

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

8 May 2002

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By authority of the Victorian Government Printer

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

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Mr P. J. RYAN

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Kennett, Mr Jeffrey Gibb ¹	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
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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, 8 May 2002

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.34 a.m. and read the prayer.

PAPER

Laid on table by Clerk:

Financial Management Act 1994 — Budget Paper No. 3 — 2002/2003 Budget Estimates.

MEMBERS STATEMENTS

Roads: Eltham

Mr PHILLIPS (Eltham) — I condemn the government for its lack of funding of major roads in the Eltham electorate. I would have thought my electorate would have greater priority than some other electorates because it has a green wedge through it, which is supported by both political parties. There is a suggestion there is a missing link relating to the connection of the proposed freeway, which is appropriate. I am saying that if the major political parties are not supporting the connection of the freeway through Eltham because of the environment, which I and many residents would agree with, additional funding should be provided to improve main roads so that they can take larger volumes of traffic such as heavy vehicles through Eltham.

The upgrading of roads is also required to handle public bus services to encourage people to get back onto buses in outlying areas. There is insufficient car parking space at railway stations. I ask the Bracks government to urgently allocate as much funding as is possible to Vicroads for the improvement of major roads in the Eltham electorate. We need more than our share of funding to improve the major roads that carry vehicles through Eltham.

Preschools: Burwood

Mr STENSHOLT (Burwood) — I honour the kindergartens and preschools in and around my electorate for the great work they do for the children of Burwood and surrounding suburbs. The teachers and parents are wonderfully dedicated and work extremely hard in looking after the children at kindergartens and in running playgroups.

The kindergartens are almost too many to mention, but include the Estrella Preschool in Ashburton; Rowen Street Kindergarten; Summerhill Park Kindergarten; St Scholastica's preschool centre at Bennettswood;

Ashwood Childcare Centre and Preschool; Ashwood Memorial Kindergarten; Burwood Preschool Centre in Alfred Street around the corner from my office; Wattle Hill Kindergarten, which has a marvellous park setting; Surrey Hills Baptist early learning centre; Surrey Hills Preschool Centre; Fordham Avenue and St Dunstan's kindergartens in Camberwell; Box Hill South Preschool; Hartwell Uniting Church kindergarten, and the St James Early Learning Centre.

I am proud that the government has put an extra \$28.5 million into Victoria's preschools to help repair the damage done under the previous government. I especially welcome funding going to the preschools and kindergartens in my electorate for capital works, particularly for fencing and internal works, and the help that will be given to the very hardworking committees of parents who have to look after kindergarten children. This will be a great help to them —

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

Port of Echuca: shipbuilding

Mr MAUGHAN (Rodney) — I direct to the attention of the house the considerable and unheralded achievements of the port of Echuca in providing and maintaining the traditional skills of shipbuilding as practised during the last century.

At one time Echuca was, of course, the busiest port in Australia after Sydney and Melbourne. Since March 1975 and under the direction of shipwright Kevin Hutchinson there has always been a boat being restored at the port of Echuca with full access to the public. The boats include the *Pevensey*, the *ADA Barge*, the *Adelaide*, the *Enterprise*, the *D26 Barge*, the *Alexander Arbuthnot* and the paddle-steamer *Hero*.

As all those boats have required a considerable amount of time to restore them, it has given the port of Echuca the opportunity to train people in a variety of skills. They include 3 new fully qualified shipwrights, 15 steam engineers and 8 qualified captains, and they are all currently working on the magnificent Murray River.

In addition, another six paddle-steamers have been built and one restored by private individuals. All this has been achieved without 1 cent of government funding. I congratulate the port of Echuca and its shipwright, Kevin Hutchinson, for the magnificent contribution they have made to preserving an important part of our heritage and at the same time providing —

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

Warragul saleyards

Mr MAXFIELD (Narracan) — I congratulate all those involved in the successful transfer of ownership of the Warragul saleyards. I also congratulate the buyer of the saleyards, Bill Dineen, on having purchased the saleyards. It has been a contentious issue in the town in recent times with many disputes and the threatened loss of the saleyards to Warragul and surrounding districts. I congratulate United Dairyfarmers of Victoria, Tony Sayers, all the agents who have worked hard during this difficult issue, the mayor, Ian Clark, the Baw Baw Shire Council and Livestock Marketing Australia, which successfully negotiated the sale of the saleyards to the new owners.

It was of concern that the saleyards were at risk because of a dispute. That dispute threatened the viability not only of the saleyards but many businesses in the town. The fact that the saleyards have been successfully sold and negotiated is of credit to those involved in the transfer of ownership. As a result, we look forward to the saleyards now going into the future. The sale will enable local farmers to sell their animals in the best possible manner and will also ensure that they will get a good price for them. They have a good reputation for fine animals which reflects on the wonderful farming community in my electorate.

Palliative care: grief counselling

Mr ASHLEY (Bayswater) — Seven years ago I had the privilege of chairing the coalition government's ministerial palliative care task force. As it transpired, all the recommendations of the task force were accepted and progressively implemented during the Kennett government's second term. Those recommendations related to the development and equitable delivery of support services to those in the terminal phase of their illnesses and the provision of appropriate bereavement services to family members following death.

Regrettably, the task force report was silent on one substantial dimension of the grief experience — that is, what to do for those who encounter the consequences of sudden or untimely death, especially of young children and young adults in the full flush of life, or death by suicide, misadventure or violence.

Seven years on, and with the recent distress that has resulted from the imminent closure of an organisation called Outreach Grief Services, the time has come for government to reassess the role of the delivery of

bereavement services to the mass of people who experience at first hand the profoundly disturbing, often deeply traumatising consequences of untimely and horrific deaths.

Without professional intervention some grief-stricken people will struggle to get their lives back together again. The collateral damage can be massive. It is not enough to merely transfer the current service to Eastern Palliative Care. The time has come for government to adequately fund this critical dimension of grief response, however it is auspiced and whichever may be the responsible agency, to ensure that the service is readily available to and accessible by Victorians across the whole state.

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

Liberal Party: Pakenham preselection

Mr HULLS (Attorney-General) — I want to remind the house what a great budget was brought down yesterday. I had the good fortune this morning of attending a business breakfast where it was overwhelmingly supported.

The budget is supported by the business community, but it has totally divided the Liberal Party. We now know that because of the budget the honourable member for Pakenham this morning threatened to resign unless he received preselection. He did that because he realises what a great budget it is and he is trying to blackmail the Liberal Party by threatening to resign and force a by-election in Pakenham.

The only person who is rubbing his hands together is the honourable member for Berwick because he and the honourable member for Pakenham have been involved in a bitter dispute over preselection. We now have the Methuselah of the house standing up — —

The SPEAKER — Order! I ask the Attorney-General to address honourable members by their correct titles and not use any other words to describe them.

Mr Maclellan — On a point of order, Mr Speaker, politeness normally involves waiting for the death certificate before conducting the post-mortem. I remind the Attorney-General that I have not yet received the medical reports.

The SPEAKER — Order! I will not permit the honourable member for Pakenham to continue. He is clearly not taking a point of order.

Mr HULLS — I conclude by saying that the honourable member for Pakenham will be sadly missed by some. Those who do not support him could not give a damn. However, I think it is inappropriate to blackmail the party by saying unless he gains preselection he will resign. It shows that the Liberal Party is divided. The Leader of the Opposition is going nowhere and is the only person in Victoria who does not support the budget. He now has to put up with blackmail by the honourable member for Pakenham.

Stamp duty: conveyancing

Mr WILSON (Bennettswood) — According to the 1996 census figures 17 per cent of Mount Waverley residents are aged between 60 and 74 years. I am sure this percentage has significantly increased over the past six years. Many of these residents are making important lifestyle decisions to downsize their family home from a three or four-bedroom house to a two-bedroom unit.

A unit in Mount Waverley valued at \$315 000 will attract stamp duty in Victoria of \$14 560. For the same unit value in New South Wales the stamp duty payable is \$9665, a difference of \$4895. In Queensland it is \$9500; in Western Australia \$10 637; in South Australia \$11 430; and in Tasmania \$10 150.

Yesterday's state budget offered no immediate relief for senior residents in my electorate, nor is there any indication that the Bracks government has any intention of ever reducing stamp duty rates for Victorian home buyers. The Treasurer stands condemned for his lack of action in yesterday's state budget on the issue of stamp duty and how it impacts upon older Victorians.

Joyce Rollason

Ms OVERINGTON (Ballarat West) — Whilst I intend to speak about something else I want to say what a good day it was for Ballarat yesterday with the great state budget.

On another issue, I wish to place on public record the work and determination of a Ballarat woman, Joyce Rollason, who with the support of other members of the Ballarat Health Services Relatives and Friends Association raised \$70 000 over two years to buy a bus specifically modified for people in wheelchairs. This bus will assist frail and disabled people from nursing homes and hostels to get out and about in our beautiful community of Ballarat.

Joyce and her team's efforts demonstrate the power of seniors — that is, that they can make a difference. Joyce and her crew are all seniors. They went out and lobbied every organisation and committee in Ballarat to

raise the money. Last week the Minister for Senior Victorians came to Ballarat and launched the bus that has been nicknamed Joyce's Bus in recognition of the wonderful work that she put in.

One of the other organisations that made a major contribution to the purchase of the bus was the VIP flower shop at the Ballarat base hospital. The flower shop is run by volunteers, and through their efforts they contributed a sizeable amount to the donation — —

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

Mornington Peninsula: bus shelters

Mr DIXON (Dromana) — On the Mornington Peninsula pensioners and others waiting for buses, when they do come, are standing out in the rain or under the sun, and where there are bus shelters they are clapped out, weatherboard lean-tos that look a bit like outside dunnies — they are dark, have absolutely no visibility and certainly are not safe.

The bus stops are on the beach side of Point Nepean Road, which is Crown land, but the Department of Natural Resources and Environment will not allow these eyesores to be replaced by modern safe, clean and unobtrusive bus shelters that would be fully maintained and supplied by a private company. It says that the shelters are not an appropriate use of foreshore land. This is a ridiculous and short-sighted approach. The Mornington Peninsula Shire Council is responsible for and maintains the existing bus shelters and is happy for a private company to move in and erect new ones. The people who use public transport are very supportive of this.

The Department of Natural Resources and Environment must get real and accept that this commonsense approach is worth considering.

Georgies Soccer Club

Mr SEITZ (Keilor) — I congratulate Sylvia Fenech, who has been elected as the vice-president of George Cross Soccer Club, now known as Georgies Soccer Club. It is a big step ahead for soccer, particularly in Victoria, to have women in that sort of important position, because in the past the roles of president and vice-president were the domain of males, and women usually finished up maybe with secretarial jobs, basically writing for those individuals. To have a woman in such an important position is particularly important in building up the Georgies Soccer Club, which has a number of women's teams. Last year I had the pleasure of attending the women's soccer final held

at the Italo-Australian Social Club in Furlong Road. The enthusiasm for women playing soccer is growing all the time. Yesterday I met with one of my constituents, Katy Psaila, who is a very good soccer player —

The SPEAKER — Order! The honourable member's time has expired, and the time set down for members statements has expired.

MATTER OF PUBLIC IMPORTANCE

Natural resources: management

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

That this house condemns the government for its lack of public policy in the area of natural resource management, particularly as it relates to timber, fishing, public land, water management and land use.

Mr STEGGALL (Swan Hill) — We live in rather strange times at the moment in this place where the politics of blame is really denying our society a proper public debate and discussion on the issues that are vital to us all. The government has three answers every time it gets to its feet in this place in question time or during the adjournment debate: it blames the former government, it blames the federal government and it blames the GST. We are getting a bit sick of it, and I think everyone else is too.

There is in this place now no debate on public policy at all. I will give the house an example. Last Friday night my colleague the Honourable Barry Bishop, a member for North Western Province in the other place, and I met with the Pipe It Right committee — the people for the Wimmera–Mallee pipeline — who have expressed concerns about where it is going. We had to put our policies and principles forward so that they could understand the principles involved in what was going on. We had to do that because the government has no public policies in that area.

The government does not address the detail. It does not have a public policy on natural resource management as it affects, in this case, the Wimmera–Mallee pipeline. Those people now seem to have to rely on my colleague and me to get the public policy right on the management of recreational waters, lakes and streams; the cost of water; and the cost of on-farm works. In this area there is no public policy and no direction from the

government on the set of rules for the debate. The government continues to blame.

The government has its own policies, which seem to be ad hoc and incoherent to those who have to follow them. In the area of natural resource management this chamber does not hold a debate except from a green perspective in respect of the metropolitan area. In this house the government does not debate natural resource management as it affects those of us who live in the country areas.

Ms Garbutt — It's in the budget!

Mr STEGGALL — 'It's in the budget!' the minister says. The government puts the money up in the budget, but the policy principles and direction by which it operates are not there.

As I said, the government has its own principles and an ad hoc and incoherent set of policies, and those who have to follow them have great difficulty. There are not even public policy principles such as: managers of public land will manage; compensation on just terms; good neighbour policies; and, could I say, consultation! This government is the best I have seen at paying lip service to consultation and not delivering in practice at all.

Ms Garbutt — Look at the budget!

Mr STEGGALL — 'Look at the budget!' the minister says. If we had been left in 1992 with the budget we gave the government when it came to power we would have had a lot more things going in Victoria today than it does.

I want to discuss several areas which the government and the minister may wish to respond to on the subject of the lack of a public-land policy. As to grazing leases on public land, the government does not have a public policy on grazing leases in state forests. There is a lack of certainty on public policy for those people involved; there are no consistent rules or policies in this area. We have always used grazing as a tool for management, but this government does not have a policy direction or anything else that can be used as a guide for those people who are using grazing.

What is the public policy on timber? It is confusing to say the least, and no-one knows what to expect. There is no public policy on the guarantee of available timber harvesting areas. When a recent rally called for it the Premier sent an agent out to the front of Parliament House, one of the Labor union members, to give the response on behalf of the government that it would legislate or consider legislating. It has not done it. It has

been a case of, 'No response, Your Honour'. There is no public policy in the area and the timber communities of Victoria lack certainty because of that. It is time the government engaged in a public debate on how we will manage timber.

Marine parks are near and dear to the Labor Party.

Ms Garbutt — Something you hate!

Mr STEGGALL — It is something I hate, because the government's policy is to lock them up, shut them up, and deny our society access not only to marine parks but to a lot of other areas, such as the box-ironbark forests. There is no public policy on management methods. The government just locks them up.

There is no public policy addressing, for example, pollution from ocean outfalls, stormwater, the quality of water from rivers and creeks entering the ocean or exotic pests. The government does not have a public policy. It makes policy on the run, and those who live in places affected have great difficulty understanding it. There is no clear public policy on pest animals such as foxes and rabbits. I notice we have a little foxing in the budget, but there is no public policy. There is no direction or clear policy on Crown land or private land coming from this government.

There is a discussion paper on wild dogs — isn't that wonderful! It is the only area where I can say that the government is heading towards a public policy, although it has not got there yet. It is a first step, but by crikey it is hard to get directions.

On the subject of recreational shooting, it might be horrible for anyone in Melbourne to think that recreational hunting sports go on, but we do have them and they will continue. But there is no public policy or principles or a clear public statement on deer hunting or duck hunting. We know the government seems to be restricting access to hunting areas. Just quietly, every year it draws back a little, but there is no public policy. Through you Mr Acting Speaker, I suggest to the minister that maybe a game management council might be a good way to get some public policy and understanding.

Those of us who live on the border have to use the public policies of two states. At least it is clear in New South Wales, but by crikey in Victoria we go from month to month and year to year with no clear statement on how it is going to be. We know there are people in the Labor Party who want to wipe it out and close it down, just like they want to wipe out and close down participation in marine parks and national parks.

We know the government has those pressures. That is why this place should be the place where public debate takes place.

Those of us who live not in the metropolitan area but in those areas where the natural resources are can have some input into proper public policy. The minister will stand up and ask, 'Where are the National Party's policies?'. I refer her to the speech of the Honourable Peter Hall in another place in the last sitting week if she wants to know where the National Party's public policies are on those things.

On the subject of public land, there seems to be a policy of having no further revocation of reservation bills — that is, where public land goes back to private land. Honourable members will remember that there used to be one every parliamentary session, but there has not been one! We have not had a statement to say that the government has another policy, that it has changed its mind and that now all public land is going to remain as government land and any organisation or person who will be advantaged by it will have to lease it on the government's terms. If that is the government's policy, it should let us know about it — but there is no policy. It seems to those of us who are developing communities, particularly in country areas where we run into problems with Crown land, that we cannot now go to the government clearly understanding that if a proper case is put, then that land can be put aside.

Changes to land use are dear to the minister's heart, I would assume. Land use change is something that is going to happen throughout Australia, and Victoria is probably going to be one of the early ones as the government goes about making changes to land use practices — for example, in flood plain management. Honourable members may not have heard of that in this Parliament, because there is no public policy on where Victoria is going. I do not oppose the direction in which the government is going, but I am opposed to the fact that the minister will not tell anyone about it. She will not tell anyone what she is doing, what the government's principles are and what it is trying to achieve. There is no public policy in those areas. The plan to return land to the flood plain is good — it gets a tick — but there is no public policy. If government is going to intervene on private land to that extent, it should have a policy based on a principle that if government requires that land it assumes ownership on just terms.

The other area I wish to give a little time to is water and natural resource management. We have heard a lot from this government about how clever it is and what it is going to do to take water off the Murray River and

put it into the Snowy River and downstream in South Australia to change the whole face of water management. We have had some argument and debate on the Snowy River: the government has not achieved much yet, but it is there. Two hundred and twelve gegalitres of water is to come from the Murray and Murrumbidgee rivers into the Snowy River, 53 gegalitres of which is from Victoria. An extra 70 gegalitres is to come to the Murray River via the commonwealth. Honourable members should add the figures up as I go, and I will help them with their maths at the end!

A couple of weeks ago the Premier stood on the banks of a river somewhere in South Australia and promised South Australia another 30 gegalitres from Victoria. There are a few dollars in the budget for it, and National Party members are interested to see how we get it. The Murray-Darling Basin Commission came out with its report as part of the environmental debate which is going to take place. I am pleased to say that Victorians will be part of a 12-month discussion on whether we should be returning 350 or 1500 gegalitres of water to the Murray-Darling Basin and how it would go. That is a lot of water. The amount of water the government is going to be part of returning to the system is greater than the total Victorian take from the Murray.

Victoria gets 1621 gegalitres a year on average for its consumption. If 1500 gegalitres went to the Murray-Darling, 1865 gegalitres a year would be clawed back. Honourable members should think about it! There are a few of us who live on the Murray River who are saying, 'That is fair enough. But if we are going to achieve our ends, there had better be some rules in place and some public policy'. I would dearly love to have some principles to address, because I can assure honourable members that if this government does not soon start making mention of what its public policy and principles are on those areas, we are going to have a lot of unrest on the Murray River. You can add to that the difficulty in achieving political argument in the debate in this place, because there are only a handful of us. There are 3 or 4 politicians representing people along the Murray River, against 72 representing the greater Melbourne area. It is very hard for us to get our message up.

There are some public policies which need to be agreed by all governments, not just the Victorian government, before this journey begins on the clawing back of water. For example, with the Snowy there is the argument that capital works on distribution systems should be met by government. The National Party has agreed with the principle of that, and the government

has agreed. However, it will not commit only to the Snowy clawback coming from savings, but it should.

Water rights must be acknowledged, here and in other parliaments of Australia, as property rights. Any clawback of these property rights should be legislated and compensated for under just terms, so that we understand the issue of where we are going, the communities understand what the public policy is and we can have a debate and a discussion. I hope this discussion comes out in the next year, but Victoria should be leading it.

The integrity of the water market and property rights must be continued to allow the movement of irrigation water to higher value production. In natural resource management we are going through some enormous changes, and we need to make sure that the public policies and understanding of these are up front, before the government rips aside and rips apart many of our communities that are going to face the brunt of this.

Governments need also to work with river communities — which they do not do at all — for the ongoing improvements in river quality so that the target of river quality improvements can be seen to be being achieved. We bring this motion to the Parliament today in an attempt to get on the record the fact that we are short of proper public policy.

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

Mr McARTHUR (Monbulk) — It is a pleasure to follow the honourable member for Swan Hill on this issue because, as he has said, this government is completely lacking in the public policy and vision aspect of natural resource management. This government has been in office for over two and a half years now, yet still lacks any direction, any focus, any genuine understanding of any long-term natural resource management across the state. It is purely reactive. All it does is run around and deal with spot fires, and put up the me-too response when somebody else comes up with a good idea. We have seen plenty of examples of this. In fact, government members are acting more like an opposition than a government — they are acting like the Democrats. They are simply looking for headlines, looking for controversy, looking for a bit of public traction, but not looking to provide any leadership or vision.

The honourable member for Swan Hill has dealt with a number of major issues and I will pick up some specific issues to show the minister's failings in this area. I will

deal particularly with one statewide issue and three local issues to make my point.

Let's look at ground water management. There is a widespread perception in country Victoria that ground water management is simply not occurring, that the permissible annual volume (PAV) system has fallen into significant disrepute. The minister herself, to her credit, has acknowledged this. She said that she will commission a review of ground water PAVs. They are the levels established which limit the amount of water that can be taken from an aquifer in any one year, and they are aimed at creating a sustainable use of aquifers. What has the minister done? She has said, 'Yes, there is a problem. Yes, we admit the department cannot cope with ground water management any more, so I will have a review'. She has promised a review of the 62 ground water management areas across the state, after significant public comment in the *Weekly Times*.

This is review no. 701, and this minister is the review queen of Parliament, but how has she structured this review, and what resources has she put behind it? She has recently commissioned one officer — one single departmental officer in Bendigo — to do between 30 and 40 PAV reviews. And what budget has she given this poor, unfortunate officer? She has given him \$15 000, and told him he has to do it within three months. So he has roughly \$500 budget per aquifer, and roughly two working days per aquifer to do a complete audit of the PAVs in this area. That is scandalously inadequate; it is a token gesture. It cannot provide any meaningful information or any meaningful outcome in respect of ground water management. The minister should be ashamed to treat any of her staff this way and to give them such paltry resources to carry out what is an essential task.

Let's look at three local issues now. I will go first to Gippsland. The Moe main drain is in desperate need of rehabilitation works. It needs significant amounts of work done on the beds and banks along the 22-kilometre channel. That channel drains some 6000 hectares of prime agricultural land in Gippsland. It directly services about 160 to 180 properties and provides a significant public and economic benefit to Victoria. What has the government done on this?

The West Gippsland Catchment Management Authority has been crying out for assistance to refurbish the drain for some time. The West Gippsland authority has limited resources, but has committed some \$503 000 to upgrading the Moe main drain. The federal government has come to the party and has put in \$503 000. What has the state government given? Not a single solitary dollar! The honourable member for

Narracan has called out for money, but he has been totally ineffective and has been completely ignored by his minister. Not a lousy dollar has been made available. What was the response from the department? It said, 'We are changing our focus to urban issues. Sorry, you miss out'. The minister is changing the focus to urban issues because she knows she has failed in the country.

Let's look at another Gippsland issue — the Tarago Dam. I seem to recall some three years ago, prior to the last election, the putative member for Narracan claiming that he would open the Tarago Dam for recreational use if a Labor government was elected. He was supported in that promise by none other than the then Leader of the Opposition, now the Treasurer, and this minister — this one sitting right here. She said, 'Yes, we will open the Tarago Dam'. What did she do after Labor got elected? She said, 'We had better have a review'. Then she stacked the review committee with Melbourne Water-types to make sure that the recommendation was not to allow recreational use.

Despite this, there was a minority report, and the minister has had both the committee's report and the minority report since last year. Do you know who signed the minority report which called for increased public access to allow a recreational use of Tarago Dam? None other than the honourable member for Narracan! He signed the minority report. What result did it get from the minister? Nothing! It has been sitting on her desk since last year and nothing has happened. So where is her resource management program? It is not here. The government and the minister make promises, but they never deliver.

Let's look at a couple of other issues. I refer the house to a little town called Porepunkah in north-eastern Victoria — an area in the electorate of Benalla — again an area where there was some controversy before a by-election. The now honourable member for Benalla went to the community in Porepunkah and promised she would play hell with a big stick and that she would get government funding and force the local water authority to upgrade the Porepunkah sewerage treatment plant before the township was forced to abandon its septic system and go on to a sewerage system.

There is a problem with that. The Porepunkah community has shown that the sewerage treatment plant which is on the outskirts of town and which services the township of Bright is substandard. There is a substantial loss of effluent from that plant which, under its current operating conditions, is just taking the effluent from Bright, and the additional load from

Porepunkah would simply increase that leakage. There has been objective measurement done of that, and even the minister now admits that yes, the Porepunkah system leaks.

But what has happened about it? Have they promised to upgrade it? No. Have they promised the tertiary treatment plant that the honourable member for Benalla was making a lot of noise about before the by-election? No. What has happened? The honourable member for Benalla has told members of the Porepunkah sewerage action group that she will not even meet with them. In fact, when she was talking to one of the journalists from a local newspaper and the journalist asked the honourable member for Benalla, 'Why did you not meet with the working group and why did you not accept their petition and table it in the Parliament?', the honourable member said, 'Who do they think they are? It is not up to me to make an appointment with them. It is up to them to make an appointment with me'. 'Who do you think they are?'.

Was that not a remarkable response from somebody who a mere few months prior was out there saying to the very same people, exactly the same individuals, that she would do wonders for them if they elected her to be the member for Benalla, and that she would get their sewerage treatment plant fixed, that she would bring North East Region Water Authority under control and make sure the job was fixed before they went on to a sewerage system. The honourable member has failed and the minister has failed because this is yet another important resource management issue where the minister has taken no action.

The Porepunkah sewerage plant ponds are leaking into the local ground water. Guess what that is next to, Minister? It is right next to the Ovens River. It is a very sandy and gravel-based soil and the water goes straight out of the sewerage treatment plant and into the ground water table, and just a few hundred metres away there is the pristine water of the Ovens River, or there was. But now it is getting a lot of nutrient loading from the sewerage plant at Porepunkah. And the minister is doing nothing about it, not a thing! So where is the government's natural resource management credibility? Where is the action? Where is the delivery? Where is the commitment to country people? It ain't there!

The message has now gone out widely across rural Victoria.

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

Ms GARBUTT (Minister for Environment and Conservation) — What an extraordinary matter this is, and what bizarre timing. The honourable members for Swan Hill and Monbulk really did get the short straw today, obviously — a day after a great budget for natural resource management, especially in water and forests. That demonstrates our commitment, not just to natural resource management, but to rural and regional Victoria.

This is a government that has presented a budget that delivers the Wimmera–Mallee pipeline to western Victoria. It is funny that the opposition was campaigning for it, but it took the government to deliver it! And now the opposition is saying it is poor public policy. How ridiculous! This is a government and a budget that have delivered a sustainable timber industry — one that will have a bright future for the long term. In contrast, the previous government inflicted a fraud on the timber industry which refused to guarantee its own figures and refused all requests for an inquiry. I will come back to the timber industry in a minute. This is a government and a budget that have delivered \$12 million to the Gippsland Lakes action plan and \$11 million to a healthy rivers program. This opposition either was not listening or does not know what natural resource management is, and I suspect it is both.

It is also bizarre, coming as it does after our farm dams debate — good public policy that this government has delivered on. It is ironic that the National Party, whose representative moved this matter today, actually had to support our policy on that. He admitted it was good policy, and it was the previous government that could not get this right. What an irony that the Liberal Party has the gall to stand up here and criticise us about public policy. Look at its policy on farm dams, which changed every day. Liberal members could not make up their minds. Their somersaulting was enough to make us all sick and dizzy!

After our forest reform initiatives, how bizarre that the National Party could stand up here and move this sort of matter after seven years in government when it could not tackle this issue. Our reform was made necessary by the previous government, which covered up the real figures and would not inquire into the sustainable yield figures which everyone was criticising. No-one believed the figures — not the community, not environmental groups, not even industry — but the previous government did absolutely nothing and sent that industry lurching towards disaster. Obviously that is what it still supports. This matter reveals how absolutely out of touch and how irrelevant both parties are in opposition.

The Liberal and National parties are still not listening. The National Party is a declining rump of a political party. It is barely recognised in this house as a party. Both parties are losing seats to the Labor Party, the only party that is now listening to and delivering to country Victorians.

Both these opposition parties disappeared into a coalition government and forgot their constituents outside Melbourne. It treated them like toenails — what an insult! The former leader, after he had lost, finally fessed up to exactly what he thought of rural and regional Victorians, saying they were the toenails of the state! Our policies for natural resource management are based on promoting sustainable development while protecting the environment for the future. That underpins all our actions and initiatives. We have shown national leadership in the management of natural resources and protected our environment for the future, but we are also taking clear action to support regional communities and long-term jobs.

I thought it was ironic that the National Party spokesman talked about a lack of policies. I wrote down off the top of my head some of the policies and strategies that have been released by this government: a salinity framework; a healthy rivers strategy; a weeds and pest strategy; a native vegetation strategy; an alpine leasing policy; and an alpine 2020 strategy. It is unbelievable that somehow the shadow minister has missed them all. He has his head in the sand. It is absolutely unbelievable!

Let's examine some of the issues raised in this matter of public importance (MPI), the first of which is the timber industry. The mess that this government inherited showed that the previous government covered up the real figures on the amount of timber resource available to the timber industry. It had deceived the timber industry and local communities and failed to give reliable estimates of available resources. Arguably it inflicted a fraud on the timber industry and the communities that depend on it. As part of the previous coalition government the National Party was implicit in this fraud, and yet it dares put up this MPI today.

What was the previous government's commitment to delivering certainty to the timber industry? It cooked the books! It sent the industry lurching down a path that would have ended in disaster. The problem could have been fixed much more easily five to seven years ago. There would have been less pain in the industry if the previous government had made that adjustment, but it failed to act.

The Liberal Party shadow minister has gone missing. He has not made a single statement on forest reform. Where is he? He usually cannot shut up, but he has not said a single word in the three months since that statement.

We have delivered reliable estimates of the available timber resource, checked by interstate and international experts. We have taken a tough decision to secure the long-term future of our forestry industry and the communities and workers that depend on it. This budget commits \$80 million to help the industry cope, to help workers and to help timber communities. For the timber industry certainty comes from knowing what resources are available and knowing that when operators get licences the timber can be delivered. We are completing the process of giving the industry certainty.

It is interesting that fishing is mentioned in this matter of public importance. What did the previous government do? The two honourable members that have just delivered their speeches sat around in the previous cabinet and accepted a decision to sell off our ports, which resulted in fishermen being denied access to jetties and piers.

Honourable members interjecting.

Ms GARBUTT — There was not a peep out of those honourable members then. That was very positive for fishing, I don't think! No-one is surprised that the National Party opposes marine national parks. It has opposed every national park ever proposed in this house.

National Party members are absolute dinosaurs when it comes to that, because the community knows that a healthy environment means healthy farms and healthy communities. At the moment they are looking for any pathetic excuse to oppose marine national parks. International scientific evidence and experience elsewhere shows that marine national parks are good for fishing and that once they are in place they result in more and bigger fish.

The National Party trotted out its own second-rate process, whereas the government relied on a 10-year investigation by the Land Conservation Council, its successor the Environment Conservation Council, 4500 submissions, and six periods of public submissions. The National Party came up with its own process — which took 6 months, not 10 years — and it received 60 submissions, compared to 4500. It then came up with a dodgy proposal.

The government's public policy is sound. We will protect the representative 5 per cent of our coastline, but we will offer support and compensation to those affected. That is the Labor way of doing things. We do not leave people behind: we support them and offer assistance.

With the few minutes remaining I will turn to water management, where this government has been a national leader. Our policies are based on the following commitments: clean water, healthy rivers and catchments, smarter water use, regional growth and jobs, and prosperous communities. A major policy focus of this government involves taking that triple-bottom-line approach and implementing vast changes. If the opposition has not noticed that, you have to wonder where it has been and who it has listened to. It has certainly not listened to the community, nor is it tuned in to what the government is doing.

I will not go through our amazing record but will concentrate on what was in yesterday's budget.

Mr Maxfield interjected.

Ms GARBUTT — I have to cull this quite a lot because of the time limit. The government is allocating \$12.8 million to the Gippsland Lakes action plan, which is based on a CSIRO study detailing that the priority has to be nutrient reduction. The government is allocating \$15 million to improving Murray River environmental flows. Everybody knows that the Murray is in danger of closing over at its mouth and that 15 years ago you could drive a car across it — and that that is about to happen again. It is also allocating \$77 million for the Wimmera–Mallee pipeline — something the opposition has been calling for but which this government is delivering.

Mr McArthur interjected.

Ms GARBUTT — In government the opposition did absolutely nothing!

The ACTING SPEAKER (Mr Nardella) — Order! The honourable member for Monbulk has had his opportunity, and I ask him not to act that way across the table.

Ms GARBUTT — The previous government would not even fund the feasibility study for this project. This government has not only funded the feasibility study but has put up the money — \$77 million — for the whole project. Instead of putting up bizarre matters of public importance like this, members of the Liberal and National parties would be much better engaged in

lobbying their federal counterparts to ensure the delivery not just of another feasibility study or easy little extensions in the north but of the whole project. That is what has been put on the table by this government, which of course is contingent on federal funding. That is what these members should be doing, instead of whingeing, carping and complaining about what this government is doing.

The budget also contains an allocation of \$11 million for the healthy rivers strategy, because our aim is to improve all our rivers. We have delivered on our commitments on the Snowy and Murray rivers, and the Wimmera–Mallee pipeline will deliver for the Wimmera and Glenelg rivers, but we want to deliver for all rivers across the state. The healthy rivers strategy will do that. The government is making major commitments, based on excellent and sound public policies. We are turning around water management in this state.

Public land and land management are two other areas to which I want to refer, but time will prevent me from going through them in any detail. However, I will say that our policy on box-ironbark forests and woodlands is about protecting fragile, degraded forests while supporting the local communities and their interests in the transition. We will not leave anyone behind, and we have committed \$20 million to work with communities to achieve that transition.

Communities will be more involved in the management of these forests than ever before. When it comes to land management, I have three important words for the opposition: Landcare, foxes and the budget. They are all in there! This opposition is outdated, has its head in the sand and has been outfoxed.

Mr MULDER (Polwarth) — I rise to make an input on the matter of public importance in the areas of timber, fishing, public land, water management and land use. What an opportunity, following on from the Minister for Environment and Conservation, who spoke at length about the consultation process with the timber industry that she and her government have been involved in.

I refer to an article in the *Colac Herald* of 1 May, which says:

Conservationists and loggers have criticised the Department of National Resources and Environment for its short notice announcing and then scrapping an information session to explain next summer's logging plans.

The government decided on Monday to cancel Tuesday night's meeting.

Acting on instructions from conservation and environment minister Sherryl Garbutt DNRE staff began calling people who had registered to attend the meeting, but did not get through the list in time to stop people attending the Colac Otway Performing Arts and Cultural Centre.

About 10 people — including the Colac Otway Shire mayor ... and people who had travelled from Lorne, Geelong and Beeac — waited outside a locked —

building —

for forestry officials who did not turn up.

This is the minister's consultation process with the timber industry. The honourable members for Ripon and Gisborne are in the house at the moment. What happened to the reference groups the minister set up to consult on and get an understanding of what is happening in the timber industry? Did theirs go? Mine went about a month ago. On top of that there was the absolutely outrageous situation of the Minister for Environment and Conservation setting up meetings and cancelling them at a day's notice without any thought for the time put in by all those involved. So much for the consultation process.

It gets better than that with this minister. On the issue of ragwort in the Otways, the minister's department was called to a meeting with local farmers and Colac-Otway shire representatives. All those people put aside an enormous amount of valuable time to make themselves available to attend this meeting. What happened? The Department of Natural Resources and Environment (DNRE) staff did not turn up. Councillors, council officers, local farmers and other people concerned about ragwort spreading throughout the Otway Ranges were all there wanting to consult with the government to resolve the matter yet the minister's staff did not turn up. That would have resulted from a decision by the minister.

The reason I say this is that on one occasion when a DNRE officer did front, nicely decked out and in a four-wheel drive, at one of the properties badly affected by ragwort — it had come onto the person's land from adjoining public land — he told the person, 'Out of sight, out of mind'. Out of sight, out of mind! That is the attitude of the Minister for Environment and Conservation to the rapid spread of ragwort throughout the Otway Ranges.

Environmentalists are jumping up and down about the logging issue, but believe you me, this is critical. I travelled to some properties in the area over the summer months. The beautiful clean properties of two farmers I visited whose families have been in the area for generations look across to DNRE-owned and

controlled land that is riddled with ragwort, yet the minister does not even have the decency to come and consult and address these matters. Her department says, 'Out of sight, out of mind. We are not really interested in looking at these particular issues'.

What about the DNRE budget? There has been a 15 per cent cut but the staff numbers have gone up. That tells me that there are no on-ground services and the cardigans are back on the scene; more people, more staff, but no on-ground services. How can the Minister for Environment and Conservation come into this house and applaud her government's budget when it has delivered a cut in services across rural Victoria? I can assure honourable members that the people in the Otway Ranges and in the Ripon and Gisborne electorates who have been badly affected by mismanagement of our public lands and lack of consultation by the minister will not in any way, shape or form applaud this budget as the minister has tried to do.

What are the issues in other parts of the state? We have a very poor situation with public land management when I as the honourable member for Polwarth start getting emails and letters from and running consultation processes with people involved in the Ripon electorate. I have an email in front of me which says:

Mr Broad said that he has tried Mr Helper a dozen times but he has done nothing.

The honourable member for Ripon has done nothing to address the concerns Mr Broad has in relation to the box-ironbark implementation process and he has done nothing to consult with the people of his electorate.

I went to the parliamentary library and pulled out a number of issues in that electorate to see how active the local member is. The only comment made by the honourable member for Ripon that I found in a handful of clippings from the Ararat and Maryborough newspapers on issues relating to this matter of public importance was his comment on farm dams where he accused the Liberal Party of trying to scuttle the process. Everyone who was involved in that debate knows very well that the first people who were out trying to get amendments through and assist the farmers in their regions were members of the Liberal Party. The Liberal Party was the last party standing. It was the Liberal Party members who delivered the crucial amendments on issues such as one-off registration and a better rate of water transfer for farmers in the north-east. That is the only comment from the honourable member for Ripon about public land issues that I could find.

There is a host of matters in which the honourable member could have taken an active interest in his electorate. These include issues relating to the Central Goldfields Shire Council, which cannot afford environmental officers — no comment from the honourable member for Ripon; a newspaper article headed ‘Minister Garbutt inspects local bush/tender project’ — no comment from the honourable member for Ripon; and an article headed ‘Government grants short-term sawlogging licences’ — this is a government which, on one hand, says that it is here to support the timber industry but, on the other hand, says that people should not worry about investing for the future because they do not have one and cuts licences which should encourage and enable people to invest back to two-year licences — again no comment from the honourable member for Ripon. Earlier I raised an issue about an article headed ‘Minister set to suspend forest reference groups’. The honourable member for Gisborne is sitting quietly over there looking at the floor, as well she may, because it is a disgrace. Once again, on this matter there is no comment from the honourable member for Ripon.

The next headline is ‘Landowners unite’, which relates to opposition to a treatment plant, and once again if you go through the *Ararat Advertiser* and the *Maryborough District Advertiser* there is still no comment from the honourable member for Ripon about what he thinks about land use, water treatment processes in his electorate, timber and fishing. I welcome the honourable member for Ripon into the house.

I turn now to tackle the issue of water and the so-called water policies and great water initiatives of the Department of Natural Resources and Environment. Again it is going to deliver with a 15 per cent cut in its budget. I remind the government and the Minister for Environment and Conservation of the fantastic initiatives of the previous government in relation to small town sewerage schemes. When I look at the infrastructure that was put into my electorate of Polwarth I see a new multimillion-dollar waste water treatment plant at Apollo Bay, a new treatment plant at Lorne and multimillion-dollar treatment plants at Bannockburn, Mortlake, Timboon and Skipton. Where is the infrastructure money from the government of the day to continue these very vital projects? It certainly did not appear in the budget.

The government’s commitment to water will add up to nothing more than a number of cardigans floating around the countryside in government vehicles, directing, giving information and spreading the bad news as they did in the Otways to the farmers who had the ragwort problem. The minister and the DNRE treated the problems in the Otways by saying, ‘Out of

sight, out of mind, we have not got the money for it’. However, they said they could certainly send someone out to talk about the problem.

This is the process the government is going down. It is the exact same process we saw in the Cain–Kirner years with the government building the public service up but reducing the services on the ground. Those services are what DNRE should be all about. It is not about talking about weeds; it is about getting rid of weeds. It is not about talking to people in the logging industry, it is not about talking to the environmentalists, it is about having the ticker to make the final decisions. This government has not indicated in any way, shape or form in relation to fishing, timber, water or public land that it has any gumption to follow through with any positive policy decisions. This is all about delay, delay, delay and for heaven’s sake do not make a tough decision, it might tip us out of office so we will do nothing. It is the do-nothing government!

Mr HOWARD (Ballarat East) — I am pleased to present the government’s case in response to this absurd matter before the house today. The matter is absurd in terms of the people who moved it and its timing. Only yesterday the budget was brought down with an outstanding list of achievements and commitment from this government in the environmental area in this state. We know about the forestry package of \$80 million in the budget. We know that the honourable member for Wimmera, who has now left the house, should have been very pleased that the Wimmera–Mallee pipeline received \$77 million in the budget. There was significant money for healthy rivers and for work in the development and following through of the government’s policy of protecting box-ironbark habitats in this state. It is a significant budget and the timing of the matter before the house is absurd.

It is also absurd that the matter came from the Deputy Leader of the National Party, a party that for the seven years of the previous government simply joined a coalition with the Liberals. There was no sense of representation of country Victoria from the Nationals in those seven years, and at the last election National Party members found out how the people of country Victoria felt about their representation, or the lack of it, over that time. The honourable member for Swan Hill did not know the result of his seat on that night, and we know that many National Party members lost their seats because in seven years of government the Liberal–National policy in regard to land management issues was one of slash and burn.

I am not just talking about forests here. The former government's policy was to pull money out of the Department of Natural Resources and Environment (DNRE) and so many areas of significance in land management in Victoria and put it into monuments and big facilities in Melbourne. The former government treated country Victoria as toenails. Its policy of land management in this state was to turn a blind eye to issues of significant concern and reduce funding in those areas while making sure Melbourne looked pretty jazzy and had the catchcry 'We'll be right, mate!'.

That was the coalition's policy and government changed at the last election as a result of the people of rural Victoria feeling they had been significantly let down. I am very confident of what they will say about this government at the next election. They will see that this government has been serious about land management issues.

This year the government made the most significant policy statement in regard to forestry management. The announcement in February of the Our Forest, Our Future package showed that the government had made the hard decisions in regard to the forestry industry in this state. It recognised that we need a forest industry but it must be sustainable. It is no good hiding our heads in the sand as the previous government did and allowing the forestry industry to keep harvesting at whatever figures it seems to think are appropriate and not worry about the future of the workers and investment in that industry. Prior to February this year the government decided that it wanted to know the facts about sustainable harvesting levels in the state forests. The government sought that information because it was getting feedback from so many groups that our forests were being harvested unsustainably.

The Wombat State Forest takes up a significant area of my electorate and I was getting feedback from many people that the harvest level in that forest was unsustainable. Guess what we found when we got back the figures, verified by Dr Jerry Van Clay? They showed that across the state we were harvesting way above what could be allowed to continue. In the Wombat forest area we needed to cut logging by 80 per cent — by 8000 cubic metres per year — to get it to a sustainable level. It is a fact, and it is horrendous to find out this information. It is going to hurt the timber industry in my electorate, but the only way to move forward is to do so in a sustainable way.

To hide your head in the sand, as the former government did, and to have no policy to ensure sustainability and to just let things happen until the crunch comes, is not the way this government works. It

has a policy for our forests which is based around sustainability. With the commitment in the budget of \$80 million we want to ensure that the transition of the industry over the coming year is done with community involvement and in a way that ensures that support for rural communities is protected. In regard to forests there has been a significant and real policy shift that relates to sustainability.

In regard to water management, what did the former government do? It did a few reports. I remember the Baxter report on how we should deal with the farm dams issue, but did any legislation follow from that? No it did not. We had no clear policy about how to deal with this report. The previous government said, 'It's a hot potato; we can't deal with it', so it sat on a back shelf collecting dust and no headway was made in terms of sustainability of water use by land-holders across this state until the government did the consultation with Blackmore and others and worked up a solution to provide security for farmers who rely on irrigation waters and have dams.

What happened when we brought that legislation before the house? Interestingly enough the National Party and the honourable member for Swan Hill were right on the bandwagon. He said, 'At last, we have been trying to tell our supposed friends in the Liberal Party that this is just what we need — some sense of security'. The National Party was saying, 'Yes, at last the Labor Party has got this right and has had the guts to deal with this serious issue and try to put the water resources of this state on a sustainable footing'.

What did the Liberal Party do? It came up with all sorts of really absurd outcomes in regard to how it wanted to deal with water management. Its members could not sort it out among themselves and it delayed that legislation for six months. Eventually commonsense ruled and the views of the rural community which wanted water use sustainability won out. We saw very significant legislation brought down in the form of the farm dams bill which is now in place to ensure that we can work towards sustainability.

With the healthy rivers strategy — another strategy of this government and significantly funded in this budget — the government is also looking at all those other issues of stream management to ensure we have good quality water and protected environments, and to see that in the future this state will be in a good situation in terms of the sustainability of this vitally important resource to both rural and urban Victorians. It is this government that has put in place the legislation and the policy, and the funding to support that.

In terms of land management this government has again started to increase funding. There are so many important issues that it is a pity we only have 10 minutes to talk about the vast array of significant policy decisions taken by this government. In terms of land management I am pleased to see that in the budget the government has supported an increase in funding for Landcare, which is an important component of land management in this state, where people in both rural and urban communities can have input and involvement in improving aspects of their local natural environments.

In the budget speech we heard that over the last few years there has been an increase in funding for weed management and in compliance areas. The government has put 50 per cent more funding into weed compliance and other issues — —

An honourable member interjected.

Mr HOWARD — Notes sometimes move around, don't they? But I have them now, so the honourable member can hear that we have increased our funding by \$70 000 in this state to deal with Paterson's curse, and there is \$60 000 for blackberries and \$60 000 for ragwort. Yes, in some ways it is laughable, but it is an increase on the very laughable amount the former Liberal government put in place. In last year's budget the government allocated \$2 million for weed management across the state. Yes, there is still a big task ahead and work to be done in this area. We need as a government to work in partnership with other levels of government and the community to address weed management issues. But this government has committed significantly more funding in this area than the former government.

We know that with regard to animals — foxes and wild dogs — —

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

Mr PERTON (Doncaster) — It is a great pleasure to follow the honourable member for Ballarat East, the parliamentary secretary to the Minister for Environment and Conservation, who in his speech very much resembled a snake-oil salesman. He talked about the edifices of Melbourne, and as we know, he finds those attractions more than he can bear. It is quite obvious to his constituency and to those interested in his constituency that he spends more time in Melbourne than he does in his own electorate. Certainly if one looks at the budget figures and his commitment to improving office accommodation for himself, his

minister and his public servants it is quite clear that his needs and his desires certainly prevail over the needs of the environment and his constituency.

Some weeks ago I was at a protest meeting in Blackwood on the issue of logging and its impact on the Blackwood community. The honourable member for Ballarat East was invited to attend, but he was too busy in Melbourne. I understand there is a meeting in Daylesford tomorrow on the future of the mineral springs and related problems in terms of water flow and quality.

Where is the honourable member for Ballarat East? He will be too busy in Melbourne tomorrow night to attend to the affairs of his constituents. When he talks about the Wombat forest and the forests in his electorate what he does not acknowledge is the fact that there has been a fivefold increase in logging since the regional forest agreements (RFAs), a doubling of woodchipping in his electorate since the RFAs and the people know that.

When we talk about land management we talk about the performance of this parliamentary secretary, the honourable member for Ballarat East, who is so attracted to the edifices of Melbourne that he has completely lost touch not only with the issues of his own constituency but his responsibilities in respect of the environment.

This matter of public importance is about a lack of public policy and a lack of action. If you look at the announcements in the budget it is clear that it is fluff, double accounting and the creation of a set of new measures that prevent the community being properly able to assess the environmental performance of this government.

The honourable member for Ballarat East talked about weed policy. Weeds are one of the most important issues relating to land management in this state, on both public and private land. The budget contains no new initiative on the issue of weeds on either public or private land. The honourable member spoke about \$70 000 in respect of Paterson's curse, which is laughable. In this state we have iconic national parks like the Wilsons Promontory National Park. The government's own document, 'State of the parks 2000 — park profiles', talks about the Wilsons Promontory National Park being infested with pest plants and pest animals.

Before the election and subsequently the government promised that it would nominate Wilsons Promontory National Park for World Heritage listing. It promised a consultant's report on the Web, but that promise has

been quietly dropped and the material has not been produced. It is a completely broken promise in respect of the management of the public land known as the Wilsons Promontory National Park.

In the limited time available to me I cannot go through all of the descriptions in the report on the state of the parks. Suffice it to say the weed issue is so severe in our parks, with over 700 exotic plant species recorded, that in the words of the government's own documentation some of these species are aggressively invading new areas, displacing indigenous fauna and modifying fauna habitats. All this government can say is that it is spending \$70 000 a year more on fighting Paterson's curse! Clearly it is not living up to its promises to manage our national parks in an appropriate way. The evidence is that our national and state parks are being more severely attacked by weeds some two and a half years after the election of this government than they were at the time of its election.

Small issues with respect to the environment have been dealt with in this budget, and I turn now to the issue of fox control. There are some 3 million foxes in Victoria. The estimates are that they consume at least 200 000 native mammals a day. One knows that if one goes to the parks where lyre birds, for instance, were commonplace, it is now very rare to see one. One can go to the western national parks where the mallee fowl are prevalent, and the evidence with respect to Wyperfeld National Park is that less than 1 per cent of that park is being baited for fox control.

If all this government is doing is increasing funding by \$1.5 million, and \$500 000 of that is going to bounties on private land, I put it to you, Mr Acting Speaker, that baiting of a park going from 1 per cent to 2 per cent will hardly have an impact on these endangered species and will have a minimal impact on preserving them.

In the last 3½ minutes available to me let me deal with that question of endangered species. What is extraordinary in the budget documents is that the honourable member for Ballarat East in his Melbourne snake-oil salesman performance said that in respect of endangered species the government has created a whole set of new measures that were not used before — in other words, let's remove all the measures on which we could compare their performance year on year and start a new set of measures.

With respect to endangered species there is only one continuing measurement that remains in the budget documents, and that relates to the preparation of action plans under the Flora and Fauna Guarantee Act. One of the central promises of the government before it was

elected was that it would better implement the Flora and Fauna Guarantee Act.

In its last budget the government promised that there would be 50 new action statements. The budget papers indicate that they will not even reach 35 this year, so something has clearly gone wrong in the government's administration of its own department. I suspect it is the honourable member for Ballarat East as the parliamentary secretary who is responsible. The budget papers state that next year the number of action statements will be reduced even more. Obviously what has happened is that the money that ought to be spent on endangered species protection is being spent on some frolic of this government in building cages at a cost of \$5000 per fox and shifting 200 flying foxes to Banyule. That is the entire sum of its endangered animal protection program on public land.

What has happened to the helmeted honeyeater? The helmeted honeyeater re-establishment program in the Bunyip State Park has been defunded by this government. The program was established by a former Premier Joan Kirner and was continued by the Honourable Mark Birrell in another place and the Honourable Marie Tehan. This government has so stuffed up endangered animals protection programs that it cannot even protect the state emblem.

That is the responsibility of the parliamentary secretary, and he has again put on a snake-oil performance, making claims about big numbers — for example, the \$80 million which has been spent wiping out the timber industry is included in the environment programs. That is double counting by anyone's standards. This is its third announcement, and it hides the fact that on the environment this parliamentary secretary and his minister have lost out. They do not have the respect of the Treasurer, and they have been unable to deliver the budget and the programs necessary for the protection of the environment.

Ms Duncan — What would you do?

Mr PERTON — The honourable member for Gisborne is shouting from the other side of the chamber. All I can say to her is that the woodchipping in her electorate has doubled! That is the only thing the government will have succeeded in doing in its term of government. The voters are coming to get you for your lack of performance, your lies and hypocrisy before the last election and the fact that you are personally responsible for the degradation of the environment!

Mr HELPER (Ripon) — What an extraordinary performance! This is astounding! For those who cannot

observe the chamber at the moment, I point out that although this matter of public importance (MPI) was raised by the Deputy Leader of the National Party, only one member of the National Party is in the chamber carrying the can — —

Mr Perton — Seeing that the honourable member wants an audience, Sir, I draw your attention to the state of the house.

Quorum formed.

Mr HELPER — Let *Hansard* show that although a quorum is now present the National Party is still represented by only one member — —

Mr Maughan — Two!

Mr HELPER — Two members! For the first time the Leader of the National Party has come into the debate to support his deputy leader's matter of public importance. He will probably have to stay in the chamber — and I am sorry if I have put him on the spot in that regard.

The MPI is indeed a bizarre thing to immediately follow the magnificent budget delivered by the Treasurer yesterday. It is a budget that delivers on the environment and on land management issues in a significant and constructive way. It does so in many areas that are dear to the hearts of members of my electorate, such as forests, the box-ironbark forest and the Wimmera–Mallee piping strategy, which this government is committed to funding. Let's hope that the absence of National Party members in the chamber means that they are all in their offices on the phone to Canberra to ensure that the federal government also supports the strategy.

The government has addressed the hard issues. We inherited a forestry regime run by the previous Liberal–National Party coalition which resulted in 79 per cent overharvesting in the Midlands forest area. For those honourable members from the opposition who do not go beyond the tram tracks of Melbourne, that forest extends into my electorate at Mount Cole. It is ridiculous for the opposition to argue that the government does not have land management policies when we are tackling these difficult issues in a positive and constructive way.

What we have done in that regard, and the budget confirms it, is to invest \$80 million to put the state timber industry on a more sustainable base.

The government is also investing \$13 million through the ministerial task force to ensure that communities

affected by the adjustment of the industry do not suffer any adverse affects and can look forward to a prosperous future. I look forward to those adjustments playing a positive role in redressing some of the adverse affects that have resulted from the opposition's mismanagement and lack of policy, direction and vision during its seven dark years in government.

I move on to another important issue in my electorate, and that is the box-ironbark forest. Again the budget demonstrates that the government is committed to implementing its publicly stated policy, in consultation with affected communities, on the reserve system to ensure that the process of adjustment and implementation is positive and constructive for the community.

Mr Ryan — Big trouble is coming Joe!

Mr HELPER — The Leader of the National Party interjects that big trouble is coming. This government does not duck the difficult issues that it inherited from an inept, lazy government — a government which left us with a legacy of overcommitted resources, not only in water but also substantially in forests.

I move on to the issue of water. What gross hypocrisy and what stunningly inopportune timing for the Deputy Leader of the National Party to introduce this matter of public importance the day after the budget was brought down, which from the government's perspective funds the most significant water infrastructure project this state has seen and will see for a very long time indeed.

The government recognises that a number of issues need to be worked through, but the commitment is there to proceed with the project and work through those issues. They are issues such as the allocation of recreational water, how we can get the most mileage out of environmental water to the best effect and benefit to the environment and water pricing once the scheme is in place. All of those issues are important and need to be worked through, and this government does so in consultation with the community. It will go down in history as having supported in a positive and constructive way one of the most historic infrastructure projects in this community.

In the little over 2 minutes remaining to me, I want to dwell briefly on farm dams. Again I have acknowledged a number of times the positive and constructive work that the National Party and the Victorian Farmers Federation played in getting that legislative regime through the Parliament, and I am sure they will play a constructive role in its implementation. However, their previous coalition partners are now

pretending not to be coalition partners. I wish to correct the minister. I know it is not necessarily the role of a backbencher to correct a minister, but in her address she suggested there were daily flip-flops by the Liberal Party. I suggest there were flip-flops on this issue by the Liberal Party at least twice daily! I hope the minister will accept that correction.

What may be motivating this bizarre matter of public importance is a recognition by the opposition that not only is this government a fantastic Labor government that delivers to its communities, on the environment, to industries and to the prosperity of the state, but it could be argued — and I would think there is resounding support for the proposition — that this is the best country party government that Victoria has ever seen. The National Party has until the next election to play a bit of catch-up politics. I wish it luck in trying to achieve that, but I have a sneaking suspicion that it may well fall short of the mark and suffer further electoral embarrassment.

This matter of public importance is an absolute sham. It is a bizarre matter of mistiming that it was introduced the day after a budget that delivered so enormously to regional Victoria, to the environment, to resource management and on the big, hard issues that we have to work through as a state, particularly given the absence of any policy leadership by the former government.

Mr PLOWMAN (Benambra) — I support the matter of public importance raised by the National Party. In so doing it has introduced areas of real concern to all country Victorians, and in fact they should be of concern to all Victorians. This government is failing the public of Victoria in respect of its lack of public policy on all natural resources issues. The issues related in this are timber, fishing, public land, water management and land use — and that is pretty comprehensive.

In the timber industry this government is continuing to look at reducing the areas available for harvesting a renewable resource. It means we are in the extraordinary situation where more pressure is put on those areas that remain, and as a consequence the government has decided to restrict the volume being harvested. By doing that it is putting enormous pressure on all those country areas where there are timber mills. There are two in Corryong and one in Mount Beauty, and those three mills are essential for the wellbeing of those two communities. In the electorate of Benalla there is the Ryan and McNulty mill, the mill at Mansfield and another mill at Whitfield. Again those three mills have a large value-adding component. All three are dependent on the resource, and this

government is hell bent on reducing that resource available to them.

The government is saying it would sooner see those mills close and the effect on those communities occur rather than look at the special protection zones which were set aside under the regional forest agreements (RFAs) to allow additional areas of resource to be harvested, if that were required under the RFA process. This government is failing to recognise that. I finally got a response to a matter I raised in the adjournment debate. It was some three months late, but it said that the government will not even look at the special protection zones.

Look at the softwood industry. How much additional softwood has been planted or is proposed to be planted by this government? There were massive plantings in the former government's era, but what is happening in this government's era? It says that the renewable resource of hardwood is not going to be harvestable, but it is doing nothing about providing an alternative resource.

Look at the government's position at the moment on the fishing industry and the marine national parks debate. It does not understand the interests of those fishing communities; if it did it would have a totally different approach to its recommendations with regard to the report of the Environment Conservation Council on the marine national parks. The government has no comprehension at all of the rights of recreational fishermen. The ECC report does not allow multiple use in those marine national parks.

To be honest, it is the only state in Australia that does that. I believe this government does not represent the interests of recreational fishermen, and it needs to look again at whether those recreational fisherman could be better looked after in the introduction of marine national parks.

Having been responsible for the management of public land in the high country, I can say again that this government does not understand the interests involved in public land management. The weed problem is getting worse by the day. If you travel over the high country you will see the spread of blackberries right through the higher rainfall areas of Victoria, and there is no evidence at all of an increased willingness by this government to look at the problems associated with that.

The main area of concern involving public land in north-eastern Victoria is the problems associated with wild dogs. We have had a continual increase in the

number of wild dogs, and that is certainly reflected in the number of sightings and the amount of stock losses on the perimeter of public land. A national summit on wild dogs convened in Wodonga about six weeks ago. Every state of Australia was represented there in one way or the other — although Western Australia was not there, it certainly sent a paper across. The worst representation at that national summit in Wodonga — in Victoria — was from the Victorian government.

I have to say that this minister and this government do not understand how serious the wild dog problem is getting. If they did, they would have put forward a far better representation at the national summit. I think it reflects the fact that this government does not understand the issues that prevail on public land. This government certainly does not understand its responsibility for the wild dog issue. Quite simply, the dogs are breeding in the back country and on public land, and we are not prepared to control and reduce their numbers by poisoning them there. We are still looking at the perimeter issue — that is, the interface between public and private land.

Water management is an area very close to my heart. The government is looking at clawing back an incredible amount of water for the Murray River. I concede that the Murray River certainly does need improved management, but looking at the extent of the clawback suggested by this government I suggest that that, together with the extraordinary amount of water the government is planning to put down the Snowy, means that water use in this state will have to be reduced. When you consider that the state's irrigation areas, and the value-adding of those irrigated products, actually support major industries in country Victoria, you realise that this is a very serious situation.

At a domestic level we have Lake Mokoan in the electorate of Benalla, which is going through a study which will probably last one to two years. I believe that study is effectively designed to put off the decision on the lake's future until after the next state election, because there is an enormous level of opposition in Benalla to the possibility of decommissioning Lake Mokoan. The lake is after all one of the best fishing sites in country Victoria. It is a major recreational site for that central area of Victoria, and it plays a real part in providing water for irrigation users downstream from and around it. Quite a lot of wine growing has been developed around Lake Mokoan directly because that water is there and entitlements have been granted.

All of those people and all of those industries are going to be at risk from the proposal to decommission Lake Mokoan. If this government is fair dinkum about

looking after all of those people in this area it should say that decommissioning is not a proposal it would accept.

I went to the meeting the night before last. About 50 to 60 people were there, and everyone was concerned about this decommissioning issue. The honourable member for Benalla was there, and she was supporting these issues, saying, 'This is part of the program of this government, and it has to be supported for a period of at least 12 months'. It concerns me that this government can have the decommissioning of Lake Mokoan as its no. 1 priority in this study.

I would like to close by saying that all of these issues reflect on the government and its inability to manage the natural resources of this state in the way they should be managed to the betterment of country Victorians and to the whole of Victoria.

Mr MAXFIELD (Narracan) — I rise this morning with a bit of surprise. I note that only one member of the National Party is here, so it shows how important it regards this debate. Its members pretend it is important — they cry crocodile tears — but when it comes to the debate, where are they? There is one here; the rest are off falling asleep in their chairs. What are they doing? Who knows!

That is typical of the National Party, which had seven years of slumber during the Kennett years. It sat in government — and what did it do for rural Victoria? It allowed rural Victoria to be downgraded. It ensured there was no funding for rural Victoria. It would not stand up for its rural communities. All it was interested in doing was making sure a couple of National Party members had their backsides in some leather seats and said to Jeff Kennett, 'We know country Victoria is the toenails, and we will support you in that'.

What a contrast to what we have here now under the Bracks government. This is what I find quite strange. It has put forward this matter of public importance about what our policies are in regard to natural resource management and it tries to pretend we do not have any. If you look at what we have been doing and look at our record over two and a half years in government what you see is strong support for rural Victoria and strong policy decisions that are welcomed and recognised across the state.

We need merely go to the farm dams debate. In seven years what did the National Party do on farm dams? It ignored it. It hoped it would go away, because it did not want to upset some city people. That was really its attitude. Its view was not to look after the bush; its view

was to keep Kennett's city-centric policies going. The farm dams issue is a classic example of the Labor Party discussing matters with rural communities. It is great to see probably the best agriculture minister this state has seen in many years here in the house to listen to this debate. We have a minister who is switched on to rural Victoria, who lives in rural Victoria and who is committed to rural Victoria. In every case the answer to that in terms of the National Party and the Liberal Party is no, no, no. It is not committed. It is not interested in rural Victoria.

Mr Baillieu — On a point of order, Acting Speaker, is that why the Minister for Agriculture is retiring?

The ACTING SPEAKER (Mr Seitz) — Order! There is no point of order.

Mr MAXFIELD — All I can say in response to that point of order is we have had about the best performing Minister for Agriculture we have seen in many, many years. He is delivering. The government has policies and has commitment. We can go to over two and a half years of great government support in this area, but to see what we are doing in rural Victoria you can merely go to this week. On the front page of today's *Weekly Times* is the headline 'Money flows'. Does it flow in areas of natural resource management? Does it flow in the area of timber? Does it flow in the area of public lands and water management?

Let's go back to the list the *Weekly Times* has made up of the budget — not our list, the *Weekly Times* list. I will quote a few items: on environment and pests — we have some pests opposite, but the electors are getting rid of those — there is \$3 million over three years for foxes; on the Gippsland Lakes rescue package, \$12.8 million over four years; on the healthy river strategy for the Mitchell and Ovens rivers, \$10.45 million; on the Murray River flow strategy, \$15 million; on the Our Forests, Our Future program to assist timber communities, \$80 million; on Landcare, \$6 million over four years; on the expansion of box-ironbark parks and reserves, \$20 million; and on the establishment of the energy and greenhouse technology centre in the Latrobe Valley, \$12 million.

What an environmentally fine project that centre is going to be. As one of the members representing the Latrobe Valley, along with the Minister for Agriculture, I look forward to this new centre of energy and greenhouse technology. It is going to be a wonderful centre that will drive the environmental credentials of this government — good greenhouse results, good jobs for the Latrobe Valley, jobs for regional Victoria —

and it is sustainable. We will have sustainable policies into the future.

In seven years we did not have a sustainable government. We had a government that was squandering resources. For seven years it allowed the timber industry to log more timber than we had available. The Bracks government did not ignore that issue. It tackled it head on. It said, 'We are overlogging. We are going to put together an \$80 million package to restructure the industry to guarantee sustainable logging into the future'. The Kennett government wanted to continue logging at the current levels, and the National Party was part of that, so that eventually the whole timber industry would have collapsed. All the mills would have closed down because we would have overlogged, and it would have decimated rural communities. The Bracks government is not going to allow the Kennett policy to continue. It is intervening. It is stepping in to protect rural communities and rural jobs — to ensure we have a sustainable timber industry for the future.

Pages 4 and 5 of the *Weekly Times* carry the headline 'Student travel subsidy plan'. This wonderful budget for rural Victoria provides assistance for public transport school bussing. What did the National Party say in the lead-up to this budget? It ran around rural Victoria saying that the government had abandoned rural Victoria and was going to direct its funds to metropolitan Melbourne during the budget. Of course the government has looked after metropolitan Melbourne, but it has delivered to the country in spades. We have a Bracks government that is totally and utterly committed to rural Victoria — to the regions, the regional cities and the rural towns. As a country member of Parliament I have seen that great growth in jobs. I have seen the improved confidence within our communities.

Our farmers are doing better than they did under the Kennett years. In my area, for example, cattle underpasses are making things easier for farmers. Our farmers are becoming a lot more environmentally aware. In my area farmers are very conscious of the nutrients coming off their farms and are taking many steps to address the issue. With the budget rescue package for the Gippsland Lakes and river management work we are going to see a lot of work done on the nutrient run-off from farms in partnership with farmers and rural communities. This government will deliver fantastic economic outcomes as well as environmentally sustainable projects. We will have cleaner rivers, a cleaner Gippsland Lakes system and more viable farms into the future. These are the policies of the Bracks Labor government. It has strong and very

important policies that will support the rural community into the future.

On the other side of the house there is a deathly silence — a silence of policy, a silence of truth and a silence of support for rural Victoria. Under Kennett those on the other side accepted that rural Victoria was the toenails of this state, and their policies to date have shown that they are committed to ensuring rural Victoria remains the toenail of the state. But if they keep up their current policies they will never get the chance to reintroduce the toenails policy in this state. They will never get those opportunities, because rural Victoria will recognise that the Bracks government is delivering to it in spades. It is delivering in a way that certainly only a few dared hope for. We have a government that is focused on rural Victoria. We have country Labor MPs and ministers with strong rural backgrounds, and all are ensuring that we can move forward into the future in a wonderful way.

Certainly there are challenges for the future, and it is great knowing we have a fantastic team on this side of the house to support that. It is going to be tough as we negotiate the timber industry restructure. It is going to be painful at times; it is going to be difficult; but what we have at the heart of that package is a commitment to rural Victoria and a commitment to jobs in the area. Certainly as a local MP I will be working very closely over the next few months with those in my community in regard to the timber industry. I will be standing shoulder to shoulder with those who rely on the timber industry for their future to ensure that we have a long-term and sustainable timber industry.

The government will not fail those who live in rural Victoria. We will support them. We will not sit by and allow jobs to be ripped out of rural Victoria as they have been in the past. If there are some job losses in some areas, we will put in place the rescue packages that are needed, because we have the policies and we have the structure in place to support rural Victoria.

It is just wonderful to be a member of this fantastic government as we support rural communities. When I travel in country areas I see cattle underpasses and I see farmers who know they have an MP who is committed to their future. I go the local United Dairyfarmers of Victoria meetings to hear the concerns of farmers and discuss issues they may have and ensure that they flow through to the government. The Minister for Agriculture is following the consultation process. But it is not just consultation, it is consultation followed by a responsible government taking action in an environmentally friendly way.

The headline in the *Weekly Times* of 8 May is 'Money flows'. Support and money is flowing to rural Victoria, accompanied by a strong policy platform. Another National Party MP leaves the chamber because he is not interested in this debate at all.

Mr Maughan interjected.

Mr MAXFIELD — They threw this debate in, knowing full well that they were pretty gullible and shallow. What we have on this side of the house is a strong commitment to our regional areas, to our natural resources, to our water and land management, to our timber industry. It is a wonderful industry — —

Mr Maughan — Mr Acting Speaker, I draw your attention to the state of the house.

The ACTING SPEAKER (Mr Seitz) — Order! It is up to the Chair to decide whether a point of order is a frivolous one called just to disrupt the debate. I will accept the reference to the state of the house this time and ask the Clerk to ring the bells.

Quorum formed.

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

Mrs FYFFE (Evelyn) — This house should condemn the government for its lack of public policy in the area of natural resource management, particularly as it relates to timber, fishing, public land, water management and land use.

I have nightmares that for the next six or eight months I will be following the honourable member for Narracan's inarticulate — I was going to say 'drivel' but that is probably rude — renderings. He talks the biggest amount of garbage I have ever heard in my life. If he really understood what damage this government is going to do to the timber industry he would already be preparing for his next career because his term in Parliament will finish at the next election. He has no understanding and no comprehension; he just delivers rhetoric. He should get out and meet the people a little bit more.

This government's lack of public policy is to be deplored. It lacks a public policy on weeds and pest animals — foxes and rabbits. The integrated pest management framework was due out in October 2001, seven months ago. Where is it? Where is this government's public policy on Crown land? Where is the public policy on private land? A discussion paper on wild dogs was produced. Isn't that wonderful — a discussion paper? That is really going to help the issues.

Where is the action? This government has no comprehension of the damage that is being done to rural Victoria by dogs that are breeding so rapidly. There is no understanding of what is happening to farm stock or native animals. Nothing is being done. There are no clear statements, no direction.

We can look at ovine Johne's disease (OJD) and at the lack of staff and the lack of will to enforce OJD management, and we can look at the fencing issues involved. Still there is no clear and enforceable definition for erecting an effective barrier around a property. Where is the policy? Where are the strong guidelines? Good fencing is needed, but where is the definition? It is not clear; it is not precise. How are the officers supposed to do their work properly when for farmers there is no concise definition of an effective barrier?

The bureaucrats run the departments. Given the lack of will in handling OJD, farmers will end up having to go to court, which will mean more stress and more expense — and they have already been through a long period of stress over this disease. I accept that it is a difficult disease to diagnose and manage, but why add more stress to farmers by giving no clear guidelines on effective barriers?

One policy that seems to have been made is that if OJD is discovered in a line of sheep going through the abattoir, up to eight producers could be considered suspect. Why not the 'up to five', as recommended by departmental staff? The abattoir at Yea is caught up in this. What is the honourable member for Seymour doing about it? His response to this is probably as effective as his response to the bushfires that ripped through 6000 acres near Puckapunyal and destroyed two houses, several sheds, 1000 sheep and kilometres of fencing. This government was slow to act: it did too little, too late. The honourable member for Seymour was ineffective for weeks, and then all he did was say that he hoped he could get assistance from the state government.

What was the assistance? It was a miserable \$40 000 when kilometres of fencing had been destroyed. An amount of \$40 000 would only cover 16 kilometres of fencing; so only 16 kilometres of assistance was given to these people whose livelihoods had been destroyed. It was far too little, far too late, because it took weeks for a response.

An article in the *Wallan Times and Wallan Chronicle* reports:

Cr Don Paterson — a vocal advocate of substantial government assistance for fire victims — pulled no punches in condemning the \$40 000 as being totally insufficient.

He said:

Ten times that amount would be a realistic starting point ...

The same article reports Mr Hardman as saying that:

... he would be happy to take up any further concerns, with lines of communication still very ... open.

He also suggested that perhaps the federal government could make an allocation, and the council could also look at providing further assistance.

I would really like the honourable member for Seymour in his contribution to tell us what he did, how much more work he did and what other assistance he got.

The article continues:

Cr Paterson was critical of the time delay in reaching a decision; he said council was not expecting a full-cost allocation, but \$40 000 would not go very far at all.

The shire council had already spent around \$40 000 on fire assistance, he pointed out.

'Whoever dreamed this (\$40 000) up has no idea at all ...

That encapsulates what this government is doing. It has no idea of how to handle and make policies for rural and regional Victoria. The article states further:

The VFF's general manager on policy, Clay Manners, said it was pleasing — —

An Honourable Member — Give us some ideas!

Mrs FYFFE — The government member interjects asking for ideas. There are plenty of ideas in the Liberal Party. It is quite interesting that in the budget brought down yesterday — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order!
The honourable member for Evelyn, without assistance.

Mrs FYFFE — The budget brought down yesterday takes up Liberal Party ideas, including the Wimmera–Mallee pipeline and other things.

Honourable members interjecting.

Mrs FYFFE — This government will pick up and run with every Liberal Party policy that has been released, because it knows the Liberal Party continuously produces good policy — unlike Labor, which responds to newspaper articles and does what is

populist but is not good for the long-term future of Victoria.

Staying with the Seymour fires and the lack of policy and direct help, I again refer to the article, which states that Clay Manners of the Victorian Farmers Federation said:

... it was pleasing the government had at least acknowledged some assistance is warranted —

but he said it was not sufficient. That is basically what it is all about: this government did not provide sufficient help.

What is the government doing about weeds and pest animals in the Kinglake National Park? Where is the public policy on how to handle it? Where is the commitment to country people?

In her contribution the minister talked about how this government has delivered a sustainable timber industry. But the timber industry is still reeling in shock from this government's decision to take 500 000 hectares away from it. The government has taken away 40 per cent and left 32 per cent of unsustainable forests. Its mishandling of timber industry issues saw woodchipping increase by 60 per cent last year, but sawlog production was down by 25 per cent. Now that is good policy!

This government shafted the timber industry, stabbed the environmentalists and cost the taxpayers \$80 million. The lack of clear, open and accountable public policy from this minister and this government on natural resource management is resulting in a slowdown in investments and in the development of rural industries, and needless worry for country people.

What a debacle the policy on flying foxes is. Thousands of dollars have been allocated to transport 200 foxes to Banyule to create another colony. That will really help the fruit growers and other people of Seymour, Yarra Ranges and Yan Yean. It will increase the number of flying foxes, not get rid of or decrease them.

There is no policy and no support for the helmeted honeyeater, Victoria's faunal emblem, in the Bunyip State Forest. How can this government walk away from one of the state's emblems? How can it leave the helmeted honeyeater in danger of extinction?

The \$80 million for the timber industry has been included in environmental programs, yet there is supposed to be an increase in overall funding. This government has no understanding of rural and regional issues. It does not listen; all it wants is more public

servants, more consultants and more spin doctors. So much time is spent on talking, but much less is spent on service delivery on the ground and on getting out there and doing it.

People in the country who had high expectations are now finding out that they need not more consultants or public servants but action on the ground. Country people are very practical and hardworking, and they expect taxpayer-funded bureaucrats to be the same. They expect this government, which is also paid by the taxpayer, to get out there and do the job, not just talk about it and produce glossy brochures.

Ms DUNCAN (Gisborne) — It gives me some amusement to address this matter of public importance brought on by the National Party. I must say that I agree with the comments made by previous government speakers that this is really quite laughable. I am surprised the National Party has brought on such a topic, because its record is appalling.

I will address some of the issues raised by the honourable member for Evelyn. First of all, I would love to hear the Liberal and National parties' definition of public policy. There are pages and pages of government public policy; I can only assume that they either cannot read or will not let the facts stand in the way of a good story.

We heard that from the honourable member for Evelyn on several occasions. I did not think she would repeat the comment she made some weeks ago about woodchipping volumes across the state. It is the second time I have heard the honourable member for Evelyn refer to the figure of 60 per cent. Just once I would love opposition members to say where they get their figures. 'Let's not let the facts stand in the way of a good story. "A 60 per cent increase in woodchip volumes" rolls off the tongue and sounds quite good. Let's not forget that it is not true, but it sounds good and sounds damaging, and I will continue to run that line', says the honourable member for Evelyn, whose contribution on wild dogs I listened to intently some months ago.

I suggest that the honourable member for Evelyn read Darwin's theory on natural selection. If she does she may find that some of the things she suggested are happening in Evelyn are scientifically impossible! I would really love to see the source of some of the data she refers to and statements she makes.

It has been a bit extraordinary to sit here listening to some of the debate from members opposite because they seem to be all over the place. One minute they are criticising the government for not consulting, but their

view seems to be that they agree with consultation as long as you do not have to speak to anybody to do it. It is a bit like supporting the timber industry. The government has had to announce some of the biggest cuts in the sustainable yield of our native forests because of previous mismanagement, and it has been accused of trying to close down the timber industry and of not understanding the timber industry. Similarly the government has been accused of not understanding the fishing industry. What I understand about the timber industry is that it needs trees. What I understand about the fishing industry is that it needs fish.

We heard the honourable member for Benambra talking about the rights of recreational fishermen. He seems to think that as long as recreational fishermen can drop a line in a body of water that will satisfy them, that we should not worry about whether they will ever catch a fish, and that we should be seen to be supporting recreational fishermen by allowing them to continue to fish at whatever levels they like, wherever they like and without any restrictions, because having restrictions would be impinging on a personal right, and we could never do that.

This debate is disappointing because in some areas of natural resource management the National Party has shown itself to be much more insightful than the Liberal Party. I refer particularly to the farm dams debate and the National Party's view of that. The way I saw that was that the National Party was interested in outcomes and wanted an outcome that it knew could work, could be sustainable and was as equitable as possible when we have a very limited natural resource.

The honourable member for Monbulk talked about the government having no idea about managing natural resources, and he spoke at some length about ground water. I would like to draw the attention of the house to a letter written to the then Minister for Conservation and Land Management, Marie Tehan, in 1998. That letter was signed by environmentalists and the timber industry — quite an unusual alliance — and sought to draw the minister's attention to a range of environmental issues, one of which was ground water and mineral springs.

In 1996 a hydrologist working for the Department of Natural Resources and Environment produced a mineral and spring water resource protection discussion paper, often referred as the Shugg report. That report showed that further work needed to be done in the field to define and explore the effects of urbanisation, land clearing and other human impacts on the mineral springs and recharge areas, and the findings needed to be incorporated into forest management where

appropriate. What happened to that report and to that hydrologist? He was sacked by Kennett because the former government did not want to hear what he had to say.

Now we have Liberals for Forests going up to Daylesford and Hepburn Springs and squealing about some contamination of a couple of springs and suggesting it is created by all manner of things. We have no idea whether elements of that were shown in the Shugg report because we never saw the outcome of it; the Kennett government put an end to it. I would call the honourable member for Monbulk two faced, except that if he were two faced he would not be wearing the one he has on, and therefore I can only assume that he has only one face.

It was extraordinary to hear the honourable member for Monbulk repeat that the purpose of the government's forest policy is to lock up the forests. Members opposite do not seem to understand that in order to cut a tree down you must have a tree. If the resource is not there, it is not there. It is fairly simple, but we must remember that these people either cannot read or cannot listen. I am sure their ears are painted on because they ask a question, you give them an answer and they ask the same question again. If they could hear I am sure they would understand it, so I am assuming that their ears have been painted on.

I find the suggestion that the government does not understand resource management audacious. I am stunned and surprised that members opposite should raise this issue and that anyone from the Liberal Party should get up and speak on it. I thought that at least the National Party members would run this on their own and not get any support from the Liberal Party, because that would be the pot calling the kettle black and even opposition members would not have the audacity to do that. But we have seen today that they do; these Liberals are fairly thick skinned.

It is a case of the Liberal members saying, 'Do not do as I did but do as I say'. The honourable member for Doncaster is a classic example. He is the shadow who does not leave a shadow. He is never to be seen except when he walks around the state and sits and listens with great earnest. When you ask people what he said or suggested or proposed they reply that he never said a word or proposed a thing. What would be the response of the Liberal Party if it were in government and had these state forest resource inventory figures and this problem with resource management? This is the view that I get people from people in my electorate.

When I watch the honourable member for Doncaster walking around like he is some great guru, they are all laughing behind his back because they know absolutely his track record and that of his government. The honourable member for Doncaster is saying nothing because he has nothing to say. He knows that there is no alternative but to reduce the yield, because if the wood is not there, the wood is not there. We see that from the honourable member for Doncaster.

The honourable member for Doncaster and other members of the Liberal Party have talked about a lot of environmental issues that are still out there. They are issues into which the government is trying to make some inroads, but it cannot do everything at once. The government acknowledges that these problems exist, and it is moving incrementally to improve them, but honourable members opposite ask what the government is doing about bats somewhere and do their best to ignore what the government has done.

It has been quite amusing to listen to some of the most obscure points members opposite have tried to make, because it is only around the periphery that they can criticise this government. They know that the government's policies are there, that it is committed to the environment and that it is prepared to put its money where its mouth is. The honourable member for Polwarth talked about people on the ground. We had numbers of Department of Natural Resources and Environment staff in the Wombat State Forest five or six years ago, and those numbers were cut dramatically under the previous government. It is hypocritical and quite amazing that members opposite should raise these issues. This government has a very proud record on the environment.

Mr MAUGHAN (Rodney) — I am pleased to participate in this debate and support my colleague the honourable member for Swan Hill, who has proposed what I believe to be a very important matter of public importance condemning this government for its lack of public policy in the area of natural resource management.

I will refer briefly to the speech made by the honourable member for Swan Hill because in the limited time he had available to him he spelt out a range of areas in which this government is lacking a clearly defined and articulated policy. I do not intend to repeat all of those items, but I will deal with some of them.

I enjoyed the contribution of the honourable member for Gisborne. I think she made some very good points. I take on board her congratulations to the National Party for its interest in outcomes in natural resource

management. National Party members are interested in looking after the people we represent in country Victoria and trying to get reasonable and sustainable outcomes — and we do. We have worked hard to develop policies that will provide long-term sustainable outcomes, and that is why we are critical of this government. We fail to see that strategic plan. We fail to see the vision. We fail to see the government articulating its policies and its long-term vision for where it is going on a lot of these natural resource issues. It seems to be far more an ad hoc approach of responding to issues as they come up rather than having a strategic framework and dealing with them within that framework.

A couple of things we are dealing with at the moment include the marine parks legislation and the notion that you lock up great areas by way of marine parks almost irrespective of the evidence, believing it will somehow protect the marine environment without asking about all the effluent and nutrients going into that environment. Why do we not put more effort into that, which we can do something about and which will change the marine environment for the better, without kidding ourselves that, for example, simply by excluding recreational fishers from the marine parks we are somehow going to make that environment even better?

Likewise, with the forests — in particular the box-ironbark forests, but other forests too — and the notion that by simply locking up a forest or piece of land, without providing the management plan or resources to do so, we are somehow preserving the environment. Let's get on and effectively manage the public land we have right now and then look at putting in more national parks, if that is what the government of the day wants to do. But the government seems to have the notion that by simply putting a big fence around it we are doing a marvellous job for the environment. That is not the case because our state lands are overrun with weeds and pests and we are not doing anything about managing those.

The honourable member for Gisborne was constantly interjecting, 'What would you do?'. This matter — —

Mr Nardella — What would you do?

Mr MAUGHAN — I'll tell you about that. I just suggest that in response to the interjection by the honourable member for Melton — —

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

Mr MAUGHAN — I will ignore it, but I will take this opportunity to invite the honourable member for Melton to read the excellent contribution of my colleague in the other house, the Honourable Peter Hall, who spelt out what we would do and what our policies are. I also invite other members of the government to read the Honourable Peter Hall's contribution and they will very soon know where we stand and what we are doing.

This matter before the chair today is not about the National Party and what it would do, it is about the government and its policy — or lack of policies. I have listened to the contributions of many government members and have not heard them responding to the points made by the honourable member for Swan Hill about the lack of clearly articulated policies or any overall vision of natural resource management. I put on the record that when the honourable member for Ripon was complaining about there not being a lot of National Party members in the house, there were only two government members here to hear that very important debate. Likewise, when the honourable member for Narracan was rabbiting on and drawing attention to the fact that there were not a lot of National Party members present, there were again only two government members other than the minister at the table.

We have been concerned about natural resource management and have been treating it seriously for quite a number of years. Everybody accepts that we cannot just go on using our natural resources without having some long-term strategic plan about sustainable use of those resources. Our worldwide history has been that from time immemorial we have tended to use our natural resources up without acknowledging that they are finite. We now have to learn to live with the natural resources we have. This is all about a plan for their sustainable use.

I will refer to one that is of great interest to me, our water resources. The Rodney electorate which I represent and those electorates of my colleagues the honourable members for Shepparton, Murray Valley and Swan Hill are heavily dependent on continued supplies of irrigation water, so the use of water is very important to that part of northern Victoria. It is fair to say that under the coalition government very significant changes were made in public policy with regard to utilisation of such a very scarce resource as irrigation water. As I say, this is very important to the electorates of Rodney, Shepparton, Swan Hill and Murray Valley.

We need to acknowledge there is a Murray–Darling Basin cap and to apply that cap to our entitlements. That was done under the previous government. The

honourable member for Swan Hill played a significant role in that process with the document he was basically responsible for, *Sharing the Murray*, and my upper house colleague the Honourable Bill Baxter played a significant role in the farm dams legislation. In these two issues dealing with water the National Party played an important role and the government when in opposition did not have any strategic plans — and still does not — about where it is going with a lot of those water issues.

There are other issues concerned with public land. About 35 per cent of the state is public land and almost half of that is in state or national parks. What is the government's policy on public land use? We believe public land is owned by the public and should be available for use by the public for both recreational and commercial use. Where does the government stand on this? What is its policy? Likewise with grazing on public land, we believe there is a use for cattle on public land to keep down the undergrowth, to protect our forests and to have multiple use. Where is the government's overall policy on grazing on public land?

With the timber industry, the Liberal Party was accused of flip-flopping on a number of issues. The government has been doing exactly that with the timber industry. Here is a sustainable industry that creates jobs in country Victoria. There are huge resources out there. There will be debate about what is sustainable and what is not, but we need to provide security for all those who have invested in the timber industry so we can sustain those jobs in country Victoria. I just wish the government would articulate very clearly its policy on the timber industry.

With regard to pest animals and weed control, where does the government stand? We heard yesterday about the difference in view on, for example, fox control. There is a whole range of issues we can talk about, but I conclude by saying that this matter of public importance submitted by the honourable member for Swan Hill drew attention to the government's lack of public policy in the area of natural resource management.

This side of the house has given numerous examples of the lack of public policy. Government members opposite have failed to respond to that, and have failed to clearly articulate government policy on any of these matters. The government stands condemned for its lack of clear public policy, which as I said earlier is a long-term strategic plan on managing our natural resources.

Mr NARDELLA (Melton) — What an absolutely lazy opposition we have here today! After the magnificent state budget of yesterday this opposition comes here with a spurious argument that the Bracks government is not managing our natural resources, that it is not doing the right thing by the community and that it is not spending enough money on the things the previous government cut back on — the things it saw as one of the lowest priorities ever. That is why the previous government made the Honourable Marie Tehan the Minister for Conservation and Land Management in its second term — it gave those things such a low priority that it put the worst minister in its government into that position.

The opposition comes here today and says that the government has no strategic approach to natural resources and land management in Victoria, yet it has absolutely no policies. I was in the house when the honourable members for Monbulk and Doncaster made their speeches, and they did not put one single, solitary policy on the table. As the honourable member for Gisborne said, whenever the honourable member for Doncaster goes anywhere within Victoria he must clock up the miles, but it is a pity there is no-one behind the wheel! He clocks up the miles, goes in and sits down — I can talk about this because I have a bit of lard around my midriff — eats the cakes and has the teas and the coffees, but when it comes time for him to put his party's position on the table he has no idea. Even if he did have an idea in his vacuous head — his vacuous mind — he would not be able to get it through his own party, because he has no credibility and is not listened to.

The only thing the honourable member for Doncaster is good at is being like the Little Toaster. I do not know if honourable members know of the Little Toaster, but if they have kids or grandkids they will know what I am talking about. Like the Little Toaster, come question time the honourable member for Doncaster has one strategic approach to conservation and the environment — getting up from his seat on the other side and putting up points of order. He is a brave Little Toaster that goes up and down putting points of order against us. So far as the Liberal Party's policies, ideas or any concept of vision for the environment are concerned, it is zippo, zilch, nil.

Even worse, the white knights, the National Party, that wanted to change its name to the National Country Party but got knocked off in its national conference, what ideas does it have? Again, it is zippo. The honourable members for Rodney and Swan Hill are here today and that shows how important the National Party believes these natural resources issues are. It put

the second-rater on — the deputy leader — to lead the debate for it. It is not important enough for the Leader of the National Party to lead the debate because the hearts of National Party members are not in it. The National Party has no ideas or policies either, yet it comes into the house with this ridiculous matter of public importance.

What was the position of the honourable members for Monbulk and Benambra regarding a strategic approach to farm dams? Let me inform the house that their strategic approach was that once the water and catchment systems were under massive stress, and once the management had collapsed, then they would do something about it. That was the policy of the Liberal Party, if you could call it a policy. It is more of a mishmash of things that it put together to oppose us because it has never had any original ideas.

Liberal members come in here and say to us that we have no strategic approach. They have no policy, no ideas and no vision; nor do they have any leadership, and that is half their problem. They have no leadership whatsoever on this issue or other issues.

Mr Maughan — On a point of order, Mr Acting Speaker, the honourable member for Melton is dealing with issues relating to the leadership of the Liberal Party. I fail to see how that has any relationship whatever to the matter before the Chair, which is to do with natural resource management. I suggest that you bring him back to the matter before the house.

The ACTING SPEAKER (Mr Kilgour) — Order! Will the honourable member for Melton please note that I uphold the point of order.

Mr NARDELLA — The matter of public importance says:

That this house condemns the government for its lack of public policy in the area of natural resource management ...

Obviously that is nonsense. There have been more public policies and strategic approaches put in place in the last two and a half years than under the former Kennett government in seven years. It is not just the policy, it is the action. It is about implementing the principle. The honourable member for Monbulk talked about no principles being involved. There are principles: looking after our natural resources while we look after our environment and doing it in a sustainable way. They are the three guiding principles this government has put in place.

Let's look at the government's strategic approach to a sustainable timber industry. The former government

stuffed it up; it had no idea. It did not even know what the sustainable yield was anywhere in Victoria — it did not have a clue. It had Marie Tehan, the former Minister for Conservation and Land Management, running its environmental timber policy. That is how much it had no idea, yet the government has had to fix up the problems the former government had seven years to deal with.

There is an \$80 million transitional program in place. The Gippsland Lakes strategy action plan includes \$12 million to fix up this valuable resource. That is point 2.

Let's go to point 3. I do not mind giving credit where credit is due, and the Liberal Party and the National Party have been talking about the Wimmera–Mallee pipeline for a while. However, they had seven long, desolate years to put in place their policy and never did. It was up to this government to put a policy in place. Not only is ours a strategic approach, but there is \$77 million behind that important environmental construction project. For every 10 litres that goes into the Wimmera–Mallee pipeline only 1 litre of useable water comes out the other end, because the rest of it seeps out or evaporates.

Where were the National Party and the Liberal Party with their salinity strategy? Nowhere to be seen! That is point 4. Point 5 is the alpine 2020 plan. Where was their alpine strategy? Where is their policy on alpine national parks? There is none.

Point 6 is about river plans. We have the Gippsland River plan and the Snowy River plan, with a 28 per cent flow to be restored to the Snowy after extensive talks between state and federal governments. We also have the Wimmera River plan, the Glenelg River management plan, and \$15 million for Murray River flows.

Let's keep on going and name a few more of the strategies and plans the government has put in place in the natural resource management area. The government has invested \$20 million in the box-ironbark forest strategy. According to the opposition that is chickenfeed, or not enough, but it is \$20 million that it did not even think about putting into box-ironbark forests.

Let me give the house another one. The second-generation Landcare grants are helping Landcare groups in Toolern Vale and Rowsley. But there is more! Last year the government allocated \$2 million to the serrated tussock task force as part of its weeds strategy. The government has also dedicated

\$1.5 million to the management of foxes. That is \$1.5 million more than the National Party and the Liberal Party ever thought of — and we could keep on going.

The government has dealt with these matters seriously. We are concerned about the environment, which is why we are putting these programs in place. It is fallacious and facetious for the opposition parties to say we have done nothing. I have just gone through a number of strategies that the government has put in place. The opposition parties are wrong!

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Warrnambool has 8 minutes.

Mr VOGELS (Warrnambool) — I join in condemning the Bracks government for its lack of public policy in the area of natural resource management, particularly as it relates to timber, fishing, public land, water management and land use.

What an indictment yesterday's budget proved to be in this area. According to the economics editor of the *Age*, Tim Colebatch, expenditure by the Department of Natural Resources and Environment went from \$1.2105 billion down to \$1.0601 billion, or a massive 14.19 per cent decrease — and that is in real terms.

If you further dissect the figures you will find that a lot more money is now spent on people in cardigans sitting around in offices than on field staff working in the environment and with the people out there. Services have been reduced. The Department of Natural Resources and Environment has lost touch with the farming community in rural Victoria. Instead there are faceless people hidden away in call centres. If you can get through to someone at one of these call centres you find that they do not know what you are talking about, and if you say you are from Scotts Creek or Timboon you might as well say you are from Mars.

I will quote from an article in the *Weekly Times* of 3 October 2001 which is written by Xavier Duff and explains the situation well. The headline on the article is 'Familiar face disappears':

It used to be quite simple. You had a query about footrot, the best variety of subclover or how to treat codling moth.

And everyone knew where to go.

Officially it was known as the Department of Agriculture, but everyone called it the 'ag department' and it had a local face.

Nearly every town had an office of some sort and most farmers had some contact with it.

You phoned them and a friendly extension officer would answer your query. Sometimes they jumped in a car and came out to your place to have a look and a bit of a chat.

Once there was even a monthly publication, *The Journal Of Agriculture*, full of the collective wisdom of the department's many officers in helpful articles on everything from treating mastitis to the latest in cattle yard design.

The 'ag department' was visible and it was everywhere.

Then the amalgamations started. First it was the blokes from soil conservation, who would help you site a dam, and then the land department, who looked after the weeds.

Not too much of a problem there, being under the one roof. After all, it was all to do with farming.

But then some increasingly unlikely additions to the family followed. The foresters moved in, followed by rangers and fisheries inspectors and then water managers. Anything to do with land and sea, it seems, was united in a mixed marriage of huge proportions.

Then it was anything under the land and sea, with energy, minerals and petroleum moving in to the crowded family home.

The name and logos changed to reflect the clan's changing face. One day agriculture disappeared from the title altogether. With so many changes, something had to be done to save on stationery costs.

But the title 'Agriculture Victoria' and its logo lived on, even if it was only on an organisational chart or the odd sign outside a local office.

But now even the logo is going, the aggies and the vets surrendering their identity for the greater good.

Apparently, agriculture and farming are just another natural resource to be managed by a faceless bureaucracy.

Extension officers and scientists are merely 'service providers' and farmers just another departmental 'client' along with the home gardener and the tourists.

They are still a dedicated bunch, the aggies and vets who work for the government. Some of the old ag department faces are still there.

But rationalisation has reduced their reach. There are fewer of them, and face-to-face contact is increasingly rare as tight budgets and new priorities keep them tied to their desks.

Even the friendly voice at the end of the phone has been replaced by the anonymous voice of a call centre operator.

At a time when you need them most and customer service is a mantra, the 'ag department' has slipped from view.

That is a good article which explains a lot about what is happening out there in rural Victoria.

I am pleased to see the government continue the tradition commenced by the Kennett government of piping the Wimmera-Mallee water supply system. This is great news. It is great for the environment. We know

that approximately 80 per cent of the water is lost through seepage and evaporation. The channel system has basically decimated the Wimmera rivers, so this is good news, and I congratulate the government on the initiative. Hopefully with the huge amount of water that will be saved some will be made available to fill the lake beds and wetlands that are now dry and are causing the build-up of fairy grass and other weeds which have become a fire hazard for local communities.

Where is the funding for wheat control? This is another issue which is causing huge problems in rural Victoria but which seems to receive scant attention from this government? We grow wonderful crops in the Western District, much of which are exported. Our customers demand quality assurance, especially if premium prices are required. Research and development and resources need to be made available to fight weed infestations, especially coming from public land. A perception that there is more help out there than ever before is created by the spin doctors employed by the government. In fact, there is a leadership vacuum.

In the field of animal welfare the government has completely abrogated its responsibilities. There is no Department of Natural Resources and Environment wildlife officer at all in the south-west. Clearly the government has resolved to ignore all calls of concern from the region for assistance, and has ignored the plight of volunteers. This issue has been raised many times but has been completely ignored. Basically the Royal Society for the Prevention of Cruelty to Animals, which is a charity organisation, is running an enforcement policy. Imagine if the police force were run by a charitable organisation! Volunteer organisations are not coping, and we have headlines like the one in this week's *Warrnambool Standard* saying 'RSPCA shelter in turmoil'. People are resigning and no one will be left to carry on the job.

It appears that if you are involved in the fishing industry at present you are a pariah. We are seeing more and more restrictions and quotas, but they are not backed up by any scientific research to see if they are having an impact or what the benefits are for the future. You only have to speak to the rangers out there to understand that they are understaffed and underresourced.

This government is swimming in money. Since it came to power the average family is paying \$1500 a year more in taxes and charges than it was in 1999. I therefore call on the Bracks government to spend some of its surplus money on natural resources and to not cut

the budget of the Department of Natural Resources and Environment by over 14.9 per cent this year.

Mr DELAHUNTY (Wimmera) — I am pleased to support the matter of public importance. I will quickly say that the government seems to be working on the squeaky wheel syndrome — and there are a few squeaky wheels in my area. There is a fairy grass problem. I am pleased to see the minister in here, but the reality is that the government has problems with weeds, exotic pests and pest animals — foxes and wild dogs. The government has done nothing about the dry lakes and weeds coming out of public lands. I am not opposed to national parks, reserves and marine parks, but I criticise the lack of maintenance of these protected areas. Public land is owned by the public and should be used by the public for recreation, commercial use —

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member's time has expired, and the time for debate on the matter of public importance has also expired.

TRANSPORT (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) — I move:

That I have leave to bring in a bill to amend the Transport Act 1983, the Essential Services Commission Act 2001 and the Melbourne City Link (Further Miscellaneous Amendments) Act 2002 and for other purposes.

Mr BAILLIEU (Hawthorn) — I ask the minister to give a brief description of the bill.

Mr BATCHELOR (Minister for Transport) (*By leave*) — This bill seeks to make a series of amendments to transport issues, including the recently announced advantage provided to largely country users on the City Link project — they will have an extended time to purchase their passes if they use City Link without having a pass or an e-tag — plus a number of other initiatives.

Motion agreed to.

Read first time.

ENVIRONMENT PROTECTION (RESOURCE EFFICIENCY) BILL

Introduction and first reading

Ms GARBUTT (Minister for Environment and Conservation) introduced a bill to amend the Environment Protection Act 1970, the Local Government Act 1989 and the Magistrates' Court Act 1989, to repeal the Litter Act 1987 and for other purposes.

Read first time.

CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL

Introduction and first reading

Mr PANDAZOPOULOS (Minister for Gaming) — I move:

That I have leave to bring in a bill to amend the Casino (Management Agreement) Act 1993 and for other purposes.

Mr BAILLIEU (Hawthorn) — I ask the minister to give a brief description of the bill.

Mr PANDAZOPOULOS (Minister for Gaming) (*By leave*) — The house would be aware of an announcement the government made that the lyric theatre would no longer have to be built at Crown Casino, subject to a payment to the state. This bill puts that into effect.

Motion agreed to.

Read first time.

TRAVEL AGENTS (AMENDMENT) BILL

Introduction and first reading

Ms CAMPBELL (Minister for Consumer Affairs) introduced a bill to amend the Travel Agents Act 1986 to make further provision for the Travel Compensation Fund and for other purposes.

Read first time.

JURIES (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Juries Act 2000 and for other purposes.

Read first time.

CRIMINAL JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Crimes Act 1958, the Corrections Act 1986, the Police Regulation Act 1958, the Magistrates' Court Act 1989, the Confiscation Act 1997, the Sentencing Act 1991, the Bail Act 1977, the Children and Young Persons Act 1989, the Interpretation of Legislation Act 1984, the Surveillance Devices Act 1999, the Transport Act 1983 and the Appeal Costs Act 1998 and for other purposes.

Read first time.

ALBURY-WODONGA AGREEMENT (REPEAL) BILL

Introduction and first reading

Mr BRUMBY (Minister for State and Regional Development) — I move:

That I have leave to bring in a bill to repeal the Albury-Wodonga Agreement Act 1973 and the Wodonga Area Land Acquisition Act 1973, to dissolve the Albury-Wodonga (Victoria) Corporation, to provide for the transfer of assets, contractual rights and obligations, and liabilities of that corporation to the Albury-Wodonga Development Corporation and for other purposes.

Mr PLOWMAN (Benambra) — I ask the Minister for State and Regional Development for a brief explanation of the bill before the house.

Mr BRUMBY (Minister for State and Regional Development) (*By leave*) — This gives effect to the agreement that was signed some years ago by the commonwealth government, the New South Wales government and the then Victorian government to dissolve the Albury-Wodonga Development Corporation and to repeal the Albury-Wodonga Agreement Act.

There have been some logistical issues associated with that which have now been fully and satisfactorily worked through. So this legislation gives effect to Victoria's obligations. New South Wales and the commonwealth — as, I think, the honourable member is aware — have already legislated through their parliaments for the repeal of this act.

Motion agreed to.

Read first time.

STATE TAXATION ACTS (FURTHER TAX REFORM) BILL

Introduction and first reading

Mr BRUMBY (Treasurer) — I move:

That I have leave to bring in a bill to amend the Duties Act 2000, the Land Tax Act 1958 and the Pay-roll Tax Act 1971 to implement further tax reform and for other purposes.

Mr BAILLIEU (Hawthorn) — I ask the Treasurer for a brief description of this bill.

Mr BRUMBY (Treasurer) (*By leave*) — This legislation gives effect to the tax cuts which were announced in the government's business statement some weeks ago and also makes some amendments to concessional arrangements for first home buyers and pensioners, as outlined in the budget yesterday.

Motion agreed to.

Read first time.

AGRICULTURE LEGISLATION (AMENDMENTS AND REPEALS) BILL

Introduction and first reading

Mr HAMILTON (Minister for Agriculture) — I move:

That I have leave to bring in a bill to amend the Plant Health and Plant Products Act 1995 and the Sale of Land Act 1962 and to repeal the Wheat Marketing Act 1989 and the Egg Industry (Deregulation) Act 1993 and for other purposes.

Mr PLOWMAN (Benambra) — I ask the minister to give us a brief explanation of the bill before the house.

Mr HAMILTON (Minister for Agriculture) (*By leave*) — The acts are being repealed because they are no longer effective. The amendments to the Plant Health and Plant Products Act will improve this state's ability to maintain the integrity of its plant and cropping industry, and the amendment to the Sale of Land Act is very much the second-last part of the implementation of the right-to-farm recommendations.

Motion agreed to.

Read first time.

**FISHERIES (FURTHER AMENDMENT)
BILL**

Second reading

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

Government amendments circulated by Ms GARBUTT (Minister for Environment and Conservation) pursuant to sessional orders.

Mr PLOWMAN (Benambra) — It gives me pleasure to speak on this bill, because it amends the Fisheries Act 1995 to improve the legislative framework for ensuring the sustainable use of Victoria's fishery resources in a range of different ways, and as such the Liberal Party does not oppose it.

We have some areas of concern that I will mention as I go through the bill. As I said, this bill aims to improve the sustainable use of Victoria's fishing resources. I start with clause 3, which requires anglers to carry the original recreational fishing licence, so they are not able to carry a copy of the licence. For those who are not carrying the fishing licence, there is a provision allowing fishermen or women to present the original licence within seven days either to a Department of Natural Resources and Environment office — or in the case where they have been picked up by a policeman, it might be to a police station. They are also able to present the licence by mail.

Although that is covered in the bill, it does bring up a concern. When they go fishing most fishermen — and I think the same applies to all of us — tend to wear pretty rough togs, because they know they are going to be near water, whether it is sea water or fresh water, and they know they will have to maintain either their gear or their boat. In those situations they usually do not carry their wallets with them — and in most cases people carry their fishing licences in their wallets. It would seem far more appropriate if they were able to carry a copy of that licence and for that licence to go back to the department, which can check whether it is part of the register, or whether it can be identified as a copy of the true licence of a person. That is an area that I think a lot of people who fish will be concerned about.

Although you will have the opportunity to present your licence within seven days, that is not something anyone wants to go through. If they are picked up at any stage, I am sure they would prefer to be able to present a copy of their licence. It would be well within the bounds of the department to be able to verify the licence one way or the other. Therefore I suggest this bill would be far better if the requirement to carry an original licence

were changed to allow a fisherman to carry a copy of the licence.

The next issue is about allowing for limitations on the catch size in the subzones of a quota fishery. Clauses 7 and 9 declare that a quota fishery includes a subzone, and they then set the portion of the total allowable catch for the quota fishery that applies in respect of that specified subzone. I would have to say that this is a good idea. Victoria leads the way in very many areas of regulating fishing, which means that our fisheries are not overfished. This also means that if there is a subzone where additional protection is required, that can be effected.

The question I have, though, is how, when they are out in a tinnie or out in a powered vessel, fishermen know exactly where those subzones are.

Mr Maclellan interjected.

Mr PLOWMAN — In some cases, I believe, as the honourable member advises me, some of these areas are buoyed, but in very many cases they are not. It makes it difficult for fishermen, particularly in non-protected waters, to know exactly where they are and whether they are complying with the law, because in fact they might not be. A lot of fishermen have navigational devices that can identify exactly where they are. Those people will, I think, have a level of certainty, providing the maps given to the fishing industry detail those subzones.

I again question the timing of this. If a subzone is declared there needs to be some time for those maps to be provided to the peak fishing bodies and then made available to their membership and at launching ramps, or whatever, in the major marine fishing areas. This creates a problem in inland waters as well, because it could be difficult for people on inland waters to know exactly where they are.

You have a problem with knowing whether you are fishing in Victorian or New South Wales waters when you are above the bed of the Murray River. That has been dealt with in Lake Hume by identifying the waters south of the Bethanga Bridge as Victorian water and all the areas north of the bridge as New South Wales water. But in the rest of the area it is very hard to be sure about that. I would suggest some time frame needs to apply once a subzone is declared.

The next issue applies to the size and catch limits of fish landed in Victoria but caught in an area outside Victorian coastal waters where no such limits apply. That is dealt with in proposed section 68B, to be inserted by clause 10, which states:

- (1) Unless otherwise permitted or authorised under this Act, a person must not have in his or her possession fish taken in waters of the Commonwealth or another State or Territory of the Commonwealth —
- (a) That are less than the minimum size, or that are more than the maximum size, specified for that species of fish ...

The difficulty is in knowing where you caught those fish. There was a case on Lake Hume, an inland waterway, where a fisherman from New South Wales launched his boat in New South Wales, went into Victorian waters and caught fish appropriate to the bag limit in Victorian waters. He went back to New South Wales, took his boat out and was then prosecuted for having fished beyond the bag limits of that state. The same sort of thing could happen here. In the case I have just outlined there was a hue and cry. After a lot of publicity both states reviewed the rights of fishermen on inland waters.

It concerns me that this situation might occur again, particularly where someone is fishing in New South Wales waters close to the east coast of Victoria and then comes back into Victorian waters. It is very hard to prescribe exactly where the fish are caught. As I understand it, it also applies to the waters outside the fishing areas which fall within the commonwealth territorial limits. That issue is also of concern to the opposition.

The next issue I want to highlight applies to the requirement for sellers of priority fish species to keep records. This is part of the paper chain that is required. I seem to remember we introduced that paper chain in the legislation in respect of the sale of abalone. This is dealt with in clause 14 — and it applies to abalone and lobster — which requires a person who receives a priority species of fish for the purpose of sale to keep a document. That is fine; I can see the need for an effective paper chain so that when illegal fish are picked up by the authorities they can be traced.

This requirement will apply to restaurants and also to fish and chip shops. It will put a responsibility on fish and chip shop owners that I do not think they will recognise as their responsibility. It is certainly —

Mr Maclellan — The government's answer to the GST!

Mr PLOWMAN — It is a bit like that, as the honourable member points out. The government has a strange way of recognising these things and I suggest it is the government's responsibility to make sure all of those smaller handlers of fish products, such as fish and chip shop owners, are aware of this obligation.

The next issue introduced by the bill is strengthening the requirements for the provision of certain business information and financial records. Again, part of this paper chain is dealt with in clauses 15, 17, 18 and 24. I will deal briefly with some of those clauses. Clause 15 provides that the categories of information previously related to the harvesting of fish will be expanded to apply to the production of fish by aquaculture. Again the names and addresses of people engaged in taking and producing the fish are required, as are the details of persons to whom the fish are consigned.

I can understand the need for that provision, but as the aquaculture industry is far more easily observed than the marine fishing industry, I wonder whether that level of documentation is necessary. Assuming that an aquaculture industry could be conducted illegally, the opposition would certainly support the need for the provision of additional information.

The next issue relates to strengthening the powers of entry and inspection. The bill provides for increased powers in relation to business information and financial records, and rightly so. Clause 16 substitutes for the specified purpose a proposed new paragraph stating:

- (h) inspecting any document which the ... officer ... reasonably believes to be relevant for the purpose of ascertaining whether or not the provisions of this Act, the regulations or a fisheries notice are being —

complied with. That is certainly justified. It allows an authorised officer or member of the police force to enter land, protected waters or any premises other than a house or other dwelling, and it falls in line with many other entrance requirements in legislation. The bill also strengthens pursuit provisions in relation to commonwealth waters managed by the state and improves evidentiary provisions.

The bill provides for continuing improvements in service delivery, and I will briefly touch on them. It facilitates them by: clarifying arrangements for variation and transfer of licences; removing certain restrictions regarding the ability to declare fisheries reserves; streamlining the process for changing levies where the change has been agreed to with the affected licence-holders; allowing the linking of levies to quota holdings for quota-managed fisheries; and other minor amendments, most of which are technical in nature and are not worth going into in detail.

The bill also deals with another interesting area — that is, the improvement in the recognition of indigenous fishing. It does that in two ways: by allowing fishing permits to be issued for indigenous cultural activities provided for by clause 5, and by clarifying that the collective expertise of Fisheries Co-Management

Council members is to include expertise on indigenous fishing issues.

Clause 5 provides for the insertion after section 49(2)(g) of the Fisheries Act 1995 of the following proposed paragraph:

- (h) to take fish (in areas where recreational fishing is authorised under this Act) for a specified indigenous cultural ceremony or event.

The taking of fish could apply to the taking of abalone. Knowing the value of abalone, at the departmental briefing the opposition asked for examples of those cultural ceremonies so it was clear what the bill allowed the taking of fish for. To date we have not been given examples or details of those cultural ceremonies, except for the one at Port Fairy, and whether it coincides with the Port Fairy festival or is a separate cultural activity is still a little unclear. We certainly do not oppose this provision but would like clarification of exactly what it means.

By way of summary, the Liberal Party does not oppose this legislation but supports the government in its attempts to improve and ensure the sustainable use of Victoria's fishing resources. Everyone on both sides of the house would certainly applaud that motive. We can be proud of the fact that we have a well-regulated fishing industry and that in almost all cases our fishing areas are not exploited. Anything that can ensure that that continues and improves is supported by this side of the house.

Mr KILGOUR (Shepparton) — I rise to speak on the Fisheries (Further Amendment) Bill, which supports a very important industry in Victoria. At the outset I say that the National Party does not oppose this legislation. What we are really seeing is an improvement of the management of the fisheries, and we would like to look at a number of issues concerning that.

The fisheries industry is very important to Victoria. Everybody in this house wants to make sure that regulations are in place which will enable the industry to be sustainable and will ensure that the bay and other areas that fish are taken from are not denuded of fish and what the fish live on, et cetera.

When one looks at the commercial fish production in Victoria one can see the activity that takes place in the zones along our coast. The fisheries along Victoria's coast and in the bay are zoned so that the separate fisheries can be seen and treated separately.

For instance, a tremendous amount of work has been done on the rock lobster and giant crab fisheries in the

western zone. In 2000–01, 487 tonnes of rock lobster and 19 tonnes of giant crab were taken from the western zone alone. We can see the amount of work that has to be put in to ensure that those fisheries remain in a viable position. In 2000–01 just in the eastern zone there were 213 pot lifts, with 70 tonnes of rock lobster valued at \$2.6 million. I am not talking about small fish here; I am talking about an industry that is worth a lot to Victoria. Rock lobster in the eastern zone is a very important part of our fisheries.

We also need to look at what fisheries are worth across Victoria. For instance, with abalone when one looks at the catch and effort by quota one can see that in 2001 there was a total of 3262 diving days across the Victorian zones — in the western zone there were 683 days, in the central zone there were about 1500 days and in the eastern zone there were 1050 days — with 15 000 hours put in and 14 000 tonnes of abalone caught.

That is a lot of work, and a lot of produce has come from the sea. When we look at what this is worth to the ports around Victoria we realise how important the industry is. For instance, in 2000–01 from the Nelson to Portland area we had a total of 396 tonnes, which was worth \$14 million. From Port Fairy to Warrnambool there were 363 tonnes, worth \$15.2 million. There is lot of product taken from these areas. From Port Campbell to Apollo Bay there were 234 tonnes, worth \$9 million. From Lorne to Barwon Heads there were 51 tonnes, worth \$1.2 million. And at Queenscliff they took 94 tonnes, worth \$2.9 million. That gives honourable members an understanding of the sort of take that we have from our fisheries.

I was interested to look at the amount of money that came into our economy from these fisheries in 2000–01. From St Leonards to Geelong it was \$1.1 million; Werribee to Sorrento, \$8 million; and Flinders to San Remo, \$17 million — a total of 398 tonnes in 2000–01. Even in Gippsland, from Paynesville to Lake Tyers they took \$9 million worth of catch and from Tamboon to Eden they took \$23 million.

We have a tremendous industry right along the coast and across the bay. We need to ensure that we have a sustainable industry so we can continue to see money being expended by the fishermen on the equipment they own and in the towns along the coast and the bay. That economic activity is good for the future of Victoria.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

Budget: payroll and land tax

Dr NAPHTHINE (Leader of the Opposition) — I refer the Premier to government claims that it has cut payroll and land tax. Is it not a fact that the state budget shows that Victorians will pay 17.7 per cent more in land tax and 3.9 per cent more in payroll tax next year?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. After the tax cuts, which will now amount to \$1 billion over four years of this government — —

Dr Napthine interjected.

The SPEAKER — Order! The Leader of the Opposition has asked his question.

Mr BRACKS — Victoria will have the second-lowest payroll tax in the country. Illustrative of this is the fact that today I had representatives of a major company in my office discussing another potential development for Victoria. The first thing these people, representing one of our big manufacturers, said was, ‘Thank you for the budget and for the \$400 000 less we will pay in payroll tax after this budget’. That is indicative of business after business. The government has lifted the threshold and reduced the rate, and Victoria now has the second-lowest payroll tax rate in the country.

Any elementary reading of the budget papers shows that we have more people in work, lower unemployment and an expanding economy. If we have more people in work then more people will be paying payroll tax. However, businesses can be assured that the rate they pay will be less, and they can use that spare cash for research and development, for new employees and for new jobs. This is a reasonable and appropriate way of dealing with business taxes, and it has been applauded by the business community. Every section of the business community has applauded it, including the Victorian Employers Chamber of Commerce and Industry and the Australian Industry Group. One by one industries have recognised that this government has reduced the cost of doing business in Victoria.

The Leader of the Opposition has now come up with six different tax plans. They add up to a total of \$1.4 billion a year. They are irresponsible and can never be met. I believe we will soon see the Leader of the Opposition dumping those plans. If he does not dump them he will be sacking teachers and nurses and

putting off police officers. There is no doubt about that, but then again, he does not care.

Budget: education and innovation initiatives

Mr CARLI (Coburg) — Will the Premier advise the house which key initiatives in the budget will drive new opportunities in education and innovation in Victoria?

Mr BRACKS (Premier) — I thank the honourable member for Coburg for his question. The budget was based on the framework the government developed and released at the end of last year called Growing Victoria Together. That was a 10-year outlook for Victoria aimed at making Victoria the innovative state with caring communities. That was the principle on which the government framed this 1-year contribution to that 10-year outlook. I am pleased to say that the concentration in this budget has been to maximise our effort to ensure that we are the best educated and most innovative state in Australia.

I am pleased that this budget contains a significant boost to education, with an extra \$550 million going into education for both capital works and new teachers. The money is going in not only to provide new teachers and capital works but for outcomes. It has been allocated to improve the literacy and numeracy levels of students in our primary system. We already have the highest numeracy rate of any state in Australia, and we are above the average on literacy; but we can do better, and we need to do so consistently. The government is doing this for another reason — that is, to lift the completion rate to year 12 or equivalent to 90 per cent by 2010. It is all about outcomes and the development of the process for achieving those outcomes.

In relation to innovation, the government has committed \$100 million towards the synchrotron, the first of its size in the Asia–Pacific region. That will enable important scientific research to be done onshore in Victoria. We will have the only synchrotron in Australia. That is coupled with a doubling of medical research — the biotech research and development initiatives — which will position us among the five top countries for biotech over the next 10 years. The government has made an outstanding contribution to that goal of Victoria being the innovative state, having high skills and high-wage jobs. We will ensure we drive that through the contributions we make in the budget.

Finally, I want to congratulate the Treasurer. I have quipped in a couple of forums that we have had three budgets to date; I delivered the first one and the

Treasurer the second and third. I hate to say this, but the third one is the best of all. Congratulations, Treasurer!

Budget: insurance taxes

Mr RYAN (Leader of the National Party) — I refer the Premier to the fact that the budget papers forecast an increase in taxes on insurance of 12 per cent this year, which represents a 51 per cent increase since this government came to power. How does the government justify this tax grab when Victorian communities are already struggling under the weight of ballooning public liability insurance premiums?

Mr BRACKS (Premier) — I am very happy to answer the question. I thought the Leader of the National Party might be getting up to congratulate the government on the Wimmera–Mallee pipeline, but he made a — —

Mr Ryan — On a point of order, Mr Speaker, the Premier is debating the question, but the fact is that we went hard on that issue and I am delighted that the government has seen fit to deliver it.

The SPEAKER — Order! The latter part of that point of order is out of order. I ask the Premier to answer the question.

Mr BRACKS — I will come back to the question. Insurance premiums have gone up, so the basis on which tax is charged — both state taxes and the GST — has also been applied at a higher rate. Therefore it is obvious that the tax collected by the state and federal governments will increase because premiums have gone up. That is the principal reason and the answer to the question from the Leader of the National Party.

If I could digress briefly, the Leader of the National Party claims that he wants to have the balance of power, and he said that at the National Party conference recently.

Mr Ryan — On a point of order, Mr Speaker, the Premier is very clearly debating the point. While he may well be right — and we will yet see — this is not the time to debate it, and I ask you to ask him to come back to the question.

The SPEAKER — Order! In responding to a question the Premier should confine his remarks to the answer to that question.

Mr BRACKS — I accept your ruling, Mr Speaker. This is based on the fact that the premiums have gone

up overall; therefore the tax collected after the premiums is collected on an increased base.

As I said, I welcome the question from the Leader of the National Party. He wants the balance of power, so long as it is with the Liberals only; that is the balance he wants. He cannot have a balance the other way; there is no balance there. He wants to get into bed with the Liberal Party, as he said at his conference, and he is itching to get back in with them.

Budget: rural and regional infrastructure

Mr HELPER (Ripon) — Will the Minister for State and Regional Development inform the house how the new initiatives in yesterday's budget — especially funding for the Wimmera–Mallee pipeline — will deliver better services and infrastructure to rural and regional Victoria?

Mr BRUMBY (Minister for State and Regional Development) — I thank the honourable member for Ripon for his question and for his strong and enduring support for government policies in country Victoria and for the Wimmera–Mallee pipeline in particular.

Yesterday's budget continues the program of unwavering support for country Victoria which has been a regular feature of the Bracks government. We have worked hard in government to turn around country Victoria. We have seen strong jobs growth, strong building approval figures and unemployment at the lowest level in more than a decade — and yesterday's budget provides more initiatives for country Victoria to strengthen its opportunities. We have \$40 million for regional public hospitals, health centres and aged care facilities, the upgrading of 40 country schools, the replacement of 12 police stations, an investment of \$25 million to boost our food and fibre industries, and \$5 million to upgrade rail access at the port of Geelong. It is a great package for country Victoria, and it has been universally applauded right across the state.

The cornerstone of yesterday's initiatives was our \$77 million commitment to the Wimmera–Mallee pipeline. This is not just a major project for country Victoria, this is iconic. It is a major project for Victoria, and we believe it is a major project of national significance.

Most honourable members know the history of this project, which will benefit 40 communities. In the existing channel system, for every 10 litres that go into the channels just 1 litre comes out the other end. This project is long overdue. Earlier this year during a visit to Hamilton, the Deputy Prime Minister, the

Honourable John Anderson, and the federal Minister for Trade, the Honourable Mark Vaile, voiced their support for the piping of the Wimmera–Mallee system. At the time the Leader of the National Party said, ‘The next step is for the state government to show some leadership on this issue and put forward its share’. We did that yesterday!

All across the state we have had people like Peter Walsh, from the Victorian Farmers Federation (VFF), Environment Victoria, the Wimmera–Mallee pipeline steering committee and other councils, which I will mention, supporting this initiative. But this morning we read the following in the *Herald Sun*:

Pipedream a \$77 m reality.

Bush the big winner in funding rises.

Here we go:

But spokesman for federal agriculture minister Warren Truss, Andrew Hall, yesterday said the project had little national significance.

‘The Wimmera–Mallee project seems very worthy, but the benefits are entirely restricted to Victoria’, he said.

That’s wrong, and I will come to it.

There’s going to have to be a lot more work done before funding.

The federal budget will be announced next Tuesday. Peter Walsh, from the VFF, says this \$300 million project would generate major economic, social and environmental benefits. He has called on the commonwealth government to match the state’s commitment in next week’s federal budget. Dr Paul Sinclair of Environment Victoria has said:

‘Today the government has recognised the importance of our rivers and moved to protect them’.

Mr Perton — On a point of order, Mr Speaker, your guidelines with respect to questions indicate the need for succinctness. The Minister for State and Regional Development has now exceeded 5 minutes, and I ask that you ask him to conclude his answer.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Doncaster as I am not of that opinion.

Mr BRUMBY — Dr Paul Sinclair of Environment Victoria states:

Today the government has recognised the importance of our rivers and moved to protect them ... The allocation of \$77 million ... is welcome.

The state government has shown commonsense ... Now all that is needed is for the commonwealth government to come to the party and to match the state’s commitment.

Others have supported this project. The honourable member for Prahran who was there recently strongly supported it. What we want is for the federal government to now fund this project. We want it to get behind the project and show support. I mentioned the honourable member for Prahran who was there recently. She visited the site and she said, ‘Wow, this region really needs water’. Too right it does!

The SPEAKER — Order! I ask the Minister for State and Regional Development to conclude his answer.

Mr BRUMBY — The Bracks government is providing the funding. The project is of national significance. It affects the Murray River; it affects salinity; it affects the Wimmera River; it affects the Glenelg River; it affects the whole of western Victoria.

Mr Steggall — Rubbish!

Mr BRUMBY — Yes, it does, and if you read the report of the National Competition Council you see that the salinity goes into the Murray River. The honourable member is wrong and ought to know better.

Honourable members interjecting.

The SPEAKER — Order! I ask the Deputy Leader of the National Party to cease interjecting, and I ask the Minister for State and Regional Development to cease responding to interjections.

Mr BRUMBY — Here we go! One day after this historic announcement and the National Party is already backing off and slipping and sliding away. This government has provided the money. It is a national project. We want the federal government in next week’s budget to put up the money. We sincerely hope it will so that this great project of national significance can get under way.

Mr McArthur — On a point of order, Mr Speaker, question time is devoted to issues of state administration. The Minister for State and Regional Development is debating federal issues and I understand he has never written to the federal government to ask it to fund this project.

The SPEAKER — Order! Clearly that is not a point of order. Nonetheless, I ask the Minister for State and Regional Development to conclude his answer.

Mr BRUMBY — I have finished.

The SPEAKER — Order! The Minister for State and Regional Development has concluded his answer.

Electricity: special payment

Dr NAPHTHINE (Leader of the Opposition) — I refer the Premier to the fact that his government abolished the very successful and well-received winter power bonus and that yesterday's budget shows the special power payment for outer suburban and country Victorians will be scrapped next year, and I ask: is the Premier's decision to dump the special power payment after one year simply another indication of his gradual abandoning of country Victoria?

Mr BRACKS (Premier) — Apparently it is now the gradual abandoning of country Victoria. I thought the rhetoric was that we had abandoned it — we weren't there. The rhetoric has changed.

The special purpose payment was put on to fix the mess made by the former government, which did not handle contestability in the electricity industry properly. It was put on to assist those regions which were going to be hard hit with the full force of competition by ensuring that they paid no more than the average highest rate paid by people in metropolitan Melbourne.

We will examine this special purpose payment. Our wish and hope is that the competitive market works well and brings down prices. That is the best instrument for ensuring that customers get the lowest possible price. If it does not, the government reserves the right to intervene in the market to assist consumers around Victoria, and we will do that again if need be.

In relation to the winter power bonus referred to by the Leader of the Opposition, there was no forward estimate or allocation for the future for that. It ceased as the estimates ceased. As I said, with the competitive market we want to ensure that it works effectively and well. If it does not, we reserve the right to ensure that country and regional Victorians suffer no disadvantage, as is the hallmark of this government.

Budget: major projects

Ms ALLAN (Bendigo East) — Will the Minister for Major Projects advise the house how new initiatives announced in the budget as part of the government's \$7 billion major projects strategy will benefit residents and businesses, particularly those in Melbourne suburbs and country Victoria?

Mr BATCHELOR (Minister for Major Projects) — Through our Growing Victoria Together strategy the Bracks government is delivering major projects right

across Melbourne and country Victoria. The strategy is a 10-year plan designed to drive new jobs and investment in Victoria, and it follows the 7 years of neglect of the previous Kennett government.

The budget brought down by the Treasurer is a fantastic budget and is another example of how this government is delivering to the suburbs of Melbourne and the regions of country Victoria.

Projects that will be delivered through this year's budget include: the redevelopment of the showgrounds, \$101 million; the Scoresby freeway, a \$1 billion project — and the state government will fund \$445 million, which follows a previous purchase by the state of \$110 million; the second stage of the sports and aquatic centre; and the Spencer Street station redevelopment. The opposition is opposed to the Spencer Street station redevelopment, but it is a project with a value of between \$200 million and \$300 million. As was mentioned earlier, there is the synchrotron, which is a \$100 million project to boost scientific research; there is the electrification of the Craigieburn rail line to the north of Melbourne, at \$105 million in capital and operating costs; and there is the extension of the Knox tramline to Vermont South, at some \$42.5 million in both capital and operating expenses.

It can be seen that the government has an enormous capital works program, with major projects all over the place. This follows the inability in the past of the National Party and the Liberal Party to fund these types of projects.

We have heard the Leader of the Opposition say that he was 'Gonna redevelop the showgrounds, gonna do the Wimmera-Mallee pipeline, gonna fund the Scoresby freeway', but the Liberal Party did not do any of it. The Leader of the Opposition should change his name to Gonna Naphtine!

The SPEAKER — Order! The minister should come back to answering the question posed by the honourable member for Bendigo East.

Mr BATCHELOR — These projects are only those that have been announced in this year's budget and are in addition to major projects that the government has already announced in previous budgets.

There is the regional fast rail project of some \$550 million; the rail standardisation of some \$96 million; the Austin hospital redevelopment of some \$325 million; the accident black spot program of some \$240 million; and the Hallam bypass of \$175 million. This budget also includes the announcement of

additional funding for the duplication of the Kyneton to Faraday section of the Calder Highway.

I call on the Prime Minister and the Deputy Prime Minister to ensure that commonwealth funds are made available in the forthcoming federal budget to match our contribution for the Kyneton to Faraday section. This next section of the Calder Highway duplication and upgrade could be delayed if the federal government does not match the state government's contribution. This is a road of national importance and we need the contribution from the federal government. We call on not only the federal government but the National Party and the Liberal Party in Victoria to make a demand, to stand up for country Victoria and to send — —

Mr Ryan — On a point of order, Mr Speaker, the minister is clearly debating the point. I ask you to have him return to the question, and while standing up for country Victoria to indicate where the other \$4 billion is.

The SPEAKER — Order! That latter part is out of order. I uphold the point of order related to debating the question, and I ask the minister to come back to answering the question.

Mr BATCHELOR — If we cannot get the Leader of the Opposition or the shadow Minister for Major Projects to stand up for Victoria, perhaps the current honourable member for Pakenham could stand up for Victoria! The honourable member for Pakenham — —

Dr Napthine — On a point of order, Mr Speaker, the minister is defying your ruling and continuing to debate the question. I hope he stands up for funding the Pakenham bypass.

The SPEAKER — Order! The latter part of the point of order is clearly out of order. I have already asked the minister to come back to answering the question.

Mr BATCHELOR — Apparently all roads lead to Pakenham, or all roads lead out of Pakenham! What we want to know is whether the Leader of the Opposition will put up with the attempted blackmail of the process by the honourable member for Pakenham.

The SPEAKER — Order! I have already asked the minister to come back to answering the question and to cease debating it.

Mr BATCHELOR — The government has peppered the whole of the budget process with major projects and puts a lie to the line run by the Liberal

Party that there are no major projects in Victoria. Nothing could be further from the truth.

I can understand why the Leader of the Opposition has had such a terrible time in recent days, because this budget is a terrific budget for all of Victoria — in the suburbs, in the country — —

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

Mr BATCHELOR — In the suburbs and in the seat of Pakenham — and if the honourable member for Pakenham wants to blackmail — —

Mr Perton — On a point of order, Mr Speaker, during the last two sitting weeks we have had a pattern of points of order resulting in your finding that a minister has been debating the question, only for the minister to immediately return to the material that you found amounted to debating. This minister has now done it twice during the course of his answer. The only way you can uphold the traditions of the house is either to sit a minister down when they do it or suspend them. On this occasion, I ask you to sit him down.

Mr BATCHELOR — On the point of order, Mr Speaker, I did not bring up the subject of the Pakenham bypass. I had not even mentioned it!

The SPEAKER — Order! A point of order was taken and the minister has been called to put his point of view in regard to it. I will hear him on that aspect, and that aspect only.

Mr BATCHELOR — Thank you, Honourable Speaker. We were trying to see if the opposition and the National Party were prepared to join the government in calling on the federal government — their colleagues and party members — to support funding for the Calder — —

The SPEAKER — Order! I will not allow the Minister for Transport to continue speaking to the point of order along the line he is pursuing. He is clearly not speaking to a point of order. In relation to the point of order raised by the honourable member for Doncaster, I have already asked the minister to conclude his answer. I do so for the final time.

Mr BATCHELOR — It is best to refer to an editorial in today's *Weekly Times*, which says that it will wait to see if the federal government has the same vision as that shown by the Premier and the Treasurer in their budget. People want these projects to proceed. There are projects that need assistance from the federal

government, and the Bracks government is calling on it to contribute.

Budget: drug programs

Mr DOYLE (Malvern) — My question is to the Premier. I note the statement in the budget that there has been a reduction in the demand for drug services due to a reduction in the current availability of heroin, and I ask: instead of cutting harm-minimisation strategies like peer education programs and alternative pharmacotherapy programs as the budget does, is a heroin drought not exactly the time to maintain funding for these strategies and help as many drug users as possible?

Mr BRACKS (Premier) — I thank the honourable member for his question, although I totally reject his suggestion that the government has cut funds to drug programs, because it has not. In fact under this government an additional \$77 million has gone into drug prevention, saving lives, funding rehabilitation and opening more beds. Across the board the government has increased funding for drug prevention programs in the state.

Mr Doyle — On a point of order, Mr Speaker, the Premier indicated that my question was wrong. Page 77 of budget paper 3 should clarify it.

The SPEAKER — Order! That is clearly not a point of order — it is a point of clarification — and therefore I will not allow it.

Mr BRACKS — I reiterate that the facts are clear for everyone to see. Since the government came to office it has put an extra \$77 million into drug prevention, drug education, saving lives and rehabilitation services. I am proud of the fact that we are a government that is making a difference in this area. Waiting times are down, more people are in beds and in rehabilitation, and more lives are being saved as a result.

Budget: teachers

Mr HOWARD (Ballarat East) — Will the Minister for Education and Training inform the house what impact the extra 925 teachers referred to in yesterday's budget will have on education for young people in Victoria, and is the minister aware of any other policies relating to teaching in Victoria?

Ms KOSKY (Minister for Education and Training) — I thank the honourable member for his question and his interest in education in the state.

Yesterday's budget was a fantastic budget for education.

Dr Napthine interjected.

Ms KOSKY — I'll come to that.

The budget provides for an additional 925 teachers to the number the government has already put into its public schools in Victoria. An extra 925 teachers in the system is fantastic news for teachers, parents and kids. It was terrific when this morning I went to a number of schools and they all said what fantastic news it is and what a difference it will make for educational outcomes in Victoria.

The teachers will be provided across a number of programs, including 300 teachers employed under the Access to Excellence initiative; 285 to further reduce P-2 class sizes; 150 through the early years numeracy initiative; 120 for the new Victorian certificate of applied learning; and 70 for the middle years reform and innovation initiative.

These teachers will be focused on the areas of education that matter in the state. That is around numeracy and literacy and also around fostering innovation and excellence in our schools. All schools will benefit from the budget, and schools in Pakenham will clearly benefit.

It is essential that we rebuild the education system after the damage that was done by the previous government. This government is putting 925 extra teachers back into the system, on top of the 3000 extra teachers and staff that have already been put in since we came to office. That needs to be compared with what the government inherited.

The previous government sacked 9000 teachers and closed 300 schools. It did not care about kids in our schools. It sacked, as part of those 9000 teachers, 1000 special needs teachers. That had a massive impact on those kids and those schools that are struggling to keep up to standard with the other schools in terms of meeting the government's goals and targets. There were mass sackings, and we saw retention rates drop as a result. They dropped by more than 8 per cent in the period in which the previous government was in office — to 69.8 per cent when it finally left office.

In just two and a half years we have turned those retention rates around, and they are now sitting at 73.7 per cent — the best state in the country — an increase of nearly 4 per cent since taking office. Everyone around the state is pleased about what the budget means for education — everyone, it appears,

apart from the opposition. The honourable member for Warrandyte was reported in this morning's paper — —

Honourable members interjecting.

Ms KOSKY — One person, that's right, only one person unhappy. He was reported in this morning's paper as saying that education got a 3 per cent increase in the budget. The honourable member for Warrandyte needs to read budget papers carefully. I would like to give him a lesson in reading: read the footnote; that is why they are there — —

Honourable members interjecting.

Ms KOSKY — That's right, page 25. If you read the footnote it indicates that there were machinery-of-government changes and that employment had been transferred from the Department of Education, Employment and Training to the Department of Innovation, Industry and Regional Development.

Dr Naphthine — On a point of order, Mr Speaker, page 25 clearly indicates there was only a 3 per cent increase, and that is in school education. That is the truth, and the minister is trying to mislead the house!

The SPEAKER — Order! Clearly the Leader of the Opposition is not taking a point of order. If he wants to make that point in debate, he will get an opportunity to do so at the appropriate time.

Ms KOSKY — Just a bit of advice to the honourable member for Warrandyte: read the footnotes, understand the budget. The footnote is very clear, and the honourable member would do well to understand the budget, which he does not.

As for other policies that relate to teachers, there is one policy that we did not pick up in this budget. It was a policy that was put forward that every primary school student be taught music each week. The honourable member for Warrandyte put this policy forward, and he said it was important because of what he called the Mozart effect — that it was found that exposure to the music of the great composer increased spatial IQ. We have not funded that initiative, but we have dubbed it the Phil-harmonic policy! But it will not be funded this year.

The extra teachers in this budget will be fantastic for students, teachers and parents. They will raise the educational standards in this state, and I am very proud of this education budget.

Road safety: fines

Mr LEIGH (Mordialloc) — My question is to the Premier. I refer the Premier — —

Mr Batchelor interjected.

Mr LEIGH — Another day, Pete!

The SPEAKER — Order! I ask the honourable member for Mordialloc to desist and to address members by their proper titles.

Mr LEIGH — I refer the Premier to the fact that the collection of police fines will skyrocket to \$336 million next year and ask: can the Premier outline what proportion of these fines will be put back into additional road safety initiatives?

Mr BRACKS (Premier) — I can indicate that there is more going into road safety initiatives than we collect in fines — much, much more. If you look at all the programs the government has, all the assistance in road funding and trauma, you see that we put much more in than we collect in fines.

Budget: fiscal responsibility

Mr MILDENHALL (Footscray) — I ask the Treasurer to advise the house how the budget delivers on the government's commitment to fiscal responsibility and whether there are any alternative approaches.

Mr McArthur — On a point of order, Mr Speaker, I draw your attention back to the sitting of this house a couple of weeks ago when the government tried a strategy of raising several questions like this which invited the minister responsible to debate an issue rather than to provide information on government programs and government administration. I ask you to draw to the Treasurer's attention the rules of the house and that he is not entitled to debate.

The SPEAKER — Order! On the point of order raised by the honourable member for Monbulk, I can assure him that I shall intervene, as I would with any minister and as I have done on a number of occasions today, if the Treasurer transgresses and begins to debate.

Mr BRUMBY (Treasurer) — Certainly a feature of the three budgets brought down by the Bracks government has been our commitment to fiscal responsibility. In our first budget we delivered a surplus of in excess of \$1 billion — \$1.2 billion of surplus! In our second budget we budgeted for a surplus of

\$508.5 million, and on the latest estimates that looks like coming in at \$765 million for 2001–02. For 2002–03 we are budgeting for a surplus figure of \$522 million. This approach has been strongly endorsed by the ratings agencies Moody's and Standard and Poor's, which have again acknowledged the government's responsible financial management and have again confirmed the government's AAA credit rating.

But we have some alternative approaches to the Bracks government's approach of responsible financial management. The opposition has released six different tax plans.

Mr Perton — On a point of order, Mr Speaker, the Treasurer is now heading precisely down the line of debate that was the issue two weeks ago and which the honourable member for Monbulk has just raised. This is a time for the government and a minister to refer to government administration and not to use question time as a platform for attacks on the opposition. The Treasurer is heading down that track, and I ask you to call him back to order.

The SPEAKER — Order! I am not prepared to uphold the point of order at this point in time.

Mr BRUMBY — Today I focus on two aspects of the opposition's plans. It goes to the question of the budget surplus. The opposition has promised to cut payroll tax to 4.95 per cent. A Naphine Liberal government would immediately cut payroll tax by 0.5 per cent. There have been numerous quotes of that in the press and in the leader's media statements. More recently the opposition has also committed to returning at least half of any stamp duty windfall in refunds to home buyers — this was confirmed most recently in the *Sunday Age* — with a cost to revenue of around \$350 million.

The point I want to make is this: the cost of reducing payroll tax immediately to 4.95 per cent is \$203 million. The cost of returning half of the windfall on stamp duty is \$350 million. If you add those two together, they total \$553 million, and if you were to apply them to the 2002–03 budget position they would put the budget into deficit. This is just two of the six tax plans — \$203 million on payroll tax, \$350 million; it is unworkable and was ridiculed by the Real Estate Institute of Victoria — for a total of \$553 million. The budget position for Victoria — in deficit! Deficit Denis! What this would do for Victoria is that it would drive — —

Mr Perton — On a point of order, Mr Speaker, the Treasurer is violating your previous rulings in respect of debating the question. We are delighted that he espouses our policies, which are eminently affordable. While we would love to debate them, and we will debate them, it is clearly outside the standing orders.

The SPEAKER — Order! On the point of order raised by the honourable member for Doncaster, I ask the Treasurer to come back to answering the question posed in regard to fiscal responsibility by the government.

Mr BRUMBY — Here we go: the Bracks government had strong budget surpluses in the first two budgets. The budget brought down yesterday has a surplus in prospect of \$522 million. But if you adopted the policy approach of the opposition it would push that surplus into deficit, or alternatively you would have to sack teachers, nurses or police to pay for these irresponsible — —

Honourable members interjecting.

The SPEAKER — Order! I have invited the Treasurer to respond to the question about government responsibility and I ask him to cease now debating the question in regard to opposition policies.

Mr BRUMBY — Here we are with a AAA rating under the Bracks government. It would go to a DDD rating under an opposition. We are committed to fiscal responsibility. It is no wonder when you look at those numbers that the honourable member for Pakenham is jumping ship. When you cannot get the numbers right, you throw it into deficit.

The SPEAKER — Order! I ask the Treasurer to address his remarks to the Chair and not to the honourable member for Pakenham.

Mrs Fyffe — On a point of order, Mr Speaker, I realise that it is unruly if a member of Parliament communicates with the public gallery, and I ask for your guidance on the situation when a member of the government communicates with the media gallery. The Deputy Premier has been signalling to the Premier's media adviser in the gallery.

Mr Cooper — He just wants his lipstick!

The SPEAKER — Order! The honourable member for Mornington is warned!

Honourable members interjecting.

The SPEAKER — Order! The Deputy Premier is warned!

On the point of order raised by the honourable member for Evelyn, it is correct that it is disorderly to communicate with members of the public gallery, or indeed the press gallery. However, on this occasion the Chair did not witness such an offence.

Mr BRUMBY — We have a strong surplus position. We have AAA credit ratings in this state. We have general government net debt coming down. We have financial liabilities as a proportion of GDP coming down. It is a strong fiscal position. The only people who would destroy the fiscal reputation of this state are the opposition, with their unfunded and irresponsible tax promises.

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

Mr Haermeyer — On a point of order, Mr Speaker, I seek your advice on the rule relating to attendance in the house. I want some clarification as to whether knocking on doors in Gembrook is an appropriate reason for the honourable member for Berwick not to be present.

The SPEAKER — Order! The Minister for Police and Emergency Services is clearly not taking a point of order.

FISHERIES (FURTHER AMENDMENT) BILL

Second reading

Debate resumed.

Mr KILGOUR (Shepparton) — Whilst speaking on this bill prior to the lunch break I was talking about the importance of the fisheries industry to industry as a whole in Victoria and to Victoria's economy. What we are really talking about in this bill is the future management of fisheries, particularly in relation to improving compliance provisions in the act. Without effective compliance, fisheries resources may become depleted and no longer support sustainable commercial catches or provide recreational anglers with the opportunity to catch fish.

We already have a management plan for abalone. No doubt the honourable member for Gippsland East will have a full understanding of this plan, and I hope he will cover that in his contribution to the debate.

Fisheries Victoria has put out a document called the 'Victorian abalone fishery management plan', which states in part:

The prime objective of this plan is to formalise the management of abalone fishery firmly within a framework of ecologically sustainable development (ESD).

There is probably no person in the house who is better equipped to speak on the abalone bill than the honourable member for Gippsland East. Some honourable members have suggested that members of Parliament can talk under water. Obviously the honourable member for Gippsland East often did most of his work under water fishing for abalone, so it will be interesting to hear his comments on the management plan for abalone and his understanding of how it can be protected. The document continues:

To this end, the plan specifies fishery objectives, performance indicators, reference points and trigger responses. In association there are formal processes for monitoring the effectiveness of management, and deciding on appropriate actions in the event of adverse outcomes.

Of course there is an enforcement regime involved in this management plan which:

... aims to strengthen significantly the enforcement arrangements required to reduce resource theft. Enforcement will be improved through better strategies, a planning and cost-recovery process in which industry will participate, and through the quantification and monitoring of enforcement targets.

The abalone quota management system (AQMS) will require beach weighing with catch weights recorded at the landing sites, rather than at processing establishments as at present.

That is talking about the new Victorian abalone fishery management plan, which provides for zones, as I mentioned earlier.

The Victorian government has jurisdiction over the Victorian abalone fishery under an offshore constitutional agreement with the commonwealth government. The commercial fishery is divided into three zones for the commercial abalone fishery, as stated in the plan:

The eastern zone is all Victorian waters east of longitude 148° east (Lakes Entrance). The western zone is all Victorian waters west of longitude 142° 31' east (Hopkins River mouth).

The central zone includes the area between the east and west zones. That is a very busy zone because it includes the Port Phillip Bay area.

I will not go through the issues on that commercial fishery except to say that it is good to see the management plan seems to be working very well. One

might wonder why this government needs to introduce the marine parks legislation. It can already be proven through management of this type that our fisheries and waters can be managed without no-take zones and without many Victorians having to change their way of life because of legislation that we believe will come back into this house.

There is a requirement for all traders in the priority fish species of abalone and rock lobster to obtain and keep receipts of those species purchased for sale. The government is trying to sort out the paper trail to see that nobody does the wrong thing in the industry, but I do not know of any system that can stop anybody who really wants to do the wrong thing from doing what they want to.

One issue covered by this legislation that my constituents will be interested in is angling licences. Angling licences for Victorian inland waters have been in for many years. I remember upon reaching the age of 16 years suddenly having to purchase an angling licence. Then I found that my twin brother was using my angling licence and nobody knew the difference anyway. It meant that I only had to buy an angling licence every two years.

Mr Cooper — Or for half price!

Mr KILGOUR — Yes, or for half price, whatever was the nearest. But for those people who live on inland waters who really get no support from inland fisheries or the Department of Natural Resources and Environment, one wonders why an inland angling licence is needed. One might suggest that there is not much stocking of waterways like the Boosey and Broken creeks around Katamatite and Numurkah, et cetera. However, on a statewide basis we must ensure compliance; we must ensure that people do not take more than their bag limits or do not use fish traps or drum nets. No doubt the honourable member for Monbulk knows all about drum nets and has probably seen them in use in his area.

I have certainly seen drum nets in use. In fact when I was growing up in Katamatite and fishing on the Boosey Creek I came across the local policeman fishing with a piece of wire. Later we fished his drum net out of the creek. It was not very long before the policeman could not find his drum net because it was shifted to another part of the creek! When we rode past with three pounds of redfin hanging from the handlebars of our bikes and the policeman wanted to know where we got them from, we were not in a position to tell him — but he could not do much about it because they came out of his drum net.

Be that as it may, it is important to ensure that people who are required to have an angling licence carry their licence with them. I do not have a problem with that. Just as you carry your driver's licence, so should you carry your angling licence, so that if an inspector comes along you are able to immediately advise them that you have a licence.

However, people can make an honest mistake and decide to go fishing and not have their licences with them. Those persons will now be able to produce their licences within seven days at a police station. I understand from amendments circulated today by the minister that taking a copy of the licence to either a police or Department of Natural Resources and Environment office will suffice. I do not think anybody has too many concerns about the angling licence issue. It just needs to be well advertised that people going fishing in inland or any Victorian waters must make sure they carry their licences with them.

There is another provision in the bill which still needs some clarification. I expect that in the committee stage in the other place my colleague the Honourable Peter Hall will ask the minister to provide the answers to the issue of indigenous ceremonial cultural events and the bill's provision for a class of permits to allow the non-commercial harvest of fish beyond recreational bag limits.

One would wonder why this is necessary, but at the briefing we were told that guidelines will be developed. I would hope that acceptable guidelines will be developed to ensure that people do not do the wrong thing and use this as an excuse to go out and catch massive amounts of fish beyond the bag limits under the guise of doing it for indigenous and ceremonial occasions. But a permit needs to be applied for, and under certain circumstances it will be allowable for a group or a person to collect a certain amount of fish for a specific event, which at this stage has not been clarified.

Another interesting provision of the bill is that relating to appointments to the Fisheries Co-Management Council. The required collective expertise of the Fisheries Co-Management Council has been extended to include experience and knowledge of indigenous fishing issues. I would hope the right people can be found to provide the required information.

As I have mentioned, the bill provides for a paper trail so that people who deal with fish sales across Victoria can keep a trace of where they purchase their fish. Already businesses are required to keep receipts for taxation purposes. However, this provision will

facilitate tracing to the source of the fish so that an eye can be kept on somebody who is illegally taking fish and putting them onto the market.

The proposed changes to the Fisheries Act include: applying size and catch limits to fish landed in Victoria but caught in an area outside Victorian coastal waters where no such limits apply, and strengthening powers of entry and inspection and the ability to pursue someone who is believed to have been poaching or taking more than their bag limit of fish out of Victorian waters. The pursuit provisions relating to commonwealth waters managed by the state will be strengthened, so that even if they move into waters covered by other jurisdictions, somebody taking more than their limit will be able to be pursued and caught — or, if they land in Victoria, they will be able to be checked up on.

There will be a streamlining of the process for changing levies, where the change has been agreed with affected licence-holders, allowing the linking of levies to quota holdings for quota-managed fisheries.

In looking at the bill in its totality most of what we see is commonsense. It seems the department has done a good job working with the people in the industry. I hope through this legislation a sustainable fishing industry worth so much to this state continues to be successful.

Mr HOWARD (Ballarat East) — I am pleased to contribute to the debate on the Fisheries (Further Amendment) Bill. The government is again showing through its legislative program that it wants to build on sustainability as the direction in which the state needs to head, and that certainly applies to the state's fishery resources.

The bill helps to tighten the existing legislation in a number of ways to ensure that we can support that drive towards sustainability within our fisheries. As the house has heard, the latter part of the bill recognises the need to allow particular fishing practices for the ceremonial and cultural activities of our indigenous Australians.

The bill clearly aims to encourage people who are doing the right thing to continue to act in that way. They will be supported because the legislation strengthens the ability of inspectors to detect people who are not doing the right thing and ensure they are dealt with. Those who are not doing the right thing would, in effect, be threatening the fishing industry in Victoria, including the processes that have been developed to ensure Victoria has a well-balanced industry.

The first major part of the bill deals with inspectors being able to require people to have their licences with them when they are fishing. The original act put inspectors, whether they be with the police or from the Department of Natural Resources and Environment, in a difficult position. An inspector could ask somebody who was fishing if they had a fishing licence. The answer could be, 'Yes, but I do not have it with me'. The inspectors were restricted in their power and could not follow up on their queries.

The bill stipulates that anglers must have their licences with them. That provides a greater policing power for inspectors in that, as the house has heard, it is recognised that sometimes people will not have their licences with them. The amendment would require a person who is fishing without having their licence with them to provide evidence that they have a licence within seven days to a police station or a Department of Natural Resources and Environment office. In other words, the bill gives the person who is fishing a range of means to demonstrate that they have a legitimate licence, and the onus is on that person to do so.

As with all aspects of its legislation, the government has again consulted widely with the relevant stakeholders — that is, the peak bodies involved in commercial or recreational fishing, people practising aquaculture, fishing conservation interests and the Fisheries Co-Management Council. The government has worked through the issues with the interested parties, who support and very much favour the thrust of the bill.

The honourable member for Shepparton talked about licences and his fishing exploits as a boy. I wonder whether the bill should have introduced an ability to retrospectively fine people who admit to having fished when they did not have a licence! However, it is not part of the legislation, and I trust that the honourable member for Shepparton and others who have been in the same position will ensure that in the future they have suitable licences and acknowledge the importance of following through on getting one.

They and others will be contributing to the trust fund that the government has established, as it committed to do when it came to office. Licence fees will be directed into a trust fund that can be used to improve the sustainability of fishing and benefit associated projects into the future.

The other aspect of this particular area relates to recognising that there may be need to set limitations on fish catches in subzones. That may be done for a number of reasons. For example, the subzones may be

areas that are recognised as important for spawning or hatching, as critical parts of habitat areas, or as areas where aquaculture is practised. There may be a need to recognise particular subzones and therefore set limitations on the right to catch fish there.

Another provision deals with applying size and catch limits to fish that are handled in Victoria but have been caught in areas outside Victorian coastal waters where no such limit applies. The legislation will attempt to close the loophole relating to catching fish in non-Victorian waters.

Another issue relates to rock lobster and abalone areas. The people selling those types of fish will be required to provide inspectors with records that show the source of the fish they have caught. That is not a particularly onerous provision, because those people would hold receipts for taxation purposes. The bill provides that they present those receipts to inspectors so that the source of their catches can be validated. That is an area of high-value fishing and one that the government, in cooperation with the industry, is intent on ensuring is kept legitimate. The people breaking the rules and taking those particular fish illegally will be able to be detected and dealt with appropriately.

Subsequent parts of the bill provide that an inspector can confiscate fish that he believes have been caught illegally. The bill helps provide a clear pathway to protect people who have been doing business correctly but who may be suspected for the wrong reasons of being involved in illegal fish trading. They will be protected through the provisions which provide that inspectors can act to ensure illegal actions are dealt with.

Another aspect of the bill that has been discussed by me and other honourable members relates to indigenous communities in Victoria who may want to go beyond what have been the existing catch limits for particular ceremonial and cultural purposes. The bill enables the Fisheries Co-Management Council to recognise that and put in place procedures by which specific applications can be made to vary the normal catch limits.

In addition, the government has changed the expertise required for membership of the Fisheries Co-Management Council. The criteria for membership used to stipulate that only people with experience in 'traditional fishing uses' were wanted. That has been changed: the term is now more specific and refers to 'indigenous fishing uses'. That provision will ensure that somebody on the Fisheries Co-Management Council will relate to issues concerning indigenous

communities and be able to put in place appropriate arrangements that enable legitimate fishing for cultural and ceremonial activities.

This government has been keen to recognise the special needs of indigenous communities in a range of activities and has worked in a cross-government way to ensure that they are addressed. This is one example of the government identifying the special needs of our indigenous communities. I am very pleased that this has been included in the bill.

As I said before, it is pleasing to see that this legislation is being supported by the Liberal and National parties. It is a commonsense bill. It looks at ensuring that the legislation is realistic and does what it is intended it will do — that is, it supports people who are doing the right thing in looking after the sustainable interests of the fishing industry in this state and puts in place procedures whereby people who are doing the wrong thing and threatening the ongoing sustainability of the industry can be detected and dealt with appropriately and effectively. Therefore, as I said, the bill has gained the active support of the majority of the peak fishing bodies. For that reason I am pleased to commend this bill to the house.

Mr COOPER (Mornington) — I note that the honourable member for Ballarat East talked about the sustainable fishing industry and that this bill is directed at ensuring that we sustain our fish resources. That is very important and one of the reasons the opposition has thrown its support behind this piece of legislation.

We do have a sustainable fishing industry in this state. I noted with some interest a statement made recently by the Minister for Ports in the other place. She said that Victoria's fish resources are in excellent shape and our fisheries are sustainable in the long term. The thrust of this bill, particularly the enforcement provisions, is directed towards ensuring that that situation, which was so correctly described by the minister, is maintained into the future.

I want to make a brief contribution on the enforcement provisions. While I am certain that all of the other points this bill addresses are important, in my view the enforcement provisions are very important in the part of the world I represent. Some years ago I went out with my local Department of Natural Resources and Environment officers on the Mornington Peninsula for a whole day. The thing that many people do not realise unless they take some interest in the matter is that these enforcement officers have more than fisheries on their plate; they have a lot of other things to do, including looking after our bird life. They have a wide range of

responsibilities and fisheries have to take their turn in the parameters of the officers' responsibilities.

Spending a day with these officers was very educational indeed. It was educational to see just how far the resources of our enforcement officers are stretched and how easy it is to poach, how simple it is to get away with doing things that are against the law with regard to our fisheries.

In some of its provisions this bill directs itself towards poaching and illegal activities on the borders. I note that one clause talks about hot pursuit of offenders over the border into New South Wales and I assume into the waters of South Australia. However, poaching is not restricted to areas that would be well known to the honourable member for Gippsland East in regard to abalone. Many people would not realise how much poaching goes on in and around the Mornington Peninsula. Abalone is found there in abundance, and people are poaching it in abundance. A trip by anyone who has an interest in this matter down to the Cape Schanck area — in fact, anywhere between Flinders and Cape Schanck and maybe even as far as Gunnamatta Beach — on a pleasant Saturday or a Sunday will reveal the extent of the poaching that goes on. We have fleets — that is the only way I can describe it — of families arriving, each member of which is allowed to take 10 abalone of a legal size. So you have 15 or 20 or even more people arriving in a number of cars, parking and going down and then they start diving to collect their abalone.

These people are taking full advantage of the law and in one afternoon, or probably in the space of an hour or so, they will remove 200 or 300 abalone from the waters around Cape Schanck. This is not restricted to one group; there will be dozens of these groups operating over a weekend. It is interesting to note that if regular visitors to Cape Schanck and the area around the lighthouse park their cars and walk and look out over Bushrangers Bay they will often see a single boat moored with no-one in it. That means there is a diver under the water and more times than not it will be a poacher.

On this day I stood there with the enforcement officers and waited for the diver to appear. The diver knew we were there, and we spent an hour or so waiting for this diver to come up, but they did not. They stayed where they were or hid where they could observe us and wait for us to leave. These are the activities that are going on.

I do not know how they do this — they must have a sixth sense, as enforcement officers do in any field of

endeavour — but to cap the day off, the enforcement officers stopped a couple of cars, seemingly to me at random, in the main street of Flinders, which for those who have not been there is a small village, and asked the occupants to open their boots. In both cases there was a large bag of abalone, most of which was undersized. Remember, this goes back three or four years, and at that time the enforcement officers told me that they were very careful about the way they approached these people because if they approached them on the paths coming up from the beach — long and lonely paths — they could and had been attacked on many occasions by a large number of people when they were attempting to inspect what they were taking off the beach.

The enforcement officers believed they needed far greater protection to carry out their work properly and efficiently without putting their personal safety at risk. Nothing has happened from that day and we now have a situation where if enforcement officers believe there could be a problem or a danger to themselves they have to call the Victoria Police to come and support them. With the police resources being what they are — fully stretched with all sorts of other activities; despite the boastings of the Minister for Police and Emergency Services — the police put the poaching of shellfish and abalone along our coastline as a reasonably low priority.

You can understand why they do that. In those cases where the enforcement officers believe there is going to be violence or physical problems those poachers quite often get away with it because those officers are not going to put their personal safety or lives at risk, and I can well understand their thinking.

We must get serious about the poaching problem because it is a significant problem, not just with abalone but with all of the food chain that exists in shellfish along the shorelines of Port Phillip Bay, Western Port and certainly along the shorelines of the Mornington Peninsula. Between Flinders and Cape Schanck particularly I have seen bucketloads of small shellfish being stripped from the rocks and taken away, clearly to end up either in a family cooking pot or perhaps that of a restaurant, but certainly being taken illegally. Added to that is the problem we have with the stripping of undersized abalone from areas like the southern shores of the Mornington Peninsula. If we are going to get serious about all of that we need to get serious, firstly, about the numbers of law enforcement officers, and secondly, about giving them the protection they need to do their job to the peak of efficiency, as most of them would want to do.

There have been arguments and suggestions that they be allowed to carry side-arms. That is an issue that needs to be revisited, because these officers are operating in lonely areas with very few people around, where many times each year they are confronting people who are prepared to take any steps to escape being apprehended or charged. As the courts become more aware of the seriousness of abalone poaching and start to impose penalties that really do reflect the seriousness of the offence clearly the escape measures that poachers will take to avoid being charged will escalate as well.

I hate to think that the safety of the people whom the citizens of the state charge with the responsibility to protect our sustainable fisheries could be put at greater risk than at present. They should not have to go through this; they deserve to be given greater protection and the increased powers that this bill gives them, but at the same time those powers will generate increased activity by those who are breaking the law.

The first point I want to make is to say to the government that it needs to start thinking about these enforcement officers and how it can best assist them in carrying out their important work on behalf of the general community in protecting this valuable resource.

The second point I want to make is that we are asking a very few people to stretch themselves over a very wide area to carry out this enforcement role. I do not know what is in the minds of the minister and the government regarding the number of enforcement officers, but I have to say that if they are not intent upon increasing that number significantly they are wasting their time. Huge areas just in my little part of the world, the Mornington Peninsula, need greater law enforcement and special officers in regard to fisheries, but not officers with the current overarching role of being enforcement officers. As I said before, they deal with all fauna in the areas they are entrusted with — birds and native animals of all kinds — and the fisheries too. Perhaps the government or the minister needs to think about having specialist fisheries law enforcement officers to do this job — and a significant number of them.

I know that the honourable member for Gippsland East, with his experience in the abalone industry, will probably want to address this issue. His view may be different from mine. In his part of the world things may be a little different, but I can assure him that on the Mornington Peninsula and in the Port Phillip Bay area we need a lot more enforcement officers on the ground or in or on the water to do the best they can to achieve

the aims of this bill — to protect and enhance our sustainable fishing industry.

I am sick and tired of seeing poachers and unthinking people — they are two different groups — going about these activities without being apprehended or charged. The question of stripping the shoreline of the food chain by taking away small shellfish off the rocks has been going on for years and has certainly had a detrimental effect, particularly in Port Phillip Bay. The number of people who are out there taking undersized abalone in excessive numbers still has to be properly addressed. If it is not all we will be able to say is that we have done a bit of window-dressing with this bill and we have not actually addressed the real issue — putting into place the kinds of resources needed by those entrusted with ensuring that our fisheries remain sustainable, and ensuring that these law-breakers are not allowed to get away with it. With those few words, I support the bill.

Mr INGRAM (Gippsland East) — I rise to support the bill. From the outset I indicate that, as I declared in the members register of interest, I have an interest in an abalone licence and I therefore declare that. I do not believe it is a direct pecuniary interest nor that there will be a division on the bill anyway. I also have an interest as a very keen recreational fisherman, so I have an interest in a couple of aspects of the bill.

A number of issues and concerns have been raised in relation to specific provisions in the bill. I have had discussions with the government and I am pleased that it has agreed to make some amendments to give recreational fishers and anglers the option of sending a certified copy of their licence, if they are required to do so, to the appropriate authority rather than the original. I will expand on that later.

The government's plan to reserve all marine waters as recommended by the Environment Conservation Council (ECC) is addressed in clause 11. Industry representatives have expressed concern in relation to this proposition and are seeking more information from the government regarding its plans to reserve those waters. The issue needs to be discussed seriously in the house, and there is the potential for the government to do that by Governor in Council order. There are some potentially serious implications in making the entire coast a coastal reserve.

My understanding of why clause 11 is in the bill is that there was an implication for the fisheries division of the Department of Natural Resources and Environment in declaring aquaculture zones. The fisheries division declares fishing zones and it would be unable to do so if

the entire area as recommended by the ECC were locked up in a coastal reserve. The amendment enables the fisheries division to still declare those aquaculture areas. We probably need to have that implication discussed in the house and fully explained by the government. I am pleased that the Minister for Environment and Conservation will look at that and explain the government's position.

As I said, I have both a direct and personal interest in the recreational fishing licence aspects of the bill. Several years ago I was pulled up by a fisheries enforcement officer and asked to present my recreational fishing licence. In my previous job I worked in a small boat out in Bass Strait. When the sea was choppy it was fairly wet both outside and inside the boat.

As most people would be aware, the recreational fishing licence is basically a piece of paper. It can now be laminated if one wishes but that was not the case a number of years ago. When I was asked to present my licence I explained to the fisheries enforcement officer that I did not have it on me and was told, 'You have to bring it back here'. Where I was working at the time was a drive of about an hour and a half from my home, and it was agreed that next time I was down I would drop my licence in.

The next time I saw the officer I was again out at sea. As I explained, I did not carry my licence with me because it would be destroyed if it got wet, and I told him that I would fax a copy through to him. He told me that was not suitable. I suggested that I take it to the local police station but that was not enough; the licence had to be sent to the officer. My concern about that was that if it got lost I could be booked for not having a licence.

That is the reason the provisions are in the bill, and it makes far more sense. We do not want to go down the line of having a plasticised licence with a photo ID that proves your identity because of cost, and it would defy the purpose of the licence. So long as a certified and verified copy of the licence can be sent through to the officer that should be good enough.

I fully support the recreational fishing licence. It is a very good system. Buying out the latent effort in the bay and estuaries was a good start in the use of the money raised by the recreational licence. I believe the licence also has wide community support. There is a range of projects in the future for using the money because the original buy-out is now basically complete. A number of recreational fishing organisations in my area will be putting up proposals, like the removal of

commercial fishermen from small estuaries like Lake Tyers. There are also many environmental projects, such as returning snags to some of our rivers for fish habitat.

The honourable member for Shepparton said there was not a lot of benefit in his area, but there is if you look at the environmental benefits to fisheries. If there is a large amount of money available that angling organisations can apply for, either for stocking programs or for improving the condition of our waterways by revegetating and returning snags, he will end up with more fish like Murray Cod in the river systems in his area. That is obviously a benefit to all recreational anglers.

A further main point in the bill is subzone quotas, which establish the ability for the fisheries division to create those zones. In my previous livelihood I was an abalone licence-holder, a diver, which I clearly explained before. There is a number of reasons why subzones would be set up in quota fisheries. They are already in existence. In Western Australia there is the fishery from Esperance, east along the coast. It is an area which is extremely isolated, difficult to fish and more expensive to fish, but the quota tonnage from the Western Australian abalone fishery has increased because part of everyone's licence says it can only be caught from that area. That makes the people fish from that area. It improves the return to the community through royalties, improves the performance and ensures that the fishery is sustainable. Because we are not catching all the fish out of a particular area we can separate the zone.

Hypothetically a fishery like the central zone abalone fishery in an area like Port Philip Bay can come under increasing pressure if the market determines there is a need for smaller fish. In the abalone industry smaller fish are a higher priority. Because they are an expensive product smaller fish have a higher market price. We could end up with a market incentive to catch more fish out of a particular area, which could have implications for the sustainability of a particular area. The zone could be split into subzones to make sure that it is not overfished.

Although we do not have this provision, for a number of years in the eastern abalone fishery there has been an area called the airport fishery. Because of a significant stunting of stocks, it could not be fished in the normal way. The fishermen in the area decided they should take only a portion of their catch from that area and fish down to a smaller size so that the stunted stock could be taken away. Basically, what happens in that situation is that the fish do not grow to the right size. That is

environmental: we can fish it down as long as it is managed properly. You can get a greater return from the entire fishery, and the environment performance is enhanced if you can take your catch from the other areas.

This is also relevant in fisheries like the southern rock lobster fishery. In my area, where the fishery is divided into two zones, there has been great concern. After a number of fishermen in the far east came to me, I led a delegation to the minister and requested that the zone be split into two. They were so concerned about the sustainability of the fishery before it went to quotas that they were asking the minister to shut it down for at least one season, possibly two. But they did not want the fishery shut down for two years only to have all the work and effort involved in not fishing it to be undone by fishermen from other areas coming in and reaping the rewards of their efforts.

That closure has not yet happened, but it needs to be looked at because there are two distinct areas. By splitting the zone up the middle and having different areas, you could potentially manage the two differently if they were under different pressures or stressors. Subzones are a management tool to allow fishery managers to actively make sure we are not overfishing particular areas and that we spread the effort more evenly. The fishermen were keen to do that, and they recognised that by stopping fishing in the eastern section of the eastern zone the fishery would benefit in the longer term.

Clause 8 ensures that the minister must consult with the relevant bodies if making, revoking or amending subzone orders, and that would be put to the relevant industry groups on the co-management council. It is a good and necessary measure.

The honourable member for Shepparton mentioned the abalone management plan. There was a push in the early stage of the plan to have one zone right across the state. I am glad that has been resisted, because it would be a move away from sustainability and would create a problem in some areas.

The honourable member for Mornington talked at length about enforcement. I concur with him that there is a problem with fishery enforcement and the impact of the overharvesting of shellfish in some areas. However, I also point out that there needs to be a change in the structure of fisheries. Currently on-ground fisheries officers are very active. Unfortunately some of them do not have any fuel to put in their boats so they cannot go to work, which is not a great outcome for ensuring the monitoring of the fishery. In some areas officers are

restricted from working on weekends or doing overtime, and I would not consider that a great method of enforcement.

There are a lot of dedicated and hardworking people within the organisation. The promotion structure is difficult, because we are basically talking about an enforcement body. In policing there is a chain of command, and all the way up the chain there are active people with experience of enforcement. In fisheries the culture has been to have active enforcement officers on the ground. There is no promotion structure that allows active enforcement officers to get into the bureaucracy, so at the top you end up with bureaucrats who dictate down — and on the top couple of rungs of the ladder there are bureaucrats who determine operational enforcement activities. It would be much better if we had a chain of command so that a local enforcement officer did not necessarily have to go to the regional or the district office but could go directly to an operational head, someone who actually spent some of their time out there on the ground and who understood the operational issues that all on-ground fisheries enforcement officers come up against all the time.

The bill makes a number of changes to keeping records for priority species. That is a good idea. It also makes some changes to indigenous cultural activities and allows for licences to be issued so they can take above recreational limits. It clarifies the circumstance of when indigenous fishing expertise must be represented on the Fisheries Co-Management Council and basically tightens up the definitions to ensure that representation. A whole range of issues are raised. Concern has been expressed in some quarters about some issues but on the whole there are some good provisions in the bill. I support the bill.

Mr SPRY (Bellarine) — After that instructive contribution from an honourable member who obviously knows his stuff, I am pleased to join the debate. Honourable members do not get the opportunity to hear somebody who is involved in the industry too often and I appreciate what he had to say.

There are several aspects to the Fisheries (Further Amendment) Bill. In general the Liberal Party supports the thrust of the legislation. In Victoria wild-stock fisheries, especially the high-value abalone industry, is subject to sophisticated and systematic poaching. The improved inspectorate and enforcement provisions contained in the bill are therefore welcome. Provisions requiring recreational fishers to carry their licences with them when they are engaged in that activity are also commonsense.

However, there is one additional aspect of the bill on which I wish to concentrate this afternoon. In her second-reading speech the Minister for Environment and Conservation asserts that the Bracks Labor government:

... has made a commitment to ensure Victoria's food production industries, which include the fishing and seafood industries, are sustainable into the future ...

The minister goes on to say that the proposals in the bill will support that particular commitment.

This morning honourable members listened to debate on a matter of public importance. Speaker after speaker on this side of the house condemned the Labor government for its lack of public policy in the area of resource management. Some speakers concentrated at least some of their remarks on fisheries. Public policy should mean managing the resource on a sustainable basis in the public interest. As far as one specific aspect among many others of sustainable management is concerned — and that is aquaculture — the government's performance to date can only be described as lamentable.

Starved of funds, deliberately or otherwise, the Victorian Aquaculture Council's excellent work under the active guidance of its executive officer Louis Vorstermans has come to a virtual standstill, despite the demonstrated commitment of members of that council and the aforementioned executive officer. Funding promises by the Bracks Labor government have sadly failed to materialise and it is tragic to see the endeavours of this particular organisation being systematically frustrated.

The importance of the aquaculture industry as a supplement to or replacement of wild-stock fisheries cannot be overestimated. It is sad to say, but I do not believe this factor is even recognised by the government. Worldwide commercial ocean fisheries are in decline and in some cases particular species are being fished to the point of extinction. Conversely worldwide demand for seafood products continues to accelerate. Translated into economic opportunity, quite apart from the issue of sustaining biodiversity, aquaculture presents an opportunity in Victoria's relatively pristine marine waters, which has been virtually ignored to date by the government. It is ironic therefore that this bill, in the minister's own words, talks about the objective of sustaining Victoria's seafood industry. The government completely ignores the fledgling aquaculture industry.

In this regard Victoria is put to shame by the efforts and commitment of our sister states, particularly Tasmania

and South Australia and to a lesser extent Western Australia, not to mention our neighbour across the Tasman Sea, New Zealand. In those states and in New Zealand aquaculture, in the cultivation of oysters, green lip mussels in New Zealand particularly, various species of fin fish including flounder, barramundi and other species and also in the high-value abalone industry, is quite sophisticated.

Opportunities undoubtedly exist in the state; in fact they are staring the government in the face. They are often brought to the attention of the government, but sadly so far to no avail. Several enterprising individuals have defied bureaucracy and the odds to initiate high-grade aquaculture projects in Victorian marine waters. Mussel growers on the Bellarine Peninsula were pioneers in marine aquaculture. That first occurred over a decade ago. They hung on by their fingernails and stuck to it and now have a viable industry. I pay tribute to some of the pioneers of that early industry. I cannot mention them all, but I single out Lance Wiffen, Warwick Mackenzie, Geoff Searle and David Harris — who sadly left this state for greener pastures to coin a phrase — and others engaged in that industry. In more recent times, more highly capital-intensive operations have commenced on land in the Geelong region.

I specifically include Ken Carlyle's barramundi operation in North Geelong, which is undercover in an industrial area; Peter Rankin's Ocean Wave abalone hatchery and grow out facility in Port Wilson, which I dropped into the other day; Barry Smith's operation at Point Henry; and finally, significantly, Steve and Melinda Rodis's operation at Indented Head called Great Southern Waters. This latter enterprise, which I inspected last week, can only be described as truly exciting. Steve Rodis has demonstrated amazing persistence, not to mention doing a great deal of hard work, in nurturing this dream of his over the past five years. Finally that enterprise is on the point of fruition and will have a dramatic impact on the local economy.

The 1000 hectare Pinnacle Channel aquaculture zone in Port Philip Bay, which was identified by the Environment Conservation Council in its report on marine parks recently, offers virtually unlimited opportunity for Victoria's aquaculture industry to finally reach maturity and to match some of the efforts in those other states and countries I have mentioned.

In the context of this bill, in this brief contribution I therefore urge the government to acknowledge the opportunity that exists, and to act on it forthwith.

Ms OVERINGTON (Ballarat West) — I, too, am very pleased to make a short contribution to this

Fisheries (Amendment) Bill. The main thrust of this bill is to continue to ensure the sustainability of our fishing industry and for recreational fishing to continue. We all know what the Bracks government and the minister have done over the last two and a half years to ensure that that is happening and will continue to happen.

When we talk about sustainability and how shores — people automatically think of beaches — relate to Ballarat, Lake Wendouree — —

An Honourable Member — Beautiful Lake Wendouree!

Ms OVERINGTON — Beautiful Lake Wendouree! As part of ensuring the sustainability of fishing — and it is mostly trout fishing in Lake Wendouree — we actually close the lake for three months to allow the fish to breed up.

Part of this bill allows for inspectors and police to require a person who does not have their licence with them to produce it within seven days. Sometimes when you are fishing it is totally impractical to carry a licence in your purse, particularly if you are out in a boat, because most times you are in your trackies and all the rest of it and you do not take your wallet. In that situation where is the practical place that you leave your fishing licence? I hope honourable members who speak on this fisheries bill do actually have licences, because I do. At times it is not practical to carry your wallet and you can be caught out, so it is simply commonsense to allow someone to say to an officer, 'Yes, I do have a licence, and yes, within seven days I will present it either at a Department of Natural Resources and Environment office or a police station.

Provisions for buying licences have improved dramatically over the last few years. In most small coastal towns you can actually purchase licences at the local milk bar, but the ability to do this all over the state has caught the officers up in paperwork. Putting the onus back on the fisherperson to prove they are licensed is of course the best way to go.

I have stated in this house on another fishing bill that fishing is one of the cheapest recreational sports that a family can pursue. Children under 18 are not required to have a licence, and there is always the concession or non-requirement that people with recognised pensions are exempt. But for others it is \$20 a year to fish in any Victorian waters. As I said, I believe that to be extremely cheap recreation. Not only that, it is very good for family life. It is a fine family sport.

One of the other amendments to this bill is the permit to take fish for indigenous cultural activities. While there

was reference to this in the previous act, it needed to be clarified as a stand-alone so that it could be easily identified that we were referring to indigenous cultural activity. As part of that provision there will be a requirement that a person on the Fisheries Co-Management Council has an understanding and expertise in indigenous cultural activities. I have heard comments such as, 'We do not know what these activities are going to be'. Those cultural activities will be identified by and nominated by the indigenous communities, and who better than the indigenous communities to identify what those activities will be?

This is only a short contribution. I support everything in the bill, and I commend the bill to the house.

Debate adjourned on motion of Mr MULDER (Polwarth).

Debate adjourned until later this day.

RACING ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 24 April; motion of Mr HULLS (Minister for Racing).

Mr MULDER (Polwarth) — I rise to contribute to the Racing Acts (Amendment) Bill and indicate that at this point in time the Liberal Party does not oppose the legislation. However, I will raise some concerns about the legislation during my contribution. The indications from industry and the government are that the industry will have to work through those issues to see how they flush out during the early stages of the implementation of the legislation. The major thrust of the bill is good for the racing industry. However, there are some minor issues in relation to the implementation of the legislation.

I do not think it is any secret to honourable members that for a very long time I have had a tremendous interest in the racing industry. I took out an owner-trainer's permit when I was 21 or 22 years of age and handed it in when I became a member of Parliament. So as an owner, a current committee man of a country turf club and an ex-trainer who used to break in and shoe his own horses and get involved with all the grassroots issues, I have an enormous passion for racing. I must admit from time to time I have had the odd flutter or two — sometimes a bit bigger than it should have been; nevertheless I do enjoy a punt.

I was fortunate recently to visit the Terang trotting track and be asked to participate in a trial, where I had the

opportunity to drive a trotter, which I had not done for some years. Once again the old memories came flying back and it was a very enjoyable experience, something that I miss and possibly will head back to once my career in this place draws to a close.

Mr Lenders interjected.

Mr MULDER — And not too shortly, I would hope!

This bill is the result of a bookmakers reform working party and also some national competition policy recommendations which indicated that bookmakers as sole traders were treated in an unfair manner in not being able to form partnerships or companies in order to improve their business opportunities and compete on an equitable basis. What this meant was that bookmakers in the past were unable to offer a service to a selected group of clients at a selected race meeting, and there was also a lack of continuity. There was also that issue of not being given the opportunity to share resources and marketing initiatives and progress their business as would normally be expected in the commercial world that we operate in today.

All honourable members would know and appreciate, particularly those who were fortunate enough to attend the recent May racing carnival, the great contribution and the colour that bookmakers add to a race meeting. I cannot imagine attending a race meeting without the bookmakers being on course. I have always been a great supporter of the bookmakers if I have been going to have a bet. There is always that human element. It is not a matter of going to a wall and money being passed through a window. If you happen to lose on the punt, there is always the thought that perhaps you are educating the bookmaker's children or putting something on his table tonight. I must admit that if you are lucky enough to have a considerable collect from a bookmaker, it is always done with a little bit of, 'I hope that hasn't hurt him too much'. There is a great human element to the bookies. I have on various occasions seen them knocked about in relation to some of the collects that have been taken from their bags. But inevitably they always seem to drive away in a much better car than what I have and seem to eat and dine in the same fashion.

This bill also removes the reference to a monetary limit in the borrowing authority vested in the Victoria Racing Club (VRC). The borrowing limit in the legislation was set at \$10 million. This section of the bill restricts the VRC in relation to carrying out any major developments and improvements at the Flemington

racecourse, including improvements to the course proper and the training facilities.

We all know and appreciate the significance of the Flemington racecourse and the VRC to the state of Victoria during the Spring Racing Carnival — the huge benefits of tourism and the money that flows into the state at that time. It is only right and fitting that the VRC be given the opportunity to develop its facilities to a degree that caters for those international tourists and the great carnivals that it runs.

I think a lost subject in racing quarters is training facilities. Often owners or groups of owners will head off to the yearling sales and invest hundreds of thousands of dollars in livestock. Many of those livestock end up with a breaker and finally with a trainer at a training facility. I believe we owe it to the industry to ensure that we can provide the best opportunity for those horses to be trained in such a manner that restricts them and the riders from being injured.

This legislation, by lifting that borrowing limit of \$10 million by the VRC, will ensure that the training facilities at Flemington racecourse are at a level that gives all of the trainers who train there and the owners who invest in the livestock the ability to recoup the best possible dividend from their investment in the racing industry.

As much as this particular legislation refers to the Flemington racecourse, I think there is another issue down the line. Trainers often raise issues about training facilities. They believe their investments and the owners' investments do not always get put to the fore, particularly when considering the funding of rural and regional racing centres. Although their investment may not be quite as high as those people who buy and keep horses in the larger metropolitan stables, nevertheless it is quite significant and in line with their local economy. People who invest in the racing industry in country and regional areas deserve and should have the best possible training facilities made available to them to ensure once again that the investment made by owners is not in vain.

There is nothing worse than to have a horse in training in a stable and to find that it has been injured by something that could have been avoided — perhaps a hole in the track, a rail that is sticking out because it has not been repaired or a surface that is either too hard or too wet because it has not been drained properly. There is enough luck involved in the racing game as it is without having to deal with the problem of inadequate racehorse training facilities.

This bill has met with cautious approval by Tabcorp. This is understandable, because back in about 1994 it paid \$597 million for wagering and gaming licences in Victoria. In terms of the overall carnival atmosphere at the races, Tabcorp would appreciate the added excitement that bookmakers bring to the day, but they are in many regards Tabcorp's opposition. Bookmakers have been lifted another rung by the introduction of this legislation, which is why Tabcorp has welcomed it cautiously. It does not want to see this process undermining its position, given that it has paid a significant amount of money for a licence to operate wagering and gaming facilities in this state.

There is always the issue of creep, or the thin end of the wedge — in other words, how much assistance Tabcorp will receive down the line for this — but I think one has to take an overall view of the racing industry and appreciate the fact that if we lose the bookmakers, racing will lose a certain amount of character and flair. Considering the very small impact that this legislation may have on Tabcorp, there may be an overriding benefit in bookmakers being able to attract people to race meetings. People may bet with bookmakers, but there are always trifectas, which I love and have had a bit of success with. People have a bet with the bookmakers, and then they go and have a bet with the TAB and try to put their systems in place to pick up a dollar or two. Tabcorp does not want any other form of betting introduced because it paid a significant amount of money to become the licence-holder and its shareholders have a vested interest in the issue.

Throughout the state we currently have 172 bookmakers who field on thoroughbred racing, 43 who field on harness racing and 12 who field on greyhound racing. I recognise that harness and greyhound racing have perhaps not enjoyed the significant growth that thoroughbred racing has. The challenge for the Minister for Racing is to lift the profile of both harness and greyhound racing. We initially had huge marketing incentives and programs in metropolitan areas, but it took quite a while for these to flow on, particularly in the thoroughbred industry, to regional and rural racing. Country racing is now running at a peak, with tremendous crowds and great turnover. But this huge success was only due to the fact that we started to market it.

I was fortunate to be the head of the marketing committee at Colac when some of the incentives from the Victorian Country Racing Council were implemented and we began to have people assisting us with our marketing. The club went ahead in leaps and bounds. Country clubs around the state have continued

to follow that pattern, and they do very well. The issue here is how we roll that success story on to harness and greyhound racing, because clubs in smaller country and regional centres contribute an enormous amount to the amenities and entertainment in their towns.

I have always said, in relation to country racing, that we should be fighting for the lowest and last club on the rung, because your turn comes up very quickly if you start to lose clubs underneath you. Over many years we lost a number of smaller clubs, to the detriment of racing. Some clubs had to amalgamate because they were located close to each other, but there were some very picturesque little clubs in country areas that had they been saved early in the piece, would today provide a further incentive to run those great little carnivals and create picnic racing-style atmospheres.

The bill allows bookmakers to form partnerships and companies subject to the approval of the Bookmakers and Bookmakers Clerks Registration Committee, providing all partners are registered bookmakers, but at this point in time nobody is getting knocked down in the rush. A huge number of bookmakers have not come forward saying, 'We want to go into partnership; we want to get involved'. I can understand this, having had a significant background in business and in a number of partnerships. Many years ago when I had several different types of businesses I visited my accountant over various issues, and I spoke on the partnership issue. There always seemed to be a number of partnerships in dispute at the practice; they were dissolving over a number of different issues that could not be resolved.

Mr Hulls — Like the Libs and the Nats!

Mr MULDER — Don't worry about the Libs and the Nats.

I will look with interest to see how you can get six blokes together with a bag of cash to form a good partnership with a long-term relationship. It will be quite testy as to who wins and who loses. I will look to the implementation of some of those partnerships to see what they provide for the racing industry.

The legislation allows bookmakers to form companies, providing all directors and shareholders of the bookmaking companies are registered bookmakers. On that matter I raise the issue of why persons outside the bookmakers code were not allowed to be part of these companies. I always throw it back to the trainers; I think if trainers were allowed to form partnerships and companies and bring on board the expertise they need some of them would survive and run better in the

industry. Many people who go into the industry as a trainer can feed, train and race a horse but have difficulty with some of the business aspects of it. I wonder whether down the line the Victoria Racing Club may look at that, and at allowing participants in the harness racing and greyhound codes to expand their types of operations.

When I have raised the issue of why people outside the bookmakers code could not be involved, I have understood the explanation — that is, that it would allow conglomerates to get involved. It would allow people outside the industry, people who run the overseas betting shops, to come in, take up a position on one of the companies and start to dominate and dictate the operation. That could cause enormous damage to the industry. As I said, it would have been good for people outside of the bookmakers code to become involved and for their expertise to be brought into some of these companies and partnerships, but I understand the reason behind that issue.

This legislation also allows for an increase of the membership of the Bookmakers and Bookmakers Clerks Registration Committee from seven to eight members, to include a person who has expertise in corporate law or finance. I do not know whether it will be possible, but for the person appointed to also have a sound background in racing would be good and would add to the expertise and ability of that committee to make the decisions required.

Mr Hulls — It might be a woman.

Mr MULDER — It could be, too; it doesn't matter. We could have a woman; I would be happy with that. As long as it is not an old bloke; you would hate it if they gave the job to an old bloke, wouldn't you? You don't like the old blokes in racing! He hates the old blokes. Have you got rid of them all yet? There are still a few on the gates.

Mr Hulls — We are working on you next.

Mr MULDER — I will get back to the bill. It would be good if the extra member appointed to the committee had a background in racing, because they will require expertise in that area. It is a very different form of business, and the types of structures put forward to the board will create some very interesting challenges.

Some questions we raised at our briefings remain unanswered. Who gets called in if a partner or director, being one of the bookmakers, does an over-the-odds horse on a dog, a pacer or a thoroughbred? Will the individual partner or the company get dragged in? Who

is responsible and how will the committee handle that? Will someone be stood down? Will one of the partners of the company be stood down? How complex is the issue at hand? How quickly can it be resolved? This is groundbreaking legislation to a degree in the racing industry, and some of these issues need to be addressed. Does the peak body that controls the bookmakers supervisor at a race meeting have a duty of care in relation to any reckless behaviour on behalf of a partner or director? If a partner or director, being one of the bookies, is out there offering 500 to 1 on a 5 to 4 favourite and the bookmakers supervisor is off having lunch and a drink at the time, does he have a duty of care in relation to the other partners with his supervisory role over the bookmakers?

As I understand it, bookmakers are given licences to bet at clubs based on their performance, turnover and what they have to offer to the club. Will partnerships be treated collectively — in other words, will there be the collective turnover of the partnership or the company — and will that automatically give them special rights and privileges over and above smaller bookmakers who decide, for the reasons I have outlined, that partnerships are not always successful? Many people will treat the process of having to go into a partnership or company as being entrapment; they will be forced out of the industry unless they take on a role as a partner or director in a bookmaking company and may therefore decide to stand alone. Will this put them at a disadvantage? In fact, will it spell the end of some of those smaller bookmakers?

These are the issues I have raised some concerns about. From having been involved in business in the past I know that anywhere and at any time a dominant force or major business or conglomerate moves into an industry people will always fall out the bottom end. As I understand it, this legislation is designed to assist bookmakers and to keep them in the industry, but I raise that concern with the minister. What would he do if this proved to work against the interests of bookmakers, particularly smaller bookmakers? There has to be some form of a circuit-breaker in there. No-one is jumping forward at the moment, because I think everyone understands some real issues need to be sorted out.

Mr Hulls — Just thank the minister.

Mr MULDER — I haven't thanked the minister yet; I haven't got to the minister yet. I will get to you in a minute, as you say to me quite often.

There is the issue of partnerships being formed in a very volatile industry. I wonder how some of those

directorship or partnership meetings would go if when people returned at the end of the day the fellow who had been at the greyhounds said, 'I have done the bag', the fellow from the harness racing said, 'I have done the bag', and the guy who had been to the Colac races said, 'I've made \$10 000; let's split it up.'?

Mr Hulls interjected.

Mr MULDER — There will be some interesting disputes, and the committee will have quite a deal on its hands sorting out some of the issues.

Earlier in my contribution I raised the matter of bookmaking in the harness and greyhound codes having experienced a serious decline over the past decade, and the harness racing market as a percentage of the bookmaking dollar having fallen from 10 per cent to 2.5 per cent, which is one hell of a significant fall, and greyhound racing having fallen from 9 per cent to less than 1 per cent. This issue has to be addressed. As I said earlier, we have made significant inroads in turning that around in country racing. There is an opportunity to assist those codes by looking at some of the great initiatives thoroughbred racing has taken on board.

I will close on the following issue. The last page of the second-reading speech states — —

An Honourable Member — What about the minister?

Mr MULDER — I will get to the minister:

The review is under way and has been partly subsumed into the recently established whole-of-government working party to develop uniform legislation for crowd control at sports venues.

I am not sure how far this goes and what role racing industries will have, but as someone who has attended race meetings on numerous occasions I can say that we still have not got to the point of welcoming people onto racetracks. Racetracks are still set up around the country so that wherever you seem to walk there is a barrier and someone with a hand up saying, 'You can't come in here, you are not welcome in here, you haven't got this particular badge, you cannot get that today, you will have to turn away. I know your friend is a member, but you are not a member'. There just seems to be this issue to me.

If we are going to try and attract people to the racing industry, more needs to be done to provide flexibility for the people coming onto the course. A lot more also needs to be done with the people who work on course in terms of their roles as ambassadors for the industry.

It is a great day out, but punters can be turned off when aggressive people are put into roles which I consider to be on the welcoming side of the industry. I hope that when this working party works through the crowd control issue and looks at its implications for racing clubs, the racing industry will in its own right consider how to change that image. It has not been good, and a lot more could be done in that regard.

At the club of which I am a committeeman there are no locked doors or gates and people wander freely throughout all areas of the racecourse. That has done an enormous amount to attract people to the club. They can bring friends and visitors with them knowing very well that they will not be met with, 'You cannot come past this point, you are not welcome beyond this point'. Irrespective of what type of explanation you offer to those people they still think, 'I don't fit in', and the industry must address that issue.

As I said, I am a great supporter of racing and the bookmaking fraternity. I have some concerns about the legislation and whether its impact will be positive or negative, particularly in relation to partnerships and companies. I believe that down the line they will have some significant disputes, and some of the legal agreements will be put before the bookmakers committee for it to sort out. Maybe we should be looking at some form of template agreement, whereby only certain types of agreements will be accepted by those committees.

Those issues all are up in the air at the moment, and unfortunately I think they will only be sorted out as disputes arise — and there will be disputes. Provided those matters can be resolved and the smaller bookmakers who decide not to form partnerships or companies are not squeezed out as a result, this legislation will provide the great benefits to the industry that we hope it will.

In closing, I do not oppose the legislation, despite the questions and issues I have raised and the concerns I have. I wish the bill a speedy passage through the house.

Debate adjourned on motion of Mr MAUGHAN (Rodney).

Debate adjourned until later this day.

THEATRES (REPEAL) BILL*Second reading*

Debate resumed from 24 April; motion of Mr HULLS (Attorney-General).

Ms McCALL (Frankston) — The Liberal Party is not opposed to this bill. However, there are two issues that its members will raise about it: one of them relates directly to the Theatres Act itself, and the second concerns the Anzac Day provisions.

I will begin by commending the Law Reform Committee on its *Review of the Theatres Act 1958*. I am a member of the committee, and what a splendid committee it is, chaired as it is by my colleague the honourable member for Sandringham. If anyone wants some interesting reading I commend to them the history of this particular piece of legislation, and members may well enjoy reading the *Review of the Theatres Act 1958*, which was published by the committee in May last year.

I will read into the record the recommendations of the committee that relate to the repealing of this act:

Recommendation 1

That the provisions in sections 3 to 5 of the Theatres Act, which impose a general licensing scheme for theatres, be repealed.

Recommendation 2

That the provisions in sections 7 to 10 of the Theatres Act, which require a theatre production or cinema to obtain a permit to operate on Good Friday or Christmas Day, be repealed.

Recommendation 3

That the Anzac Day Act be amended so as to prohibit the performance of live entertainment before 1.00 p.m. on Anzac Day.

I will mention that later. Recommendation 4 has not been adopted in this piece of legislation.

Recommendation 5

That no additional legislative provisions be enacted to substitute for s. 6 if s. 6 is repealed.

Recommendation 6

That the Theatres Act 1958 (Vic) be repealed.

The bill before the house needs to be placed in some historical context, which I am happy to do in relation to the review undertaken by the Law Reform Committee. Like a great deal of the legislation that finds its way into this chamber to be amended, updated or repealed,

the Theatres Act is very much based on the Westminster tradition and can be placed in the historical context of the United Kingdom legislation that existed prior to Australian Federation.

One of the acts which is of particular interest and which had an effect on, I dare suggest, the then Australian colonies was the Sunday Observance Act of 1677. The second act I particularly like is the Act for Preventing Certain Abuses and Profanations on the Lord's day called Sunday, which was enacted in 1780. Both are British pieces of legislation, and in historical terms they were totally appropriate for their time and when they become part of Victorian legislation.

We may recall that in 1677 — although most of us were not alive in those days, nor in 1780! — the historical composition of the United Kingdom was largely Christian and the observance of silent or family duties on a Sunday was sacrosanct.

Mr Wynne — Silent?

Ms McCALL — Yes, silent family duties, but also silence in the sense that there was no use of profane language, no obscene behaviour or anything else that could contradict any of the teachings of the then church. By then it was predominantly the Protestant church, but needless to say there was strong support within the UK for those other communities — Catholics, Presbyterians, Methodists and other religious groups, and perhaps even the more extreme ones who went to America for liberation.

However, according to the Law Reform Committee report:

The intention of the 1780 act was not so much the promotion of religion as the restriction of any assembly for political purposes on the one work-free day of the week.

Here we are in 2002, and I defy any of us to suggest that we do not work in any respect on a Sunday and in particular on those days of observance, Christmas Day and Good Friday. I can remember that when I first started work in the United Kingdom I worked on Good Friday because a number of UK companies considered it to be a standard day no different to any other.

The Law Reform Committee conducted extensive consultations with a number of groups, and not only religious groups. The committee consulted quasi-religious groups such as the Salvation Army as well as the RSL, and it invited submissions from a large number of other groups. My colleague the honourable member for Sandringham, who as I said chairs the Law

Reform Committee, will no doubt discuss some of those submissions in some detail.

This is a very simple bill that repeals a piece of obsolete legislation. The point it tries to make is about whether we recognise the importance of Good Friday, Christmas Day and Anzac Day. There is no question that those of us who have been brought up with a Christian background would recognise that Good Friday and possibly Easter Sunday are the most important days in the Christian calendar. However, we also recognise that the composition of the overall Victorian and Australian community means that it no longer regards Good Friday and perhaps Christmas Day to be as important as some of us from a Christian upbringing do. This is a recognition of the maturity of a state that recognises its multicultural nature. It in no way detracts from those who wish to observe those religious holidays. An important point in the thrust of the Law Reform Committee's recommendations is that to a certain extent it is not the place of legislation to govern the way people carry out their religious observances.

It is not up to us to dictate that because a percentage of the community recognises Good Friday or Christmas Day as being important from a religious perspective that we should impose those beliefs on other people. After all, one would argue that the indigenous inhabitants of Australia were anything but observers of Good Friday, Easter Sunday or Christmas Day.

I do not intend to touch in great detail on those issues relating to the Anzac Day provisions except to say that when the committee looked at the role of the Theatres Act 1958, as it then was, it recognised provisional anomalies that would be more appropriately placed after the repeal of that act in the Anzac Day Act. It is for this reason that the Liberal Party has decided not to oppose this legislation. If we totally supported it, it would appear that we had no reservations about the Anzac Day provisions. We do have some reservations about those, but it would be inappropriate for us to continue to support a piece of obsolete legislation and at the same time recognise that the Anzac Day Act and the observances within Victoria and Australia on Anzac Day are currently being reviewed by another joint parliamentary committee. Without pre-empting any of its results we are comfortable with not opposing this legislation, but we have certain reservations which we hope and believe will be addressed when the review of the Anzac Day Act, under the Scrutiny of Acts and Regulations Committee, proceeds.

I commend all the submissions that the Law Reform Committee received from the groups that chose to

approach it. We understand that this was a slow process, although it has ended up with quite a small report — unlike some of the other reports that joint parliamentary committees produce. It is a simple piece of legislation in honest recognition that times have changed and things have moved on and recognising that the purpose for which the Theatres Act was enacted — to protect certain days for predominantly religious purposes — no longer has a reasonable part to play in the Victoria of today and, I am happy to say, in the Victoria of the future. Therefore on behalf of the Liberal Party I have no difficulty in not opposing the bill.

Mr RYAN (Leader of the National Party) — It is my pleasure to join the debate on the Theatres (Repeal) Bill. This legislation arises out of deliberations by the parliamentary Law Reform Committee. A report was tabled on 31 May last year and the legislation is a consequence of that report. There were six recommendations in it, and in essence this legislation reflects those recommendations. On behalf of the National Party I do not oppose the legislation. I say that in the sense that I know there will be people in the community, as I do myself, who have reservations about Good Friday and Christmas Day no longer being the subject of consideration as they have been historically under the Theatres Act, but equally I recognise the pragmatic position referred to in the committee report which I have scanned and with which I am in general agreement. The bottom line is that change needs to be made to accommodate the reality of the way in which society functions today and so it is that this legislation is before the house.

The Theatres Act of 1958 has two regulatory purposes, the first being the provision of a permanent scheme for cinemas wishing to show films on Good Friday and Christmas Day and the second being a scheme in relation to the licensing of live entertainment. Pursuant to the terms of this legislation the Theatres Act is being repealed within part 2 of the bill, and then the provisions regarding sport and the use of cinemas on Anzac Day and issues of live entertainment are being transferred across to the Anzac Day Act. Those particular provisions are set out in part 3 of the bill which I want to address.

Clause 5 refers to sport on Anzac Day. In essence it will mean that after 1.00 p.m. it is in effect open show and sports may be conducted. In clause 6 provisions regarding the use of cinemas on Anzac Day will be introduced. There is an interesting provision under proposed new section 5(1), which states in part:

a person must not, without a written permit from the Minister, show any film or allow any film to be shown before 1.00 p.m. on Anzac Day at a cinema or other place (whether indoors or outdoors) to which persons are admitted ...

The responsible minister in this instance will be the Minister for Sport and Recreation in the other place, the Honourable Justin Madden. The provision goes on to say:

- (a) on payment of a fee or charge; or
- (b) after a donation is sought from them —

for the showing of the film or to enter or remain at the cinema or place ...

They are interesting options. I do not know that I have seen these options replicated in any other form of legislation. Because of prevailing circumstances I was unable to obtain a briefing from the department about this. I emphasise that it was a matter entirely of my own making and had absolutely nothing to do with the minister or the department. It was just that I did not have the time to do it. Nevertheless the options offered of a fee or charge or a donation are interesting. Presumably it is on the basis that the donation might be made for what is thought to be an appropriate cause as a mechanism for entry to the show in question as opposed to applying an obligatory fee.

One can understand, for example, that if there were some program on in the morning where the features of Anzac Day were on display it might be felt more appropriate to have entry by donation as opposed to a fee or a charge. Presumably that option is made available. In any event, if the film is to be shown a permit must be sought through the minister and the person or corporate entity who seeks the permit must comply with its terms.

Subsections (4) and (5) of proposed new section 5 of the Anzac Day Act contain some interesting provisions. Subsection (4) states:

If a body corporate is guilty of an offence against sub-section (1), any person who is concerned, or takes part, in the management of that body corporate is also guilty of the offence and liable to the penalty for the offence.

Potentially this is a cause for concern. It is the notion of a corporate responsibility being passed across to individuals within the organisation, and that principle is something about which we have to be very careful. We will have this discussion when further legislation we have come to know as the manslaughter legislation is debated in the house. Of course, that will come up in another context altogether.

Provisions of this nature are always potentially very difficult to accommodate. One can easily understand a position that might apply where a person who is concerned with or takes part in the management of a body corporate might unwittingly find himself or herself being charged with an offence for breaching this provision where they had no idea at all as to the offence in question. For example, a person in a management role may have gone on holidays and be overseas, be ill or any number of options that readily come to mind, and the offence as described be committed in the complete absence of knowledge of that individual. As a matter of principle that is a concern.

Subsection (5) goes on to set out the defences to the charge and says that the charge will not be proven if the person concerned demonstrates that:

- (a) the offence was committed by the body corporate without his or her consent or knowledge; and
- (b) he or she exercised due diligence to prevent the commission of the offence.

Although at first blush the defence sets out a response to the position I have just postulated, the onus of proof has been reversed so that people who are otherwise subject to this charge will have to establish their innocence. I have concerns about that principle also.

Those are two issues that we need to be very careful about in the sense of public policy to do with this style of matter. According to persons who are associated with bodies corporate in the way described in the legislation, one is the notion of guilt which otherwise attaches to the body corporate itself. The second is the further principle of reversing the onus of proof so that people are innocently caught in the dilemma of being charged when they ought not bear the responsibility of having to demonstrate to a court that they are not guilty. Again, that is a cause for concern.

Clause 7 provides for the insertion of proposed section 5A into the Anzac Day Act relating to other entertainment on Anzac Day. Principally it talks about the notion of live entertainment. As I understand it, that definition will be very inclusive to the point where the second-reading speech somewhere in its content reflects the fact that even if people who operate a coffee shop want to have a guitarist, for example, play live music prior to 1.00 p.m. on Anzac Day they will have to obtain a permit. As a principle that is a very good idea. What we are talking about is honouring and continuing to honour Anzac Day and everything that goes with it in an appropriate fashion. The broad nature of that definition is very appropriate.

There is also an exemption that says, in effect, that under the Liquor Control Reform Act if services are provided from a facility which has attached to its licence a capacity to provide live entertainment as defined in the act, that facility is exempt from the provisions of this legislation. In the case of pubs with a late licence, for example, when the clock ticks over to 1 minute past midnight and the band is rip-roaring and flying into it and has been doing so pursuant to the licence which usually applies to that establishment, then that live entertainment can continue into Anzac Day without a permit having to be sought under the terms of the legislation.

In subsections (6) and (7) of proposed section 5A there are those same provisions to which I have already referred as representing a cause for concern in the proposed new section. Again we see the notion of persons associated with a body corporate in the manner in which the legislation sets out being prospectively accorded responsibility for a breach of the law. Furthermore, in their defence they have to establish the facts which represent that defence. Therefore they face having the onus of proof reversed against them. In essence, those are the terms of the legislation.

I wish to refer to one other issue. Anzac Day in Victoria will never again be the same because this year, after 23 years of faithful service as the state president of the Returned and Services League, Bruce Ruxton, a legend in his own time, has decided to stand down from his role.

I have taken part in only the last two Anzac Day marches along Swanston Street and St Kilda Road up to the shrine, eventually to the dais and subsequently on to the steps. I have done so over these last couple of years in my current role as Leader of the National Party. It has afforded me the opportunity to witness events which I will carry with me forever.

Marching up Swanston Street and St Kilda Road and up onto the steps of the Shrine of Remembrance in the company of Bruce Ruxton is truly an experience. Last year, and again this year, I was part of the ranks which were led by the Governor, the Premier, the Leader of the Opposition and various other dignitaries and members of the armed forces. There was a common feature last year, repeated this year, which I reflected on before we started the march with John Hamilton, who writes for the *Herald Sun*. The organisers had accorded John the honour of participating in the march because it was his role to write an article on Bruce Ruxton.

As we marched to the shrine up Swanston Street and St Kilda Road there were columns of people on both

sides of the street. Amidst all the clapping and cheering and all the wonderful and justifiable reflections by the crowd on the march and everything it represents there was a singular theme, which was to accord to Bruce Ruxton the congratulations appropriately due to him on behalf of the many people he has assisted over the years. From the crowd came the incessant call, 'Good on you Brucey!'. On occasion, if I may be forgiven for saying so, there were calls of 'Stick it up 'em, Brucey'. I'm not sure if that is parliamentary or not, but I am simply quoting what was being said. There were many other occasions where people called out 'Thank you, Bruce'. This year in particular others called out, 'Good luck!' or 'Good on you!' — all variations on the same theme.

I told John Hamilton he would hear that about every three steps along the way, and so it turned out. This year was a fitting tribute to a man who has given two decades and more of service to an organisation which he loves and the members of which absolutely love him. There is one thing about him: whether you agree with him or not, you are never left in any doubt as to his point of view. That was reflected also on this particular Anzac Day, when comments were made about prospective participants in future marches. Bruce had no hesitation in putting his view on who he believes ought to be able to continue to participate.

Bruce's wife, Jill, has been a magnificent support to him over the years. She is a delightful lady, and she rightly features in John Hamilton's story, which was published the following day in the *Herald Sun*. She has been a magnificent stalwart for Bruce during the years of their marriage.

The article written by John Hamilton is a good read, and it also reflects a moment when we had some concern because the engines almost ran out of fuel as we were heading up the last couple of hundred metres. Bruce had to take a momentary pause while he gathered himself, but in the face of the assistance ably offered to him by a properly concerned police officer he shrugged it all off and strode those last couple of hundred metres under his own steam. He then took his place on the dais, where for the next 3½ hours we collectively reviewed the march.

At the conclusion of the review we went up to the steps of the shrine. There were 12 or 15 of us on the front steps during that most solemn and compelling of occasions. The weather, which had been threatening to play a part in proceedings all morning, then joined in.

That same morning at the dawn service, in which Bruce participated and Tony Charlton played his part, it was

extraordinary to stand at the grave of the Unknown Soldier and read carved across the top the words: 'Greater love hath no man ...'. Again Bruce participated magnificently in that component of the day's events.

Later as we stood on the steps of the shrine the heavens saw fit to see him off. We were almost washed away, because it fairly bucketed down. I could not help but recall as I stood there being drenched that there were many parts of Victoria that would well and truly have enjoyed what we were then copping. Had I had my choice it would not have been us just at that moment, but be that as it may. John Hamilton finished his article with these words, and I conclude my contribution by quoting them:

But here on the steps of the shrine at 12.25 p.m. was the enduring memory of Bruce Ruxton, a World War II soldier from the days of king and empire.

He stood there as the sky opened and the rain bucketed down in sheets.

The water plastered his silver hair, cascaded off his medals, drenched him.

He had spurned an umbrella because Bruce Ruxton, AM, OBE, Chevalier of the Legion of Honour, was standing to attention.

Standing to attention, singing *God Save the Queen*.

It wasn't only rain coursing down those cheeks. There were tears as well. In all our eyes.

On behalf of the National Party and, I am sure, all members of the Parliament I use this occasion, given the context of the legislation, to convey to Bruce Ruxton and to Jill our best wishes for whatever may lay ahead of them, and I thank Bruce Ruxton for his magnificent service to a cause to which, throughout the whole of his life, he has been utterly dedicated.

Mr WYNNE (Richmond) — I rise to support the Theatres (Repeal) Bill and, in following the Leader of the National Party and the tenor of the latter part of his contribution, to pay my respects to Bruce Ruxton. I also witnessed that memorable finale for Mr Ruxton on the steps of the Shrine of Remembrance, and as the Leader of the National Party indicated, the downpour which many had to endure that day was extraordinary.

I do not wish to make this a eulogy to Bruce Ruxton. My only brief experience of him in public life was when I held a public position with the City of Melbourne, where we crossed swords —

An honourable member interjected.

Mr WYNNE — Not hard to do indeed! I think he regarded me as something of a socialist devil at that time, but nonetheless in my capacity as an adviser to the then Minister for Housing and Construction, the Honourable Barry Pullen, he rang me to seek support for some of his veterans who had difficulty accessing public housing. He was a most persuasive and eloquent advocate on behalf of his constituency, and we were able to satisfactorily resolve the problem. His public utterances are a hallmark of this extraordinary gentleman — some of them could best be described as provocative, colourful and offensive — and in my brief experience of him he would do virtually anything in support of and as an advocate for returned servicemen. Anzac Day is part of the bill, and I appreciate your leniency, Madam Acting Speaker, in allowing me that brief digression.

To return to the bill, the Theatres Act is a consolidation of previously existing laws and reflects elements of the Theatres Licensing Act of 1850, so it goes back that far. The only part of the Theatres Act currently being administered is the permit scheme allowing cinemas to show films on Good Friday and Christmas Day. The need to review what has obviously become outdated legislation has been recognised for some time, and in February 2000 the government gave the Law Reform Committee a reference to inquire into the relevance of the act.

The bill implements the recommendations of the bipartisan report of the committee, which was requested to report on a range of matters: firstly, the need to retain a licensing scheme for live entertainment which is performed for reward; secondly, the appropriateness of requiring that licensed entertainers obtain special permits if they wish to perform on particular public holidays — namely, Good Friday, Anzac Day and Christmas Day; thirdly, the appropriateness of retaining a permit scheme for cinemas that are not licensed if they wish to operate on Christmas Day and Good Friday; and finally, the impact of repealing the Theatres Act 1958.

We are well aware of the thorough and rigorous process by which committees of this Parliament operate. Public hearings were held in Melbourne, and the committee sought input from a whole range of organisations. In its report the committee noted that the Sunday Entertainment Act 1967 prohibited the holding or conducting of entertainment on a Sunday without the written permission of the minister, which seems somewhat archaic in this day and age. When the act was repealed in 1993, nearly 10 years ago, the government of the day believed the legislation had become irrelevant because it no longer reflected

obvious community standards relating to entertainment on a Sunday.

There was bipartisan agreement in the house in 1993. Community attitudes were such that allowing public entertainment on Sunday was obviously not a controversial issue. In Victoria today two acts — the Theatres Act 1958 and the Anzac Day Act 1958 — still regulate live entertainment and the operation of cinemas. I shall return to the Anzac Day Act, because it will now be in the expert hands of the Scrutiny of Acts and Regulations Committee.

Obviously Sunday trading is no longer restricted in practice, although in theory — I stress ‘in theory’ — anyone providing live entertainment at any time still requires a licence to operate under the Theatres Act. The bill lifts an inappropriate restriction on cinemas operating on Christmas Day and Good Friday. The government recognises that these days continue to have important religious and historical significance. However, we believe the restrictions are no longer appropriate in our multicultural society of 2002, in which there are different aspirations for both those symbolic days.

For some Christmas Day is sad as they are no longer associated with their families because they have disjointed family situations or have lost their family links. Those of us who live in a family unit enjoy all the wonderful excitement associated with it, particularly in my instance as I watch the enjoyment my children get from receiving Christmas presents and taking part in the festivities around Christmas Day. But as I said, that is not always the case for many people for whom there is often great sadness. A number of crisis organisations find this period particularly stressful. For some people, having an opportunity to seek other forms of social outlet, be it at a cinema or wherever, is a sensible recourse.

For many in our multicultural society Christmas Day is either not relevant or plays no part in their religious calendar, while others celebrate Easter and other religious occasions at other periods of the year.

The Law Reform Committee of this Parliament received, I think, six written submissions — which is relatively modest, I might say — in relation to the issue of opening hours on Christmas Day and Good Friday. Three were from industry representatives and three were obviously from religious organisations, presumably seeking to put different aspects of the argument before the committee. My understanding is that the committee was of the view that if the purpose of restricting the opening of cinemas on Good Friday

and Christmas Day is to encourage the Christian religion it would be difficult to accept that as a legitimate activity of the modern state. The need to review the Theatres Act, therefore, to determine its continuing relevance has been obvious for some years, and as I indicated, its content has become less and less relevant in the society that we enjoy in this state.

The committee tabled its report in Parliament on 31 May 2001, and made six recommendations, including obviously the repeal of the Theatres Act and the transfer to the Anzac Day Act of the prohibition against live entertainment prior to 1.00 p.m. on Anzac Day. My colleague the honourable member for Werribee, as chairman of the Scrutiny of Acts and Regulations Committee, had as one of her tasks, along with her colleagues, the investigation of this matter.

I want to pick up a couple of points which were raised by the Leader of the National Party and which I think should be properly dealt with by the Scrutiny of Acts and Regulations Committee. They relate to the question of reverse onus and the potential impact on individuals of the body corporate provisions. I think we should ensure that when the Scrutiny of Acts and Regulations Committee deals with this it picks up what I regard as two quite reasonable matters that were raised by the Leader of the National Party. I indicated that the government accepted the recommendations of the committee virtually in total, and it is appropriate that we recognise the contribution made by these bipartisan standing committees to important areas of social and economic policy in the state. Three members of the committee are in fact here in the house today. The bill implements in total the recommendations of the committee.

Ms McCall — Not recommendation 5.

Mr WYNNE — Not 5. On my understanding the bill implements the committees recommendations, apart from recommendation 5; repeals an inoperative licensing scheme for live entertainment; ends opening restrictions on cinemas that wish to operate on Good Friday and Christmas Day; and transfers restrictions which restrict live entertainment until 1.00 p.m. on Anzac Day to the Anzac Day Act. Clause 3 of the bill repeals the Theatres Act. Clause 6 substitutes proposed new section 5 in the Anzac Day Act 1958. Clause 7 inserts proposed section 5A into the Anzac Day Act, which restricts the provision of live entertainment on Anzac Day.

I will finish on these brief points. The Office of Film and Literature Classification — quite appropriately it is a federal office; and I think my former colleague Des

Clarke is still the chief censor in Canberra — will continue to provide an appropriate level of scrutiny of film content throughout the year but most specifically on Good Friday and Christmas Day, to regulate potentially offensive entertainment in theatres.

Restricting live entertainment prior to 1.00 p.m. on Anzac Day reflects what I think would be a bipartisan position of this Parliament — that this is a sacred day. It is a sacred day not only in the life of Victoria but in the life of Australians, and is a day when we recognise the contribution of Australia's brave men and women, and those who initially landed and fought in that fateful attack at Anzac Cove at Gallipoli. Of course it lives on in spirit only now because there are no surviving Anzacs who contributed through the Second World War — —

An honourable member interjected.

Mr WYNNE — No, there's not — I think he's gone. Is there one left? Perhaps there is one surviving Anzac. I think he might be 103 now, but he is certainly the last remaining Anzac.

That spirit now lives on through those who made extraordinary contributions in other conflicts in which Australia was involved. We see the power of that in the Anzac Day march and the dawn service. People both young and old are now crowding to those events to acknowledge that contribution. Restrictions currently apply to shop trading hours, sport and racing activities, gaming, the operations of Crown Casino, the sale of liquor and the operation of cinemas. There is consistency in that, and it is obviously supported by both sides of the house.

This bill is an example of the Parliament working at its best. A social policy issue has been tackled in a systematic way by the Law Reform Committee, which brought matters immediately to the attention of the government, which acted upon those recommendations. The Anzac Day matter has been dealt with by a parliamentary committee chaired by my colleague the honourable member for Werribee, which will no doubt report back on its deliberations in due course. Clearly the bill enjoys the support of both sides of the house, and I wish it a speedy passage.

Mr THOMPSON (Sandringham) — In rising to address the bill I acknowledge the contribution of my colleagues in this chamber who serve on the Law Reform Committee — the honourable members for Frankston and Burwood, both of whom are present in the chamber, and the honourable member for Sunshine. This is a result of consultations with stakeholders, a

large number of whom were corresponded with, including those who actually attended or made formal submissions to the committee.

One particular result of the work of the parliamentary committee is recommendation 3, which notes that the Anzac Day Act should be amended so as to prohibit the performance of live entertainment before 1.00 p.m. on Anzac Day. The committee made this recommendation in its review of the Theatres Act because it felt that the regulations which governed activities on Anzac Day should be harmonised under the one act so that the merits of individual activities could be debated under the one umbrella.

My own grandfather was one of the Australian soldiers with the 6th Battalion who landed on the shores of Gallipoli on 25 April 1916. It was only a matter of weeks later that he was buried in a trench collapse in Gallipoli, which is mentioned in the history of the 6th Battalion, which has the title *As Rough as Bags*. Despite that description, those early soldiers stood alongside many other Australian soldiers who left these shores to serve. They are numbered among the 100 000 Australian soldiers who gave their lives there and in other foreign lands.

A number of my colleagues have paid tribute to the work of Bruce Ruxton. Bruce and his wife Jill happen to be constituents of mine and I have had the honour of hearing Bruce make addresses on more than 20 or 30 occasions at Anzac and Remembrance Day gatherings, both within my electorate and beyond. With thousands of other people alongside him, Bruce has honoured the tradition of remembering those Australian soldiers who gave their lives in an arena of combat.

Bruce is a well-known character who has been a strong and valiant fighter for the rights of veterans. He has always been prepared to think outside the square. He has made comments which the news editors of daily television would have had some difficulty in sifting through in trying to work out which line to run with on a particular day at the state Returned and Services League (RSL) conference. He has made a significant and substantial contribution to the welfare of Australian veterans in a number of arenas.

Alongside Bruce and in other RSL clubs there have been other Australians who have honoured the memory of the people who have gone before them. In my electorate the Hampton RSL, under the leadership of Wally and Elaine Bencraft, and the Beaumaris RSL, under the current leadership of John Moller, who served in Korea, have continued the tradition nobly and honourably. There have been some outstanding

gatherings at RSL-based ceremonies in my electorate at Hampton, Mentone, Cheltenham and Beaumaris, including the 6.00 a.m. dawn service when the piper plays and the camaraderie is enjoyed, but there are also the moments of silence as one contemplates the work of those who have gone before.

The English poet John Masefield, as well as C. E. W. Bean, the war historian, have magnificently captured in great illustrative terms the spirit of Anzac and the exploits of the Australian soldiers both in the arena of combat and in the towns they passed through on the way to the battlefield. For example, the writings of C. E. W. Bean captured the heroism of Albert Jacka, who in 1915–16 received three military decorations. Some people would argue that he deserved three Victoria Crosses, but he ended up with one Victoria Cross and two military medals with bar. Bean remarked that in the history of the Australian Imperial Force no greater act of daring or audacity had been made by any other Australian soldier.

In Jacka's particular circumstances his trench had been overrun, Jacka himself had been badly wounded around the face and neck, and his compatriots had surrendered. But they were so inspired by Jacka's conduct — he refused to surrender — that they rejoined the fray and recaptured the ground.

As well as Jacka there were many other Australian soldiers, some of whom served in ways that did not receive the same degree of renown or distinction but whose commitment to the cause was no less significant.

In my electorate just prior to Anzac Day this year, the former federal leader of the National Party, Tim Fischer, launched a book of photographs taken by Australian soldiers who served in Vietnam. Cardboard boxes tied together with string and held together by rubber bands were sent to the person who compiled the book with the strong encouragement of Terry Earle, who had helped conceive the notion of publishing the book. They are about the lives of the Australian men and women who served in the arena of Vietnam.

With this particular spirit in mind, the RSL made submissions to the committee about the importance of Anzac Day. The Law Reform Committee decided that any decision regarding the conduct of activities on Anzac Day should be passed through to another parliamentary committee that might be reviewing these matters so that Anzac Day could be considered discretely. For clarification's sake, at the time the committee considered this matter it received an understanding that the RSL was working towards some

sort of national coordination of events and activities on that day.

The committee also had the obligation of considering the role of the Theatres Act and the observance of Christmas Day and Good Friday. It was the wider and on-balance view of the parliamentary committee that the observance of such days should not always be seen to be dependent on government enforcement. That was the spirit of one of the remarks in a submission from the Presbyterian Church — that is, that the observance of those other days are matters for private consideration. Activities on Christmas Day and Good Friday are governed and regulated by a number of acts, including those affecting shops, casinos, liquor outlets, gaming machines, busking, sport, racing, television, pay TV and video hire.

In Queensland, New South Wales and South Australia theatre and cinema performances are broadly unregulated. In the United States of America, partly due to the establishment clause in the first amendment to the constitution, Good Friday and other days of religious observance are seen as principal days for launches of films. In England there is broadly no regulation of films on those particular days.

It was in this both comparative state and international review, noting the discreet nature of the screening of films, that the committee formed the view that it would be on balance appropriate to allow a system to operate where those activities could take place unregulated and provide some wider level of choice to people who may choose to not celebrate those days of religious significance in the manner in which others might and that might reflect the origin of the establishment of those provisions.

With those remarks I round off my contribution. Suffice it to say that I draw attention to the excellent work done by the Australian Hellenic Memorial Foundation under the patronage of Bruce Ruxton, George Veis, the then Consul-General at its inception, Dimitris Anninos, the current Greek Consul-General in Melbourne, and Sir John Holland, which saw the idea that was conceived by members of the Cretan community in Melbourne, and Peter Kalimnakis in particular, generated in the fulfilment of the concept of a memorial being established within the precinct of the Shrine of Remembrance that commemorated the lives of the 800 and more Australian soldiers who were killed or wounded in the battle of Crete.

The work of Bruce Ruxton was particularly significant in enabling this matter to be processed through the City of Melbourne and to enable the idea of individuals to be

fulfilled. There is an appropriate commemoration that is now able to take place within the precincts of the shrine as an adjunct to the battle of Crete and as a timely reminder of Australian–Greek soldiers serving side by side.

Mr STENSHOLT (Burwood) — I rise to support the Theatres (Repeal) Bill, which essentially has two purposes — namely, to repeal the Theatres Act 1958 and amend the Anzac Day Act 1958. This bill deals with significant days in the calendar of the Australian people. Good Friday and Christmas Day have been and continue to be acknowledged as important holidays, and indeed regarded by a significant section of the community as important religious festivals. Anzac Day is very much a national holiday when we show respect for and remember those who have fought for Australia and have paid the ultimate sacrifice. Like other speakers before me I pay tribute to them.

I also pay tribute to those who maintain and commemorate the spirit of the Anzacs through the Returned and Services League. In my own area, for example, I acknowledge the Camberwell City sub-branch of the RSL, of which I am a member, along with John Frewen, John Daly and secretary Arthur Pearce. It publishes the *Sniper* magazine and plays a strong welfare role in looking after its members. The branch maintains the oldest war memorial in Surrey Hills, which was built before the end of the First World War. Other sub-branches of the RSL are located nearby at East Malvern and Box Hill. Right in the centre of my electorate is the Burwood RSL, which includes an active ladies' committee.

A number of local activities are associated with the commemoration of Anzac Day. The Lone Pine memorial service in Wattle Park was reinstated last year and is of great historic significance. The lone pine has obviously grown from a seedling of the lone pine of Gallipoli. For many years it was the site of the trooping of the colours, which many thousands attended, including the former and the current Governor-General. A full day of ceremony was had by all. I congratulate the units involved and the tramways board for organising the reinstatement of the ceremony and for conducting it this year and the last, on which occasions I have been able to be present.

The bill reinforces the standing of Anzac Day in our society in Victoria by proposing to amend the Anzac Day Act so that films in cinemas are not able to be shown before 1.00 p.m.

This bill comes from the review of the Law Reform Committee. One of my colleagues on the committee,

the honourable member for Sandringham, has already mentioned that he and others including the honourable member for Sunshine, who is present in the chamber, and I undertook the review of the Theatres Act. We also looked at the Anzac Day Act. There were some aspects of that which seemed to a number of people, indeed some of the witnesses, to be somewhat outmoded.

The committee received nine submissions and heard nine witnesses. It looked at the total context in this regard and what actually happened under legislation on Good Friday, Christmas Day and Anzac Day, whether it be in terms of liquor licensing, gaming machines, busking or racing. It found that there were no restrictions though on pay TV. The committee also looked at comparative jurisdictions in terms of what was happening in Australia and some international jurisdictions, particularly in the United States of America. It found that particularly on Good Friday and Christmas Day the Theatres Act should be repealed.

I am pleased that the government has picked this up and has brought it forward to the house today in this bill because one of the comments that was made in the report was that in relation to the two religious days it is not easy to identify the aim of the restriction insofar as if it aims to encourage the observance of the Christian religion it would be difficult to accept this as a legitimate activity of the modern state, even though historically it has been an explicit objective of the forerunners of present legislation going back 100 years or more.

There is one aspect though, provided by section 6 of the original theatres legislation, which deals with offensive matters. It states:

It is lawful for the Minister, whenever he is of the opinion that it is fitting for the preservation of good manners decorum or of the public peace so to do, to forbid by writing under his hand the acting or presenting any stage play or any act scene entertainment of the stage ...

This was obviously discussed at some length by the committee in preparing its report, but it looked at this and felt that there were other provisions which may well cover this. The suggestion of using the act to ban *The Exorcist* recently was seen as being not very good policy.

Indeed it is felt that there are other acts available — for example, the Summary Offences Act 1966 insofar as it proscribes obscene, indecent and threatening behaviour in a public place. Other speakers have already mentioned the Office of Film and Literature Classification, which can and does provide an appropriate level of scrutiny of the content of films for

Good Friday showings. In other words, provisions were available to cover these particular aspects. These are the main aspects that are dealt with in this bill and are its main concerns.

I have already mentioned the Anzac Day Act, which covers what can be done on Anzac Day. There are some limited provisions for exceptions to this in terms of commonsense arrangements, and they are set out in the bill. I believe this bill appropriately reflects current-day practice and thinking, and it is appropriate. I commend the bill to the house.

Mr WILSON (Bennettswood) — I am pleased to make a contribution on the Theatres (Repeal) Bill that is currently before the house. The bill has two purposes, which I will deal with separately.

The first is to remove any requirement to obtain a licence to show movies or to operate theatres on Good Friday and Anzac Day. The proposed change, which has come from the recommendations of the all-party Law Reform Committee, is that the requirement to obtain a licence to show films on Good Friday and Christmas Day should no longer exist. This is interesting when one considers the wording of the report of the Law Reform Committee, which concluded:

If it is to encourage the observance of the Christian religion, it would be difficult to accept this as a legitimate activity of the modern state even though it has historically been an explicit objective of the forerunner to the present legislation.

That is probably a correct assessment. However, I note and I wish to place on record that those religious days, Christmas Day and Good Friday, are still very significant days in the Christian faith. In Australia and Victoria we observe them in a traditional fashion. What we are enacting here is a very significant step in how those two traditional religious days will be observed. We do enjoy holidays for both those days, and it is interesting that those people who choose not to follow the Christian faith, or faiths, are always willing to accept the holidays.

Other countries and jurisdictions deal with these matters quite differently. I was in Los Angeles one Good Friday and I thought there would be little to do, but I was quite shocked to find that in the United States of America — certainly in California — there were no limitations on activities whatsoever on that day. Perhaps — and I emphasise the word ‘perhaps’ — the decision of the Law Reform Committee reflects the evolution of our modern society.

The second part of the bill is very important, because it goes to the integrity of Australia’s most important day — Anzac Day. The bill seeks to guarantee, and I am confident it will, the integrity of the morning hours of Anzac Day. You do not have to look very far to understand why Anzac Day is very important to most, if not all, of us. My grandfather served in the ambulance corps of the Australian Army during World War II and was a prisoner of war after the fall of Singapore. My father was in the Royal Australian Air Force (RAAF) and served in Great Britain. My mother was in the Royal Air Force, and my brother-in-law served in Vietnam. My wife’s uncle, Fred Dawborn, served in the RAAF during World War II and was also stationed in Great Britain. My father-in-law, Ken Dawborn, did his national service in the Royal Australian Navy during the 1950s.

My family is very typical of Australian families. We all have many connections, memories and dealings with people who served in the armed forces, perhaps in Vietnam, in World War II, in World War I, and as far back as the Boer War. The spirit of Anzac Day is alive and well in our society, and it is excellent that the bill before the house seeks to preserve its importance and integrity.

Recently I was invited to the Anzac Day march and service in the City of Monash, and it was one of the best occasions that I have experienced since being a member of Parliament. Along with a member for Waverley Province in another place, the Honourable Maree Luckins, I had the pleasure of leading the parade alongside Mal Carson, the president of the Waverley Returned and Services League. When I got home I remarked to my wife and children that I thought leading a parade which was commemorating the courageous work of the men and women who served our country in peacetime and during war was my proudest moment since I had been a member of Parliament.

I note that the honourable member for Glen Waverley has come into the chamber. I am sure he would agree with me that each Anzac Day we have the honour of attending the Anzac Day morning service at St Stephen’s Church in Mount Waverley. That service is very moving, and on each occasion I have attended since becoming a member of Parliament the honourable member for Glen Waverley has delivered a reading. At those services you get a vivid impression of how important Anzac Day is to so many people.

When you go either to the marches that commemorate Anzac Day or to the early morning services you also see that the number of young children who now come to those services is growing. That is a very good

development, because we want our children to understand and to appreciate the sacrifices made by many people in the armed services during wartime.

The bill seeks to ensure that there is no way the integrity of Anzac Day will be compromised. I reflect on last Anzac Day, when all restrictions were lifted after 1 o'clock so that we could have the wonderful occasion of the traditional Anzac Day football match between Collingwood and Essendon at the Melbourne Cricket Ground. This year was of particular significance because Collingwood trounced Essendon by what I think was a margin of 33 points. It was a magnificent day and a magnificent result. Hearing 87 000 people roaring for Collingwood against its archenemy will long be remembered.

Before that match took place there was the moment when the last post was played. There were 87 000 people at that ground, but not one person broke the silence. It was one of the most special moments I have experienced. Indeed it was an eerie moment. The honourable member for Bulleen was also present, and a number of people have mentioned to me how moving that moment was. It was special because Australians have a great respect for the traditions of Anzac Day. The bill before the house will ensure that that respect and those traditions continue.

Mr LANGUILLER (Sunshine) — I rise to support the Theatres (Repeal) Bill. From the outset I wish to put on record my acknowledgment to the members of the Law Reform Committee: its chair, the honourable member for Sandringham; its deputy chair, the Honourable Dianne Hadden from the other place; the Honourable David Davis, who was a member of the committee at the time, and the Honourable Peter Katsambanis, both also from the other place; and my parliamentary colleagues in this chamber the honourable members for Frankston, Kew and Burwood.

In acknowledging the work of the committee, I wish to put on the record the fact that I found working through this quite an enjoyable experience. I have recollections of our committee having very interesting debates where a range of issues arose out of precisely reviewing and addressing the references the committee had been given.

The committee had been requested to report on the need to retain a licensing scheme for live entertainment which is performed for reward, the appropriateness of requiring that licensed entertainers obtain special permission if they wish to perform on particular public holidays, namely Good Friday, Anzac Day and

Christmas Day, the appropriateness of retaining a permit scheme for cinemas which were not licensed if they wished to operate on Christmas Day or Good Friday, and the impact of repealing the Theatres Act 1958.

This exercise inevitably brought a range of subjects into discussion, namely, the relationship between the church and the state, the role of government, and the issue of the censorship debate and the levels or otherwise of tolerance that exist in our society. It took place at a time when the film *The Exorcist* was being screened. For a period of time it was banned and subsequently the ban was reversed. Not surprisingly, the committee went through interesting debates. But it is important to place on record that all of us formed the view on balance that we needed to bring ourselves to a view as a committee, and indeed recommend to government and to our community that it was time, in the most respectful way, for us to acknowledge in this act that we have a multicultural community, a multi-religious community, a multilingual society, and that consequently, in order to acknowledge all of that in the context of this act, we needed to make some changes to the Theatres Act.

We indeed recognised that there are communities like the Muslim and Buddhist communities which have very significant days in their religious calendars that are not recognised — and as a matter of fact, and with no disrespect, nor should they be, because we are a multicultural society. I believe the best way of managing these matters is to ensure that there is a separation of the church and religious beliefs from the operations of the state — in this case the entertainment community.

Public hearings were held in Melbourne and the committee sought input from a range of organisations during its inquiry. In the report the committee noted that the Sunday Entertainment Act 1967 prohibited entertainment from being held or conducted on a Sunday without the written permission of the minister.

When this act was repealed in 1993, nearly 10 years ago, the government of the day believed the act had become irrelevant as it no longer reflected community attitudes to entertainment held on Sundays. There was bipartisan agreement in the house in 1993 that community attitudes to Sunday were such that allowing public entertainment on that day was not a controversial issue. In Victoria today two acts still regulate live entertainment and the operation of cinemas — the Theatres Act 1958 and the Anzac Day Act 1958.

The committee also looked into overseas experiences and found that in other jurisdictions, for example in the

United Kingdom, there are no restrictions on the opening hours of theatres and cinemas on Christmas Day and Good Friday. Neither the Theatres Act 1968 nor the Cinemas Act 1985 make mention of these occasions. We found similar experiences in the United States of America. New York is one of the 37 states where Good Friday is not a public holiday. The New York consolidated laws appear to make no special provision in regard to activities that are permissible on that day and Christmas Day.

I could mention other examples where this is the case in other jurisdictions. I believe that in bringing about this reform, we are in line with international experience. What it also recognises — and I believe it is important that we put this on the record — is that it is a modest but important contribution to the recognition of our society as a multicultural and multi-religious society.

Like many members in this chamber I represent an electorate which is so incredibly diverse, where of the order of 90 languages are spoken and possibly the same number of religions are practised. I feel that, modest as it may be, the bill is an important move towards recognition of other religions and their importance. I think it would be very much in line with the upbringing that I was given among Jesuits, where tolerance was the order of the day. We were taught at that time, as I clearly recollect — and I am sure my mother reminds me from time to time — that we need to be very tolerant of other cultures and religions whilst they may not necessarily be majorities. I think the measure of a good and democratic society is one which looks after not only the ‘mainstream’ but many other minority groupings that coexist peacefully in our community.

I wish to now briefly refer to another important matter. I have heard with interest many of my colleagues mentioning the importance and significance of Anzac Day. As you would know, I was not born in Australia. While many may think my accent is Irish, as a matter of fact it is not! But I have a lot of respect for Anzac Day and those people that were born in Australia and their ancestors who made contributions to Australia and to the international community because their engagement in war was undertaken with the best of intentions at heart, namely, to defend democracy and civil liberties in the way we know it in democratic societies. So my respect goes out to all of them, and while I was not directly, nor were my parents or ancestors, involved in that particular conflict as many of my colleagues and their families were, I can assure you that I have an understanding of war and I know how important it is to pay tribute and respect, not to war, but to the efforts that are made more often than not with the best of intentions

to defend the values and the society which we all believe in. I say this with the utmost respect.

I have, incidentally, had my encounters of the most friendly nature with Mr Bruce Ruxton. He and I, whether you believe it or not, have some things in common because on many occasions when Mr Ruxton and I met in the western suburbs, we engaged in interesting discussions about something which he knew quite a bit of, which is what was known as the Battle of the River Plate, and he brought to my attention on more than one occasion the significance of that particular battle in South America. I, too, know that there are other individuals in this chamber who are equally aware of it. I put that on the record because, while we may have different views in relation to matters like the republican debate, I have a lot of time and respect for the contributions of people like Bruce and others and the way in which they have represented their organisations.

I am very confident that these provisions that have been put in this chamber today ensure that Anzac Day remains to be treated in the manner it deserves and that activities that should not be taking place prior to 1.00 p.m. on that day do not take place. I wish speedy passage to this bill.

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak briefly on the Theatres (Repeal) Bill. Before I do so, I endorse the views expressed by the honourable member for Bennettswood about Anzac Day at the MCG.

The purpose of the bill is to repeal the Theatres Act 1958, to make amendments to the Anzac Day Act 1958, and to amend the Anzac Day Act 1958 to restrict the provision of certain entertainment before 1.00 p.m. on Anzac Day. As a parliament we often need to look at legislation to make sure it is relevant, up-to-date and workable. That is exactly what this bill attempts to do, and that is why the opposition does not oppose it. The main thrust of the legislation is to govern the operation of cinemas and live entertainment on Christmas Day, Good Friday and Anzac Day.

I wish to speak first on the requirement for a person to get a licence to operate a venue on Christmas Day or Good Friday. Forcing people to attend church goes back to 17th and 18th century England. One way to force people to attend church and therefore show their Christian values and practices was to not allow any other activity to take place, thus compelling people to go to church. Today we have an act that requires a person to have a licence for any entertainment venue to operate on Christmas Day and Good Friday, and on

Anzac Day before 1.00 p.m. The bill proposes to repeal the provisions requiring that a person needs to get a licence to operate a cinema or live entertainment on Christmas Day or Good Friday.

Many would argue that this is good legislation because we live in a multicultural society where individuals practice different religions. It is true that in Victoria we have over 160 different religions, cultures and traditions. That is one of our greatest assets. Our population speaks the languages of the world, practises the different religions of the world and understands the different customs of the world, and those are assets we need to keep and maintain.

When I go to functions one of the things I express is the need to pass on the traditions, religions and customs to the next generation because it is very important to do so. However, there are two reasons why we should do away with the requirement for a licence. First, when I say people need to pass on their religion and culture to the next generation I also say that they must respect the different religions and cultures. I say, 'It is a two-way thing; while we respect your religion, you need to respect our religion as well'.

Second, going to church involves more than just forcing people to attend. It is about education, information and the need to advise people about why they need to go. As an example, this year Orthodox Easter was celebrated four weeks after Catholic Easter, on a day when venues and cinemas were open. Yet my family, including my children, went to church. It is up to the parents to educate their children about the need to attend church. One cannot force people to go to church; it has to be a choice, and it is up to the community, the society and the parents to assist in that choice. I therefore support the removal of the requirement for a person to obtain a licence to operate a cinema or live entertainment venue on those days.

Anzac Day, however, is different. It is a national day, when everyone recognises one important part of Australian national history. It does not belong to any one particular group, whether religious or cultural. Anzac Day provides an important opportunity to remember the sacrifices of many Australians during times of war, one of the reasons why many people arrived in Victoria and Australia.

My parents and I arrived here after the Second World War to find a new life and so that my parents could ensure that their children could live a better life. We found a country that was free and where there was a feeling that everyone was equal and promoted a fair go for all. All that did not come easily. It came about

because in the past many have sacrificed their lives or been injured to ensure that we live in a democratic society. It is therefore very important that we all think about Anzac Day. I support retaining the provision that states that no cinemas or live entertainment venues can be open on that day.

I note that in a submission on the review of the Theatres Act by the Law Reform Committee, Mr Fotis Kapertopoulos, the director of Multicultural Arts Victoria, said:

I make a distinct separation between Anzac Day and the holy days. I think Anzac Day is very much a secular national day and that needs a special understanding ... I revere national symbols and I believe it is very important to have national days, as long as they bring the community together ...

I was disappointed to see in that review that no submission was made by the Victorian Multicultural Commission or the Ethnic Communities Council of Victoria. I would have thought one of the priorities of the VMC and ECCV would have been to discuss these things with all the churches and ethnic groups and to then make a submission. It is a good bill and I wish it a speedy passage.

Ms GILLETT (Werribee) — At the outset of my contribution, I state that it is my privilege to make a contribution to debate on the Theatres (Repeal) Bill and to signify my complete agreement with my colleague the honourable member for Richmond and parliamentary secretary to the Attorney-General that the piece of legislation we have in front of us demonstrates the Parliament of Victoria working at its absolute best. I say that because we in Victoria have a very healthy and robust parliamentary committee system. It is an absolute pleasure to see the parliamentary committee system and the Parliament working in conjunction with each other.

That the Law Reform Committee was given a reference in the first place to review the Theatres Act was an important inclusion of the parliamentary committee system into the operation of this Parliament. That the members of the committee then handed down their excellent report and the Attorney-General acted so expeditiously to embrace all but one of the recommendations of the committee and then produced a piece of legislation that translated those recommendations into life, is a tribute to all the people involved.

It is my privilege as the chair of the Scrutiny of Acts and Regulations Committee to honour the work of the Attorney-General and his parliamentary secretary in this matter and the Law Reform Committee in the work

they have done, as we take forward the inquiry on the legislative framework that surrounds the whole of Anzac Day.

As members of this chamber would know, there are not only two but an absolute plethora of acts of Parliament to do with Anzac Day. It will be our task to look at the whole range of legislation that surrounds the operation of Anzac Day and bring forward recommendations to the Attorney-General and the Parliament about just what sorts of changes need to be made to the legislative framework that will make Anzac Day work in a more efficient manner, causing less confusion and offering fewer obstacles to people who wish to honour the day as it has been honoured in the past and also take it into a new generation of appropriate arrangements that will enable the day to be honoured in a way that suits this century.

The bill repeals the Theatres Act 1958 and, importantly, also amends the Anzac Day Act 1958 to restrict entertainment on Anzac Day prior to 1.00 p.m. As I said, the repeal of the Theatres Act is important because it implements the recommendations of the Victorian Law Reform Committee.

The committee noted that only part of the Theatres Act is still operating. There is a restriction on the operation of cinemas on Christmas Day and Good Friday. Those provisions create a permit scheme for people to operate cinemas on those days. The question is whether that should be authorised by the Attorney-General or his delegate. The committee conceded that if the purpose of the Theatres Act is to encourage the observance of Christian religion on those days, then it is an illegitimate activity of the modern state. The committee therefore recommended that the Theatres Act be repealed and this is supported by both sides of the house.

The licensing system for theatres is aimed at regulating potentially offensive entertainment. However, repeal of the licensing scheme will have no significant effect in relation to the exhibition of potentially offensive material, as section 17 of the Summary Offences Act 1966 proscribes obscene, indecent or threatening language and behaviour in a public place. Breaches of the peace are also an offence under the Summary Offences Act. Equally, there are laws in place that regulate the showing of potentially offensive films on Christmas Day and Good Friday. The Office of Film and Literature Classification takes care of that and will continue to provide an appropriate level of scrutiny of film content on Good Friday and Christmas Day. The Law Reform Committee was of the view that this is a

sufficient level of scrutiny for films shown on these days.

In concluding my contribution I must say that when the Theatres (Repeal) Bill came to the Scrutiny of Acts and Regulations Committee for examination we were able to address some of the concerns expressed by the Leader of the National Party about strict liability offences being created. In quoting from *Alert Digest* No. 4 of 2002 I draw to the attention of the Leader of the National Party and the house the fact that:

New section 5(4) provides that where a body corporate is guilty of an offence under sub-section (1), any person who is concerned or takes part, in the management of that body corporate is also guilty of the offence and is liable to the penalty.

But the committee also noted that:

However, sub-section (5) provides a defence if the person proves that the offence was committed without his or her consent or knowledge or that he or she exercised due diligence to prevent the commission of the offence.

The *Alert Digest* then states:

The committee notes the strict liability offence proposed by section 5(4) for persons concerned in the management of a body corporate. The committee accepts that the absence of knowledge or consent and the exercise of due diligence by a person involved in the management of a body corporate is an appropriate provision providing a defence to such a charge.

Because of the provision of a defence the committee felt reasonably comfortable with the creation of a strict liability offence.

That was also the case in the new section 5A(6) which also creates a strict liability offence but also provides the defence. The comment that the committee made was the same. I make those comments in the hope that they will assist the Leader of the National Party because I have the honour of succeeding him as the chair of the Scrutiny of Acts and Regulations Committee and I hope he still regularly reads the *Alert Digest*.

Dr DEAN (Berwick) — I only want to say a few things because this bill has been discussed by others in detail. It will have been stated, I am sure, on this side of the house that we are in total agreement with the repeal of the Theatres Act and also with the ramifications in relation to Good Friday and Christmas Day. It is interesting that the Presbyterian Church, when asked how it felt about the bill, was obviously keen that people did not go to live theatre and so forth on Christmas Day and Good Friday, but it was also keen to say that it did not believe it was a matter that the government or the legislature should legislate about. Hopefully if people want to go to Christian functions

they go because they want to do so, not because the law says they cannot go somewhere else. I thought that was an interesting and enlightening way for the church to look at it.

If you look at the act in relation to permits that can be granted on Anzac Day for live entertainment, you see there is a restriction on the minister in granting a permit. The minister should be satisfied that the entertainment is a genuine commemoration of Anzac Day or, if it is not a genuine commemoration of Anzac Day — I presume that does not mean that it is non-genuine — would not detract from or adversely affect the commemoration of Anzac Day.

The Liberal Party does not oppose the bill, but while it is between houses we hope to convince the government that the same restrictions should apply in relation to liquor licences and films where permits are also granted, in one case by the Minister for Small Business in the other place and in the other by the minister who is responsible for liquor licences. I do not believe the government has necessarily looked at this, because the whole point of the committee was to do with the Theatres Act and was not about making other changes. In other words, whether it is a liquor licence extension into Anzac Day morning or a film that is allowed to be shown on Anzac Day morning, the minister should satisfy himself or herself that it is a genuine commemoration of Anzac Day or, if it is not, that it will not adversely affect Anzac Day. That would create a uniform situation where any entertainment on Anzac Day, whether it be a film, live entertainment — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I ask government members to take their seats and be quiet, please.

Dr DEAN — The Attorney-General is now in the house. I am proposing that when the bill is between houses the opposition will approach the government to see if the restriction on permits can also cover both films and liquor.

Mr Wynne — We have responded to that.

Dr DEAN — Have you? Are you okay with that?

The DEPUTY SPEAKER — Order! The honourable member for Berwick should address his remarks through the Chair, and the honourable member for Richmond should cease interjecting.

Dr DEAN — You are quite right, Deputy Speaker. I was encouraging the honourable member, so I take part of the blame.

The opposition hopes there will be a uniform system whereby all permits for any entertainment, films or whatever, would have those restrictions — either it commemorates Anzac Day, or if it does not then it does not hurt Anzac Day. That is all I wish to say. The opposition will proceed on that basis.

Mr ROBINSON (Mitcham) — I am pleased to speak briefly on the Theatres (Repeal) Bill, which is a worthy bill and follows very much the reforming tradition of the Attorney-General. The bill emerges out of recommendations of the review of the Theatres Act conducted by the Parliament's Law Reform Committee. I had the pleasure of serving on the Law Reform Committee in the previous Parliament, and it has a very fine reputation. What makes the work of members of parliamentary committees all the more worthwhile is having a minister who responds positively to their recommendations. Such is the case with this report.

The bill touches on Anzac Day insofar as clauses 3 to 8 amend the Anzac Day Act. They are fairly mechanical and are what might be called housekeeping measures to try to make better sense of the administrative arrangements governing theatres and the way they operate on Anzac Day. It highlights the significance of Anzac Day as a day of the year, and the arrangements which attend it. A number of speakers have referred to that in their contributions.

I briefly want to give a personal observation of the rising popularity of Anzac Day, which reflects a growing mood in the community. That reference relates to the public transport services that this government has boosted on Anzac Day in the past couple of years, particularly the free bus services to the dawn service at the shrine. The Deputy Speaker is familiar with this service and knows how popular the response was this year. There were about 1400 bookings across Melbourne's 10 bus routes. I know the honourable member for Glen Waverley has been promoting the service, and I think his service had more people on it this year than anyone else, but only just. It is growing in popularity and reflects the significance of Anzac Day in the minds of people across the state, which is very good.

The Anzac Day Act is also, as the honourable member for Werribee said in her contribution, subject to an inquiry at the moment by a subcommittee of the Scrutiny of Acts and Regulations Committee. I have the

pleasure of being on that subcommittee, and we have been doing some good work and talking to a wide variety of people.

Mr Hulls — Any trips?

Mr ROBINSON — No trips, only to Canberra, and I am not sure if that counts nowadays. We did get to meet Peter Cosgrove and others, and it has been a stimulating inquiry. The Attorney-General knows that a series of recommendations will be made as a result of that inquiry — hopefully by the end of this year — that will offer a series of further recommendations, which will again enhance Anzac Day.

I conclude by congratulating the members of the Law Reform Committee on their work. I also congratulate the Attorney-General. As I said at the start, the work of members on committees is made all the more worthwhile when the ministers responsible not only take up those suggestions and embrace them but do the hard work, the hard yards as we say, to turn those recommendations into legislation.

Mr SMITH (Glen Waverley) — I have a few personal views to add to the debate on the Theatres (Repeal) Bill in respect of Anzac Day. I reiterate what the honourable member for Berwick said about ensuring that the minister's discretion in awarding licences to allow theatres or cinemas to be open on Anzac Day is strictly observed. As the honourable member said, we hope to convince the government of that when the bill is between the houses — unless the Attorney-General wishes to comment on it when he is speaking later on this issue — because all honourable members feel strongly about it.

It has been fascinating to listen to the support for Anzac Day, particularly from the honourable members for Sunshine and Bulleen, who are newcomers to this country and who have caught on to the spirit of Anzac. My two Vietnam veteran colleagues the Honourables Bob Smith and Geoff Craige in the other place — there are only three of us here who are Vietnam veterans — feel strongly about it and are grateful that these people have embraced Anzac Day to the degree they have. I am sure the Attorney-General will take that on board.

The Attorney-General might also take on board that the Liberal Party is anxious that the penalties for breaching this act are only \$500 fines compared with small business fines in parts of other acts which are up to \$10 000. The Attorney-General might well look at that as well, because \$500 is not much of a disincentive for Greater Union theatres or whoever else might be thinking of opening a cinema on Anzac Day. Severe

penalties would be great incentives for them not to do that.

The other personal view I wanted to express was about the opening of cinemas et cetera on Christmas Day and Good Friday, to which I am opposed. I know the honourable member for Berwick and others have spoken to the churches, which have been very tolerant about it. It is just giving up another restriction on the community and is giving yet another incentive for people to not attend church services on the two greatest Christian festivals of the year. I am sure that in Muslim countries the Friday is observed pretty solidly. I know when we were in Israel a couple of years ago the Saturday was observed in the same way. I am making that point. It is a personal view and not the Liberal Party's view. The Liberal Party is going along with the general consensus on this.

Finally I want to thank honourable members for their contributions to the Anzac Day appeal here. Through honourable members' contributions I raised \$740, a receipt for which I got the other day. That was all done voluntarily. One or two honourable members gave their contributions through their own local media — I see the Deputy Speaker and other honourable members nodding in approval — and that is very good. That so many people responded in the way they did was excellent.

The bill has the support of and is not opposed by the Liberal Party. I hope in his summing up the Attorney-General takes those points on board. We three Vietnam vets here are grateful to honourable members for the generous views they expressed towards Anzac Day and what it represents.

Mr HULLS (Attorney-General) — I thank all honourable members who spoke for their contributions to this debate, many of which I had the opportunity to hear. It must give a real fillip to the Scrutiny of Acts and Regulations Committee to know its work ultimately comes to fruition by way of legislation. This is a typical example.

In his contribution the Leader of the National Party pointed out that this year he had the opportunity to walk in the Anzac Day parade with Bruce Ruxton. I think he said he was walking side by side with Bruce and noticed that everybody was yelling out to Bruce, 'Good on you, Bruce', 'No worries, Bruce', and, I think he said, 'Stick it up them, Bruce'. Everybody has their view about Bruce Ruxton. As the Leader of the National Party said, Bruce Ruxton leaves no-one in any doubt about his view. In the past he has expressed some views about some law reforms I have introduced into

this place, and we have continued to disagree about that. What the National Party leader did not say were some of the other things being yelled out to Bruce Ruxton as he walked beside Bruce, such as, 'Who's that you're walking with, Bruce?'. It is probably important for the Leader of the National Party to attempt to raise his profile somewhat.

This legislation is appropriate. A number of people have made some comments about the Anzac Day legislation. This legislation repeals the Theatres Act, and those parts of the Theatres Act that relate to Anzac Day and the issuing of permits on Anzac Day will now be moved over to the Anzac Day Act.

This bill brings to a close the work of the parliamentary Law Reform Committee on the theatres legislation. I repeat that this government has established a fairly solid record of implementing parliamentary committee recommendations. I also noted the references in the contributions to — certainly in the last contribution the honourable member for Glen Waverley made a point about it — the current inquiry by the Scrutiny of Acts and Regulations Committee (SARC) subcommittee into the Anzac Day Act. That subcommittee is being well co-chaired by the honourable member for Tullamarine, with assistance from the honourable members for Werribee and Mitcham and some other members in another place. The government expects a report from the SARC subcommittee with comprehensive recommendations for Anzac Day, and that may impact on the way theatres and cinemas may operate on Anzac Day. We look forward to the report. I understand the honourable member for Tullamarine has set a cracking pace with that inquiry.

In the short time available I will address some of the other issues raised. For the information of the house, the terms of reference for the review of the Anzac Day laws are that the committee inquire into, consider and report by 31 October 2002 on the Anzac Day Act 1958 and any other relevant laws on ways to further enhance the significance of Anzac Day as a national day of commemoration. I am sure anyone who attended the Anzac Day ceremonies, either in the central business district or their own electorate, will agree that this year there was one of the biggest turnouts for Anzac Day.

I recall, Honourable Deputy Speaker, that on the Sunday before Anzac Day you were with me at the East Keilor Returned and Services League (RSL). I have attended that ceremony since I have been the honourable member for Niddrie, and I have to say it was the biggest turnout at the East Keilor RSL I have seen since being a member. I think all honourable members would agree it is important that we further

enhance the significance of Anzac Day as a national day of commemoration.

The honourable member for Glen Waverley raised the issue of the penalty. Yes, \$500 is the penalty for prohibited conduct; however, a point he made reinforces my view — that is, it is expected that community expectations and attitudes about the importance of observing Anzac Day as a national day of commemoration are probably the most significant deterrent and even more of a deterrent than any monetary penalty that could be imposed. There is a growing view that Anzac Day is a very important day. Any theatre that attempted to breach this legislation would certainly face the ire of the community, which believes the day to be sacred.

I thank all honourable members who spoke for their contributions. I congratulate the Law Reform Committee for its work in examining the Theatres Act, and the government looks forward to receiving the report of the Scrutiny of Acts and Regulations Committee subcommittee on Anzac Day. I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

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

RACING ACTS (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Minister for Racing).

Mr MAUGHAN (Rodney) — The Victorian racing industry is an important part of Victoria's economy. It goes without saying that it is part of the Australian culture to have a bet, a flutter — most Australians like a punt. For those like me who do not spend much on wagering, we enjoy the spectacle, the thrill and the social aspects of racing. Racing is a great spectacle and social event. It is an important part of Victoria's and Australia's culture and of the economy.

It is important because of the great national carnivals, and we attract horses, owners and trainers from other states and countries, which adds to our economic activity. Our major racing carnivals, such as the Spring

Racing Carnival and the Melbourne Cup are certainly appreciated worldwide.

Apart from the direct economic activity involved with racing there is also an important tourism component associated with it, such as the hospitality, airline and coach industries and so on. Racing is not only an integral part of our culture but an important part of the total economy. It is very important in country Victoria, perhaps even more so, because it has many trainers, owners and racing establishments. The economic activity associated with that comprises the feed industry, transport, veterinarians and caterers, which creates a considerable amount of employment that is again an important part of country Victoria.

I say that by way of introduction because the bill is essentially about bookmakers. Bookmakers are a colourful part of the racing industry. Stories abound about bookmakers, who are a crucial part of the racing industry, although in Victoria it is a declining industry. The number of bookmakers over the years has roughly halved from what it was, and it is also an ageing industry. Currently in Victoria about 170 bookmakers operate at thoroughbred meetings throughout the state: 48 of them operate in country Victoria, another 43 operate at harness racing meetings and another 12 specialise in greyhound racing.

The legislation is a consequence of the report of the bookmakers reform working party, of which I have a copy, which is an interesting, well-written and reasoned report. All honourable members would be aware that national competition policy requires — as was agreed to by all state, territory and commonwealth governments — each state and territory government to examine all legislation to ensure that it does not restrict competition unless it can be demonstrated that the benefits of the restriction to the community as a whole outweigh the costs and that the objectives of the legislation can only be achieved by restricting competition.

Governments have been engaged for a number of years in examining many professions and industries. Much legislation has been introduced in that time and one by one we have gone through the various professions and industries to see whether there are impediments to free and open competition and ensure that whatever barriers there are to fair competition are removed. I stress again that this is not something that was dreamed up by one government or one political party; it was agreed to by all state governments and the commonwealth — of different political persuasions — deciding that national competition policy was in the best interests of all Australians.

We have seen some of the benefits of that over recent years with removing barriers to competition. The healthy state of the Australian economy has been assisted greatly by the provisions that are now starting to flow through where we are able to make our exports more competitive and encourage import replacement. All of that is in the national interest.

Where some people have difficulty with that competition policy is in ensuring that those benefits are equally distributed among all Australians. We all have difficulty with trying to ensure that those benefits are equally distributed. That does not mean that national competition policy is not a good thing: it is, and it is something that I certainly subscribe to strongly and support.

The national competition policy review of the Victorian racing and betting legislation was conducted by the Centre for International Economics in 1998. It is four years since that review was conducted. The government in due course issued its response to the report in August 2000, and the minister as a consequence established a working party to make recommendations on how the government may implement those reforms.

Essentially the suggested reforms were to allow bookmakers to accept telephone and Internet bets 24 hours a day and to allow bookmakers to incorporate and to form partnerships. Currently only natural persons who are 18 years of age or over can register as bookmakers. To some degree that obviously restricts competition in terms of the bookmaking industry.

The times of operation are also limited. Traditionally they have been 1 hour before the scheduled start of the first race and 1 hour after the actual start of the last race, and that has been extended to 3 hours before and 3 hours after. I understand that Flemington racecourse is the only racecourse that is currently approved for bookmakers to trade 20 hours a day.

Another important aspect of the bookmaking industry is that traditionally it has been heavily taxed by government. Over time those taxes have been progressively removed as people have supported more the electronic gaming — the totalisator industry as opposed to the bookmaking industry — and government taxes and charges on bookmakers have been reduced over the years. Currently the only government tax on bookmakers is the GST and consequently they pay one-eleventh of their gross profit to the commonwealth government by way of GST. There is also another tax that is not a government tax; it is a tax of 1 per cent of turnover that goes to the racing industry.

By way of background Tabcorp — a very important organisation in the gaming industry — paid \$597 million for wagering and gaming licences that it currently holds. It is worth noting, when looking at the contribution that Tabcorp makes versus the contribution that bookmakers make firstly to the government and secondly to the racing industry, that Tabcorp certainly pays more than the bookmakers. We can look at it this way: for every \$100 lost by punters Tabcorp pays \$28.20 to the Victorian government and the racing industry benefits to the extent of \$32.81, or thereabouts. In the bookmaking industry for every \$100 that the punter loses the Victorian government gains \$9.09, to be precise, and the racing industry benefits to the tune of \$18.20.

I will refer to the report again because it includes an excellent table of comparison of legislation on bookmaking in the various states of Australia. It is a good indication of how this state is going in comparison to other states and where this state should be heading.

Dealing with the size of the bookmaking industry, turnover for the last financial year, 2000–01, was of the order of \$370 million. As I indicated earlier there has been a long-term decline not only in the number of bookmakers but also in bookmakers' turnover. That has been reversed somewhat over recent years but it is still on a long-term downward trend compared to where it was before.

It is also interesting to look at how these trends have impacted on country Victoria. The share of bookmaking turnover in country Victoria now is about half of what it was in 1994. The bookmaking turnover for harness racing and greyhound racing is in a very serious decline — some would say it is terminal — and the number of bookmakers attending greyhound racing is very few.

I attend harness racing in my local town of Echuca as I do the gallops at the Echuca Racing Club, which is an excellent club with an excellent track, and I really do enjoy the spectacle of the gallops in Echuca, the social side of it, and also the harness racing. Another great event is the Gunbower Racing Club's annual event which is held in the early part of each year. It is a picnic event and great fun is had by all. The temperature is usually in the high 30s or low 40s.

The number of bookmakers is declining and their ages are increasing. Bookmaking is becoming concentrated in fewer hands as a smaller number of bookmakers handle more of the turnover. The gambling market continues to be extremely competitive. Bookmakers need to alter their business approach.

The bill essentially allows bookmakers to form bookmaking partnerships and bookmaking companies. It increases the membership of the Bookmakers and Bookmakers Clerks Registration Committee from seven to eight members and amends the Victoria Racing Club Act 1871 — would you believe it has been in vogue for well over 100 years! — to remove the \$10 million borrowing limit currently imposed by the legislation on the Victoria Racing Club. The removal of that restriction is a sensible provision because the VRC has quite a number of expensive projects that it wants to implement. The existing limitation restricts the way the VRC can operate.

The National Party, as it usually does, has consulted widely on the bill and has found widespread support within the racing and gaming industries for the provisions in the bill. I refer to a few of the responses received by the National Party. The chief executive of Harness Racing Victoria, Richard King, replies:

I wish to advise that Harness Racing Victoria supports the changes as proposed.

...

In relation to removing the borrowing limit imposed on the Victoria Racing Club, Harness Racing Victoria has no issue with this proposal.

Another response received was from the chief executive of the Moonee Valley Racing Club. He states:

Moonee Valley Racing Club is fully supportive of the amendment and thanks you for seeking our views on the matter.

As one would expect, Tabcorp, which is adversely affected by the proposals, is not overly enthusiastic about the changes. David Charles, general manager of government affairs for Tabcorp, states:

Although Tabcorp does not have any objection to the legislation, we do not exactly welcome the legislation with opened arms.

One can understand why. He further states:

Tabcorp supports the removal of the borrowing restriction on the Victoria Racing Club and looks forward to the development of the marvellous facilities at Flemington in the future.

All honourable members would share the vision that the world-class facilities at Flemington will be even further improved.

The National Party has some minor concerns about the responsibilities of members of companies and partnerships. For example, if there were a partnership

between the honourable member for Knox and me, and the noted bookmaker Robbie Waterhouse, where would that leave the other partners in the event that the bookmaker who is part of a partnership somehow or other breaches the regulations or, even worse, engages in unlawful actions or is simply incompetent? What about the responsibilities of other members of the partnership? That query needs to be answered. That issue concerns some people in the bookmaking industry, but I have no doubt that my query will be answered in due course.

The National Party is not opposing any of these sensible recommendations. They are sensible reforms that should and, I am sure, will assist the bookmaking industry. The National Party will not oppose the legislation.

Ms BEATTIE (Tullamarine) — In many ways I feel that tonight is like my inaugural speech. I am certainly not as nervous, but it is the first speech I have given as the new Parliamentary Secretary for Tourism, Sport and the Commonwealth Games. The Minister for Racing was in the house earlier this evening, but other commitments prevent him from being in the house now.

This bill comes out of national competition policy, and you could say it is pretty much a mechanical bill, unlike the very colourful people who are in the racing industry, and I will touch on them later. When I talk about colourful people I am not referring to the honourable member for Rodney or the honourable member for Knox, I am talking about other colourful characters indeed.

Along with Australian Rules football, racing is one of the great egalitarian sports in Australia. Everybody loves to go to the racecourse, have a bit of a punt and try their luck at guessing the winners, some more successfully than others and almost all more successfully than me. I will recount to you, Mr Acting Speaker, my last experience at the races, which was at the Labour Day race meeting. Its being the traditional Labour Day race meeting, I went with some friends from Trades Hall as a guest of the Victoria Racing Club (VRC). In the main feature race, which was the Australian Cup, the — —

Mr Wells — Mr Acting Speaker, due to a technicality we need to call a quorum.

Quorum formed.

Ms BEATTIE — I will recount my experience at the Australian Cup race meeting on Labor Day when I was a guest of the VRC along with some other people

from Trades Hall. We had a flutter and against all the odds I chose Northerly, choosing to disregard all the omens around the place. Unfortunately for me and my colleagues from Trades Hall the horse that won was called Old Comrade and it paid nearly \$10 for the win, so we were all a bit unfortunate. The horse was certainly not our comrade on that day, Mr Acting Speaker. I believe the minister presented the trophy for that race, too.

I thank Gavin Marantelli and Alex Bell, who have worked tirelessly in bringing this bill to the house.

As I said, the proposed changes to this legislation implement the recommendations of the bookmaking reform working party. That joint government-racing industry working party included representatives from Racing Victoria, Harness Racing Victoria — a very vibrant industry — and Greyhound Racing Victoria — which has a fine facility at the Meadows in Broadmeadows; I urge anybody who has an urge to watch the dishlickers to get up there and have a flutter. The bill is also supported by the Victorian Bookmakers Association and Tabcorp.

The honourable member for Rodney referred to Tabcorp supporting the lifting of the limit on the monetary value the Victoria Racing Club (VRC) can borrow. That is a good thing and I know that David Charles is in favour of it.

The bookmaking reform working party's terms of reference were based on an examination of the outcomes of the national competition policy review of racing and betting legislation conducted in 1998 by the Centre for International Economics. The centre's report was released publicly in January 2000 and the government response was announced in August of that year. We have seen some great reforms from the Attorney-General in both that role and that of Minister for Racing. He is a most reforming man — or a reformed man, perhaps!

The report recommended a number of legislative changes in bookmaking partnerships and corporations. The proposed changes were subsequently endorsed by the government and form the basis of the bill before the house. One of the borrowing restrictions came into force in 1871, which shows that the principal act is outdated and needs updating! The principal act contains a number of provisions about the administration and constitution of the VRC and the tenancy and management of Flemington racecourse. The VRC regards the borrowing limit as an anachronism that unfairly restricts the club's operations given that no other racing club has such a restriction. In a moment I

will touch on some of the plans the club has for Flemington.

The VRC has planned an extensive program of forthcoming track works which may be unduly delayed if the borrowing limit remains. We know the importance of good track work. If track works are not done there will be a real health and safety issue for the jockeys — and nobody likes to see beautiful thoroughbreds come to an untimely end because of terrible track conditions.

I will now detail some of the plans the VRC has for Flemington racecourse. I am sure that when honourable members hear about these plans they will be thrilled and will much anticipate going to Flemington when these terrific works are done. The club has a master plan incorporating nearly \$50 million worth of work over the next five years — that is a major project by anybody's standards. The club wants to construct horse and vehicle tunnels to enable safer training access and remove crossings from the course proper. That work is estimated at \$8 million. The reconstruction of the course proper is estimated at \$10 million, with replacement of the stables estimated at \$5 million. We are all very fond of Chiquita Lodge but we know what a state those stables are in and that they must be brought up to date. Relocation of the Flemington Tabaret to a high-profile Epsom Road frontage will cost \$7 million.

Other works include the nursery car park extension at an estimated \$2 million; a substation and water treatment plant at \$3 million; the upgrading of the course centre at \$2 million; landscaping and beautification at \$4 million and new workshops at \$3 million — a total of approximately \$50 million worth of work. This work will see Flemington beamed all over the world on Cup Day as the fine example of Australian racing that it is, so all parties support the lifting of that borrowing restriction.

Regarding bookmaking reforms, at present bookmaking is unlawful under the Racing Act 1958 and the Lotteries Gaming and Betting Act 1966 unless conducted by a natural person registered by the Bookmakers and Bookmakers Clerks Registration Committee (BBCRC) and licensed by Racing Victoria, Harness Racing Victoria or Greyhound Racing Victoria. The legislation does not provide for the conduct of betting by bookmakers, partnerships or companies. Clause 11 of this new bill inserts new sections that allow for the approval of partnerships and companies. The majority of the remaining clauses in parts 2 and 3 of the bill make consequential changes to the Racing Act 1958 and the Lotteries Gaming and Betting Act 1966 relating to these new approvals.

Partnerships requiring approval will include firms of bookmakers who wish to conduct their betting in the name of a partnership. There is also provision for bookmakers who wish to maintain separate betting operations but who seek to form partnerships in respect to other substantive aspects of their bookmaking business such as sharing client bases, pooling administrative and financial resources and conducting joint marketing campaigns. There are many other clauses but bookmaking companies will be restricted to Victorian-registered proprietary companies where each director and shareholder is a registered bookmaker. These restrictions will ensure that the use of corporate structures is limited to legitimate and active bookmakers, whom we are all keen to preserve.

The BBCRC currently comprises an independent chairperson and nominees of Victoria Police, Racing Victoria, Harness Racing Victoria, Greyhound Racing Victoria, the Victorian Bookmakers Association and the Australian Services Union. In order to equip the BBCRC with additional capability to regulate bookmaking partnerships and companies clause 8 will expand the membership to include a person who has expertise in corporate law and finance. That is a very important aspect when millions of dollars are passing through on a racecourse.

As I touched on earlier in the speech, there is nothing more egalitarian than going to the races where you walk into the betting ring and king and pauper are absolutely equal. Most come out as paupers; the kings are usually the bookmakers, but that is a secret which only the bookmakers know. It is indeed my pleasure to have such a bill for my first bill as Parliamentary Secretary for Tourism, Sport and the Commonwealth Games. You will see me on my feet more often talking about these bills, and possibly I will be seen more at the racecourse from now on, too, because I will be on fact-finding missions to see how the industry is going and how these reforms are working on the track, as well as participating in the fun of the occasion of those great sporting events, the races.

My colleague the honourable member for Mitcham has given me great advice on some of the tracks that I should visit and some of the odds I should be looking for. He has not yet made his first million dollars so I doubt I will be taking his betting advice. However, this bill has the support of all parties concerned, and once again I thank the bookmakers reform working party and Gavin Marantelli, whose brother Ted trains horses in my electorate. He is a great constituent with a great social conscience.

The opposition had some 22 questions which required clarification, and all those questions have been satisfactorily clarified so that the bill has the support of all parties in the house. I conclude by saying that this is a terrific bill. It is a great pleasure to speak on it. I am going to the line strongly, as suggested, and I will cross the line first and commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Wantirna).

Debate adjourned until later this day.

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL

Second reading

Debate resumed from 24 April; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Mr WELLS (Wantirna) — As shadow Minister for Police and Emergency Services I am pleased to contribute to the debate on the National Crime Authority (State Provisions) (Amendment) Bill. From the outset let me say that the opposition will support the bill and recognises the need for the National Crime Authority (NCA) to have the necessary legislative regime in which to undertake its important law enforcement duties in a coordinated, multijurisdictional manner.

I thank the minister for ensuring that the opposition had ample time and resources to be briefed on the bill. I particularly thank his chief of staff, Rob McDonald, Neil Robertson and Sarah Stokes who provided the briefing. I have to say in fairness that in every briefing we have had since I have been shadow minister we have had nothing but total cooperation. I certainly hope I have not placed in jeopardy the positions of the people I have mentioned. They were excellent in the briefing, allowed us unlimited time and have never placed restrictions on the number of people we have taken to the meetings, and I thank the minister for that.

The main purpose of the bill is to ensure consistency between the commonwealth legislation for the NCA and the state legislation. When there is an amendment to the commonwealth act relevant to the NCA it is important that the states follow suit to ensure there are no loopholes and that the effectiveness of the NCA is secure. In its support of the bill the opposition fully recognises the importance of maintaining this commonwealth–state legislative consistency.

It is worth looking at the profile of the NCA. There is no doubt it plays an important role in today's law enforcement landscape. It was conceived in 1984 and today the NCA remains a unique investigative body and an integral part of the country's law enforcement community. Its goal is to work in partnership with other agencies across Australia and internationally to counteract complex, national organised crime.

The commonwealth National Crime Authority Act — the NCA act — is underpinned by legislation in all states and territories and this gives the NCA jurisdiction to investigate relevant criminal activities, as defined in the act, against commonwealth, state and territory laws including offences perpetrated across state and territory borders. That is an important point which I will return to soon.

The NCA is made up of a team of lawyers and seconded officers — for example, from the Victoria Police, partner law enforcement agencies, financial investigators, intelligence analysts and support staff — which bring together a wide range of skills necessary for combating increasingly sophisticated and entrepreneurial organised criminal activities.

The background to the formation of the NCA is that, as I said, it was brought in under the National Crime Authority Act of 1984, and came into effect on 1 July 1984. It was established as an independent statutory authority in recognition of the need for a specialist law enforcement agency to combat organised crime. Whilst being the creation of an act of federal Parliament, the NCA is empowered under complementary legislation in each state and territory to operate within its jurisdiction. The major functions and powers of the NCA are to ensure it is given special powers beyond any of those given to any police service. Those functions include investigating relevant criminal activity, which is defined as involving two or more offenders, substantial planning and organisation, and sophisticated methods and techniques.

The NCA does not have the power to conduct prosecutions, but it collects and provides admissible evidence to the appropriate commonwealth state or territory prosecuting authority, which then decides whether or not to proceed. That is an important point: you cannot have the policeman being the police and prosecutor in one unit. That is why it is important that criminals face a court system, whether it be on a federal or state basis. The powers of the NCA are utilised in a confidential manner to protect not only the integrity of the investigation but also to protect the privacy and safety of people called to give evidence or in relation to whom documents are requested.

The NCA is accountable to the commonwealth, state and territory ministers responsible for administering its legislation through the intergovernmental committee (IGC), which is chaired by the federal Minister for Justice and Customs. The IGC is responsible for generally overseeing the work of the NCA and establishing an overall investigative priority. The NCA determines the relative priority of investigations in consultation with partner law enforcement agencies through the national coordination framework. Of course, the focus is on the impact of criminal activities. The IGC's membership includes the Honourable Chris Ellison, federal Minister for Justice and Customs, and our Victorian Minister for Police and Emergency Services, who represents Victoria on this important body.

The commonwealth government also determines investigative priorities through specific-purpose funding such as the national illicit drugs strategy. At the moment, the NCA has a number of priorities for its investigations. Priority 1 is South-East Asian organised crime, aiming particularly at heroin trafficking — under the Blade task force — and fraud against the commonwealth, including tax and duty evasion, predicate offences, particularly drug trafficking, together with associated money laundering, under the Swordfish task force.

Priority 2 is established criminal networks, under the Freshnet task force. Priority 3 — which will be an interesting one — is the outlaw motorcycle gangs, being dealt with under the Panzer task force. Priority 4 is Italo-Australian organised crime, under the Cerberus task force. This ensures that investigations are seamless; not restricted to any border controls or by different police forces not being able to hand over particular information to ensure criminals are dealt with the way they should be.

Why should we have a National Crime Authority? The value of the NCA's work in detecting major organised criminal activities across Australia and its borders cannot be overestimated. The following quotation from former United States President Bill Clinton in his address to the commonwealth Parliament on 20 November 1996 is probably relevant. Mr Clinton said:

... international crime and drug trafficking are forces of destruction that have no tolerance for national borders ... It means ... giving, each in our own nations, our law enforcement officials the tools they need to cooperate and succeed.

Athol Moffitt, in his book *A Quarter to Midnight*, published in 1985, stated that it is:

... beyond argument there is a serious organised crime problem in Australia ... it is escalating and ... it poses a most serious threat to this country.

During the 1970s and 1980s a series of royal commissions conducted by Justices Moffitt, Woodward, Williams and Stewart, and Mr Frank Costigan, QC, reported that organised crime existed in Australia and that there was a need for immediate action to combat it. These commissions, and the disappearance of the anti-drugs campaigner Donald Mackay in Griffith, drew the spotlight of public attention to the significance of organised crime in this country.

One of the reasons the National Crime Authority was set up was a perception at that time that police forces lacked resources and the specialist expertise to crack criminal syndicates — and they lacked the power of a royal commission. The setting up of the authority allowed the government to give the NCA the special powers that the normal state police forces did not have.

During 1993–94 the commonwealth undertook a review of the commonwealth's law enforcement arrangements. The review team saw the original logic justifying the NCA as a specialist agency addressing organised crime as very perceptive for its time. Now more than ever the logic still applies. The NCA has had enormous success over the years. A review was done in 1997, and in June 1997 the then Acting Assistant Commissioner Lambert of the Victoria Police said:

We see them (the NCA) as being a very important addition to law enforcement in this state and interstate as well ... We believe that their contribution in relation to strategic assessments, the analysis of criminal information and the distribution of that information, which of course is not bound by state borders, is very vital to successful investigations involving interstate crime.

In a media release in March this year the federal Minister for Justice and Customs, with responsibility for the NCA, said:

The National Crime Authority has continued to play a valuable role in the fight against organised crime within the Australian law enforcement community — as indicated by its annual report tabled today in federal Parliament ...

The report outlines the agency's specialist focus on complex organised crime and highlights its intelligence-driven approach and achievements in 2000–01.

The minister observed that during the reporting period the NCA effectively targeted organised crime groups and national organised crime issues. Its results included intelligence assessments on a wide range of organised crime topics including gold bullion and money laundering, illicit tobacco, outlaw motorcycle gangs, criminal use of the Internet ... the abalone industry and heroin importation.

I note with interest some of the crimes that the NCA has been focusing on in its 2000–01 annual report. It made the comment that the more information technology progresses the more it is open to the general community, but that while it is open to the general community it is also open to criminal gangs. A body such as the NCA will have the expertise to address the needs of the Victorian and Australian communities to ensure that these gangs are curbed and cannot go along with their organised crime regimes.

The NCA has targeted the seizure of illicit drugs, which represents a small proportion of the amount of substances available in the Australian community. Organised crime encompasses myriad complex activities from illicit drug importation, distribution and manufacture to fraud, money laundering and tax evasion. The illicit drug trade in Australia is centred on heroin, cocaine, cannabis and amphetamine-type substances, including ecstasy. In the report the total figure of crime-related costs is estimated to be equivalent to about 4 per cent of gross domestic product or \$1000 per capita per annum. The estimated cost of illicit drug abuse to the Australian community is at least \$1.7 billion annually.

The annual report goes through some of the authority's results. For example, it shows the success and otherwise that the Blade task force has had. Obviously it has had success with the drug people who have been supplying, growing, making and importing drugs. The one that I am sure the minister will be suitably impressed with concerns a fellow from South-East Asia who was caught with a supply of a commercial quantity of a prohibited drug, as a result of which he received nine months home detention. That happened in New South Wales.

I would like to address the issues in the bill. As was mentioned earlier the Intergovernmental Committee on the National Crime Authority, of which the Minister for Police and Emergency Services is a member, adopted the situation that there would be a model bill that would be drafted up by the national parliamentary counsel, and each state would put that bill into their state legislation to ensure that the commonwealth and state legislation line up exactly with each other. Part of it was to deal with the High Court decision in *The Queen v. Hughes*. This has already been addressed by the Victorian Parliament in the Co-operative Schemes (Administrative Actions) Act, which we passed in this house last year.

This bill now in front of us will ensure that the NCA remains effective by removing the defence of reasonable excuse. In the past people called up before

the NCA were using this excuse for not providing documents, for not attending hearings and for not answering questions if they did attend hearings. The effect of that was that people were just paying the fines and not turning up to an NCA hearing, or they were taking it through the magistrates courts and state courts. This was delaying the NCA hearings, in some cases for a couple of years.

The bill also removes the existing derivative use immunity from the National Crime Authority (State Provisions) Act 1984. What this means — it is a very interesting point for a non-lawyer to understand — is that in the past when a person went to an NCA hearing and gave self-incriminatory evidence all the information around that particular evidence was protected. Under this amendment that is no longer the case. A person appearing before an NCA hearing has to answer the questions. He or she says, 'Well, this is what happened: I was here, I was there'. The actual statement is still protected, and the police, the magistrate and the prosecution cannot use the statement in future trials. However, the police or the NCA officers can go back and look at the evidence. For example, they can go to a milk bar or wherever the offence took place and find DNA samples, fingerprints or any other sort of forensic evidence, which can then be used against the person who gave the self-incriminatory evidence in the first place, and the person can still be charged.

I think that this is a good move, although I am sure a lot of people from civil liberties organisations and some of our barrister friends would not agree. It is a very effective crime fighting tool. You might get low-life criminals believing they can get away with a particular crime by declaring that they are going to give self-incriminatory evidence and thinking, 'This is great. We'll be able to get off this crime; we'll be blaming someone else', but by the removal of this defence they will now be stuck in a catch 22 situation. They have to give evidence and their statements are protected, but the actual evidence such as fingerprints or other evidence that is found at a later time by NCA officers can and will be used in a further trial and they may or may not get charged. This legislation will make the NCA significantly more effective.

The bill also increases penalties for non-compliance and failure to attend a hearing or to answer questions and will see the penalty increased from six months jail and a \$1000 fine, which in anyone's terms is pretty pathetic. If you are part of an organised criminal gang you would be better off paying a \$1000 fine and spending six months in jail instead of having to appear before an NCA hearing, so the penalty is increasing from six months jail and a \$1000 fine to five years jail

and a \$20 000 fine. The maximum penalty for obstructing or hindering the NCA will increase from six months jail and a \$2000 fine to five years jail and a \$20 000 fine. You will no longer be able to bribe or injure witnesses or prevent them from attending hearings, and that is a very reasonable move. Any of those actions will attract a maximum penalty of five years jail and a \$20 000 fine.

One of the problems with the old act was that a search warrant could only be applied for by an NCA officer. Through this legislation applications for search warrants will be able to be made by Victoria Police officers who have been seconded to the NCA. That is an important point because it gives wider powers and allows greater investigative powers in actual operations to the NCA for it to be able to go out and investigate crime. It adds to the operational effectiveness of the NCA's investigations. Search warrants will also be able to be issued by federal courts and by Victorian judges thereby improving the administrative effectiveness of the NCA investigations.

A further amendment will provide the ability to appoint officers to conduct hearings on behalf of the NCA, and these appointments will be made by the Governor in Council. These people must be legal practitioners with five years or more legal experience. Currently only NCA members can conduct hearings and, once again, this amendment will improve the NCA's investigatory capacity.

A further amendment clarifies legal professional privilege as it applies to providing evidence at a hearing. A legal practitioner is not compelled to provide incriminatory evidence against a client, but is obliged to provide the name of the client. It should also be noted that at the recent states and territories leaders conference held on 5 April it was agreed that a new body should be created to replace the NCA. It will be called the Australian Crime Commission. However, this bill and its amendments are necessary to ensure the effective operation of the NCA until this new agency is ready.

In conclusion, the opposition supports the bill. We think it is a very effective piece of legislation. Organised crime is becoming more sophisticated. As information and communications technology races ahead in leaps and bounds and becomes available to the public, it also becomes available to criminal elements. Having the NCA as an effective crime-fighting organisation will ensure that we have a body that is able to combat organised crime in this country. I certainly commend the bill to the house.

Mr KILGOUR (Shepparton) — It is with pleasure that I rise on behalf of the National Party to support the National Crime Authority (State Provisions) (Amendment) Bill, although it will not be around very long due to it being an interim fix for a situation which is developing nationally and the fact that Australian government leaders have recently agreed to a plan to replace the NCA with the Australian Crime Commission.

I understand that the Minister for Police and Emergency Services has been involved in those discussions across the nation and the decision has been made, but the amendments contained in the bill that we are debating in this house are necessary to ensure the effective operation of the National Crime Authority scheme until the new body comes into operation.

Other states will also be adopting this template legislation in the near future. I understand that the legislation is also before the Western Australian Parliament at this time. So what we are doing is amending the old act to ensure that the National Crime Authority can operate as normal until the new act is passed and the new commission is put into place.

The National Crime Authority does a very important job. The National Crime Authority Act of 1984 created the National Crime Authority as a national body exercising both commonwealth and state functions. The authority was established in 1984 as the only law enforcement agency in Australia whose investigations would not be limited by jurisdictional boundaries and its existence reflects the seriousness with which the commonwealth and states view organised crime.

This organisation is fairly similar to, or has a similar job as, the Federal Bureau of Investigation (FBI) in the United States of America. When we visited the United States of America the honourable member for Knox and myself were able to see at first hand the sort of work the FBI does on a federal basis, and those are the sorts of investigations that have been undertaken in Australia by a federal body.

This particular body, the National Crime Authority, has three members. The chairman of the body is Mr Gary Crooke, QC, who was appointed to take office on 18 September 1999. He is based in the Brisbane office. Mr Crooke has had a distinguished legal career spanning 33 years, and I have no doubt that the minister would agree with me that Mr Crooke may have had quite a chuckle on the night he was appointed to this position. Fancy having a Crooke as the chairman of the National Crime Authority!

However, Mr Crooke carries out his responsibilities extremely well, along with two other members: Marshall Irwin, who has been a barrister for 23 years and has had extensive experience in criminal administrative law; and James Bennett, a barrister with considerable experience in the fields of criminal, personal injury insurance, medical negligence and anti-discrimination law. Those three people sit at the head of the National Crime Authority, and now seconded police and people in that department look after the day-to-day operations of the authority.

In the authority's annual report for 1999–2000, Gary Crooke, the chairman, said:

The NCA is an independent statutory authority. Independence carries with it a level of accountability, through the relevant minister, the intergovernmental committee —

which meets with the heads of each government department in that particular area —

on the NCA (comprising commonwealth and state/territory ministers) ... The NCA is a national body — the creature of both the commonwealth and the state/territory Parliaments ...

This is something quite different and something that needs to be well looked after as far as the legislative process is concerned to make sure that this body can operate across state borders.

The chairman says:

As its core business, the NCA conducts investigations. It does this by the use of multidisciplinary teams in which all members play an important role. In turn, other members of the larger team provide essential corporate support.

Vital members of the investigative teams are seconded serving police officers from the state or federal jurisdictions.

So you can have police officers from Victoria, New South Wales, Western Australia or any of the jurisdictions working together with federal police officers to take part in investigations across this country. They are very skilled and valued personnel available on secondment from the states.

The National Crime Authority operations are undertaken using task force arrangements and need significant and valued support of its law enforcement partners. If it does not have the support of the law enforcement partners in each state the NCA is not in a position to operate correctly. Its essential obligation is to combat national organised crime. Like all bodies funded by government its resources are limited, and its basic budget is of the order of \$41 million.

The annual report also looked at the future directions of the authority:

... organised crime constitutes a major threat to society. Its categories are wide reaching and it pays no regard to borders ...

That is the whole thing; that is why the legislation needs to be passed. The criminals of this world have no regard for state or federal borders, so we need a well-resourced group that is able to utilise the latest in technology and the best expert advice to ensure that the job is done properly.

A concrete example of a field where the NCA's powers and jurisdiction can be put to best effect is the field of interstate drug trafficking. Many people who are behind bars today would not be there if it were not for the NCA and its ability to cross state borders and work together with the law enforcement bodies in each state. Another example is the investigation of money laundering by organised criminals on a national and international basis. The authority moves into all those sorts of areas to make sure they can catch the criminals concerned.

According to its chairman:

The future direction of the NCA should be advanced, not by resort to any immediate and sudden change, but by reference to a goal towards which it will move over the next couple of years.

By this time, subject to the above qualifications and consultation, the NCA will:

concentrate its resources upon the investigation of major serious and complex organised crime;

embark upon investigations directed to pursuing those at the pinnacle of the criminal organisation ...

People in the NCA, in other words, are at the very pinnacle of law enforcement and are working assiduously to ensure that Australia is a better place in which to live and that Australians do not suffer from the amount of crime we see in other countries.

The amendments proposed in the bill implement the commonwealth government's response to the third evaluation of the National Crime Authority by the parliamentary Joint Committee on the National Crime Authority; so there is a parliamentary joint committee in Canberra that has now made its third evaluation of the authority, and its recommendations are being brought forward not only in the federal Parliament but in parliaments all around this country.

Proposed amendments include measures to enhance the National Crime Authority's effectiveness by deterring people from obstructing or frustrating the NCA's hearing process. That is one of the things we found was happening — that people were frustrating the hearing

process and could not get the hearings on. People were having to wait years and years before they were able to bring criminals to justice.

Other provisions in the bill clarify the powers, functions and duties of the NCA following a High Court decision which cast doubt on the capacity of a commonwealth authority such as the NCA to perform functions or exercise powers under state laws that are coupled with a duty. As the court decided that the conferral of such functions or powers must be supported by an appropriate commonwealth head of power, that head of power is being brought in through this legislation.

The bill, in seeking to progress hearings a lot more quickly, provides for hearings not only by the authority but by special people who will be appointed by the Governor in Council to hold hearings on behalf of the National Crime Authority. These hearing officers will be appointed by the Governor in Council on the recommendation of the minister. The minister must recommend only four appointments of hearing officers, persons who are hearing officers for the purposes of the commonwealth act. The hearing officer will hold office for a period not exceeding six years.

Clause 10 of the bill inserts new section 16A, which deals with those people who are not members of the National Crime Authority but will have the ability to hear evidence of crimes. It states:

- (5) A hearing officer may regulate the conduct of proceedings at a hearing as the hearing officer thinks fit.

I was concerned that there did not seem to be any guidelines as to whether these hearing officers might go off at a tangent and hear evidence in a way which was not necessarily applicable. I asked the members of the justice committee at the briefing if they would look into that. The information I have says that proposed section 16A provides that a hearing officer may regulate the conduct of proceedings at a hearing as the hearing officer thinks fit, as I have just mentioned.

The proposed section, together with the other proposed provisions relating to hearings before hearing officers, is modelled on existing section 16 of the state act, which apply to hearings before the NCA, so there is a set of guidelines under state legislation under which these hearing officers will have to conduct hearings of the National Crime Authority. In this regard it is considered appropriate that the NCA member or a hearing officer should be empowered to regulate the conduct of hearings as he or she thinks fit, subject to the state act. So as long as they stay within the state act they can conduct those hearings in that way.

The state act itself contains specific provisions regulating the conduct of hearings. Proposed section 16A(6) provides for a person giving evidence at a hearing before a hearing officer to be represented by a legal practitioner. Proposed section 16A(10) provides for a legal practitioner representing a person at a hearing before a hearing officer to examine or cross-examine witnesses. That can be organised by the hearing officer as he or she is hearing the case. I am quite satisfied after receiving that information from the department that hearings of the National Crime Authority will be conducted in a manner which we would expect in this state. Even though I feel this is basically a commonwealth jurisdiction, we still need to do this in Victoria.

This bill provides for the appointment of hearing officers to conduct hearings on behalf of the National Crime Authority. I think this will increase the capacity of the authority to hear a lot more cases more quickly, and that must be good for law and order in this country. The bill also provides that the classes of persons who can apply for search warrants will be expanded to include a member of the staff of the National Crime Authority who is also a member of the Victoria Police. As I mentioned earlier, we are going to see senior police seconded to the NCA who will have the ability to issue a search warrant. That capacity also extends to the officers working for the NCA, because they are sworn police officers already.

One of the other things this bill does is significantly increase the penalty for non-compliance with the state act, such as by failing to answer questions at a National Crime Authority hearing. These penalties are being substantially increased. The maximum penalties for failing to produce documents or other things when required to do so, or failing to attend a hearing or answer questions, will be increased from six months jail and a \$1000 fine to five years jail and a \$20 000 fine. We can see therefore that that deterrent has been greatly increased, and I hope people will understand what they could be in for if they are found guilty of crimes under the National Crime Authority.

There will also be an increase in the maximum penalty for obstructing or hindering the National Crime Authority from six months jail and a \$2000 fine to five years jail and a \$20 000 fine. In addition, the bill incorporates a corresponding increase in the maximum penalties for other offences under the current section 25, such as bribing a witness, injuring a witness or preventing a witness from attending a hearing. Such offences will now also attract a maximum penalty of five years jail and a \$20 000 fine.

Generally we do not come across these sorts of things. My learned colleague the Leader of the National Party has come across these things in his many years in the legal profession. Although I do not think he appeared before the National Crime Authority, he would understand that there are criminals in this state who are fixed on bribing various people as they come before courts.

Mr Ryan interjected.

Mr KILGOUR — The honourable member for Gippsland South advises me that none of his colleagues has ever done that, and that is not surprising!

As mentioned by the previous speaker, the bill will also remove the uncertain defence of reasonable excuse for a person who fails to comply with a notice to produce documents.

The legislation basically tidies up the whole act, following the commonwealth joint parliamentary committee which looked closely at this and came up with these recommendations. It is good to see them now being brought into legislation across the country, and I hope Victoria will be the first state to complete the introduction of the legislation to the Parliament.

I was interested to read a press release dated 6 April from the office of Senator Chris Ellison, the federal minister, titled 'Groundbreaking leaders summit takes fight to criminal elements', which states:

Minister for Justice and Customs, Senator Chris Ellison, has welcomed the historic arrangements agreed on at yesterday's leaders summit on terrorism and transnational crime.

'Today we have achieved a groundbreaking result in relation to Australian law enforcement. For the first time ever, Australia will have in place a set of national laws dealing with cross-border investigations. Within the next year commonwealth, state and territory leaders have agreed to legislate for mutual recognition and a national set of powers for cross-border investigations covering controlled operations, electronic surveillance devices and witnesses anonymity', Senator Ellison said.

I welcome that comment and the fact that this state has the opportunity to support the federal government in ensuring this country is a safer place in which to live because our law enforcement authority now has the power across borders to do what is necessary. I wish the bill a speedy passage.

Mr WYNNE (Richmond) — I thank my colleague for his contribution. I support the National Crime Authority (State Provisions) (Amendment) Bill. In doing so I acknowledge that the National Crime Authority (NCA) was established under a national

cooperative scheme. Its very intent was to combat serious and organised crime within the limitations imposed on it by jurisdictional boundaries. Those cooperative scheme laws enable the NCA to attempt to fight serious criminal offences across commonwealth, state and territory boundaries.

The sort of crime that the NCA seeks to deal with is by any measure at the top end of criminality, including serious fraud and major drug-related matters, which are not only national but can be transnational in their scope and reach. The NCA is invested with a number of coercive powers, including the power to obtain documents and other evidence, and the power to summon a person to appear at a hearing to give evidence under oath. These serious and coercive powers have been made available to the NCA. They are found in both the commonwealth and the state acts, with the principal source being the commonwealth act.

Following a number of amendments to the commonwealth act, the state act under which we function is no longer consistent with that commonwealth legislation. To address these anomalies the intergovernmental committee on the National Crime Authority instructed the relevant parliamentary counsel committee to draft a model state amendment bill. The amendments to the commonwealth act will clarify the powers, functions and duties of the NCA following the High Court decision in *The Queen v. Hughes* and implement measures to deter persons from obstructing or frustrating the NCA's hearing process.

As honourable members will be well aware, enormous implications arose out of *The Queen v. Hughes* in relation to a whole range of cooperative schemes that were established between the commonwealth and the states. The Attorney-General has had to sponsor a number of pieces of legislation through the house to deal with the practical implications of the decision in *The Queen v. Hughes* relating to cooperative schemes, and here is yet another example of that. It is important that there is template legislation across the states which mirrors the commonwealth legislation to ensure that these cooperative arrangements are maintained and enhanced.

The Bracks government has already taken action to validate past activities of the NCA following the High Court case. This bill subsequently amends the state act to make it consistent with the relevant commonwealth amendments. These amendments, which are based on the model state bill developed through the intergovernmental committee on the NCA, will be adopted by all states with necessary local modifications.

To date legislation based on the model bill has been introduced in the Western Australian and Tasmanian parliaments. It is understood that the remaining states will introduce similar legislation in the near future. Hopefully in the next couple of months there will be template legislation in all the states, which should ensure the ongoing integrity of the NCA's activities.

The proposed amendments include the removal of the defence of reasonable excuse. The conduct of investigations by the NCA has been unduly hindered as the meaning of 'reasonable excuse' for the failure to attend and answer questions at a hearing or produce documents has been unclear. Lengthy delays of months — and in some cases, years — have occurred while disputes have been battled out over whether a reasonable excuse exists for a person's failure to appear or for documents to be submitted, and extensive litigation has occurred on this matter. In that context the model bill seeks to clarify the meaning of reasonable excuse.

To overcome the uncertainty as to the scope and application of these offences the bill will remove this uncertain defence. The defences available at common law such as duress will apply to the offences under the state act.

We are seeing some checks and balances in the capacity of the NCA to rightfully go about its obligations while ensuring that duress is not evident in its seeking evidentiary material. The state act will be amended to make it clear that conduct such as failing to comply with a notice to produce documents will only be an offence when the failure to do so is intentional. That is a fairly clear test, and will apply when somebody is seeking to obstruct the lawful inquiry of the NCA. It would generally be regarded as a reasonable test.

This is to ensure that offences will not apply where, for instance, a person is unable to comply with the notice to produce documents as they do not have them in their possession or have the power to obtain them. That is obviously a reasonable defence. If you do not have the relevant set of documents in your possession, or you have no capacity to obtain them, you would surely argue as a reasonable person that that is an adequate defence.

These changes will ensure that the offences are clearer and apply more consistently under both the general criminal law in this state and, of course, the commonwealth act. The changes will reduce the potential for witnesses to delay hearings while disputes are resolved, often through lengthy litigation which our

legal colleagues are well known to undertake in a vigorous way — —

Mr Ryan — In the interests of their clients.

Mr WYNNE — In the interests of their clients, as the Leader of the National Party informs me.

The bill will enable the National Crime Authority to deal with witnesses in a more efficient manner. It will remove the derivative use of immunity that exists under the state act so that an investigatory body will be able to derive self-incriminatory evidence given by a person at a National Crime Authority hearing for use at a later trial.

However, and this is important, the self-incriminatory admissions themselves will not be able to be used against a person in later proceedings. The proposed provisions are comparable to those contained in the corporate regulatory regime administered by the Australian Securities and Investments Commission.

The bill also clarifies a number of matters under the state act, including the application of legal professional privilege, the use of reasonable force in the execution of a warrant, the NCA's power to allow persons to be present at a hearing, and provisions relating to the disclosure of information by legal practitioners.

Penalties will be significantly increased for non-compliance, such as failing to answer questions at hearings or failing to produce documents — recognising the caveat that I indicated earlier in relation to a person's capacity to produce those documents when clearly they do not have them or do not have the capacity to access them.

The penalties for these offences have been relatively modest in the past. As was indicated in the briefings that both sides of the house were able to get from officers of the department, the penalty that had been imposed in the past was a modest amount of some \$2000. Clearly if you are a person of substantial criminal means, a penalty of \$2000 is hardly any imposition. There will be substantial increases, which will act as a deterrent to the obstruction of NCA investigations.

The maximum penalties for failing to produce documents, attend a hearing or answer questions will be increased to \$20 000 and five years jail from the initial penalty of \$1000 and six months jail. It is a serious deterrent. If you choose to obstruct the legitimate processes of a NCA investigation you run the risk of incurring a significant fine of \$20 000 or, in the most

extreme circumstances, a sentence of up to five years in jail.

There will be a corresponding increase in the maximum penalties for other offences, such as attempting to bribe a witness and preventing a witness from attending a hearing. The amendments in the bill are necessary to provide the NCA with full investigatory powers and the deterrence mechanisms required for its effective operation.

In conclusion I indicate, as I did at the start of my contribution, that this is in effect template legislation. It arises out of that High Court case of *The Queen v. Hughes*, where a whole range of cooperative schemes between the commonwealth and the states were thrown into serious question, particularly around the capacity for the exchange of financial transactions. At every point where an amendment has needed to be made the Victorian government has been more than willing to take the lead on behalf of the states in ensuring that this template legislation, with appropriate state modifications as required, has been put in place in this state. This is another example of that.

Clearly this legislation enjoys the support of both sides of the house. With that brief contribution to the debate on behalf of the government, I wish the bill a speedy passage.

Mr LUPTON (Knox) — As has been indicated, the National Crime Authority (State Provisions) (Amendment) Bill has the support of the Liberal Party. It is interesting to look at the case that brought this whole thing into being, *The Queen v. Hughes*. The case notes contain a longwinded explanation, and you would have to draw a long bow to work out the implications. The end result is that any changes have to maintain consistency between the state and federal powers. If we alter one we have to alter the other to ensure that the state and federal legislation are compatible at all times.

I believe the National Crime Authority (NCA) is an important arm of law enforcement. When you look at what this bill is trying to do you realise just how important it is and how there have been so many holes in the legislation which have not been fair on the general citizen. As is explained in the second-reading speech, the bill includes measures to enhance the NCA's effectiveness by deterring people from obstructing or frustrating the authority's hearing process. For a person who is called before the NCA and who fails to produce documents, answer questions or attend hearings to be able to use reasonable excuse as a defence is to me absolutely ludicrous. This legislation will, I hope, address these particular problems.

The bill also removes the derivative use immunity that currently exists under the state act so that evidence can be derived from self-incriminatory evidence given at an NCA hearing for use at a later trial. However, the amendment protects a self-incriminatory admission. Forensic evidence — fingerprints or DNA — found as a result of a hearing when self-incriminatory evidence is given can subsequently be used against a person or others at a later trial. The whole thing is very convoluted.

The legislation attempts to address a great number of things. The part I am pleased about is that the bill will significantly increase the number of penalties. While some people may say I am being a bit of a redneck or something like that — —

Mr Hulls — Who would say that?

Mr LUPTON — You, probably! I was about to say before the interjection, 'The Attorney-General would say I am a bit of a redneck!'. But I believe it is essential that the people of Victoria, and indeed Australia, have the protection of the law. If we have to introduce penalties that cause pain and suffering to those who are convicted of crimes, so be it. The second-reading speech states:

Accordingly, the maximum penalties for failing to produce documents or things when required to do so, or failing to attend a hearing or to answer questions, will be increased from six months jail and a \$1000 fine to five years jail and a \$20 000 fine. The maximum penalty for obstructing or hindering the National Crime Authority will also be increased from six months jail and a \$2000 fine to five years jail and a \$20 000 fine.

The second-reading speech further states:

In addition, the bill incorporates a corresponding increase in the maximum penalties for other offences under the current section 25, such as bribing a witness . . . and preventing a witness from attending a hearing. Such offences will now also attract a maximum penalty of five years jail and a \$20 000 fine.

I have a problem with maximum penalties. I firmly believe that we, as a Parliament, and the government should be trying to ensure a minimum penalty is introduced to ensure — —

Mr Hulls — You're a redneck!

Mr LUPTON — When summing up on the bill I hope the Attorney-General will say how many people have incurred the maximum penalty for anything dished out in this state. How many times has the government introduced a maximum when, in fact, the community expects something fair and reasonable? I honestly believe that if we introduce a minimum

penalty that is fair and reasonable, it gives the court a level of penalty from which it can move up rather than having to come down from the maximum penalty. You, Mr Acting Speaker, and many honourable members will realise that in recent weeks there has been a lot of criticism about penalties handed down.

I return to the case of *The Queen v. Hughes*. I did some research and found it extremely interesting to discover that the case had such ramifications. I refer to the case notes of *The Queen v. Hughes* contained in volume 24 of the *Melbourne University Law Review*. The introduction states:

During 1999 and 2000, the national corporations scheme suffered a number of serious setbacks. First, the High Court invalidated provisions that purported to allow the Federal Court to determine matters arising under the Corporations Law of the states. In two later cases the High Court held that the commonwealth Director of Public Prosecutions ... could not bring appeals against sentence in relation to offences against the former cooperative scheme, because the relevant commonwealth and state provisions did not, as a matter of statutory construction, confer that power. So, when Craig Hughes brought a constitutional challenge to the power of the commonwealth DPP to prosecute state Corporations Law offences, some feared the worst.

Mr Hughes was charged in the District Court of Western Australia (together with a Mr Bell) with offences under the Corporations Law of Western Australia. He applied to the District Court to quash the indictment on the basis that:

- (a) the commonwealth and Western Australian corporations acts invalidly attempted to convert offences against the Corporations Law of Western Australia into offences against a commonwealth law; and
- (b) if they were state offences, the commonwealth DPP did not have the power to prosecute these offences, because there was no link between the subject matter of the offences with which Mr Hughes was charged and commonwealth heads of legislative power.

This part of the District Court proceeding was removed into the High Court, and a case stated by Gummow J for the consideration of the full court.

The High Court's decision provided something of a reprieve for the national corporations scheme. In a joint judgment six members of the court rejected both of Mr Hughes's arguments.

The review continues with a number of convoluted references. Without going to the heavy detail of the law I summarise by referring to page 487 of the review, where it states:

The question of whether the commonwealth DPP had power to prosecute Corporations Law offences generally was left unresolved.

I refer to page 22 of the August 2000 edition of *Constitutional Law and Policy Review*, which states:

The basic solution is for each state to give a narrow reference enabling the commonwealth to have power only in the areas of the Hughes uncertainties outlined above — that is, a reference from each state covering:

the matter of the imposition of duties with respect to the exercise by any commonwealth body of state powers and functions conferred by the state on the body with commonwealth consent; and

the matter of consent to the exercise of state powers and functions by any commonwealth body.

Pursuant to these references, the commonwealth could impose whatever duties were needed to meet the possible 'constitutional imperative' suggested in Hughes and to give its consent to the exercise of the state powers and functions (thereby meeting the characterisation problem lingering from Wakim). Such references would, of course, preserve the schemes in the states as schemes of state legislation administered by commonwealth authorities.

It would be possible for each state to refer simply the matter of the exercise of state powers and functions conferred by the state on a commonwealth body with commonwealth consent. Commonwealth provisions imposing the duties and giving the consents would be laws 'with respect to' that referred matter. However, references in those terms would legally permit commonwealth legislation affecting the exercise of the state powers and functions in ways not intended by the states. It would therefore be necessary, by means such as outlined above, to limit the scope of the legislation that the commonwealth could enact pursuant to such references.

The state legislation (as now) would not be directly affected by chapter III or other restrictions that would apply to a commonwealth law enacted pursuant to —

various references. The review further states:

However, it would be indirectly affected if such restrictions apply to laws made for the ACT, since the state legislation only 'picks up' and applies the ACT laws to the extent to which they are valid.

It is extremely difficult to work out why this particular case has had such large and wide-reaching ramifications. It is quite evident that this particular legislation is there to block the loophole which has been created by the decision in *The Queen v. Hughes*. As I indicated before, I believe this bill addresses many of the problems.

It is unfortunate that the legislation is going to be here for only a short time, because I understand that under commonwealth legislation the National Crime Authority will cease to exist very shortly. However, this bill attempts to rectify those matters and address the problems which have been brought down by the case of *The Queen v. Hughes*. It is a very good bill. The Liberal Party supports it and I hope it comes into enforcement very shortly.

Mr STENSHOLT (Burwood) — I also rise to support the National Crime Authority (State Provisions) (Amendment) Bill. It is a great pleasure to speak after the honourable member for Knox who self-styled himself a redneck but who keeps trying to give adequate explanations for that. I am sure that very shortly we will be able to take a tram out to Knox, following the budget that has just been brought down. That is an excellent result, and of course it will be the Burwood tram that goes out to Knox.

This bill deals with the National Crime Authority, which is the national law enforcement agency that deals with serious and organised crime. It is meant to be able to cross jurisdictional boundaries and combine various expertise and police forces together in order to tackle such crime. Typically, as has been mentioned already, it tackles drug-related crimes, and I note that it has also dealt with quite extensive white-collar crime. It is quite important that the National Crime Authority also deals with broader issues, particularly given that some crimes can involve tens of million of dollars and in some cases maybe even hundreds of millions of dollar. We know that drug-related crimes can run to those figures, but corporate crime may also be in that sort of order, and the National Crime Authority has been set up to deal with that.

We have been put on notice that there may well be some changes to that particular agency and institution, although that is yet to be tested and worked through; indeed, there is a whole discussion yet to be had in regard to the future of the National Crime Authority.

The National Crime Authority basically operates with the commonwealth and the states working together. It is a cooperative scheme set up with federal legislation and complemented by state legislation, and it was established between the commonwealth, the states and now the two territories. Its main role is to go out there and collect admissible evidence which it then provides to the appropriate prosecuting authority which can decide whether or not to seek justice in the courts.

The National Crime Authority has been given a large number of special coercive powers to implement its mandate. It can obtain documents and summon people to appear at hearings to give evidence under oath. The NCA can be quite intrusive in its powers, but that is what it is designed to do to get results. I do not have a problem with that, although I note that the more extensive powers an agency is given the more care we should take in looking at those powers before giving them to an agency or organisation. There is a responsibility on us as legislators and on the executive

to make good decisions about investing such powers in agencies such as the NCA.

In this case the National Crime Authority takes it lead from the commonwealth act. In recent times, following the High Court decision in *The Queen v. Hughes* some changes have been made to the commonwealth act. That affected not only the NCA but also a whole lot of other relationships between the commonwealth and the states and officers acting in regard to cooperative activities between those bodies. We have already dealt with those issues here in Victoria; last year we made related amendments which are reflected in the Co-operative Schemes (Administrative Actions) Act 2001. Some other states are yet to act in that regard. I understand that Western Australia is doing so at the moment, for which I commend it. I also understand that the Tasmanian Parliament is looking at this, and I hope the other states and territories will follow suit in the near future.

Other changes have been made to the commonwealth act in response to an evaluation of the National Crime Authority by the parliamentary Joint Committee on the National Crime Authority. That committee takes a strong role in overseeing the work of the NCA and has conducted a number of evaluations of it. It is sound policy and good governance that it does so. The committee's recommendations flowed through to the commonwealth act in this regard and included measures applying to people frustrating or obstructing the hearing processes of the NCA. The committee made a number of recommendations which were taken up in the commonwealth act.

The task of this bill is to put those changes into effect at a state level. In order to do that a model state bill was drafted by the national Parliamentary Counsels Committee and this bill includes the necessary local modifications.

The bill contains a large number of amendments which deal with, for example, the removal of the defence of reasonable excuse; the removal of derivative use immunity in relation to self-incriminating material; and the clarification and application of legal professional privilege. It seeks to remove the defence of legal duty that is available to legal practitioners in relation to certain offences concerning the disclosure of information.

The bill significantly increases penalties, expands the classes of persons who can apply for warrants, provides for the appointment of hearing officers, clarifies that only reasonable force can be used in executing search and arrest warrants, and removes redundant provisions,

including the reference to a police power to interview. That is a brief summary of what is contained in this bill. I will address a number of those things.

One relates to the amendments relating to reasonable excuse, which can be found in clause 12. Currently people can claim the defence of reasonable excuse, which can be found in a range of other legislation. As part of its work the Law Reform Committee has been doing some research, and this has come up in other Victorian acts, so it is not an unknown concept. If you are talking about people who go to hearings and spend a lot of money on QCs to defend themselves, the ability to cloud the definition of reasonable excuse seems to be well and truly there. This provision seeks to clarify that by changing the term from 'reasonable excuse' to 'intention', so there has to be a clear intention. It amends sections 18 and 19 to make it clear that an offence under this legislation will only be committed when a refusal or failure to comply with the state act is actually intentional.

The increase in penalties has already been described by other speakers before me. It is very much time that the maximum penalty was increased. I view the increases from \$1000 to \$20 000 and six months to five years as very timely. I should note in passing that the move to a penalty of \$20 000 will in many cases still be very much insufficient. When you are dealing with drug barons or corporate raiders who flout the law for tens of millions of dollars, \$20 000 is a mere slap on the wrist. I know there are issues of proportionality and that this is how they have to be dealt with in the total scheme of things, but I note that sometimes even the increase here may well be too small.

I will conclude, because I know other honourable members wish to speak on this bill. I see this as very much about good governance, because it brings into line the commonwealth, the state and a very important agency, the National Crime Authority. As such I commend the bill to the house.

Mr THOMPSON (Sandringham) — A strong feature of our federal system of government is its devolution of power so that local decisions are made at the local level. Sometimes that system has great strengths, and at other times matters need to be refined to ensure that there are effective outcomes. The National Crime Authority performs a very important role in law enforcement, but that involves cooperation with a number of law enforcement agencies — unlike the situation in the United States of America, where myriad law enforcement agencies are involved.

There are some clearly defined powers at the federal and state levels that deal with law reform and law enforcement. This particular case arises out of *The Queen v. Hughes*, and I will leave it to the Attorney-General to run through the finer features of that judgment in his summing up of the debate. However, it is notable that the bill deals with a number of important but practical matters in relation to search warrants, including telephone warrants, the role of hearings and their authority, the power to summon witnesses and take evidence or to obtain documents, and the situation when a witness fails to attend or to answer questions. It provides for warrants for the arrest of witnesses and covers situations dealing with the protection of witnesses and contempt of the authority. Therefore some very broad-ranging features are required.

Regarding rectification, some excellent work has been done in the Victorian sphere by entities like the Scrutiny of Acts and Regulations Committee, originally under the chairmanship of the honourable member for Doncaster and later under that of the honourable member for Gippsland South, now the Leader of the National Party. It recommended that there be a role for the development and appropriate scrutiny of template legislation to ensure there is a harmonisation of laws throughout the nation and that people do not have to deal with a complexity of different laws in different jurisdictions.

This bill goes some way towards that end. I note that the entity will later devolve into a new body and the National Crime Authority will become the Australian Crime Commission as a consequence of a leaders conference held on 5 April 2002. We on this side of the house support the legislation.

Ms DUNCAN (Gisborne) — It gives me great pleasure to speak on the National Crime Authority (State Provisions) (Amendment) Bill. The bill continues to ensure that the cooperative system that currently exists between the National Crime Authority (NCA) and Victoria and all other states continues and that any inconsistencies that have come about as a result of *The Queen v. Hughes* are dealt with.

As previous speakers have said, changes will be made to what we now know as the NCA but in the meantime it is important to ensure that consistency prevails. The bill makes a number of amendments to the state act to ensure consistency with the federal act and in part it has arisen as a result of the commonwealth government's third evaluation of the NCA.

One of the things the NCA does and that we all applaud is the ability to cross jurisdictions and to deal with serious organised crime much of which is drug-related and often difficult to trace and track. The NCA has considerable power to collect information for further prosecutions. Because of its special powers we need to make sure that at all times the various pieces of legislation are consistent across states and that we do not have anomalies in them that create loopholes.

I wish to address particular parts of the bill, one of which relates to self-incrimination. Currently if a person believes that to provide information to the NCA would be self-incriminating or that material they present could be self-incriminating then they can seek immunity from the Director of Public Prosecutions in relation to the use of that evidence or any evidence that may result from the tabling of that information in any subsequent proceedings. Once that immunity has been granted the person is then required to answer the question or provide the relevant documents to the NCA. If the person is not given that immunity by the Director of Public Prosecutions then he or she has a reasonable excuse for not providing the information sought.

Under the proposed amendments a person who claims that the answer to such a question or the provision of such information is self-incriminating he or she will have to provide that information. However, they will have a statutory immunity in relation to the use of that material in later criminal proceedings or in proceedings for the imposition of a penalty. This immunity will not extend to the use of evidence derived from information not disclosed to the NCA — for example, police would not be precluded from relying on forensic evidence derived from answers to questions a person gives at the NCA hearing so that information would still be useful in order to gather evidence for that particular crime.

It is considered that the public interest is served by the NCA having full and effective investigative powers and the use of incriminating material derived from evidence given to the NCA would outweigh the merits of affording full protection to self-incriminating material. The bill does a number of other things that most honourable members would see as making the NCA more efficient and effective without reducing rights.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

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

McKinnon Basketball Association

Mrs PEULICH (Bentleigh) — I would like to raise with the Minister for Education and Training a matter I raised with her previously in the chamber pertaining to the McKinnon Basketball Association. The association, which has some 700 children as players, has suffered a lockout as a result of a health order imposed at its venue at Brighton Secondary College and issued, of course, by the council and effected by the education department.

A gymnasium the association was using was not developed with the appropriate sound attenuation, which was a problem for local residents. It now finds itself in need of additional funds to build a sound attenuation wall so it can continue playing there. It was locked out and there were problems finding alternative venues. I called on the minister, first of all, to help mediate, and to provide funding as well.

We had a meeting at the Bayside City Council, following a public meeting of some 700 people at the McKinnon Secondary College. The education department sent a couple of very capable negotiators; and lawyers, a planner and the principal of the school attended, as well as the Bayside City Council and the McKinnon Basketball Association. An interim arrangement was made. However, we need to look at some permanent resolution of the issues, and that requires funding.

I have received a copy of a letter from the McKinnon Basketball Association to the minister. I quote:

We would like to remind you, Minister, of what you publicly stated in the *Sunday Herald Sun* on page 21, in an article titled 'School for all in class revolution'. You stated, 'Schools are not islands, schools have incredible resources and they should not be locked up'. You were also quoted as saying 'there were fantastic opportunities for schools to share assets with the communities'. The article goes with another quote from you 'that schools should be centrepieces of the communities, with facilities and infrastructure clustered for communal use of entire towns and suburbs'.

The McKinnon Basketball Association is calling on the minister, via me, to provide \$100 000 as a contribution to the \$180 000 cost of the sound attenuation at Brighton Secondary College. I call upon the minister to facilitate that as soon as possible.

Back to Back Theatre

Mr TREZISE (Geelong) — I raise an issue for action with the Minister for Community Services. It relates to the Back to Back Theatre company — a theatre company comprised of disabled artists based in my electorate of Geelong.

Back to Back Theatre is a leading exponent of the disabled in the arts and is internationally recognised as such. The company, in seeking to build on its work, wishes to attend and perform at the Sixth Conference and International Festival of Theatre for Handicapped People, which is being held in Almagro, Spain, later this year. There is a major financial cost to be met in order for it to attend this conference, and I therefore, ask the minister to provide financial support to Back to Back Theatre to ensure its attendance at this internationally recognised and important event in Spain.

Back to Back Theatre employs actors with intellectual disabilities and provides a positive and practical role model for other people with disabilities. Through its work the theatre company provides an environment in which artists are challenged and supported in the development of their work. Back to Back Theatre was established in Geelong in 1987, and operates around a core ensemble of five performers with intellectual disabilities, as I mentioned before. The goals of the organisation are to provide a high-profile advocacy organisation for people with disabilities, and also to produce an outstanding body of original work in the area of the arts.

Each year the Back to Back Theatre produces one new and original major theatrical work. It also coordinates a training and development program and develops smaller scale projects such as films and visual arts. By attending the conference in Spain later this year Back to Back Theatre will have the opportunity to research new work and evaluate its own work in an international context. It will also be able to expand its own international networks and seek further international opportunities for its future repertoire.

This is an exciting and important conference for Back to Back Theatre, which is based in my electorate of Geelong. Therefore I look forward to the minister's action on this matter.

Echuca Regional Health

Mr MAUGHAN (Rodney) — I raise a matter for the Minister for Finance concerning unallocated trust funds held by Echuca Regional Health. Echuca Hospital has \$147 000 in unallocated funds. They are funds that have been held on behalf of patients and those who have been associated with the hospital and have been left in the trust fund because the owners cannot be found in spite of the hospital having made vigorous attempts to do so. The funds have accumulated over a long time — I think it goes back 40, 50 or even more years. But it would be impossible now to sort out the allocation of the interest on the

component, even if the hospital were able to determine the owners.

The proposal is that the hospital is prepared to surrender the \$147 000 for which it cannot find any owners to the Minister for Finance on the understanding that it gets a comparable amount back from the Department of Human Services. The reason is that the hospital is in stage 2 of its building program. It is getting close to completing a new nursing home and it needs to find a lot of money to furnish it.

So the hospital is prepared to surrender to the government the \$147 000 that is sitting in the trust fund and which is of no use to the hospital or the community because it cannot use it on the understanding that it gets back \$147 000 to assist it with the furnishing. I am aware of precedents for this sort of thing, and I seek the minister's consent. I ask him to investigate the possibility of acceding to the request that has been put by Echuca Regional Health with a view to accommodating its wishes.

Small business: online project

Mr HELPER (Ripon) — I raise a matter for the attention of the Minister for Consumer Affairs. The action I seek is that she provides reassurance to the business community, particularly small business, about the stages of the Bracks government's reforms to cut red tape for business through the online project.

As a former small business proprietor of a service station and garage in Newstead, just one of the areas that I have personal experience in is the area of business name renewal. The circumstances that faced me and which face so many people in small business throughout my electorate and indeed I imagine throughout the whole of Victoria is that small business people work for 10 or 11 hours a day and during business hours there is rarely any time to attend to administrative work.

I well remember facing the week's mail on those days that I set aside to try and plough through the administrative tasks. On one sequence of occasions I remember receiving a renewal notice for my business name, which was Newstead Motors. The first letter arrived on white paper and was a very polite suggestion that I should renew my business name registration.

The second notice arrived, if I recollect correctly, on blue paper and put the suggestion just a bit more firmly. A little while later the third notice appeared in red ink and put it fairly bluntly that I had an obligation to renew my business name.

The picture I wish to paint for honourable members is that it is indeed difficult for businesspeople even in this small way to respond to the administrative pressures that arise in a business. At the end of the day we are there to try and make a few dollars for our families, and we try to grow and develop our businesses. Quite frankly not too many of us think that re-registering our business name is as important as it is. I understand the requirements to do so, but nevertheless it is hard to see that in the context of actually making dollars.

In the few seconds remaining to me I seek the minister's reassurance to the business community —

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

Harcourt bypass

Mr BAILLIEU (Hawthorn) — I raise for the attention of the Minister for Planning the issue of the Calder Highway upgrade between Faraday and Ravenswood. Specifically I invite the minister to revisit the brief given to Vicroads by her predecessor when he required Vicroads to undertake a supplementary environment effects statement (EES) in consideration of a route determined by a panel hearing last year.

The Calder Highway upgrade between Faraday and Ravenswood is essentially a Harcourt bypass or deviation. Many options have been put up over the years, and the consideration of the issue goes back a number of years. There are no forward estimates on the project, so we cannot anticipate that it is going to happen very quickly, particularly given the track record of this government in getting projects up and under way. The panel last year considered half a dozen options — four main ones and two merged ones.

Ms Allan interjected.

Mr BAILLIEU — There were half a dozen considered and two of them were merged options.

Ms Allan interjected.

Mr BAILLIEU — Sorry, that is six.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Hawthorn will address his remarks through the Chair, and the honourable member for Bendigo East will be silent.

Mr BAILLIEU — The panel reported in September last year, and the minister then took a decision to exclude all but the westernmost option, otherwise known as FR4. As a consequence the supplementary

EES will not have the opportunity to consider design alternatives which may be better. It is certainly suggested by representations I have received from the Coalition against the Calder FR4 Option — and I raise this matter on its behalf — that it has the view that consideration will not be given to better design options.

The decision taken by the minister and the panel was a consequence of the inclusion at the last minute of a criterion which had not been considered before — that is, ensuring that the Midland Highway traffic was also diverted from the Harcourt township. As I said, that had not previously been a consideration and obviously as a consequence only one option was available to the panel. I ask the minister to reconsider the brief given to Vicroads so that the design options can be considered in full.

Melbourne General Cemetery

Mr ROBINSON (Mitcham) — The issue I raise this evening is within the responsibilities of the Minister for Health. It relates to the disquieting media reports recently regarding grave site purchases at the Melbourne General Cemetery. This evening I am seeking the minister's consideration of an investigation into the circumstances surrounding the sale of those sites.

By way of background, on the evening of 25 April, Anzac Day, a queue was formed outside the Melbourne General Cemetery of persons wishing to purchase burial grave sites which were going to be made available for offer the following morning. There is nothing unusual about that; the actual procedures by which the cemetery had organised that sale are not uncommon. It is a fact that people are prepared in this city to queue for different things.

We have a great tradition in this city of queuing for finals tickets and, among young people, there is a great tradition of occasionally queuing for entry to nightclubs. And of course on polling day we queue at polling booths, whether they are in Mitcham — or even, hypothetically, in Pakenham. There is some suggestion that people might be queuing there a little earlier!

Nevertheless, reports of the event that took place on 26 April suggest that there was some disorder in the queue and some complaints were tabled in the *Herald Sun* the following morning. One chap, Mr Philip Gahan, aged 57, missed out on a prime plot that he wanted to buy and said he was duped:

We asked at the cemetery whether queuing would be allowed and they said 'no'.

If the minister chooses to take up the issue, the investigation might touch firstly on the procedure for future sales so that all persons interested in purchasing a grave site might do so with the rules being understood fairly and squarely beforehand. Secondly, there needs to be an examination of deterrents to purchasers who may seek financial gain. I note that section 27A of the current Cemeteries Act outlaws unauthorised payments and what is effectively the trading of sites, but when car parking spaces in the City of Melbourne can go for almost \$50 000 there may be people who are attracted to the sale of burial sites for the purpose of financial gain. That would be unsatisfactory, so I ask the minister to consider an investigation into this matter.

University of the Third Age: Glen Eira

Mrs SHARDEY (Caulfield) — I wish to raise an issue with the Minister for Senior Victorians and ask her to take action to ensure the interests of the Glen Eira University of the Third Age (U3A) are being met and to repair the damage caused by her letter to them that claimed land on which their premises is situated in Glenhuntly Road is to be sold despite the fact that Victrack, which is responsible for such a sale, has said that a decision has not been made to sell that land.

With some 800 members, the Glen Eira U3A is one of the biggest in Victoria. I tabled a petition in this Parliament that asked that the government-owned land not be sold and that the land be retained in perpetuity for the purposes of use by older citizens and their lifelong learning pursuits.

In addition, a letter was written to the Minister for Senior Victorians by Glen Eira U3A which informed the minister that it had raised the issue with the former Minister for Aged Care. The letter states:

The former minister for ageing, Bronwyn Pike, may have passed on to you our deep concern about our future ... Many letters have been sent to the Minister for Transport, Peter Batchelor ...

...

In February 2002 a petition to the Victorian government signed by 420 of our committee and membership was presented by Mrs Helen Shardey ...

The minister wrote back to this group on 24 April, saying:

I am advised that the land is not required for future transport purposes and will be sold. I regret there is nothing within my capacity as Minister for Senior Victorians I can do to alter this arrangement ...

The minister wrote to me and claimed:

The Minister for Transport, the Honourable Peter Batchelor, MP, has responded directly on the issue to Mrs Margaret Robinson, president of the Glen Eira U3A.

The Glen Eira U3A and Mrs Robinson claim they never received such a letter from the Minister for Transport. I ask the Minister for Senior Victorians to take this matter in hand and to act appropriately.

Consumer affairs: second-hand vehicles

Ms ALLAN (Bendigo East) — I also raise a matter for the Minister for Consumer Affairs. I want the minister to take action to combat the dealing in motor vehicles by unlicensed backyard traders. Quite clearly this is a significant issue and many of us have probably had experiences such as purchasing a vehicle from someone who is not an authorised dealer.

The matter I raise for the minister's attention deals more specifically with people who trade in a number of motor vehicles over a 12-month period. The issue here, of course, is with the industry being unregulated. There is a concern about the threat to unwitting buyers who may be unaware that the vehicles they are buying from these backyarders may not carry a statutory warranty. That is a significant concern for the people who purchase these vehicles.

Clearly country people possibly more than city people rely on having access to their motor vehicle at all times. They do not have access to the public transport system. As a result we need to have a good road network, which is why I was very pleased to see that the budget handed down by the Treasurer yesterday allocated \$70 million for the Calder Highway upgrade between Kyneton and Faraday. The Bracks government has this commitment to the completion of the Calder Highway by 2006. What we need, however, to meet that deadline for the people of Bendigo and central Victoria is for the federal government next Tuesday to match that commitment of \$70 million for the Kyneton to Faraday section.

The Calder Highway is a road of national importance. It requires matching state and federal funds, but continually we have seen the federal government try to renege on its deal on the Calder Highway and try to stall progress on this important transport link for the people of Bendigo and central Victoria.

Certainly it is a significant issue for people who purchase vehicles and drive up and down the Calder Highway between Bendigo and Melbourne. It is also an issue for these people who are purchasing vehicles and who may drive up and down the Calder Highway, because at the end of the Calder Highway is the Tullamarine Freeway. As many people in the Bendigo

region and central Victoria are aware, the Tullamarine Freeway is now a tollway, so a road that they were previously travelling into Melbourne on for nothing — —

The ACTING SPEAKER (Mr Savage) — Order! I remind the honourable member that she is limited to raising one issue with the minister, not two.

Ms ALLAN — This is a significant issue of importance for central Victorian motorists, as is the issue of backyard traders in the motor vehicle industry.

Prisons: community units

Mr WELLS (Wantirna) — I ask the Minister for Corrections to immediately investigate and to re-read the document he tabled in Parliament yesterday and to immediately correct the *Hansard* record, because he has misled Parliament.

The minister yesterday claimed very strongly that the previous government was going to introduce suburban prisons into Melbourne. He said that when he became minister he called for a document. He tabled this document yesterday. When we got hold of this document we found that the previous government was going to complement the current prison system with a 20-bed metropolitan reintegration facility which would intensively supervise and support prisoners. But then we looked at which suburb was going to have this facility. Does anyone know which suburb it was? It was a place called Fulham. Let me tell you that Fulham is 220 kilometres east of Melbourne, and Fulham is actually a prison facility.

This minister deliberately misled Parliament by saying that the previous government was going to build a prison facility in metropolitan Melbourne. It clearly says in this document that it was going to build it at the Fulham prison, which is 6 or 7 kilometres outside Sale. This is a clear breach of the rules of this Parliament. We want the minister to come in here and make sure that he corrects the *Hansard* record to ensure it is very clear that what he was saying yesterday about this document was incorrect.

The previous government made it very clear that it was going to build a 20-bed reintegration unit and it was going to be at an existing prison site at Fulham, near Sale.

Mr Helper — On a point of order, Acting Speaker, I did not want to interrupt the matter the honourable member was raising, but I understand that if he wishes to accuse a member of this chamber of deliberately misleading the house, he needs to do so in a substantive

motion. It is inappropriate to raise this matter during the adjournment motion.

Mr WELLS — I understand the words ‘deliberately misled’, so I would use the word ‘mislead’.

The ACTING SPEAKER (Mr Savage) — Order! I take it the honourable member is saying he withdraws the word ‘deliberate’?

Mr WELLS — Yes.

Werribee: technology precinct

Ms GILLETT (Werribee) — I raise for the attention of the Minister for State and Regional Development the technology precinct established in Werribee almost 20 years ago by the then federal Labor member for Lalor, the Honourable Barry Jones. He was a fine member; and we now have a new fine member in the Honourable Julia Gillard.

I ask the minister to report back to me by letter, if that is appropriate, on the progress that has been made on the feasibility study with a view to looking at just how that technology precinct can be developed, bearing in mind the government’s overall budget objectives of increasing innovation, connectedness, and the development of educational opportunities for all of Victoria but in particular for Melbourne’s outer suburbs, of which Werribee is one, and our growth corridors, which are particularly important.

The technology precinct in Werribee has been growing at a reasonable pace but slowly and haphazardly. It desperately needs the impetus that can be given by a feasibility study, which will give it a framework to work within and some guidance into the future about where it can develop and how it can enhance the lives of the people in our community.

It is an incredibly important development, because it is important that the western suburbs, particularly the outer western suburbs, are able to develop a precinct of excellence where we can integrate a range of innovation and education and the commercialisation of our resources.

Mr Helper interjected.

Ms GILLETT — Yes! Exactly like Maryborough. I take my lessons from Maryborough.

It is important that we establish a legacy, a history and a forward-thinking strategy of progressive innovation in the outer western suburbs. It is critical to our community generation and the development of our

people that we encourage this sort of development more.

Water: Geelong supply

Mr MULDER (Polwarth) — I raise for the Minister for State and Regional Development the fact that on many occasions in this house the minister has sung the praises of the economic performance of south-west Victoria with its strong economic growth, low unemployment and potential for tremendous growth in the food processing and food production areas. The minister would recognise that a secure water supply is one of the major factors in that success.

That potential, however, is under genuine threat. The resource on which the area relies, its water supply, is being targeted by Barwon Water to supplement Geelong's water supply. A discussion paper put forward by Barwon Water identifies potential new water resources for the Geelong region, being Bambra ground water supplies; extension of the Barwon Downs ground water bore field; interconnection of Melbourne's and Geelong's supplies; and potable reuse of sewage effluent. Further expansion of the Barwon Downs bore fields or tapping the Bambra ground water supplies should not proceed as there is insufficient research into the long-term environmental impacts of increased ground water harvesting in the area.

The major point of contention, however, that Barwon Water put forward is interconnection of West Gellibrand reservoir, being Colac's supply, to West Barwon reservoir, which is Geelong's supply. Such a proposal would put at immediate risk the future economic development of Colac, Warrnambool, Camperdown, Cobden, Terang, Noorat, Glenormiston, Simpson, Allansford and Derrinallum. This option would also have significant environmental effects downstream.

As an example of what would happen if this proposal went forward, if Geelong was forced to switch to Colac's storage system, it would drain Colac's water storage in a matter of days, and if it is not Colac's water storage Barwon Water is targeting — which it is not going to say — then it is Gellibrand River's environmental flows or flows which supply cities and towns to the south.

Such a proposal could not proceed without significant support from the state government. I call on the minister to treat any proposal from Barwon Water to interfere with Colac and other south-western Victorian city and town water supplies as predatory, with the potential to undermine investment and growth currently

experienced in the region. They should keep their hands off Colac's water supply.

One only has to look at the sprawl currently taking place between Geelong and Melbourne to appreciate what direction Geelong and Barwon Water should be looking to for their future — —

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

Responses

Ms CAMPBELL (Minister for Senior Victorians) — The matter raised by the honourable member for Ripon is very important. It relates specifically to business affairs being online. This government has been extremely proactive in this regard to enable people throughout the state to register their businesses online 24 hours a day, seven days a week.

The government will be progressively stepping up its business online project during this year. It is moving to online delivery, and the renewal of business names transaction was made available in January 2001. It is great news that residents across the state can go online. It is also excellent for people who wish to check current names and registrations. I will leave it to the honourable member for Ripon to decide whether he could have come up with a better name, but I am sure his reputation, whatever the name, was one of the highest standard.

In order to put all the intended transactions online some changes to business processes will be necessary, and we will be implementing these. Extensive consultation on the proposed changes has been undertaken, and I look forward to introducing that legislation into the house as soon as possible.

The second matter was raised by the honourable member for Caulfield in relation to the Glen Eira University of the Third Age. I had the privilege of meeting some of the outstanding members of Glen Eira U3A when they were here in Parliament House. They explained to me their dilemma in regard to their need for a site big enough to accommodate a really vibrant U3A. The Minister for Transport has the ultimate responsibility in relation to their current site.

As I have been advised and have communicated to them, that matter has already been communicated to the U3A. Over the loudspeaker in my office I heard the honourable member raise this issue and I will follow up with the Minister for Transport as to whether perhaps there has been a change of office-bearers and that letter never reached the person that — —

An honourable member interjected.

Ms CAMPBELL — I was advised and communicated to the U3A exactly what was expected to transpire. I will follow that up again with the Minister for Transport.

In relation to the matter raised by the honourable member for Bendigo East, as Minister for Consumer Affairs I am extremely pleased to work with the Victorian Automobile Chamber of Commerce and local government to make sure that motor car traders are registered. I am sure the honourable member for Ripon is also very interested in ensuring that motor car traders are registered and that unlicensed backyard traders are quickly pulled into line and all trading is done in strict accordance with the Motor Car Traders Act.

In the past couple of weeks I have communicated with local councils encouraging them to alert Consumer and Business Affairs Victoria or me if they become aware of unlicensed traders. I encourage honourable members who are aware of any unlicensed traders to do them in to consumer affairs. Unlicensed traders are a threat to car buyers in that the vehicles they sell are not covered by the appropriate statutory warranty. Often it is the most vulnerable consumers who are targeted by such traders: kids with their first cars and people on low incomes. They need the assurance that their —

Mr Helper — And they don't pay GST!

Ms CAMPBELL — And they do not pay GST, that is true. The honourable member for Ripon raises an important point. However, for kids and disadvantaged consumers the government has to ensure that with local government and the Victorian Automobile Chamber of Commerce we run out of town anybody who is trading illegally.

Ms PIKE (Minister for Community Services) — The honourable member for Geelong raised a matter with me regarding funding for the Back to Back Theatre's anticipated journey to perform at the Conference and International Festival of Theatre for Handicapped People in Spain and the London International Festival of Theatre in May 2002. I understand that the Back to Back Theatre has received funding of \$11 900 from the Australian Council for the Arts towards its tour.

I am happy to advise the honourable member that through the Futures for Young Adults program, which received an additional \$1 million in the most recent budget, I will be able to contribute \$5000 towards the Back to Back Theatre group's tour, which means it now has only a couple of thousand dollars shortfall. I am

sure with fundraising and support from the Geelong community it will be able to reach its target.

The honourable member for Wantirna raised a matter for the Minister for Corrections seeking clarification of documents tabled in Parliament yesterday regarding the previous government's commitment to reintegration facilities for offenders. I will pass that matter on to the minister.

The honourable member for Bentleigh raised a matter — —

Mrs Peulich — On a point of order, Mr Acting Speaker, I ask that you take up with the Speaker the matter of reminding ministers — there are 18 of them, but there are 2 here — that the day starts with the ringing of the bells and it finishes with the ringing of the bells. This is a part of their responsibilities and they ought to be here answering questions from constituents.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Bentleigh well knows that there is no point of order on that issue.

Ms PIKE — The honourable member for Bentleigh raised a matter with the Minister for Education and Training regarding contributions to a building for the McKinnon Basketball Association, and I will pass that matter to the minister.

The honourable member for Rodney raised with the Minister for Finance the matter of unallocated trust funds at Echuca Regional Health, and I will raise that matter with the minister.

The honourable member for Hawthorn raised with the Minister for Planning the Calder Highway upgrade and has requested that the minister reconsider the planning brief for that upgrade. I will ensure that the Minister for Planning responds to that matter.

The honourable member for Mitcham raised a very interesting matter with the Minister for Health about the purchase of grave sites in the Melbourne General Cemetery. I was particularly interested in this matter because it happens to be in my electorate, and I can only assume that everyone is dying to get into my electorate!

An Honourable Member — You can bury that joke!

Ms PIKE — Yes, we can bury that joke.

The honourable member for Werribee raised for the attention of the Minister for State and Regional

Development the future development of the technology park in the Werribee electorate.

The honourable member for Polwarth again raised a matter with the Minister for State and Regional Development concerning water supply in the south-western area of Victoria. I am absolutely confident the Minister for State and Regional Development will respond to that matter.

The ACTING SPEAKER (Mr Savage) — Order!
The house now stands adjourned.

House adjourned 10.40 p.m.