill is one example of a package of reforms that address public liability issues across all activities and organisations. I would recommend that Victoria examine the NSW package.

So far as the immediate situation is concerned, it is necessary to identify the groups, such as adventure tourism operators, who cannot obtain insurance or cannot obtain it at affordable prices. As the Minister for Finance has said, some members of that industry are gaining, but the cost is becoming a significant issue. This is not something that happened today or yesterday; this insurance crisis has been developing probably over the last seven, eight or nine years.

The medical profession was impacted on greatly at an early stage. For example, in Mildura there are no medical practitioners with diplomas of obstetrics who are still delivering babies. At one stage there were probably 10 or 12 of them, but now there is none because of the high cost of obtaining insurance. That did not happen yesterday; it probably happened about seven years ago. About seven years ago we saw that this was going to gradually impact upon us and increase in difficulty.

The government deserves significant recognition for its involvement in the scheme introduced by the Municipal Association of Victoria (MAV) for not-for-profit organisations. A similar scheme would give assistance to pony clubs. Like other members of this house I received petitions last weekend, which were presented in a very cordial and reasonable way, as they should be. These petitioners want to know what their future is. As of 30 June, if they do not get a resolution to this problem we will not have any pony clubs, and that will impact on a large number of young people.

It is a great tragedy that we are faced with this issue. I am sure the honourable member for Gippsland East will get some pressure from home, because I think his wife is involved in a pony club, so he has a commitment that is probably stronger than mine. I understand resolution to the problem on a statewide basis is forthcoming, and I look forward to that.

I want to make some mention of the Leader of the National Party, who has been very active, as has my colleague, in raising the need for a change in the way we gain insurance. We have known about this for a long time, and the government has acted in a way that deserves credit, but we need to do more.

The appropriateness of the 30 per cent impairment level set out in the bill needs scrutiny, and the requirement that the assessment of impairment be undertaken by the insurer, or the operator if not insured, does not create the perception of impartiality or in the case of an operator, competence — identified in clause 16. While the bill provides that a court, which court is not specified, may give leave for proceedings, the perception that the process is partial remains. Clause 9 gives the minister unfettered discretion to determine the terms and conditions on which the operator is approved.

The bill raises more fundamental issues. In his proposal the National Party leader says:

Schemes for restriction of common-law rights in transport accidents, work accidents and the provision of medical services ... are inappropriate for a scheme which is designed in the main to reduce public liability claims. The high

thresholds provided, particularly in the Victorian scheme, are backed up by no-fault and lump sum provisions and would impose a regime whereby people with significant injuries or who lost substantial time from work would be precluded from bringing actions. In both the Transport Accident Act and the Accident Compensation Act there are bodies set up to make determinations of 'serious' injury.

The National Party leader is right, and if the basis for creating a threshold was to be the notion of serious injury, the level should be much lower than 30 per cent.

The problems of tour operators who must have insurance by 30 June is of serious concern, but building surveyors have a similar problem: they are no different from tour operators. Are we going to have special legislation to meet their needs? The industry problems as a whole need to be resolved. We need to look at having access to insurance companies' books so that we know what is happening. This morning it was put to me that because a lot of insurance companies do not know what the future holds due to the uncertainty of the market their books contain no information and you cannot gain from them. That is one of the significant problems that relate to this whole issue.

In the few seconds I have left I will quote the New South Wales Chief Justice, who when talking about the piecemeal approach to law reform highlighted the consequences. He said:

... the primary source of ideas about what changes are required have come from the perspective of insurance underwriters seeking to limit claims (and therefore premiums), or their functional equivalents in a government-backed scheme seeking to restrict the call on public funds, often in the context of substantial unfunded liabilities.

We can also look at the abolition of the defence of voluntary assumption of liability, requiring the courts to take account of the failure of defendants to take reasonable steps to minimise risks and proportionate liability instead of joint liability.

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

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the matter of public importance:

That this house condemns the government for refusing to debate the Adventure Activities (Protection) Bill ...

There is a crisis in adventure tourism activities in Victoria. In an article in the *Herald Sun* of 8 March Kathleen Cuthbertson states:

The furore over the rising cost of public liability insurance has reached boiling point across country Victoria.

The pot is boiling over. Individual livelihoods have been affected, and towns and regions are affected. Businesses and jobs are being lost and lives shattered. Years of hard work are being destroyed.

An article in the *Herald Sun* of 22 February referring to Chris Stoney and his tourism enterprise states:

In 17 years the company has never made a claim, despite taking 700 people a year into the bush for guided rides.

These are the businesses that are being affected. The refusal of the government to debate this bill is appalling. Why not debate it? The government could put up amendments if it believes the bill is flawed. The Adventure Activities (Protection) Bill tackles the crisis head-on. The government is burying its head in the sand and saying it is looking at it, but in the spring there will be no tourism activity businesses left. The whole industry will die.

Adventure tourism was identified as a growth industry by Tourism Victoria way back in the Cain and Kirner years. Successive governments have encouraged people to invest in adventure tourism: it has been seen as the way forward, attracting markets from Germany, Sweden, the United States of America and England. It is bringing international tourists and international dollars into Victoria. It has been encouraged by successive governments, and the Minister for Tourism should be working hard with the finance minister to look at this bill and work out how we can get it through.

Many far-sighted and dedicated people have formed excellent adventure tourism businesses in Mansfield. It was estimated by the honourable member for Benalla in a speech in this house in March that adventure tourism around the Mansfield district exceeds \$130 million and in the whole of her electorate it exceeds \$250 million — an amount not to be sneezed at.

The honourable member for Benalla claims to have worked closely with the Mansfield public liability task force. She said that its proposal was much better than that of the National Party. In a press release issued by the honourable member for Benalla and dated 17 May she criticises the Liberal Party for bringing in the bill. The Liberal Party has responded to the Mansfield community's request to introduce legislation. This is in stark contrast to the deathly silence from the government, which has had this in front of it since before Easter. The bill is the result of the hard work of the Mansfield task force and primarily the excellent work of Peter Clark, SC, the same Peter Clark who was so warmly praised in this place on 26 March by the honourable member for Benalla. She offered the

opinion that Peter Clark gave the task force the most expert legal opinion available in liability insurance.

Her press release, however, is openly critical of the bill, despite its being the result of his hard work and experience. She also said in this place that the Mansfield proposal produced a fantastic document — The adventure tourism bill is the direct result of that fantastic document.

Where does the honourable member for Benalla stand now? The government had the bill before Easter — two and a half months ago. What has it done and what has the honourable member for Benalla done in this time? Why is she not standing up today for her electorate? She should put her money where her mouth is.

What about the Minister for Tourism? He was reported in the *Mansfield Courier* of 27 February as saying that there was merit in the task force plan. Why is he not insisting that the bill be debated so that we can, in a bipartisan manner, find solutions to the crisis in the tourism industry.

In a letter to the *Mansfield Courier* of 15 May headed 'Mr Bracks, please act', Mr Jamie Beckingsale writes:

The Mansfield district over the previous 20 years has steadily prospered whilst many other rural regions have struggled.

...

Our local tourism operators through hard work, capital expenditure and a lot of entrepreneurial skill have provided the base on which our local community has for the most part thrived over recent years.

He also says in his letter to Mr Bracks, as published in the *Mansfield Courier*:

I implore you to show some leadership on this problem and explore the real issues. Don't come up with bandaid solutions for this most serious problem. Support the passage of the Adventure Activities Protection Bill through Parliament but don't stop with that.

Look at the big picture and think about the volunteers who run the dog clubs, cricket clubs, show societies, footy clubs, pony clubs and more.

Argument has been presented about section 85 statements and other legal things, and my colleague the honourable member for Kew has answered those arguments far more eloquently and with far more expertise than I could.

It is not a political stunt, as has been claimed by the honourable member for Benalla. This is a bill for the adventure tourism industry, and it is the result of many hours of hard work by the Mansfield task force, which the Bracks government has ignored. The honourable

member for Box Hill is quoted in today's *Weekly Times* as saying:

But so far all the Finance Minister (John Lenders) is saying is that he's planning to introduce legislation in the spring, which will simply be too late for a lot of people.

Hundreds of businesses will go and hundreds of lives will be destroyed. The honourable member for Benalla is looking concerned about our daring to criticise her in the house today, but if she is feeling concerned about criticism from us, imagine the concern of the people in the industry, whose hard work was done in good faith and whose results were presented to this government in good faith. They worked with her, and they want the legislation. Why is she not working with us in a bipartisan approach to get the legislation through and bring in some protection?

We recognise that there is a lot more to be done about the insurance and tourism industries and all volunteer organisations, but you cannot keep looking into things. You have to put the mirror away and actually act! I support the matter of public importance before the house. I will stop now, because I realise there are other members wanting to speak after me.

Mr PANDAZOPOULOS (Minister for Tourism) — This debate just shows what the Liberal Party is on about — its party's forthcoming campaign in the Benalla electorate. The Liberal Party is working to give false hope to the many great people in the adventure tourism industry, who have put their hands in their own pockets to start something that is now an essential and growing part of Victorian tourism. We have put more resources into the area to help businesses grow. We want to have a large adventure tourism industry that can improve its cash flow and its professionalism.

This government introduced an adventure tourism action plan. Did that happen under the previous government? The answer is no. Why am I saying they are providing false hope? I note that the shadow minister and former Minister for Tourism has left the chamber. In her contribution she told all sorts of untruths about this government, and now she has gone. Nonetheless, the opposition is giving false hope to the adventure tourism industry, as has been explained by the Minister for Finance and, most eloquently, by the honourable member for Benalla.

And what is that false hope? There are major flaws in the bill that the opposition has proposed, and opposition members know that. As a government we said we would work with them if they withdrew the bill.

Yes, I am quoted in the *Mansfield Courier* in February as saying that there was merit in the legislation, and when I met with Sandy Tod and the task force there was. The opposition also knew that any legislation on tort reform had to be right, and the bill was not right in two areas. One was that without the federal government changing the Trade Practices Act, as the Victorian Tourism Operators Association (VTOA) and the whole adventure tourism industry know, nothing the states do will matter. Changes to the Trade Practices Act would give legal force to individuals accepting risk when they are involved in adventure tourism activities. Without that, anything else we did would mean absolutely nothing.

I am pleased that the federal government is at least discussing it. That government, however, is not able to get its act right. We were calling for a summit last September. Did we meet? No. The federal government was in election mode, and we understood that. After the election, though, what did it do? Nothing.

The new federal tourism minister, the Honourable Joe Hockey, is a great minister who has a passion for his portfolio, unlike the previous Victorian state minister. He came out and said we need tort law reform, but within days the assistant federal Treasurer, Helen Coonan, said 'No, we don't'. How are we going to deliver these changes unless the federal government gets everyone together? We know from the insurance industry and everyone else who is facing the problem that we are a small marketplace for world insurance and that unless we all get together and cooperate to determine a strategy time will go by and we will not be able to meet the objective of getting the international insurance industry interested in investing in Australia and providing insurance products. But we are starting to get there, thanks to the meeting Victoria hosted last Thursday.

We did ask the opposition to withdraw the bill and let us focus on how we could improve it. Another major flaw is that there is no section 85 provision, which again under the state constitution will not give legal force to many of the provisions in the bill — again, flawed.

There is a third area that is flawed. Whilst I had discussions in relation to this bill, it certainly was not said to me that the solution is that the Minister for Tourism register every tourism business. What would that mean? We start a whole new layer of government bureaucracy with me as Minister for Tourism deciding whether someone can run their water-rafting business or hiking business or their rope-climbing business in the Grampians, or whether they can go dog-sledding at

Falls Creek. For me to decide that, what would I have to do? I would have to set regulations. There are fees attached to regulations because we have laws that say if you have regulations you must charge the people that benefit the amount it costs the government to provide that service.

So what would we have to do? We would have to be convinced that their risk management was good. We would have to be convinced that they were capable of running their business. We would have to be convinced that their staff was trained. That is the Minister for Tourism being Big Brother, telling someone, 'You can start a business', or 'No, you can't', and 'We're going to be in your door time in, time out, to make sure that you're keeping to the licence you have been given'.

It is also likely that we would have to register every single employee and even volunteers, because under this bill the Minister for Tourism has to register not only businesses but organisations involved in adventure tourism. The second-reading speech also mentioned pony clubs, so the Minister for Tourism is also responsible for the registration of pony clubs. That would mean that thousands and thousands of individuals in Victoria would have to pay a registration fee to be licensed to be an employee before they can apply for a job.

As the Minister for Gaming I am very familiar with that because no-one can work in the gaming industry unless they are registered as an individual. Once they are registered, they can apply for a job. But the proposal is that I will also have to register hundreds and hundreds, if not thousands, of businesses.

So we have the Liberal Party — that says it is about small government — adding extra bureaucracy and extra cost to adventure tourism when they need their costs to be reduced, not increased. The proposal of the Liberal Party will do that. That is why it is sending false hope: it has those flaws.

We all know that things are much more complicated than the simplicity of the opposition. The fact is that we as a government were the first to respond, meeting with the Victorian Tourism Operators Association. We said, 'What is the most immediate thing the government can do?', and they said, 'The most immediate thing you can do is help us risk manage. We are microbusinesses. We do not have the capacity to bring people in to pay market rates to help provide our businesses with the information we need to show the insurance industry that we are aware of our risk and we can manage our risk'. This government made \$100 000 available to tourism operators on a dollar-for-dollar basis to help

them do that — to help them risk manage their businesses and to try to convince insurance companies that they are not as high a risk as maybe the insurance industry thinks.

That is the case; there is no doubt the industry is overreacting. They are not opening up their books, and they are placing much greater risk than there is. We heard that Stoney's horse riding business had not made a claim. And that is true. It is the same story time and again for adventure tourism businesses. There seems to be something inconsistent with massive premium hikes when hardly anyone is making claims.

The government is proposing logical changes and logical improvements that are out in the open for debate. There is none of this mickey mouse stuff that is being proposed by the opposition, which has not had checks and balances done, has not passed the section 85 test and does not link in with the federal government and its obligations — which means that even if we wanted to pass this bill it would open up another legal quagmire without providing certainty to the industry and add more confusion.

Adventure tourism for many is a marginal business. They are microbusinesses. A lot get into it as a secondary part of their business and are facing the uncertain times of premium increases. May I say, many are not even having insurance offered to them, so it is not necessarily an issue of the premium but that insurance is not being offered to them. That is why the risk management, where we have offered that help, is much more important. Many find it hard: about 50 businesses have closed. Some of those businesses are relatively new in the marketplace.

I know that in relation to Stoney's, Chris has been great; I have a lot of time for him. They are former tourism award winners, which is the sadder thing. But as Chris has told me — and it has not come out broadly in the media — he also obviously has other parts of his business and it is more about a headache staying in horse riding compared to other parts of the business which has opportunities to expand for him. The bloke has only two arms and two legs. Let us understand that people are making choices about where they see their future.

In the last few seconds I have I will sum up. We have the lies of the opposition about the harm to tourism. Under this government we have seen the biggest investment ever in tourism. We have seen Victoria outcompeting Queensland and New South Wales in national visitor figures for the December quarter last

year and now Victoria is the second most visited destination — —

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

Mr INGRAM (Gippsland East) — Thank you for the opportunity to raise this matter of public importance. I do not normally speak on matters of public importance, but I feel this is one of significant concern, not only in my electorate but right across the state. It is an issue — that is, the adventure tour operations — that I have taken a great deal of interest in.

This is an issue that I raised publicly in July last year as a crisis — and it was a crisis nearly 12 months ago. It is of great concern to my electorate because we are continually told that our future is in the tourism industry because of our natural assets: 75 per cent of my electorate is either national park or state forest, and my electorate makes up about 14 per cent of the surface area of Victoria. So it is a large area with incredible national parks and lakes, rivers, alpine areas and the high country — —

Ms Beattie interjected.

Mr INGRAM — And the Buchan Caves was the interjection. From those natural assets, we are heavily reliant and increasingly so on adventure tour operations. Those operations make up whitewater rafting, canoeing, horse riding, hiking in the high country and in the national parks, adventure caving, abseiling and rock climbing — and a whole range of other activities. We could go on and on: sailing on the Gippsland Lakes and ocean fishing. These activities, because of what people are doing, pose an inherent risk. There are underlying risks: if you are participating in one of those activities, there are risks, some of them bigger than others. I think the majority of people that participate in those activities understand those risks.

So where I came from in the first instance was that because you are taking a risk, you should negate some of that responsibility for the public liability.

I understand the problems the government has in trying to deal with this. There are three issues coming up in this matter of public importance. One is that the government has refused to have the bill debated. Fundamental to our democratic system is that I will never be a formal part of a government and because of that I do not have the opportunity on behalf of my constituents to easily introduce a change in legislation, so it is essential for me to be able to bring in a private members bill.

The problem with the Victorian parliamentary system is that there is no easy avenue to bring in private members bills unless we have the full support of the government. Nearly every other Parliament in Australia has some avenue for private members bills to be introduced and debated.

The problem we have here is one that goes against the democratic system right across the country, and it needs to be addressed. We need to change the sessional orders to ensure that if an issue is impacting mainly on the opposition's constituency, it has the opportunity to have it brought up and debated. That is being denied here. We are debating the subject but we should be able to do it in a more open forum. That does not necessarily mean that the opposition or the Independents gain control of the legislative program — that is the responsibility of the government — but we should have the opportunity to have a debate. Having a debate would have been a very good way to resolve the issue confronting us.

The bill has been through the Legislative Council, and the opposition attempted to bring it in here today in place of the matter of public importance. While I support the thrust of the bill I am not saying that it is without some problems, such as whether it should be singling out that activity. While I fully support that thrust to deal with one of the bigger impacts — I have adventure tourism operators in my area — there is a whole range of other businesses and activities in the community that are equally impacted by public liability insurance and will be even more so in the future.

My personal view, as I said in a press release last week, is that the state and federal governments have not done enough to address this issue. In a speech I made in the Parliament on 26 March this year about this issue I said that unless both parties come up with real solutions to this problem, there will be a backlash at the polls when we go to the next election. This issue cuts right across political alliance and social and demographic status. It goes right to the heart of a lot of communities, and unless we solve the problems right across the board there will be a political backlash against those who have not come up with solutions.

I congratulate the Liberal Party for coming up with a solution for one part, but it is not enough. It must go right across the spectrum and include medical indemnity, road maintenance and construction contractors, and building surveyors; it must cover everyone who is exposed to public liability insurance. I call on the government to address the issue, not only for adventure tourism operators but also for pony clubs. I know stuff has been done but we need to see it and we

need to see it soon. It needs to be done before most of the insurance premiums for these businesses and activities fall due at the end of the financial year.

I support the matter of public importance because I believe there is a fundamental flaw in the democratic system if an Independent, a member of the opposition or a member of a third party cannot put a bill into the house and have it debated. That is something we are seriously lacking. I have had this discussion with the Leader of the House and we disagree. We will continue to have that discussion but until this Parliament falls into line with other parliaments around Australia and the world we will have a major flaw in the democratic system in Victoria.

Mr MAXFIELD (Narracan) — I rise this afternoon to speak in regard to the matter of public importance. I rise with a little bit of disappointment in a sense because it appears that the opposition has made a decision to effectively walk away from good governance and instead play politics. We are facing a major issue in this country — and it is not just Australia; other countries around the world are staring at similar problems. We are in a crisis and the best way to resolve a crisis is for everyone to put their heads together and come up with a workable solution and program.

It is disappointing to see the opposition come up with some proposals that have more holes than Swiss cheese — you could run a lot of sheep through some of the fences in the bill. The bill has been rushed through without being thought out when it could have been part of the process. Everybody has ideas, and the government is keen to communicate with the community and discuss issues.

At this point I would like to congratulate the honourable member for Benalla, who has been tireless in looking at the issue of adventure tourism. I have adventure tourism in my area and I have seen the pain and hurt being felt as a result of what has occurred. Obviously Denise's electorate has been more affected than mine and as a result Denise has shown tremendous leadership — —

The ACTING SPEAKER (Mr Kilgour) — Order! I ask the honourable member for Narracan to refer to members by their electorates.

Mr MAXFIELD — I acknowledge that; I will refer to the honourable member for Benalla. I feel quite passionate about the way she has stood up for her community and fought for the people in her electorate in regard to this matter.

I feel an element of praise for the opposition and the fact that it is trying to have a go, but it is disappointing that it is doing so in a way that appears to be trying to achieve political gain rather than solve any problems. When I was here last week I saw the opposition table the bill and seek leave for it to be introduced. The arrangement in this place is that if members want to organise leave they talk to the people on the other side of the house and work out what they are going to do.

The fact that leave was sought without discussing the matter first — as we always do in this house — clearly shows that the opposition was pulling a political stunt. The opposition said the government had denied it leave knowing darn well that if members want leave they talk to the government and organise it. Members opposite did not do that; rather they pulled a political stunt. That highlights the problems with us being here. The fact is that rather than talking to the government about a bill that might help, the opposition chose to walk into the house and seek leave to introduce it without warning the government. That was a deliberate attempt to somehow embarrass the government.

This issue is too important for politicians who seem to think insurance is some little game they can play to win a vote and that it does not matter if they give false hope to people, lead people down the garden path and stuff adventure tourism around by playing political games. The opposition thinks winning political points is more important than the issue of insurance. That is a wrong position. What is clearly important is that we deal with the issue of adventure tourism and insurance across the community.

Then we get to the issue of what the state government is doing. It was quite clear at the meeting of the states last week that Victoria is leading the charge across Australia. No state has achieved more to this point than Victoria. We should congratulate the Minister for Finance, who has shown remarkable tenacity, skill and insight in coming up with some very well thought-out proposals with which he is bringing the rest of the country along.

When we look at what Victoria has achieved we can see that we have led the way. Looking at what the government has achieved with the Municipal Association of Victoria (MAV) for not-for-profit organisations, my daughter, who rides a pony, will tell us we have not solved all the problems. However, a lot of not-for-profit organisations have now seen the way clear. The government has been able to put that assistance in place without rushing bad legislation through the house, without panicking and without bringing in legislation like that proposed by the

opposition, which will tie people up in court for so long that we end up in a worse situation than we currently have. The government has done that by working with the industry, community groups and the MAV and by sitting down seriously with the insurance companies and telling them that we have a package which can work for the community and for them.

We now have insurance cover across a range of volunteer organisations. That has been achieved, not through grandstanding as we have seen here today, but through the sheer hard work of a government committed to resolving a problem. I note with interest that the Thorpdale potato festival will go ahead next year. The collapse of the insurance market meant Thorpdale was effectively unable to run its potato festival this year. As somebody who has had the pleasure of attending and opening the festival previously it was a disappointment for me and the entire community that the festival was cancelled.

But it was certainly great that the potato festival organisation was recognised as one of those that will gain from the announcement several weeks ago about non-profit organisations. The community of Thorpdale now has the security of knowing that when it comes to the Labour Day weekend next year they will be able to hold their potato festival. And as the local member I will have great pleasure in being there, knowing we have achieved the results we needed.

I turn now to some of the issues that the opposition has put forward. The house really needs to look at the advice from the Victorian Government Solicitor to see whether or not the measure is one we should be supporting and putting through in its current form. Under the bill the insurer might have to conduct detailed Transport Accident Commission (TAC) or Workcover impairment assessments of a claimant. The application of an Australian Medical Association assessment is quite a complex and scientific process which is currently undertaken by insurers. So immediately you load in a level of bureaucracy and cost which will obviously impact on whether or not an insurance company will issue a claim. Also in regard to this issue of — —

Mr Clark interjected.

Mr MAXFIELD — I shall ignore the interjections and ramblings from across the table.

The problem with this is that it can be challenged, and one can just imagine what the insurance administration costs of processing that would be.

Unfortunately I am running out of time, but I certainly believe the opposition has not thought this bill through. The bill also requires substantial new mitigation monitoring structures for the industry. We do not want to regulate the adventure tourism industry out of action. We do not want to take action which will tie businesses up in so much regulation and red tape that ultimately they will fold or it will just be too hard to work with the cumbersome process. We need a clear and well thought-out process that will deliver long-term gains to adventure tourism, not tie them up.

This measure is also vulnerable to being bypassed by people going to the federal Trade Practices Act. You would end up in the Federal Court. There is also a problem relating to the constitutional relationship of the bill to the commonwealth law. The commonwealth government might have to amend certain sections of the Trade Practices Act to enable the bill to operate.

So suddenly you find yourself in a very difficult situation. There are many question marks raised by this bill. What about the situation where someone's leg is amputated below the knee; where does that fit? There has to be some level of liability there. If someone bungee jumps off a bridge and the operator has the rope too long and they end up hitting the ground, do we avoid all liability? Of course not! We need to ensure that we provide for liability there. We need to provide decent protection for those who use the industry, but also to enable the industry to go forward.

There are solutions. This government has already achieved more than any other state in dealing with this insurance crisis. The building industry issue is now heading along very well. I conclude my remarks by calling on the opposition to join with the government in working to achieve a proper outcome for the community, not to play political games.

Mr PLOWMAN (Benambra) — Last Saturday about 5000 pony and trail club riders, equestrian federation and riding school members protested on the steps of Parliament House. The opposition was represented by the honourable member for Box Hill who put the opposition's case clearly. Where was the government? The government did not attend that rally. There was not anyone from the government. Where was the Minister for Tourism, who should have been looking after the interests of those people? Where was he, and what was he doing? And where was the honourable member for Benalla, who spoke so passionately about the needs of tourism operators in her electorate? They were not there.

Clearly the government is not supporting this industry, which is so vital in the seats of Benalla, Seymour, Benambra, Central Highlands Province and North Eastern Province. I was appalled by the remarks of the Minister for Tourism when he said this is really only about the seat of Benalla. When honourable members listen to the honourable member for Gippsland East they realise this industry is imperative for his area. The Minister for Tourism says this is just a stunt for the seat of Benalla.

I listened also to the honourable member for Benalla and her vitriolic attack. I can only say that when people become vitriolic and attack the person it is because they are very worried about their own security in their present situation.

Ms Allen interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Benalla is out of her seat and is disorderly.

Mr PLOWMAN — I think the honourable member for Benalla would do well to keep her remarks to the issues surrounding the industry and the support for it rather than taking a political approach and attacking the candidate for Benalla, who has not spoken out publicly on this issue.

I am surprised by the remarks of the Minister for Tourism. He also said that under the opposition's bill he would have to play the role of God, that he would have to decide who would be given the right to operate as tourism operators. If the government had allowed the second-reading speech to be made in this place it clearly would have seen and heard the exploration in that speech of the fact that this accreditation process would be delegated to the industry, so that the minister would not have that direct responsibility. Clearly it is something that I think the minister misunderstands.

I was equally delighted that the honourable member for Gippsland East spoke in support for and actually congratulated the Liberal Party on introducing this bill. It is good to hear an Independent member being truly independent. It was good to hear that it is the case in an industry that is so vital to his seat, my seat and the seat of Benalla. In all the seats the industry is absolutely vital.

I shall just touch on a few operations in my electorate, such as Bogong Horseback Adventures, run by Steve and Kath Baird. Their case is very interesting: they are faced with closure after 18 years. Their insurance premium has gone from \$3500 to over \$10 000, and now they cannot get insurance. It is interesting that

Kath Baird's brother is a member of the existing government in Victoria. Why isn't the government of Victoria aware of how important this is for operators like Steve and Kath Baird? They have delivered a fantastic service to the tourism industry in my electorate based at Mount Beauty. They will be forced to close.

The Webster family at Freeburgh runs a very similar operation and is being forced to close down. John and Jacki Williams at Tom Groggin are also in difficulty. They took me on Riley's Ride, which is one of the most outstanding tourism trail rides in Victoria from Tom Groggin down to Corryong. They are also suffering enormously. Greg Badior, who has sled rides at Falls Creek with Siberian huskies and Alaskan malamutes, was advised by the Falls Creek management board that he would be required to have \$10 million public liability insurance, and he has been forced to close.

I shall quote briefly from an article in the *Border Mail* on 22 May, which quotes Mr Greg Badior of Mount Beauty as saying:

The dogs were a big attraction at Falls Creek — I have had so many international visitors that have come especially for a sled dog ride.

Mr Badior, who runs the Mount Beauty post office, operates the only commercial sled dog tour operating in the Southern Hemisphere ...

This is closing because of the insurance problems.

The legislation that the opposition introduced by way of a private members bill could overcome the problems being faced by these people.

Geza Kovacs of Porepukah wrote to me saying:

I own a small ski shop cum rafting business. I've asked two companies to provide me with a quote for the next financial year ... they are unable or unwilling to quote. The best estimate I have, is from a very similar business in Alexandra, owned by Geoff Proctor. His insurance has been \$2600, the same as mine. His first written quote is \$30 000...

Clearly these operators will not be able to continue. It is a crying shame that these sorts of operators are being hit. They are all examples of what is happening in the wider community.

David Chitty of Adventure Guides Australia at Beechworth provides corporate team building by way of rock climbing and mountain climbing. He, too, will go to the wall because of this insurance situation. Geoff Jackson runs Cobb and Co. Coaches at Beechworth. Anyone who has been to Beechworth would have seen this Cobb and Co. coach, which families from right around Victoria and Australia have taken the

opportunity to have a ride in and enjoy. Geoff Jackson's business will close.

The walking and trail rides around Mount Pilot, which is an operation that is due to start, will no longer be proceeding. The Towong Shire Council has listed Boris and Sandy Everson's Rapid Descents White Water Rafting as a business that will close after 10 years of business. Pinnacle Trail Rides of Corryong has also closed up. The shire asked operators to let it know who is having problems. It received 120 responses! This indicates the breadth of the problem. When the minister blandly said, 'This is only a political problem in the seat of Benalla', I can understand why he is worried about the seat of Benalla, but to say the problem is confined to the seat of Benalla indicates that he clearly does not understand how important this issue is right across country Victoria.

The Victorian Tourism Operators Association said through a press release:

Unless an immediate solution is announced we envisage the closure of 30–40 adventure tourism businesses when current insurance premiums expire on June 30 2002.

This, too, is an indication of the extent of the effect that this problem is having on all tourism operators throughout country Victoria. It is the single greatest threat that tourism has had in Victoria since I have been a member of Parliament. This government is not doing anything. It says that our legislation is flawed. If it is flawed the government should clearly be supporting it, as the honourable member for Gippsland East is doing, and saying, 'If it is flawed, let's improve it. Let's put in the amendments that would make it work'. Why is the government so intransigent on this? Why is it not prepared to support an effort that the opposition brought forward to try to assist these tourism operators right around Victoria?

Mr MILDENHALL (Footscray) — I was going to say it is a pleasure to join this debate, but it is not because this is a serious issue that we as parliamentarians, as part of government and as community leaders need to resolve. It is a great disappointment that this debate is on this morning because it ill behoves the opposition to come in here with the wrong process, with its motives under question, promoting a flawed bill to try to solve a very difficult and serious problem that is obviously having an impact not only on the viability of businesses but on their confidence about their futures.

This problem has a lot of layers in it. There are business viability issues and there are a lot of technical, legal and financial issues. There are also layers of state and

federal issues as well as issues relating to the many community organisations, volunteers and small businesses that keep our community going. All are faced with the same problem, and the essential task is to find a workable solution and to move forward with it.

There is ample evidence that the solution put forward by the opposition is not workable. I am really disappointed that the considered advice to the Leader of the Opposition in the upper house from the Minister for Finance, pointing out the difficulties with the Mansfield legislation and offering an open-door approach saying, 'Let's work together. Let's solve these problems. Here are the specific issues we have to work through before we have a solution. Please let's work together on it. Please let's not proceed with offering false hope through a faulty product' was not heeded. The advice was not acknowledged and the problem was not taken back to the drawing board. That was an unfortunate step, because at the base of the issue is an enormous number of people working with genuine goodwill to try to resolve it.

We need a national approach and we need the fundamentals of an industry-wide and bipartisan approach. It is unfortunate that the opposition has come into the house and tried to force through a flawed proposition that it thinks will solve the problem.

Speakers before me have pointed to the difficulties in the proposed legislation. I will give a personal example. I am blessed with daughters who love horseriding and I often take them horseriding, and last Sunday I took them to the Blazing Saddles horseriding farm at Anglesea. I have done a little bit of riding, and I was allocated Sparky the horse. Sparky is as Sparky does, and Sparky was a fairly lively horse. I took off fairly fast up a hill with a group of other riders. It is interesting, because that experience involved a lot of the characteristics of the industry problems we are talking about. Of the 10 people riding, four were international tourists who had come down to look at the Great Ocean Road tourist precinct. They were very involved and very active tourists who were no doubt spending a lot of money in an industry that we ought to support.

I was a little unprepared for Sparky's level of speed and liveliness, and by the time I got to the top of the hill, while I had not fallen off I had wrenched my back, and I was thinking, 'My goodness, I hope it's not serious damage' and I was wondering where I would stand if it turned out to be a lot worse than I thought, even though I was in a fair bit of pain at the time.

I will make a couple of points about this in relation to the bill that has been put forward by the opposition.

Say, for instance, that through some mischance or some difficulty the proprietor of Blazing Saddles, in whom I have every confidence — I have been there a number of times and it is a very high-quality and well-run organisation — had hired an untrained member of staff who had put a saddle on Sparky incorrectly. I go there as a paying customer and I assume that the saddle has been put on properly and that all the gear is okay, but say that through no fault of mine I fall off Sparky halfway up the hill, fall straight into a tree and lose an eye — a serious injury. Under the legislation proposed by the opposition I would not only waive any rights to seek damages, I would not be eligible for any compensation, as my injury would fall below the 30 per cent impairment threshold and it would not qualify. I could even lose the bottom part of a leg and still be ineligible!

That is a very serious difficulty, and I would have thought that if the sorts of limitations and exclusions that this bill would impose were known throughout the tourism industry and known by people like me who like to participate in these activities, that would have an equally damaging impact on the viability of the industry.

Many people such as me would think twice about taking those risks. The principle incorporated in the solution we are looking for nationally is that people accept a higher degree of risk and a greater responsibility for their own risk. As a user of those services I am prepared to do that, but the sorts of exclusions or thresholds that have been proposed under the bill are not reasonable and should not be part of the legislation. That is one of the difficulties with it.

There is also the section 85 problem that was discussed in the house earlier, as well as the suggested difficulties with the Trade Practices Act. My advice is that members of the opposition are fundamentally mistaken when they equate the Transport Compensation Act and the Workcover legislation with the Mansfield legislation when it comes to the Trade Practices Act. You cannot assume there is an equivalent when one deals with goods and services while the other deals with a compensation and insurance scheme.

I would have thought there is enough evidence or information for the house to have at least drawn breath on the proposals being put by the opposition. The matter of public importance talks about urgency, but the house is spending time this morning debating why it should deal with a piece of flawed legislation. There is a lot of creativity and commitment to the issue that could and should have been directed to finding a solution rather than the posturing and manoeuvring

over the seat of Benalla, the scaremongering and the talking down of the industry that is occurring here.

We have a major problem in the community. Let's work together to try to solve it rather than participating in posturing and accusations across the chamber. There are significant problems with the Mansfield bill, so let's sort out a solution before we debate whether the bill should be debated. Let's solve the problem first!

Mr DELAHUNTY (Wimmera) — It gives me a great deal of pleasure to speak on behalf of the Wimmera community on this matter of public importance:

That this house condemns the government for refusing to debate the Adventure Activities Protection Bill and calls on the government to legislate before 30 June 2002 to prevent further closures of tourism businesses in Victoria.

We are in a crisis, and it is time something was done. For 12 months we have been procrastinating on this matter. A couple of months ago the house dealt with the HIH house insurance debacle. In that instance the government stepped in quickly and backed the housing industry by putting in place a process so that the industry did not fall over. However, it is 12 months since the crisis concerning public liability insurance premiums was first discussed, and nothing has been done by the government.

The National Party pushed the government to have a public forum last year on the issue. The government would not do anything, so the National Party decided to hold a forum of its own. Only a week before our forum was due the then Minister for Finance, now the Minister for Education and Training, held her forum so that action could take place. In reality, most of the activities the house has talked about happen in country Victoria. Melbourne metropolitan MPs are not concerned about it, because they are not losing industry in their areas. We are losing events and activities from country Victoria at the rate of about 20 per cent a year. Those events are predominantly based in country Victoria.

The new Minister for Finance may have a tough job, but he is paid for doing it. He has many resources behind him, but unfortunately he is not using the resources available on all sides of politics to do something about the matter. The Leader of the National Party was a pre-eminent lawyer, one of the best in the business of litigation. He has been travelling around Victoria and talking to many forums about this matter.

The National Party has put forward its concerns about public liability cover for volunteers who play an

important and vital role in our country communities. Many of them are fearful of becoming the target of litigation if something is not done. The National Party's private members bill would have removed that fear and the need for them to take out public liability insurance.

As I said earlier, the impact is mainly on country events and functions. I know the Leader of the National Party was recently at Wangaratta, where he said it had taken nearly a year to reach this stage. I congratulate the Benalla community, which did a lot of work in putting forward this idea, which is now in the form of the private members bill that was debated in the upper house. In the short time I have been a member of this place I have always examined and discussed bills with my colleagues, and I have come to the opinion that you can do three things with legislation: you can support it, oppose it or amend it.

Here we are not being given the chance to do anything about it. The legislation may not be right, and we have heard government members talking about that, but it could be amended. Has the government thought of amending the legislation to do something? No, no, no! No action has been taken.

Again the Benalla community, like many other country communities, will be disadvantaged. This is the last week of the autumn sitting of the Legislative Assembly. On 30 June many companies, organisations and activities will not be able to get insurance, and we know premiums have skyrocketed for many of them.

I will mention a couple of those in my area that could be affected. I have received letters about the issue from Joe Seary, secretary of the Stawell Motor Sports Club; Steven Schneider, secretary of the Wimmera Soaring Club; Kate Dooley, executive officer of the Australian Climbing Instructors Club at Natimuk; and Chris Peisker, co-director of the Climbing Company at Natimuk.

While I am mentioning Natimuk, I point out that it is known as the home of Mount Arapiles, one of the great little mountains in Western Victoria where many people come to climb. That activity is the nub of the town, with many shops in the area supporting the sport of climbing. However, as from 30 June they may not be able to get insurance, and many of those industries may be lost. The National Party wants the government to do something.

I have received letters from Cameron McDonald of the Grampians Horse Riding Centre at Brimpaen, south of Horsham, where I went last Sunday week. They have a beautiful farm that is well looked after. They have

erected signs and are doing everything else possible to minimise the risk to their industry and the people involved. When I was there I saw 13 horse floats, and people were out riding around the Grampians on a magnificent day. That company could be out of business as of 30 June, and after Parliament rises nothing can be done for them.

I refer to an article under the heading 'Clubs face insurance flashpoint' that appeared on the front page of the *Wimmera Mail-Times* of 31 May last. It states:

Wimmera pony clubs face extinction as a nationwide public liability insurance crisis reaches a flashpoint.

Horsham Pony Club members will run their final event on Sunday and Ararat and Stawell pony clubs will wind down at the end of June unless politicians can pass 11th hour legislation.

...

Up to 35 Horsham members as young as five and their parents will meet at Riverside recreation reserve at 10.30 a.m. for their last rally.

Not only is the pony club out there, but that magnificent facility hosts the Riding for Disabled organisation. That organisation was supported by the former government through the Community Support Fund. Country kids as young as five are involved in that fantastic organisation, and their city cousins often come out and become involved in those unique activities. I again quote from the newspaper:

State politicians are racing against time to push adventure tourism legislation, which could halve the cost of premiums, through Parliament.

The introduction of today's matter of public importance shows that this government is not supporting that legislation. It is unfortunate that the government is not trying to amend the bill to use all the government's resources to support this activity which predominantly happens in country areas which the National Party represents. It is one matter on which I am glad to have had the opportunity to speak.

I have had many other letters written to me from such people as the managing director of Motorway in Stawell and the committee of the Telopea Downs public hall. Ken Hyslop, the president of the Campbells Bridge progress association, wrote to say that they could not even hold a bonfire because they could not get public liability insurance. Christine Walsh, the secretary/treasurer of Brimpaen Community Sports and Activities Incorporated, also wrote to me. I also received a letter from Andrew Wills, who is an aerial sprayer. Aerial spraying is a vital industry in country Victoria.

The councils of Hindmarsh, Northern Grampians, West Wimmera and Yarriambiack shires and the Horsham Rural City Council also raised this concern with me. On their behalf, I strongly support the public liability thrust put forward by the National Party and which the people of Benalla have put through the Liberal Party. It is unfortunate we could not get some action from the government.

Mr STENSHOLT (Burwood) — First of all, I congratulate the Minister for Finance for the work he has been doing on issues of insurance. He has worked extremely hard and is very dedicated in dealing with these particular issues. I also commend the honourable member for Benalla who has worked tirelessly with the Mansfield public liability insurance task force to seek solutions. Indeed, she has worked with them in dealing with the problems faced by the adventure tourism industry in terms of public liability insurance.

I am concerned about a number of issues. Obviously I am concerned about insurance and insurance problems. I am also concerned that the opposition and the National Party are seeking to use this issue as a political football rather than dealing seriously and cogently with the issues facing business owners and a whole range of organisations and people right throughout Victoria regarding insurance.

The problems with public liability insurance and builders warranty insurance are well known to us and, obviously, they concern the people in my electorate as well as those in country electorates. A range of events in my electorate have been affected by the problem. Some may have to stop at some stage and then start again as people reassess and deal with the issue. Many honourable members have mentioned the collapse of HIH Insurance and the loss of other insurance companies from the marketplace. This was very much to the fore some months ago in terms of builders liability. The government acted then to try to encourage other participants and other insurance companies into the marketplace. More recently we have seen problems with insurance for doctors, in particular the problems of one insurer.

These issues arise right across the board. Obviously, there are problems of reinsurance and realignment of insurance, which happens on an international level as well as here in Australia. International insurers are far more wary than they were prior to 11 September, or prior to the collapse of HIH and the changes in some insurance companies both within Australia and internationally.

The issues are complex and important and need proper resolution. What they do not need is the attempt by the Liberal Party with the support of the National Party to produce a half-baked effort to deal with what is part of an overall problem. There is a piecemeal and incomplete approach to the problems facing the adventure tourism operators here in Victoria.

As I have said, these are very complex issues and need comprehensive solutions which are best effected through joint federal and state activities. I was very pleased that there was a meeting the other day between the state and federal ministers for finance on the issue of public liability insurance. That meeting produced a joint communiqué by Victoria, the other states and the federal government. I commend the role of the Minister for Finance and his efforts in that regard.

I note that part of the resolutions coming out of that meeting was to seek a greater role for the Australian Competition and Consumer Commission in monitoring progress in this regard and putting pressure on the insurance companies where it needs to be put.

In regard to data collection, I also note that the ministers agreed. The fact that there has been no comprehensive data collected is a problem that has bedevilled the industry. There is no transparency and openness in the insurance industry in terms of providing case details or enough information to determine appropriate pricing of premiums. I am pleased that part of the package of reforms which will be needed will be to put pressure on companies to make sure that the data is available to ensure proper understanding.

Part of the problem about this particular legislation is that there is a whole range of deficiencies. These have already been outlined by other speakers in terms of the difficulties that will not necessarily encourage people to enter the adventure tourism industry and which will probably drive insurance companies away.

One issue is that premiums will not be reduced. There is no evidence in that regard. That issue was discussed in relation to the legislation proposed in New South Wales. As I said, it is difficult to pull all this evidence together, but it seems clear that insurance premiums will be more expensive. Obviously, we want to avoid massive insurance premium rises of hundreds and hundreds of per cent.

One of the problems is the failure of the bill to achieve its objectives because it is not fully competent in terms of the requirement for a section 85 statement, and at the

moment it could effectively be overridden by the federal Trade Practices Act.

Other speakers have already suggested that the Liberal Party should be talking to its federal counterpart to ensure that the Trade Practices Act is changed. In the joint communiqué of the ministerial meeting I noticed that the commonwealth was prepared to look at providing changes to legislation including the Trade Practices Act in terms of waivers for risky activities. The Liberal Party's efforts should be directed to that end to ensure that a comprehensive look at the legislation goes hand in hand with what the state government is doing in its package of measures to provide support in this area.

In its appendix to the communiqué honourable members would have noted that there are a range of activities which the Victorian government has undertaken particularly with regard to adventure tourism operators, where a grant of \$100 000 was provided to help the operators to prepare risk management plans and audits. The honourable member for Benalla has been active in regard to adventure tourism operators, particularly in Mansfield.

The Victorian government achieved a breakthrough with the Municipal Association of Victoria, Our Community Pty Ltd and Jardine Lloyd Thompson in providing a group insurance scheme for community organisations. As I understand it, it is to operate in Victoria as well as in Tasmania. For many of the operators in country and regional Victoria this is proof that provided people work hard and consult on these issues on a comprehensive basis, solutions can be brought forward, and that is exactly what the government is doing. It is working through the issues with relevant parties, including the federal government, to come up with solutions, looking to put together a package of reforms in the coming months.

The proposed bill fails the test on a number of issues — —

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

Debate interrupted pursuant to sessional orders.

APPROPRIATION MESSAGE

Message read recommending further appropriation for Environment Protection (Resource Efficiency) Bill.

AGRICULTURAL INDUSTRY DEVELOPMENT (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr HAMILTON (Minister for Agriculture) introduced a bill to amend the Agricultural Industry Development Act 1990 to make provision for committees established under that act or the corresponding act of New South Wales or another state or internal territory to represent the interests of producers of agricultural commodities in Victoria and elsewhere, to repeal the Murray Valley Citrus Marketing Act 1989 and for other purposes.

Read first time.

NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) BILL (No. 2)

Second reading

Debate resumed from 16 May; motion of Ms GARBUTT (Minister for Environment and Conservation).

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

Mr PERTON (Doncaster) — The Liberal Party supports the bill because it substantially implements the report of the Environment Conservation Council established by the Kennett Liberal government in the 1990s. It supports the bill because it establishes a system of marine parks and sanctuaries which will protect Victoria's biodiversity and improve its marine environment. The Liberal Party supports the bill because it adopts the changes it sought to the 2001 bill which was withdrawn by the Labor government, having been developed with an odour of Labor Party political corruption in deleting two of the most significant marine parks, Cape Howe Marine National Park and the Ricketts Point marine sanctuary.

The Liberal Party supports the bill because it differs in several significant ways from the 2001 bill. It differs because of the strength of the Liberal Party in dealing with these matters last year and its active work together with the government, community groups, environmental groups and commercial and recreational fishermen to produce improvements to the bill which deliver better for the environment, commercial and recreational fishermen and marine coastal communities.

Some of those important changes include, of course, the introduction of the Cape Howe Marine National Park, which was the largest of the marine national parks

recommended by the Environment Conservation Council (ECC). It includes the Ricketts Point Marine Sanctuary, so important to my colleague the honourable member for Sandringham, the members for Higinbotham in the other place and to people of Melbourne, especially those living in and around his electorate. It provides a system of compensation for commercial fishermen and charter-boat operators who are adversely impacted upon by the parks. It removes the unjust section 85 provisions, which contained the most noxious confiscation provisions of the last 50 years.

It provides a budget for the greater enforcement of our fishing laws and combating abalone poachers, and there is additional funding to assist others who could be impacted upon adversely by the establishment of the parks. For the first time, it requires an annual report of fisheries to be prepared and tabled in the Parliament and the responsible minister to have regard to these reports.

The bill, which is supported by the opposition, is a demonstration that the Liberal Party is the only party capable of representing the interests of all Victorians, including people living in metropolitan Melbourne, provincial cities and rural communities, and on the *Sea Change* coast.

Ours is the party that is best able to deliver for the environment. Our record from the early part of the century, starting under the leadership of Alfred Deakin, amongst others, through Henry Bolte, Dick Hamer, Lindsay Thompson to Jeff Kennett, demonstrates our superiority in our concern for the environment and our stewardship of the environment for future generations.

Ours is the party for business. Only our party stood up for the rights of those whose businesses would have been confiscated under the legislation that came before the Parliament last year, and in doing so we stood up and sought amendments this year. Only our party has delivered remarkable results for those whose businesses rely on the sea.

Lastly our concern is for those who gain enjoyment through recreational fishing. Both in the way we established the Environment Conservation Council and in the way the council members worked to achieve the environmental objective of better protecting the biodiversity of the coast, we managed to minimise the impact on recreational fishermen. The continued negotiations that have taken place between the parties, including environmental groups, recreational fishing groups and commercial fishing groups, have

diminished the impact on recreational fishers even further while maintaining the environmental benefits.

The Liberal Party is certainly the party for the environment. Following an announcement that the Leader of the Opposition had met with the Premier to agree on the principles that would be applied in this legislation, I received a lot of correspondence from various organisations from both sides of the arguments. One of the letters that gave me greatest pleasure, certainly from the perspective of my party, gives me confidence that what we have done will deliver benefits for the environment. It is from the former president of the Victorian National Parks Association, James Ensor, who was the president of the association at the time this debate came on last year. He states:

Thanks for your note and greetings from an ex-VNPA president. My congratulations on what looks to be a far superior outcome than the previous bill. This sort of bipartisan approach is essential for successful environmental policy outcomes.

That is remarkable, because as honourable members will recall, last year the Minister for Environment and Conservation stood across the table from me wagging her finger at the Liberal Party and saying, 'Unless you pass this bill in its a flawed form, with its corrupted marine national parks, with its confiscation provisions and with its lack of a compensation system, there will be no marine national parks in Victoria'. Of course that concerned members of the environmental movement. People like James Ensor, Peter Garrett and others believed in and fought for the inclusion in the bill of a fair system of compensation, but they were so concerned about the environmental outcomes that they tried to encourage the Liberal Party to acquiesce to that threat by the minister.

When the minister carried out her threats and withdrew the bill from the Parliament there was a great deal of disappointment in the environmental movement. I would have received literally thousands of letters and emails, and my colleagues the honourable member for South Barwon and the honourable member for Sandringham, who are in the chamber, also received many emails from people who expressed disappointment.

What a vote of confidence, that we could take that strong position last year, stand up for the rights of those who would be adversely affected by the legislation and, as James Ensor says, actually carry off a result that is better for the environment! For me that is a source of pride.

Another letter that I have received very recently on this question of Liberal leadership on marine national parks comes from Ian Harris, president of the Victorian National Parks Association, who wrote on 23 May 2002:

The Victorian National Parks Association warmly congratulates the Liberal Party on its continuing commitment to protection of the marine environment, and its historic bipartisan agreement with the government to expedite the passage of marine national parks legislation through the Parliament.

The Liberal Party can take great credit for improvements in the marine national parks package, including the return of Cape Howe Marine National Park and Ricketts Point Marine Sanctuary, and the strengthening of the compensation arrangements for commercial fishers potentially affected by the parks.

The establishment of a world-class system of marine national parks in Victoria will be a special moment for conservation in this state, coming some 104 years after we established our first national parks on land at Wilsons Promontory and Mount Buffalo.

He continues, and concludes with this:

The Liberal Party's continued commitment and leadership on this matter will create an enduring legacy for all Victorians.

Sitting suspended 1.01 p.m. until 2.02 p.m.

Mr PERTON — Madam Deputy Speaker, just before the luncheon adjournment I had indicated that I believed that the Liberal Party has proved through the course of this debate to be the only party that can truly represent all Victorians, whether they be country or city and whether they be interested in the environment or business. I had read into the transcript a letter from the immediate past president of the Victorian National Parks Association, Mr James Ensor, and also a letter from the president, Mr Ian Harris.

Just in brief, because we have literally had thousands of letters from people who have supported the decision that the Liberal Party has made on this piece of legislation, there is also a letter dated 30 May from Vicki Barnaby, the president of the Australian Marine Conservation Society. In her letter she says that:

AMCS Melbourne branch congratulates the members of Parliament on bipartisan support for a system of fully-protected marine national parks in Victoria. Up to 95 per cent of marine animals and plants are unique to south-eastern Australia and we have the greatest diversity of fish in marine parks in the world.

She goes on to say:

Victoria's marine national parks will protect biodiversity enhanced commercial and recreational fisheries resources, protecting human heritage and provide tourism, recreation,

education and research opportunities. We applaud parliamentary support for the introduction of marine national parks in Victoria.

The last letter that I will quote from is from Mr Tim Allen, Victorian coordinator of the Marine and Coastal Community Network, who has written:

As the Victorian coordinator of the Marine and Coastal Community Network for the past nine years and as an individual who has worked extensively with community organisations to build support for a marine national park system during this time, I would like to congratulate you on the bipartisan attempt to establish Victoria's proposed system of 13 fully protected marine national parks and 11 fully protected marine sanctuaries.

It is a long letter, but he concludes with again commending the legislation to us. Should any member want a copy of that letter, I would be happy to show it to them.

Indeed, we received another letter, from the Australian Marine Sciences Association signed by, amongst others, Professor John Sherwood, Dr Gary Poore and Dr Tim O'Hara, who expressed their great support on behalf of the AMSA, Australia's largest professional body of marine scientists, on the two major political parties reaching agreement on the nature of legislation to introduce a network of marine national parks for Victoria's coastal waters.

As I indicated, it is the Liberal Party that in this state is the party of the environment.

An honourable member interjected.

Mr PERTON — The national parks legislation as it now stands was essentially set up under the leadership of Sir Rupert Hamer. The honourable member for Melton in his usual after-lunch manner — perhaps influenced by what he takes at lunch — has interjected. Indeed, when he joined the Labor Party was a time certainly when the left dominated and the Labor theory of value dominated the Labor Party, and of course the environment has no value to socialists or to people who believe in the Labor theory of value. He laughs inanely and stupidly, but I think that says a lot about the party that he is involved in.

As I indicated, the national parks legislation was set up under the leadership of Sir Rupert Hamer. He was not the first Liberal to be involved in the conservation movement. Historical records show that the great Liberal Prime Minister, Alfred Deakin, dealt with conservation issues in the first decade of this century. As it is some 104 years since the establishment of the earliest Victorian national parks, I am sure his presence

in the Victorian Parliament at that time would have had some influence.

Premier Dick Hamer, who, on the day after his election said, 'We will be less materialistic and more interested in things of the spirit. All other development and growth is negated if we destroy the surroundings in which we live', really set out to build a system of representative national parks across this state.

The work of the Land Conservation Council followed by the work of the Environment Conservation Council (ECC) achieved quite remarkable things in this state in terms of terrestrial national parks. Many of the great national parks in terms of size and significance were established during the time of his government. Indeed, members of the Liberal Party come to this task of debating this bill with a good record not only during the term of the Hamer government and early Liberal governments, but also during the term of the Kennett government between 1992 and 1999.

National parks and reserves were extended and the Yarra Ranges, Terrick Terrick, Chiltern, French Island and Lake Eildon national parks were created, along with the box-ironbark forests and woodlands. During the term of that government — —

An honourable member interjected.

Mr PERTON — I hear the honourable member for Swan Hill interjecting. Let us not forget that his party has taken the easy way out on these debates over a long time and is taking the easy way out on this bill by opposing new national parks which the overwhelming majority of Victorians support.

There was also under the term of the coalition government, of which he was a member, the establishment of two new state parks and the inclusion of thousands of hectares of new open space in existing parks.

The last government also established the Good Neighbour program to eradicate pest plants and feral animals in parks and other public land, and in particular in respect of this debate, introduced a renewed and comprehensive capital works program for beach renourishment, boating facilities, sewer upgrades and pollution controls to improve water quality along the Victorian coastline.

It would be inappropriate to conduct this debate without referring to the work of the Environment Conservation Council. On behalf of the Liberal Party, I thank those members of that body who took on that job, I think little realising how tough the political forces opposed to their

work would be. From my perspective they did a magnificent job because they are magnificent people.

Professor John Lovering, the chairman of the ECC, is undoubtedly a figure of international renown. He is a doctor of philosophy and holds two honorary doctorates and has been Dean of the Faculty of Science at the University of Melbourne, Vice-Chancellor of Flinders University and has held many distinguished national and international posts, including that of president of the Murray-Darling Basin Commission.

For those who are opposed to the findings he made in the course of his studies, I point out that he is an enthusiastic recreational fisherman living in a coastal community.

He was joined in that work by Eda Ritchie, a former president of the Victorian Liberal Party, former chairman of the Western Regional Coastal Board, chairman of the committee of management for Rural Ambulance Victoria, a member of the Rural Finance Board, a trustee of the Ross Trust and a board member of the Howard Florey Institute for Medical Research.

Mr Nardella interjected.

Mr PERTON — I thank the honourable member for Melton — it is Liberal hour! This piece of legislation is a tribute to the success of the Liberal Party in taking a robust stand last year and, remarkably, delivering a better environmental outcome as a result. Where was this hypocrite of a member for Melton when the Labor Party brought legislation into his party room removing Cape Howe Marine National Park and Ricketts Point Marine Sanctuary? He moans and he groans in his post-lunch state, but it has to be a matter of embarrassment to any Labor Party member who claims to have any environmental credentials.

The third member of the Environment and Conservation Council was Ms Jane Cutler, who has a masters degree in environmental science and is the managing director and chief executive officer of Plum Financial Services. Prior to taking up her role, Ms Cutler was chief executive of Jacques Martin Industry Funds Administration. Between 1992 and 1998 she held a number of very senior positions at BHP relating to business strategy and development, and environmental affairs. She has also had remarkable experience in business.

They are three intelligent and thoughtful people who, supported by a very strong team, worked very hard to gauge the feel of the community and the stakeholders — be they environmentalists, recreational fishermen or commercial fishermen.

These things are always difficult, Madam Deputy Speaker — you have been involved in consultative processes, and so have I — and there are people who confuse consultation with acquiescence. There is no doubt that the ECC, in engaging in its consultations, had some of its meetings wrecked by people who were there to disrupt them. There is no doubt at all that if you and I were conducting the consultation, Madam Deputy Speaker, we might have conducted it differently. Nevertheless, they worked very hard over an extended period of time, and I think their report, when it is read in the coming decades, will stand the test of time.

An honourable member interjected.

Mr PERTON — The test is for us, as members of Parliament — whether we are in government or opposition — to make sure that that report stands the test of time and that the appropriate levels of finance are given to manage those marine national parks. I refer not just to the package that has been offered in the course of negotiations on this legislation but to continuing and ongoing financing that makes sure those parks are centres of learning, ecology and gentle and passive recreation; that they are what we have promised commercial and recreational fishermen they will be; and that in protecting the biodiversity of and the species in those parks the state of the overall marine environment will improve as well. As the minister has said in the past, there will be more fish for recreational and commercial fishers as a result of the construction of a network of marine parks and sanctuaries.

Whilst I shall not go into the elaborate debates on science that marked the earlier part of this debate, I point out that the American Academy for the Advancement of Science, in a consensus statement involving over 100 professors of marine biology and marine ecology, has clearly indicated that the structure of parks and sanctuaries that is advocated in this report is the most appropriate way to proceed. Indeed, there is an overwhelming consensus among the professorial and PhD members of the Australian Marine Sciences Association — and I have already quoted some of its comments — in support of this sort of structure.

The reason we are here today is that last year legislation to establish a set of marine parks and sanctuaries failed. Why did it fail? Firstly, it failed because it was a corrupt process. No-one saw a copy of the legislation in between the report of the Environment Conservation Council and the legislation coming into this house.

Ms Davies — You saw it this time because of the work we did.

Mr PERTON — The joke from Gippsland West has just woken up.

Ms Davies — Excuse me!

Mr PERTON — She was deadily silent in the course of this debate last year in respect of the role and involvement of her colleague the honourable member for Gippsland East in the removal of Cape Howe Marine National Park from the purview of the legislation. Indeed, my colleague the honourable member for Sandringham was well reported in the community as saying, ‘Cape Why?’. Why would you remove the largest of the marine national parks from a piece of legislation designed to introduce a network of marine parks and sanctuaries? The minister’s public excuse was that it was a result of community consultation. The lie was put to that when the opposition submitted a freedom of information application and asked for all the documents relating to that community consultation.

Mr Maclellan — I bet you didn’t get any.

Mr PERTON — The honourable member for Pakenham is quite right. There was not a single letter, not a single email, not a single record of a telephone conversation with anyone asking for the removal of Cape Howe Marine National Park from the bill. The excuse the government used for not giving the opposition any documents was that they were all cabinet documents.

Mr Maclellan — The minister took a dive.

Mr PERTON — Yes. What else was missing? Ricketts Point Marine Sanctuary was missing — the most important of the sanctuaries for the purposes of public education and preservation of biodiversity in Port Phillip Bay. It is well known why that sanctuary was missing: it was the government trying to get a particular significant figure to sign up and support the legislation. Why can the opposition support the legislation today on environmental grounds? It can do that because those two significant parts have now been incorporated.

The honourable member for Pakenham rightly asked why the opposition opposed the legislation in the Parliament last year. It did so because there was no system of compensation for anyone who would suffer as a result of the introduction of these parks. It was not just the Liberal Party who said that those who hold fishing licences for which they have paid good money should receive compensation. James Ensor, the president of the Victorian National Parks Association (VNPA), was very helpful in providing documentation

to show that internationally the introduction of these sorts of parks has been accompanied by compensation for those whose income and livelihood has been adversely affected.

Peter Garrett, the well-known rock singer and chairman of the Australian Conservation Foundation, was on the phone to the Premier and the Leader of the Opposition saying the problem was compensation. Mr Garrett rang the Premier and asked why he would not do this, but instead of providing him with an appropriate answer the Premier gave instructions to the Minister for Environment and Conservation to come into the Parliament, threaten the Liberal Party and ultimately withdraw the legislation.

What has happened as a result of the stand the opposition took last year in respect to compensation? What has happened is precisely what the commercial fishing industry asked for — the removal of the section 85 provisions.

There is a great deal of confusion about section 85 provisions. People say the Liberal Party used them in government and the Cain government used them as well. Most people misunderstand the nature of a section 85 clause. A section 85 clause merely protects a provision from the purview of the Supreme Court. In this case what was protected from the purview of the Supreme Court was a clause that was as bad as anything in the bank nationalisation bill. It allowed the government, regardless of whether it was creating a marine national park or sanctuary, to confiscate a commercial fishing licence — which in the case of abalone licences we know might trade at between \$6 million and \$8 million — without any compensation whatsoever and with no need for a reasonable excuse.

That provision was remarkable because Jon Faine, the well-known commentator on ABC Radio, twice asked the Minister for Environment and Conservation about that provision. On the first occasion the minister denied that there was a problem. The second time Mr Faine asked this minister why the provision had been included she said it was a drafting error and the government would withdraw it. Of course, the legislation was withdrawn but that confiscation provision was never withdrawn. As a result of the robust stance of the Liberal Party in this debate last year the section 85 provisions have been removed and a system of panel assessment, appeal and the rights of commercial fishers to seek statutory compensation for losses as a result of the establishment of marine national parks is now in place.

Ms Davies interjected.

Mr PERTON — The honourable member for Gippsland West is squawking in the background. Her fishermen, commercial and recreational, will remember the role she has played in this legislation. They will remember that she was prepared to go along with the corruption of the Labor Party in removing two of the major marine national parks. She was prepared to go along with the withdrawal of the right to compensation and she was prepared to go along with selling out her recreational fishermen.

Ms Davies — You're a liar!

Mr Maclellan — On a point of order, Madam Deputy Speaker, the honourable member for Gippsland West has used unparliamentary language. I draw that to your attention and ask you to remind her that she is not able to call members liars.

The DEPUTY SPEAKER — Order! The honourable member for Doncaster can seek to have the words withdrawn if he wishes.

Mr PERTON — As long as the words are in the *Hansard* record and the hypocrisy of this member who claims to uphold parliamentary standards is evident to all, I am perfectly satisfied to have them stay on the *Hansard* record.

The DEPUTY SPEAKER — Order! I remind all honourable members about the use of unparliamentary language.

Mr PERTON — I again refer to Mr Faine from the ABC, because when this bill was introduced he asked me whether it was worth while that the legislation and the issue had hung over for a year, that it had been withdrawn from the house and had come back to the house at this time. I said to him as I say to anyone in the community, 'Yes, it was worth while'. It was worth while because there is a better environmental result, as the VNPA and other environmental organisations have said. There is a better result for commercial fishers, a system of compensation, and some sensible adjustment of some boundaries agreed with the government in conjunction with environmental groups, professional fishing groups and recreational fishing groups. Those improvements are also there for recreational fishers as a result of the process of consultation that has taken place over the past year.

There have been discussions between the two major parties in the context of discussions with community groups and the input of members of Parliament who represent coastal electorates. I see, for instance, the honourable members for Warnambool, Polwarth, Bellarine, Sandringham, Mornington and Dromana.

The Leader of the Opposition played a very strong and robust role, not only as Leader of the Opposition but as a member of Parliament representing the Portland community, which contains many environmentalists and many commercial and recreational fishermen.

I say to the community that there was a risk in standing up for the rights of the environment, of commercial fishermen and of recreational fishermen last year. The risk was the legislation would be withdrawn and would not reappear. However, many of the groups that were concerned about the environmental outcomes of this legislation are in the gallery today. They took a very constructive approach to working with the Liberal Party to work through the problems as we saw them and the model we saw as being required for this legislation to go through. They then worked very capably to put pressure on the Labor Party to try to establish some environmental credentials — which the Labor Party is desperate to do.

Woodchipping in this state has doubled under the stewardship of this government, and the logging of old growth forests has increased. A range of environmental issues are important to the environmentalists of this state, and the measures for each of those has deteriorated under the Labor government. So Labor has been determined to try to recreate some environmental credentials, and the Liberal Party is grateful it has done that. All the way through the opposition has been consistently in favour of the creation of marine national parks and sanctuaries but with a fair system of compensation for commercial fishers and their local communities. We have also been consistently fair in advocating for the needs and rights of recreational fishers. None of this now stops.

When this legislation goes through Parliament our responsibility as Liberal members of Parliament — particularly those who represent coastal electorates — will become stronger still. One of the clear demands of everyone interested in this, including recreational fishermen, commercial fishermen and environmentalists, has been for more science and research. How many times have we heard people say, ‘What’s the point of parks unless you deal with the northern Pacific seastar and unless you deal with the various other introduced marine pests that are in Port Phillip Bay but are now spreading out to other parts of the state?’. People in Western Port — —

Mr Langdon — This is not really a point of order, Deputy Speaker, it is just to point out to the shadow minister that although I know he is trying to address his audience, the people listening through the speakers in

their offices cannot hear a word he is saying when he turns away from the microphone.

Mr PERTON — I shall endeavour to do better for the benefit of the honourable member for Ivanhoe.

Scientific research has to be a very important component of the onward management of marine national parks along the coast. Pollution and land degradation must also be addressed. My dear friend the honourable member for Sandringham has been working very hard with other members, including the honourable member for Dromana, to establish structures within which we will be able to deal with the question of marine pollution.

The environmentalists at Western Port have pointed to the death of seagrasses in the bay as a symptom of marine degradation. We have a strong responsibility both in opposition and in government to deal with those issues. We must address the incidents of poaching and theft from our marine waters. My friend the honourable member for Warrnambool and others will talk about the needs of the abalone community and about the need for increased enforcement of the laws relating to the poaching of abalone. The rights of recreational fishers must be taken into account.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! There is too much audible conversation. I ask honourable members to take their seats.

Mr PERTON — We must take into account the needs of recreational fishermen and ensure that they have the facilities they need to conduct their activities and that we appropriately enforce laws to protect them. How many times have recreational fishermen said to us, ‘No fisheries officer has checked my ticket for years, if not decades.’? We have to make sure that occurs.

Lastly, we have to make sure that in establishing a system of marine national parks and sanctuaries we address the economic consequences for those coastal communities — and again, colleagues of mine will speak on this in the course of the debate — so that they are protected by the financial package the government has promised to implement.

Given the time of day I shall conclude my contribution, noting that this has been a win-win outcome for the community, the political system, recreational fishermen, commercial fishermen and the environment. I am proud of the role that my Liberal Party has played in again promoting the interests of the whole state.

Debate adjourned on motion of Mr BATCHELOR (Minister for Transport).

Debate adjourned until later this day.

BUSINESS OF THE HOUSE

Question time

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

That so much of the standing and sessional orders be suspended so as to allow question time today to be delayed until 3.00 p.m.

Motion agreed to.

NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) BILL (No. 2)

Second reading

Debate resumed from earlier this day; motion of Ms GARBUTT (Minister for Environment and Conservation).

Mr RYAN (Leader of the National Party) — The National Party is opposed to this legislation, and it will speak against it and vote against it. It will do so in the interests of country Victorians, whose only true representation in this Parliament is through the National Party. This legislation demonstrates the truth of that statement.

If I might cut to the chase, this legislation is very much about two aspects. The first is the common perspective of all parliamentarians, irrespective of their party persuasion or whether they are Independent members, that we need to have marine parks established in Victoria. That is a common factor. But the point of distinction insofar as the National Party is concerned is the mechanics whereby that laudable outcome can be achieved.

The second aspect I want to refer to relates to this question of compensation. In his contribution the honourable member for Doncaster quite rightly placed a lot of store in the question of compensation and its importance in the context of this debate. How terrible it would be if people were having their rights removed without being paid proper compensation. How terrible it would be if this Parliament in any way, shape or form cooperated in reaching an outcome which saw people — in this instance, country people — have their

rights removed or lose their jobs without the Parliament of Victoria honouring what that means to them as individuals and to their families and their communities? How terrible would that be?

It was these issues which drove the basic debate on the first bill, when this government made its initial endeavour to put similar legislation through Parliament last year. The main issue on which that endeavour foundered was compensation. I am proud to say that the National Party took a position on that issue at the time which said first and foremost that we wanted to see the creation of the marine parks but in the way we outlined, which I will outline again today.

We want to make sure that people can continue to work in the commercial fishing industry, and we want to make sure that people can continue to enjoy their recreational pursuits if fishing is their interest. But we also want to make sure that if the legislation achieves an outcome whereby people are not able to earn a living, are put out of their proper employment or are unable to pursue what they have pursued in the commercial fishing sense for decades, those people are properly compensated.

I am very pleased to say that we were strongly supported on that latter point by the Liberal Party. I applauded the Liberal Party at the time and I applaud it now for having supported us on that first bill when that issue arose.

Sadly, such does not continue to be the case. Sadly, what the government has now done is change course in this compensation issue in a manner that I will run through in a moment. Equally sadly, the Liberal Party has done likewise and chosen to support the Labor government in a way that I think unfortunately demonstrates that there is only one party truly representing the interests of country Victorians in this Parliament — and that is the National Party.

I turn to the original bill, the famous first bill that was introduced by the minister last year, bill no. 1, which contained proposed section 48B under the heading 'No compensation payable' as was to be inserted by clause 19. Without reading it all out, the proposed section said that no compensation was to be payable by the Crown to any person for any loss or damage as a result, in essence, of the application of that proposed legislation. No compensation was to be paid.

As I say, those in conservative politics — the National Party and the Liberal Party — quite rightly took the view that that was absolutely untenable and could not be accepted by us. What has happened with the

introduction of the current legislation before this Parliament? The section 85 provision — which would have acted to preclude people being able to access the courts — has been deleted. As a matter of general principle, there is therefore a capacity for people who are impacted upon by the operation of this second attempt to seek compensation.

I grant that that principle stands, and insofar as the honourable member for Doncaster makes his case on that point, I agree with him that in name the compensation provisions are there. However, what has happened here, which is typical of this government, is that by sleight of hand it has effectively introduced a section 85 provision but under the guise of compensation provisions. The compensation provisions, as they are termed in this legislation, have been introduced in a way that, firstly, will make them virtually impossible to give effect to; and secondly, will result in any event in compensation — so termed — so miserable as to amount to nothing.

On that latter point, I refer to the government's own recently announced budget papers which point to the fact that the government has allowed the princely sum of \$3.2 million for compensation arising from the application of this legislation. It will be said — and it has been said already — in some circles, 'But the government has confirmed that the amount of compensation is not capped and that people are entitled to seek it. The \$3.2 million is not a cap'. I say to that that the \$3.2 million is this government's own estimate as to what the compensation is likely to be once the processes to which this bill refers are gone through. It is reflective of the fact of what this government intends in relation to this compensation and unfortunately, as I said, the Liberal Party has chosen to support the government in relation to it.

I turn to the specifics of the bill before us to support my contention. Clause 27 inserts a completely new part 10, which amends the 1995 Fisheries Act. Part 10 deals with the whole notion of compensation and is where these compensation provisions come in. It is interesting, though, that the very heading of the part to which I am referring talks about transitional provisions. What does that contemplate? What does one usually mean when using the term 'transitional provisions'? I suggest that it means that a course of action — in this instance, the payment of some money — is purportedly to be put in place on the way through while a new set of factors as outlined in this legislation takes effect.

The provisions are intended to be the bridge, if you like, between one state of affairs and another. They are intended to be the mechanism whereby that transitional

process takes effect. I suggest that that has absolutely nothing to do with compensation in the usual sense of the word. As to the actual application of these provisions, one has to turn to clause 27, which proposes inserting section 165 in proposed part 10. The proposed section is headed 'Compensation only payable to licence holders and permit holders as provided in this part'.

That proposed section is saying, 'The only way you can seek compensation under the terms of the operation of this legislation is pursuant to the terms of this new part 10'. Proposed part 10 defines the way in which people seek compensation. Why has the government done it that way? It has done it that way because that is the mechanism by which it circumvents the operation of what would otherwise be the application of a section 85 provision.

The two ends of the argument are as follows. We avoid having to use a section that prohibits people going to the courts on the one hand by giving them a scheme of compensation — so termed — which is utterly miserable but which nevertheless is, in name, a scheme of compensation which prohibits people from being able to do other than act under the terms of this proposed section. If you want compensation, you are governed by the provisions contained within this section. You cannot go outside it.

Proposed section 165(1) states:

Except as provided in this Part, compensation is not payable by the State of Victoria to a person who is, or has been at any time, the holder of—

- (a) a fishery licence; or
- (b) a general permit under section 49 —

for any loss, damage or injury whatsoever resulting from or arising out of—

and it goes on to talk in essence about the application of this bill. So you must comply with the terms of this section if you want to be able to obtain compensation.

What are the categories of persons who are entitled, therefore, to obtain compensation under the terms of this legislation? The first category is people who hold a fishery licence. Under the definitions in section 4 of the Fisheries Act a fishery licence means:

- (a) an access licence; or —

subsection (b) has been deleted by past legislation —

- (c) an aquaculture licence; or
- (d) a recreational fishery licence; or

- (e) a fish receiver's licence; or
- (f) any other category of licence created by the regulations under clause 3.1 of Schedule 3.

What is the other category of persons entitled to obtain compensation? Proposed section 165(1)(b) talks of a general permit under section 49 of the Fisheries Act. Section 49(1) states :

The Secretary may issue a general permit to a person.

Then subsection (2) sets out a range of individuals and entities to whom such a permit can be granted and the purposes of granting them. For example, they include:

- (a) to take fish for research, education, fish management, aquaculture, compliance or scientific purposes; or
- (b) to take fish from a developing fishery; or
- (c) to carry out any research, exploitation, work or operation for the purpose of developing any fishery or aquaculture —

et cetera. Essentially two categories of persons are entitled to claim compensation under the provisions contained within this legislation — people who hold the fisheries permit and those who hold the other form of general permit to which I have already referred.

Division 2 of proposed part 10 deals with the first of the three specified categories of people who are effectively entitled to obtain compensation — that is, the rock lobster fishermen; division 3 deals with the second category, which is specified access licence-holders; and division 4 deals with the third category, which is the charter boat operators.

In essence the position is that by the operation of these clauses as I have gone through them, we have those three generalist categories of individuals who are able to access the compensation provisions contained in the bill. Let's have a look at who constitutes, for example, what is described and defined in the bill as an eligible rock lobster access licence-holder. It is a person who has, firstly, a relevant access licence; and secondly, a rock lobster fishery access licence within the meaning of the regulations. That is the group of persons to whom I am referring.

What is to happen to the people who do not come within the specifics of the definitions that have been outlined in the bill? What is to happen to them? The access licence to which I referred is the rock lobster access licence. The other to which reference is made is the specified access licence-holders. They are referred to in division 3. The definitions of those specified access licence-holders, as set out in the definitions

clauses within the bill, include bait, general fishery access licences, Corner Inlet fishery access licences and so on; they are set out there to be read.

When you analyse it you come to a few anomalies that the government has obviously intended to occur. On the one hand, it has specified certain sorts of licence-holders who, on the face of it, will be able to access those access provisions; and on the other hand, when you trace through this extraordinary piece of legislation you will see that other entities who are holders of licences will be excluded from the operations of the provisions.

Whereas the fisheries licence definition includes an access licence and although the access licences include two of those referred to in the bill, there is no reference to anybody who holds, for example, an aquaculture licence.

What is to happen to an individual in Victoria who has gone to a government of any persuasion in days gone by and in good faith has sought an aquaculture licence under the legislation and has had it granted? What happens to that person in terms of compensable licence if they have expended an investment in enabling that aquaculture investment to be developed? What happens to them under the terms of this legislation? They get nothing. They are excluded from the terms of the operations of the provisions because divisions 2, 3 and 4 of the provision that deals with the compensation elements exclude them by design; they cut them out.

Who else is involved in this? I do not have the time to go through the bill exhaustively; it would take me six months, such is the nature of the legislation. What happens to the abalone licence-holders in relation to their entitlements to compensation under the legislation? I accept the point made by the honourable member for Doncaster that the current value of an abalone licence is about \$6 million. What is to happen by way of direct compensation payable to the holder of an abalone licence arising from the application of this legislation?

I will tell the house what happens to their entitlements to claim compensation. They cannot claim because the terms of the legislation are designed specifically so that the holders of abalone licences are absolutely, utterly and completely precluded from being able to get compensation under the terms of the bill. That is what happens to their investments.

Honourable members may ask, 'Why is it so?', because there are about 70 abalone licences in Victoria, and each is worth about \$6 million. The total capital sum,

therefore, even allowing for my mathematics, is about \$420 million. The government wants to make sure it does not allow any of the holders of those licences to get compensation, because it knows that if it opens itself up to the prospect of the holders of abalone licences claiming compensation under the bill because of the introduction of marine parks, it will be cleaned out.

The government knows that the prospect is that it will be taken to the cleaners because it knows as a matter of sheer commonsense that when the marine parks are established in Victoria, it is an absolute and utter nonsense to think as a matter of sheer logic that these people who own the abalone licences will be able to have the same patch available to them as would apply were they able to continue fishing in the areas they historically have fished. They know that is the case and the government knows it full well.

Through the terms of this legislation the government will say to the abalone industry, 'You cannot fish over there any more where your licence has entitled you historically to fish, sometimes for decades; you cannot do it any more. We will stop you. We will pass a law in Parliament that says you cannot do it any more'.

It says, 'But on the other hand, we have got you. You will not be able to claim compensation from us even though we will remove from you the right to fish and even though we will steal from you your entitlement to earn your income as you have before'. The government says, 'No, you will not be able to claim compensation because we have designed the bill so as to specifically cut you out of your entitlements'.

What is the sop to the government? I will tell the house about the half-baked pay-off that the government has dreamt up. It has said to the abalone industry, 'All is well, don't worry. We will put about \$14 million into security issues to help patrol the abalone waters. You will not need to worry any more. Forget the problem you have had over poaching. It won't be a problem any more'.

The government then says, 'Don't worry about all the stories you hear about the involvement of crime syndicates' — and we have seen that published recently — 'with the drug industry coming into it because they see the capacity to be able to trade in abalone in a way that is giving it a huge advantage. Don't worry about it because we, the government, will put \$14 million into patrolling the waters in which the abalone industry is based. That will secure your circumstances'.

Isn't that a hoot? There is a fellow named Cam Strachan who presently resides in prison somewhere because he has been convicted about 75 times of pinching abalone. If you sent him a copy of the bill it would brighten his day because when he gets out the Cam Strachan bill will take effect. He would buy another boat — a bigger and faster boat — and he would be into this like the proverbial rat up a drainpipe. He will have been aided and abetted in his cause by the Labor government, because it will actually preserve the waters in which the abalone is caught. The abalone will be preserved, on hold waiting for Cam whenever he wants to turn up.

The government says the solution is, 'That's all right, we will put money into patrolling, employing more officers and so on'. What a hoot! Does anybody realistically believe that will happen? You only need look at the history of the way in which this industry has had to battle with the issue over the years to know that is a stupid thing to say, and a ridiculous and devious thing to do through the bill.

That is what I think is the ultimate commentary with regard to this issue. It is a devious element of the legislation that it is trying to trade off the \$14 million for the purported effort at patrolling the waters in exchange for making sure the government saves its miserable skin from a claim of some component of about \$420 million.

I regret to say the government is supported by the Liberal Party. The honourable member for Doncaster stands here and says the Liberal Party supports the position, which in effect amounts to a de facto section 85 agreement. That is the net effect of the position and one that is unfortunate, which is why I reiterate that in the interests of country Victorians, the fact is demonstrably that there is only one party in this house looking after country people.

I was intending to talk later about this issue, but it is convenient to talk about it now. I have given only two examples that come to me readily about people who have been cut out of the compensation provisions. I have not done a careful analysis of the provisions and I have no doubt there are others as well, but these are just a couple that I toss up for a start.

I contrast this with the actions of the previous government. When the National and Liberal parties were in government we said to the scallop industry in terms of its activities in Port Phillip Bay, 'You have got to go. We want you out'. Obviously they were upset because they did not want to go. They kicked and screamed and we argued back and forth, but we went

and faced up to them and said, 'You have got to go'. There were about 80 of them and our negotiations were designed in such a way that we went to them and said, 'We will buy back your licences. We want them back and when we have purchased them we are going to cancel them, thereby preserving the position in Port Phillip Bay. No-one will be able to catch scallops any more'.

We went to them and had up-front negotiations. We started at about \$80 000-odd per licence, or something in that vein, and we ended up paying \$125 000 for each of them. It ended up costing the government of the day about \$12 million to buy them out, but we could always look them in the eye and say that was our intended consequence. We could always front them and say, 'We want to do that to achieve that. We want to get you out of Port Phillip Bay to achieve an outcome of preserving the position which we think is important from an environmental perspective'. It is to the great credit of the former government that that is the way the process unfolded.

What is going to happen here? I will tell you. The commercial fishing industry in this state, insofar as it relies upon the waters which are now to be subject to these no-take zones, is going to suffer the death of a thousand cuts. That is what will happen. In some instances these people who have been involved in the commercial fishing industry for decades — sometimes for four, five and six generations — are going to find absolutely certainly that with the passage of time they simply cannot catch the quantities they used to catch. For reasons I will come back to, the compensation provisions, as they are termed in this legislation, are patently deficient in terms of looking after the welfare of these people.

I highlight that by asking what is going to happen, for example, to a fisherman at Corner Inlet in my electorate who has an access licence which is presently worth \$80 000 on the market. Inevitably the capacity of that licence to fulfil its existing catch is going to be severely diminished and in turn that will compound into the value of the licence itself. From the time this legislation passes that \$80 000 licence will no longer be worth \$80 000. I suggest that any reasonable person, any fair-minded individual, would say that if the government is going to bring about that sort of outcome through the imposition of legislation such as this, the persons concerned should properly be entitled to access compensation provisions to the extent that represents their loss.

What does this bill do for that? It does nothing. No compensation is contained in this legislation which will

address the issue of the loss of the value of the licences of those who fish in Corner Inlet and who otherwise have that range of licences under the Fisheries Act to which I have already referred. Those people will get absolutely nothing for their loss of value in their licences. In turn that will have consequential effects upon the way in which these people live their lives. Those effects will be reflected in terms of their own financial arrangements first and foremost, but it is also going to be reflected on the same basis in a prospectively different way. What about those who have been dependent upon the value of those licences to secure bank funds? What about those who are dependent upon those licences as part of their asset structure to enable them to secure their banking arrangements? Nothing will be available to them under the terms of the compensation provisions contained within this legislation.

As I said, it is to that element that unfortunately and tragically this legislation pays no accord at all. On the contrary, by design the government has specifically set up the terms of this bill so that those people will be precluded and absolutely prohibited from obtaining compensation for that loss of benefit. I say again that the government is to be condemned for the fact of having done it — absolutely and utterly condemned. It stands in stark contrast to the way in which the previous government approached this issue with those who held scallop licences in Port Phillip Bay.

Debate interrupted pursuant to sessional orders as varied by resolution of house.

The SPEAKER — Order! Before calling question time, I advise the house that the Speaker, the Premier and the Leader of the Opposition were unavoidably delayed and regret any inconvenience that that might have caused the house.

QUESTIONS WITHOUT NOTICE

Stamp duty: insurance

Dr NAPHTHINE (Leader of the Opposition) — I refer the Premier to the fact that yesterday the New South Wales government halved stamp duties on public liability insurance policies from 10 per cent to 5 per cent. I further refer him to the fact that Tasmania has abolished stamp duties on public liability insurance, and ask: why has the Bracks government refused to provide any relief to Victorian families, business community groups and particularly adventure tourism operators suffering from the burden of the highest rates of insurance taxes in any state or territory?

Mr BRACKS (Premier) — The key issue associated with a reduction in stamp duty collected on insurance is whether it will make a difference to the premiums. The government would want that assurance from insurance companies before it reduced stamp duty. The government has taken the decision to reduce payroll tax to the second lowest level of any state in Australia at 5.35 per cent, which will be lower than the new New South Wales rate of 6 per cent. That gives Victoria a clear competitive edge. We have a similar insurance stamp duty rate to that of the Australian Capital Territory, the Northern Territory and South Australia. We have chosen to reduce the cost of doing business in Victoria, which will make us competitive. What the government has delivered is responsible, affordable and achievable and will make a difference to jobs and growth.

We have seen 6, 7 or 8 different tax plans from the opposition, none of which is affordable or able to be done responsibly. They would all send the budget into deficit.

Dr Napthine — On a point of order, Mr Speaker, the Premier is now debating the issue, and I ask you to bring him back to the matter of why he will not reduce stamp duty on insurance like New South Wales and Tasmania?

The SPEAKER — Order! I was about to call the Premier back to answering the question. The Leader of the Opposition should desist from repeating his question.

Mr BRACKS — The government has chosen a course of action to reduce the cost of doing business in Victoria, and it has done it successfully. It inherited some of the highest business tax costs in Australia but has now reduced them to the second lowest payroll tax and Workcover premiums. It is reducing the cost of doing business by a full \$1 billion over four years. The government wants to know whether this is a new tax policy from the opposition.

Dr Napthine — On a point of order, Mr Speaker, the Premier is again debating the question, and I ask you to bring him back to answering it.

The SPEAKER — Order! I do not uphold the point of order. The Premier, concluding his answer.

Mr BRACKS — The tax cuts we have offered are responsible, affordable and targeted to growing jobs and investment in the state. They amount to \$1 billion over the government's four-year term of office. They are achievable while having a substantial operating surplus on the current account and delivering better

outcomes for education, health and public safety. Contrast that to the opposition, which has as its policy irresponsible tax cuts that cannot be afforded. If the opposition ever gets into government it will sack teachers, nurses and police officers.

Fishing: zones

Mr RYAN (Leader of the National Party) — I refer the Premier to his statement on ABC regional radio last week that the government was considering recreational-only fishing zones in addition to marine parks, and I ask: has the government consulted the commercial fishing industry on this proposal, and what compensation does it plan to offer if these zones are introduced?

Mr BRACKS (Premier) — I thank the Leader of the National Party for his question. As he might be aware, a similar sort of arrangement has been undertaken in other states where there are recreation-only fishing zones. It is at an early stage. The government has had two propositions put to it. One was from VRFish, the group that represents recreational fishers in Victoria, and that is being examined. The Rex Hunt Futurefish Foundation has also put a proposition to us which we are examining. We are looking at what is happening in other states. Although recreation-only zones are a proposition that we know can work, we are not yet committed to it. We are examining the proposals properly and appropriately, and the detailed matters that the honourable member has asked about in his question will be dealt with in discussion with those groups.

Environment: greenhouse strategy

Mr NARDELLA (Melton) — On this, World Environment Day, will the Premier inform the house what action the government is taking to help tackle the growing greenhouse problem?

Mr Perton interjected.

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

Mr BRACKS (Premier) — I thank the honourable member for Melton for his question and his continued commitment to the environment and good environmental outcomes and sustainability.

Today with the Minister for Environment and Conservation and the Minister for Energy and Resources I was delighted to announce that the government has committed to a new greenhouse strategy for Victoria. This strategy commits the

government to a \$100 million package of measures which will cut emissions, improve energy efficiency in homes, businesses and government offices and put us at the forefront of ensuring that the reduction of greenhouse gases occurs in Victoria.

The measures detailed in the strategy released on World Environment Day will mean that around 7 per cent, or 5 million to 8 million tonnes, of greenhouse gases will be reduced by the year 2010. That is equivalent to three-quarters of the cars currently on Victoria's roads not being on our roads or emitting those gases. It will have a significant and profound impact.

There are about 59 different measures outlined in that arrangement, which include strategies for new commercial buildings and homes to be the greenest in Australia, with a new five-star energy rating for homes in particular being mandated.

The government will also cut emissions from its vehicle fleet — the fleet we own — by a full 10 per cent. That means taking leadership in the state, using our own fleet. There will be a major new tree-planting program to enhance Victoria's greenhouse carbon sinks and new support for research and development into greenhouse technologies. As well, there will be a major education program to improve community practices and people's awareness of climate change issues.

I am very pleased that we were able to announce this package of measures for a greenhouse strategy today — World Environment Day and the very day on which Japan ratified the Kyoto protocol. That is good news for the world environment and good news for the position we want to take in Australia as well. With this package of measures, and I know the honourable member for Melton supports this, we are indicating that we can ensure that Victoria is compliant with the Kyoto protocol when it is signed up to in Australia. We urge the Australian government to follow the lead of the Japanese government and do just that.

I am also very pleased that on this day we are debating marine parks in this Parliament and taking leadership on a very important issue for the country and for our state.

Attorney-General: conduct

Dr DEAN (Berwick) — I refer the Attorney-General to documents released today on Operation Culvert, an investigation conducted by the Australian Federal Police into allegations of the \$12 000 misuse of travel entitlements by the Attorney-General when he was a federal member of Parliament. In particular I refer to the report of the

federal Director of Public Prosecutions, which states that the decision not to prosecute was due to obstruction in obtaining the evidence sought and to the fact that the Attorney-General refused to be interviewed by the police about the travel rort allegations, and I ask: given that he told this Parliament he would fully cooperate with the AFP investigation, why did he refuse to be interviewed by the federal police?

Mr HULLS (Attorney-General) — It obviously must have been a real shock and, I guess, a real blow for the shadow Attorney-General when I — —

Dr Napthine interjected.

Mr HULLS — It must have been a real blow when I advised this house that I had received formal notification from the Australian Federal Police that there was nothing further — —

Dr Dean — On a point of order in relation to relevance, Mr Speaker, the question was not about notification by the Director of Public Prosecutions, it was about why the Attorney-General did not give an interview to the federal police and refused to do so.

The SPEAKER — Order! That is clearly not a point of order. The Attorney-General was being relevant in his response, and I will continue to hear him.

Mr HULLS — It must have been a real blow for the shadow Attorney-General, who was on a fishing expedition. He obviously did not use the right bait and did not get the response he wanted. Well, bad luck!

Planning: energy policy

Mr LIM (Clayton) — I ask the Minister for Planning to inform the house of the action the government is taking to improve energy efficiency in newly constructed houses to protect Victoria's environment.

Ms DELAHUNTY (Minister for Planning) — I thank the honourable member for his question — and after the last question, it is good get back to public policy. On this World Environment Day I am pleased to report to the house on the government's plan to have new homes meet the five-star energy standard requirements. Introduced in partnership with my colleague in the other place the Minister for Energy and Resources, this policy is good for the environment because it minimises greenhouse gases, and it is good for home owners because it cuts energy bills.

Under the new building standards new Victorian homes will be the most energy efficient in Australia. The

standards will reduce greenhouse gas emissions by the equivalent of taking about 10 000 cars off the road, as the Premier said, or by 38 000 tonnes of greenhouse gases each year. We believe this will save those home owners around 50 per cent on their energy bills. That is good news for anyone in Victoria. Research by the Building Commission and the Sustainable Energy Authority shows that the new standards will be better for householders, better for the environment and better for the economy.

We were considering implementing these new standards in September of this year — and I know that members on the other side of the house are pretty focused on a September deadline. But this is about good policy, and the opposition does not have a policy; it is about energy rating, and the opposition does not have any energy; and it is about five stars, and they have a lot of pretenders but no stars.

We will not be introducing the new standards in September, but we will be working with the industry to implement them, and I am delighted with the building industry's support for this very good policy. The Housing Industry Association (HIA), which is the state's peak building industry body, has said today in a media release entitled 'Building industry backs energy efficiency moves':

The state building industry has backed moves by the Victorian government to improve the energy efficiency of new homes in a bid to reduce costs and limit greenhouse gas emissions.

Later in the press release, Mr Gaffney, speaking on behalf of the HIA, says:

... (the HIA) supported moves by the Victorian government to 'raise the bar' in terms of setting minimum energy efficiency standards required by law from early in 2003.

So I think Victorians are also looking to the opposition to lift its energy rating. This government is putting good policy in place, and I would expect bipartisan support for this.

Insurance: public liability

Ms DAVIES (Gippsland West) — I have a question for the Minister for Finance. I was contacted by horseriding businesses and pony clubs which will cease operating on 30 June without immediate government action on their public liability insurance cover and premiums. Will the minister guarantee sufficient government action before that date to ensure these businesses and clubs can continue?

Mr LENDERS (Minister for Finance) — I thank the honourable member for Gippsland West for her question. The issue of the public liability insurance stress that the equestrian industries are under at the moment is certainly one that is at the absolute forefront of this government's attention. It is an issue, as with all issues of public liability insurance, that needs to be worked through, as this government is doing, sector by sector, dealing first and foremost with the areas that do not have insurance and dealing secondly with the issue of affordability of insurance.

On the issue of the various equestrian industries, specifically regarding pony clubs, we as a government have been working hand in hand with the pony clubs since the community cabinet in Lilydale when the association brought it to the attention of the government. We are going to find underwriters and reinsurers both in Australia and abroad to cover this very important industry, which affects many thousands of volunteers in Australia.

Dr Napthine — Do something!

Honourable members interjecting.

The SPEAKER — Order! I ask the government benches to come to order. I ask the Leader of the Opposition not to invite that level of interjection.

Mr LENDERS — I can now understand why it took the honourable member for Pakenham so long to respond, because the Leader of the Opposition is as forceful as he hoped to be!

The SPEAKER — Order! The minister, on the question.

Mr LENDERS — On the issue of pony clubs and dealing with the issues, we as a government met with the executive of the Pony Club Association of Victoria. Many members of the government and other members of Parliament, including the honourable member for Gippsland West, have been approached by members of these clubs. As I was saying, we are getting underwriters and reinsurers together to get a product that is signed off so that these clubs are dealt with and have insurance in place.

At a rally on Saturday on the steps of Parliament House Mr Steve Coffey, the president of the pony club association, specifically praised the Victorian government for being the most proactive government in this country in trying to work through to solutions and offering the resources of government and the Department of Treasury and Finance to assist in solving this particular problem. So certainly as far as dealing

with this issue is concerned, this government is working to get insurers and reinsurers to the party to get these worthwhile community organisations signed up.

The issue of adventure tourism, which the honourable member for Gippsland West raised as well, is one at the forefront of this government's attention. Adventure tourism insurance is being written as we speak in this state today, but it is not at the prices the industry wants, and some of the group schemes expire on 30 June. I give the honourable member for Gippsland West the absolute assurance that this government will do everything it can to find a solution to this to bring the industry — —

Honourable members interjecting.

Mr LENDERS — We give an absolute commitment that we will do what we can in the equestrian industry, the insurance industry and at all levels of government to find a solution in these critical areas, as we have found solutions in the not-for-profit insurance groups and as we have found solutions for builders warranty insurance. The sector-by-sector approach has seen Victoria lead the country, and we hope to find solutions in other areas as well.

Attorney-General: conduct

Dr DEAN (Berwick) — I refer the Attorney-General to documents released today on Operation Culvert and to his statements to the press and to this Parliament that he had released his diaries to the federal police. Given that the report of the Director of Public Prosecutions states that his diaries were never provided to the federal police, I ask: why did the Attorney-General deliberately withhold his diaries, mislead the Parliament and lie to the people of Victoria?

Mr HULLS (Attorney-General) — It is a sad day when the shadow Attorney-General comes into this place — —

Honourable members interjecting.

The SPEAKER — Order! I ask the honourable member for Doncaster to cease interjecting forthwith. The Chair is having difficulty hearing.

Mr HULLS — It is a sad day when the shadow Attorney-General comes into this place and makes specious and unfounded allegations in relation to matters that allegedly took place over 10 years ago, then refers the matter off to the federal police. When the federal police then make it quite clear that there is nothing in the matter and, as a result, the shadow

Attorney-General becomes very embarrassed about it and is found to have been on nothing more than a fishing expedition, I repeat: it is just bad luck.

Environment: resource protection

Mr HOWARD (Ballarat East) — Will the Minister for Environment and Conservation advise the house what action the government is taking to ensure the long-term sustainable future use of Victoria's natural resources, particularly our forests, and to address the threats to Victoria's magnificent natural heritage?

Mr McArthur — On a point of order, Mr Speaker, that is an extraordinarily broad question that invites a ministerial statement. I ask the Chair to remind the minister of the requirements of sessional order 3.

The SPEAKER — Order! As the Chair heard the question, the honourable member for Ballarat East referred to the latest action the government was taking in this area. However, on the point of order raised by the honourable member for Monbulk, I point out to the minister that this is not an opportunity to make a ministerial statement and she should keep her answer succinct.

Ms GARBUTT (Minister for Environment and Conservation) — Today is World Environment Day, so it is appropriate not only to reflect on this government's achievements but also to look at the challenges ahead. This government has a very broad and successful environmental program, but I will confine myself, as the Speaker has suggested.

This government has a strong commitment to protecting our environment and our natural resources and of course to sustainable development, which leads to jobs and regional growth. This government is leading by example in that. I will mention a few things.

Today on World Environment Day we have two suggested pieces of legislation in the house — our world-first National Parks (Marine National Parks and Marine Sanctuaries) Bill (No. 2), which we are debating at the moment, and also the Environment Protection (Resource Efficiency) Bill, which will establish a new approach to waste management through sustainability covenants, again world-leading initiatives.

Last Friday I was very pleased indeed to be able to launch our Gippsland Lakes action plan, which commits \$12.8 million to restoring the health of the Gippsland Lakes. We have set a target to reduce nutrient and sediment run-off by 40 per cent over the next 20 years.

In the future we are committed to protecting our box-ironbark forests, and legislation will come into the house in the next sitting to establish protection for the remainder of these forests. In fact, 350 species of birds, animals and flora are extinct, endangered or near-endangered in these areas, and we need to protect them. This government has committed some \$20 million in this budget to ensure that fair and appropriate arrangements are made to help communities and workers adjust to those national parks. I am pleased today to announce an additional \$200 000 that will be made available for weed and pest management on private land adjoining those box-ironbark reserves.

Far from locking up box-ironbark reserves, we are opening them up to greater community participation through the establishment of parks advisory committees. We are looking at developing recreational plans for new parks; they will be drawn up and will require further involvement from the community.

For our native forests, where we support a sustainable forest industry, we have taken decisive action to make sure that that industry has a long-term sustainable future. We have invested \$80 million to ensure that the timber industry, its workers and the communities involved in it have a secure future.

That reform was made necessary by the gross negligence of the previous government, which failed to manage our forests properly and failed to provide resource security to the industry. After allowing that industry to lurch towards disaster, the Liberal Party now is hypocritically bringing a private members bill into the upper house.

Mr Perton interjected.

Ms GARBUTT — Oh it hurts, Victor!

Mr Perton — On a point of order, Mr Speaker, as you have ruled many times, question time is an opportunity for a minister to canvass areas of government administration, not opposition policy. The minister is entitled to canvass the conduct of previous governments, including the administration of Joan Kirner, whose mismanagement of the forest issue has led — —

Honourable members interjecting.

Mr Perton — I put it to you, Mr Speaker, that the minister is now debating the question. I ask you to bring her back to order.

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

Ms GARBUTT — This government is investing in the future of the timber industry and is guaranteeing resource security by ensuring we have reliable figures so that we know that the wood can be delivered to the mills. The previous government did too little, too late — the Liberal Party missed the boat and allowed that industry to crash towards disaster. The Bracks government has a great scorecard on the environment, and we are taking a leadership role.

I will not go on any further; I could spend the next 10 minutes or 2 hours talking about water recycling, water management and catchments — however, I will not.

Attorney-General: conduct

Dr NAPHTHINE (Leader of the Opposition) — My question without notice is to the Premier. I refer to documents released today concerning Operation Culvert, which clearly demonstrate that the Attorney-General refused to cooperate with the federal police investigation — —

Mr Batchelor — Come on Denis, get your mind out of the gutter!

Honourable members interjecting.

The SPEAKER — Order! I ask opposition members to cease interjecting. The Leader of the House should not invite that level of interjection with comments like that.

Dr NAPHTHINE — In response to the interjection, I note very well that the federal police called this investigation into the Attorney-General Operation Culvert — which is a gutter.

I refer the Premier to documents released today concerning Operation Culvert which clearly demonstrate that the Attorney-General refused to cooperate with this federal police investigation. When did the Attorney-General advise the Premier that he would refuse to be interviewed, that he would refuse to hand over his diaries and that he would refuse to cooperate with this legitimate police investigation? Why did the Premier endorse the Attorney-General's decision to obstruct the course of justice?

Mr BRACKS (Premier) — The federal police investigated this matter and decided that there was no case to be answered. The federal police made that decision almost one year ago about alleged incidents

from 10 years ago. The police were right: there is no case to answer. They have concluded the manner absolutely.

Dr Napthine — On a point of order, Mr Speaker, on the issue of relevance, the Premier was asked quite specifically about when the Attorney-General told him of his decision to obstruct the course of justice and whether he endorsed that course of action.

The SPEAKER — Order! I do not uphold the point of order raised by the Leader of the Opposition. The Premier was being relevant in providing information in regard to a substantive part of the question, and I will continue to hear him.

Mr BRACKS — I reiterate that I have utter faith in the federal police and the Victoria Police. The federal police said there was no case to answer. They have investigated the matter, and they are exactly right.

Economy: performance

Mr VINEY (Frankston East) — Will the Treasurer inform the house of what impact recent government initiatives have had on the latest economic and investment data concerning the performance of the Victorian economy?

Mr BRUMBY (Treasurer) — I thank the honourable member for his question. There was more good news for the Victorian economy today. Indeed, it was not just good news — the release of the national accounts figures today could only be described as great news for the Victorian economy.

Dr Napthine interjected.

Mr BRUMBY — We are talking about the Victorian economy, Denis — you are in Victoria. Today's news about the performance of the Victorian economy is so good that every member of the Victorian Parliament could feel proud of the achievements we have made in this state.

Ms Asher interjected.

Mr BRUMBY — You're not proud of the performance?

Honourable members interjecting.

The SPEAKER — Order! I have asked the honourable member for Doncaster to cease interjecting on a number of occasions. I will not warn him again. I ask the Treasurer to address his remarks to the Chair in the third person.

Mr BRUMBY — I am happy to do that. It is important to bring to the attention of the house the national accounts figures released earlier today. State final demand for Victoria grew by 5.2 per cent over the past year. That is above the national figure of 4.5 per cent and well above the New South Wales figure of 3.7 per cent. Consumer spending was up 5 per cent over the past year. That is the second-fastest growth of any state and, again, well above the national average of 4 per cent. Housing construction in Victoria surged 8.4 per cent in the March quarter; again, the second-best performance in Australia.

I guess what the government is really delighted about is the fact that the figures released today show that in the March quarter Victoria recorded the fastest export growth in Australia — up a massive 8 per cent, compared to just 1 per cent for the rest of Australia.

When I brought down the 2002–03 budget a couple of weeks ago the government forecast economic growth for Victoria for the current financial year of 3.75 per cent. These figures show that if there is any budget risk at all, it is all upside risk. Victoria is performing more strongly and growing more rapidly than we could have expected.

If you look at that in terms of some other indicators released recently, you can see that Victorian retail trade has grown by 9.1 per cent over the past year, outstripping the national increase of 7.5 per cent.

Ms Asher interjected.

Mr BRUMBY — The failed shadow Treasurer opposite! The Auditor-General's report was tabled this morning — —

Mr Ryan — On a point of order, Mr Speaker, the Treasurer is debating the point, and I ask you to have him ignore interjections and return to the question.

The SPEAKER — Order! I do not uphold the point of order raised by the Leader of the National Party.

Mr BRUMBY — Here we have the Auditor-General's *Report on Public Sector Agencies*, tabled this morning. Every department has been analysed. How many questions have been asked by the opposition on this today? How many questions have there been about policy and the performance of departments? Zero.

Dr Napthine — On a point of order Mr Speaker, the Treasurer is now debating the issue, and I ask you to bring him back to answering the question.

Mr Thwaites interjected.

The SPEAKER — Order! I ask the Treasurer to come back to answering the question and to conclude his answer.

Mr BRUMBY — As I was saying, there is more good news in terms of confidence. In the past few weeks we have had the Yellow Pages survey show that business confidence among small and medium-size businesses in Victoria has doubled over the past six months — from 30 per cent in November to 64 per cent in May, the largest rise in confidence of any state or territory in Australia.

These are great figures for our state. They are built on the back of sound financial management; solid budget surpluses; the \$1 billion in tax cuts promised over the next four years; the focus the government has placed on innovation, advanced manufacturing and regional Victoria; and, of course, the major investment the government has made in capital expenditure in the state. The only thing that threatens this is the grossly irresponsible commitments which have been made by the opposition. Today we had more. Today we had the opposition promising to cut stamp duties!

Mr McArthur — On a point of order, Mr Speaker, if the Treasurer is going to debate the question he should at least be consistent: for years he predicted the goods and services tax would cause ruin, and now he seems to be claiming credit for it.

The SPEAKER — Order! Clearly the honourable member for Monbulk is taking a point of order to make a point in debate.

Mr Doyle interjected.

The SPEAKER — Order! The honourable member for Malvern will find himself outside the chamber! The Treasurer needs to be succinct. I ask him to conclude his answer.

Mr BRUMBY — Here is today's *Australian Financial Review* — —

Ms Asher interjected.

Mr BRUMBY — I know you hate it — you hate what is good for this state. The article is about the New South Wales budget and is headed 'A good effort but running second to Victoria'. It states:

On the economic front, again NSW is in good shape but still it finishes second to Victoria on almost all measures.

That is true. That performance — —

Honourable members interjecting.

Mr BRUMBY — I had to bring in the calculator to calculate all the opposition's promises.

Honourable members interjecting.

The SPEAKER — Order! I ask the Treasurer to cease that exhibition forthwith. The Leader of the Opposition should not interject. The Treasurer has now been speaking for some 7 minutes, and I ask him to conclude his answer forthwith.

Mr BRUMBY — Anyway, Mr Speaker, I was asked about the performance of the economy. If you add the \$130 million that the opposition promised today it takes to about \$650 million the value of the tax cuts it has promised. That would throw into deficit not only this year's budget but also next year's and the one after that.

The SPEAKER — Order! It appears to the Chair that the Treasurer is defying the ruling of the Chair. Unless he concludes his answer I will not hear him.

The Treasurer has concluded his answer.

NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) BILL (No. 2)

Second reading

Debate resumed.

Mr RYAN (Leader of the National Party) — Prior to question time I was demonstrating the absolute myths inherent in the purported compensation provisions in which the government and the Liberal Party place such apparent store. I talked about the fact that proposed section 165 of the Fisheries Act will mean that being the holder of a fisheries licence or a general permit under the act will not of itself entitle one to compensation but rather that compensation can be claimed only under other components of the bill, and I had worked through some examples.

Just to highlight the ludicrous nature of this legislation I want to take a quick look at proposed section 167, which deals with the reduced catch entitlements for the holders of eligible rock lobster access licences. Those persons are defined in the bill, and I have already made reference to that.

The provision itself bears examination. I recommend even to those who do not usually take an interest in these matters that they have regard to the contents of

proposed section 167, because it contains a formula that is a ripper. I do not want to go through this whole thing in detail, because time is on the wing, but before you even get to the formula the provision says in effect that a person who is the holder of a rock lobster access licence and who is deemed to be eligible can get compensation if in what is described as a compensable year that individual has failed to take the whole or any part of the quota of that licence as at the end of 31 March of that year and, furthermore, if the whole or a part of the licence quota not taken can reasonably be attributed to the fishing prohibition which applies to any one or more of these parks.

Even the notion of a compensable year is part of the demon in this, in that some elements of the compensation provisions will apply for months and some will apply for a maximum of three years, so the issue of what a compensable year is will always be interesting. When you talk to people in the industry you also find that the issue of what a quota is will be the source of plenty of commentary.

The question of the formula itself, though, is what I invite members to have regard to. I must read this out, and I do not know how Hansard will actually set this out because it is a classic. The provision says:

... the licence-holder is entitled to be paid an amount determined in accordance with the following formula —

wait for it! —

$$W \times X \times \left(1 - \frac{Y}{Z}\right)$$

It sounds like something Dr Frankenstein would mix in the laboratory. This happens in circumstances where:

W is the whole or the part of the licence quota not taken ...

X is the estimated average beach price obtained ...

Y is the operating costs ...

Let's stop there for a moment and talk about the operating costs. Whatever does 'operating costs' mean? It means the costs:

... (not including depreciation) incurred by the licence holder in taking or attempting to take fish under licence in the financial year ending on the 30 June immediately after the compensable year ...

That of itself will be the subject of an extraordinary amount of debate, if anybody ever bothers to try to access these provisions.

Z is the gross revenue received by the licence holder ...

That convoluted rubbish is the basis on which a poor devil who holds a rock lobster access licence is supposed to go along and seek compensation. I put it to the house that the likelihood of anybody going through the agony of this is absolutely remote, and I also put it to the house that that is the design. The government never intended that anybody would be able to go through this exercise and satisfy the provisions set out in proposed section 167. It is not that it will never happen — I suppose at some stage someone will be tempted to do it — but it is an appalling read.

Issues to do with the definitions of 'quota', 'average beach price' and 'operating costs' will all be subject to interpretation. I suggest to the house that the prospect of anybody ever getting such a claim up is remote. The proposed section pays no regard to the issues of catch versus effort and cost versus harvest, and the business considerations which apply generally. Speaking of that, this bill contains no provision pertaining to costs. The second-reading speech refers to one-off payments of \$1000. I can just imagine how far that will go in the sense of employing the accountant to do the numbers which are relevant for the purposes of the application. That will be swallowed in one bite! Then of course there is the question of people needing to get some legal advice. The \$1000 will not go far.

The question of proof is a separate issue. How is this supposed to be proved? Presumably it will be on the balance of probabilities, but there is nothing in the bill to tell us that. These issues will become apparent as this process unfolds — and this is only division 2, which deals with eligible rock lobster access licence-holders. Division 3 deals with eligible specified access licence-holders, to which I have already made reference. They have to go through the same sort of agony to access anything under this proposition.

Division 4 deals with entitlements for eligible charter boat operators. I am pleased to say that at least you can read that with some measure of clarity. It is only a couple of paragraphs, and at least you can have a fair go at trying to determine what that means. Again, the issues of the cost of applications, the way in which individuals will have to fund them and how they will be looked after at hearings before this panel are not covered in terms of the legislation.

Let's look at the panel itself, which is set up in proposed section 172 under division 5 of proposed part 10. The content of the section is vague and there are no cost provisions again, as there are no cost provisions in the appeals aspects of the proposed legislation. To add to that, the secretary — do you mind! — of the department can appeal against a

determination made by the panel in favour of the poor old fisherman. Not to be outdone, even if the fisherman does go through the nightmare of being able to access this minuscule, miserable resource which this government puts at about \$3.2 million, the secretary of the department can still come in over the top and take a big mark in the goal square by way of appeal.

When I talk about being vague, it is interesting to quickly have regard to proposed section 172(2), which says about applications to the panel:

An application under this section must —

- (a) be in the form determined by the Panel —

and just pausing there, what is ‘in the form determined by the panel’ supposed to mean? Are we talking about the document that is filled out or are we talking about the content of the issue that is supposed to be contained within the form when it is filled out? What is the material upon which the panel will determine these things? There is the formula to which I have already referred, but this section talks about the panel receiving an application in a form determined by the panel. It goes on to say that it is to be:

accompanied by the information required by the Panel ...

As I understand that, just reading it literally, apparently the applicant will have to go before the panel, get some sort of direction as to the way in which material is to be presented — that will be the form issue — and then the individual is supposed to get instructions as to the information required by the panel and then go off and get it. Can you just imagine the cost factor associated with this? It will be an utter nightmare!

The second part of this subsection provides that the application:

- (b) may be lodged with the Registrar at any time during the course of the licence year in respect of which the application is made.

That, at least, I can follow. I see the sense in that, and I accept that part of the provision at least as being reasonable.

There are questions of tax: what does this legislation mean in relation to tax; what are the taxation implications for people who seek to access it?

When you look at the various provisions for this so-called compensation, where do you end up? In the view of the National Party, you end up with a de facto section 85 provision at work. The content of this legislation and the convoluted way in which it is drawn

will mean one of two things: one, that the vast number of people who are impacted upon by the terms of this legislation and who would otherwise be entitled to claim will not be able to do so. They will be shut out by design because of the way in which the legislation is drawn. Alternately, for those who would in principle be able to access it, they will not do it, because the limited categories of people who can — I have named three of them — will, I believe, be turned off doing so because of the absolute agony associated with satisfying those provisions, unless they have some sort of spectacular argument to put.

That takes me to my next point. It is likely to be a death of a thousand cuts. We are not going to have that spectacular outcome over a period of years. We will have commercial fishers being diminished in terms of their catch and the value of their licences. This will all lead to the loss of jobs across Victorian coastal communities; inevitably such will be the case. The compensation, as I say, will be either miserable or none.

I have already drawn a comparison between this and the way the former government dealt with the scallop industry and was able to hold its head up in relation to that very difficult issue. That is to be contrasted with the way in which this government is going about what effectively is the same process.

I also contrast that with the way in which this government approaches the timber industry. This government, under the general management of the Minister for Environment and Conservation, who is responsible for this bill, has made a package of \$80 million available to the timber industry. We are not yet precisely sure what it all contains or how it is constructed. It is being dribbled out with the passage of time as more announcements are made — and so be it. How can it be that \$80 million is being made available for the timber industry whereas this government has budgeted for \$3.2 million or thereabouts for the fishing industry?

These compensation provisions are absolutely appallingly deficient. What of the question of the broader community? What the government is depending upon, it seems to me, is the principle of the remoteness of damage. It is hoping that by the terms of this legislation people who might otherwise be affected by the imposition of this bill will not make a claim because they will be advised that it is a bit too distant from what their rights might return to them in the sense of a bottom-line outcome. I refer, for example, to bait shop owners, caravan park owners in areas adjoining one of these parks, the people who are involved in boat hire and the people involved in tackle shops.

What about the secondary processor whose industry is dependent upon supply of fish that at present are coming out of those areas which will no longer be available to that individual? What compensation is that secondary processor entitled to under this legislation? By way of the direct provisions, the answer is: absolutely none. People are going to have to take their chances and seek to make a claim as best they can in a situation where this government is going to do everything it possibly can to stop them.

What about deckhands on a boat, for example, who are employed at the moment in an area like Corner Inlet, where they work for a current licence-holder? Now the owner of that licence will be forced to lay those deckhands off because they just cannot sustain their employment any more.

What happens to those individuals and their rights to claim loss of income arising from the imposition of this legislation? They have not got a hope.

The insidious thing about it is that this government knows it. The legislation is actually drawn with these matters in mind. One need only have regard to the second-reading speech for evidence of that. At page 11, for example, there is a delightful heading, 'Other assistance'. To put that in context, in the timber industry \$80 million has been made available for the communities that are affected by what is happening there.

Mr Helper — Hear, hear!

Mr RYAN — The honourable member for Ripon says 'Hear, hear!' from the Labor benches. I welcome it; I did at the time, and I still do. I would be interested in his response to this, although I should not invite interjections. What is the logic of legislation which is going to have similarly severe consequences for the fishing industry and the communities of which it is part but which does not treat it similarly? Why should it not be, as a matter of logic, as a matter of law and as a matter of equity, that those communities are entitled to similar treatment?

These outcomes are contemplated by the Minister for Environment and Conservation in her second-reading speech, because at page 11 of the copy from which the minister read, she has a lovely word sprinkled through it — that is, 'adjust'. It is a lovely word. Instead of saying, as the minister should, that some of our communities will be devastated by the imposition of this legislation, she says in her second-reading speech at page 11:

The government anticipates that, following the introduction of marine national parks, commercial fishers will be able to adjust their fishing operations —

et cetera. She also says:

As previously mentioned, the legislation includes a statutory compensation scheme to assist the holders of specified commercial fishery licences as they adjust their fishing operations ...

Down the page it further states:

Should they be required, these programs are available to provide assistance to businesses to help them to adjust to the introduction of the marine national parks ...

Then over the page is another lovely sentence:

While those operators will be able to visit alternative areas to fish following the introduction of marine national parks, the government will provide access to programs to facilitate their adjustment to the parks, should it be required.

And further down that page it talks about helping operators to:

... adjust to the introduction of marine national parks ...

The government knows, as night follows day, what will happen here. It knows that people across a range of communities in our coastal areas will to a greater or lesser degree be decimated by the impact of this legislation. That is what will happen.

They know it because they refer to those various outcomes in the second-reading speech. Whereas in the timber industry areas, to its credit, the government makes provision for \$80 million, that is not the case for fishing areas. Rather the sorts of programs it refers to are usually of a dollar-for-dollar nature that are handed out through the department. These are not grants, so it is different. Even then, we have a compensation package that is limited to \$3.2 million. I repeat: that is an appalling outcome.

In summary, and I picked this to talk about at length because it was the sticking point the first time around, we must remember that the conservative parties held up this legislation the first time around and caused the minister to go out of here with bill in hand, principally because of the compensation provisions.

The National Party's position always was and still is that the legislation should not be introduced in a manner that would remove jobs. It should be done on the basis of a win-win situation for everybody, and demonstrably it can be done. That was always our first point.

Secondly, if people are to be cut out of their just entitlements, they are entitled to compensation. There is agreement between the conservative parties to that effect. But what the government has done by absolute stealth and in the manner I have demonstrated is retain the section 85 provision by using clauses that are so impossibly convoluted in their terms that nobody will be able to access them. Further to that, the government has narrowed the right to entitlements to people who hold licences under the Fisheries Act in a way that patently cuts out others.

At the end of the day these compensation provisions are iniquitous, discriminatory and unfair. That is why among other things the National Party will continue to do what it said it would do from the first day this debate unfolded — that is, put its stake in the sand on the basis of looking after country communities. The National Party has not changed that stance one single iota. At every turn we have put the position I have just outlined. Today we have not deviated from it in any aspect whatsoever. On the contrary, the government set out in its first bill to introduce by sleight of hand a section 85 provision which, by specific design, was intended to preclude people from being able to claim any compensation and in which ‘compensation’ was not mentioned in any positive sense.

What it has now done is introduce legislation which has the same effect and which in practical terms contains the identical provision, for the reasons I have outlined. It is palpably contemptible on the part of the government, having regard to the sorts of comments it made in the lead-up to the last election about representing the interests of country Victorians.

Although the honourable member for Doncaster stands in this house and says that in his view the Liberal Party is the only party that represents the views of all Victorians, including country Victorians, on issues at large and certainly on this issue, it is patently, palpably and demonstrably not the case. Yes, it took a position when the bill was introduced the first time around, but transparently it has departed from that position for the purpose of the stance it has taken the second time around. I repeat that the National Party has performed the role of representing country communities on this important issue. There is also the question of the 800 000 recreational fishers throughout Victoria, many of whom love to fish in waters that will now be beyond them. That adds to the poor outcome that will be achieved by this bill.

What could we have had instead? The National Party has argued throughout, and it continues to argue today, that we could have had multiple-use marine parks,

because we did the work on it. I know in her answers during question time that the minister has been disparaging of the material we produced and the work we did, but that is a matter for her.

We went to Western Australia to look at the system there and to talk to the people involved about how it operates. We looked at the New South Wales legislation and at the provisions that apply in Queensland. I am pleased that at least we persuaded the minister or somebody within her department to at least look at those other provisions, because on page 2 of the second-reading speech there is some half-baked apologist explanation about why those provisions are not being incorporated into the bill.

We could have had it; it was within our grasp. We wanted a situation whereby multiple uses could apply, and we produced a discussion paper to that effect. We wanted to establish a marine parks authority independent of governments of any persuasion. We wanted to have a scientific advisory committee that was charged with the responsibility of carrying out an ongoing review of the success or otherwise of the parks and of making recommendations for amendments as advised.

We wanted to establish marine park advisory committees in communities where parks could be set up in order to take the local populace with us and avoid the sort of circumstance we have now where people in country Victoria are terribly divided over the bill. We wanted a prospective paper prepared that provided a proper assessment of the biodiversity in each area under consideration before we got down to declaring the parks.

We wanted management plans drawn up and circulated in the community so that people could have an input into them. Everybody knew from the start what the National Party was seeking to achieve in wanting to have the marine parks in place. We could have had all that, but we have this bill instead. Instead of something which should have united us all and in which we could be justifiably proud, we now have this outcome. It is absolutely lamentable!

We are left with blanket no-take zones and a position whereby, for example, with ministerial consent oil searches can be conducted in the parks. Then we have the bans on aquaculture. There is an absolute classic provision to which I draw the attention of the house. It is proposed section 45A(4), which is to be inserted by clause 16, and it is called the Cam Strachan provision. The house may think this is remote, but it will apply in Cape Howe.

The proposed section says that in this park you will not be able to have a prescribed form of boat as defined by the legislation; you will be able to have it in any other marine park, but not in that one. The team from over the border in New South Wales will descend upon Cape Howe like a lot of hungry ants over a spilt jar of honey once that gem gets under way. They will know you will just have to zip over the border — it will not take long — and whip up as much abalone as you want and get back over the border again. Guess who will be leading the charge? Cam Strachan. What a great place to make a comeback!

We are left with a situation where bans will be imposed on people in boats in marine parks who take priority species. That in itself, the logic of the legislation says, is a fair thing, but any person who has a banned species in their boat in a marine park must satisfy a court as to why they have it there. They will not be charged with an offence in the first instance so it has to be proven against them. Instead they will have to come to the court and explain why they have the fish. The reverse onus applies — and on and on it goes.

The result is a piece of legislation which has ill-defined aims, which has a poor scientific focus, which has succeeded in dividing communities, which will cause job losses and which will destroy something that could have been universally admired by the people of Victoria, wherever they may live.

I will finish on this note. Apart from anything else, the legislation contains compensation provisions which are an absolute farce and which depart in no way, shape or form from what was first introduced by the minister last year. For all those reasons, the government stands condemned.

I ask members of the Liberal Party to look at those compensation provisions and properly assess what they mean. If they do so, I guarantee they will see for themselves that this whole thing is a myth and that people will be hung out to dry by a government which has absolutely no idea of how country Victoria functions and which has failed utterly and miserably to live up to the many standards it set itself in aiming to represent all Victorians.

Mr BRACKS (Premier) — On this historic World Environment Day I am privileged and pleased to join this debate on a very important piece of legislation, the National Parks (Marine National Parks and Marine Sanctuaries) Bill (No. 2).

This legislation has taken 10 years to come before the house. There has been 10 years of investigation by the

Land Conservation Council and its successor, the Environment Conservation Council. It first came in last year, but was withdrawn because it was unable to receive passage through the house and unable to receive support. I am very happy that the government has persisted on this matter and has pursued the groundbreaking legislation, which is world-leading legislation inasmuch as it will ensure Victoria has 13 marine national parks and 11 marine sanctuaries. That will be the greatest number of representative marine parks and sanctuaries of any jurisdiction anywhere in the world. That must be something that Victorians can be proud of, and something that we can hold up as an example on which we can say that this state has given leadership: leadership on the environment — leadership on protecting our marine environment and something for which we will receive world acclaim, quite rightly and appropriately.

More importantly, this is not being done just to ensure we protect marine parks for today's population; it is being done for future generations. It is being done for our children and our children's children. When they look back, they will say that the decision made in this Parliament on this day was historic in that it preserved 5.5 per cent of Victorian waterways as marine parks and sanctuaries. They will say, 'What great fortitude was shown in ensuring that these marine parks and sanctuaries were protected for the future!'

Mr Perton — Then why did you withdraw the bill last year?

Mr BRACKS — We have questions from the honourable member for Doncaster.

Mr Steggall interjected.

Mr BRACKS — You always thought he was on your side. As the honourable member for Swan Hill would know, with friends like that you do not need enemies.

This is a very balanced piece of legislation. It balances the needs for better environmental control and for reserves and sanctuaries to be created with the needs of recreational fishers and the commercial fishing industry. I know this is difficult for some sections of the community; I understand that fully and so does the government. We have tried to get the balance right, and I believe we have.

The previous speaker, the Leader of the National Party, said that this legislation was the same as that which affected the scallop fishing industry, but it does not have the compensation arrangements associated with that legislation. This legislation is different, and I think

he knows that. If the honourable member analysed it properly he would understand that. Not one fishing licence has been taken away from commercial fishers. That is the difference. Effectively, this legislation says that there are certain areas where fishing can no longer be carried out commercially. For the dislocation that occurs when you have to go somewhere else from the previous area you were fishing in, there will be compensation that is fair and reasonable.

The scallop fishing industry was completely taken out of Port Phillip Bay. If you take a licence away from someone completely, then they must have proper and appropriate compensation. This legislation provides proper and appropriate compensation for the dislocation which occurs in some cases in the fishing industry for moving from one location to another. I reiterate that we are talking about 5.5 per cent of the total waterways in Victoria. I believe the legislation is getting the balance right.

The legislation is associated with an important enforcement regime, particularly for the abalone industry. There has been and there is a big problem with the illegal poaching of abalone and other commercial fishing that occurs in our waterways, and the new \$14 million for the enforcement regime will go a long way to ensure that illegal poaching of abalone in particular is reduced significantly, which means that the catch for the commercial fishing industry will be greater. That is a good, balanced and sensible outcome for the state as well.

It comes back to a point that was not addressed in full by the previous speaker — that is, whether or not you support marine national parks. We need some honesty in this house to say, ‘We do. We support it’. If you do not, you will always find reasons to oppose it. You will find bits and pieces of legislation to oppose and to prevent these things happening.

There needs to be some honesty in this house. I accept that a party may have a philosophical difference and may not support marine parks or marine sanctuaries. If that is the case, then just say it! Do not hide behind bits and pieces of legislation. This legislation has been developed reasonably and appropriately by a lot of negotiation with the seafood fishing industry, with VRFish, with input from the Rex Hunt Futurefish Foundation, with the Victorian National Parks Association and a whole range of other groups and organisations. It has also been based on 10 years of extensive research and consultation. It is not fair to come here and say, ‘We need some work. We need different models’, when that model has been worked on consistently and effectively over the last 10 years with

effective consultation associated with it. A year has elapsed since the last legislation was proposed, and this legislation improves it further.

Going back to the interjection by the honourable member for Doncaster — I eventually got there! — the answer is that this is a better bill than the one we had last time. I fully and freely admit that. It has been improved; it is a better balanced bill. It has taken out the section 85 provisions, which means that access to the courts is there for those who wish to have access to the courts. It has also brought into legislation the compensation arrangements, and that is better. The other measures associated with it to support recreational and commercial fishers are better also. We therefore have a better bill before the house.

I do not want to spend undue time talking about the National Party, because members of the general public do not, but I will make this point. To be fair, honest representation from members of the National Party would be better, and I would have much more respect for their view that they oppose it because they do not agree with it. That would be understandable.

But the government agrees with it; we think it is important, groundbreaking legislation which will make a significant difference for the environment for generations to come. It is balanced: not one jetty, one pier or one boat ramp will be affected by this legislation. Understandably, there will be some dislocation for some people who have worked in this industry and have to change their practices. I believe the arrangements to assist and adjust in this package are sensible and will work very well in the future.

I pass on my congratulations to several people who have worked long and hard on this legislation — in particular the Minister for Environment and Conservation, who has worked very hard on it. I say to the house, and I have said it publicly, that the minister was disappointed — she did not want to do it — when I requested that she withdraw the legislation during the last parliamentary sitting. I requested the withdrawal because I did not believe it would receive support in this or the other house. I thought it would be better to introduce legislation that would receive favourable support. I can understand the minister’s disappointment, but her persistence and her fortitude have been rewarded with a bill that I believe will pass through both houses of Parliament. The minister will then be known as a minister who has brought in a set of marine national parks and reserves.

I also congratulate the shadow minister, who has worked productively with the government. Often it is a difficult thing to do.

Mr Doyle interjected.

Mr BRACKS — That is the end of your career! It was designed to do that very thing.

Mr Doyle — You have a cruel streak.

Mr BRACKS — I have — I am damned with faint praise! It has been a productive working relationship, and the outcome is good for Victoria. I acknowledge the efforts of the seafood industry of Victoria. It has not been easy for the body which represents the fishing industry of Victoria, but it now has a better bill to work with that will ensure the sustainability of the industry.

I thank VRFish for its persistence in advocating the case for recreational fishers. I also thank the independent Rex Hunt fishing organisation, which has made its position known — and rigorously on occasion. I acknowledge the environment groups who have campaigned tirelessly for marine national parks, and they include the Victoria National Parks Association, the Australian Conservation Foundation, the Victorian Marine and Coastal Community Network, and in particular, Tim Allen, who has been a persistent campaigner and who has kept the vision alive for almost a decade. Finally, I thank the many local environment groups who have fought many local battles to have this occur.

Although both sides of the house have different views about it, I recognise the work of Environment Conservation Council commissioners Professor John Lovering, Jane Cutler and Eda Ritchie and the staff of the ECC for their years of hard work. They undertook a lengthy investigation, and it is fitting that on World Environment Day we are making this groundbreaking decision. I congratulate the minister, and I am proud to be part of a government that has introduced such important environmental legislation.

Mr STEGGALL (Swan Hill) — I welcome the Premier into the house. I think this is the first piece of legislation he has actually commented on in this place — and you would have to convince me otherwise. However, I do welcome his intervention on this, World Environment Day, to speak on this legislation.

As the Premier has said, the National Party does not support the legislation. We have had difficulties with similar legislation over the years. As the honourable member for Burwood will appreciate, positioning

national parks and special zones in our countryside affects where we live. We have had a pretty interesting time and a pretty interesting debate — —

Ms Lindell interjected.

Mr STEGGALL — The honourable member for Carrum should just listen for a time. Natural resource management is without doubt one of the pressure zones in relations between the country and the city.

Ms Lindell interjected.

Mr STEGGALL — Just listen, lady; just listen for once.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Carrum is interjecting in a totally inappropriate manner. I ask her to be quiet. I also invite the Deputy Leader of the National Party not to encourage interjections by responding.

Mr STEGGALL — I advise members opposite that in a parliamentary democracy oppositions have their right to a say. That is why we are here. We do not agree on everything, but while oppositions must have their say, governments must have their way — and on that they will be judged.

Country Victoria knows about the pressures of natural resource management. It is a serious issue for us all, as it concerns our land, our sea, our timber, our water and our rivers. In this case the issue of natural resource management has been brought to the Parliament for resolution. When the Liberal and Labor parties join together and there is opposition from the country, the government must make sure it is right. Three-quarters of the voting population live in the cities, yet the government must be sure it is right because its management of this will be judged by the minority. Victoria does not manage its natural resources well. The Premier mentioned a 10-year process, but the National Party has been through quite a process as well, because natural resource management is one of our real challenges.

I want to say while the Premier is here that in the 1980s a Labor government introduced the salinity program. I turn to how that was accomplished, because it is something we have been advocating with marine parks. The National Party is not opposed to marine parks, but it is opposed to the way the legislation has been introduced and how the parks are being set up. With National Party support the Labor Party set up the salinity program and drew up proposals to recognise problem areas, to sort out the science required, to work out the solutions and to set about implementing them.

The salinity programs have been accepted by everyone. They constituted part of the functions and processes of the former government, and they are now part of the functions and processes of the current government. The salinity program was difficult for us to handle, but we did it by bringing our people along with us.

The Honourable Peter Hall, the Leader of the National Party in the other place, and the Leader of the National Party in this place have tried to involve coastal communities in going through that same process and in recognising that there are more ways to deal with this issue than just locking the resource up. The multi-use concept of national resource management is vital to those of us who live in the country. In Melbourne it does not matter; you are never in the country. You go there only for special days and special reasons. We happen to live in the country, and we want these things to work.

Ms Lindell interjected.

Mr STEGGALL — I am not convinced that you do. I think you are looking for a political fix. When I look at the way this government introduced changes to the catchment management regime, where it shut out all the people who live in regional centres — —

Ms Allan interjected.

The ACTING SPEAKER (Mr Lupton) — Order! I ask the government benches to be quiet. Members of the National Party have listened to government members in silence, and I ask government members to show them the same respect. The Deputy Leader of the National Party, without interruptions.

Mr STEGGALL — We have tried to involve our people in the resource management of our land, our water and our forests, but it has not been easy.

The salinity program was one in which we, as a community, actually succeeded in. We changed the whole culture of farmers and rural communities. The communities of Kerang, Swan Hill and Pyramid Hill are totally in favour of the changes we brought in and the culture that is now there.

Ms Overington interjected.

Mr STEGGALL — It is a long way from the sea, and the honourable member for Ballarat East is right, but the principles are the same.

An honourable member interjected.

Mr STEGGALL — Ballarat West, okay, who cares? We still get her rubbish from the Avoca and Loddon rivers down to our area and we are still disappointed that Ballarat, with all its goodness and greatness, decided not to participate in the catchments of the Avoca and the Loddon and the natural resource management that goes on in those areas. The honourable member for Ballarat West will never live that down. The day she stood in this place and said, ‘How dare you call my people of Ballarat part of a catchment?’ — —

The ACTING SPEAKER (Mr Lupton) — Order! That was interesting, thank you, but I would appreciate it if the honourable member could come back to the bill!

Mr STEGGALL — The National Party went through a process, trying to have an inclusive-type approach to this operation. The government did not want to go that way; other states do. The West Australians have gone that way and National Party members have had a good look at the way they are doing it. We have our own history from salinity programs here and had hoped the government might introduce marine parks in the same way.

In their discussions National Party members obviously talked to different people, to the minister and her committees, which are not always easy to work with. The committee that looked into this issue and the box-ironbark forests and a few other issues did not always operate in country areas. However, in its discussions National Party members received overwhelming support for a process that defines the purpose and extent of protection required for a particular marine environment or location and then develops a management plan that reflects the purpose and addresses the specific associated needs and finally gives statutory recognition or authority to the marine park and its associated management plan. That is the way the National Party wanted to go and the way it still believes the government should go. It does not believe that imposition from the top down will have a big future.

If we are going to manage our natural resources we must take our people with us, not just a few pressure groups in Melbourne. This process does not do that: it is virtually the reverse of that proposed by the bill, which argues that marine parks should be declared first and then a management plan developed. Unfortunately we do not have too much detail on what the management plan should be about or how it is going to be implemented. Our bureaucracies are not always good at management plans. Those who are interested in

forestry issues might know of the difficulty in trying to get management plans into the red gum forest areas in my electorate. They have still not been done even though the former government tried for five or six years to achieve that when it was in government. The Labor government has been in power for nearly three years and has not got them done.

Our bureaucracies are not good at doing those things, and that is why it is vitally important that as we go into natural resource management we take our communities with us because when you impose standards, systems or changes from above, as we are going to do in this case, you run into trouble. We are looking to get a proper and accepted approach, as we did with salinity programs. You never hear of them now because they are part of the folklore and part of the codes of practice. It is how we run our land base in those areas. It would be nice if a marine park was able to be developed in the same way so that we know what we are trying to do.

A lot of government and Liberal Party speakers are coming up and I would like them to tell me what a marine park means to them and how it will work in their area. We have not done the thinking, we have just come up with the legislation. We have a report and legislation and now we are going to work out the detail.

Mr Mulder interjected.

Mr STEGGALL — The honourable member for Polwarth will have that opportunity and I look forward to his contribution.

In the National Party's opinion, the marine parks and management plans go hand in glove. It was hopeful that the management plans would come before the declaration of marine parks so that everyone would know how they were going to be managed. The legislation is very loose on management plans; it says there will be management plans but it does not say either how they will be brought about or when. They have a weak and light reporting requirement to the minister each year. It is virtually a report based on the fishing in and not the biodiversity of those areas.

The National Party is not particularly pleased with the approach. The fundamental point that emerged in its consultations was that marine parks should be recognised as a tool to an end rather than the end itself, and that the management of an area will protect it, rather than its titled status or its colour on a map. I want to say one thing to Melbourne people: 'If you draw lines and put colours on maps and call the areas different names and put a set of rules on them, it does not work where I come from'. As I said before, we

need to have our society coming with us and understanding what a marine park is. We do not understand what a marine park is or what can be done in a marine park and we do not understand the management plans because they have not been written.

Our bureaucracy is not good in that area and it is going to take some time. I say to the government, 'Please, as you draw up those management plans, draw them up with the local communities there'. We live in those areas and along the coastal plains and people have some responsibilities now that the marine park legislation is coming on, and they would like to know what it actually means.

A model was proposed in a National Party discussion paper put together over the last couple of years — and those people who wonder what I am talking about could have a look the National Party web site where they will find the discussion paper and the outcomes document. The Honourable Peter Hall in another place was the person who put it together.

The model proposed in our discussion paper and overwhelmingly supported by respondents called for legislation that defines a process facilitating the creation of marine parks. That enabling legislation would establish a marine park authority to try to get the issue away from party political nonsense. Why would a National Party person want to do that? Because country people are never going to have a majority in this place; we only make up 25 per cent of the state's population so we need to argue logically and debate a process that will work and that people can feel part of, not one imposed by the Liberal and Labor parties working together drawing lines on maps and colouring them in and saying to our people in the country, 'There you are, fellas, we have produced a national park; live with it'.

We are going to have this same discussion again when it comes to box-ironbark, only this time it might be a bit more vigorous! Think about it. The same principle is there. We have never changed our position on the principles of national resource management in the years that I have been here, and I think the most successful things we have done as a Parliament relate to land-use management, particularly the salinity issues of the 1980s and the 1990s.

The process we have been through and the bill before the house now — —

An Honourable Member — Would you agree to a national park anywhere?

Mr STEGGALL — Yes, we would agree, and that is a good interjection. We agree with national parks as

long as there is a management program that includes our society, not a national park that locks it up or that puts someone in jail because they take their horse or dog in there.

Ms Allan interjected.

Mr STEGGALL — All right, seahorses, in this case!

Mr Richardson interjected.

Mr STEGGALL — Yes, it is true that people in the country are not madly impressed by having lines drawn on maps, names placed and rules imposed on land use. If you had — —

Ms Allan interjected.

Mr STEGGALL — Okay, let's have a look at the issue that government members are getting a bit excited about. We have how many national parks in this little bit? You can bet your bottom dollar that that number will double within a couple of years. You will double the national marine park numbers and you will not have management plans in place for them.

Mr Viney interjected.

Mr STEGGALL — The honourable member for Frankston East would not know what he is talking about.

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! There is too much audible conversation from the government benches.

Mr STEGGALL — I will make a point, as did my colleague the Leader of the National Party, about compensation. The Premier mentioned compensation when he said this was totally different to the scallop industry where whole businesses were taken out. It is a very dangerous process we are now entering. You take only 5.5 per cent of the fishing areas into those parks but you take a huge proportion of the most fertile fishing areas. It is fine, I suppose, to do that sort of thing without a management plan and say, 'We do not know exactly what we are going to do with it, how we are going to manage it or even how we are going to measure it'. That is a pity. I think it would be far better if we did.

The National Party does not support this legislation. It does not support this approach to natural resource management or a government that is going to impose the management of these waters from the top down. We

believe we have the opportunity in Victoria to bring our people with us and help them fully understand what we are doing with marine national parks. In that way we would have a far more successful outcome than this legislation and this approach provide.

It is fitting that this debate is taking place on World Environment Day. It is also fitting that members of the Liberal and Labor parties might listen to what we have to say today, because we come from a different angle and a different position. In the end, however, we all want sustainable management in operation.

The only thing we are asking the government to do is put up its management plans before it puts up its legislation. That would make a lot more sense and is what we did with salinity programs in the 1980s, and those programs have been very successful indeed.

Mr Howard interjected.

Mr STEGGALL — The honourable member for Ballarat East will have his opportunity to put me right.

Honourable members interjecting.

Mr STEGGALL — I know some Ballarat people well. My son comes from Ballarat.

I hope the legislation will work, but I do not believe it will. I know it will not work as well as it could have and I am sorry the government has decided on a course of action which I believe is operating in reverse.

Mr THOMPSON (Sandringham) — Dr Eric Bird, one of the great coastal geographers of the world, has commented that Victoria has one of the greatest coastlines in the world. Long may that remain the case!

The Environment Conservation Council had the responsibility of making recommendations on a representative system of marine parks and also on areas suitable for marine aquaculture, taking into account the protection and conservation needs of coastal biodiversity.

Dr Lovering, former chair of the Murray-Darling Basin Commission and a former presiding officer of South Australia's natural resources committee, held the view that not only were the recommendations proposed by the ECC necessary but that it would be irresponsible of this generation not to implement them.

One area he paid particular attention to was the concept of multi-use parks, a concept that has been raised regularly in debate. He took the view that the whole of Victoria's coastline comprising 10 000 square

kilometres should be considered a marine reserve and that the 24 marine parks and sanctuaries comprising some 600 square kilometres were to be regarded as no-take zones. Essentially he was arguing for a multi-use approach, but with no-take areas that in this particular case approximated to some 6 per cent of Victoria's coastline.

The early explorers of Victoria's coastline, going back to the early whalers and sealers, commented on the abundance of fish and other marine life in our coastal waters and pointed out that the fish were ready to catch. During my consultations with some Port Campbell lobster fishers they mentioned that during the Second World War it was sometimes possible to capture 100 dozen lobsters in an afternoon fishing from a reef, whereas today one may be lucky to obtain 4 dozen.

A range of stakeholders, all with legitimate but competing aspirations, have taken part in this debate. They include the Seafood Industry of Victoria, the Australian Marine Sciences Association, the Victorian National Parks Association (VNPA), the marine and coastal community network, the diving industry, a range of peak body angling groups such as VRFish and Future Fish, and the charter boat operators. The outcome of the legislation will have differing impacts on each of those stakeholder groups.

There has been a very keen debate about the impact of the legislation on biodiversity. Dr Colin Buxton, the Tasmanian academic and a researcher with the Tasmania Agriculture and Fisheries Institute, disagreed with the supposed effects of the marine park proposal on biodiversity. But he said, 'Implement the parks anyway, because they will be of benefit and will be an invaluable tool in shedding light on the human impacts outside the parks, including the fisheries'.

There has also been debate on the impact of marine parks on fisheries, based on a range of statistics derived from overseas studies on the impact of parks on fish size, distribution and diversity.

However, the debate is not principally about the proliferation and abundance of fisheries but rather about the protection of biodiversity and about preserving important sections of Victoria's coastline for posterity. Not many people are aware that there is a greater biodiversity of flora and fauna in the Port Phillip Heads precinct than there is on the Great Barrier Reef.

The Liberal Party has a long tradition of strong support for environmental initiatives, as evidenced by the establishment in 1970 of the Land Conservation Council, by the establishment, also in the 1970s, of the

world-leading Environment Protection Authority, which looked after air, water and soil quality issues, and by the establishment of the Trust for Nature, which could acquire land and look after its conservation values based on its contribution to biodiversity and its being covenanted for protection.

In recent years we have seen the establishment of legislation by the Liberal Party governing the administration of Victoria's coastline — the Coastal Management Act — and the abolition of scallop dredging in Port Phillip Bay, which has led some fishers to declare that the year just past represented the greatest time for fishing for whiting and snapper in Port Phillip Bay in the last 32 years.

However, the management of Victoria's coastline involves continuing challenges. There is the challenge of dealing with agricultural and stormwater run-off, and there is the challenge of dealing with the treatment and discharge of effluent into coastal waterways along Victoria's bays and inlets. There is also the challenge of dealing with marine pests, such as the northern Pacific seastar, the sabella seaworm and the undaria seaweed, as well as another 300 organisms that have been introduced into Victorian ports, harbours and coastal areas as a consequence of over 150 years of shipping along our coast.

The bill before the house has three important features which were not present when the first bill was introduced into this Parliament some 12 months or so ago. The first new feature is the deletion of the reference to section 85 of the constitution. In 1999 the then Leader of the Opposition and current Premier commented that more than 200 pieces of legislation expressly forbid people from appealing against government decisions in the Supreme Court. He said that the Labor Party had plans to return democracy to this state and to return rights that he said had been unjustly taken away in the previous six years.

The current Minister for Planning was also reported to have told the November 1998 president's lunch at the Law Institute of Victoria that the Kennett government had restricted the legal right to appeal to the Supreme Court in about 200 acts. She was quoted as saying:

This is absolutely unprecedented in Australia and, no doubt, in most of the Western World. It is a savage and cynical attack on the democratic notion of judicial review.

The then Leader of the Opposition, Mr Brumby, said in an article in the *Age* in September 1994 in the context of the grand prix legislation:

The Kennett government has systematically attacked and taken away rights formerly enshrined in the Victorian

constitution ... (It) has taken away rights that all Victorians took for granted. Rights that would never have been denied by any other government in Australia today.

What did we see in the marine parks legislation introduced into this chamber 12 months ago? A section 85 clause. The actions of the Labor government were inconsistent with its rhetoric during the seven years of the previous government. The minister and her colleagues deserve to be called to account by regional coastal communities, supporters of marine parks and sanctuaries, recreational anglers, seafood industry licence holders, environment organisations and the people of Victoria for their failure to properly advance the marine parks legislation.

Further new features in the present bill relate to the Ricketts Point Marine Sanctuary. It is noted that the Ricketts Point sanctuary will provide an excellent area for marine education and the development of an understanding of elements of the rich biodiversity around Port Phillip Bay.

Bob Whiteway, a secondary school teacher, was instrumental in advancing the establishment of a marine sanctuary at Ricketts Point as a result of his studies over 20 years, his understanding of the reefs and ecosystems along the Beaumaris coast, and his observations that they had deteriorated during his period of study. Some seven or eight years ago representations were made through my office to Shane Dyer, who was then working out at the Dandenong office of the department. The Ricketts Point proposal was put on the political map, and it is now seen as something that could significantly advance marine education opportunities.

Mr Whiteway noted that the area through the near-shore and offshore sandstone reefs:

... provide a diversity of underwater structures that support a proliferation of red, brown and green seaweed. These, along with plankton, provide the basic food source for invertebrate animals including sponges ... jellyfish, seastars and sea urchins, shellfish and octopus, crustaceans, marine worms and a host of colonial animals such as bryozoans and tunicates. There are over a dozen resident fish species and a wide range of visiting rays and fishes. The proposed zone also supports over 100 resident or migratory bird species. This rich ecosystem has been subject to pressure that is unsustainable, and protection is both essential and urgent.

Another element of the marine parks proposal relates to the inclusion of Cape Howe with a partial excision. According to the eastern zone abalone industry:

... continued access to the Iron Prince reef area via the abalone industry will reduce the incidence of quota reduction. This in turn would reduce compensation arguments. Importantly also it will increase stakeholder interest and

protection of the area. It is my view that this represents a strong win-win outcome for Victorian fisheries.

There is another very important aspect of the legislation, and that relates to the necessity for the ongoing monitoring of the marine parks. The Bunurong marine park study involved a transect sample being undertaken which recorded the marine flora and fauna along that line. In terms of the communities that have a keen interest in marine parks it is very important that there be sufficient departmental funding available to allow comparable studies to be undertaken within Victoria's marine parks so that in the fullness of time their effectiveness can be measured.

A critical issue in relation to marine parks in Victoria is their assistance in the protection of some of the state's important fisheries such as rock lobster and abalone. Victoria has one of the last sustainable supplies of abalone in the world. This has seen the dollar value of a licence rise from its initial cost of a couple of hundred dollars to the situation today where a licence might be valued at some \$6 million to \$7 million. We have seen the abalone industries in the United States, Chile and Mexico broadly collapse in commercial terms. We have also seen examples of other fisheries around the world which have collapsed, such as the cod industry off Newfoundland. According to one report, the North Sea fishery in Europe is down to 10 per cent of the stock size of some 20 years ago. The conservation of biodiversity is consequently extraordinarily important.

Some stakeholders in the debate, such as the charter boat operators, may have their livelihoods impacted upon. There is provision in the bill for people who have suffered an impact to gain compensation in exceptional circumstances. It is notable that the very first recommendation of the Environment Conservation Council report was that where there was an adverse impact upon communities or entities as a consequence of the introduction of the parks the government should take steps to address and alleviate those circumstances to minimise hardship. In its report the ECC noted:

... if a possible short-term cost can be demonstrated to fall disproportionately on any individual or group then it would be reasonable for the government to develop a strategy to minimise such hardship.

The Victorian National Parks Association noted recently that:

The Liberal Party can take great credit for improvements in the marine national parks package, including the return of the Cape Howe Marine National Park and the Ricketts Point Marine Sanctuary, and the strengthening of the compensation arrangements for commercial fishers potentially affected by the parks.

The letter received by many Liberal members noted further that:

For much of the 1970s and 1980s Victoria was considered a world leader in enlightened environmental management. The marine national parks initiative will return the spotlight to Victoria as a progressive and sophisticated state that both understands and implements triple-bottom-line strategies.

It was Victor Hugo who noted that nothing can stop the force of an idea when its time has come. I trust that history will vindicate the passage of this legislation, that it will generate benefits for environmental, commercial and recreational stakeholders, and that where there is economic detriment or exceptional circumstances as outlined in the second-reading speech the government will be in a position to respond in accordance with the intent of the ECC report prepared by Professor Lovering, Jane Cutler, and Eda Ritchie.

The Liberal Party is prepared to support this legislation with the amendments brought about by the active work of the shadow minister for conservation and environment and the party over the past 12 months.

Mr MAUGHAN (Rodney) — I am pleased to speak on this very important piece of legislation and to support my colleagues the Leader of the National Party and the honourable member for Swan Hill who have already spoken in this debate. As the honourable member for Swan Hill pointed out in his contribution, natural resource management is a vital part of the National Party's bailiwick; it is a vital part of what it stands for. We would claim that all of our parliamentary members live, work and have their roots in country Victoria. They speak with those people and understand the issues which are vital to the party so we take a great interest in natural resource management issues. Essentially that is the core of the National Party's reason for being.

The honourable member for Swan Hill in his contribution spelt out very clearly the National Party's approach to the problem by illustrating what happened with regard to salinity: firstly, identifying the problem; and secondly, having the broader community understand it and getting the broader community working with you. I well remember the salinity problem identified in Tongala in the early days. The essential thing there was to try to hide it — people did not want to acknowledge that they had a salinity problem because it devalued the property.

A small group of people said we had a problem and needed to do something about it. The farming community then identified that it had a problem. The next step was for the council of the city of what is now

Greater Shepparton to resolve that it was not just the farmers' problem but that the people who lived in the towns and cities also had a problem because salinity was not just of the farmers' making but was caused by a range of factors. We all needed to be involved because if we did not deal with the problem we would all have suffered economically. In the case I have illustrated, the people of Shepparton acknowledged that if they did not do something in providing funding and support for salinity management plans, their businesses, whatever they were, would be adversely affected year after year.

That same principle applies to other areas of natural resource management. In his contribution the honourable member for Swan Hill spelt out very clearly the National Party's approach to public consultation and discussion aimed at working through the issues and bringing the community with it. One of the National Party's objections to this process is that it is from the top down rather than from the bottom up. It is a difference in philosophy and approach that National Party members feel very strongly about.

Mr Howard interjected.

Mr MAUGHAN — You may talk about that but a range of very useful things was done in those seven years in terms of natural resource management. The honourable member for Swan Hill talked about catchment management authorities. If this government had not come in and — pardon the language — stuffed them up, we would have had much better catchment management — —

Mr Howard interjected.

Mr MAUGHAN — It is not about politics. The philosophy was to involve the local community.

The ACTING SPEAKER (Mr Plowman) — Order! I remind the honourable member for Rodney to speak through the Chair.

Mr MAUGHAN — The philosophy followed by the coalition government in involving all members of the community was the right one to follow. Unfortunately, the Labor Party in opposition was playing populist politics and it has now compromised the success — —

Honourable members interjecting.

Mr MAUGHAN — I will come back to marine parks. I am talking about the philosophy that underlies all these resource management issues.

Honourable members interjecting.

Mr MAUGHAN — I am supporting it. It is not different at all because the philosophy is the same, whether it be about catchment management authorities, forestry issues, salinity issues or marine parks.

Mr Jasper interjected.

Mr MAUGHAN — As my colleague the honourable member for Murray Valley points out, they probably would not understand anyway.

Mr Jasper — They don't know where the north-east is.

Mr MAUGHAN — Well, they know where the north-east is but I do not know how many members opposite have in their constituencies people whose livelihoods depend on the natural resource they propose to deal with.

The principles that I have illustrated in salinity and the timber industry and so on are consistent: it is about talking to people and bringing people with you, consultation, working from the bottom up and getting something that the communities concerned can wear.

In this case the government does not have to go too far to find that all the recreational fishermen are against it. It has professional fishermen and quite a few people in the abalone industry against it. These are the major players in the industry and the government certainly has not brought them with it. There must be that ownership by the local community if you are to get natural resource management to work on a long-term, sustainable basis.

An honourable member interjected.

Mr MAUGHAN — Exactly. The government certainly does not have the support of those who know best — the people whose livelihoods come from that resource and whose communities depend on it.

The principles underlying the salinity management plans, the timber management plans, and the box-ironbark issue we have been dealing with on the front steps today, are important. The Minister for Environment and Conservation would understand that a lot of people are very angry because the government has not brought the people with it. It has said, 'This is going to be good for you, and you're going to have it whether you like it or not'.

Mr Perton interjected.

Mr MAUGHAN — There were some of your friends out there too, Victor!

Honourable members interjecting.

The ACTING SPEAKER (Mr Plowman) — Order! The level of interjection is too high.

Mr MAUGHAN — I will get carried away if I pick up some of those interjections because there are a few very good points to be made about some of the political compromises that have been made.

Returning to the bill, the Leader of the National Party in this house today gave an outstanding contribution on the philosophy underlying our natural resource management and why the National Party is taking the stand that it is.

Mr Perton interjected.

Mr MAUGHAN — The honourable member for Doncaster interjects and asks, 'What philosophy?'. I think the honourable member, who is the shadow minister in this case, has done a complete backflip from the stand he took on the original legislation. He and the Liberal Party have achieved some minor changes —

Honourable members interjecting.

The ACTING SPEAKER (Mr Plowman) — Order! The honourable member for Doncaster is out of his seat and unduly unruly, and I ask him to desist.

Mr MAUGHAN — I agree will all that, Mr Acting Speaker. You have summed it up very nicely. It will not affect our friendship, but I still say the honourable member has a very small gain and has now done a complete backflip compared with his position when the first bill was introduced.

Contrast that with the view of the National Party. I believe the Leader of the National Party spelt out very clearly the National Party's philosophical approach to natural resource management.

Mr Viney interjected.

Mr MAUGHAN — It is not a change at all. If you care to read any of the speeches of the Leader of the National Party, and the speeches of the leader of the party in the upper house, you will find a very strong philosophical underlay to any of the decisions that we have made. As the honourable member for Swan Hill pointed out in his excellent contribution, we need to have logic on our side. We are only a small party, with only 12 members in both houses, and we need to be able to win on the arguments rather than on the numbers. That is the difference between the National Party and either the Liberal Party or the Labor Party. It

is very important that we have the logic on our side and that we have that philosophical overlay.

Mr Mulder interjected.

Mr MAUGHAN — The honourable member for Polwarth talks about an FJ Holden, and I can pick up on that. About all I owned when I was married was an FJ Holden and a second-hand bedroom suite!

Mr Mulder interjected.

Mr MAUGHAN — Time does roll on.

But I will not be diverted from speaking on this marine parks legislation. I was pointing out how the Leader of the National Party gave an excellent exposition of our philosophy and why we are doing what we are doing. He talked about how the Liberal Party had changed its position with respect to compensation. He pointed out that the \$3.2 million was totally inadequate to compensate those who will be adversely affected. He talked about the difficulty of accessing compensation and that it was nowhere near as generous as the Labor Party would have it appear. He pointed out the total inadequacy of the \$14 million to patrol the abalone waters and indicated that the loss to the abalone fishermen could be much greater than that and pointed out the commercial industry would be adversely affected.

The National Party is often accused of not being in favour of marine parks, and I heard that today from the honourable member for Ballarat West. That certainly is not the case. In any of our documents we indicate that we favour marine national parks, but under the right sorts of conditions. We simply want a proper process based on the evidence.

The National Party's process, which I believe is a very sound one, was essentially based on a discussion paper put out by the Leader of the National Party in the upper house, the Honourable Peter Hall. It was an excellent discussion paper that set out the issues. There was then widespread consultation with the people that were intimately involved. In the National Party's case the discussion paper had widespread distribution via all of the parliamentary members' offices and through the electronic media. There were six public meetings held in various towns in the areas that would be affected. The National Party listened to what was said, and after all that the leader in the upper house and the leader in this house travelled to Western Australia, had a look at what was happening in other states and then put together a final position on marine parks.

It depends essentially on defining the purpose and extent of the protection required for a particular marine environment. There needs to be a management plan. I repeat that: there is a need to define the problem, come up with a management plan, and then give it statutory recognition. This is where we differ greatly from the government both in this area and on the box-ironbark issue. The government has a view that we should declare a national or state park, put a great big fence around it, puff out our chests and say, 'Gee, haven't we done a wonderful job!' and then forget about the management plans.

As the honourable member for Swan Hill said in his contribution, we are still waiting on the management plans for the Barmah Forest and the Parks Victoria land along the Murray River. I imagine we will still be waiting for management plans on marine parks for many years hence. But we feel good because we have declared it a national park, and isn't that wonderful!

The National Party argues it should be the other way around: you identify the problem, come up with a management plan, put the resources in place and then put the statutory requirements around it. We have seen far too many examples where governments — and I am not saying only of this political persuasion — have declared areas to be a national or state park but failed to provide the resources.

Mr Richardson interjected.

Mr MAUGHAN — Because the resources are not there to look after them. The honourable member for Forest Hill interjects, but if he has a look at some of those he will find they are overrun with weeds and feral animals. I thank the honourable member for Forest Hill for his interjection because it is the very reason we have opposed them. The honourable member has done exactly what I talked about: supported locking up an area of land and calling it a national park, failing to provide the resources, and thinking, 'I'm in Forest Hill in the metropolitan area. Haven't we done a marvellous job? Look at all the areas we've locked up'. I argue that that is quite counterproductive, that many of those areas that have been locked up are in a much worse state today than they were when they were declared as national parks. Why? Because we have not managed them properly; we have not provided the resources; and we do not have that management plan to decide where we are going to go and what we are going to do.

I argue that the discussion paper the National Party put out — it is all here in detail and has been available for months for people to see — sets it all out. We believe in consultation and discussion. We have had numerous

discussions with all the interest groups. We have proposed the establishment of a marine parks authority that looks at identifying specific areas, that sets the purposes and objectives of each of those marine parks, and more particularly that monitors the implementation of marine park management plans. The implementation and reporting back is where we are lacking at the moment. We believe the marine authority should undertake appropriate scientific research within marine parks.

We argue that this legislation is based essentially on perceptions rather than sound scientific evidence. There are many things we can do to protect the marine environment that will be far more effective in protecting that environment than simply just declaring national parks.

The National Party supports the establishment of advisory committees, in this case marine parks scientific advisory committees under the marine parks authority, and also local committees to get that local input. We come back to marine park management plans. Marine park management plans should be recognised as a tool to an end rather than the end itself. It is the management of an area that will protect it rather than its title, status or colour on a map. The honourable member for Swan Hill made this very point in his contribution: it is not enough to just put a nice line on a map, paint it yellow, blue or green and say, 'Gee, haven't we done a marvellous job!'. It is the implementation of those management plans that is very important.

I argue that the model proposed in the National Party's discussion paper and overwhelmingly supported by the respondents to it would see legislation that defined the process facilitating the creation of marine parks.

The National Party supports marine parks, but under the proper process. Our enabling legislation would establish the marine parks authority, define its role and outline its functions. It would also define a public consultation process that would lead to a proposed area for marine park status together with a recommended management plan.

The National Party is not just being critical and it is not just being populist; it has come up with some very constructive suggestions to deal with this very important issue. I suggest that the government have a look at some of the philosophies underlying the National Party's approach to natural resource management. They make a lot of sense. National Party members strongly support marine parks, provided they

are based initially on scientific evidence and on management plans.

I will conclude by saying that we believe other things could be done that would be far more beneficial for marine environments, such as reducing the amount of effluent flowing into them, which is doing far more harm than recreational fishermen, for example. The government seems to believe that by imposing no-take zones it is doing something about protecting the marine environment. There is no evidence to support the government's argument that by excluding recreational fishermen — the thousands of them out there who get quiet enjoyment and recreation from fishing — from many of those zones it will improve the marine environment. The government has a feeling that that might happen; that is all it is.

Let's look at the evidence, let's do some benchmarking and let's measure the results, and then the National Party might be a little more impressed. Let's deal with the things that are causing damage to the marine environment, such as the effluent that is flowing in from our urban communities and the oil spills and pests that are introduced into our waters by ships.

Mr Cooper interjected.

Mr MAUGHAN — I do not intend to. This is an important piece of legislation. The National Party has taken a very logical and sensible approach, and I regret the fact that it is not being supported by other members in the house.

Mr HOWARD (Ballarat East) — It is my pleasure to rise to my feet in support of this very significant world-first legislation, and I am pleased to be able to do it on World Environment Day.

This is a very significant piece of legislation brought forward by the Bracks government. As we saw earlier, the Premier himself chose to speak on this bill because it is a significant marker in the life of this government. Although we heard from the honourable member for Doncaster earlier words to the effect that the Liberal Party wanted to take the accolade for this legislation, make no mistake about it, it is the Bracks government and the Minister for Environment and Conservation who are bringing this legislation forward. We are certainly pleased that we have the support of the Liberal Party in enabling us to bring forward this legislation and to carry it through; however, it is clearly Bracks government legislation.

Why have we brought it forward? Because we recognise — and it seems that everyone who has spoken today has recognised — that our Victorian

marine environment is very special, that we have a very rich biodiversity of species in our marine waters and that it is appropriate that we protect them.

We heard from the honourable member for Sandringham the historic anecdotal evidence of the large numbers of marine organisms that were found when European settlers first came into this region, and we know that those numbers have significantly declined since then. It is a matter of ensuring sustainability, which is the bottom line that this government pursues at every opportunity, and that will in turn ensure that those who benefit from our marine environments by commercial and recreational fishing will have a sustainable opportunity to continue to benefit from them into the future. That is a basic aspect of this legislation.

Unlike what we have heard from the members of the National Party, who tried to suggest this legislation has been drafted on a whim, it has been backed through the Environment Conservation Council process with significant scientific consultation and evidence to back it up, and there has been extensive consultation with the broader community, including those involved in commercial and recreational fishing and those who have an interest in coastal Victoria in a range of other ways. The government has worked with those groups over the past two years in order to now be able to bring forward this final stage of the legislation.

Anyone who looks at some of the brochures that have been produced containing pictorial evidence of the great diversity in our marine environments will understand why we on this side are so proud to bring forward this legislation. Let there be no doubt about it: this bill is world-first legislation which introduces 13 new marine parks and 11 marine sanctuaries. We have heard from members of the National Party in particular that this bill goes against the interests of country Victoria; however, we know that they lost two of their three coastal seats at the last state election, so we recognise that they do not represent much of coastal Victoria and that the Labor Party picked up many constituents in rural Victoria. I happen to represent a significant number of rural Victorians, so the National Party does not quite cover that ground any more.

However, it tried to suggest that a lot of communities and individuals are losing as a result of this legislation. That suggestion needs to be put into perspective, because while marine parks are significant, in fact they take up just 5 per cent of our state coastal environment, leaving 95 per cent still available to be used in a broad range of ways. Also, only 15 of the 300 locations

around the coast that have been identified as favourite fishing spots have been affected by this legislation.

No licences have been lost by commercial fishers. It is recognised that there will be a change in the activities of some of those commercial and recreational fishers who will be fishing in slightly different areas, and the government has now incorporated within the legislation significant compensation that recognises that there may be additional costs incurred by commercial fishers having to chase the fish they need or wish to catch and so on. The bill provides for compensation not just for losses but also for additional expenditure incurred as a result of the changes to the legislation.

There are a lot of things I would have liked to say about this legislation, but I accept that many other speakers wish to talk about the bill. I will finish up with an acknowledgment of the contributions of the three National Party speakers — the Leader of the National Party, the deputy leader and the honourable member for Rodney. They have all said, ‘We would really like to support the marine parks legislation’, but the Leader of the National Party, the honourable member for Gippsland South, said it was the compensation issue that he could not accept in voting down the legislation. However, the honourable member for Swan Hill, the Deputy Leader of the National Party, talked more about the lack of management plans — which will come, but they are not here now — and said that is the reason he will be voting down the bill.

The government has already said in bringing forward this legislation that it is putting in place 30 new field-based fisheries officers and more support in the field to be able to manage these parks and that a great range of research, enforcement and so on will continue in these areas to ensure that this process goes forward. There has been significant consultation, as I said, but that was the factor the honourable member for Rodney seemed to think the proposed legislation had failed on. So the three members of the National Party who spoke on the bill said they would love to support it, but all three found different reasons for voting it down.

An honourable member interjected.

Mr HOWARD — That is the point: they are looking for excuses to vote it down! They do not really want to support it; they will just say a few words of support, but they will not support it. They were caught out at the last election on where they stand, and we will see how things go in the future in terms of the democracy of this state.

This Bracks government can stand proudly on this piece of legislation. It is world-first legislation, and on World Environment Day I am very pleased to stand in support of it.

Mr INGRAM (Gippsland East) — From the outset I declare a pecuniary interest that I have already declared in the members' register of interests, and I will not be taking part in any divisions on the bill. It is important that I participate in the debate given that I am a member representing an electorate that covers a vast area of the coastline east of the Gippsland Lakes.

My electorate contains about 980 000 hectares of declared national parks, some of which are the best national parks in the state. However, where national parks do not have full community support, where the infrastructure does not exist to provide access to and utilisation by the community, and where the local community does not have pride in the parks, you end up with conflict. I experience that conflict at times at public forums, when Parks Victoria is treated with some disdain. I find it disappointing, because it is one of our greatest assets, particularly where there is conflict with natural resource users.

A number of speakers have talked about the more than 10 years of effort by the former Land Conservation Council, the Environment Conservation Council and various government bodies to introduce marine national parks into Victoria. It has been a controversial, difficult and heated debate because of the user conflicts with the community.

I attended a meeting about 12 months ago with the Leader of the National Party when mention was made of a reserve that should probably go into parks management. That suggestion was booed by an audience from the people of Stratford, who are good country people who respect their environment. I put that as a backdrop to this debate.

The marine parks proposals have travelled a rather rocky road into this house, and I will pick up certain aspects showing why that has occurred.

Wherever you put parks in areas where traditionally there has been harvesting, whether they be normal parks or, in this case, marine parks, those areas will need to be removed from the harvest zone — and in this instance, it would be the current fishing regimes. It is difficult, because most of our natural resources are fully utilised. In this case you cannot move that amount of harvesting effort outside those areas.

To give an example, indications are that Fisheries Victoria is negotiating with the eastern zone southern

rock lobster fishermen over an 18 per cent reduction in rock lobster quotas because of the establishment of marine parks. They have just gone through a quota reduction to make sure that a sustainable resource is able to be harvested, which is important, but there is an impact.

As soon as you create parks there will be an impact on commercial fishing, because the areas set aside for biodiversity are extremely important. The reference areas in which we can establish benchmarks — although the best benchmark is an area that has never been harvested — can be worked on. You cannot put in that much effort outside, otherwise you end up with problems to do with sustaining the fishery. That needs to be fully recognised in this case.

As well as that, in this case I have been involved with the two main fisheries — that is, the abalone fishery and the southern rock lobster fishery. Both are under a lot of pressure at the moment through poaching. The poaching effort has probably had the most significant impact on those fisheries.

There are resource problems with the southern rock lobster fishery, because the quota is set without taking into consideration the recreational catch. No quota fishery can be managed without including the recreational catch in the assessment. It is also essential that the enforcement is dealt with adequately. In the first bill a lot of nonsense was led, particularly by the honourable member for Doncaster, about the fact that the park at Cape Howe was not in the proposal.

I am sure no honourable members have actually spoken directly to the fisheries enforcement officer based at Mallacoota, because if he were able to speak openly without worrying about the influence of government he would say that the enforcement of the border park at Cape Howe will be extremely difficult, even with the adjustments that have been made.

Because of the isolated area and the cost, the enforcement of the regulations applying to that park will place a large burden on the fisheries officers. The budget for the fisheries enforcement officer at Mallacoota, whose position is under pressure, has been halved. In the last 12 months no fuel has been put into the patrol boat. The office has a limited budget for overtime work, even though it is in an area that is extremely isolated, as I said, and difficult to police at the best of times.

It is essential not only that the enforcement that goes with the package is able to look after the areas to be protected by the marine parks but that the areas outside

are also looked after, because without that you can end up having real problems with resource security.

I am sure the honourable member for Doncaster would not like to see an increased high-pressure effort in particularly fragile, shallow areas that are used by snorkel divers, because some of a number of different species of abalone would be subject to extinction if that occurred. That is not what we are after.

Another issue I would like to raise concerns the seeming inequities in the bill, which some honourable members are aware of. A large number of people have contacted me about the marine park legislation, and I have sent a questionnaire to each. I seek leave to have the appropriate graph inserted in *Hansard*.

Mr Perton — Why not show it to us?

Mr INGRAM — I have shown it to you. Its incorporation has been cleared by Hansard and Mr Speaker.

Leave granted; see graph/questionnaire page 2255.

Mr INGRAM — The questionnaire basically asks three questions. The first is about the availability in the bill of provisions to allow oil exploration in and extractions from under marine parks.

Most recreational and commercial fishermen would see this as an inequity within the legislation, particularly when there is a large amount of anecdotal evidence and scientific research, not only in Australia but overseas, that indicates seismic surveys have significant impact on things like scallops and lobsters at the larval stage. That is because, basically, we drag along under the water something that explodes — and that causes problems.

The first question in my questionnaire was, ‘Were you aware the draft marine parks bill allows for exploration and extraction of oil and gas?’, to which 83 per cent of the respondents said no. The second question was, ‘Do you support exploration for oil and gas in marine protected areas?’, to which 93 per cent of respondents said no.

Honourable members interjecting.

Mr INGRAM — These are people who have contacted me regarding marine parks. The last question asked was, ‘Do you support the extraction of oil or gas from under marine parks’, to which 92 per cent of the respondents said, ‘No’.

This issue probably should have been addressed by the major parties and by environment groups. It is going to be an issue that this place will have to deal with later because pressure will be placed on members of Parliament by the Minister for Environment and Conservation when exploration for oil within marine protected areas is asked to be approved. That is something we will have to deal with down the track and it will be controversial.

Honourable members interjecting.

Mr INGRAM — If I were to vote on this legislation there would be a simple solution, and that would be to remove the surface level. Currently the legislation states that marine parks go to 200 metres below the floor of the ocean. That should be extended to the centre of the earth, like nearly all other national parks around the world. That would stop the extraction from under those reserves. Also, if there is no room to extract, it would remove the need for any exploration.

Another problem with the bill that the minister needs to take into consideration is that clause 7 provides for taking of fish or fishing bait from marine parks or sanctuaries for the purpose of research. ‘Fish’ and ‘fishing bait’ are defined in the Fisheries Act. In summary, this means that the secretary can grant permits to allow for research purposes the collection of aquatic fauna species, including vertebrates and invertebrates. Anyone with the slightest interest in natural history — and I assume all the politicians present here, the advisers, the officers and the people in the gallery — would be aware that one of the main components of marine biodiversity is not animals but plants. There is a wonderful array of plants in our marine environment: all the algae, both red and green, and the kelps. The way the legislation is drawn up does not allow for the collection of algae for research purposes. That needs to be addressed.

One such algae enthusiast and world expert in red algae, is Dr Gerald Kraft, who is based at the School of Botany of Melbourne University. Last year he prepared a report in relation to the benthic algae of the Point Hicks region in East Gippsland. I would like to table that report because I am sure there are honourable members present who would like to have a look at it. That report found that some areas both inside and outside the proposed Point Hicks park have incredible new species of algae that have never been identified anywhere else. Some species were not known to exist in that area. This area of science has not had a lot of study. To see the legislation come into the Parliament without room for the secretary of the department to allow

scientific research of plants in marine protected areas shows it is lacking. That matter needs to be taken up.

Another issue that could become controversial is the clause relating to native title. The native title legislation in the federal sphere is where that should be decided. I seek clarification of why the clause is in there. It does not appear to be necessary because native title is decided in the federal sphere. Does this clause override the native title interest? This has been a fairly controversial issue right across the board. It is absolutely essential that we get it right and that we provide the infrastructure and the park staff to make sure there is a benefit for my communities in East Gippsland.

Interestingly, today I had some discussions with people at Cann River. Parks Victoria staff are undergoing a relocation due to their situation being addressed. This is one of the closest information centres to the proposed Point Hicks park. The community is very concerned that they may lose access to their park staff. Basically, they are concerned about how they are going to gain the full benefit from these marine protected areas if they do not have the infrastructure there. Although we have some great national parks, they have not got the infrastructure, the walking trails, the information boards or the staff to manage them properly. It is absolutely essential that we have those things there so that we can gain benefits for those communities, particularly like that at Cann River, which are undergoing a massive restructure because of the timber industry. That community's aim is to say, 'Let's refocus! Let's try tourism!'. If you start withdrawing or relocating Parks Victoria staff from those communities, you are sending the wrong messages everywhere.

Another issue I raise is that currently in Mallacoota, which is the closest area of access to the two major parks in my area, there is no good-quality ocean access. In all seriousness, I do not think the community in my electorate would be very happy if the management of these parks was undertaken from New South Wales and the benefits of the management went to New South Wales. You have to have that access. You have to be able to have fisheries enforcement and parks management through an ocean access at Mallacoota. Currently that is not available.

I finish on the point that one of the sanctuaries in my area is Beware Reef. As an abalone diver, I caught a large amount of my yearly catch off Beware Reef. I have dived all around the world, and can honestly say Beware Reef is one of the most extraordinarily beautiful dives I have experienced. It is absolutely essential that if these areas are put aside we gain

benefits from them. I have dived in Queensland, New Guinea, Western Australia and the Coral Sea, but I believe some of the best dives in the world are in our own backyard. The colours, the sponges, the reef, the whole range of species that are there are extremely beautiful.

Another area where I dive regularly is Satisfaction Reef. Satisfaction Reef probably does not appear on any of the charts, but it is not far from Point Hicks, in the middle of the sand. Every year in that area I catch about 4 tonnes of abalone on average. Satisfaction Reef is also one of the most beautiful reefs in the world.

However, the issue here is that these reefs are on granite. The biodiversity aspect of the marine parks means that all the substrates in East Gippsland have not been covered — the sandstones, mudstones and basalts. Basically all the marine parks in the East Gippsland sanctuaries are on granite rocks which have a different biodiversity make-up to some of the other substrates. The benthic organisms are covered as well.

Finally, it is important that we probably could have done better with less impact but — —

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

Mr SPRY (Bellarine) — I, too, have been diving in different countries of the world. I hope my diving days are not over yet, as I echo the sentiment of the honourable member for Gippsland East that the diving in Port Phillip Bay in particular is sensational. The wall in the Rip is as good as I have seen anywhere that I have dived, and that includes a number of countries.

In all of this some people see themselves as winners, and regrettably some see themselves as losers. That fact has been highlighted today in this chamber by previous speakers. I support the bill, which will establish a representative system of marine national parks in Victoria, but I have some marginal reservations. It is almost universally agreed by Victorians that the time has come to establish a series of marine sanctuaries in Victorian waters. The mechanism, however, has not been without some criticism.

The Environment Conservation Council inherited responsibility for making recommendations to establish this representative system of marine parks over a decade ago, and it followed its predecessor, the Land Conservation Council. There was at least some form of public consultation which accompanied this process. The Bracks Labor government, however, in its refining and drafting of the bill — particularly in the process between Mark 1 and Mark 2 — has distinguished itself

by refusing to engage in any further public consultation, particularly with fishing groups.

I have here an article from the *Geelong Advertiser* of 23 May highlighting under its headline 'Minister won't meet anglers' a spokesman for the minister saying:

... we're putting up senior DNRE officers to hear people's concerns.

In other words, they are putting a shield of departmental officers in front of people and in front of themselves.

By contrast members of the Liberal Party have been prepared to attend meetings to absorb feedback and to engage in dialogue when invited. I have attended several such meetings, including a big one last year on the waterfront in Geelong, where again, sadly, the Labor Party distinguished itself by failing to provide a representative. As a consequence of its willingness to consult, the Liberal Party has been credited with modifying the legislation, at least to the extent that stakeholders — particularly those whose livelihoods were affected or are about to be affected — are now included in the equation. Their rights have finally, however reluctantly, been recognised by this government. Some form of targeted compensation will now be available to cover their expected losses. Details of that have been covered by earlier speakers, and I do not intend to go through that again. The Liberal Party is pleased with its involvement in that process and indeed with the outcome.

I mentioned earlier that I still have some reservations about the bill. Let me sound a note of caution, and perhaps even alarm, on three particular counts. The first is possible interference with commercial shipping lanes, particularly through the Port Phillip Heads; the second is the resultant safety issues in the Heads; and the third concerns the lack of any mention of aquaculture in this bill or indeed in the minister's second-reading speech earlier.

I turn to speak now about commercial shipping lanes. On experienced advice and by my own calculations I believe the boundary of the Point Lonsdale section of the marine national parks at Port Phillip Heads is directly on the western lead, which is the 46 degree true north reading which Port Phillip Heads sea pilots use to bring in some of their vessels. When there is a flood tide or a following wind or both, if you have observed ships coming in through the Heads from Queenscliff, you see they come in in a crablike fashion. If that boundary is on that 46-degree true north bearing then many of the ships will actually have their sterns in a marine national park.

The point is worth making that if the shipping channels are to be deepened and the tops of the rocks in the shipping channels blasted to make way for deeper draft ships servicing the port of Melbourne, and hopefully the port of Geelong, then those contractors will be blasting in a marine national park, and I would have thought that that is totally unacceptable.

I have advised the respective ministers, and indeed the Premier, to this effect, and I have been advised in turn that the parks will not interfere with commercial shipping. That is all very well, but I took the opportunity to discuss this issue with the managing director of the Port Phillip sea pilots, Captain Charles Griffiths, on Monday, and to the best of his knowledge, looking at the charts, he has confirmed the fears that I hold.

Worse still in Captain Griffiths's mind, however, are safety issues which will arise as a result of the establishment of marine national parks within Port Phillip Heads. Anglers will be forced out of the protective waters of Lonsdale bight and Point Nepean in particular and into either some of the shipping lanes or more exposed waters.

The Port Phillip sea pilots have never denied assistance to sailors or fishermen in distress — quite the contrary. Their record in this respect is absolutely magnificent. In fact it is described in many parts of Victoria where people know the work they do as legendary. It goes right back to the establishment of the Port Phillip Sea Pilot Service in 1839 in Queenscliff. It must be said, however, that these people do not relish the extra burden they expect from the establishment of marine national parks at Port Phillip Heads in terms of calls on them to answer distress signals from fishermen and sailors in the area.

I turn briefly but importantly to the question of edible fish products, and more specifically to the question of: where to now? On the latest available figures some 630-odd tonnes of fish are taken by commercial fishermen from Port Phillip Bay over any 12-month period — to the value of approximately \$2.6 million. Some advocates and people we have spoken to about the establishment of marine national parks in Victoria have told us that the recreational take in fact matches the commercial harvest. I suggest that that is debatable.

Mr Vogels interjected.

Mr SPRY — As the honourable member for Warrnambool says, a lot of people exaggerate the figures to make a particular point, and I accept that. Whichever way you look at it the establishment of

marine national parks will have an impact on the consumption of home-grown fish on Victorian dinner tables. The demand will presumably continue. What then of supply? Victorian consumers will have two options: they can either put more imported fish on their tables or they will have to replace their current fish with the farmed product.

The final report of the Environment Conservation Council made a strong recommendation for the establishment of a 1000-hectare aquaculture zone in what has become known as the Pinnacle Channel region in Port Phillip Bay, a couple of miles to the east of Mud Island. That is an enormous amount of water in what is described in the report as an ideal site. In the lead-up to this debate and in the second-reading speech not one word was directed to aquaculture, which is a vital component of the marine national parks equation, as I hope I have demonstrated. To the contrary, it would seem that the Labor government is deliberately ignoring the potential of aquaculture as an import replacement initiative. Total fish products imported for human consumption this year in Australia totalled about \$909 million, so we are far from being self-sufficient in this respect. Tasmania, South Australia, Western Australia as well as New Zealand have long ago woken to the potential of aquaculture, have bitten the bullet and done something about it. The question has to be asked: why haven't we in Victoria?

Unfortunately the Labor government has gone one step further in the opposite direction — it has cut the aquaculture budget, and in the context of this debate that is an absolute disgrace. Before animal and grain farming came along it is unlikely that the world's population would have survived on wild animals or wild grains. The world's estimated 6 billion population depend on farmed products, and fish and seafood products are no different. The demand is insatiable and Victoria is perfectly poised to prosper from the transaction. I say to the government, 'Wake up for goodness sake before it is too late. We are not even in the race!'

This has been an emotional debate and over a 10-year period there have been many conflicting points of view. There is no doubt that the Bracks Labor government has badly fumbled the issue and will cop the backlash in due course. Down my way recreational fishers from the union movement have sworn that the honourable member for Geelong will not survive another election, but as far as that is concerned we will have to see!

Regardless of Labor's mishandling of the issue a representative system of marine national parks will be established if the bill is passed, despite its

shortcomings. For Victorians, and in fact for all people who care for the planet, that at least is a positive outcome.

Mr JASPER (Murray Valley) — I rise to join the debate and indicate that there are very few marine parks in the electorate of Murray Valley. While we have rivers, streams and lakes of all descriptions in north-eastern Victoria we do not have marine parks. However, the National Party has an interest in things that happen right across Victoria, and in assessing the legislation it has gone to great lengths to get a grip both on the original legislation proposed by the government and the second bill presented to the Parliament. In particular, the honourable member for Gippsland Province in the other place, the Honourable Peter Hall, has undertaken extensive investigations with National Party members in the southern part of the state to assess the legislation.

The Leader of the National Party clearly put the views of the party and its opposition to the legislation before Parliament. I want to concentrate on some of the principles involved in the legislation. I hope to indicate why I and other members of the National Party are opposed to the bill on the basis of the investigations that have been undertaken and some of the principles that are at stake in the legislation.

After the original bill was presented to Parliament and withdrawn by the government the National Party went out into the marketplace to consult with various interest groups and to get responses to a paper prepared by the Honourable Peter Hall and distributed throughout Victoria, particularly in the southern parts of the state. About 60 responses were provided to the party, which were interesting, and six public meetings were held in various towns along the coast.

It is quite clear from the contributions of previous National Party speakers that we are not opposed to the principle of marine parks. It is a matter of how the parks are implemented and how appropriate protections are to be provided in the legislation. Some vital areas were brought to our attention that we believe have not been included in the legislation. We believe a marine park authority should be established to have overall control of marine parks. It would be able to determine where the parks should be, the extent of the parks and whether they should be no-take areas or whether some fishing should be allowed.

I compare this with what has happened with the box-ironbark reports that have come before Parliament, including the final report which was released earlier this year. Those concerns about the development process

were expressed to me from people within the various areas of my electorate. That is why it is important to have extensive consultation.

I have been heartened by the response from the minister to the box-ironbark state and regional park proposals, to the effect that appropriate management plans should be put in place and that there may be different management plans for the different parks that are suggested in the report.

It needs to go further. We believe that the legislation should include management plans for each of the areas proposed as parks, including provision for local input from each local area. I was almost going to say that local people should have the right of veto, but at the very least the department should be required to take their views into account.

Over and above all that is the matter of finance. There is no real indication in the bill of what finance will be provided for the development of the marine parks. To its disgrace, in the past Victoria has provided only a limited amount of the funding required for the development of national parks. You need only talk to people who live close to or have been in the national parks, particularly in the northern part of the state, to understand the problems caused by the lack of funding provided by successive governments over a long period of time. Each government has said, 'Yes, we will put more money into those parks, we will see that they are managed correctly, and we will take appropriate control of the parks and the activities allowed in them'.

The government has provided some funds for compensation, but we in the National Party believe it is critical that it indicate what funding will be made available for the management of the marine parks in the future. The minister has indicated that \$20 million is to be provided for the box-ironbark report implementation. It is to be hoped that that will allow us to see how the parks will be implemented, how appropriate consultation and management can be achieved, and how local people can become involved.

We do not know the boundaries of the marine parks. That same problem was brought home to me very clearly in relation to the box-ironbark reports. When the government declares the areas to be defined as state and national parks you can experience great difficulty finding out where the tracks are and what is and is not included. With all due respect, I had extensive consultations with the management of the Environment Conservation Council about the box-ironbark report, and I found out that the council itself had some

difficulty determining where some of the boundaries were.

I have had representations in my office in Wangaratta from a constituent who had bought land out in the Eldorado area. He said that the only access he had to his land was through a strip of Crown land that, the Department of Natural Resources and Environment indicated, he would have a lease on and continue to have access to. However when the maps were looked at closely it was found that that strip of land was to be included in the Chiltern Box-Ironbark National Park.

I raised the matter with representatives from the Environment Conservation Council, who I am pleased to say responded by saying they were not aware that it would be included in the national park and that they would have a look at it. Hopefully we can get appropriate action to have the strip excluded, but I have not had a response from the minister yet. I do not know how the implementation committee will respond; but I will be following this one very closely, Mr Acting Speaker, to make sure that this person, who bought the land in good faith, will still get access to it through a piece of Crown land which should be sold to him anyway and which should not be included in the national park.

The same principles that apply to the box-ironbark proposals should apply to the marine parks. The point I make is that we need proper boundaries and proper consultation. That is where the National Party takes issue with the marine parks proposal — not the principle of seeking to establish but the ability to insist that they be developed based on proper principles and with appropriate consultation. That is the issue that was brought to my attention, and I believe we need to be mindful of all these issues when we are looking at marine parks.

When we went through the consultation process some issues were brought to our attention that we believe should be included in this legislation, including the establishment of a marine parks authority. That authority would be able to settle the question of where the marine parks should be established. Instead of having the marine parks presented to us in the Parliament, there would be appropriate consultation at the local level on progressively establishing the parks. We see that as a major principle.

Management plans are another matter that was brought to our attention. We believe it is critical that we are able to establish those areas as marine parks along the lines of the box-ironbark forests proposed across central and

northern Victoria, including my electorate of Murray Valley.

I will quote from the discussion paper put out by the National Party, which declared in the summary section that the model was:

... overwhelmingly supported by respondents (who) would see legislation that defines a process facilitating the creation of marine parks. This enabling legislation would establish the marine parks authority, define its role and outline its functions. The act would also define a public consultation process that would lead to a proposed area for marine park status along with a recommended management plan.

We in the National Party would see that as critical. And of course not mentioned in this paper but of critical importance also is the area of funding, which I have also mentioned. They would look to demonstrate the need for a marine park, and they would also establish the areas where there would be some marine park where there are no-takes as far as fishing is concerned. Consideration may need to be given to establishing areas where there may be recreational fishing and indeed other types of fishing. So you would look at the zones which we believe should be considered — marine sanctuaries, limited use zones, special use zones and general use zones — so that you could get appropriate usage of these areas, but appropriate also as far as the control is concerned, trying to control and look after the marine life which would be an important part of the whole process.

Going through the discussion paper, on the planning issues, consultation was a big issue that was mentioned by a large number of people who responded to the discussion paper. So from the National Party's point of view we believe there are principles involved in all of these areas where we are establishing parks, whether they are marine parks or national parks, as we have seen.

I noted also a comment made by one of the previous speakers — I think it was the honourable member for Sandringham — who mentioned the exclusion and removal of the section 85 clause. I was a member of the then Regulation Review Committee for many years. We saw the gradual introduction into legislation of a section 85 clause which restricted claims against the government through the court system.

The Labor Party in opposition through the 1990s was very strong in its comments and criticism of the inclusion of section 85 clauses within bills which became law. Now we see the change of government, and I must say on many pieces of legislation coming before the Parliament we see the inclusion of section 85. I am not suggesting that there is no

justification for the inclusion of some section 85 clauses within legislation, but surely there are times when the clause does not need to be included. In this case the section 85 clause probably should not be included. That issue needs to be considered in relation to the principles that we are looking at.

We are concerned with the overall legislation, including all these marine parks. There may be a need for some modifications or changes, not only to the boundaries but indeed in being able to manage them properly and being able to allow appropriate usage of these areas. The plans, as I said, are not always accurate. That would be something that an authority could really work on.

I finish by saying again that we in the National Party are opposed not to the principles of establishing marine parks but to how it is being done. These marine parks should go through a proper consultation process to establish where they may be established.

The other issue which should be included and mentioned is appropriate compensation for those people who may be adversely affected and the restriction to three years for that compensation, when it may be many years before some people realise the full effect of these marine parks on their particular livelihood as commercial fishermen.

The other issue which I have mentioned and which is critical to all of this, is the provision of appropriate funding where there is going to be the establishment of marine parks.

On the basis of the legislation before the Parliament, the National Party is opposed to the legislation. It believes there does need to be further investigation and consultation, and indeed further discussion with appropriate people who have an interest in this legislation before it becomes law within the state of Victoria.

Ms DAVIES (Gippsland West) — I would like to firstly note and appreciate the vastly improved atmosphere in this house as we debate the National Parks (Marine National Parks and Marine Sanctuaries) Bill (No. 2), as compared to when we started debating version 1.

The issue has been a very hot topic of debate ever since the draft Environment Conservation Council report was put out at the end of 1999. It hit its worst point of divisiveness, anger, anxiety and inflexibility with the first draft of the legislation which was tabled in June 2001.

I spent a very considerable amount of time before that date with fishermen, both commercial and recreational, and with supporters of marine national parks before that first version of the marine parks legislation came into the house. I very strongly argue and believe that you should not ever have people on one side or another of an argument totally being able to impose their views on the other side. I had to resist at that time considerable pressure from both sides of the argument, where people were trying to make me come down on one side or the other. Certainly with that first version of the legislation it seemed totally impossible to reconcile the differing points of view.

The legislation, for a whole range of reasons, was unacceptable to too many people on both sides of the argument. I note that both the opposition and the National Party have claimed credit for encouraging the government to withdraw version 1 of the legislation. That is a very strange statement really, given that both of them spoke strongly and voted against the withdrawal of version 1 of the marine parks legislation. The vote in favour of withdrawal was 45, which is the government plus the three Independents, and against was 40, which I think was the coalition at the time.

I did urge the government very strongly to withdraw version 1 of the legislation. I was very concerned that there had been no ability to negotiate and facilitate some kind of agreement between both sides.

I was criticised very heavily by people on both sides of the argument at the time. However, I very much believe that it was in the best interests of all parties that that legislation was withdrawn.

The other major input that I have had with my Independent colleagues into this final legislation was pushing the government to table both a discussion paper and an exposure draft of version 2 of the legislation in March and April this year. I believe that was a vital measure in enabling there to be proper detailed negotiation at last on the detail of the legislation. That proper negotiation happened between the government and fishing interests and also the government and the opposition. I believe it is that proper negotiation that occurred outside the divisive atmosphere of the Parliament that has enabled the bill to get to this point.

As regards the final details of the legislation, I agree with the Premier when he made the statement that he believes this version of the legislation is better than the previous one. There has been flexibility as necessary on some boundaries and borders of some parks. There

have been improved compensatory measures for professional fishermen.

I believe there will still be difficulties for fishermen and I accept the need to watch very closely how this process is managed and how the future of professional fishermen is managed in parallel with these marine parks. Likewise, I believe there is greater satisfaction amongst people in the conservation movement on the return of the Cape Howe marine park and the Ricketts Point marine sanctuary.

I would like to congratulate the government. I would like to congratulate the Minister for Environment and Conservation and her staff who have worked very hard on this legislation for a very long time. I would also like to congratulate the shadow minister for conservation and environment. He has done particularly well, I believe, in convincing considerable numbers in his own party who were reluctant to support the bill. Although I do not always agree with the tactics of the honourable member for Doncaster, and I certainly believe that his manners could improve at times, there is no doubt that on this bill he has worked very hard and he has sought to encourage members of his party to support the bill.

I would also like to congratulate all of the groups outside the Parliament who in the end have been prepared to work together to achieve this outcome, even when those groups remain anxious and it is still obvious that not everybody is getting everything they want.

The final form of the bill has not pleased everyone, and I need to note some very recent representations made to me by different groups. A group of 17 fishermen approached me recently. They had previously approached the Liberal Party without success. These people want to increase the fully protected area of Western Port Bay by 100 per cent. Obviously it was impracticable to change the arrangements at that late stage after the agreement reached between the Liberal Party and the government had already been publicly announced. However, I commend that group's commitment to rehabilitating the degraded areas of Western Port Bay. I hope members of that group will work with conservation groups which are working to do just that. Those interest groups can work together to pressure the government where necessary to improve the rehabilitation effort taking place in Western Port Bay.

Likewise I have been approached recently by abalone divers who were hoping that the introduction of the Wilsons Promontory Marine National Park could be delayed until 2004 to allow the extra enforcement effort to take effect. I believe that the Wilsons Promontory

marine park is one of the most important marine parks in Victoria given its proximity to a vital land-based national park which I rather see as the centre of the universe and an important part of the state. However, I have sympathy with the view expressed by the abalone divers. I argued with the government last year that the extra enforcement effort should begin immediately to enable demonstrated proof of its value.

I say to the government that if the funds made available so far for this additional enforcement/antipoaching effort do not have a measurable impact on the available catch it is still quite possible that the government will have to bite the bullet and buy out some of this fishing effort. It is quite possible that the government will need to add more resources to this enforcement effort. Ultimately there is no point in having parks without proper management, proper interpretation and proper enforcement of regulations. I have also had representations from Western Port Bay shark fishers who often fish in the area of the Churchill Island Marine National Park.

I take a wait-and-see approach to the compensation scheme outlined by the government and I will push for additional measures if they are necessary. Most of the commercial fishermen I have spoken to acknowledge that compensation was never the main issue for them, but we want their industry to survive and thrive with sustainable practices. I hope that the marine parks will ultimately prove a positive for those commercial fishermen as well as others.

However, at the end I am pleased to support the introduction of marine parks and sanctuaries in Victoria. They are only a beginning. Management plans, proper interpretive research, enforcement, and tourism facilities are essential if we are to benefit as a whole community from these marine parks.

I note that I have still not been able to receive clear undertakings from the Minister for Environment and Conservation of the direct additions that will be made to communities around Western Port Bay, the Bunurong coast and Corner Inlet. I advise the minister that these communities would like some more details.

I believe ultimately and very clearly that these marine parks will be a boon for us. Tourism is an important part of our coastal communities, and our natural attractions can only be enhanced by these marine parks. Our coast is beautiful, it is clean, it is varied and it is relatively unspoilt. We can benefit from and increase tourism with these parks. Recreational fishing can and will continue to grow and be welcome alongside the parks, and I believe it will benefit from them.

I ask all of those who are still concerned about the introduction of marine parks to give them some time, to keep in touch and to allow all of us to continue working together during the implementation phase of this very positive new initiative. Marine national parks are supported by nearly all members of this Parliament. I welcome the fact that fully protected marine parks are supported by most people in this state and within my area. I hope that in future even more people will come to see the parks as positives for all of us.

The ACTING SPEAKER (Mr Phillips) — Order! I thank the honourable member for Gippsland West. I ask the honourable member for Wimmera for his indulgence. We have a very special occasion tonight: the President of Greece is having a reception in Queen's Hall. I think it is appropriate to give all members of Parliament the opportunity to meet him, and on that basis I think this is an appropriate time to break for dinner. The honourable member for Wimmera will get the call when the chair is resumed.

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

Mr DELAHUNTY (Wimmera) — I hope I will not disappoint members of the Labor Party in relation to their after-dinner speaker!

They are probably asking why a member for Wimmera, which is based in western Victoria with no coastal frontage, should be talking on this bill. That is a good question. The reason is that there is an association of 100 offshore fishermen in Horsham. These people go down to the coast and are very concerned about this legislation. Another interesting thing is that with the new electoral boundaries, the electorate I will be putting my hand up for goes almost down to the sea. I have been told that down near Portland if you get on the edge of the new seat of Lowan you can probably see the ships on the ocean, you are so close. So as the house can see I have some passion in relation to this marine parks bill.

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Wimmera does not need any assistance from the government benches. The honourable member for Wimmera, without assistance from the government benches.

Mr DELAHUNTY — I was amazed before dinner to hear the remarks of the honourable member for Gippsland West. I thought it was not the same person I have known for two and a half years. The goodness and cooperation in her words made her a totally different person from the one I saw speaking on the gaming bill

last night. It is interesting that she was very critical of the fact that she has not been able to get any undertakings from the minister responsible for this legislation. I hope she has a little more success than she had in the Public Accounts and Estimates Committee meeting when she tried to get some commitments or undertakings from the Treasurer in relation to gaming.

It is a pity that the honourable member for Gippsland West does not look at this legislation in the same way as she should look at the land-based national parks that are not maintained in her electorate, in the same way as they are not maintained in my electorate. Everyone knows that Wimmera is the largest electorate not only in western Victoria but in Victoria as a whole. Many of the land-based national parks are not being maintained.

We know the purpose of this bill is to create 13 marine national parks and 11 marine sanctuaries by amending the National Parks Act 1975. It also aims to establish a limited compensation scheme by amending the Fisheries Act 1995. Can I say up front that the National Party and I have also consulted very widely on this bill. As I said, there are 100 offshore fishermen in an association based in the Wimmera. They get together for various meetings, but they also travel down to the coast on many occasions in their four-wheel drives or whatever and go fishing down there.

I really want to put on the record my congratulations to my colleagues the Leader of the National Party, the honourable member for Gippsland South, and, importantly, the National Party spokesperson on this bill in another place, the Honourable Peter Hall. Both gentlemen have travelled right along the coast and even interstate looking at other models to help come to the position that we have adopted. I attended meetings down on the south coast, where many of the community people and fishermen were upset and very concerned about this legislation.

I am not sure if I can digress a little bit, but I am a member of the Environment and Natural Resources Committee; the honourable member for Carrum, who is in the chamber, is also a member. The honourable member for Polwarth has ditched us and gone to greater charges. Mr Acting Speaker, you chair that committee so you would be aware of this: when the committee was conducting its fisheries inquiry there major concerns were expressed to it about this marine parks legislation. The biggest issue people have been concerned about and have given us parliamentarians a real going over about was in relation to enforcement.

The people we met said the government could not even enforce the provisions it has at the moment and asked:

with these 13 additional marine parks and 11 marine sanctuaries, how will it enforce the regulations it will have then? I know the government plans to put on more staff, but there must be increased effort to look after these things if they are going to happen.

The government talks about protection. As I highlighted earlier, the government is not protecting what we have now. In fact, many of the abalone fishermen and the like have to take a lot of the protection into their own hands. The government talks about stewardship. We know it is not doing a good job with land-based national parks now. If that is going to be carried through into the sea-based ones, we will not get anywhere because in the land-based national parks we have major problems with weeds, vermin and the like.

Mr Honeywood — Mr Acting Speaker, given that the government can provide only two members of Parliament to the chamber, including the Minister for Senior Victorians, who is at the table, I draw your attention to the state of the house.

Quorum formed.

Mr DELAHUNTY — I was speaking about the stewardship of land-based national parks and highlighting the fact that the government is not doing its job there. It is not looking after the weeds that are coming out of the national parks, or the vermin, the white snails, the kangaroos, the emus — all these things that are causing problems for adjoining landowners. If this is the type of stewardship the government is going to have of marine national parks we will have major problems here in Victoria.

It is important with any legislation that it has local ownership. I know from travelling around the state with the Environment and Natural Resources Committee and from the consultation that I and other National Party members have had with country people that there has been very little support in country areas for this type of legislation. I was amazed that the honourable member for Gippsland West said she has overwhelming support for her to support this bill and that she stood up here and said she will be voting for it.

The honourable member for Gippsland East spoke about the fact that he has dived in many marine parks around Australia — in fact I think he even mentioned some parks overseas — but I am sure that all the parks he mentioned are multi-use national parks. That again highlights the fact that this bill goes much too far in relation to stewardship protection and the thrust of what the government is really trying to do in national parks.

I listened to the contribution of the honourable member for Doncaster — —

Mr Vogels — A good member!

Mr DELAHUNTY — He is a good member, but I was interested to see — —

Mr Perton — And a good friend of yours!

Mr DELAHUNTY — Well, he was. He said he was going to speak for only 20 minutes but he went for 40 minutes, so his clock must be running slow. The reality is that there has been a lot of angst among his colleagues, and I think the honourable member for Doncaster has won the day. I highlight the fact that he has probably 30 city colleagues upon whom this bill does not really have too much of an impact. Unfortunately, it must be causing his rural colleagues some great angst.

I highlight again that there are 88 members in this Legislative Assembly. The reality is that of those 88 members of Parliament, 70 come from Melbourne, Ballarat, Bendigo and Geelong, and only 18 come from country Victoria. It is also a reality that this bill is no big issue for the city-based people because they do not often go out to the coast. When they do, they are not sure whether they are going out there to have a look at the pretty sea or the fish or to go diving — although not many of them would have the ability to dive underwater to see this marine environment.

To highlight this fact, last week a briefing was held in Queen's Hall by the federal National Oceans Office, which is doing a lot of work with the states and is based in Tasmania. That organisation put on a fantastic presentation. Guess how many Labor people turned up. One! Of all the Labor polities in this house only one member turned up for that briefing. We have this marine parks legislation before us, and only one Labor member turned up at the briefing by the National Oceans Office.

I again highlight that this bill is no big issue for Labor members. They do not even come into the house to listen to the debate because it is not an issue for them. It is just something they want to do for ideological reasons.

The reality is that we in the National Party are committed to greater protection of our marine waters. We have proved that by our marine parks discussion paper, which was distributed right around Victoria. A lot of the people in the fishing communities and the rural communities had a look at this discussion paper

and they put together some good feedback for us which was published on the National Party web site.

The Victorian government model proposes the prohibition of fishing, aquaculture and even petroleum exploration, and the honourable member for Gippsland East highlighted this issue in his presentation. There is no scientific evidence — —

Mr Perton interjected.

Mr DELAHUNTY — The honourable member for Doncaster is squawking away over there — I am not sure if he is pretending to be a seal or what he is doing. The reality is that there is no scientific evidence that the National Party has been able to identify that shows that the prohibition of fishing in particular will improve the marine environment.

The National Party argues that marine protection is best achieved by management rather than prohibition. We have already heard from the minister and everyone else on the government side who has spoken on the bill that they do not have any management plans for these marine parks. We are not sure when they will be done, who they will be done by or what the time lines are. If the government is going to do this it should have the management plans in place before it starts, or at least some commitment to having them done in the very near future, but that is not happening.

As honourable members know, this legislation is inconsistent with models for marine parks protection employed by other states — in fact, by other Labor governments, in Western Australia, New South Wales and Queensland. Even the Great Barrier Reef is a multi-use national park, yet here we are going to the extreme length of prohibiting everything out of our marine national parks.

Proposed section 17D in division 1B inserted into part III by clause 6 of the bill requires the Secretary of the Department of Natural Resources and Environment to prepare management plans for each of the parks and sanctuaries, but there is no detail of what those management plans will cover, how they will be prepared, what consultation will take place, or, importantly, what time frame is in place to bring these plans to fruition.

One of the hypocritical things about this legislation is that nothing has been done to address some of the factors that impact on marine national parks. I live in Horsham, where years ago the local water authority used to put treated water — sewage water — into the Wimmera River. There was an enormous uproar and the council, together with the community, had to raise a

lot of money to be able to provide a better system, and now no waste water runs into the river. That scheme was forced on us by metropolitan legislators.

We now have a similar situation with this legislation. The metropolitan legislators are not looking after their own backyards. They have made us clean up our backyards, and it has been a good result, but what have they done about fixing up the pollution that is running out of Melbourne metropolitan areas and into the sea? The sewage outflows, the pollution from stormwater drains, the nutrients and the exotic species that are getting into our marine environments are a major problem.

Ms Lindell interjected.

Mr DELAHUNTY — The honourable member for Carrum lives on the coast. Perhaps she will be able to tell us a little bit about her area and what she is doing about her stormwater drains and sewerage outpours. She is not doing much at all!

We know that this legislation proposes a very limited and unjust compensation scheme. I will not go through that because I have lost a couple of minutes because of the quorum that was formed earlier. However, I recommend to anyone reading this speech that they go back to the contribution of the Leader of the National Party, the honourable member for Gippsland South. He made a very good presentation on why this compensation is very limited and unjust in its contents.

The honourable member for Gippsland East told me that the marine parks that will be established will reduce by 7 per cent the catch for abalone in the eastern zone. These people have quotas, so if this legislation goes through they will have to move into another area to fish for abalone. We talk about sustainability — everything the National Party talks about is related to sustainability — but if this legislation goes through it will force these abalone licence-holders to move into another area and flog that area to death and cause problems there, because they have to get their quota. They have paid for their quota and they have to live up to it. The reality is that this legislation does not address those issues.

One of the major issues is that no fisherman or charter boat operator wants compensation. The reality is that they want the fish — they want jobs — and I will come back to that in the future. There is no compensation available in this legislation to affected communities or related businesses. The legislation will have an enormous impact on communities along the coast. The electorates of some honourable members in this

Parliament are along the coast, and I will be interested to hear what their businesses and communities feel about this legislation going through.

Mr Mulder interjected.

Mr DELAHUNTY — I am sure you do, but I am not sure your community does. Why are abalone licence-holders denied access to compensation? That is unjust and that is why the National Party is not supporting this legislation.

The government has been trumpeting that this legislation affects only 5.3 per cent of Victorian marine waters, but they are the prime fishing areas. As we know, other coastal areas are inaccessible, so we are not talking about being unable to fish only 5.3 per cent of the coast; the reality is that a much greater area cannot be fished. This is only the start, as highlighted by the Premier's comments this afternoon in question time, when he said that the government is already looking at some other legislation to ban commercial fishing in other areas apart from marine parks.

The Victorian National Parks Association in its 2001 nature conservation review is pushing for greater areas of marine national parks. I have met with some of these people at various times, and on one occasion I asked them if any of their executive members live in country areas. The answer was, 'What relevance is that?'. I said, 'It has enormous relevance, because the decisions you make are impacting on country areas. You get no input from country members on your executive — because you have none! Not one member lives in a country area'. They can come up with an ideological point of view that impacts on country Victorians and can push it through with the support of the government, because they are city centric.

About 25 per cent of Victoria's population, or about 1 million people, are recreational fishermen. I want to highlight some of the costs associated with fishing. A yearly recreational licence costs \$20, and there are licences available for 2 and 28-day periods for about \$5 and \$10 respectively. Group recreational fishing licences also cost \$20, while an abalone fishing access licence costs nearly \$11 000. A rock lobster fishing access licence costs about \$570 and \$17 per pot. A scallop access licence costs nearly \$1900. The government is collecting big money from fishing licences.

The licences are used for many things. The Fishing Act 1995 provides that the levies charged for each class of fishing licence or permit can be used for a range of purposes, including fishing promotion and marketing.

We are not talking about the promotion and marketing of fisheries in this debate. The levy is also used for compliance, management, administration, funding peak bodies and research.

Mr Holding interjected.

Mr DELAHUNTY — I have not heard the honourable member for Springvale say too much on this bill, but I will be listening to his input later. He is pretty good at talking, but his comments do not have much substance.

A 1996 study into fisheries activities shows that it has led to the creation of about 27 000 jobs in Victoria, but the legislation will have an enormous impact on jobs, particularly in country Victoria.

I know that charter boat operators and fishing guides are concerned about the legislation, as are Victoria's 3000 commercial fishermen. The 4500 Victorian processors, wholesalers and retailers are enormously concerned about it. The minister is in the house, and I advise her that indigenous people are making claims to be able to fish in the parks. I am not sure how this legislation will impact on them.

As I highlighted earlier, other issues include concerns about fishery management plans, about which there is very little detail. If the management plans are similar to those that apply to land-based national parks, it will be a real problem. There are other outstanding issues in relation to quotas, recreational fishing licences and the possibility of the government's taking royalties.

I have received many letters and emails about the bill. I admit I have received a few letters of support, although some are what I call junk mail letters because they are of the type that are usually sent to everyone. Many letters ask the National Party to vote down the bill. I have a number of newspaper articles that I could read to the house, but I will not have time to go through them tonight.

The 100 or so offshore fishermen who live in the Wimmera and belong to the association, and in particular the constituents of the new seat of Lowan, are concerned about the legislation. I agree with them that it should not be supported because of the impact it will have on country Victorians.

Mr MULDER (Polwarth) — It is with sheer delight that I rise to make a brief contribution to the debate on the marine national parks legislation. It does not seem all that long ago that the house had the original legislation before it. I clearly recall the minister grabbing the bill and dashing to the rear door of the

chamber, yelling as she left, 'You've got 24 hours!'. It has taken a little longer than 24 hours for her to return here with the revised legislation.

I thank the honourable member for Doncaster and other members of the Liberal Party for the work they did in returning to the consultation table with the affected bodies, including commercial and recreational fishing representatives from along the coastline. They again undertook a proper consultation process and returned here with legislation that has finally been accepted by pretty well all the parties interested in marine national parks.

As honourable members would be aware, my electorate of Polwarth starts from the proposed Point Addis marine national park, takes in a couple of marine sanctuaries along the way, and goes into that beautiful area in and around Port Campbell, which will now host the proposed Twelve Apostles Marine National Park.

Recently I met the federal tourism minister, Joe Hockey, at Flagstaff Hill in Warrnambool to talk about an issue dealing with tourism. We also discussed marine national parks, and I took the comments of the federal minister on board when he referred to the infrastructure available along that beautiful section of the Great Ocean Road. If anyone around Australia was to try to create a tourist attraction by building a facility such as Dreamworld or Wonderworld, you could imagine the cost of the infrastructure that would be needed to get that going and draw the crowds.

Yet along the Great Ocean Road, through nature's work alone, we have one of the most beautiful and pristine sections of coastline that will house a number of marine national parks. I agreed with the comments of the federal minister that you could not attach a value to the infrastructure — those beautiful shores and rocky coves, the sandy beaches and the wonderful marine environment — that is already in place. The people who use that part of the world — the tourism operators and members of the public — know, appreciate and understand what we have.

I also comment on the work Victorians have done on the establishment of marine national parks. I travelled with the honourable members for Carrum, Gisborne and Wimmera, who are members of the all-party parliamentary Environment and Natural Resources Committee, to New Zealand to look at the Goat Island Marine National Park. We were greeted and addressed by Professor Ballantine and gained a good understanding of the park through going out onto it in a boat. We talked to day visitors to the park and after a while came to understand the general community

feeling about the area that had been declared a marine national park. After we had spoken to a number of people there it became evident that they had actually bypassed some pristine swimming beaches and gone out of their way to spend their time in a marine national park.

The creation of marine national parks in Victoria has been canvassed widely. Some day our friends in the National Party will have to realise that the days of the FJ Holden and barn dancing have bypassed everyone. There are people in rural Victoria who understand that they have to live with the natural environment. They are very much aware of what is happening with our natural resource management. They want to be able to pass their properties on to their children.

In relation to the multi-use of national parks, we have to understand what the Environment Conservation Council process was about and what it was trying to achieve. It was not about multi-use parks or locking up a section of the coastline but about research and education.

It is one thing to say that this is not based around any scientific information, but we want the marine national parks for science and research and to educate people so they can then get a good understanding of what is happening in the marine environment. It is wrong to suggest that we can set up a marine national park for research and education purposes but that we also need to have a whole lot of human intervention as well, because you then have to try to work through the process of looking at whether the science and research you are trying undertake is working, given the human intervention involved. Our friends in the National Party have to realise that the original intention was never to go down the pathway to multi-use parks.

It is only 5.5 per cent of the coastline. New Zealand, which has been at this for a far greater period of time, had only achieved about 1 per cent the last time we went to look at its marine national parks. Some would have loved 6 per cent. Perhaps there are those who would have thought we should not have compromised in relation to some of the boundaries, but the simple fact of the matter is that Victoria has around 5.5 per cent on our first attempt. As I say, I commend the honourable member for Doncaster for the work he has done in regard to getting this great outcome.

I hear from friends in the National Party that there is an issue of resource management and people still having access to forests and marine national parks. The issue that quite clearly comes out of this and where we find ourselves today, where we have what I consider a huge

amount of support for what we are going to achieve, is that we have finally learnt how to take the community with us.

When this legislation was initially brought into the house with a section 85 provision attached, it was an attempt at bullying by the thugs in the Labor Party. In the early part they had their runners out knocking on the doors of our electorate offices and saying, 'We are here to sell marine national parks, but we do not really want to know about commercial fisherman. You do not have to worry about them. They are a bit on the nose. We are not here to talk about compensation; we are here to spin the message for you on marine national parks, but we do not think the issue of compensation for commercial fishermen is part and parcel of the deal'.

I tell those people never to come and knock on my door again with that message. If there is going to be an overall improvement and overall impact, and if all Victorians are going to gain from it, do not think that you will knock on the door of a rural member of Parliament and say, 'We do not really care about the people who are going to be most affected by that. They are a by-product of this whole scenario'. It must be remembered what the Liberal Party's first position was on the matter. We said that we would remove the section 85 provision, which would allow commercial fishermen the right to access compensation. That was our commitment.

Have a look at the work that was undertaken from that point onward by the honourable members for Doncaster, Warrnambool, Portland, Sandringham and other Liberal members from around the coastline. We initially said that we would remove the section 85 provision and would allow the compensation process to proceed. This was not delivered by the Minister for Environment and Conservation, who grabbed the bill and, like a spoilt child, ran out the door saying, 'You've got 24 hours to change your mind!'. The legislation was the result of hard work undertaken by the Liberal Party. We delivered the removal of the section 85 provision, which the minister did not want a bar of. She was driven by the Treasurer.

The Premier came in here and spun the yarn that he told her to withdraw it so she could save face. We know very well who was driving in the end: the Treasurer. It was all about compensation. He did not want to pay. He said, 'Look, these people out in rural Victoria, the people on the coastline, they are a by-product of this whole operation. Sink them and push the legislation through'. It was the Liberal Party that stood up, not the Labor Party. The Liberal Party was the last party standing on this issue.

What did we achieve? The section 85 provision went, which now allows those commercial fishermen to go through a process if they wish to seek further compensation. The compensation package remains in place. As for the measly compensation package that was put forward in the first instance, we all know how far it would have gone. It would not even have compensated the commercial fishermen in Port Campbell. Not only that, we went through the process of starting to look at some of the boundaries so that we kept the people in the commercial fishing industry and the fishing towns along the coastline. Their interests were protected and some of the boundaries were changed. Consideration was given to recreational fishermen across many parts of the state and on the coastline, and other areas were adjusted and modified in relation to that issue.

From the point of the minister coming in here and saying, ‘Section 85 stands. Marine parks stand. Boundaries stay as they are’, look what the Liberal Party has delivered in this piece of legislation that is before the house today! It is nothing at all to do with the efforts of the Minister for Environment and Conservation and nothing to do with the members of the Labor Party. They were lost on the issue and did not want a bar of it. It must be terrible to have a coastline and have to tell the people you represent, ‘The Treasurer is driving the issue. We are going to sink all of your commercial fisherman and you are going to have to live with it’. That is the exact truth. The minister knows it because she had to go out and sell this absolutely shocking story to the commercial fishermen right along the coastline. It was very hard to do.

As was the case with the farm dams legislation and with all forms of resource management, it will always be the Liberal Party that will stand up and fight for the small person, the person who cannot take a position for themselves. It was the government’s intention from day one to tramp those people into the ground. That was the intention of the Minister for Environment and Conservation when she first introduced this legislation into the house.

I could go on and cast a few more aspersions and have a little bit more to say in relation to the shocking treatment by Labor of the commercial fishermen along the coastline; however, I believe marine national parks are a great initiative. The Environment Conservation Council reports were a Liberal Party initiative. The final outcomes were delivered by the Liberal Party, and the negotiations were undertaken to get the best outcome for commercial fishermen, for recreational fishermen, for the marine environment and for all environmentalists. They were all initiated and driven by

the Liberal Party. I commend the honourable member for Doncaster and all those in the Liberal Party who have been involved in this fantastic outcome for Victoria and for our marine environment.

Honourable members applauded.

The ACTING SPEAKER (Mr Seitz) — Order! It is disorderly to applaud in the house. Honourable members should know better than that.

Mr Mulder interjected.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Polwarth will find himself cheerfully out of the chamber if he keeps that up.

Mr VINEY (Frankston East) — As a member of the Bracks Labor government, I am very pleased to be here tonight speaking in support of the bill. I note that the honourable member for Polwarth spent a good 12 minutes speaking on the bill, but failed to mention whether he supported it or opposed it. I did not hear the words. I was struck by the possibility that after politics the honourable member for Polwarth could get a career as a fiction writer — suggesting, of course, that somehow the Liberal Party was the initiator of this bill.

This bill is a great initiative and will go down as one of the hallmarks of the Bracks Labor government. It will sit alongside other hallmark pieces of legislation — which of course the Liberal and National parties do not want to recall — that restored the power of the Auditor-General, the freedom of information legislation, the Regional Infrastructure Development Fund, and other initiatives of this government like restoring health and education and police.

I am proud to speak here tonight with the Minister for Environment and Conservation at the table and offer her my congratulations for the fantastic work that she has done in bringing legislation before the Parliament that will result in such long-lasting benefits for the future generations by protecting our environment.

The bill is about protecting Victoria’s magnificent marine environment. It has a unique and rich diversity with over 12 000 species — many more than most comparable marine environments around the world. I represent an area of the Frankston Mornington Peninsula region where we have two great marine environments, Port Phillip Bay and Western Port. I am passionate about these magnificent environments and am proud to be part of a government that is moving to protect environments for future generations.

The bill is not about locking up the environment. Indeed, only about 5.5 per cent of Victoria's marine waters will be covered by this legislation. This compares with about 16 per cent of Victoria's land mass being in national parks and reserves. Victorians have come to value and respect our great land-based national parks, and in time they will equally value our marine parks.

Our national and marine parks do not have to be locked up from use. A view I firmly hold is that people should be able to enjoy both the land national parks and after the passage of this legislation the future marine national parks for recreation and adventure tourism and ecotourism. Adventure tourism and ecotourism are vital if we are to protect the environment for the future; they encourage and enhance community support for parks and for environment protection. Equally, you can enjoy parks without having to exploit the fauna. Stopping commercial and recreational fishing in these marine parks is appropriate and important.

I enjoy the occasional recreational fishing expedition myself, and I understand that recreational fishers want to keep their leisure activity. However, this legislation is not about whether I can catch a fish. It is not about whether when I go fishing in my local areas or other areas that I am able to enjoy a good catch. It is about whether my children and grandchildren will be able to catch fish, which is why I am proud to support this legislation.

I know this legislation has elicited a lot of community interest, particularly in Frankston East. Many people are concerned about the legislation and want to know how it will affect them in their leisure and recreational time. They can be proud of it because it will protect the future interests of their leisure and recreational activity; it will protect the diverse and great marine environment we have in this state.

As I say, the bill will go down as a hallmark piece of legislation of the Bracks Labor government. I commend the bill to the house.

Mr VOGELS (Warrnambool) — We are once again debating the National Parks (Marine National Parks and Marine Sanctuaries) Bill, now (No. 2). We all know this is version 2 because of the lack of thought and work that went into the first bill. The Bracks government believes it can just wipe out many of our commercial fishing industries without any compensation at all, and take away people's rights to challenge this tactic in a court of law. Likewise industries closely associated with fishing, like charter boat operators, were dismissed, as were recreational

anglers. Thank God the Liberal Party has been able to put the brakes on some of these excesses.

The best way to manage our parks, whether they be on land or part of the sea, is to actually manage them in a sustainable manner. We must set scientifically proven quotas which can be verified by authorities who have an understanding of the resource. We are not doing this at present. We are listening to the people who are the so-called experts in the Department of Natural Resources and Environment, Parks Victoria, the green movement and others who basically practise what I call the Wagner — wild-arsed guess not easily refuted — theory. We saw that on the regional forest agreements, where you could actually see on the ground how many trees or what was actually out there, but still we could not get that right. I do not know how they worked out how they are going to count fish or kelp grass.

Honourable members interjecting.

Mr VOGELS — Read *Hansard* tomorrow! Let me give you an example of the Wagner theory. Last year the Bracks government brought in rock lobster quotas for the western zone — that is, the zone from Geelong to the South Australian border. As part of this process the fisheries department clawed back 15.4 tonnes of quota. They removed this tonnage from hardworking cray fishermen in the western zone. This was done in the name of sustainability because in theory it was being overfished. What did we see next?

Shortly afterwards, to the anger of the fishermen, we saw exactly the same amount of crayfish that had been clawed back up for tender to the highest bidder. Of course in those situations the people with the money win the quotas, not the people who have been fishing out there for years. What hypocrisy! Let us hope that with this legislation we can do better.

As I said before, I want to concentrate on the Twelve Apostles marine park, and the Arches and Merri marine sanctuaries in my electorate of Warrnambool. The sanctuaries in this bill have remained unchanged from the first bill. There is no doubt this will affect mostly recreational anglers and to a smaller account some of our commercial fishers. However, it was widely accepted in the community that these sanctuaries should remain as recommended by the Environment Conservation Council report. The Twelve Apostles marine park as recommended without any compensation would have destroyed the rock lobster and fishing industry completely at Port Campbell as well as severely impacting on it at Apollo Bay and Warrnambool. Without reducing catch effort we would have seen what happened with the regional forest

agreements happening at sea. A buy-out effort will probably eventually be needed to stop overfishing of the remaining resource, otherwise it will lead to calls for more quotas in the future.

I hear members of the government and others claiming that only 6 per cent — I think it is now 5.3 per cent — of the coastline will be locked up as marine park, but in reality in the Twelve Apostles or Port Campbell area that was probably 60 per cent to 70 per cent of their fishing grounds. Most of the seabeds around Port Campbell where these people fish is actually sand — it is a sandy bottom — and there are no crayfish or abalone in these areas.

However, through intensive lobbying by the fishing communities in the Western District around Port Campbell, Apollo Bay and Warrnambool, and thanks to the honourable members for Doncaster and Sandringham and the Honourables Philip Davis and Carlo Furletti coming down regularly to Port Campbell to listen to the fishermen's concerns, we have come up with a much better outcome.

Originally the Twelve Apostles marine park was to be about 12 000 hectares. This has now been reduced to 7500 hectares approximately. This was an important step, especially having the lines redrawn on the map where the actual piece that was taken out was down near Moonlight Head, which is the main fishing area down there. You could probably have 20 per cent of marine parks around Port Campbell, but unless you put them in the right spot you would wipe out an industry. Johanna is another spot.

With the help of the recreational anglers and the boating club at Port Campbell, an amateur fisherman called Dick Lewis put a lot of work into excising parts of the marine parks where some of the offshore fishermen fish. Gibson Steps has now been excluded, as has a point from Point Ronald to Rivernook, which is an excellent outcome for the fishermen who want to fish off the beach. Most people do not understand that around the Port Campbell marine park the cliffs are 100 feet high and there are only about four spots where you can throw a line in. Having those parts of the park excised for offshore fishermen is an excellent outcome.

I know that everybody is looking at me to speed up. I am pleased that the Twelve Apostles marine park will not commence until 2004 and for the next three years after that the fishermen can get compensation if they do not catch their quota.

In conclusion, as a result of the bill the government will look at the issues over the next two or three years and

commercial fishermen will not have to go out fishing willy-nilly. If the catch is not out there, they can go in early and say, 'The catch is not out there. What about looking at some compensation?'. That is an excellent outcome. Overall I hope we keep monitoring what happens in the marine parks scientifically so that in the future we can look at them and say, 'Yes, this is working'. If it is working that is great, and if it is not, maybe we can change it to suit the circumstances.

Ms LINDELL (Carrum) — It gives me great delight to join the debate on the National Parks (Marine National Parks and Marine Sanctuaries) Bill (No. 2). Today is a momentous day in Victoria; one of which Victorians can and will be proud for a long time.

The leadership of the government in bringing this bill to the Parliament should be commended and the support of the opposition is indeed welcome, but the overwhelming support of the environmental groups and the wider community will see the delivery of a world-class system of marine parks and sanctuaries along the Victorian coast. In every sense it is the Victorian community that is the winner today. While we can stand here and ungraciously try and point-score off each other and make big political statements, we are looking past the real winners — the real reason why we have joined together in this house to support this legislation, and that is because it is overwhelmingly supported by the Victorian community. It is a great piece of legislation, and its legacy for my children and your children and our grandchildren cannot be understated.

Many in the community will argue that the legislation is long overdue, and as the Premier stated earlier, it is the result of 10 years of investigation, consultation and planning that has gone on before and culminated today on World Environment Day. I would like to quote from a letter that I received from Tim Allen — and it is great to see him in the gallery tonight — who is the Victorian coordinator of the Marine and Coastal Community Network. In two paragraphs the entire debate about the establishment of marine parks is outlined and argued. The letter states:

Fishing, whether it is commercial or recreational in nature, targets and removes large numbers of marine organisms across a range of species, particularly larger individuals, and predators near the top end of the food chain. Such impacts cascade through food chains and food webs, changing, and in many cases diminishing the natural dynamics of marine ecosystems. While fishing is a legitimate and important use of the marine environment, it is foolhardy to believe that it should continue everywhere.

Victoria's marine national parks will therefore help underpin the long-term, ecologically viable use of the marine

environment by providing insurance against the effects of management error, providing a buffer against excessive exploitation and providing a baseline for evaluating management of human uses of the sea. These areas are an additional and overdue management tool governing human use in the marine environment.

National Party members who have spoken in opposition to the bill today should perhaps look at marine parks in that light. You cannot simply come along and take fish from a very delicate ecosystem and biosphere and expect that no changes will take place.

Today is a day when we should all go home with our heads held high because we have done what is right. We will pass legislation that protects 5.3 per cent of Victoria's coastline which contains about 12 000 species of unique marine animals and plants. I am proud to have the opportunity to speak on this legislation. I know there has been a lot of debate in rural areas and regional coastal towns about the effects of this legislation, but we do today what is right.

If I can perhaps say something on the National Party's view of how you manage natural resources, it seems to be one that says, 'It is a resource that is there for us to take and take and take and as long as we can continue to take it then we must therefore be managing it appropriately'.

I have a different view. Natural resources belong to the entire community, not just to rural Victorians or coastal Victorians. They are for all Victorians and must be managed for all Victorians, not just for people who live in the rural areas.

Mr PATERSON (South Barwon) — It is a pleasure to contribute to debate on the National Parks (Marine National Parks and Marine Sanctuaries) Bill (No. 2). I will start by commending the honourable member for Warrnambool for espousing the Wagner theory in the house tonight, which I had not heard of before. For those curious about what the Wagner theory is, the best way of finding out would be to read *Hansard*. I also congratulate the honourable member for Polwarth on his ability to get references to FJ Holdens and barn dances into a debate on marine parks!

The Liberal Party supports this legislation, as honourable members now know, and it is largely responsible for the bill in its current form. The bill has had a long gestation period, but the delay has probably been worth it because we now have some eminently worthwhile legislation before us — due significantly, as I said, to the efforts of members of the Liberal Party.

Consultation, unfortunately, has not been the government's strong point on this issue. I suspect it has

consulted widely with environmental groups, as has the Liberal Party; but unfortunately I have to say that fishing groups, which were just as entitled as any other group to receive consultation visits from the government, missed out — in my electorate at least. Torquay Angling Club, for instance, is entitled to feel somewhat disappointed with the treatment it received from the government on the matter. Despite its members sending many, many letters and emails to the minister all they got were simple, stock-standard responses and no detailed attention to the particular points they raised. As we move through the legislative process and celebrate the passage of the bill through the house I put on record the fact that — —

The ACTING SPEAKER (Mr Seitz) — Order! I ask the honourable member for Barwon South to speak up to make it easier for Hansard to record his speech.

Mr PATERSON — Certainly. What an unusual request! Perhaps there is something wrong with the microphones.

I simply want to put on the record the disappointment felt by some of the recreational and commercial fishermen on the Surf Coast at the level of consultation the government made available to them. Nevertheless, I commend the excellent submission they put together, and I mention in particular Paul Rebbechi, the commodore at the Torquay Angling Club, for the work he put into it. I also commend the Surf Coast environmental groups, which have made extraordinary efforts to promote the legislation we now have before us. I cannot name the myriad people who have been involved in those environmental groups, but I will name two more. Ian and Roma Edwards have done an extraordinary job promoting the marine parks concept and explaining it in great deal. They are a dynamic duo in the area and I commend them for their efforts.

It was a pity that we had to go to Mark 2 of the bill. This version should have been Mark 1, but the government in its haste and ignorance botched the legislation the first time around. The efforts of the Liberal Party, however, resulted in the worthwhile amendments in the legislation now before the house.

I congratulate the Environment Conservation Council, the Victorian National Parks Authority, the Marine and Coastal Community Network, the Australian Marine Sciences Association, the local environment groups on the Surf Coast and, as I said, the Torquay Angling Club and the commercial fishermen on the Surf Coast for the efforts they have made and the feedback they have given me as their local member.

There was a reference in the second-reading speech to a marine park fisheries station being established somewhere between Geelong and Warrnambool. In a meeting with the department it was suggested that the station could be positioned further west than my electorate, but I would like to put in a last-minute bid to have it stationed in the Torquay area, where it would be welcome.

Mrs MADDIGAN (Essendon) — I am delighted to stand in support of the National Parks (Marine National Parks and Marine Sanctuaries) Bill (No. 2). Firstly I congratulate the Minister for Environment and Conservation on being the first minister in the history of the Victorian Parliament to have the courage and the foresight to bring in a bill to protect the coastline of Victoria for generations to come. Many people in Victoria are very grateful that she has had the dedication to follow the bill through a fairly tortuous procedure.

I, like many people, was disappointed when the first bill was withdrawn, because it is a great piece of legislation. However, many people are pleased to see it finally getting to a stage where the work they have done will be worth while.

Honourable members interjecting.

Mrs MADDIGAN — I am interested in the interjections from the other side. I am somewhat surprised by the contributions by the National Party today. It is interesting to hear members whose seats are up on the Murray River saying that city members should not have the right to speak about what happens to national parks along the coastline. The seat I represent is considerably closer to the coast than the seats of Murray Valley and Swan Hill. I think honourable members will find that many people in metropolitan Melbourne spend a great deal of time on the coast.

Mr Steggall interjected.

Mrs MADDIGAN — It is interesting that the honourable member for Swan Hill interjects, saying, ‘May I speak?’. It was they who suggested that we should not have the right to speak because some of us do not have a seat with a coastline.

I think there is a bit of hypocrisy there, and perhaps National Party members should think more carefully before they make statements that are not borne out by the facts. Whilst I have a suburban seat, I spend a lot of time down on the coast, and it was interesting that the honourable member for Doncaster referred to Alfred Deakin. Alfred Deakin had a very substantial property

at Point Lonsdale — I am sure his family still does — and I am sure he would be very pleased with the Port Phillip Heads Marine National Park, which will protect a particularly beautiful part of the bay and the entrance, of course, to Port Phillip Bay, and that is where many people from the suburbs of Melbourne holiday on a very regular basis. Indeed, I know some people, even from the country — from Ballarat and Bendigo, in fact — who have holiday homes there, so they have a particular interest in the protection of national parks in that area as well.

I was a little concerned that the honourable member for Bellarine was suggesting earlier — and I believe he has been running this line for some time around Bellarine — that there is some problem with marine national parks and the shipping channels through Port Phillip Heads. Anyone who knows that area, as I am sure a number of National Party members do as no doubt they go there on their holidays as well, will know how narrow the entrance to Port Phillip Heads is, particularly at low tide. The honourable member for Bellarine seemed to be suggesting that marine national parks would make it difficult for ships coming through the Heads. I would like to enter into the *Hansard* record — just to clear this up for the honourable member for Bellarine so he is not under any misconception in the future — this letter from the project director from the Victorian Channels Authority. It is dated 5 June 2002, and is headed ‘Marine National Parks and shipping channels’. It reads:

In relation to the Port Phillip Heads Marine National Park included in legislation currently before Parliament, the Victorian Channels Authority advises that there is no conflict between the alignment of the eastern boundary of the Point Lonsdale section of this park and commercial shipping channels, nor with VCA’s proposed channel-deepening project, which may include removal of rock from the shipping channels.

Now I do not think you could get a more direct and clear letter than that, which states the factual situation in relation to the shipping channels through the Port Phillip Heads. It is a pity, in fact, that the honourable member for Bellarine, who has lived there for many years, did not speak to the Victorian Channels Authority before he gave his views today, and then he could have got his facts right.

This bill protects 3580 hectares, including 13 national parks and 11 marine sanctuaries. Listening to the National Party members debate tonight and this afternoon, one might have thought that the national park extended from the border of South Australia to the border of New South Wales, because from the way they have spoken you would assume you could never catch

another fish along the whole border of Victoria for the rest of your life.

Mr Steggall — Where were you today?

Mrs MADDIGAN — Of course, the area of land we are talking about is not substantial in relation to the whole coastline. Awkward though it is for the National Party — and I understand and, with due respect for the honourable member for Swan Hill, I know the National Party is trying to find a role for itself that is relevant to the next state election, that it is a struggle, and that it has to find a policy difference from the Liberal Party, but I think that in this case it has missed the point.

Many people may not go to a national park every day of the week but they very much appreciate the fact that they are there, and appreciate that there will be areas of conservation that are important to them and to future generations of Victorians and, indeed, Australians. That will add substantially to the tourist potential of those areas and the income of those cities along the coastline.

So I very much welcome this bill; I repeat my congratulations to the minister for being very courageous; I congratulate the Liberal Party for coming on board on this bill — I am delighted that it agrees with us and that it understands that this bill is for the benefit of all Victorians regardless of whether they live in the country or in the city. I am very pleased to be able to support this bill as it goes before the house.

Mr SAVAGE (Mildura) — It is an honour to rise here this evening and support the marine parks bill. I think this is a good idea in principle, and is an issue that is certainly vexed and has caused a large number of people in the state some concern.

It has also caused some positive outcomes in the sense that we are going to preserve some 5.3 per cent of our coastline into marine national parks. I suppose some honourable members have said, ‘Why is the honourable member for Mildura on his feet promoting — —

Mr Thompson — On a point of order, Mr Acting Speaker, this is a very minor point. The audibility of speeches is an important factor for people in the overall chamber. The microphone is not well placed to take the honourable member for Mildura’s voice. So that people are able to hear, it would be appreciated if the honourable member could be directed to speak into the microphone.

The ACTING SPEAKER (Mr Lupton) — Order! I thank the honourable member for Sandringham. He is

correct; it is hard to hear the honourable member for Mildura speaking, so if he could try again.

Mr SAVAGE — I will use the microphone next to me. I think there is a defect in this one and perhaps that can be reported.

I thank the honourable member for Sandringham for showing some interest in the fact that the member for Mildura is on his feet promoting coastline marine national parks.

An honourable member interjected.

Mr SAVAGE — I accept that this is a vexed question. It is something that has caused some division in this state. I am pleased to see that there is some consensus on the issue of marine national parks.

As I have said, only a small area of coastline is impacted. It is appropriate that we determine there are some areas that are no-take zones and there are pristine marine environments.

I have some concerns — and I understand the minister will make some explanatory note of the issue of native title — that if an area of marine national park is exclusive it should remain exclusive. It would not be appropriate for people to be able to access it under some of the extremities of native title. It is my understanding that the bill does not intend to override native title rights, because it is federal law and state law cannot override commonwealth native title legislation. I am a little concerned as to why it was necessary to put that part into the bill, given that it is a right that cannot be legislated against. My concern is based on the issue of the Northern Territory Croker Island case, as raised in the briefing paper on the bill:

... as regards non-exclusive access to the waters and/or to the resource, establishment of native title can allow a whole range of interests and activities, including the harvesting of the resource, and not necessarily harvesting in a traditional manner. Hence, successful native title applications, or maybe even negotiated outcomes, could see exploitation of the natural resources within marine parks ...

I make the point that any claim of that type on a marine national park would have to be based on very significant issues related to cultural activity that preceded the establishment of the national marine park and therefore I do not want to see it as an issue that causes a great division in this community. An issue that has caused some concerns across the state is that if we do not exclude everybody, we are going to have a problem.

Having said that, I am in support of the marine parks now that the issues of section 85 have been resolved. The issue of compensation is not to the satisfaction of all, but — —

An honourable member interjected.

Mr SAVAGE — Yes, I have looked at it. I do not share the view of the National Party, as I do not on a lot of issues. I am satisfied that this is a step in the right direction and I commend the bill to the house.

Mr COOPER (Mornington) — It is a rare moment in this house that I can stand and say that I speak for two members of this place, but I do tonight because my colleague, the honourable member for Dromana, who has a significant interest in this bill, is suffering from the worst disease that any member of Parliament can have, and that is laryngitis. He cannot be heard, so he has asked me to speak on this bill not only on my behalf but also on his behalf. I may take a little longer than the allocated and agreed 10 minutes, but I will be doing it on behalf of two people.

I want to put in a disclaimer: while I will be putting some fairly strong views on this matter, they may not necessarily in total correspond with the views of the honourable member for Dromana. I would not want to condemn him or have him condemned because of what I might say.

The first thing I want to say is that I have yet to meet someone who is opposed to the creation of marine parks. There may well be some people out there in the community who are opposed to marine parks, but I am yet to meet them — and I have met a lot of people. I have also spoken to a lot of people over the telephone. I have corresponded with people, both by snail mail and email, over this issue for the last 12 months. So I would say that when it comes down to having consultation, not just with people in my electorate — and there certainly have been a significant number in my electorate who have been in contact with me over this bill — but people right around this state and indeed people from outside this state, who have an interest in — —

Ms Lindell interjected.

The ACTING SPEAKER (Mr Lupton) — Order! If the honourable member for Carrum wishes to get excited like that, I ask her to do it outside the chamber. It is inappropriate.

Mr COOPER — I have spoken to many people who have an interest in recreational fishing matters, so I can say that I have had significant consultation with a

large number of people. I am certainly not the only pebble on the beach in that regard. I know that members throughout this house have been contacted in number by large numbers of people arguing both sides of the case.

That is the point that I want to make most significantly tonight — that there are two sides to this issue. This is not a black and white issue. This is not one where you can draw a line and say that all the arguments on this side are right and all the arguments on the other side are wrong. A lot of what is being said and has been done about the passing of this bill and the initiation of it into law will be borne out by what we see happen in the future. While I heard speakers in support of this bill, led very capably on our side by the honourable member for Doncaster, advancing the significant body of scientific evidence that supports the case put forward by the government in the preparation of this bill, it must also be acknowledged that there are people who are saying that the scientific evidence is flawed and does not support what is proposed under this bill.

What we are talking about here is whether marine parks should be no-take zones — that is, locked-up areas — or multipurpose parks and whether recreational fishing should be allowed in those parks.

So the questions being put by me tonight should not be interpreted in any way other than questions that need to be answered. Hopefully, they will be answered by the Minister for Environment and Conservation in her summing up of the bill tonight, but if they are not to be answered by the minister tonight, they certainly need to be answered before this bill becomes legislation because they are important questions indeed.

I have not heard too many people in this debate mention the arguments that have been advanced by those who say that the model is flawed; that the Victorian government should be moving in the same direction as that followed by other states in this country, and indeed by other countries in this world, which have put in place multipurpose parks. It is my understanding that what we are debating tonight is the creation of a world first. Therefore we need to pay some credence to those who say that it is not going to achieve what it sets out to do. As I said before, the proof of the pudding will be in the eating: as we see the parks created, we will see whether what is being advanced is correct.

I draw to the attention of the house a paper that was prepared by a Dr C. M. Barton, headed 'Evaluation of the validity of the proposal for the introduction of marine parks'. Dr Barton is not just some bloke who lives down the road in a shanty. He has significant

credits to his name. He was a senior and principal research scientist with the Commonwealth Scientific and Industrial Research Organisation and he worked on coastal sediment movement studies in western Victoria and an offshore drilling and stratigraphic analysis in Western Port Bay.

He is also a very keen angler, but he is involved as a former president of the fish protection society. So he is not a person who has an axe to grind on one side or the other. But he does say — and this is his opinion:

The proposal for legislation to introduce the marine parks has been examined. It is concluded, with some regret, that the main provisions are founded on unsound and unsubstantiated principles. The draft proposal foreshadows legislation that is out of step with practices throughout the rest of Australia and requires a major independent reworking.

A footnote on the final page of his evaluation says:

The Great Barrier Reef marine park and heritage area has 12 zones including no-take sanctuary areas of around 4.6 per cent of the total and is one of the most famous and well respected models in existence anywhere ...

I make no comment on that other than to say here is one person who in fact comes out and questions, as he says, with some regret, whether or not this model is right.

I also received a copy of the letter written to the *Age* by Mr Daryl Sykes, who I assume has a company called Power Squadron Marine Management. Mr Sykes has 40 years of practical experience in commercial fishing and in fisheries research and management. He says in this letter, which he wrote to the *Age*:

The claims made in relation to increased tourism are not sustained by a close examination of the facts. Nor are the claims made that marine reserves account for increased size and abundance of other fish species.

He goes on to say:

In the New Zealand experience the designation of an area as a no-take reserve is an invitation to fish thieves, not a deterrent.

The honourable member for Dromana has just passed me a note telling me that I should mention again that he has laryngitis and cannot speak. If he had been here at the beginning of the debate he would have heard me say that at the beginning — I led with the honourable member for Dromana! Nevertheless, I am delighted to again register the fact that the honourable member for Dromana is politically maimed and therefore cannot join this debate.

Mr Sykes makes this point in regard to his experience of marine parks over in New Zealand. I just leave that to honourable members to ponder and consider because these are matters that we should understand in this

debate and that should be brought out. There should not be just one side of the argument dropped over here and a barrage of arguments when there are people with genuine concerns and people who are genuine conservationists in their activities in marine areas who say that they are all for marine parks but they have a big doubt as to whether or not the marine park model we are considering will in fact deliver what the government says it will.

I want to perhaps finish on that note, but in the few minutes left to me I want to talk about two issues of significance to my part of the world, the Mornington Peninsula and Western Port Bay. The issue I want to concentrate on particularly is that of compensation and its impact on two areas. The first impact is mentioned in the bill and the other is totally ignored by the bill. The one mentioned in the bill is the compensation provisions for charter boat operators. It is all very well for the bill to talk about compensation for charter boat operators. In the electorate of the honourable member for Dromana there are 18 of these that operate on the southern peninsula, and they bring in about \$2 million in revenue to the peninsula into places like Sorrento and Rye and other small towns in the electorate. These are not insignificant businesses.

What will happen, according to these charter boat operators, is that the areas that they take their clients to will be no-go zones under this bill. What the government seems to be advancing is that if the operators do not take them to these areas they can take them somewhere else. When people advance the argument that it is all right because they can just drive off in their boats in a different direction and people can sling their lines over the side, that everything will be all right because fish are everywhere, they do so from the point of view of total, complete and utter ignorance. That is not what happens, particularly in Port Phillip Bay.

Fish congregate in particular areas and the charter boat operators' business depends upon them being able to take their customers to a place where they can put the line overboard and catch fish. If a charter boat operator takes people on board, they pay their money and he takes them off somewhere and they do not catch fish, that operator will not see those people again; they will go to another charter boat operator who will be able to take them somewhere to catch a fish. These charter boat operators have expertise in particular parts of the bay, and very small parts because they have been working them for years with their clients.

So what the honourable member for Dromana and I are being told by these charter boat operators is that most of

them will probably be out of business within 12 months, possibly within six, once this bill comes into operation, because their fishing areas will be taken away from them. That is fine if that is the decision of this Parliament and this government; and if these areas are declared no-take zones these charter boat operators will go out of business. That is fine, but what about the compensation?

Have a look at the compensation provisions in the bill. They simply will not get compensated. What has been put in this bill regarding compensation for charter boat operators is a furphy and a nonsense. The operators are not fools; they have read the bill; they understand this. They are saying to the government, 'Hang on, what about some fairness and equity around here? These are our businesses. We have invested huge sums of money in boats. These are the businesses that bring money in that puts bread on the table and puts shoes on the kids and educates them and provides for our retirement'. According to them it will all be removed.

I am no expert in this area, but I say to the minister that she needs to pay some attention to this because we have 18 small operators who are saying they will be done in the eye by this legislation. I really hope they have got it wrong. The minister will have an opportunity when she sums up the debate tonight to give some pledges, commitments, firm promises and some guarantees to these small businessmen who are saying to her and her government, 'We want equity. We want fairness. We want justice'. That is what they want, and I am here to argue for them tonight. I am not here to argue against the creation of marine parks; I am here to argue for fairness, equity and justice for people who will be badly affected by the implementation of these marine parks.

I also want to argue for the plight of some small towns around the coastline of Victoria which will be put out of business in many respects and which do not get a solitary mention in this bill. I direct the minister's attention — if she would like to get in her ministerial car and have her driver take her — to the town of Rhyll at Phillip Island. I invite her to talk to a few people in Rhyll. She will be very welcome, because they want desperately to talk to her. The people who run the caravan park — —

Mr Savage interjected.

Mr COOPER — Yes, I am going to vote for the bill. I just told you that!

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Mildura will not use that language in the house.

Mr COOPER — I am raising some questions here on behalf of the people in my electorate, and the honourable member for Mildura is just blabbering on at me and distracting me from putting their case to this house. This is important and I do not think he should be treating the people I am representing here tonight with the gross disrespect that he is.

I direct the minister's attention to the operators of the caravan park, the general store, the boat repair business and the fuel supplier in Rhyll, all of whom are saying that their fishing grounds and their recreational fishing areas will be affected significantly by the provisions of this bill. In fact I was told only the other day that forward bookings for the next summer season at Rhyll are already down 40 per cent from this time last year, because people are saying, 'We will go somewhere else to do our recreational fishing'. Rhyll and the surrounding area will be off the map.

There needs to be some recognition that Rhyll, again, is not the only pebble on the beach. Many of these places around the coastline of Victoria will be similarly affected, and their problems, their concerns and their futures should be addressed by this government — not ignored.

The minister may well stand up and tell me and the house that there is a clause buried somewhere in the bill that says there is a ministerial discretion as to whether or not people can be compensated and that people can make an application to the minister to be compensated. If she tells me that I am prepared to accept it — as long as it is in *Hansard*. I also want her to talk to the people who run businesses at Rhyll and elsewhere and say to them, 'You will not be forgotten. You will not be overlooked. You will not have to pay the price of going out of business and going bankrupt because of this bill'. That was the argument the Liberal opposition mounted in this house last year, and that is the argument being mounted again today.

I do not want anybody on the government side standing up after I have sat down and saying that I spoke against this bill or against the creation of marine parks. I am not speaking against the creation of marine parks, but I am saying that there are things in this bill that need to be addressed before any further action is taken by this government to implement it.

It looks like I might finish my contribution under time, which will please at least one of my colleagues who gave me a bit of a talking to earlier, saying, 'Don't talk for any longer than 10 minutes!'. I am sorry I have disappointed him, but as I said earlier I am speaking for two people, so it is a case of speaking for only

10 minutes for me and 10 minutes for the honourable member for Dromana.

Much has been promised by the proponents of this bill regarding fish stocks being significantly increased and the general marine environment being improved. They are things all of us would say would be wonderful to achieve, and I support them fully. But we must ensure that what we are being told is right and that regular assessments of the impact of marine parks come to pass. I would plead for an independent assessment every 12 months — and not by the bureaucrats of the Department of Natural Resources and Environment, because I do not think too many people, particularly those in the recreational fishing area, would be too happy about that. There needs to be a genuinely independent assessment of the impact of these marine parks on environmental improvements and fish stocks, and the results need to be made public so that as the years roll by we can all see that the promises made by this legislation are kept.

Only through such assessments, as a previous speaker said, will we bring the community with us on this bill, because if the community and the recreational fishermen and others who are impacted on are not with us in supporting it, it will ultimately fall into disrepute and simply fail.

There are many more things I would like to speak about, but unfortunately time is against me. However, I ask that the minister pay significant attention to the two matters I have raised regarding compensation — that is, compensation for charter boat operators and compensation for affected coastal town businesses — and to respond on them when she sums up the second-reading debate.

Mr TREZISE (Geelong) — In the short time I have available to me I stand to support the National Parks (Marine National Parks and Marine Sanctuaries) Bill (No. 2). As we have heard from both sides of the house, this bill is the result of more than 10 years consultation, commencing with the work of the Land Conservation Council in 1991. Since I was elected in September 1999 this has taken up more of my time than any other issue — and that is fine, because we are debating a very significant bill.

In the past two years I have spent much time listening to parties on both sides of the debate, and I have also spent many hours listening to and learning from fishing clubs and fishing organisations within my electorate of Geelong and within the Greater Geelong region. I have spoken to individuals such as Horst Pheiffer, Mick Veitch, Geoff Wilson and Alan Ridgeway. I have also

met with organisations representing the commercial interests of professional fishermen in the Geelong area, including the Seafood Industry of Victoria. I have met with Geelong-based professional fishermen and — given the company we are keeping in this house tonight — traditional Geelong families such as the Katos and Mantzaris families, both of which are steeped in fishing history in the Geelong electorate.

I have also met on numerous occasions with various local environmental groups who from day one have supported the full introduction of marine parks. As the honourable member for South Barwon mentioned earlier, I too have spoken to people such as Ian Edwards, Trevor Pescott and Joan Lindros. I am far from Robinson Crusoe as far as extensive consultation goes, and I say in fairness that many members of Parliament from both sides of this house have spent many hours consulting on this issue, including of course the Minister for Environment and Conservation. I commend her for the hard work she has done in performing tirelessly over the past two years. Through this extensive consultation changes have been made to the earlier legislation. As far as I am concerned these amendments are amendments for the better, and they are a result of this government listening to the concerns that were raised.

From a recreational angler's point of view I know the amendments will not totally meet some of the concerns raised with me by the fishing clubs and fishing organisations within the region, but I can genuinely say that the amendments will go a long way towards addressing many of the issues raised with me by individuals within the electorate. For example, the boundary changes in and around Port Phillip Heads will exclude a 300-metre-wide passage between the Swan Bay jetty and the entrance to Swan Bay and part of Lonsdale Bay. It must be noted that 98 per cent of Port Phillip Bay, including Corio Bay, is still open to anglers.

In mentioning Corio Bay, a sideline concern is the fact that land-based anglers in Geelong are slowly but surely losing access to wharves to fish off. Commercial wharves such as Lascelles Wharf and Corio Quay are now out of bounds, and Cunningham Pier has restricted access. Fishermen now have access only to a single jetty off Western Beach. However, the upside to this is that the Bracks government has spent more than \$1 million on upgrading the boat ramp at Limeburners Point.

In conclusion, I well realise that the establishment of marine parks has been a controversial and emotional issue. I genuinely believe, however, that the

government has listened to the concerns that have been raised and addressed them in amending its legislation. The bottom line for me is that the creation of the marine national parks and sanctuaries is the right thing to do, not only for this generation but for generations to come. With that short contribution, I commend the bill to the house.

Mr ASHLEY (Bayswater) — Coming to this bill is a very interesting experience for me, because I have a certain diffidence about it. Not all my concerns are resolved, but having said that, there are issues in it that are so deep and so profound that it has my support. As one of those who live away from the coast but not in the country, I am perhaps an unusual member to be speaking on this bill. However, Bayswater has nothing to do with the bay.

Mrs Peulich — A misnomer?

Mr ASHLEY — A misnomer entirely. Having said that, rainfall from the Dandenong Ranges makes its way down the twisting Dandenong Creek and to the bay. In the old days it was a pristine stream that delivered into the bay the nutrients and organisms that were natural to it. They would have fed part of the fish stocks and the aquatic life of the bay at the point of entry.

What happens now is that that degraded stream feeds its poisons, its exotic pests and all the rest into the bay, which consequently has an effect upon the aquatic life of the bay at that point. The point I am making is that every stream that releases water into the bays and onto the coasts is having an impact on marine environments, whether we lock them up or whether we do not.

The first time around I could not have supported the bill in any way. I felt it was deeply flawed, but that does not say there was not a lot of merit in it nor that a lot of wonderful work was not done in the 10 years leading to its introduction. The government has acknowledged that the bill had serious flaws. The opposition has put its best foot forward in helping to overcome that and turn it into a Mark 2 marine national parks bill.

It is great to be here on World Environment Day and to be able to support the bill. Despite its ham-fisted nature and despite the fact that as a bill it put the cart before the horse in all sorts of ways — it was worked from the top down, as other honourable members have said, although having said that, there is nothing new about that in this place — and despite my misgivings about it, I support it.

I want to articulate my misgivings. I, too, am concerned about compensation issues. I am not convinced that the

available compensation package will satisfy what could be the catastrophic needs of even some recreational fishers who live adjacent to the coast but have little money so that they supplement their dinners once or twice a week with fish they have caught.

The problems of compensation have been well and truly outlined by members of the National Party and the honourable member for Mornington, in particular. Those things must be addressed as we go down the road or we will need to revisit the legislation.

My second misgiving results from the tendency in Australia for what can be only called a kind of purism that does not exist in many parts of the world. It is a kind of deep green fundamentalism which in some ways leaks through in different shapes or forms. One of the forms it takes in this country is that national parks somehow must not have any human activity occurring in them.

That is a peculiar notion to most of the rest of the world. Across the globe the philosophy of national parks takes human habitation and the effects of human habitation seriously. In most parks — I am talking about terrestrial parks in particular, as that gives the lead-in to the kind of rationale that is built around them — human habitation and human activity are confined to the kinds of cropping, house building and materials traditionally used. That is a totally different approach to what a national park may be about from our approach.

Concerning terrestrial and marine parks, our approach tends to be: lock them up and lock them out! There may be virtue in this, but it is not entirely one way. It is a strange position to adopt if you simply dispense with all human activity from the world's parks and sanctuaries.

I am also concerned about the thinness of the management strategy that underpins this legislation. I certainly believe there has to be a lot of beefing up of that management strategy, a lot of taking of statistics and a lot of accumulation of data if we are to have something that will stand up to criticism and be respected around the world.

There is also a lack of initial baseline research and development primary data on things like fish stocks, the degree of biodiversity and the state of the ecosystems around the coast. Those, it seems to me, are matters that need to be built on, and built on rapidly. There is also a very important weakness in the fact that there is an absence of control groups to validate empirical studies and hypothesis testing. Once the no-take conditions take effect we will not have the capacity for correlative

analysis, because we have not said, 'Let's set aside at the very least two parks for recreational fishers to practise their art and skills by traditional means, not necessarily by high-tech means, and let's look at the consequence of their being there. Let's make and compare our studies with the no-take parks'. That is a fundamental weakness to set out with from the very beginning. It is a serious weakness because you cannot know where you are going in terms of securing sound replicable research and development results.

Beyond that there is an even greater gaping hole in our fundamental understanding — the almost total absence of a meaningful frame of reference. That is why we now find ourselves moving in the direction of the bill, because when it comes to oceans the only frame of reference that is meaningful stretches for hundreds of years.

When Christopher Columbus went to the West Indies it is said his boats were basically borne ashore by turtles — the turtles were so plentiful that they carried his boats ashore! Over 200 to 300 years the turtles were gradually consumed by the consequences of the formation of sugar plantations and the slave trade. The slave owners fed the slaves on turtle meat for 200 to 300 years. The effect of that was that it wore down the biomass — not just the biodiversity but the biomass — of the Caribbean.

It is this issue of biomass as much as biodiversity that is critical to the future of our coastal areas. We need to ensure that we are taking data, respecting that data and building it up in relation to the impact which increasing the biomass has upon biodiversity and then upon the health of the whole ecosystems there.

I support the bill because the wider frame of reference that we do not have but have only by anecdotal evidence forces us to take seriously the fact that we must build up biodiversity through biomass protection. I commend all those who have been involved in the preparation of the bill and got it to the stage it is at, if only in an embryonic form. I support the bill.

Ms DUNCAN (Gisborne) — I am excited to be able to speak on the bill. I congratulate the people in the public gallery who have sat through the debate, tortuous as it has been at times. It has been interesting to listen to members of the Liberal Party speak on the bill. It is hard to tell whether they have been speaking for or against it. It is an example of the Liberal Party wanting to have a bob each way, through saying, 'Yes, we support it, but'. It has been fascinating to listen to the debate.

Mr Perton interjected.

Ms DUNCAN — It has been interesting and illuminating to listen to the contributions of members of the Liberal Party.

Mr Perton — You haven't been in the chamber; you don't know.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Doncaster is getting excited.

Ms DUNCAN — I believe the honourable member for Mornington was getting into some scaremongering when he referred in particular to the township of Rhyll. I acknowledge that he said he hopes that it is not the case, but I think he said most of the businesses there will be bankrupt within six months, or certainly that was his fear. But the area to be covered by the marine national park there is small. The entire national park system is taking approximately 5.3 per cent of the total coastline. It is extraordinary to hear people making comments about the scientific studies not stacking up on the basis of such a small area of park. As I said earlier, the honourable member says, 'I support the bill, but ...'. That does not stand up on the part of the Liberal Party.

I refer to some of the scientific studies and the support for marine national parks. More than 115 of Australia's PhD marine scientists, 40 of them being Victorian marine scientists, backed the former Environment Conservation Council's recommendations for fully protected marine national parks in Victoria.

Ms Beattie — That's not science.

Ms DUNCAN — That is not science, no. The honourable member for Mornington may be interested to hear that the figure includes 13 professors, 11 associate professors and 93 PhD marine scientists drawn from marine biology, marine ecology, fishery science and marine resource management. But what would these people know? They would not have a clue! I raise that for the attention of the honourable member for Mornington.

In regard to the opposition that the National Party has expressed for this legislation — and I can understand its philosophical objection to that — it would be a wonderful thing if we could bring everybody on board and have everybody agreeing completely with any of these substantial changes to natural resource management. Unfortunately I suspect that we will not live as long as that, nor will the marine environment.

We are asking some of these people to put the environment ahead of their own self-interest. That is a difficult thing for many people to do. I am not suggesting that it is not difficult, so it would be a best-case scenario if we could bring everybody along and we could all be in agreement, but I do not think we can wait that long.

In regard to world firsts, there are other marine national parks around the world. As a member of the Environment and Natural Resources Committee I had the privilege of visiting New Zealand and in the course of that visit we looked at one example of the marine national parks there. I wish I could recall the name of the scientist who addressed us that day. Perhaps the honourable member for — —

Mr Mulder — Dr Bill Ballantine.

Ms DUNCAN — I thank the honourable member for Polwarth for reminding me.

Dr Ballantine's introduction and explanation of the marine parks in New Zealand was absolutely breathtaking. If you never supported marine parks, you certainly would after listening to this gentleman. The point he made was that whatever benefits you think are going to be derived from marine national parks, double them. The benefits the New Zealand people saw as a result of their marine national parks were beyond their wildest dreams. They were overwhelmed by the improvement in the whole range of species and by the improvement in the habitat. The recreational fishermen who happened to hover around the outskirts of that national park were pretty thrilled with the increases they experienced in their fisheries. I see the honourable member for Polwarth nodding in agreement. It was a fabulous thing to see.

If we get half of those benefits, and I am sure we will get more than that, then this is an absolutely worthwhile bill. I do not know why people have to take a bet each way. They say, 'Yes, we support it, but we are not quite sure about the science'.

I support this bill completely. I also congratulate the minister for her perseverance and persistence against very difficult lobbying. Some of the nastiest emails I have ever seen have come about as a result of this proposal. I also congratulate the minister's staff for all of their work and for coping a lot of the flak that has come about. I am very pleased and proud of the Bracks government for delivering this bill and I absolutely commend it to the house.

Mr DIXON (Dromana) — There is a lot I would like to say, but I cannot, since I have almost lost my voice. I will make three quick points.

I have concerns for the compensation of charter operators because there is provision for it in the bill and it needs to be measured on the costs to their business, not on their extra costs. They will lose some business and that is where the compensation must come from, not on extra costs they incur.

With the monitoring in the bill, that is very sketchy. It is very important that this monitoring is thorough and independent and comes from a baseline that needs to be established before November this year.

I have concerns about the safety aspects of Nepean Bay. The charter operators and recreational fishers who use that area must be given the benefit of the doubt if they are sheltering in or traversing that area and have fishing tackle on board. That is a very safe spot for them, but they will not be able to fish there once this bill goes through. We need to give them the benefit of the doubt because of all the safety aspects of Nepean Bay.

Finally, and on a positive note, we can compensate the recreational fishers by providing better access to their current fishing grounds and to new fishing grounds, by improving fish stocks in the bay and by providing artificial reefs. Because they will be missing the best fishing spots we need to compensate them in that way too.

Ms BEATTIE (Tullamarine) — I am not sure how I follow the eloquence of the honourable member for Dromana; however, I will make an attempt.

It gives me great pleasure to speak on this bill, especially on World Environment Day. The Minister for Conservation and Environment has been very anxious about this bill, and so she should be. There has been a bit of an attempt to rewrite history here tonight. It has been fascinating to watch. In all the years of the Kennett government, where was the marine parks bill? I did not see it at all.

This bill was blocked in the house the first time it was presented. The honourable member for Doncaster has been praised here tonight, and I praise him myself because he is a very progressive man, but he could not deliver it. The opposition had to resort to the elder statesman of the Liberal Party, Sir Rupert Hamer, to come in on his white charger, assist the honourable member for Doncaster and drag it to the table with this bill. I congratulate the elder statesman of the Liberal Party for doing that. Obviously people with attitudes

like troglodytes need to have their heads banged together sometimes.

I also thank the people who have selflessly given their time to ensure that this bill passes through the house. I acknowledge the minister, who has done a splendid job in very trying circumstances. This minister is committed to the environment. She is so committed that she has shown the political will to get this bill through the house.

Mr Wynne — History will judge her.

Ms BEATTIE — She has not given up, even when all the odds were against her. She knows that this bill is right for the future, and so does this side of the house. The government is committed to putting new field officers out there to check on things.

Finally, I acknowledge people from the Victorian National Parks Association. It is with particular pleasure that I note that one of my old colleagues, Mr Mick Fewdley, has been involved in developing the legislation. He, like me, is committed to the environment. I am pleased to announce to members that as part of my commitment — and as part of the minister's commitment — on Saturday I had the pleasure of handing back 113 hectares to the Woodlands Historic National Park. Having said that, the bill is the right way to go.

I heard the honourable member for Wimmera talking about 100 people in his electorate and somebody else from the National Party talking about people in his electorate. That is fine, because representing people in their electorates is what they have to do. But this bill is for the greater good. This is a world first. It is not just about Victoria, because the water does not stop at the edge of the state!

The bill addresses the health of the marine environment around Australia, and I congratulate the minister on her achievement. I wish the bill a speedy passage.

Ms GARBUTT (Minister for Environment and Conservation) — The passing of this legislation represents a significant and historic moment for this house, because it has endorsed a world-first environmental initiative. While the creation of marine national parks is not new, the creation of a system of 13 marine national parks and 11 marine sanctuaries along the coast is new. This is a world first in terms of the representative nature of the parks and their size and diversity.

By now, of course, most members of this house and most Victorians will have an increasing awareness of

Victoria's marine environment. The level of diversity is extraordinary and is worth protecting for the future. Approximately 95 per cent of the species found in our proposed marine national parks are found only in Victoria, which is something worth protecting.

This initiative has been lauded around the world. In fact I have received messages from around the world from distinguished scientists and conservationists praising what we are about to do. Dr Sylvia Earle, *Time* magazine's first Hero of the Planet, said:

These parks will be a treasure for all Australia, for all of the world.

Professor David Bellamy said:

You've done it. Absolutely fantastic. Now watch the rest of the world follow.

Of course there are many keen supporters across Victoria. What is about to take place here tonight is not only significant for us but is also a great gift to our children, our grandchildren and all Victorians in the future. It is something that all Victorians can be proud of.

In thanking honourable members for their contributions I will make a few comments on the issues they raised. We will have to agree to disagree with members of the National Party. I do not believe the National Party has ever supported a national park, marine or terrestrial. The government thinks they are good; the National Party clearly does not.

What has been disappointing is its portrayal of all country Victorians as being opposed to national parks, particularly marine national parks. That is not my experience. The government believes there is strong support for this from all country Victorians. Whether in South Gippsland, along the Bellarine Peninsula, in Geelong or along the West Coast, there has been strong support for our marine park proposals. There is not the rural-city divide that the National Party has made out there is.

The Liberal Party supports the bill. There has been a veneer of support all along, but I think the debate tonight has shown that some divisions still exist. I congratulate the shadow minister on moving the bill through his party room and for finally delivering it. However, it is a bit rich for the honourable member for Doncaster to try to rewrite history. This is a government initiative — —

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

Sitting continued on motion of Ms GARBUTT (Minister for Environment and Conservation).

Ms GARBUTT (Minister for Environment and Conservation) — This initiative is a Labor government election promise. Our passion and commitment and the support of all Victorians have seen us get to this stage.

One argument concerned the native title references in clause 19. That provision simply states the law that state legislation cannot override commonwealth legislation in relation to affecting native title rights and interests. It is included in the bill simply to acknowledge our obligations under the Native Title Act and to state our desire not to unintentionally interfere with native title rights and interests. There is no prospect of commercial fishing occurring under the guise of a native title claim.

Much was made of the division between multipurpose parks and no-take parks. There were claims and indeed quotes about multipurpose parks being the way to go and about no-take parks having no scientific validity. I refer those members to the Australian Marine Sciences Association of Victoria position statement. The association strongly backed no-take parks, stating:

AMSA is convinced that the proposed number and placement of no-take marine national parks is not arbitrary but based on defensible arguments, detailed technical information and solid evidence. Extensive data on the distribution of marine animals and plants, patterns of coastal environments and use of resources, accumulated by a well-respected marine science community, are the basis of the decisions of the ECC.

Furthermore, marine scientists around the world have backed no-take parks over multipurpose parks. I refer members to a press release headed 'Leading marine scientists release new evidence that marine reserves produce enormous benefits within their boundaries and beyond', dated 19 February 2001:

Today at the American Association for the Advancement of Science (AAAS) meeting in San Francisco, past president Dr Jane Lubchenco will release a scientific consensus statement signed by 150 of the world's leading marine scientists declaring that there is no compelling scientific evidence that marine reserves conserve both biodiversity and fisheries, and could help replenish the seas.

It goes on to point out the distinction between no-take parks and multipurpose parks and clearly favours no-take parks as the ones that best protect marine biodiversity and, interestingly, the fishing industry. So the evidence from around the world is clear that marine no-take parks, marine national parks, are the ones that best achieve the results we want, both for the industry and for biodiversity.

I turn to arguments about charter boat operators and other people who might be affected. We have put in place a fair and balanced system of compensation which has been supported by the Liberal Party. Charter boat operators were particularly mentioned. We believe, first, that in Port Phillip Bay, where less than 1 per cent of the bay is to be protected, there certainly will not be a major impact on the charter boat operators. Amendments have been made to the proposed marine national park on the Queenscliff side to allow the charter boat operators further access.

The government will also give charter boat operators access to compensation for increased costs, and it will be working — as I said in my second-reading speech — with any affected businesses and communities to address any other impacts.

People should also be aware of the great opportunities that will arise from marine national parks — not just jobs as park rangers and managers of marine national parks, but also the opportunities for tourism, science and research that will open up for all coastal communities.

Park management and monitoring were also raised as issues in debate. The parks will be managed by Parks Victoria. Management plans will be put in place and about 20 park management jobs will be created along the coast. In addition, the community will have input into those management plans. Of course, there will be monitoring — that is included quite specifically in our package and in our announcement. Bunurong Marine Park is an already existing example of the great outcomes that can be achieved where there are no-take provisions, and the monitoring there has produced some great scientific support for marine national parks.

I thank the people who have been involved in the long journey to achieving marine national parks. It began with an idea from a group of environmentalists around the Bellarine Peninsula 10 years ago and was subject to 10 years of inquiry and public consultation by the Land Conservation Council and the Environment Conservation Council. Within the ECC I thank Professor John Lovering, Eda Ritchie, Jane Cutler and the staff, and Shane Dwyer, all of whom have witnessed many of these arguments and discussions and some of whom are here tonight to see this historic vote of the house.

I congratulate those groups that have pushed for a decade to get this outcome: the Victorian National Parks Association; the Australian Conservation Foundation; the Marine and Coastal Community Network and in particular, of course, Tim Allen who

has witnessed the debate tonight and each of the debates we have had; and a very broad church of individuals and groups throughout Victoria who have maintained their commitment and their persistence to get this outcome. All of those groups should be very proud of their efforts. We are leaving a great legacy for our future generations.

I also sincerely thank the Department of Natural Resources and Environment officers who have been involved: Rod Gowans, Doug Hooley and Joan Phillips, who have spent many hours on this effort. I thank them for their commitment.

To my staff as well, who have stayed with the issues through thick and thin and are here tonight to see it go through: thank you. This is a great outcome, something that all Victorians will thank us for. We in this house tonight should be very proud.

Honourable members applauded.

The ACTING SPEAKER (Mr Nardella) — Order! Clapping is disorderly.

House divided on motion:

Ayes, 80

Allan, Ms	Lenders, Mr
Allen, Ms	Lim, Mr
Asher, Ms	Lindell, Ms
Ashley, Mr	Loney, Mr
Baillieu, Mr	Lupton, Mr
Barker, Ms	McArthur, Mr
Batchelor, Mr	McCall, Ms
Beattie, Ms	McIntosh, Mr
Bracks, Mr	Maclellan, Mr
Brumby, Mr	Maddigan, Mrs
Burke, Ms	Maxfield, Mr
Cameron, Mr	Mildenhall, Mr
Campbell, Ms	Mulder, Mr
Carli, Mr	Naphine, Dr
Clark, Mr	Nardella, Mr
Cooper, Mr	Overington, Ms
Davies, Ms	Pandazopoulos, Mr
Dean, Dr	Paterson, Mr
Delahunty, Ms	Perton, Mr
Dixon, Mr	Peulich, Mrs
Doyle, Mr	Phillips, Mr
Duncan, Ms	Pike, Ms
Elliott, Mrs	Plowman, Mr
Fyffe, Mrs	Richardson, Mr
Garbutt, Ms	Robinson, Mr
Gillett, Ms	Rowe, Mr
Haermeyer, Mr	Savage, Mr
Hamilton, Mr	Seitz, Mr
Hardman, Mr	Shardey, Mrs
Helper, Mr	Smith, Mr (<i>Teller</i>)
Holding, Mr	Spry, Mr
Honeywood, Mr	Stensholt, Mr
Howard, Mr	Thompson, Mr
Hulls, Mr	Thwaites, Mr
Kosky, Ms	Treize, Mr

Kotsiras, Mr	Viney, Mr
Langdon, Mr (<i>Teller</i>)	Vogels, Mr
Languiller, Mr	Wells, Mr
Leigh, Mr	Wilson, Mr
Leighton, Mr	Wynne, Mr

Noes, 6

Delahunty, Mr (<i>Teller</i>)	Maughan, Mr (<i>Teller</i>)
Jasper, Mr	Ryan, Mr
Kilgour, Mr	Steggall, Mr

Motion agreed to.

Honourable members applauded.

The SPEAKER — Order! I ask honourable members to desist.

Read second time.

Ordered to be committed later this day.

CRIMINAL JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 9 May; motion of Mr HULLS (Attorney-General).

The ACTING SPEAKER (Mr Nardella) — Order! As the required statement of intention has been made pursuant to section 85(5)(c) of the Constitution Act 1975, I am of the opinion that the second reading of this bill requires to be passed by an absolute majority.

Dr DEAN (Berwick) — This bill concerns the project referred to as the Pathfinder project. It was the brainchild of the then Attorney-General about two or three years ago, and it was a very bold move. It was about a desire to modernise the litigation system by bringing it into the 21st century and to introduce new technology into the court system.

I can assure you that at the time the project was first voiced, many in the judiciary and others were quite concerned about it. It was an attempt to take a giant step in a short time. I was very pleased at the time, being her parliamentary secretary, to be asked by the Attorney-General to head up the committee which was to spearhead the Pathfinder project.

What was the Pathfinder project? Basically it was about a desire to rationalise the justice system — something that had not been attempted for a hundred years. One of the problems facing the system was that in this modern day and age we still had separate units doing separate things and separately collecting information, which,

even though the system operated as a whole, meant that there were inconsistencies and problems with information transfers and usage.

For example, the name and details of a person arrested by the police would be included in a separate police information bank, if you like, on hard copy. If that person then went to court, the court system would start again and take that person's name and details and therefore have its own information on him or her. Then if the person was unlucky enough to be convicted, the corrections system would start again. Of course if the name was spelt incorrectly or the information on each system was different because, say, the person just decided to give different information, when the police spoke to the corrections system or the courts spoke to the police, it was as if they were talking about two separate people. There was no flow of information, and there was no rationalisation of the whole process.

Quite rightly the courts' concern was that if we become part of an information or IT flow whereby the name of the person arrested by the police could later be transferred to the court system and then later be transferred to the corrections system, it would look as if we were just part of an overall information flow affecting people's rights. 'But we are the courts, and we are quite separate. We do not want to know about the police, and we certainly do not assume that someone is going into the corrections system, so we do not want to be part of this. We want to be separate'. That was a very important consideration. Part of the object was to create such IT barriers and Chinese walls to ensure that the judiciary was confident that it was not somehow being made part of a greater system but was still entirely independent.

After discussions with me and with others from the Pathfinder project many of the judges realised that today information technology could achieve these ends and still transfer information throughout the entire justice system. But I understand entirely why it took some time.

However, it was not just about the flow of information. It was clear that, particularly with criminal prosecutions, there was an enormous amount of time wasting and an enormous amount of inefficiency. It was quite novel for the Attorney-General, the judiciary and the justice system to bring in people from Peat Marwick. Although they did not understand, if you like, the nuances of the judicial system, they understood information flows and economies and efficiencies. So they were brought in as partners, if you like, with no preconceived ideas to try to modernise the legal process from the outside.

I want to make the point at this stage that Peat Marwick did an absolutely marvellous job in suggesting all sorts of new processes and philosophies and so forth to get this system up and running. If the house looks down now at what this bill does — and it is the second or third bill in a process of bills to implement Project Pathfinder — and examines the changes they are making it can see that someone from outside has looked in on the system and said, 'These changes can be made to make it more efficient'.

The provision for the electronic transfer and update of the prosecution brief, if you think about it in a modern age, is an obvious one to include. The defence wants to know as soon as possible what the prosecution's case is. Why should it wait until the committal or even later to get the prosecution brief as a bundle of papers? When the prosecution gets to a point where it knows what it will argue, why shouldn't that information be electronically transferred straight to the defence so it can prepare its case with great time saving?

Enabling early service of an outline of evidence is again an obvious thing to do whereby the prosecution gives an outline as quickly as possible to the defence of the case that it intends to bring against the defendant. Basically this is a philosophy — again it was spearheaded by Peat Marwick — which said, 'This should be totally transparent. There should not be any shenanigans going on here. This is public money and they are public courts. We should not have a situation where the prosecution is hiding its information until the last minute so it can get an advantage on the defence, and vice versa. We should have a situation where the prosecution is totally up front in saying, "This is our case. You know it well in advance so you can get on with determining your defence, and we want to know what your defences are"'. So early service of the outline of evidence will give the defence the capacity to know where it is as quickly as possible.

Fingerscans and the electronic transfer of identification are part of the process I talked about earlier, whereby once a person was identified within the justice system, so long as the court system was kept separate, their identification moved through the system so they were never lost in it, their details were available to each section of the system, and IT could be brought to bear.

Providing the capacity for any member of the police force to serve a summons is an obvious thing. Why should you have only a senior member of the police force who can serve a summons? Serving a summons is not exactly a highbrow operation, so the change opens up a great deal of money-saving capacity in the service of summonses.

The bill provides legislative backing to diversion programs. Although this is not necessarily a part of the Pathfinder project it is also something with which I have agreed for some time. We all know that it is important to have diversion at the bottom end of the criminal scale. It is important in view of the flexibility of sentencing for a judge to be able to say to someone appearing before him, 'If you go and do A, B and C and come back to me in six months time and you have done what I have asked, I will look at you again'. That has actually been done to date pretty much simply by the skin of the pants, if you like, of the magistrate. That is, there has been no legislative backing; they have done it — —

Mr Ryan interjected.

Dr DEAN — By the skin of the teeth, the seat of the pants, whatever you like! I will take the correction from the Leader of the National Party. There was definitely skin involved, and there were pants involved!

The important thing is that the magistrates were doing it because they knew it was a good thing to do even though they had no legislative backing. I am pleased that what they have been doing for years, which is extremely important, now has some legislative backing.

I turn now to ex parte hearings upon the outline of evidence. Now that we have an outline of evidence, why should we have a situation where the defendant does not turn up? Why don't we have a situation where the court can say, 'Give the outline of evidence and we will operate on the outline of evidence, with all sorts of safeguards built in if we should get things wrong or if the defendant should decide to turn up'. But why should we have to wait way down the track for the full prosecution brief to be completed before we have an ex parte hearing? Again I think it is an important move for efficiency in the courts.

Enabling registrars and other court officers to have the same powers as bail justices is of course a matter that should have been attended to some time ago. Court officers are bail justices, but we have found that there are various acts which restrict them in that capacity, so this is a good change.

The appeal costs anomaly has been fixed. What happened effectively was that the Court of Appeal decided that the costs on the cost appeals fund had to be paid before they could make an order. That was quite inconvenient. It is important that the appeals court or the court should be able to decide that the cost appeals fund should operate despite the fact that the cost has not

been paid. And on that basis, that would become an incentive, if you like, for those costs to be paid.

That is effectively the sum total of this legislation. But again the heart of the legislation, leaving aside some of the extraneous amendments, is to take Pathfinder another step forward. It is to take the modernisation of the criminal law system in our courts another step forward. There is still a long way to go. There are all sorts of other things that ought to be considered in relation to the modernisation of the courts, and I have spoken about them many times.

I believe the interaction between the judiciary and the public needs to be looked at carefully and modernised. Even the appearance and perception of the judiciary — what people wear, the courts they operate and how they run the cases — needs to be modernised and looked at and acquainted with the modern world. Those things may be more a cultural change, something that cannot be done by legislation, but I am very pleased that this government has continued the Pathfinder project and has continued the modernisation of our court system.

I also hope one day that the same level of modernisation and creativity can be undertaken in the civil system, which is eagerly awaiting the same sort of treatment as the criminal system.

Mr RYAN (Leader of the National Party) — The National Party does not oppose this legislation. Indeed, in deference to a very fulsome summary of the content of this bill which has just been delivered by the honourable member for Berwick in his own inimitable fashion, it has in turn saved my having to go through that same process. For those who by whatever state of accident or design are reading what I am now saying, I recommend that they have a look at the honourable member's contribution.

I simply say that as a broader perspective I am very pleased also to see this is another initiative of the former government which has been given effect. The criminal justice enhancement program (CJEP) was undertaken ultimately out of the initiatives of the former government, and the honourable member for Berwick was intimately involved in the fabric of that.

I might say that I suppose the principal feature I find most attractive in this is that in the criminal system we are moving increasingly to the position of doing away with trial by ambush — the notion that there is an advantage of some sort or other to one side or other in relation to the provision of material of an evidentiary nature which is limited or provided at the last moment, or all the variations on the theme.

Once upon a time the school of thought was that if you had a particular angle that you could bring to your case and you told the other side either not at all or as late as possible, that would give you some sort of opportunity. Of course what experience demonstrated to all of us was that as a matter of equity and fairness the other side is entitled to the complete disclosure up front of matters relating to the facts. I suspect this came harder to the prosecution than it did to the defence. Be that as it may, what this legislation encompasses is a variety of initiatives, amongst others, which will ensure that the material pertinent by way of facts is disclosed at an early point in time so that all concerned have the opportunity of being able to assess their respective cases on the basis of that information which is commonly available to them. That is a big advance. From the National Party's perspective, we wish the bill a speedy passage.

Mr WYNNE (Richmond) — I rise to support the Criminal Justice Legislation (Miscellaneous Amendments) Bill, which provides for the major legislative reforms of the criminal justice enhancement program, known as CJEP. I acknowledge the contribution made by the former government. As I understand it from listening to the honourable member for Berwick, it was a project that he had some input into in a former life as the parliamentary secretary to the then Attorney-General. It is not unreasonable that when a government has a good initiative up and running that successive governments should take it up and move on with that initiative and, where possible, enhance it. Clearly this is an initiative that enjoys the support of both sides of the house.

The program was commenced in 1999 as a result of a number of key recommendations that arose from an inquiry by the Department of Justice. Those recommendations indicated that major changes to be made to the criminal justice system resulting from the CJEP project should include three important things, which are the pillars and cornerstones of the Attorney-General's philosophy on the justice system: firstly, improved access to justice; secondly, improved care for the accused; and thirdly, improved efficiency and quality of the process generally.

The proposed legislative reforms have been subject to extensive consultation across the criminal justice system. It is important that any major changes such as those being suggested here this evening enjoy widespread support, not only from the key players in the criminal justice system but also, ideally, in a bipartisan way — which, of course, this bill enjoys.

Stakeholders who were consulted on the bill included the Victoria Police, the Office of the Correctional Services Commissioner, the Office of Public Prosecutions, Victoria Legal Aid, the courts at all levels, the Law Institute of Victoria and the Criminal Bar Association. Quite a comprehensive review was undertaken.

The improvements developed during 1999 and 2000 included detailed process redesigns, including major new information technology systems. To provide Victoria with what is in the government's view the best possible criminal justice system processes, the government decided to fund the introduction of a new information technology (IT) system in the 2001–02 budget. That might not sound like much but it was a substantial budgetary commitment to this process, because basically various parts of the criminal justice system could not talk to each other. Essentially the original system had what many people in IT and management systems call the silo effect, whereby one part of the criminal justice system did not necessarily know what another part of the criminal justice process was up to in its dealings with its clients.

The bill's reforms are necessary to support a large-scale pilot of key aspects of the project, and many of them either enable or make use of the new IT systems. We plan to pilot the system for about three months. It will involve systems such as those used by Victoria Police, the County Court, the Magistrates Court, the Children's Court, the Office of Public Prosecutions, Community Correctional Services, prisons, Victoria Legal Aid and private legal practitioners. It will basically go right across the public sector, and private legal practitioners will also be able to access various elements of the IT system.

The key changes introduced by the bill include, as was indicated by the honourable member for Berwick, electronic disclosure of the prosecution's case to defence lawyers, so enabling parties to discuss cases as soon as possible so that everybody has the various parts of their arguments laid out well in advance of the court hearing. This will obviously improve access to justice as it will provide the parties with an opportunity to resolve or clarify issues in dispute as early in proceedings as possible.

I have had an indication from my colleague the Government Whip that I should try to keep my contribution short, and I am getting another very clear indication from the Attorney-General as well, so I will touch on one matter very quickly, and that is the use of finger scans.

The bill allows police and corrections staff to take what are called digitally recorded fingerprints or finger scans for the purposes of identifying a person in custody. What is important is that they will be permitted to be taken only in circumstances where the law already permits a fingerprint to be taken. Key information will then be readily available to those responsible for the safety of that person in their care.

This is particularly relevant to members of our indigenous communities who find themselves incarcerated. As we know, the incidence of interaction between our indigenous community and the criminal justice system is something like 13 times that of the rest of the community. That is a matter of significant concern to this government, and it has put in place a range of partnership strategies with the Aboriginal community to seek to address these fundamental issues through the Aboriginal justice agreement.

What is important about the finger scanning is that it immediately identifies a person who is of Aboriginal descent so that their care and protection within the criminal justice process can commence immediately, at their first point of interaction with the process; similar considerations apply to people who may have a history of attempting suicide.

I have been given a very clear understanding from the Attorney-General that this is the end of my contribution. There is much more I could say on this bill. It is groundbreaking legislation, and I acknowledge in a bipartisan way that it was commenced by the former government under the Pathfinder project. This is important and groundbreaking legislation, and in particular it enshrines the process of diversion within the legislative framework which has been operating through our court system for a significant time.

Diversion is a key component of this government's strategy to try to give people a second chance. The Koori court is a classic example of that. The drug courts that are being piloted at Dandenong and Broadmeadows are perfect examples of how diversion will be acted out in the community.

I very much welcome this legislative structure and wish the bill a speedy passage. I had best sit down before I get into all sorts of trouble.

Mr HULLS (Attorney-General) — I thank all members for their contributions. It is true that the honourable member for Richmond could have gone on — and on and on. He is passionate about this bill and he has certainly been integral to the drafting of this legislation. In particular, I thank him for the comments

he made about the provision of a legislative framework for diversion programs which were indeed funded by the government in the 2001–02 budget. Many magistrates are very keen to get involved in the diversion programs, but they have requested that there be legislative cover for those diversion programs and I am very pleased that this bill provides that.

In a nutshell, this bill brings our criminal justice system into the 21st century and it enables electronic transfer of information. That will certainly be of enormous use to our court system. Also, early disclosure of police briefs is very important to the smooth running of our criminal justice system.

I again thank all members for their contributions and I wish this bill a speedy passage.

The ACTING SPEAKER (Mr Nardella) — Order! As the required statement of intention has been made pursuant to section 85(5)(c) of the Constitution Act 1975, I am of the opinion that the second reading of this bill requires to be passed by an absolute majority. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

APPROPRIATION MESSAGE

Message read recommending further appropriation for House Contracts Guarantee (HIH Further Amendment) Bill.

HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL

Council's suggested amendments

Returned from Council with message relating to following suggested amendments:

1. Clause 7, page 5, after line 27 insert —

“(7) The exclusion by sub-section (1)(aa) of a developer covered by a HIH policy from an indemnity under section 37 in respect of building work does not apply to —

- (a) a person specified in the Schedule in respect of a claim lodged by that person with HGFL on the date specified in the Schedule in respect of that person;
- (b) a developer who lodged a claim with HGFL before 1 November 2001 if settlement of the claim was reached with HGFL before the date on which the **House Contracts Guarantee (HIH Further Amendment) Act 2002** received the Royal Assent.”.

2. Insert the following new clause to follow clause 7:

“AA. *New Schedule inserted*

After Part 6 of the Principal Act insert —

SCHEDULE

Saving of Claims

Claimant	Date of Lodgement of Claim
ANZ Banking Group Ltd A.C.N. 005 357 522	23 October 2001
Ausland Investment Group Pty Ltd A.C.N. 081 206 340	5 October 2001
Ausvimex Pty Ltd A.C.N. 077 213 917	30 July 2001
Louis Basil Bourazikas	8 August 2001
Forty Fifth Vilmar Pty Ltd A.C.N. 007 164 383	3 August 2001
Leicester Turtle Pty Ltd A.C.N. 086 751 224	1 August 2001
Tambo Ash Pty Ltd A.C.N. 067 404 602	16 August 2001”.

Suggested amendments agreed to on motion of Mr LENDERS (Minister for Finance).

Ordered to be returned to Council with message intimating decision of house.

**LIQUOR CONTROL REFORM
(PACKAGED LIQUOR LICENCES) BILL**

Second reading

Debate resumed from 16 May; motion of Mr BRUMBY (Minister for State and Regional Development).

Government amendments circulated by Mr BRUMBY (Minister for State and Regional Development) pursuant to sessional orders.

The SPEAKER — Order! As the required statement of intention has been made pursuant to section 85(5)(c) of the Constitution Act 1975 I am of the opinion that the second reading of the bill requires to be passed by an absolute majority.

Mrs PEULICH (Bentleigh) — Although the opposition has not had the opportunity of perusing the government amendments as circulated — —

Mr Langdon — On a point of order, Mr Speaker, with all due respect to the honourable member for Bentleigh, I do not think she can speak from the table.

Mr Richardson — On the point of order, Mr Speaker, it is a well-established tradition in this place that the lead speaker for the opposition may occupy the table position. The fact is that the honourable member for Ivanhoe has not been here long enough to know what the rules are.

The SPEAKER — Order! I am advised that on previous occasions the honour of addressing the house from the table has been accorded to former ministers. I would appreciate it if the honourable member for Bentleigh addressed the house from her normal place.

Mr Richardson — You’re wrong.

Mrs PEULICH — I have never been one to launch myself to the front bench. I must apologise to the house. The simple and practical reason that I chose to move there was that I have quite a few notes that I need to spread out and this little fold-out table is a little tight. As I said, I have never been one who has been on a power or ego trip or who has sought the self-aggrandisement of the front bench needlessly. I apologise to the house.

The opposition does not oppose this legislation. Although we have not had a look at the house amendments, we reserve the right to consider our position while the bill is between this house and the other place. Just because we are not opposing it does not necessarily mean that we are happy with the process that has been adopted or the outcome.

However, I will outline the reason why the opposition is not opposing the legislation. In particular, it stems from the belief on this side that the incompetence of the government may well lead the already precarious status of the liquor industry, and particularly the independent liquor stores, to an even more uncertain future if we

oppose the legislative provisions of this bill, particularly the buy-out packages and the industry package which those have funded.

The SPEAKER — Order! It is with reluctance that I once again interrupt the honourable member for Bentleigh. The Chair erred in the ruling just made in regard to the point of order taken by the honourable member for Ivanhoe. I refer honourable members to page 103 of *Rulings from the Chair 1920–2001*, and in particular to the ruling from Speaker Peacock on 30 August 1928, which states —

Mr Brumby interjected.

The SPEAKER — Order! The Treasurer!

For the information of all honourable members, the ruling reads:

A member from either side of the House, when in charge of a bill, may take his place —

or in this case her place —

at the Table and address the Chair from that position.

The Chair unreservedly apologises to the honourable member for Bentleigh for the error in the previous ruling.

Mr Brumby — On a point of order, Mr Speaker, I seek clarification of your ruling. Would that mean that a parliamentary secretary handling a bill for a minister could do so from the front table?

The SPEAKER — Order! Under the practices of this house as the Chair understands them, a parliamentary secretary may not introduce a bill and therefore he would not be in charge of the bill. Therefore we will not allow a parliamentary secretary to sit at the table. On this occasion the honourable member has taken charge of the bill on behalf of the opposition. My interpretation is that, yes, she is entitled to speak from the table if she so chooses.

Mr Richardson — On a further point of order, Mr Speaker, to clarify your earlier ruling which you have accepted was in error, the tradition of this place is that a former minister may address the house from the table, but from the corner of the table, not from the place where the person in charge of a bill will address the house. Perhaps that may clarify the situation in relation to the earlier ruling you made. I appreciate that a great many members have not been here for very long and might not have been aware of the traditions of this place.

The SPEAKER — Order! The Chair appreciates the knowledge of the honourable member for Forest Hill in regard to the practices of the house in view of his long and distinguished service in this house.

An Honourable Member — 1928!

The SPEAKER — Order! The Chair thanks him for his clarification. It gives an opportunity for the Chair to add that, should a government member other than a minister bring forward and be in charge of a private members bill, they would be quite entitled to speak from the table.

Mr Smith — On a point of order, Mr Speaker, the last occasion this occurred was with the Honourable Ian Smith, who, when the present opposition was in opposition during the 1980s, spoke to the house from the corner of the table.

The SPEAKER — Order! That is not a point of order! I am of the opinion that sufficient points of order and rulings from the Chair have occurred in regard to the issue. I call the honourable member for Bentleigh to address her remarks to the bill.

Mrs PEULICH — I will take the opportunity to stay in my place. I digressed on the first occasion purely out of the practical or pragmatic consideration of spreading out my notes.

I thank the honourable member for Forest Hill for his experienced and wise guidance, as always, and the Clerk and the Speaker for the generosity of admitting an error to save any further embarrassment.

I think I am speaking on the Liquor Control Reform (Packaged Liquor Licences) Bill still, and will resume my comments, and basically they are again that the opposition is not opposing the legislation. I have not had the opportunity of actually perusing the impact of the house amendments, but after quickly glancing at them it appears that they are an attempt to close the legal loophole of the 8 per cent cap that has been circumvented through what has been commonly referred to as the Eudon scheme, the basis of which has generated a further amendment to this legislation which has now been reviewed some four times, and I understand on all four occasions that similar recommendations have emanated from it.

The most recent one is in response to this latest chapter, the latest effort to circumvent the 8 per cent cap on the liquor licences, in particular by Woolworths and certainly by the other player, Coles.

The bill amends the Liquor Control Reform Act and purports to do a number of things. Firstly, it purports to provide for the misuse or abuse of alcohol to be an additional ground for objection in an application for the grant, variation or relocation of a packaged liquor licence. I will not delve into that provision in any great depth except to make it clear that this will give local government and the community much greater grounds for objecting to any substantial change to a premises that may have a packaged liquor licence, and it may well open the floodgates to quite a few problems for already established businesses that may abut residential areas. As I said, although I do not intend to go into that in any substantial depth, I would certainly urge members of Parliament to keep an eye on the way this provision functions, because I believe it will cause very substantial planning headaches.

The bill also purports to provide for additional packaged liquor licensing conditions and for the minister to determine a code of conduct for licensees. The bill provides for an industry code of conduct on the retailing of packaged liquor that promotes the object of the act and an early phasing out of the 8 per cent limit on the packaged liquor licences, and it claims to close a loophole which was inadvertently caused as a result of its efforts in 2001 to close a loophole which allows Coles and Woolworths to breach the 8 per cent limit on the number of packaged liquor licences they can hold.

The bill also provides for a buy-out option for existing packaged liquor licensees and imposes restrictions during the phase-out period on the grant, transfer and relocation of certain packaged liquor licences. The most contentious aspect of the bill is the closing of the loophole, how effective it will be, the buy-out options and the impact this will have, particularly on small independent liquor stores, especially those that are co-located with supermarkets — some 52 or so — and the precarious future that may await them with the operation of these provisions of the legislation.

Most importantly the bill repeals various provisions in the act, the effect of which will be to abolish the limit on packaged liquor licences. The provision comes into full operation in January 2006.

Much of the reform in this area was necessitated by the National Competition Council policy and the payment or loss thereof that is attached to reviewing legislation that is anticompetitive. Of course some \$11 million is dependent on us achieving certain competitive measures in this industry. One issue of interest to those in the industry will be to what use that \$11 million will be put, because currently I understand that it will

merely be returned to consolidated revenue with no special benefit for those in the industry.

In the previous review the Office of Regulation Reform considered three broad approaches that could be adopted in relation to the 8 per cent rule, the first being whether to retain the 8 per cent rule in its current form and consider expanding the application of it to other forms of liquor licences or to abolish the 8 per cent rule entirely and leave the future development of the industry to the influences of the prevailing market.

Given the aggressive nature and capacity of the larger chains it was deliberate coalition and certainly Liberal Party policy to offer some protection to the smaller independent liquor retailers from what can often amount to be fairly anticompetitive practices of the larger chains. That is why the opposition was keen to see the retention of the 8 per cent rule, pending some sort of industry support. This package certainly has some industry support, but whether it will achieve the objectives is, I think, questionable and certainly debatable. However, certainly the package would be placed at risk if the opposition were to oppose the bill in the house.

One of the other alternatives was to replace the 8 per cent rule in its current form with other measures designed to meet the government's policy objectives of ensuring the development of a viable and diverse small business segment in the packaged liquor market. There are very strong views among many that in fact this package does not achieve that. Rolling over to the big end of town, bringing into this house a package that has essentially been driven by them and financed by them with a contribution of \$3 million, or \$1.5 million each, and establishing the buy-out and phase-out scheme with basically one chance, which is that you sell out to one of the main competitors above market value — and if you refuse, that chain can get an additional liquor licence and pretty well put you out of business anyway — mean that it is really not much of a choice for a lot of those small businesses that have been hanging on for a long time.

The recommendations at the time were of course to phase out the 8 per cent cap in conjunction with the support of an industry development program aimed at improving the capacity of small liquor stores to compete in the market, and in particular to place an emphasis on those stores most adversely affected.

Other options were to retain the 8 per cent cap for up to three years, relax the limit by 1 per cent each year for three years for final abolition in 2004 or retain a cap in regional Victoria, removing the 8 per cent cap in the

Melbourne metropolitan area while retaining some restrictions on the expansion of major stores in rural areas. So the regional cap may have been a viable operation, because in actual fact Melbourne does have a substantially vibrant competitive liquor industry, whereas of course the packaged liquor industry in rural and regional Victoria is not as vibrant, and certainly that competition does need to be nurtured rather than encouraged to fold.

The government's response to the review at the time was to retain the 8 per cent rule until the end of 2003, after which a gradual phase-out would commence; amend the act at the time to close the loopholes that potentially enabled the 8 per cent rule to be circumvented; and pursue a number of other things — for example, seeking from the commonwealth government support to ensure that the packaged liquor industry can access the recently established national retail grocery industry code of conduct and the Ombudsman scheme; and ask the coordinating council on the control of liquor abuse — an expert advisory body — to examine whether recent changes in the market for packaged liquor may have had any impact on alcohol-related harm in the community.

The second-reading speech gave advance notice of the gradual phasing out of the 8 per cent rule. There was an emphasis on the importance of a successful transition by small business to a changing environment and the necessity to have some strategies for business to be supported in that process.

The Australian Labor Party's election policy commitment was to strengthen and maintain the 8 per cent rule, and initially the bill as introduced, without the house amendments, did not do that. But after casting an eye over the amendments — without having had an opportunity of looking closely at them — I can see that they try to do that for the time being. I am not sure how effective they are, and the opposition will get legal opinion on them when the bill is between houses.

As part of the government's response to Woolworths finding a new legal way around the rule, called the Eudon scheme, legislative pressure was exerted on the 8 per cent scheme. It was complicated when the director of liquor licensing ruled that the scheme was legal rather than closing the loophole. The bill implements the deal brokered by the minister to supposedly stop the scheme. It enables Woolworths and Coles Myer to immediately go to a 10 per cent cap with 11 per cent from July 2003 and 12 per cent from 1 July 2004 and with the cap removed altogether on 1 January 2006. It seeks to close the legal loophole that Woolworths has exploited and provides for an agreed

buy-out price above the market value for independent stores wanting to sell to Coles Myer, together with limitations on the buy-outs. I understand there is still some argy-bargy over the definition of 'radius' in relation to that buy-out scheme, which is being negotiated.

The *Australian* provided fairly accurate coverage of the issues on a couple of occasions. I would like to quote a small excerpt from an article entitled 'Coles vision driven by liquor', dated 28 March. It states:

Woolies has a total of 140 liquor outlets in Victoria, or 32 more than it is permitted under the Liquor Control Reform Act, which limits any one owner to 8 per cent of Victoria's total of 1362 licences, or 108 licences.

Coles has only six more than permitted, but if Woolies can successfully house its excess licences while the 8 per cent cap is being lifted, then obviously Coles will follow.

It goes on to say:

Woolies appears to be testing the regulatory waters here.

Further the article states:

Woolies has transferred a Safeway liquor licence in the Melbourne suburb of Niddrie to another \$2 company called Eudon Pty Ltd, whose directors are Ross Blair-Holt (an associate of 'pokies king' Bruce Mathieson) and Andrew Griffiths. Mathieson and Griffiths are partners with Woolies in its recent purchases of 11 hotels and 20 liquor outlets in Brisbane. Crucially Woolies has an option to acquire 95 per cent of Eudon at any time.

The article continues:

Yet the director of Liquor Licensing Victoria, Brian Kearney, has found that Woolies and Eudon are not associated and has approved the transfer.

The amendments appear to tighten the provisions and clarify the business relationship which currently allow the warehousing of licenses as per the Eudon scheme, but again the opposition would need to have a closer look at them.

At the time the government made a commitment to work closely with the industry to develop future arrangements to ensure Victorians continued to enjoy a genuinely competitive, diverse and vibrant packaged liquor market. Since then I understand that half the industry has been consulted. The Liquor Stores Association of Victoria, the Master Grocers Association, Coles Myer and Woolworths have been working together on an agreement for the future of the packaged liquor industry. Combined they represent two-thirds of packaged liquor licence holders, and obviously the discussions were motivated by the industry's view that the current arrangements were not

sustainable. Woolworths used its threat to institute the Eudon scheme to force this package and this legislation.

In March the industry parties reached in-principle understanding on the core elements of a package which implements the legislative aspects of the industry agreement. A major non-legislative initiative under the agreement is the creation of a \$3 million packaged liquor industry development trust fund, funded by Coles Myer and Woolworths, each making a contribution of \$1.5 million. That is apparently about the cost of one licence. Why would a business do that? It would not do it unless there was a significant financial return as a result, and quite clearly they would be dramatically advantaged by the full implementation of this industry agreement as well as the bill.

It is claimed that the fund would enable small liquor retailers to have access to the right advice and support to help them become more competitive. That is vigorously disputed by people in the industry. I will read from a letter circulated to most honourable members from Liquorland Australia Pty Ltd, a division of Coles Myer. It urged me, as an opposition member, to support this legislation.

In particular I would like to quote a paragraph which really is the wielding of the big stick by this particular company:

If the bill is deferred, defeated or substantially amended then the industry agreement will not be able to proceed. Woolworths are at risk of losing a number of licences on 18 July. If the bill does not pass they will have to take another course of action that will allow them to keep these licences. The agreement will then lapse.

It is quite clear from the tone of this letter that it is not just merely informative; it is a threat that irrespective of whether the bill goes through, the chain will ruthlessly and aggressively pursue strategies to increase not just its market share but its number of licences and that it will not be stopped. This has been demonstrated by the chain's repeated success in finding loopholes around the 8 per cent cap.

The following paragraph states:

No sector of the packaged liquor industry is opposed to the bill.

I would say that is a little bit of an overstatement. There is substantial concern amongst many in the industry about what it will mean for their future, but at the same time they recognise that the buy-out options may be better than an even greater uncertainty if this legislation does not go through.

I will quote very briefly from the letter that was sent to me and other honourable members of the house by Ian Urquhart of the Local Independent Liquor Stores group at the Southland centre in Cheltenham, which is close to my electorate. He commented on a number of things, including, firstly, those involved in the discussion and development of the industry package.

He was concerned that there was a small select group which included only the key players. He said in his later that:

... the September 2000 review of liquor licence holdings states, 'The 8 per cent rule should not be removed until there is a mechanism in place to ensure diversity in the marketplace'.

He believes, of course, that it will not do so. Also in his letter he said:

It is only going to Woolworths, Coles Myer, Master Grocers Association of Victoria and Liquor Stores Association of Victoria. The big end of town with the most to gain. Not one representative of small business.

That is really sad because this was initiated by the Bracks government's Minister for Small Business, yet not a single person from small business was actually involved.

An Honourable Member — Not one?

Mrs PEULICH — Not one. He goes on to make comment about the package and says:

It is not going to any of the independent liquor retailers whom have the 'gun at their heads'.

He sees quite clearly that this is not going to benefit him greatly or the people for whom he purchases in order to get a competitive advantage.

The *Australian* summed it up quite accurately yet again in an article headed, 'Coles vision driven by liquor', published on 28 March:

Victorian small business minister Marsha Thomson has repeatedly assured the state Parliament that the Bracks Labor government will maintain the state's 8 per cent cap on the ownership of liquor outlets by any single party as prescribed by the Liquor Control Reform Act of 1998.

The huge majority of liquor retailers are terrified of what might happen if Woolies and Coles are let off the leash and are permitted to buy as many outlets as possible in order to extract leverage from suppliers such as winemakers and brewers.

Bracks and Thomson have a problem. Both Woolworths and Coles are well over the cap, and the big retailers aren't about to let any of these excess liquor outlets go.

...

The Bracks government, and more specifically Thomson, are rolling over completely to the retail chains and will start lifting the 8 per cent cap from July to 10.5 per cent initially, in return for cash.

As a sweetener, both Woolies and Coles will put \$1.5 million each (the value of one liquor licence) into a so-called 'industry fund' to help liquor retailers develop niche marketing skills to protect themselves from the onslaught from the retail chains. This is an admission from the government that the industry will suffer as a result of Woolies and Coles being freed to buy as many outlets as they want.

Clearly this is likely to happen. If the 8 per cent rule were enforced, as I certainly hope these proposed amendments intend, no retailer will be constrained by the 8 per cent rule in the foreseeable future because there is sufficient growth in the market to enable them to expand, even with that 8 per cent rule in place. Only the major chains of Safeway and Liquorland hold a sufficient number of packaged liquor licences to have their expansion plans constrained to some extent. We have seen the aggressiveness with which they are prepared to pursue that, even by writing to members of Parliament with veiled threats.

To deal with this, as I said before, the minister appears to be rolling over to the big end of town, the multinationals, and in the process potentially sacrificing many small business. The buy-out mechanism in particular establishes a minimum buy-out price, which is above market value, for independent stores wanting to or being threatened with having to sell to Coles and Woolworths, which obviously have financed this industry fund. The buy-out mechanism introduces a designated area limitation on buy-outs, and the two industry associations are of the view that it gives more certainty to the industry to have this buy-out package than to let them off the leash and allow them to flout the 8 per cent rule without any compensation to the independent liquor store owners.

The major chains have never been price leaders, so it is in the interests of all Victorians to make sure that the liquor industry remains vibrant and competitive, that it continues to some extent to offer some protection to the 421 independent liquor stores. I understand that 50 of those are located in close proximity to unlicensed major chains and thereby currently are offered some shelter from the competitive environment through that 8 per cent rule.

The 50 in particular that would be under threat should the 8 per cent rule be removed would be those in Bacchus Marsh, Kangaroo Flat, Kyneton, Leongatha, Ocean Grove, Rye and Wonthaggi. Obviously these would be targeted in this sort of 'sell or you are out of business' bottom line of this buy-out scheme. In the

short term the 8 per cent rule provides some protection to these independently owned liquor stores, but obviously in terms of competition and diversity it has had an uneven impact across Victoria. That is why on behalf of the opposition I am articulating some of the concerns and reservations of the packaged liquor retailers.

As I said before, there has been a trend towards the greater control of the retail liquor market by the two key retail groups — Safeway and Liquorland — and their associated entities which has continued to reduce the viable avenues to market for small wine producers, who represent the greatest number of producers in the wine industry. I understand that the honourable member for Evelyn will be speaking on the impact that this bill may have on an industry that she knows only too well.

My concerns and the concerns of the opposition are that the net effect of the legislation and the rolling over to the two chains would be to accelerate a trend to a duopoly within the Victorian retail marketplace. That is exactly what happened in New South Wales. Coles now owns 75 per cent of the retail liquor outlets in Sydney, and there is fear that the same would occur in Victoria should that 8 per cent cap not be maintained.

There is also a view that by phasing out the cap the government is putting every country pub and small independent liquor stores under threat. I will allow those honourable members who will be speaking after me to outline how real that threat is. It is certainly one that does not fall on deaf ears as far as members of the opposition are concerned.

The opposition does not support the removal of the 8 per cent rule without some very strong industry support. We want some assurances about the uses of the \$11 million that will be paid. The opposition also has serious concerns about the outcome of this legislation as well as the process that has been adopted. Obviously if the government is serious about supporting small business it must find other ways of helping small independent liquor outlets ensure that they remain viable and that the industry remains competitive.

The uncertainty in the marketplace is exaggerated because the whole industry has not been consulted. There is certainly a perception that the government is capitulating to Woolworths, the second largest retailer in Australia. We know that the government is good at talk — we know it sets up lots of web sites, puts out lots of brochures, conducts seminars and publishes pamphlets — but when it comes to action it does very little.

Its 1999 election campaign material said that a Bracks government would immediately and retrospectively close the legislative loopholes which allow large retail link chains to accumulate more than 8 per cent of packaged liquor licences. Of course, the government does have a problem. Does it roll over to Woolworths and try to get some succour or compensation for the one buy-out or the one lifeline for the independent liquor stores most under threat, who will obviously not have an opportunity to refuse it? For if they refuse the buy-out, the chain can apply for a liquor licence nonetheless, and therefore the viability of that business would be threatened in the future. Anyone who was in that sort of business would seriously consider selling out.

So here we see the small business minister rolling over to big business. It is a very sad day for small business, and it is certainly a very sad day for a lot of those people who have cultivated businesses for a long time but whose death warrants are being signed. However, the opposition will not take their only lifelines away.

Mr JASPER (Murray Valley) — In rising to present the views of the National Party on this legislation I indicate from the outset that the liquor industry is most important to the state of Victoria. We have seen a number of changes to the industry implemented over a long period of time.

Most of the changes which have been implemented from about the mid-1980s have been about deregulating the industry. Prior to that, in the 1970s and early 1980s, we had an industry regulated by an act which protected all those involved within the industry and, indeed, the pricing structures within it.

Following the change of government in 1982, there were moves to deregulate the industry. In 1984 we had the Nieuwenhuysen inquiry, and if its recommendations had been implemented we would have been looking at a total deregulation of the industry, where anybody could have applied for a licence and been able to operate whatever hours they desired. Fortunately, the government and the minister, the Honourable Robert Fordham, believed that total deregulation was not appropriate, so the industry did not move down that track completely. There was certainly some deregulation, and since then amendments to the Liquor Control Act through the latter part of the 1980s and into the 1990s have further deregulated the industry. Much of the deregulation has been positive because it has meant we have had a more efficient industry. We have been able to provide better operating hours for the industry, and generally there has been an expanded availability of liquor.

We must always remember that the industry believes it needs less regulation, but in my view it needs appropriate regulation because of the volatility of liquor consumption and the difficulties that causes for many people living within society. However, in more recent years we have seen movements in the control of the packaged liquor area. That has been of great concern to many people in the industry, particularly those who as independent retailers compete against the bigger operators.

I will refer later to the Labor Party's policy in the run-up to the 1999 elections, when there was an 8 per cent cap on the maximum number of retail bottle licences that could be held by particular retailers. The two biggest retailers, Coles Myer and Safeway, looked at getting retail licences beyond the cap itself.

The house will recall that we had an extensive review in late 2000 that examined the 8 per cent cap. That review was undertaken by the Office of Regulation Reform within the Department of State and Regional Development. The report, which was entitled 'Review of 8 per cent limit on liquor licence holdings', was released in September 2000. It provided a lot of background information on the operation of the industry, and in particular on the 8 per cent cap, which has been an important issue for the liquor industry in recent years.

The major recommendation from the report reads:

The 8 per cent rule should not be removed until there is a mechanism in place to ensure diversity in the marketplace.

The report includes other recommendations, but that was the key recommendation at the time. The house dealt with legislation in April last year which in fact undertook a review of the liquor industry. What the government presented at that time was a second-reading speech which indicated that it was in a difficult position in retaining the 8 per cent cap because of regulations and because of direction from governments within Australia in looking at the industry generally. The 8 per cent cap was seen as a restriction within the industry.

However, in the second-reading speech the minister went on to say that the cap would be reviewed and that by the end of 2003 the government would look for its removal. It also introduced into the legislation restrictions to try to contain any extension of licences by the two major players — that is, Safeway and Coles Myer — under the 8 per cent. But of course, Safeway was looking at ways it could extend the bottled liquor licences it held within Victoria. Indeed it was using mechanisms to increase its holdings. With the demise

of Franklins last year Safeway purchased a number of Franklins supermarkets, which included liquor licences. So Safeway was, and currently is, a number of licences over the 8 per cent.

A review of the industry has also been taking place over the past couple of years. That industry review has involved the major players and the major industry associations. The people involved in the discussions believed action should be taken to review the operation of the industry and consider the progressive removal of the 8 per cent cap. That is the subject of the bill now before the house.

The National Party has undertaken an extensive investigation of the bill. That has involved contacting all the people involved in the industry and the various associations.

Mr Richardson interjected.

Mr JASPER — None that I know of. For the benefit of the honourable member for Forest Hill, there has been no contribution that I am aware of, and certainly none to the honourable member for Murray Valley, but I believe the Liberal Party could not say the same thing! I have dealt with the interjection from the honourable member for Forest Hill, which really does not relate to the legislation, but I hope it clarifies his query.

In its response the Australian Hotels Association, which we contacted, did not respond on the basis of having a contribution to make on the legislation before the house but indicated that it really did not have concerns with it. But we received responses from a large number of other organisations, including the Liquor Stores Association, the Master Grocers Association, a number of independent liquor retailers, the Victorian Wine Industry Association, Liquorland — a subsidiary of Coles Myer — and recently from Woolworths, or Safeway. We have had contributions and representations made to us from that range of organisations.

Being the spokesman for the National Party on liquor matters I also undertook discussions with representatives from the department. I appreciate the support the Minister for Small Business in the other place provided in making available two representatives from the department to brief me on the legislation.

In general terms the bill provides for a number of issues which had been looked at over a period of some years. It includes the orderly phase-out of the 8 per cent cap, the value of licences, harm minimisation, amenity that

should be included in the act, and the code of conduct. A number of these areas have been included in the bill.

It is interesting also to note the comments that have been made by many people involved in the industry in support of the legislation in indicating that the legislation would put value back into the licence, that we have virtual deregulation within the industry at this time, and that this bill would add to the stability, I guess, of the industry generally.

In looking at all the issues that were raised with the National Party, it needed to decide what it would do with the legislation. But I think it goes further than that. I refer to further representations the National Party received from some of the people involved in the industry. A retailer in my electorate of Murray Valley who has a small retail liquor outlet — a bottle licence — wrote to me saying:

I own and manage a drive-through bottle shop and hotel, my turnover is approximately \$19 000 per week, the bottle shop is my main income which is about 85 per cent and the hotel is about 15 per cent, my company employs six people. All of our jobs will definitely be at risk.

He goes on to say:

The only ones that will benefit from this so-called 'reform' are the large supermarkets and the consumer, definitely not the independent retailer.

That is the general view that was presented to the National Party by a number of retailers.

I also received representations from the Victorian Wine Industry Association. It is worth while indicating the sort of information that the association provided, because it is genuinely concerned about the legislation. I shall read into *Hansard* some of the comments made in the letter which was sent directly to the minister and of which I have a copy. It is signed by Mark McKenzie, the chief executive of the association. He says:

After consideration of the impact of the bill, the Victorian Wine Industry Association asks the government's urgent consideration of amendments to the legislation that will allow assessment of the full effects of the deregulation of packaged liquor licences on the independent liquor retail sector, and on the Victorian wineries, before Victoria moves to complete deregulation of the cap on ownership of packaged liquor licences.

He goes on to talk about the aggregation of licences and retail market power in the hands of major retail chains controlled by Woolworths and Coles Myer. Further points are made in the letter and I think it is worth while adding some further comments from that letter:

The independent liquor retail sector has been under increasing competitive pressures from the large liquor chains for a number of years ...

He highlights very clearly the importance of the Victorian Wine Industry Association to the changes which are proposed in this legislation. The letter continues:

In April 2000 the VWIA made a submission to the Victorian government review of the 8 per cent cap on the ownership of packaged liquor licences. The VWIA supported the retention of the cap as a means of ensuring diversity within the liquor retail sector and ensuring access to the retail market for smaller wineries via independent retailers. The VWIA supported the retention of the cap on licences until another mechanism could be found to ensure diversity of ownership within the retail sector, however the association did not have a recommendation as to a viable alternative mechanism at that time.

The VWIA recommends:

That the cap be adjusted as contained in the proposed bill — 10 per cent on passage of the legislation, 11 per cent from July 2003, and 12 per cent from 1 July 2004, but that the cap only be removed from 2006 if a government inquiry prior to the proposed removal of the cap in 2006 finds that the phase-out of the cap has not had an adverse effect ...

And it goes on to detail some of the issues relating to the adverse effect it might have on the industry generally.

Other issues are raised by the VWIA, including that the act be amended to enshrine in legislation requirements to protect small retailers. It also talks further about making changes to the Fair Trading Act to prevent predatory pricing and business practices by major retailers against small businesses.

In summary, the representations from the small retailers and from the Victorian Wine Industry Association clearly demonstrate the concerns of these sections of the industry about the proposed removal of the 8 per cent cap and the extension of ownership rights to the large chains of Coles Myer and Woolworths, which would be to their detriment.

The National Party has received other letters. An interesting letter was received by the honourable member for Wimmera from Maxi Foods, which is based at Horsham. I will quote a small part of this letter:

Following the Victorian government's announcement of the phase-out of the liquor cap we are concerned to read of reports that the existing cap on ownership of 8 per cent has been disregarded in some quarters of the industry. If true, these reports suggest a blatant disregard of the law, with an apparent unwillingness by the government to enforce the cap.

If the cap is to be phased out as announced, it is imperative that all players in the industry are compliant with the cap before any negotiation can take place as to the future structure of the industry.

That letter again highlights the concerns that have been brought to the attention of the National Party by the independent retailers. However, I concede that following the investigations that have been undertaken over the past couple of years there is a need to review the future of the industry and the future of the 8 per cent cap, recognising that the competition policy outlined by the state and federal governments needs to be complied with while trying to protect people within the industry.

Over the years I have always sought to protect people who have an investment in this industry because I recognise the importance of the industry to the economy of the state. That is the dilemma the National Party faced, taking into account the policy expounded by the Labor Party prior to the 1999 election — the honourable member for Bentleigh mentioned this in her contribution — which states:

... a Bracks Labor government will immediately and retrospectively close the legislative loopholes which allow large retailing chains to accumulate more than 8 per cent of the total number of packaged liquor licences;

Labor will also reinstate the 8 per cent limit on market concentration in other areas of retail liquor licensing; ...

That is the concern we have in the National Party. We believe that at present we are seeing an abuse of the system, particularly with Safeway being over the 8 per cent cap and looking at methods by which it can beat the system. I read in *Hansard* with a great deal of interest the concerns raised in another house on a number of occasions by an honourable member for Silvan Province, the Honourable Wendy Smith, about the 8 per cent cap and the need for the government to address the issue and make sure that Safeway in particular stays within the cap. The legislation currently in place certainly has not been able to do that.

The National Party believes the Labor Party should initially be making sure that all retailers, but particularly the two large retailers, meet the requirements of the act as it is at present and that their ownership be contained to less than 8 per cent of the market share. Once they meet that cap we can look at extending and changing the act and the ownership rules while protecting those people within the industry who are now facing difficulties and who it is perceived will face difficulties with the changes that may be implemented.

I note also that the government is seeking through its proposed amendment to overcome the difficulty with Safeway and the company it is operating through,

Eudon Pty Ltd. At present it has minimal ownership, but it has the option of purchasing the balance of the ownership of a particular outlet, and once that cap is lifted or when more retailers are included as bottle merchants it can continue to increase the number of bottle licences it holds.

From the National Party's point of view I indicate again that I am very much aware of the work that has been undertaken by those involved in the industry, including the negotiations that have taken place and the improvements that the bill before the Parliament will provide for the industry by placing restrictions on the open availability of licences and giving assistance to those who have licences within the industry but who wish to move out. However, our concern is that the government's policy leading up to the 1999 election has been broken and should be met before other amendments to overcome the 8 per cent cap and to meet the competition policy as set out by governments within Australia are looked at.

The National Party will be opposing the legislation on the basis of my final comments — although it believes many aspects of the legislation will be of assistance to the industry — and recognises the difficulties for the smaller retailers who will be subjected to enormous pressure by the changes proposed to be implemented by this legislation.

Ms BEATTIE (Tullamarine) — It is quite ironic that at this hour of the night I should be speaking on the Liquor Control Reform (Packaged Liquor Licences) Bill. It is my experience that some of the most profound discussions are had late at night with liquor involved, so it gives me great pleasure to speak on this bill.

The initiatives contained in the bill are a culmination of discussions which were held over a year with the packaged liquor industry and which were facilitated by the government. The new arrangements are based on an agreement between the Liquor Stores Association of Victoria; the Master Grocers Association of Victoria; Coles Myer, which trades under the name of Liquorland; and Woolworths-Safeway. Those groups represent over two-thirds of the current licence-holders in the packaged liquor industry.

The agreement generates significant benefits to the community and to small business. I will go through some of those benefits for honourable members. They include greater community involvement and greater scrutiny in the granting of new packaged liquor licences to ensure that issues of amenity and harm minimisation are properly considered, and I will go back to scrutiny and harm minimisation at a later time; the

establishment of a \$3 million packaged liquor industry development trust fund to improve the competitiveness of the independent liquor stores; and the gradual and orderly phase-out of the 8 per cent limit on packaged liquor licence holdings.

The major chains will generally be able to purchase the existing licences if they are under the set limits, and of course there are buy-out arrangements.

It is important to have the protection of a minimum payment specified to protect the affected independent liquor stores during the transitional period.

Some of the key reform elements will be implemented through the Liquor Control Reform (Packaged Liquor Licences) Bill. The bill amends the Liquor Control Reform Act 1998 to promote the responsible sale of packaged liquor, to enable genuine community involvement in the licence application process and to ensure a diverse and vibrant industry.

The bill also provides for a more transparent and inclusive decision-making process regarding applications for new packaged liquor licences. It contains a number of initiatives to minimise the abuse and misuse of alcohol, and to protect the amenity of the local community. Most honourable members will have heard some tragic stories about the abuse and misuse of alcohol — and they surely are tragic.

While harm minimisation is one of the principal objectives, the bill also provides that the director of liquor licensing may refuse to grant an uncontested application if the granting of that application would be conducive to or would encourage the abuse or misuse of alcohol. However, at the moment a member of the public cannot object on these grounds. Certainly in many areas where young people gather you often see incredible amounts of binge drinking.

Mr Brumby — It's outrageous.

Ms BEATTIE — It is outrageous, but it is something society has to contend with. The bill will help that situation.

It is in the interests of promoting harm minimisation objectives and community involvement that the bill will enable the public and local councils to object to an application if it would lead to a promotion about the abuse and misuse of alcohol.

The bill also introduces a requirement that new licensees and managers need to complete an approved responsible service of alcohol program within three months of the granting of the licence. It also requires

that existing licensees and managers will be required to undertake an annual refresher course. Those courses are most important for the licensees. Many in the industry already undertake such training, which is inexpensive and not time intensive. It is something that is of great advantage to the community and the industry.

I also understand that there is a concern from smaller wineries that their products may not be carried in those larger stores. That is something the government will have to watch, but it will take all those concerns on board.

This is an example of genuine community involvement in the licence application process. I understand those concerns because I have many vineyards in my electorate, including some very good ones, although I will be losing them in the redistribution of electoral boundaries. But I will be gaining a note-printing works!

With that brief contribution following the quite considerable contributions of the honourable members for Bentleigh and Murray Valley, and given the late hour, I commend the bill to the house.

Debate adjourned on motion of Mr PATERSON (South Barwon).

Debate adjourned until later this day.

BUSINESS OF THE HOUSE

Postponement

Mr BRUMBY (Minister for State and Regional Development) — I move:

That consideration of government business, orders of the day, nos 4 and 5 be postponed until later this day.

Mr McARTHUR (Monbulk) — Briefly on the question, Mr Speaker, the opposition is not opposing the motion; in fact, it supports it. But I need to make the point that this has been thrust on us at a very late stage. There has been discussion in recent days on how to deal with what was, I think, an overly onerous burden of government business in the three days left to this sitting.

Tonight at about 11.45 the opposition was given amendments to the Liquor Control Reform (Packaged Liquor Licences) Bill. Even though the opposition had not seen the amendments previously, it was asked to agree to them. Not unreasonably, we said we needed time to read them and consider them and that perhaps it might be best to consider them in the cold hard light of day. After some discussion with the Leader of the

House we have agreed to adjourn debate on that bill until tomorrow and, by agreement, the house will now proceed to deal with Parliament's appropriation bill.

I need to make it clear to you, Sir, and other honourable members that this is not our doing but a surprise package sprung on us by the government. We are doing our very best to accommodate the government's program in the less than single parliamentary day left in this sitting. This is yet another example of the mismanagement of the government's business program. Ministers who are advised of flaws in their bills leave it until 11.55 p.m. to bring those amendments into the house and then expect the agreement of other honourable members without consultation on those amendments. That is unreasonable, unprofessional, and unethical. The house should not have to deal with that.

Mr Robinson interjected.

The SPEAKER — Order! The honourable member for Mitcham is not assisting the proceedings.

Mr McARTHUR — He is not. I remember the honourable member for Mitcham talking about family-friendly hours in the past. Would he like to go home to his family now?

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Doncaster is not assisting, either.

Mr McARTHUR — The honourable member for Mitcham preaches pious at times, but he is hypocritical and has double standards, as does the Minister for Education and Training, who used to preach to the house about family-friendly hours. But now, after the midnight hour, the house is being asked to agree to amendments we have not seen and being asked by the government to deal with procedural issues that we have not had the opportunity to deal with.

I can assure you, Mr Speaker, I have the capacity to discuss these issues. While not opposing the motion I say that what the government is doing is unreasonable. However, we are bending over backwards to assist them in this process because without our assistance, a number of bills that are absolutely critical and must be passed this sitting may not pass; a whole series of legislative arrangements could collapse. Without our assistance these things could not occur.

If we oppose this sort of process we would have no environmental levies on landfill or the psychology arrangements for pathology tests. If we oppose those arrangements a whole series of necessary arrangements

would fall over in the winter. We do not do that as we are not irresponsible.

However, the government has not been reasonable on this. It has dropped amendments on us, and the opposition needs time to read and consider them. In changing the arrangements it is reasonable to allow people who have not planned to speak on a bill until tomorrow some time to prepare their thoughts. I make the point in passing that we are doing our very best to assist the government in meeting what is an unreasonable deadline.

I am glad the Minister for Education and Training has entered the house because I may ask her to talk about family-friendly hours. I do remember the minister, who was then the honourable member for Altona, preaching from very high vantage points. One might say she was preaching from a high horse — almost a Trojan horse, given that we have been talking on Greek issues today — about family-friendly hours. The Minister for Education and Training has just bolted from the chamber because she does not want to discuss family-friendly hours.

I do not oppose the procedural amendment moved by the government. The opposition will assist it in this process. I hope that by this short interlude honourable members on our side who now have to speak on the Appropriation (Parliament 2002/2002) Bill have had time to gather their thoughts. I point out that we are doing our best to assist the government.

We even hope that the Premier enjoys his first-class flight to northern climes on Friday morning. I think the Treasurer is also keen to fly out. I think he told me earlier on that he has an early flight on Friday morning and that he enjoys his first-class flight to northern climes as well. We hope that all those other government members who are escaping the Melbourne winter enjoy their business class flights, if they happen to be backbenchers, or first-class flights, if they happen to be ministers and parliamentary secretaries on their journeys to northern climes.

I do not think the honourable member for Mitcham will get one of these flights because he has a marginal seat and he is desperate to hold it. He will have to do some doorknocking because the Liberal Party selected a very good candidate for Mitcham the other day — and you are on very thin ice, son! You are on very thin ice!

Mr Robinson interjected.

The SPEAKER — Order! Once again I ask the honourable member for Mitcham to cease interjecting. The Chair is having difficulty with the remarks of the

honourable member for Monbulk. The matter before the Chair is a procedural question about deferring items 4 and 5 until later this day.

Mr McARTHUR — Agreed, Mr Speaker. I am talking about why we are reluctantly prepared to agree to this motion: we are doing our very best to assist the government to get through its process without keeping people an undue length of time. However, we do need appropriate notice of amendments and we need appropriate notice of changes to the business program so that people are at least warned of when they are due to speak and of what they are expected to speak about.

Ms Asher interjected.

The SPEAKER — Order! The Deputy Leader of the Opposition is not assisting the proceedings, either.

Mr McARTHUR — You are an eminently reasonable man, Mr Speaker, and I assume — in fact, I am sure — that you would agree, if you were able to publicly state it, that it is not unreasonable to expect people to get a chance to read amendments to bills before they debate them and decide on them and that they get a chance to prepare their speeches on a bill before this house before it is suddenly introduced.

Despite all those misgivings, I make the point that the opposition is prepared to proceed with this motion. Opposition members are prepared to assist the government in its process. We are reluctant to assist the government to achieve what is an onerous program and we point out to the government that this should not happen in the spring session.

Motion agreed to.

APPROPRIATION (PARLIAMENT 2002/2003) BILL

Second reading

Debate resumed from 7 May; motion of Mr BRUMBY (Treasurer).

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mitcham and the Deputy Leader of the Opposition shall discontinue that sort of behaviour!

Mr CLARK (Box Hill) — This is a small but very important bill because, as we have been reminded on a number of distinguished occasions today, the Parliament of Victoria is the font of the democratic system in this state and this bill makes the

appropriations that are needed for this Parliament to operate effectively.

As Parliaments themselves do, this bill preserves longstanding traditions. It makes its appropriations in the form that once appropriations for the entire budget were made, on a basis of departments within the Parliament, and it appropriates the outputs of those departments. Therefore the bill provides for the various component parts of the Parliament, including the Legislative Council, the Legislative Assembly, the parliamentary library, the Department of Parliamentary Debates — or Hansard, as it is otherwise known — the parliamentary committees, the Joint Services Department and — following on from reforms made by the Kennett government — the Auditor-General. These are all valuable institutions within the system of parliamentary democracy in this state.

In looking at the various aspects of these appropriations, attention has often focused on opportunities to improve the functioning of Parliament, in particular on some of the support services that are available for members and others around the Parliament. I would certainly like to make some remarks about the information technology (IT) systems that are available to this Parliament, and I am sure my colleague the honourable member for Doncaster will make some further remarks on this subject if, as I hope, he has the opportunity to do so.

We have come a long way in improving the IT systems available to serve the Parliament, and not only the systems that are available for honourable members' offices but equally, if not more importantly, the systems that make Parliament and the legislative process more available to the public.

The document management system that the Honourable Rosemary Varty pioneered and assisted in implementing has proved to be a robust and successful system, not only for providing access to bills but also for legislation generally. Most honourable members these days would have discontinued subscriptions to the hard copy editions of the statutes and stopped the arrangement whereby the Anstat service would come along and update the legislative volumes in the various parliamentary offices because they can now rely on the IT systems that have been put in place, and possibly supplemented by CD-ROMS and other forms of index. Although it continues to be welcome that we have the hard copy volumes on the table in the chamber and behind the Speaker's chair to be referred to when needed, we have gone a long way forward.

Successive improvements have been made to the parliamentary web site, which makes a range of useful information available to the public. I probably speak on behalf of almost all honourable members in saying that we greatly appreciate the very effective use of information technology which the parliamentary library has made available, albeit on a very limited budget, and the access to the AAP info centre and other services has dramatically enhanced the quality of timely news information that is available to members of Parliament, and has therefore enabled us to do our jobs much more effectively, and therefore, I hope, contribute to a better informed and effective public debate.

All these improvements have been achieved over recent years, and we look forward to further improvements being made, particularly in the information systems in time to come. I am sure others speaking in this debate will make their own specific contributions on issues such as the technology available to members in their electorate offices, the notebook computers that we are able to use in the parliamentary chamber and elsewhere, and the wireless land area network that has been installed in the Parliament which I think as a pioneering effort has proved remarkably successful. I know my colleague the honourable member for Doncaster has referred in the past to his ability to send interjections by email, which I suppose even if it is a somewhat light-hearted use of the technology demonstrates the limits to which it can be stretched.

Regardless of these improvements we still need to look at how we can continue to make better use of the opportunities that are available through technology. I know most honourable members are looking forward very keenly to the rollout of a new generation of computer hardware and particularly the replacement of our hard disks, which in these modern times are very small and relatively slow. Communication to and from electorate offices can be extraordinarily slow at times, and I believe many of us are looking forward to the day when we are able to access information in our electorate offices from wherever we may be — certainly from around the Parliament — but in due course from dial-up connections, so we do not have to spend time reconciling two competing sets of data when we have made changes on our notebooks or in our electorate offices.

These are all significant improvements which I hope the parliamentary appropriations, under the good guidance of Mr Speaker and Mr President and the members of the House Committee and the other parliamentary committees, can continue to make.

However, democracy goes far beyond information technology systems: it goes to how this chamber and the other place operate as functioning entities in which decisions take place. We have heard the honourable member for Monbulk just a few minutes previously talking about the hours of operation of this chamber and making references to family-friendly hours. It is a curious fact that, having been in Parliament some 14 years, I find that periodically there are references to changing some of the hours of Parliament. We have seen some incremental changes, particularly of our morning starting times, and those changes seem to have worked quite well. Beyond that we notice that despite periodic efforts to change we get back into a structure that is broadly similar to that which has operated for many years.

We have had an attempt at sitting through the luncheon break and decided that was not going to be successful. We still sit well into the night, sometimes far later into the night on occasions such as this than we would like to, but it has the logic, particularly for non-metropolitan members, that it makes more sense to put in a more solid day on the days they are in Melbourne rather than having more sitting days of shorter hours. So there is this logic and the same old customs and traditions continue because they are logical and they are sustained despite the availability of new technology.

We also have issues relating to parliamentary committees and how effectively they can operate, and we had a report earlier today on that subject. Having served on the Economic and Budget Review Committee from 1988 to 1992 and having rejoined its successor, the Public Accounts and Estimates Committee, late last year, although I can see some changes I can also see that there is a great deal that has not changed over that period, and in many respects it is difficult for those committees to make an effective contribution to the democratic process, particularly in reconciling the roles and objectives and the potential to contribute of individual members with the party system and party allegiances. I do not think we have a fully satisfactory answer to that issue notwithstanding the very good work that parliamentary committees do from time to time.

As I indicated earlier, we also have in this appropriation bill before the Parliament appropriations for the Auditor-General. It is perhaps timely that we are debating this bill tonight because it was today that the Auditor-General tabled his report on public sector agencies and some of his findings relate particularly to the democratic process. I refer to his thorough and detailed examination of the subject of political advertising, and particularly to his findings set out on

page 303 and the following pages of his report which I would commend to all honourable members. It includes his findings that advertising undertaken by the government in recent times has been party political and therefore an inappropriate use of public moneys, and very detailed guidelines which he recommends for use by government — most of which would have been more honoured in the breach than the observance in the last couple of years and which are going to have a significant effect on the way governments are able in future to use taxpayers' money for their advertising campaigns.

Overall, in assessing the results achieved from any appropriation you need to look at exactly what value for money you are getting and exactly what the institution that you are funding is achieving. In Parliament, we continue to pass legislation; we continue to have question times, adjournments and other opportunities to raise issues, but the big picture questions we need to constantly ask ourselves are: how effectively are we contributing to an informed public debate; how effectively are we allowing the public generally to feel that they have some ownership of the democratic process; and how well are we contributing to good laws and good governance? That raises far more questions than can be canvassed in a debate on an appropriation bill.

As any generation does, we live in times that are changing. We perhaps live in times that are changing more rapidly than in the past and we see a trend to far more succinct debates and exchanges of information. The extreme would be the very terse exchange of information using SMS messages with mobile phones. Generally the 2 or 3-hour speeches which used to characterise political debate a century ago and which took up inches of column space in the newspapers and were pored over by citizens who dwelled on almost every word of political utterance, have well and truly disappeared and we are in a world in which the 15 or 30-second summary on the radio or television news bulletin is often the main source of political information which members of the public choose to have.

We should be asking ourselves how we as a Parliament respond to that. What implications does this have for the democratic process generally? Are people today more or less interested overall in Parliament and the way their state and their nation is governed than in the past? Some would argue that there is a tuning out from the political process. Some would say that people retain a similar level of interest but just express it in a different way. We have to ask ourselves how we in this chamber interact with the media who report on us and how we respond to the way they report us; what it is the

public are looking for from the way the media report what we do; and what effect the whole system has in the flow between the Parliament, the media and the public, feeding back to Parliament again through the electoral process and other channels. These are all very important issues if we are really focused on achieving the best from our parliamentary system.

There are a lot of issues about how we conduct ourselves in this chamber, how control is exercised, how question time proceeds and how debates flow. These are the big picture issues on which we need to focus. It is all very well to talk about the dollars that are being appropriated, but the critical question that the public will always want to know the answer to is: are they getting value for money from their elected representatives?

I am sure we are all conscious of the fact that generally politicians are not held in high regard by the public. Indeed, there are institutional factors which tend to reinforce those images in that it is the derogatory and the deviation from standards that gets the attention, rather than those who adhere to a higher standard. That in turn raises questions about what are the drivers of parliamentary behaviour.

There are many questions but they are not ones to be answered in an appropriation debate, although I suggest we need to ponder them. In the meantime the bill will hopefully provide Parliament with the fiscal resources it needs to enable us to continue carrying out our functions in the interests of Victorians.

Mr KILGOUR (Shepparton) — Thank you, Mr Speaker. It is nice to see you in the Chair at this time of night for a very important bill — the appropriation to Parliament — which you have a vital interest in, to ensure that your office is able to function as you would wish it to. It is interesting to be a member of the parliamentary House Committee and to get a better understanding of how the Parliament operates.

Mr Speaker, you have to make some big decisions concerning the operation of the house and what will be done to improve both it and the lot of members and staff who work here. Naturally the National Party does not oppose the bill, but greatly supports it. I am not sure whether anybody would not support a bill that provides for the payment of salaries to members of Parliament and that is one of the things that this bill will do.

Mr Hamilton interjected.

Mr KILGOUR — The Minister for Agriculture wants me to declare a pecuniary interest and I am happy to do that. We must look at the important role

this bill plays in the provision of what we have at Parliament and the improvements that have been made in recent times. I want to talk about the airconditioning project which has been an interesting project because it has not been easy to provide airconditioning in a place with the heritage issues that we have had to look at. The building was designed 150 years ago and its designers did not in any way, shape or form know anything about how airconditioning might be provided in the future. I congratulate the engineers and the people who have been involved in the project for the work they have done. It was lovely to walk into my office tonight and be warm because there is a heater on the wall, which is certainly better than the old three-bar radiator that we used to have.

With the appropriation of money for Parliament the honourable members who are heckling at the moment will, in the future, be able to heckle from a much better and more comfortable position in the chamber. I am pleased to see that there are plans for a refurbishment, hopefully of this chamber, in the not-too-distant future, if the arrangements can be made. When one sits for some time on these vinyl seats with a sore back, et cetera, one would realise that we need to change the furniture here in the chamber and to make arrangements for those people in wheelchairs to be able to get a better view of the Parliament working. I will be looking forward to that in the future.

We have also seen some changes in security since 11 September. Everybody understands that we can no longer feel as safe as we used to and there will be a requirement for more money to be expended on security services to ensure that nobody gets into this building with firearms or knives that might be used for some other purpose.

There is no need for me to talk about information technology (IT) as we heard an eloquent speech on that from the honourable member for Box Hill. I will just say how much we appreciate the money that has been spent on IT. We will be seeing a new shop across the road in the building leased by the Parliament. The public will be able to purchase parliamentary pieces of interest and artefacts. That shop over the road accommodates the information technology branch of the Parliament.

I am pleased to say that in the short term Hansard will not be moving across the road and we will not be looking at the stupid suggestion that a tunnel be built under the road to a building this Parliament does not own. People should keep their eyes off the Hansard offices; those wonderful people in Hansard who make our ordinary speeches look much better on paper

deserve the offices they have. I know that ministers were keen to pinch those offices and kick Hansard out over the road. I hope that will not happen and that the Hansard staff will be able to stay where they are and continue the tremendous job they do for Parliament.

Naturally our electorate offices will be funded, and will be greatly improved over time. The library, the car park and the gardens must have money spent on them. The parliamentary committees need to be funded so they can do their important work around Australia and overseas to ensure we keep up to date with what is going on in the world.

I have much pleasure in supporting the Appropriation (Parliament 2002/2003) Bill. I wish it a speedy passage and hope to see improvements being made to Parliament.

In conclusion, I must say how disappointing it is that we will not see any work done on the completion of this building. As a member of the former Parliament House Completion Authority I was extremely excited to see the plans for the completion of this building, but it appears that at this stage the government does not have any interest in completing Parliament House. I would be happy to see an appropriation of whatever it takes to complete this magnificent building. I hope it is done at some time in the future.

Mrs MADDIGAN (Essendon) — It is interesting to follow the honourable members for Shepparton and Box Hill in the debate on the Appropriation (Parliament 2002/2003) Bill. At least the honourable member for Shepparton had a vague idea of what was in the bill, which is one up on the honourable member for Box Hill, who obviously had no idea. Despite his time wasting, the honourable member for Monbulk still did not get to the point.

The Treasurer should be complimented this year because there is a change in the budget about which all current and former members of the Public Accounts and Estimates Committee would be pleased. For the first time the parliamentary investigatory committee has its own line item, which appears at page 4 in schedule 1. The Public Accounts and Estimates Committee has been asking treasurers to do this for a number of years but none has been prepared to do until the current Treasurer.

Mr Perton interjected.

Mrs MADDIGAN — I am glad the honourable member for Doncaster also appreciates the great work of the Treasurer, who this year has shown in both this bill and the budget to be well on top of his portfolio.

In assessing what is in the budget for this year we must also thank the staff and reflect on the great achievements they made during this parliamentary appropriation year. The parliamentary sitting at Bendigo was a fine effort and I thank all the staff involved, who did a great job under difficult circumstances. The logistics of the day were complicated. All the members of Parliament and staff involved in that exercise certainly deserve our congratulations. The population summit was another highlight of the year.

What is new in the budget this year that will be of interest to members of Parliament. The information technology upgrade has been long discussed and there are many views on it, but honourable members are pleased that it is some time now since our parliamentary computers were put through.

Mr Spry interjected.

Mrs MADDIGAN — The honourable member for Bellarine would be interested to know that \$2.8 million has been provided this year for the upgrade of computers. He will be delighted to know that this includes a new laptop for him. Isn't it wonderful when, like the honourable member for Bellarine, you are in opposition but you only have to say what you want and it is delivered before you by the Treasurer of Victoria. What a very lucky man he is, and I am sure he appreciates that!

That will be the run-out. It will commence fairly shortly with new hardware for the members' electorate offices as well as new laptops, and there will be software upgrades including Windows 2000 and Lotus Notes 5.

Mr Spry interjected.

Mrs MADDIGAN — I am sure the honourable member for Bellarine will be pleased to get all that, and we will look forward to his report to the house on how much he is enjoying his new software and hardware.

Another item that will, I am sure, please honourable members, because it will improve their capacity to represent their electorates and be informed, is a \$300 000 upgrade to the electronic news service.

Mr Perton interjected.

Mrs MADDIGAN — The library provides a wonderful service to this Parliament, particularly to opposition members, who need all the help they can get, and this new electronic service will provide honourable members with a much greater range of papers and will extend the service to offering regional

newspapers as well. That will be very welcome to honourable members.

The honourable member for Shepparton touched upon the airconditioning project. That has been going ahead now for a couple of years, and this year \$1.4 million has been provided for stages 3 and 4. The area to be completed this year includes the opposition offices — and I guess that is appropriate because I understand there is a lot of hot air down there! It also includes this chamber and Queen's Hall. Those improvements will be much appreciated by honourable members.

Mr Perton interjected.

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

Mr Perton interjected.

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

Mr Perton interjected.

The SPEAKER — Order! I warn the honourable member for Doncaster.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Essendon.

Mrs MADDIGAN — Sad little man!

Another item that the honourable member for Shepparton touched on is the refurbishment of this chamber. A figure of \$900 000 has been added to the budget to bolster the money allocated last year towards the complete refurbishment of the chamber to make it much more effective. One of the things I know honourable members, particularly members who sit toward the front of the chamber, will be pleased to hear is that there will be a new and improved sound system. As we know, honourable members and visitors in the gallery often have trouble hearing what is being said in the Parliament.

The refurbishment also includes access for disabled people and particularly making provision for disabled members and members in wheelchairs — a great improvement. I think the only thing the money does not extend to is improvement of the Speaker's chair. Mr Speaker and temporary chairs know that it is not the most comfortable chair in the world. Perhaps it may be possible to attend to that if the funds stretch that far.

Another new initiative is yet another that the honourable member for Shepparton touched on — namely, the completion of the changes to 157 Spring Street. Two floors have already been completed and are operational, and if honourable members have not been over the road to see our IT staff and joint services staff they should go across and have a look. People working over there are very happy and the building is working well. In fact, when the ground floor is operational and has its shopfront it will offer a good public face for this Parliament and will make the Parliament more accessible to members of the public and give them a better idea of how Parliament operates. It will have not only mementos but also an electronic capacity for people to look up information about their local members and about the Parliament.

In concluding, I will mention our staff. We have excellent staff here at Parliament House. They are worth every dollar paid to them in the Appropriation (Parliament 2002/2003) Bill, particularly the staff who assist us in the Legislative Assembly, but also the parliamentary staff, the catering staff — who once again are being asked to put on supper tonight — the joint services staff and indeed all the staff here. They always treat honourable members politely and are very helpful. We are very lucky to have the calibre of staff we have.

I am pleased to support the Appropriation (Parliament 2002/2003) Bill, which includes some great initiatives for the Parliament for the year 2002–03.

Ms McCALL (Frankston) — It is a pleasure to stand in support of the Appropriation (Parliament 2002/2003) Bill. As I have said many times before, it is a pleasure to serve on the House Committee with Mr Speaker.

Some of the issues that I want to raise in the course of my contribution at this time of night focus specifically on the fact that we are debating at this time of night.

Here we are in a chamber that was designed for a different period of history, where the chairs and the seats quite definitely were not designed for modern living — or modern survival, if anything. We are enduring within a building that is governed by heritage and by Heritage Victoria and that makes it fairly uncomfortable — especially in the wee small hours — to be stuck here in Parliament. I am well aware that if we had an occupational health and safety check on this building — and it is not your fault, Mr Speaker, I hasten to say — we would find that we fail dismally in a number of areas. That would certainly include areas such as disability access and certain other areas

regarding conditions of employment, particularly for members of staff — and not just members of Parliament but those who serve the Parliament exceptionally well.

This includes, of course, the people in the library. As the honourable member for Box Hill said, they provide a superb service to the members of Parliament. Their support staff, with their research skills and use of technology, have to work in extremely difficult circumstances and extremely cramped office space. This also includes the Hansard reporters, who are here as long as we are here and who probably look forward to the time when members of Parliament sit down and do not say anything; the Joint Services Department staff who process the invoices for our offices — sometimes not as quickly as we would like; and those who provide goods and chattels for our offices.

I would like to touch particularly on the issue of technology and the appropriation of funding for the upgrade of computer systems throughout our electorate officers and Parliament. We recognise that if we wish to provide a modern, up-to-date service to our communities as well as to members of Parliament, we need that technology to assist us. I support any upgrade of this technology.

One area of the appropriation relates to salaries. I will touch on a slight sideline and that is how disappointed I was with the most recent salary agreement that went through for all the electorate officers and members of staff. While the salary increase has been provided for in this appropriation, the disappointment I have is that the negotiations were concluded on the basis that it was the union that would conclude them and not the electorate officers from the other parties involved in this Parliament.

I support, however, the proposals for the refurbishment of this chamber. I think we would all agree that it is well in need of refurbishment, even though we would acknowledge that its charm and style should be preserved as much as possible.

I am glad that we have moved toward using the building on the other side of the road, but without a tunnel going under the road. The ground floor of that building would be most useful in the style of perhaps a bookshop or memorabilia shop, as they have in other Parliaments around the world. And, yes, you might be able to buy postcards with our photos on them, or all sorts of wonderful souvenirs to give your nearest and dearest as a memorial — well, memorial, perhaps! — of your visit to the Parliament of Victoria.

I would urge, speaking in this debate on the Appropriation (Parliament 2002/2003) Bill, that we look very carefully, when we redesign, refurbish, or look towards upgrading the building, if possible, at doing something about upgrading and improving the hours we are all required to work in here.

If we do continue to have to make speeches at 10 to 1 in the morning, having sat in an uncomfortable seat or attempted to sleep on an uncomfortable chair in our office, I would urge that we look to providing members with beds in their offices, ensuite bathrooms, or something that would make conditions here at least marginally bearable.

Ms BARKER (Oakleigh) — I am pleased to make a small contribution to the Appropriation (Parliament 2002/2003) Bill. I really will make a small contribution: I understand that the honourable member for Bayswater will follow me and, as he has entered the chamber in a somewhat illustrious looking top hat and tails — I think it is — I cannot wait to hear the contribution. I am quite amazed, I really am.

I would like to place on record just a few words about this very important bill which makes appropriation for the many and various departments within Parliament.

As to the Legislative Assembly, I note the comments by previous speakers about the upgrade of this very important chamber and the continual plans to upgrade the rest of the building. In terms of upgrading this chamber, not only is it important to provide access for people with disabilities to the remainder of the building, including those who are visiting it to view the proceedings of Parliament, but it is important that we consider very seriously the capacity for people with disabilities to actually stand for Parliament and become members of this place. That includes having facilities to enable those who perhaps are in wheelchairs to be active members of Parliament and participate in this chamber. Access for people with disabilities is important, not only for those who wish to view Parliament but for those who wish to become members of this place.

We are all very privileged to have such a wonderful parliamentary library. As the Deputy Speaker mentioned, the introduction of the electronic news service is another welcome addition to the continual improvements that the parliamentary library makes to the work of members in this area.

As to the Department of Parliamentary Debates, we again all thank very much the Hansard reporters who

do a magnificent job on the speeches we make in this place.

I would like to say a few words in terms of the budget for the Joint Services Department. Honourable members have had to deal with the work that is going on across the road and the payment of salaries to staff in this building. That is important. I will mention within the joint services area our electorate offices and the staff who work within them. Those staff are the key interface with our communities at times, particularly when we are in the chambers in this place. They work extremely hard.

We note the signing of the agreement which has seen some upgrading of their pay and conditions, but I think I would not be alone if I said that there are many members in this place who wish to see a continual improvement in the pay and conditions of the electorate staff who work for us in our electorates on a day-to-day basis and provide a wonderful service to the communities that we represent. They are really hardworking people — I know my staff is — and I thank them for what they do over and beyond the call of duty in many instances. I welcome the pay agreement that has been signed off, but I hope we can continue to discuss, improve and better the conditions for electorate staff who work very hard in our offices.

In conclusion — as I see that the top hat is being passed around the chamber — I note the line item for the Auditor-General. I cannot of course conclude without noting that it is the Bracks Labor government that not only restored but extended the powers of the Auditor-General, a key commitment of ours coming into government which was quickly fulfilled. The honourable member for Box Hill mentioned the reports that have been recently tabled by the Auditor-General. It is under the Bracks Labor government that those reports have been able to be tabled.

I welcome this bill and wish it a speedy passage. I look forward to the honourable member for Bayswater's contribution.

The SPEAKER — Order! The resplendent honourable member for Bayswater!

Mr ASHLEY (Bayswater) — People may wonder why I am dressed in this gear. This is how well-dressed gentlemen in the 1850s dressed, with top hat — —

An Honourable Member — White tie and tails!

Mr ASHLEY — White tie and tails. You will see it represented in those sketches outside the chamber. The

reason I am dressed like this is that there is so much about this place that is redolent of this kind of dress.

Mr Holding — Like the Liberal Party.

Mr ASHLEY — And the Labor Party, and the whole box and dice of the way we do things.

We are in a time warp. In a 1955 commentary on the Victorian constitution the point was made that the powers and privileges of the Victorian Parliament are based on the powers and privileges of the British House of Commons at the time the original Victorian Constitution Act of 1854–55 was passed. My argument is that despite a few improvements nothing much has changed and that the forms and the procedures have not progressed or evolved.

It is said of colonial societies that they are slow to move forward in terms of both their institutions and their accents. There is a delay factor in institutions with colonial origins. I believe in many ways we are stuck in a time warp and we have not moved on though society has moved on many times over and the spirit of the age has changed probably 10 times since the 1850s.

Somewhere down the track and without really knowing it we threw out the baby and got stuck with the bathwater. Let me take the house to a few obvious things and then move on. What I am doing is quite serious; it is not a send-up of this place. I am being serious about what I think are the serious deficiencies of the time warp that we are caught in.

First there is the obvious: the way we vote on legislation. I need say no more. There is no electronic voting, though parliaments in some Third World countries now have electronic voting.

There is the quality of the sound system, and this evening the Deputy Speaker made reference to that when she said that it is not possible for people in the gallery to hear, and many times it is not. An individual voice can be heard but once the hubbub starts not even that can be heard.

There is the rule about members not being able to read their speeches. In this time and at this juncture of the evolution of our society I regard that to be as crass, puerile and childish as it can get. It is about time we recognised that some of the best content is that which is written down, thought about and reflected on. What we do in this place breeds a lot of bad habits as well as of course many good flourishes of speech and speech-making, but certainly many bad habits are built into our form of parliamentary life by this approach. I

simply say that the day of the orator has largely vanished.

There is the perfunctory way in which we deal with petitions. I would like to go into that in more detail, but I simply signal as an example of the perfunctory way with which we deal with petitions that they are not given any credit or recognition other than being put on the table.

There is a lack of a daily business bulletin or diary. There is a lack of weekly reports. We get into the ludicrous situation of members of Parliament who are 'caught' by the press for something they said or something they wrote about their Commonwealth Parliamentary Association study tours. What an absurdity! Why not make reports available on Parlynet or on hard copy to the whole of Victoria and say, 'There they are. That is what these honourable members said on their last trip'. Make them available so that the people of Victoria can see what we are doing and what we are trying to equip ourselves with.

Mr Batchelor — On a point of order, Mr Speaker, I raise a matter under standing order 42 and I seek guidance in relation to the honourable member for Bayswater making a contribution wearing a top hat. I wonder how standing order 42 relates to his ability to continue his contribution tonight given that we have a motion before the Chair.

The SPEAKER — Order! The minister has taken a point of order and cited standing order 42, which reads:

A member may be permitted to secure a place in the Assembly chamber by leaving a book, hat, or glove upon it, before motions are called on.

That normally occurs immediately after an election for a member to secure place. It is not applicable in the proceedings before the Chair this evening. I am of the opinion that the honourable member is not infringing standing order 42. I will continue to hear him.

Mr ASHLEY — Mr Speaker, I have to say I had acquainted myself with that situation, lest I be caught by surprise.

Now getting more serious, I come to the point about the powers of the Presiding Officer. I believe these need to be substantially strengthened, especially in relation to question time. In the final analysis non-governing parties have only the device of the question with which to bring a government to account. When questions are ducked, dodged, trivialised or demeaned the Parliament is being brought into deep disrepute. These kinds of tactics inevitably provoke oppositions into bellows of

protest and raising serial points of order. Whenever that happens, as it does far too frequently, question time degenerates into a form of mayhem, ugly confrontation, unbecoming spitefulness, name calling, and sniping.

One young person said to me only a few days ago that when he saw Parliament on television he thought it looked like something out of *Planet of the Apes* — and he was not being commendatory.

In every administration there are at least one or two ministers who do not take kindly to being pulled into line when they are challenged by the Presiding Officer. When challenged they react like junkyard dogs slamming up against the security fence: eyes bulging and teeth bared. Unless the Presiding Officer has and exercises the power to sit them down at that moment, they are given the green light that somehow they can get away with what they are doing and in so doing break the rhythm of question time. Presiding Officers must have the power to impose a code of courtesy. Until that happens question time will continue to be the Achilles heel of this Parliament and will continue to be written off by many as a joke.

Twelve months ago some senior girls from Tintern Grammar came to this place. They sat up in the gallery through an appallingly dysfunctional question time. When I spoke to them afterwards they were white with rage and shock and half of them had headaches. We offended those bright young women, those idealistic young people, and we turned them against us. We made them instantly cynical of the whole institution of Parliament, and we did it in less than an hour.

By way of contrast the last time I was in the Scottish Parliament 45 questions were asked and answered by ministers in 60 minutes. Following that the first minister was asked and answered 17 questions in 30 minutes. This means 62 questions, including supplementaries, were asked in 90 minutes. There were no dramas and just two technical points of order which had to do with the rightfulness of asking a question, which in fact was ruled out by the Presiding Officer because it was a matter for the United Kingdom Parliament rather than the Scottish Parliament.

I turn now to the seating arrangements. We sit in a certain manner. At first glance this might seem like nitpicking, but the constellation in which we sit has an immense influence over the way we behave. By their very function all parliaments are adversarial places. They are places of controversy. The problem with our system is that it magnifies the potential for conflict. We sit like ancient armies across a central trench. Those facing one another across the statute table are

systemically conditioned by in-your-face proximity to take one another on, to fall for the temptation of niggling and jibing, and so on.

If you take two peaceful baby pups and push their faces together a few times they will start to growl. If you keep doing that those two placid pups will start fighting each other. It is the same thing here. A small taunt provokes a response which rapidly escalates until tempers flare and debating descends into baiting. Time and again the way we sit acts as a catalyst to bring on acrimonious and delinquent exchanges.

Why on earth do we sit the way we sit? The reason is that when the kings went around England, and the kings of Scotland too, they usually drew Parliament together in cathedrals because cathedrals were relatively safe and warm. So to get everyone huddled together they sat in the choir stalls, which were opposite one another, and that was taken and implanted into Westminster when they constructed the first Parliament. It was held in place despite the fact that the divine right of kings gave way to the divine right not of Parliament but of the executive.

It is an important distinction I am making here because this comes back to the issue of the way we do things in this place. We have regimented into our system the divine right of the executive, and when you get a situation of seating like this it only aggravates the whole thing. There is no reason why we could not take the Speaker's chair and put it against that wall or this wall with the table in front of it and group ourselves in a crescent, as almost all modern Parliaments do. There is no reason at all.

Finally, there is the way we do legislation, and I think that this looms as the biggest single barrier to this Parliament joining hands with the democratic spirit of the 21st century. The way we do legislation is this: legislation comes together under the aegis of the executive. It is cooked up in the hot houses of the parliamentary parties, but essentially it comes together under the government. It is then launched in so-called finished form but normally it is only in embryonic form. We waste time reading it because those are the rules of the place. We waste hours reading speeches — an ancient custom. Then the opposition normally has two or three weeks to scramble around and find out the views of different interest groups and of those who may have contrary views about the legislation, and then it is brought on for debate.

If everyone agrees with a bill, from that moment on all the talking is beside the point. Where there is disagreement there is some virtue in speaking, but not

necessarily in going on and on ad nauseam as we do. There is another totally different way to do legislation, and that is for the power of the executive to be modified and for the legislation to begin with the government and to be passed to high-powered cross-party parliamentary committees which then have charge of it and whose duty it is from that moment to take the legislation as parliamentary committees to the people of Victoria both locally and across the state. We had one exercise last year when the two houses of Parliament sat in Bendigo and Ballarat.

We could take parliamentary committees as a routine to all parts of Victoria and do the legislation that way so by the time we came to the end of it we would have a bill in much better finished form and we would not then be debating an embryonic bill and then amending it, as we have done with bills tonight, so that the amendments are basically after the event and the bill being debated is not the final bill. It is ridiculous stuff. I will leave it at that.

I will say a couple of things in conclusion. When Ian Macfarlane made his first speech in federal Parliament in late 1988 he offered the following observation about the distorting gamesmanship he believed had come to dominate Australian politics:

I can do little but lament at my lost innocence and ponder if the wonderful and enormous resource that sits in this house will ever be fully harnessed to the complete and — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Doncaster shall desist. I remind him he is on a warning.

Mr Seitz — On a point of order, Mr Speaker, I realise that wide-ranging debate is allowed during debate on the Appropriation (Parliament 2002/2003) Bill and the budget. However, so far I have not heard anything to do with this appropriation bill and budget in the honourable member's speech.

Mr Perton interjected.

The SPEAKER — Order! The honourable member for Doncaster!

Mrs Shardey interjected.

The SPEAKER — Order! The honourable member for Caulfield! I do not uphold the point of order raised by the honourable member for Keilor. The honourable member for Bayswater was canvassing the operations of this Parliament, and I will continue to hear him.

Mr ASHLEY — I will return to what Ian Macfarlane said:

I can do little but lament at my lost innocence and ponder if the wonderful and enormous resource that sits in this house will ever be fully harnessed to the complete and absolute benefit of the people we represent and the nation as a whole.

We, too, in this house will certainly fail to fully harness the massive talent in this house until people begin to challenge the high-handed, claustrophobic and archaic ways in which things are done. We will fail whenever each new intake of members succumbs to the group think of this place. We will fail while we continue to suppress the sensitivity and feelings of dismay we had when we first took our places. We will fail to fully serve the people we represent while we happily adjust to the posturings, the self-indulgent glee, the ritual combat and the hot smell of the hunt; and whenever too easily we surrender the gift to see ourselves as others see us — as they do see us night after night on the television news.

Until we break the tyranny of a largely defunct paradigm and engineer a model which accords more with the democratic expectations of our age, we will look as ludicrous as I look in the gear I am wearing tonight.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Ms PIKE (Minister for Housing).

ADJOURNMENT

Ms PIKE (Minister for Housing) — I move:

That the house do now adjourn.

Motor vehicles: permits

Mr ASHLEY (Bayswater) — On 14 May I drew the attention of the house to a very unsatisfactory situation regarding unregistered vehicle permits. In the first instance my question was directed to the Minister for Transport. In this case I direct my request and demand to the Minister for Police and Emergency Services.

Once a car that is unregistered has been assessed by an authorised vehicle tester, the owner of the vehicle

should not be placed in the invidious situation of having to run the gauntlet of police inspecting the car, or stopping the vehicle and declaring it to be unsafe for use on highways. I request that the minister examine the possibility of including a statement in the assessment to this effect: that the vehicle is or is not safe for use on the highways. Once an authorised vehicle tester, a professional, makes that judgment, then that should be it. There should be no possibility of the police coming along, intercepting a vehicle, and just on the basis of observation declaring that vehicle to be unfit — that is, unsafe for use on a highway — as a result imposing a \$500 fine.

Sport and recreation: western suburbs

Mr SEITZ (Keilor) — I ask that the Minister for Sport and Recreation in another place ensure that the western suburbs get their fair share of the funding increases introduced by the Bracks government. There has been an increase in funding for community sport and recreational facilities of almost 30 per cent, which has included increased funding for the minor facility category from \$2.5 million to \$5 million and an increase in the Better Pools funding program from \$5 million to \$7 million.

I ask the minister to ensure that the western suburbs, particularly the seat of Keilor, do not miss out on some funding. The Keilor–Melton growth corridor needs recreational facilities. There are no swimming pools for young families moving into the area. They need football grounds and cricket grounds — all that type of infrastructure needs to be provided.

Invariably when one deals with two municipalities, such as the City of Brimbank and the Shire of Melton, there is always a difficulty for the people who are living on the borders. Both municipalities tend to forget the people on the edges of their municipalities. The minister needs to actively look at that region because it is important that people settling into new areas are able to become involved in community recreational activities.

The government has assisted the local netball association to build a stadium on the Sydenham campus of Copperfield College. The netball group, the education department and the college council put money up for that project, which is highly commendable. I would like to see the minister further those advances and perhaps engage in some discussion, and show some leadership.

It should be explained to local municipalities that they should jointly put a submission to the government for

the needs of that growth corridor, because individually the populations on the edge of the municipalities are too small to justify high expenses by the government. If joint approaches were made by the two municipalities for the growth area and for the sake of their ratepayers and my constituents in Keilor, it would be of great benefit for the future. There is a long lead time for land to be set aside for those facilities and to build the facilities.

Rail: Melbourne–Wodonga line

Mr JASPER (Murray Valley) — I refer the Minister for Transport to the need for upgrading passenger rail services and rail services generally in north-eastern Victoria. While an indication has been given of funding for the upgrading of passenger services to Ballarat, Bendigo, Geelong and the Latrobe Valley, there has been no indication of funding to be spent in north-eastern Victoria. In seeking clarification on this issue I wrote to the federal transport minister, bringing to his attention the need to upgrade passenger rail services and rail services generally in north-eastern Victoria.

The reply I received from the federal minister confirms that the commonwealth is involved in upgrading the standard gauge track between Melbourne and Wodonga. He confirms that \$250 million is being provided for the upgrading of rail services generally across Australia. However, he says that \$14 million has been spent strengthening and upgrading the rail track between Melbourne and Wodonga, and that a further \$10.35 million had been provided by the commonwealth to grind and straighten rail track, thus prolonging the life of the track and reducing maintenance costs for the rail track owners and train operators in the Melbourne–Wodonga corridor.

He then says that responsibility for upgrading the remainder of the intrastate track in Victoria rests with the Victorian state government. He suggests I may wish to take up the issue with the Victorian Minister for Transport. He has said, in summary, that the standard gauge track between Wodonga and Melbourne is the responsibility of the federal government but that the broad gauge track is the total responsibility of the Victorian government.

I seek from the Minister for Transport an indication of what action is being taken to provide funding to standardise the rail track between Melbourne and Wodonga, and to improve services through upgraded passenger and freight rail services so we can get an appropriate service for north-eastern Victoria.

I also refer to the budget papers and an indication by the minister that more than \$60 million is to be provided for standardising tracks in Victoria. What percentage is being spent in north-eastern Victoria to provide us with improved and upgraded passenger and freight rail services?

Buses: Waterways estate bus stop

Ms LINDELL (Carrum) — I ask the Minister for Transport to take action to provide a bus stop along Springvale Road adjacent to the new Waterways residential estate. This development has taken place within the green wedge and thus it is the only residential development on that stretch of Springvale Road. No provision has been made for a bus stop. Residents have no convenient way to access a bus.

The services of the bus have been extended through routes 888 and 889 from Ringwood to Edithvale and Chelsea. It is a fabulous extension. For the first time residents of Chelsea Heights will be able to access bus services on Sundays, Saturday afternoons and evenings, and week nights until 11.30 p.m. The extension of the service has been very well received. If a bus stop were installed on Springvale Road adjacent to the Waterways estate the new residents of the estate would be able to access quite convenient bus services.

The need for the bus stop for Waterways residential area was raised when the new housing estate was doorknocked by Janice Munt, the hardworking Labor candidate for Mordialloc. The residents of the new development have obviously been ignored by their local member, who happens to be the shadow transport minister.

I ask the minister to take action to ensure the provision of a bus stop convenient to the residents of Waterways. Thanks to the Bracks budget, a very convenient bus service for the residents is available there now. As I said earlier, for the first time bus services will now run to there on weeknights and Saturday nights until 11.30 p.m. and on Sundays. The residents of the new estate should be able to access a bus conveniently adjacent to their new estate.

Portland Maritime Discovery Centre

Dr NAPHTHINE (Leader of the Opposition) — I raise a matter for the Minister for State and Regional Development. The action I seek from the minister is for him to respond positively to an application from the Glenelg Shire Council for funding from the Regional Infrastructure Development Fund for the stage 2 development of the Portland Maritime Discovery

Centre. Portland is Victoria's oldest European settlement. It has a wonderfully rich maritime history in whaling, sealing and the fishing industry. Unfortunately it is the home of many tragic shipwrecks.

Portland is the current site of a major deepwater commercial port and its significantly diverse fishing industry. The Portland Maritime Discovery Centre celebrates its rich history and provides a great tourist attraction for south-west Victoria as well as an educational facility for many children. In particular it encourages visitors to the Great Ocean Road to travel on to Portland and south-west Victoria. It has certainly been a great addition to the tourism venues in the south-west of the state.

Stage 1 of the Portland Maritime Discovery Centre was opened in 1998. After this, the \$2.3 million centre received \$1.2 million from the previous Liberal government. It attracts 52 500 visitors per year. It is the site of the Portland Visitor Information Centre. It is now ready for stage 2. The main feature of stage 2 will be the display and interpretation of the shipwreck of the *Regia*, which is a teak brig that was wrecked in Portland harbour on 16 November 1860. This would be the only shipwreck on display in situ anywhere in Victoria. It would be a magnificent tourist attraction and a magnificent educational facility, and it certainly would be well worth funding. Stage 2 also includes the extension of the museum and the creation of a theatre in the round and will expand the restaurant facility. It would complement the many attractions in south-west Victoria and would be a boost for tourism, a boost for the local economy and a boost for jobs. I urge the minister to get behind this project.

Disability services: advocacy

Mr TREZISE (Geelong) — I raise an issue for action by the Minister for Community Services. It relates to the provision of advocacy services for people with disabilities, specifically in my electorate of Geelong. As a member of the Bracks government I fully understand the importance advocacy plays in ensuring the rights and interests of people with disabilities are protected, respected and realised. As such, I am committed to the development of strong and effective advocacy for people with disabilities throughout Victoria but particularly within the Geelong region.

I am well aware that such advocacy will not operate effectively without real support from the state government. Therefore the action I seek from the minister is for her to ensure that adequate funding is made available within the Geelong region to provide

effective and innovative advocacy projects for people living with disabilities. Advocacy operates at a whole range of levels and in a whole range of ways. Advocacy might aim to bring about change for a single person, for a group of people or for people with disabilities in general. It might work to effect change within the context of a person's family, within their workplace, perhaps within their school or even within their general community.

I am very proud to say that, in my role as the member for Geelong, I have worked with and in support of people with disabilities for two and a half years. Only on Monday night I participated in a community forum organised by the Vines Road Community Centre that addressed the issue of people with disabilities participating, working and achieving within their community. As I said, I have tried to highlight that advocacy for people with disabilities is an important issue within my electorate of Geelong and therefore I look forward to the minister's action.

Minister for Transport: office protocols

Mr WELLS (Wantirna) — I raise a matter of concern with the Minister for Transport and ask him to take immediate action to change the protocols in his office regarding public meetings. The Bracks government was elected on a ticket of open and transparent government, but we have seen nothing but secrecy. The residents in Cathies Lane, Wantirna South, contacted me some time ago to set up a meeting with the residents and bureaucrats of Vicroads to discuss the Scoresby freeway. These people had a number of concerns. These people are supportive of the freeway; they would just like to go through a number of the issues.

We wrote to the Minister for Transport seeking the release of some of the public servants to talk to the residents. We had a phone call back from the public servants to ask who was going to be at the meeting. We said there would be 16 or so residents, an honourable member for Koonung Province, Mr Ashman, and me. At that point they contacted the minister's office again and we received another phone call from a bureaucrat saying, 'Kim, if you are at this meeting, the meeting cannot go ahead. It cannot go ahead if you and the member for Koonung are there'.

We wanted to be there so that if there were issues of a political nature we would be able to lobby the minister directly and not put the bureaucrats in a difficult or awkward position. We wanted to be there to make sure that the views of the residents were going to be heard and that if there were other issues we could lobby on

their behalf directly to the minister. We were told this meeting could not progress and in the end we had to back down and agree not to attend, so it was attended by the bureaucrats and the residents. That is highly unsatisfactory. If you say there is open and transparent government then local members should be allowed to meet with residents and government representatives.

Red Bull drink

Mr ROBINSON (Mitcham) — At this late hour I wish to raise an issue for the attention of the Minister for Health. It relates to claims by the manufacturers of the Red Bull drink which seem to be very close to constituting health claims. I am seeking an investigation of this matter.

An Honourable Member — You haven't got any, have you?

Mr ROBINSON — I could use a bit of a stimulant at the moment, that is true. I raised my concern about the product on the adjournment debate in August last year following some reports internationally of deaths of young people in circumstances where the Red Bull product had been consumed along with alcohol at parties. There is concern that because of what happened in a couple of European countries combining alcohol consumption with this drink is a very unwise thing to do.

In this morning's *Age* an report appeared about a pamphlet being put out in the name of Red Bull which claims the consumption of the product will:

... make 'all-night cramming' more effective, 'so when the hours drag into early morning and you're still hitting the books, your mind will stay fresh and sharp'.

The pamphlet is then reported to claim that the product supplies:

... a 'tired mind and exhausted body' with lost substances.

It also claims the drink allows athletes to exercise at peak performance levels for up to 25 per cent longer.

It then goes on to talk about promoting the product for use at Red Bull Vodka events.

I am concerned that these claims seem to mirror claims on the company's web site internationally that the product increases physical endurance, improves reaction speed and concentration, increases mental alertness, gives an overall feeling of wellbeing, stimulates the metabolism and increases stamina. It is claimed that this Red Bull so-called energy drink stimulates body and mind. These would seem to be health claims which need to be investigated, because

there seems to be a body of evidence — perhaps not scientifically tested to the requisite degree at this point but nonetheless a body of evidence — that points to the consumption of the product, particularly with alcohol such as vodka and other spirits, being risky to people's health.

I am seeking from the minister an investigation of the claims and perhaps contact with international bodies and jurisdictions interstate to see whether the claims being made do actually comply with the health laws of the state.

Nurses: registration

Mr SPRY (Bellarine) — I raise a matter for the attention of the Minister for Health concerning delays in the transfer of registration of nurses when they are transferring from interstate jurisdictions. One of my constituents transferred from Western Australia recently to look after her critically ill mother in Drysdale. She has formidable qualifications in a triple certificate from Western Australia and was employed by the Royal Flying Doctor Service in that state.

She was keen to resume nursing at least on a part-time basis, for obvious reasons. When she came to Victoria on 10 May she applied for recognition and was told by the registration department of the Nurses Board of Victoria that it usually takes no more than one week to get approval. I am told that in Western Australia this process only takes one day. The authorities kept telling her that all the documentation was in order and simply had to be signed off by the nurses adviser. Her registration in this state was finally approved after three and a half weeks, which is just ridiculous.

The government is currently trying to recruit some 3000 nurses and it is spending an enormous amount of money advertising in the newspapers in an effort to recruit these nurses. While this ridiculous delay is allowed to be perpetuated in this state the government is obviously defeating its purpose. It is totally unacceptable and counterproductive and it is enough to put most people off altogether.

I ask the Minister for Health to address this issue without delay and to make sure that any recruits who come from interstate jurisdictions have the opportunity to gain their registration without any delay whatsoever so they can be integrated into the system in Victoria almost immediately.

Banyule: political leaflet

Mr LANGDON (Ivanhoe) — I ask the Minister for Local Government what action the government can

take to ensure that unauthorised material of a political nature is not distributed or printed by professional companies throughout electorates or local government areas.

It has come to my attention that an anti-council leaflet was distributed in the Griffin ward and parts of the Hawdon ward within my electorate in the City of Banyule. The leaflet appeared to be professionally printed and it has since been confirmed that it was distributed by a professional distributing company. The leaflet is unauthorised, does not have a printing company's name listed and is totally incorrect and defamatory.

The person or persons behind this leaflet are not only gutless but the fact that they are anonymous means that other people are blamed for their foul work. For instance, some people have blamed my upper house colleagues, the members for Templestowe Province, the Honourable Bill Forwood and the Honourable Carlo Furletti. Many honourable members know I have had differences with the honourable members for Templestowe Province relating to the Kennett government and its history, but in this case I believe the honourable members for Templestowe Province were innocent.

The distribution of the leaflet was done partly to pass the blame on to the honourable members, and that is one of the foul deeds relating to this leaflet. However, the person or persons behind the leaflet tried to criticise not only councillors but also me. They wanted to paint a picture that I was controlling a minority of councillors. I ask you! If I wanted to control anybody, it would not be a minority of councillors, it would be a majority. There is no point in controlling a minority.

Through my investigations I have become aware that the leaflet was distributed by a professional company on the authorisation of a twice-failed candidate for the Griffin ward, Ms Dora Bergman. Ms Bergman has been rejected by the Griffin ward twice and has now become somewhat embittered.

The ACTING SPEAKER (Mrs Peulich) — Order! Will the honourable member please clarify what action he would like the minister to take?

Mr LANGDON — I did earlier, but I will sum up.

The ACTING SPEAKER (Mrs Peulich) — Order! No, you asked a question, I beg your pardon.

Mr LANGDON — I did.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Ivanhoe should know that the asking of a question is not appropriate during the adjournment.

Mr LANGDON — I did, and I will. The leaflet was also distributed in the Hawdon ward where Mr Dale Peters is also a councillor who is also embittered about a Griffin ward councillor, Ms Jenny Mulholland.

I ask what action the minister will take to make sure unauthorised political material by such scurrilous characters is not distributed throughout the — —

The ACTING SPEAKER (Mrs Peulich) — Order! It is a question that the honourable member is asking. He is asking the minister to take action, presumably.

Mr LANGDON — What action can the government take to make certain this distribution is not undertaken?

Cerebral Palsy Support Network

Mrs ELLIOTT (Mooroolbark) — I ask the Minister for Community Services to give urgent consideration to funding the Cerebral Palsy Support Network. Recently I received a letter from Mr Christian Astourian, the president of the Cerebral Palsy Support Network, who is a young man suffering from cerebral palsy.

Cerebral palsy is the most common physical disability in children, affecting 2 to 2.5 per 1000. The rates do not change with the rise and fall in the birthrate or with improved obstetric practices, they are fairly constant. People with cerebral palsy have mobility and coordination difficulties — in some cases very severe ones. Many of them have learning problems, hearing and vision problems, seizures, toileting and continence difficulties, chest problems and eating problems.

In his letter to me Christian Astourian listed the services that the Cerebral Palsy Support Network provides to its members and to the broader cerebral palsy community. They include a telephone information support service; a quarterly newsletter containing information about cerebral palsy — which was provided to me; information seminars on relevant and important topics; support groups in local metropolitan and regional areas; links to members in other locations; a comprehensive web site; a recreational group; and a respite brokerage program. It is also getting together a booklet that will provide easy information about cerebral palsy for the families of people with cerebral palsy.

The network received from the government \$5000 retrospectively for the years 1999–2000 and an extra \$5000 for the years 2000–01. Since then it has received no government funding at all. It has made strenuous efforts to raise funds itself through sponsors and various fundraising activities.

In a press release dated Monday, 3 June, I noted that the minister had provided \$207 000 in innovation and advocacy grants to various disability groups across the state and that is very good, but the Cerebral Palsy Support Network has a good claim to be funded by the government. It is seeking a relatively small amount which would give it the security of having some ongoing funding so that it could employ a part-time worker and pay the rent on the premises which it currently occupies.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member's time has expired. The honourable member for Bennettswood has 1 minute 29 seconds.

Queen Elizabeth II and Sir John Grey Gorton

Mr WILSON (Bennettswood) — I raise a matter for the attention of the Premier. I ask that he calls on the Parliament of Victoria to appropriately recognise two significant events in the life of the Australian nation.

The first is the recent death of former Prime Minister the Right Honourable Sir John Grey Gorton, a great Victorian who served as Prime Minister of Australia between 1968 and 1971. The Victorian Parliament should have appropriately noted Sir John's passing.

The second event is the Golden Jubilee of Her Majesty Queen Elizabeth II. Monarchists and republicans alike should be pleased to recognise that the current sovereign has served the Australian nation for 50 years with distinction and grace.

Over recent years the Victorian Parliament has recognised a number of historic events and developments, including Aboriginal reconciliation, Federation celebrations, population issues, the death of the Queen Mother and drug policies. However, to date there has been no recognition by this Parliament of the death of former Prime Minister Sir John Grey Gorton nor the current celebrations for the Queen's golden jubilee. The action I seek of the Premier is that he calls on the Victorian Parliament to duly recognise those two significant events in the life of Australia. As there is one more day before the sitting concludes, there is ample time for the Premier to bring about that action.

Responses

Ms PIKE (Minister for Housing) — The honourable member for Geelong raised with me the urgent need for advocacy for people with disabilities in his electorate, and I am pleased to advise the very committed member that in the recent number of grants for innovation in advocacy the Villamanta Legal Service, in a joint project with the Disability Discrimination Legal Service, will receive \$27 500 to develop a plain English kit to enable people with disabilities to understand and use legal precedents in disability discrimination matters.

The honourable member for Mooroolbark raised with me the need for funding for the Cerebral Palsy Support Network. I certainly recognise the challenges faced by people with cerebral palsy, their family and friends, and the need for support and advocacy. I will certainly look into that matter and get back to the honourable member.

The honourable member for Bayswater raised a matter for the Minister for Police and Emergency Services.

The honourable member for Keilor raised a matter for the Minister for Sport and Recreation in the other place.

The honourable members for Murray Valley, Carrum and Wantirna raised matters for the attention of the Minister for Transport.

The Leader of the Opposition raised a matter for the Minister for State and Regional Development.

The honourable members for Mitcham and Bellarine raised matters for the Minister for Health.

The honourable member for Ivanhoe raised a matter for the Minister for Local Government.

The honourable member for Bennettswood raised a matter with the Premier.

All these matter will be referred to the appropriate ministers.

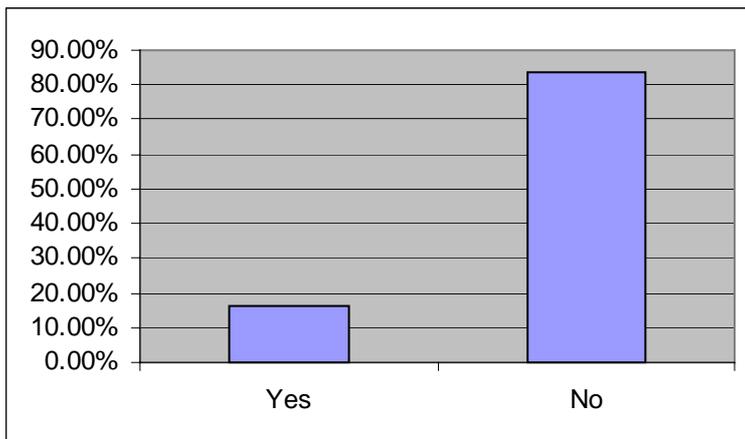
Motion agreed to.

House adjourned 1.49 a.m. (Thursday).

Question 1

Were you aware that the draft marine park bill allows exploration for the extraction of oil and gas?

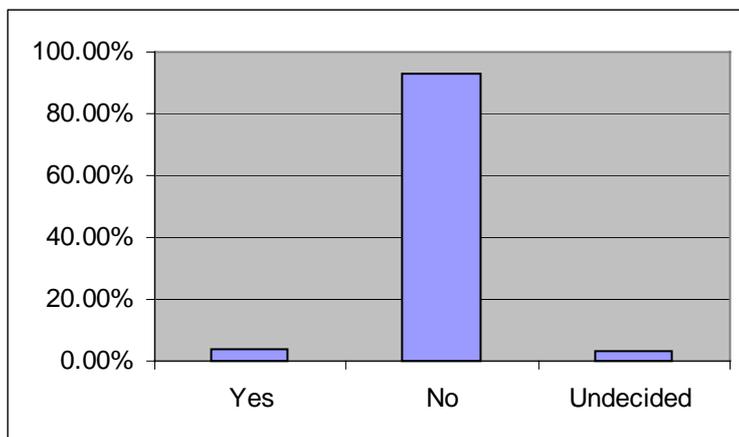
Yes	16.50%	45
No	83.50%	227



Question 2

Do you support exploration for oil and gas in marine protected areas?

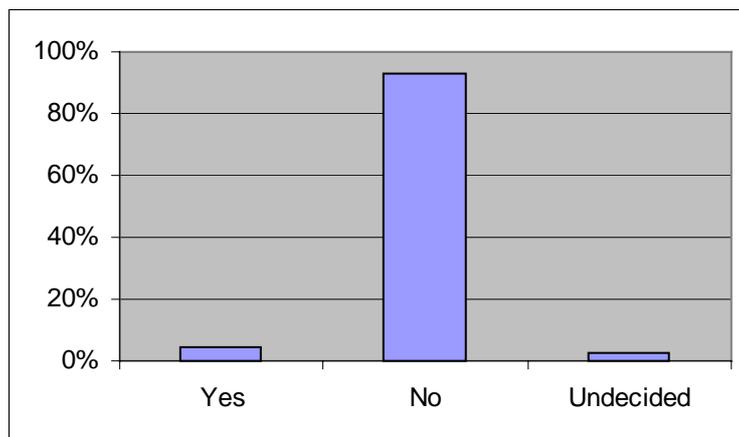
Yes	4.00%	11
No	93.00%	250
Undecided	3.00%	8



Question 3

Do you support extraction of oil and gas from under marine parks?

Yes	5%	13
No	92.60%	249
Undecided	2.60%	7



Dated from:

9/5/2002 to 2/6/2002

