PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

9 May 2002

(extract from Book 6)

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By authority of the Victorian Government Printer

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. ALEX ANDRIANOPOULOS

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

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

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

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

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

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

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

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

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

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

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THURSDAY, 9 MAY 2002

Thursday, 9 May 2002

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.36 a.m. and read the prayer.

PAPERS

Laid on table by Clerk:

Planning and Environment Act 1987 — Amendment No. 114 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No. 20.

MEMBERS STATEMENTS

Agriculture: farmers rights

Mr McARTHUR (Monbulk) — I refer to the government's appalling failure to deliver on its own election promises and on the recommendations of its own working party. The Labor government's agricultural policy, announced during the 1999 election and entitled 'World class and green', states:

> Victorian Labor recognises the need for legislative protection of farmers 'right to farm'. Labor will ensure that there are mechanisms in place to avoid farmers becoming tied up in expensive and time-consuming legal battles resulting from conventional farm practices that predate the arrival of the complainant.

The Minister for Agriculture appointed the Right to Farm Working Group. On Monday, 19 March 2001, the minister issued a media release entitled 'Right to farm report released', in which he trumpeted the government's proposals for action in response to the group's recommendations. Recommendation 1 of the minister's working group was:

> That legislation be introduced to amend section 32 of the Sale of Land Act to require vendor statements to include a warning about possible amenity impacts of agricultural practice and processes on adjacent properties.

The government's response was:

> The government supports this proposal.
>
> The required legislative changes will be considered in a review of the Sale of Land Act later this year.

That was issued in March 2001 and we are now in May 2002. It might be the minister's birthday, but he has not woken up yet.

Anzac Day: free buses

Mrs MADDIGAN (Essendon) — I congratulate the approximately 150 Essendon residents who got up in time to catch the 5.00 a.m. bus to the Shrine of Remembrance for the Anzac Day service.

This initiative was suggested by the honourable member for Mitcham — who, honourable members will be interested to know, turns 40 today — and has really taken off in the suburbs. Last year the bus from Essendon had only about 15 people on it, and this year it had 150.

I was asked by a number of the people on the bus to pass on their thanks to the Minister for Transport for this great initiative. I know that throughout the state the number of people taking the opportunity to use the free bus service rose from something like 300 to 1500.

It is a great experience for residents, especially older residents, to be able to avail themselves of this opportunity to get to the shrine. Certainly those of us who were on the bus could see how difficult it was for people to get parking anywhere near the shrine entrance. It really is an excellent initiative and I would like to see it continue in the future.

The program also provides an opportunity for young children to accompany their parents to a ceremony of great significance to the people of Victoria. I think we can look forward to this program continuing in the future, and we thank very much the honourable member for Mitcham and the Minister for Transport for making this service available to so many residents of Victoria on Anzac Day.

Water: Wimmera–Mallee pipeline

Mr RYAN (Leader of the National Party) — I am delighted to tell the house that the National Party has again delivered for country Victoria. Today the Deputy Prime Minister of this great nation has confirmed that the commonwealth government will put up the $3.5 million which is necessary to complete the planning and design process of the Wimmera–Mallee pipeline — one of those great projects that this party has campaigned on for years and years.

Honourable members interjecting.

The SPEAKER — Order! The government benches will come to order.

Mr RYAN — I am pleased to see we eventually forced the Victorian government into making some semblance of a commitment. It said it would put money

up as soon as that design was completed, and the federal government is saying, 'Yes, we've got our money available for the design stage'.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House!

Mr RYAN — When that work is done I am very confident we will go to the next stage. This government needs to go through the proper process.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Springvale!

Mr RYAN — It has to make the proper applications to the government through and to the department. Just as we did with the northern Mallee pipeline, just as Victoria put up $27 million and the federal government put up $27 million to complete that project, that is exactly what will happen with this project.

These idiots opposite could not run a pie shop — with due respect to those who do — and they know that instead of talking cheap politics, which they have done, and instead of strutting around and preening themselves like peacocks as they have done over the past couple of days, what they should have done and what they should now do is go through the proper process. The federal government is there to do it, and the National Party has delivered again.

Honourable members interjecting.

The SPEAKER — Order! I ask the opposition to come to order immediately. The honourable member for Malvern!

Mr Batchelor — Can we have that again?

Honourable members interjecting.

The SPEAKER — Order! I ask the Leader of the National Party to take his seat. The Leader of the House ought to know that he must not interject in that vein.

Budget: child protection

Mr LONEY (Geelong North) — I congratulate the government and in particular the Treasurer on the fantastic state budget announced on Tuesday which has picked up a great reaction across the state. I want to pick up on one particular item in that budget — an additional $60 million for child protection. As chairman of the Public Accounts and Estimates Committee I tabled a report in this Parliament last November on this very sensitive and complex issue. I am delighted to see the reaction of the government through its commitment to that area, as delivered in the budget.

That $60 million will go a long way to assisting in this area. It includes $16.8 million for 60 extra child protection workers; $20 million over four years for intensive therapeutic services to assist 1300 children and young people; $14.8 million to support vulnerable families; and $2.4 million to assist Aboriginal communities, which is a particularly vulnerable area.

This is a wonderful commitment by the government. I wish to pay tribute to the current Minister for Community Services and the former minister, now the Minister for Senior Victorians, for their genuine commitment to improving the lot of children in protection in Victoria.

Tertiary education and training: student concessions

Mr HONEYWOOD (Warrandyte) — The Minister for Education and Training ran around country towns and regional centres promising that apprenticeship students, TAFE students and tertiary students would have the same student concession card deal that all high school students receive.

In a press release dated 27 March 1997 — as the minister leaves the chamber — the minister may like to recall that she said Labor would introduce a common student concession card, cutting the current tertiary concession fee from $108 to $6.20 for all university, TAFE and apprenticeship students.

She went on in the same release to say that:

> Under a state Labor government, tertiary students would only pay $6.20 for a public transport concession card. This is a fairer system and will encourage more students to use public transport and help reduce fare evasion.

Come the 1999 election, commitment 8 of Labor's education policy talks about cheaper public transport for tertiary students and says that these commitments are not just hollow political promises but undertakings that it will honour and commitments that it is prepared to be judged on.

What is the situation in 2002? A tertiary student concession card for apprenticeship students on public transport costs over 10 times more under Labor than a high school student will pay. So much for the undertaking in 1999; so much for the commitment on which it wants to be judged for young people struggling on the breadline to travel on public transport.

In the current budget a further $50 million has been taken out — —

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

William Johnston

Ms BEATTIE (Tullamarine) — I would like to take this opportunity to congratulate a young man from my electorate, William Johnston. Will is a year 12 student at Sunbury Downs Secondary College. He has been selected by the National Youth Science Forum to represent Australia in this month's Canada Wide Science Fair.

The Canada Wide Science Fair is supported by the Canadian government and attracts the best science students from all over the world. Will Johnston has clearly proved that he is one of the best.

Will was chosen by his local Rotary Club as one of 276 students to attend the National Youth Science Forum in Canberra earlier this year. Of those students who attended the forum only a handful were selected to represent Australia's young people at overseas events.

Will has demonstrated outstanding academic results and great leadership qualities and will be an excellent ambassador for his home town of Sunbury, his school, his family and his country.

Will is a wonderful role model and great motivator to other young people who may be considering a career in the field of science. I congratulate Will on his excellent achievements and wish him well in representing his country at this prestigious international gathering.

I am sure Will has got there, and many other students will get there, through the Bracks government's commitment to science and technology and its focus on delivery in science and technology.

Prisons: community units

Ms McCALL (Frankston) — An information leak from the Department of Justice, totally denied by the Minister for Police and Emergency Services on Tuesday during question time, suggests that sites have been selected and that negotiations are proceeding for suburban mini-jails in Thornbury, Frankston and Dandenong.

I raise the issue of Frankston yet again. The current site on the preferred list is 800 metres from an old people's hostel, a high dependency unit, and 80 metres from a family restaurant. The Frankston community has not been consulted about this, in spite of assurances from the Bracks Labor government, and particularly from the Premier, that they would be consulted. The people of Frankston are tired of being the butt of jokes, whether it is the idiocy of Sam Newman or suggestions that we are Dandenong by the sea or that we are the chroming capital of the state.

The Frankston community is proud and stands high. It says that it will not allow the government to open a mini-jail in its suburb and its city. I reassure the house that if the government goes down that track, when we are re-elected we will close it down.

Darebin: community-building program

Mr LEIGHTON (Preston) — Last week I attended the launch in East Reservoir of the Darebin community-building project by the Minister assisting the Premier on Community Building. I welcome the announcement by the minister that the project will focus on the East Reservoir–East Preston area.

This area is the most socially and economically disadvantaged part of Darebin and my electorate. The program will not only direct resources to an area of disadvantage but also empower people by encouraging local community leadership.

The community-building program will also increase opportunities for businesses to contribute to their local communities, and I hope it will drive change in government departments. Using a SEIFA — socioeconomic indexes for areas — index, East Preston and East Reservoir are the areas of most disadvantage — that is, they are the lowest socioeconomic areas. For instance, according to the index, East Preston and East Reservoir rank 640 to 873 compared to over 1000 for West Preston. Darebin also rates low in health status, high unemployment and other growing social problems.

In addition to the minister and other dignitaries, several local residents spoke, one of whom was Mr Bob Nemarich, a tireless campaigner for people with disabilities, especially those using public transport. I congratulate Bob on his speech and on his contribution, and I thank the minister for her support for my local community.

Budget: bayside projects

Mr THOMPSON (Sandringham) — I wish to raise the strongest possible concern on the part of the electors of Sandringham, Mordialloc, Carrum, Frankston and Dromana as a consequence of the withdrawal of funding for the Dingley bypass. The blueprint for this

project was on the drawing board for a long time — over three years — and many decisions were made on the part of industry to ensure the swift transport of goods into central Melbourne. The local council, the City of Kingston, is incensed at this extraordinary backflip on funding allocation.

Not only is there a problem on land, but it is also around the coastline and on the foreshore of Port Phillip Bay. The Labor government has withdrawn from its commitment to beach renourishment funding. From Dromana right around to Point Lonsdale there has been a lack of action on important beach renourishment projects. According to the current budget documents, the Department of Natural Resources and Environment has reduced funding for important projects that would advance the interests of all Victorians. That reduction will lead to a deterioration in the quality of beaches as a result of the further erosion of cliff faces and of the removal of sand along the coastline.

Both the roads and beach of areas south of Melbourne will be affected. The electors in those areas will be left between a rock and a hard place — in a traffic jam!

Heathcote Heartland Festival

Mr HARDMAN (Seymour) — I rise to congratulate the thriving community of Heathcote on the wonderful week of activities it ran this year for the Heathcote Heartland Festival. The activities, auspiced by Heathcote Tourism and Development, were absolutely wonderful in the many ways that they showcased education and the many community organisations.

I would particularly like to congratulate Debbie Hill, Peter Virgona, John Hicks and the many other committee members of Heathcote Tourism and Development on their rededication of the Valley of the Liquidambars last Sunday. I also congratulate Nancy Cornwallis for a fantastic inaugural Young Performers Award at Mia Mia Hall on Saturday, 4 May.

TOBACCO (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Ms PIKE (Minister for Housing) — On behalf of the Minister for Health, I move:

> That I have leave to bring in a bill to make miscellaneous amendments to the Tobacco Act 1987, to amend the Gaming Machine Control Act 1991 and for other purposes.

Mrs SHARDEY (Caulfield) — I seek a brief explanation of the bill.

Ms PIKE (Minister for Housing) (*By leave*) — The government has been progressively making a number of amendments to the Tobacco Act to ensure that there is no smoking, firstly, in restaurants, and secondly, in certain areas in hotels and clubs. This bill takes those initiatives further and ensures that there will be changes to the smoking regime in certain areas in gaming institutions.

Motion agreed to.

Read first time.

RESIDENTIAL TENANCIES (AMENDMENT) BILL

Introduction and first reading

Ms PIKE (Minister for Housing) — I move:

> That I have leave to bring in a bill to make various amendments to the Residential Tenancies Act 1997 and for other purposes.

Mrs SHARDEY (Caulfield) — I seek a brief explanation of the bill.

Ms PIKE (Minister for Housing) (*By leave*) — After an extensive period of consultation this bill makes amendments to the Residential Tenancies Act in a number of areas, particularly in relation to notices to vacate and the capacity to remove tenants for reasons of violence and damage to property.

Motion agreed to.

Read first time.

BUILDING (FURTHER AMENDMENT) BILL

Introduction and first reading

Ms DELAHUNTY (Minister for Planning) — I move:

> That I have leave to bring in a bill to further amend the Building Act 1993 and for other purposes.

Mr BAILLIEU (Hawthorn) — I ask the minister to advise the house briefly of the content of the bill.

Ms DELAHUNTY (Minister for Planning) (*By leave*) — This bill implements the government's policy of improving and enhancing both the quality and

standards of workmanship in our building industry. The bill also complements the government's intention to sustain as much as possible the strength of the building industry and the building boom we are enjoying at the moment by ensuring that standards are maintained and indeed lifted, and it complements the work being done by the Building Commission.

Motion agreed to.

Read first time.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (PLANNING PROCEEDINGS) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Victorian Civil and Administrative Tribunal Act 1998 in relation to the constitution of the tribunal for the purposes of proceedings under a planning enactment, to validate certain things done by the tribunal and for other purposes.

Read first time.

SPORTS EVENT TICKETING (FAIR ACCESS) BILL

Introduction and first reading

Mr PANDAZOPOULOS (Minister for Gaming) introduced a bill to regulate the sale and distribution of tickets to certain sports events to ensure fair access to tickets and for other purposes.

Read first time.

GAMING LEGISLATION (AMENDMENT) BILL

Introduction and first reading

Mr PANDAZOPOULOS (Minister for Gaming) introduced a bill to amend the Casino Control Act 1991, the Gaming and Betting Act 1994, the Gaming Machine Control Act 1991, the Gaming No. 2 Act 1997, the Interactive Gaming (Player Protection) Act 1999 and the Public Lotteries Act 2000 and for other purposes.

Read first time.

UTILITY METERS (METROLOGICAL CONTROLS) BILL

Introduction and first reading

Ms GARBUTT (Minister for Environment and Conservation) introduced a bill to enact trade measurement legislation in respect of utility meters, to consequentially amend the Water Act 1989 and for other purposes.

Read first time.

TRANSPORT (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Second reading

Mr BATCHELOR (Minister for Transport) — I move:

That this bill be now read a second time.

The bill serves a broad range of purposes designed to improve Victoria's public transport system, including reform of the taxi and hire car industries and regulation of security cameras in taxis. It also includes further reform of the tow-truck industry and gives the secretary of the Department of Infrastructure power to inspect and audit medical records of public transport safety workers to ensure a safer transport system. The bill clarifies the power of an authorised transport enforcement officer to request a person suspected of a transport offence to provide verification of their name and address. Finally, the powers of the Director of Public Transport will be extended to facilitate the performance of his functions.

The bill also amends the Melbourne City Link Act 1995 by extending by two days the period in which Transurban may backdate temporary registration.

The thrust of the taxi industry reforms in the bill is to retain regulated entry into the industry while improving the quality of service provided to the Victorian public by means of an accreditation regime for taxi depots and communication networks which dispatch bookings on behalf of the taxi industry. These initiatives will complement further proposals to develop accreditation requirements for taxi operators and licence-holders under new powers set out in the bill. The reforms have been designed to introduce gradual change to the industry in an effort to protect existing interests while also stimulating a dynamic industry environment which is more responsive to consumer and driver needs. It is proposed to introduce a late-night tariff on taxi fares, and the bill provides for a new condition to be applied

to taxicab licences which will ensure that this tariff is paid entirely to taxidrivers — a change that is expected to improve the availability of taxis during times of peak requirement.

Other changes include removal of the public interest test as a barrier to market entry for small commercial passenger vehicles other than taxis, with the introduction of a commercial fee based on the market rate payable for a hire car or special purpose vehicle licence. These two changes to the licensing provisions for small commercial passenger vehicles other than taxis are applicable to all licences applied for from today.

In order to improve safety for taxidrivers and their passengers, amendments have also been made to the Transport Act to enable the regulation and control of security cameras in taxis and the images taken by the cameras. The installation of security cameras commenced in the last few months of 2001, and is expected to be completed by the end of June 2002. To date, control of the cameras has been maintained under taxi licence conditions. However, the new legislation will allow a process for the Secretary of the Department of Infrastructure to enter into an agreement with a person or body authorised to download the images and provide them to police in appropriate circumstances for law enforcement purposes.

The proposed agreement has been prepared in consultation with the Victorian Privacy Commissioner to ensure that the provisions are sufficient to protect the privacy of people using taxis. Other than authorised persons who work under an agreement with the secretary, only staff of the department and the police will have access to the images. The new provisions also provide substantial penalties for any person who unlawfully possesses, downloads, publishes, transmits or discloses the images from a taxi security camera.

A review of the tow-truck industry recommended the addition of objectives to the tow-truck provisions of the legislation to emphasise the role of the provisions in the protection of consumers — particularly accident victims — when dealing with tow-truck operators and vehicle repairers as well as timely clearance of accident-damaged vehicles from accident sites and prevention of undesirable behaviour by tow-truck operators. The bill removes non-accident-related towing of motorcycles from regulation by the Transport Act but accident-towing of motor cycles will still be regulated. The cooling off period for an authority to repair accident damage has been extended to 72 hours with provision for a written waiver after 48 hours, to allow an owner of a vehicle, for example, a taxi or commercial vehicle, to arrange quicker repair when needed. The new legislation also provides for extension of police powers to enable police to maintain control of an accident scene. The new powers are necessary, particularly at heavy vehicle accident scenes, to prevent touting for repair work and to ensure the orderly salvage and recovery of damaged vehicles and their loads.

The bill provides that responsibility for determination of taxi fares and tow-truck fees, currently determined by the Secretary of the Department of Infrastructure, will now rest with the Minister for Transport, after evaluation by the Director of Public Transport and an independent assessment by the Essential Services Commission. The commission will be able to exercise its usual powers of investigation and inquiry in conducting evaluations and its report will be tabled in Parliament.

The bill amends the powers of the Director of Public Transport in order to clarify the director's ability to construct, maintain and operate public transport infrastructure and to run public transport services. The director is also given power, to be exercised with the minister's approval, to compulsorily acquire land for public transport purposes. This provision will facilitate projects which are funded or managed by the Department of Infrastructure.

The bill also inserts a power for the Secretary of the Department of Infrastructure to audit rail safety workers' medical records for the purposes of accreditation of operators. This amendment is to allow safety accreditation auditors to ensure that an accredited rail operator or a contractor has appropriate medical examination procedures and health monitoring systems in place to ensure that safety workers are medically fit for their work. This measure will further improve the safety of public transport operations in Victoria.

The bill clarifies the power of authorised officers to request a person suspected of a transport or ticket offence to provide evidence to verify the person's name and address. The information is necessary to ensure that enforcement proceedings or an infringement notice can be expeditiously served on the correct person. The information has always been requested and recorded by transport enforcement officers and for many years the Magistrates Court has upheld that practice. However, in view of the requirements of privacy laws, the bill includes a number of measures to clarify the power of authorised officers to request verification information and to record the information. The bill also introduces a substantial penalty for misuse of the verification information, and only permits the information to be

used for enforcement purposes. To ensure the protection of privacy, guidelines governing the collection, use and disposal of personal information gathered in the process of detecting and enforcing public transport related offences are currently being developed.

Relevant to the proposals for the Minister for Transport to determine taxi fare and accident-towing fees, after independent assessment by the Essential Services Commission, I wish to make a statement pursuant to section 85(5) of the Constitution Act 1975 of the reasons why the bill alters or varies section 85.

Clause 22 of the bill inserts a new section 255E into the Transport Act 1983 which states that it is the intention of section 189(7) of the act (as inserted by clause 20 of the bill) to alter or vary section 85 of the Constitution Act 1975.

The combined effect of proposed sections 255E and 189(7) is to confer an immunity on persons as a consequence of their making of a statement or giving of a document or information to the Essential Services Commission in good faith, in connection with an investigation under division 9 of part VI of the Transport Act. The protection applies whether or not an oral statement is made or a written document or information provided in connection with a written submission or public hearing. These provisions have the same effect as the equivalent provision in section 63 of the Essential Services Commission Act 2001, which was inserted to cover section 51(7) of that act.

The reason for limiting the jurisdiction of the Supreme Court with respect to these matters is to give persons who wish to make statements or provide information under division 9 of part VI of the Transport Act, a degree of confidence that their statements or information can be made or given without fear of litigation. This is likely to enhance the quality of the submissions and information made available to the Essential Services Commission, and thus enhance the quality of its reports.

These provisions are important to improve the quality of service provided to the Victorian public and to facilitate a more efficient and customer-focused small commercial passenger vehicle and tow-truck industry.

The bill amends section 73C of the Melbourne City Link Act 1985 to allow the backdating of temporary registration by an additional two days. Motorists will have until midnight on the Tuesday immediately following the weekend of travel on City Link to purchase a weekend pass, enabling payment with cash. Motorists will have three days after first travel to purchase other City Link passes such as the 24-hour pass and the Tulla pass. This amendment was negotiated by government and delivers a significant improvement to City Link products for occasional users and country Victorians.

I commend the bill to the house.

Debate adjourned on motion of Mr LEIGH (Mordialloc).

Debate adjourned until Thursday, 23 May.

CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL

Second reading

Mr PANDAZOPOULOS (Minister for Gaming) — I move:

That this bill be now read a second time.

The Casino (Management Agreement) Act was passed in 1993; it ratified the management agreement between the state and Melbourne casino operators. Section 15 of the Casino Control Act provides for the management agreement to be varied by the parties, however the variation has no effect unless it is ratified by Parliament.

The purpose of this bill is to ratify the seventh deed of variation to the management agreement for the Melbourne casino complex. This deed of variation provides for Crown to be released from its contractual obligation to build a lyric theatre. In return, Crown will pay to the state $18 million over five years. This contribution by Crown will be allocated towards a major arts project in the arts precinct near the Yarra River. Crown will have no equity or interest in this project.

Crown will still be required to construct an alternative capital development of no less value than $42 million, the cost of the lyric theatre as determined by an independent quantity surveyor on 9 March 2001. The nature and timing of the development will be up to Crown to determine. Crown will be responsible for obtaining the necessary permits and approvals for the alternative project, however the state retains the right to approve or not approve the project being included as part of the casino complex.

This deed of variation has been approved by the government, as the construction of the lyric theatre would have severely undermined the viability of Melbourne's historic theatre precinct, and the payment

of $18 million to be made by Crown will benefit the Victorian community.

I commend the bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Thursday, 23 May.

ENVIRONMENT PROTECTION (RESOURCE EFFICIENCY) BILL

Second reading

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That this bill be now read a second time.

This bill is an integrated legislative package that will deliver on commitments made by the Bracks government to work in partnership with the Victorian community to achieve greater efficiency in our resource use and to reduce waste.

Our landmark document, *Growing Victoria Together*, outlines the government's vision for Victoria and identifies a range of strategic issues and priority actions to help us achieve this vision. Not surprisingly, a number of these strategic issues and priority actions are fundamental to ensuring the sustainability of Victoria's environment, and include increasing recycling and effective waste management, as well as creating and promoting new ideas and technologies to stimulate investment and employment in Victoria.

This legislative package addresses these issues by enhancing the government's demonstrated commitment to reducing waste and strengthening our relationships and partnerships with industry, local government and the community to achieve this vision. This is achieved through four key elements.

First, it introduces sustainability covenants to enable industries and companies to identify resource efficiency gains and reduce their ecological impact.

Second, it clarifies the respective roles of key statutory bodies involved in waste planning and management.

Third, it provides additional funding and increased incentives for Victoria's environmental priorities through changes to landfill levies.

Finally, the bill integrates and improves the operation of legislation governing the prevention of litter.

International trends show that societies which can develop successful strategies for increasing resource efficiency and reducing waste will reap environmental, social and economic benefits. They will be best placed to develop new products and services across a range of industry sectors. These will be the products and services that 21st century markets demand.

This bill provides the statutory basis for Victoria to remain at the forefront of these developments. This is achieved by providing a framework for recognising progressive companies that are seeking to operate sustainably; clarifying the roles of bodies responsible for waste management and planning; providing sufficient funding to ensure that waste programs and initiatives are successful; and enhancing our framework for preventing litter.

This bill provides the means for companies, industry associations and other organisations to develop voluntary sustainability covenants with the Environment Protection Authority. These voluntary covenants will identify the means by which the provision of their goods and services will have a reduced environmental impact. These means will also deliver increased profitability and ensure long-term sustainability.

The voluntary covenants are innovative and unique. They give statutory backing to industry leaders willing to grasp the opportunities the sustainability agenda presents. These industry leaders will derive certainty and credibility from entering into a covenant. The legislative status of the voluntary covenants provides a strong signal to industry that the Bracks government is willing to foster leadership through partnership approaches.

Since the Premier announced our intention to introduce sustainability covenants in early April, many industry leaders have expressed their keen interest in developing voluntary covenants. The enthusiasm with which industry leaders have embraced the voluntary covenant model is proof of the visionary nature of the covenant system.

The Bracks government is determined to support industry innovation. Innovation will deliver sustainable outcomes. The voluntary sustainability covenants will empower progressive industries to choose their own pathways to a sustainable future.

To ensure that progressive companies suffer no short-term disadvantage from entering into a voluntary sustainability covenant, the bill provides a regulatory underpinning. The Governor in Council may declare an

industry as having the potential for significant environmental impact.

The bill builds in strong consultation mechanisms prior to a declaration proceeding. Companies within the industry and other interested stakeholders will be able to comment on the proposed declaration. This will ensure community and industry experience and knowledge will be factored into the decision-making process.

Once an industry has been declared, companies that are not already members of a voluntary sustainability covenant may be required by notice from EPA to publish a statement of ecological impact assessing their impact on the environment. If this statement demonstrates that the impact is significant, the company may then be required by EPA to examine alternatives to reduce those impacts and other key actions. This two-step notice process enables EPA to only require actions from companies with a demonstrated significant impact on the environment.

While regulatory underpinning is essential, this component of the bill is designed to encourage voluntary approaches through sustainability covenants. This will enable industries to set the pace and the nature of their own environmental management agenda without the need for extensive regulatory action.

The combination of a voluntary covenant with regulatory underpinning is modelled on the accepted national packaging covenant, which currently has around 500 signatories.

The second component of this bill will modernise and strengthen Victoria's institutional arrangements for waste management planning.

This bill recognises that our waste management practices and needs have become increasingly sophisticated and that disposal is now clearly identified as the least desirable option. It implements government commitments to strengthen regional waste management and will enhance current programs which emphasise waste avoidance and minimisation, reuse and recycling in preference to disposal.

The changes this bill introduces are the product of extensive consultation. In October 2000, the government convened a panel chaired by Ms Cheryl Batagol to review and report on the adequacy of legislative and administrative arrangements of regional waste management groups, in regard to their direction and management, planning, operations, resourcing and accountability. In reaching its recommendations, the panel consulted widely with interested stakeholders.

Following release of the panel's report, the government directed that a round of further targeted consultation be undertaken.

This bill responds to both the panel's report and the outcomes of this further consultation with key stakeholders, particularly local government. It provides the legislative basis for the government's vision for waste planning and management in Victoria.

This bill clarifies the roles and responsibilities of the various players in waste management planning, specifically, regional waste management groups, Ecorecycle Victoria and EPA.

Regional waste management groups and their member councils have produced significant results in reducing municipal waste over the past few years. The government has recognised that these groups, together with their member councils, should remain the key agencies for planning and managing municipal waste.

One of the key thrusts of the panel's report was that we need to accelerate programs for the reduction in commercial and industrial waste, and establish clearer mechanisms to better engage the community, including generators of this waste, in the planning process. Ecorecycle Victoria has the appropriate skills and expertise to take the lead in planning for commercial and industrial waste streams. This bill provides Ecorecycle Victoria with the statutory responsibility for commercial and industrial waste planning.

The bill also provides EPA with the ability to recommend to the Governor in Council waste management policy. This complements existing arrangements and ensures a comprehensive framework of statutory policy can be maintained and strengthened, from which Ecorecycle Victoria's solid industrial waste management planning and the groups' municipal waste management planning will flow.

In addition to clarifying roles and responsibilities, this bill will strengthen governance and accountability mechanisms for waste management bodies. The potential for conflict between the groups' primary planning role and commercial waste management activities will be removed. Requirements around financial management and employment of staff by groups will be clarified. The failure to disclose a direct pecuniary interest will be a ground for removal of office for members of Ecorecycle Victoria. Business planning requirements for groups and Ecorecycle Victoria will be enhanced.

In making its recommendations to government, the panel also addressed the planning process, identifying a

need for all sectors of the community to be engaged in the development, amendment and review of statutory waste management plans. Engagement of the community is something that this government values highly, and this bill will introduce statutory consultation requirements for plans produced by Ecorecycle Victoria and regional waste management groups. The bill also tightens compliance with plans by ensuring that both public and private sectors are bound by plans and enables EPA to refuse applications for works approval that are not provided for, or are inconsistent with, approved plans.

As I have made clear, this bill implements the government's vision for reducing waste and making Victoria a centre for the sustainable industries of the future. Innovation needs direct support. This government will make sure that funds are available to those with key roles in the search for better ways of reducing our waste and delivering sustainable outcomes. Local government and industry will be the major beneficiaries.

This bill will achieve this by progressively increasing Victoria's landfill levies over a five-year period. This is a move which is fully in line with the conclusions of the Batagol panel and with the case put forward by a number of key bodies, including the Victorian Local Governance Association.

Landfill levies serve two purposes. Firstly, they provide sufficient funding to enable the establishment of education programs and waste management infrastructure (such as recycling facilities and transfer stations), they provide funding of regional waste management groups, and assist in funding EPA's enforcement program on waste and its cleaner production programs. Secondly, having a levy on disposal to landfill provides a signal that encourages waste minimisation and the promotion of alternatives to landfill.

The increases this bill will introduce will generate additional moneys to sufficiently fund activities undertaken by regional waste management groups, support Ecorecycle Victoria's expanded role, and accelerate programs to assist all sectors of the community, especially industry and local government, to reduce waste and improve resource use efficiency.

These increases will also assist in preventing low landfill disposal costs from sending the wrong signals. Low landfill disposal costs undermine efforts to improve standards of landfill operation, encourage poor practices and consequent loss of local amenity, fail to meet the community's expectations for reducing reliance on landfills, and stifle industry innovation. The progressive increases for all landfill levies in Victoria over a five-year period will send a clear signal to industry, focusing waste generators' attention on the need to plan for and implement cost-saving measures to minimise their waste. By staggering the increases over this period, we give generators the opportunity to implement desired changes in a planned and orderly manner. Very importantly, the levy increases also send a signal to the environmental technology industry that the state's pricing regime will now provide appropriate incentives for waste reduction alternatives to compete on their economic, environmental and social merits.

To support changes to landfill levies, administrative arrangements will be enhanced and distribution of levy moneys altered.

The use of landfill levy funds for supporting waste management bodies, particularly local councils, has been fundamental to the major improvements which have been made to waste management infrastructure in Victoria over the past 10 years. However, despite these considerable gains, Victoria still faces major challenges in waste management. Using the levy money to fund the strengthened institutional arrangements outlined earlier and to expand programs to assist industry to apply innovative approaches to waste reduction is critical, as is the expansion of assistance to regional groups and councils to improve infrastructure and promote waste avoidance, reuse and recycling. Levy moneys raised will continue to be channelled to Ecorecycle Victoria, regional waste management groups and EPA to achieve these ends.

Regulations will therefore be developed which will distribute municipal and industrial landfill levies back to regional waste management groups, Ecorecycle Victoria and EPA. It has been agreed that the proposed distribution will provide sufficient funding to ensure that these bodies are able to undertake their statutory functions under the Environment Protection Act 1970. Hazardous waste levies will continue to flow to EPA Victoria to assist industry with cleaner production programs.

The bill also establishes a sustainability fund to ensure that a portion of levy moneys is made available for projects and initiatives that will foster the environmentally sustainable use of our resources and best practices in waste management, thereby advancing the social and economic development of Victoria. Establishing this fund is essential to build the capacity of small business, local government and the broader community to pursue environmental improvement and

resource use efficiency through the development and implementation of innovative environmental initiatives.

The government is committed to ensuring that the broader community is engaged in the distribution of fund moneys. The public will be able to make submissions regarding the environmental issues they consider to be priorities for Victoria to an advisory committee, which will be established following passage of the bill. The advisory committee will consist of representatives from industry, the environment movement, local and state governments. The advisory committee will assist the government in identifying the environmental priorities for allocations of fund moneys on an annual basis.

This bill will also integrate the Litter Act into the Environment Protection Act.

Litter is one of the most visible and frequently encountered signs of pollution in the community. In addition to its visual effect on the environment, litter also poses potential threats to wildlife and human health. Victorians have made it abundantly clear they will no longer tolerate litter.

Integrating litter provisions into Victoria's primary overall environment protection legislation is an important step to ensure that litter is not perceived as a trivial or minor environmental problem. In addition, the bill ensures that important principles such as product stewardship are explicitly applied in the context of litter. It establishes a new offence which will ensure that those who commission the production of documents take reasonable steps to ensure those documents do not become litter.

This bill responds to stakeholder views, in particular, the views of local government. A review conducted by EPA last year found that legislative amendments would improve the ability of councils to enforce litter offences. The bill provides these necessary amendments. Other new offences which respond to recommendations arising from the litter review include a specific offence prohibiting bill posting without consent and the delivery of unwanted advertising material.

The bill increases penalties for litter offences to ensure that there is adequate funding for litter enforcement programs. The new penalties better reflect the seriousness with which the community views the nature of littering and brings Victoria into line with other Australian jurisdictions.

Finally, the bill provides for a couple of housekeeping amendments to remove minor inconsistencies and anomalies to improve the operation of the act.

This bill demonstrates the Bracks government's genuine commitment to protecting our precious environment.

The bill is also an excellent example of how this government is practically implementing its triple-bottom-line agenda.

Economically, it will foster industry innovation.

Socially, it will create new job opportunities and support local communities.

Environmentally, it will reduce waste and generate greater resource-use efficiency.

This bill truly grows Victoria together.

I commend this bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That the debate be adjourned until Thursday, 23 May.

Mr PERTON (Doncaster) — I ask the minister for an undertaking that if more time is required it will be made available. There are 16 bills coming into the house. I have already had phone calls from industry participants who have not seen this legislation. It is quite complex and runs to some 73 pages and a 15-page second-reading speech. I ask that if more time is needed, the government would allow the bill to lie over.

Ms Garbutt — I will consider that. I am prepared to accept that.

The ACTING SPEAKER (Ms Davies) — Order! At the moment, the motion is that debate be adjourned for two weeks.

Mr PERTON — Madam Acting Speaker, the minister has moved that debate be adjourned for two weeks. This is a serious piece of legislation that alters the way in which waste management is regulated in this state. It also has some significant impact on the laws relating to littering. As you are aware, Madam Acting Speaker, the recent government attempts to change the way in which hazardous waste is dealt with — even the relatively benign treatment of hazardous soils — have required months and months of consultation and have invoked very angry community responses.

In this case I have already had phone calls and I suspect you, Madam Acting Speaker, will have had similar calls from people interested in this field who wish to cooperate, to be helpful and to participate in the legislative process, but who, if this legislation is rammed through within the next three to four weeks, may not have that opportunity. So I ask that the minister give proper consideration to having this legislation lie over during the winter break so that the opposition — —

Ms Campbell interjected.

Mr PERTON — A very stupid minister is laughing at the table! I still do not know how you made it to the front bench.

The ACTING SPEAKER (Ms Davies) — Order! I ask the ministers at the table to cease interjecting and I ask the honourable member — —

Mr PERTON — You are hanging on by your fingernails!

The ACTING SPEAKER (Ms Davies) — Order! I ask the honourable member for Doncaster not to address the ministers across the table, and I did ask that the ministers at the table not interject with inappropriate comments.

Mr PERTON — As I indicated, Madam Acting Speaker, I am sure that were you not in the chair you would form the same view. This is a very important piece of legislation. While there have been some inquiries in this matter and there has been some consultation, the final form of this legislation has not been made available to industry, or indeed to local government or community activists.

The minister and I are both involved in discussions about the marine parks legislation, which will be a significant debate in this Parliament. Given the time constraints of the government, the opposition and the community, I believe she should give proper weight to the notion that all members of Parliament — the Liberal Party, the National Party and the Independents — also require the opportunity to consult with the community on those provisions. We will require more than a two-week adjournment.

Ms GARBUTT (Minister for Environment and Conservation) — On the question of time, Acting Speaker, the four weeks suggested by the shadow minister clearly takes us right through the winter recess. The government wants this matter dealt with this session. I can give the honourable member the assurance that we will be able to progress this through Parliament in a manner and timing satisfactory to him, but at the moment the two-week adjournment is our proposal.

Motion agreed to and debate adjourned until Thursday, 23 May.

TRAVEL AGENTS (AMENDMENT) BILL

Second reading

Ms CAMPBELL (Minister for Consumer Affairs) — I move:

That this bill be now read a second time.

The purpose of the Travel Agents (Amendment) Bill is to amend the Travel Agents Act 1986 —

to enable the trustees of the Travel Compensation Fund to sue and be sued in the name of the Travel Compensation Fund; and

to enable the Victorian Civil and Administrative Tribunal to review a decision of the trustees of the Travel Compensation Fund concerning the payment of compensation.

Victoria participates in a cooperative scheme for the regulation of travel agents. The Travel Compensation Fund, which is established by a trust deed, forms an integral part of that scheme.

The trustees of the Travel Compensation Fund are responsible for the operation of the compensation scheme established by the trust deed. Its purpose is the protection of certain consumer rights in participating states. Becoming a participant of the fund, by payment of a contribution fee, is necessary to be eligible to obtain registration as a travel agent in those states.

The Travel Compensation Fund is available, amongst other things, for the payment by the trustees of compensation to consumers in certain circumstances — for example, where a travel agent has misappropriated money paid for travel services, or otherwise fails to account for the money paid. In this way, the fund fulfils an important consumer protection function.

In the course of administering the Travel Compensation Fund, the trustees may take action against a travel agent to recoup moneys they have paid from the fund to a consumer by way of compensation for action of the travel agent. This can help reimburse the fund for payments that have been made.

When the cooperative scheme for the regulation of travel agents was originally established in 1986, it was envisaged that all participating states would adopt a number of uniform legislative provisions. One such provision was to enable the trustees of the Travel Compensation Fund to sue and be sued in the name of the fund, instead of in their own names as trustees.

This was not adopted in Victoria however. Whilst this does not affect the operation of the fund itself, it can result in the trustees encountering administrative difficulties and delays in any legal action it may wish to take in Victoria. This is because the signatures and consents of all the trustees are required instead. This difficulty has in fact been encountered in the past in a Supreme Court action initiated by the fund. There can be up to 15 trustees, some of whom reside interstate and some of whom may be overseas at the time that their signatures are required.

This unnecessarily complicates the bringing of recovery actions in Victoria, inconveniences trustees, and provides an avenue for procedural delay by defendants.

To correct this anomaly, the bill amends the Travel Agents Act 1986, to allow the trustees of the Travel Compensation Fund to sue and be sued in its own name.

In addition, the bill amends the act to change the appeal process available to a consumer who is aggrieved by a decision taken by the trustees of the Travel Compensation Fund about the payment of compensation.

Consumers who are dissatisfied with such a decision can seek a review of their decision. At present in Victoria, such a review is heard by an appeal committee appointed by the minister.

This means that each time a review is requested, a separate appeal committee needs to be established. This is an administratively cumbersome process that can result in inconvenience and delay.

A further disadvantage is that an appeal committee does not have the power to subpoena people or documents to assist it in determining the review. It is therefore significantly limited in the way it may obtain information relevant to an appeal. This in turn may create significant difficulty in satisfactorily resolving a consumer complaint.

By contrast, the Victorian Civil and Administrative Tribunal can subpoena people and documents to assist it in determining a matter that is brought before it.

The result of these amendments will be both reduced administrative burden and an improvement in consumer protection.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Wantirna).

Debate adjourned until Thursday, 23 May.

JURIES (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The Juries Act 2000 was an important reform of the jury system in Victoria.

The act implemented many of the recommendations made by the parliamentary Law Reform Committee in its 1996 report on jury service in Victoria.

The Juries (Amendment) Bill amends the Juries Act 2000 to address a small number of operational difficulties that have been encountered since the act commenced in 2001.

Jury districts

The Juries Act 2000 currently provides for the assigning of jury districts to the courts in Melbourne and all circuit towns. The act states that a jury district is the area comprising the electoral districts for the Legislative Assembly assigned by the Governor in Council by order published in the *Government Gazette*.

The jury districts are assigned on the recommendation of the Electoral Commissioner, after consultation with the Juries Commissioner and having regard to the needs of the courts in Melbourne or a circuit town.

This bill removes references to Legislative Assembly electoral districts as a basis for the creation of jury districts.

This amendment is necessary because the latest electoral boundaries, which will come into operation upon the calling of the next election, have restricted access to potential jurors for various courts throughout Victoria.

For example, the proposed electoral boundary for the new Legislative Assembly district of Lowan encompasses both the towns of Horsham and Hamilton. Both the Supreme and County Courts sit in these towns.

As section 18 now operates, under the new electoral boundaries jurors for the court in Horsham could not be selected from a nearby town such as Warracknabeal (which is less than 60 kilometres away) as it is located in a different electoral district.

The combined effect of section 18 and the new electoral boundaries will make jury pools for some towns too small.

The amendments to sections 18 and 19 of the act therefore remove references to electoral districts.

Instead, jury districts will be developed administratively by the Electoral Commissioner in consultation with the Juries Commissioner (an office created under the Juries Act 2000) before being assigned by the Governor in Council by order published in the *Government Gazette*.

The amendment bill also provides for a further automatic amendment to the Juries Act 2000 upon the commencement of the Electoral Act.

This automatic amendment will ensure that the Juries Act 2000 reflects the new terminology under the electoral bill, such as the new register of electors.

Appeals against decisions of the Juries Commissioner

Currently, under section 10 of the act potential jurors can appeal to the Supreme or [County] Court against a decision of the Juries Commissioner about deferral of jury service, excusal from jury service for a good reason or permanent excusal from jury service.

The act currently provides that the appeal can be lodged within 14 days after notification of the decision or before the date on which the person is required to attend for jury service, whichever is the sooner. Under the current jury selection process, potential jurors are forwarded a questionnaire. At this point, the potential juror may apply for deferment or excusal from jury service.

When the questionnaire is returned to the office of the Juries Commissioner, the juror may be contacted informally by telephone about their application for deferral or excusal.

If the office is not satisfied that the person should be excused or their service deferred, a summons to attend for jury service is issued.

Questions have, however, arisen as to whether the telephone call or the service of the summons constituted notification of the decision. In order to clarify and give flexibility to the appeals process, clause 3 allows appeals to be lodged at any time before the person becomes a member of a panel.

Calling out of jurors' names

Since the commencement of the act, jurors have expressed concern about the repetitive calling of their names in court which may compromise their security during and after their jury service.

While some of these concerns have been addressed by changes in court procedure, section 31 of the act requires calling out the names of the potential jurors when they come to the court prior to their empanelment.

In order to address this concern, section 31 has been amended to make this preliminary process discretionary rather than mandatory. In this way, the only time the potential jurors' names are called out before the accused is during the empanelment process.

Section 31 continues to provide that a court may direct that panel members be identified by number only during the empanelment process where the court considers it appropriate for security or other reasons.

Majority verdicts in civil trials with jury of five

Section 47 of the act provides for majority verdicts in criminal and civil trials. In criminal trials (other than those punishable by life imprisonment), majority verdicts will be accepted from juries that have been reduced by a juror's death or discharge under section 43 of the act.

However, section 47 does not currently provide for the acceptance of majority verdicts in civil trials where the jury has been reduced from six to five jurors.

Clause 7 provides for such a situation. This amendment will enable such trials to continue rather than requiring a retrial, at great cost to the parties and the community.

Remission of fines and imprisonment ordered summarily

Section 81 of the act empowers the court to deal with a person (by way of a fine or imprisonment) for failing to comply with a summons for jury service or an instruction to attend for jury service, or having been empanelled, for failing to attend as a juror.

It does not however include a power to remit the fine.

Clause 8 amends section 81 to include a power of remission of the fine where the person dealt with satisfies the court that they had a reasonable excuse for failing to comply or attend.

This amendment ensures that while the court may deal with a breach summarily, any subsequent reasonable explanation for the breach can be dealt with just as easily.

Disqualification of jurors

Clauses 2 and 3 of schedule 1 disqualify persons who have served terms of imprisonment of varying lengths from jury service.

The amendments seek to clarify these clauses to ensure that a person is disqualified on the basis of the length of sentence (or period of detention) that they have been ordered to serve rather than the actual time spent in prison or in detention.

Ineligibility of jurors

Clause 1(f) of schedule 2 currently provides that persons are ineligible for selection as a juror where their duties or activities, whether paid or voluntary, are connected with the investigation of offences, the administration of justice, or the punishment of offenders.

The phrasing of this clause has led to persons claiming ineligibility on the basis of their roles as traffic by-laws officers, Neighbourhood Watch committee members and bank fraud investigators.

It is inappropriate that such persons could be ineligible for jury service.

Therefore, clause 1(f) has been amended to limit such persons to those who are employed or engaged (whether on a paid or voluntary basis) in the public sector within the meaning of the Public Sector Management and Employment Act 1998.

Conclusion

The Bracks government is committed to an open, transparent and accountable judicial system. Juries are an essential part of such a system, allowing the community to contribute directly to the judicial process.

These amendments seek to ensure the smooth running of the jury system in Victoria and improve confidence in our legal and courts system.

I commend this bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Thursday, 23 May.

CRIMINAL JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill embodies the major legislative reforms of the criminal justice enhancement program. These reforms will help improve access, quality and efficiency in the criminal justice system. The bill reflects the commitment of the Bracks government to providing Victorians with a modern criminal justice system that capitalises on new technology to provide fairer and more efficient criminal justice processes.

The criminal justice enhancement program (or CJEP) was formed within the Department of Justice early in 1999 to give effect to a range of key recommendations identified in the Project Pathfinder stage 2 report of July 1998.

During 1999 and 2000 CJEP project teams developed detailed process redesigns in a number of areas in the criminal justice system. Substantial opportunities for procedural improvements across the criminal justice system in Victoria were identified in the process redesign reports. A significant feature of the process redesigns is the development of major new information technology (IT) systems.

Recognising the benefits to be gained in the development of information technology in this area, this government funded the introduction of new IT systems in the 2001–02 budget.

In addition to the development of new IT systems, CJEP proposed a range of legislative reforms needed to give effect to CJEP's overall program. Most of the proposals sought to utilise the new information technology systems in various ways. Others proposed more efficient or effective procedures.

The legislative proposals were presented in a consultation paper released in July 2001 and subject to consultation with major stakeholders across the criminal justice system. These stakeholders included Victoria Police, corrections (both public and private), the Office of Public Prosecutions, Victoria Legal Aid, the courts, the Law Institute of Victoria, the Criminal Bar Association and Victoria Legal Aid.

The result is the reforms that are embodied in the present bill. The reforms contained in this bill will

improve the criminal justice system in a wide range of ways. These are:

increasing access to justice through early and progressive disclosure;

improving care of accused persons through improved means of identification and exchange of information;

streamlining processes by allowing electronic commencement of criminal proceedings and widening the authority to issue summonses;

expanding the capacity of the Magistrates Court to deliver justice in flexible ways by providing a legislative framework for diversion programs; and

improving efficiency by reforming the procedure available to the Magistrates Court when a defendant fails to appear at court.

I will now explain to the house these various reforms in more detail.

Disclosure

(i) Electronic progressive disclosure

Currently, there is no positive obligation on the prosecution to provide information to the defendant about the case against them in relation to summary offences and indictable offences being dealt with summarily. The defendant must send a form requesting the police brief, and the police will only send the information once they have the complete brief.

The bill will improve this situation by utilising the new electronic brief preparation process introduced by CJEP. The bill will enable a defendant's legal representative to be provided automatically with electronic copies of the police brief via the Internet. Such electronic disclosure will also be progressive as new matters of evidence become available in the police brief preparation process.

This new form of electronic and progressive disclosure will result in:

more timely and systematic release of evidence being provided to the defence;

improved opportunity for defence preparation, particularly for duty lawyers;

increased opportunity for resolving, narrowing or clarifying issues in dispute at an early stage;

fewer adjournments in the Magistrates' Court; and

greater accountability by police for brief content, time lines on disclosure and workloads.

This new disclosure process utilises a new IT infrastructure that will be available for prosecutions initiated by Victoria Police. When other prosecuting agencies utilise this IT infrastructure, the disclosure process can be invoked to apply to them also.

Because of the importance of security of the police database, access to the new disclosure process will be limited to registered legal practitioners who have entered into a contract with the Department of Justice concerning the use of the process.

(ii) Early service of outlines of evidence

This bill provides a further improvement in disclosure processes by allowing police to serve an outline of evidence on the defendant at the time he or she is served with the charge sheet. An outline of evidence is a signed statement by the informant which describes the nature, background and consequences of the offence, and comments made by the defendant when interviewed by police, and includes a list of exhibits and witnesses.

Where a defendant is served at this early stage with an outline of evidence, they will have a much better awareness of the police case against them and will be able to make more informed decisions about how to respond to the charges. An outline of evidence will also help a defendant's legal representatives to provide more informed legal advice earlier in the proceedings. This will help to resolve, narrow or clarify the issues in dispute, thereby reducing delays and costs.

Identification and exchange of information

(i) Improved means of identification

Identification of accused persons is essential in ensuring that at various stages along the criminal justice process the correct person is being dealt with. Each time a person is charged by police, and each time a person in custody is transferred into another authority's custody (e.g. from Victoria Police to Corrections), they must be identified. Currently, identification relies on the person being asked their name, address and date of birth.

The bill will allow police and corrections staff to take digitally recorded fingerprints, known as 'fingerscans', as an additional means of identification. Fingerscans will facilitate positive and reliable identification, and

will reduce time spent securing and checking identification, to the benefit of all parties.

Appropriate safeguards in the bill include: only permitting fingerscans to be taken in circumstances where the law already permits a fingerprint to be taken; prohibiting the admission of fingerscans as evidence in court proceedings; and destroying fingerscans where the charge is not proceeded with or the person is found not guilty.

(ii) Exchange of personal information

The state has a duty of care to any person within its custody or under its supervision. Access to relevant information is essential in fulfilling that duty of care in relation to the management of an accused person. For example, a particular person may be a suicide risk. Immediate access to that sort of information will enable police and corrections authorities to take appropriate preventative action.

Currently, there is limited scope for the sharing of relevant information between Corrections and Victoria Police. The bill will remedy this by allowing the Minister for Corrections and the Chief Commissioner of Police, in their respective areas of responsibility, to authorise in writing the disclosure of certain kinds of personal information about accused persons for certain kinds of purposes. Only people who have official duties within an agency will be able to make such disclosures, and only in performance of those duties.

Electronic commencement of criminal proceedings

In order to streamline the process of commencing criminal proceedings in the Magistrates Court, the bill will permit an informant to file a charge either in hard copy with the court (which is the existing method) or by using an electronic method approved in regulations.

The defendant will still be entitled to receive a signed copy of the charge sheet.

Authority to issue summonses

Currently, a person may be compelled to attend the Magistrates Court to answer a charge either by summons or by being arrested and then either bailed or held on remand. Summonses are to be preferred, as being the least intrusive means of ensuring that the defendant attends court. Currently, only court registrars and members of the police force of two years standing may issue summonses, with the police only able to do so for a limited range of offences. Because of these limitations and inefficiencies in the summons processes, it has become common practice for police to arrest and bail a person rather than apply for a summons.

The bill will allow any member of the police to issue a summons at the time of signing a charge sheet. This will save time both for police and the Magistrates Court, and will help limit the use of the arrest and bail procedure to more appropriate cases.

Diversion programs

In the 2001–02 budget, the Bracks government allocated funding of $3.2 million over three years to support the establishment of a diversion program in the Magistrates Court. Diversion has been shown to work, but the program now needs a clearer legislative framework. The bill provides that framework and gives proper recognition to the valuable place diversion proceedings have in dealing with criminal behaviour. It is part of this government's commitment to providing new ways to break the cycle of offending.

Diversion proceedings allow low-risk offenders to be diverted from the criminal justice system where greater harm may be caused by drawing the individual further into the criminal justice system.

The bill provides that, where an offender acknowledges the offence and the police support diversion, the court may adjourn the proceeding to allow the offender to comply with certain conditions which form part of a diversion plan. Such conditions can include apologising to the victim, compensating the victim, receiving counselling, or performing community work. The content of a diversion program is flexible and can be tailored to the particular needs and situation of the offender. The aims of diversion are to:

prevent reoffending;

assist the offender's rehabilitation;

utilise community resources for appropriate counselling or treatment; and

ensure that appropriate reparation is made to the victim and, where appropriate, to have the offender apologise to the victim.

If the offender satisfactorily complies with the conditions, the court will discharge the offender without conviction. If the offender does not satisfactorily comply with the conditions, the charge will be dealt with in the normal manner.

Ex parte hearings

Under the current process, where a defendant charged with a summary offence fails to appear at court on the first listed date, the hearing may be (and often is) adjourned for an ex parte hearing — that is, a hearing in the defendant's absence. The Magistrates Court may only hear a matter ex parte if either the police have served a full brief of evidence on the defendant or the informant and other witnesses attend court and give evidence on oath. It is common for numerous adjournments to be made before the matter is finally dealt with ex parte. This process has proved cumbersome and inefficient.

The bill will reform the ex parte process by allowing the court to hear and determine the charges and sentence the defendant on the basis of an outline of evidence which has been served on the defendant.

Service of an outline of evidence was explained earlier, in the context of early disclosure of the police case. The present reform to ex parte procedure will provide for more efficient and timely disposal of ex parte criminal proceedings. The savings in police time will be considerable.

At the same time, strong safeguards will be in place to ensure that the rights of defendants are properly protected. The safeguards include:

the court must be satisfied that the outline of evidence was served on the defendant;

the outline of evidence must be signed by the informant, who will be guilty of an offence if he or she knows it to be false;

the outline of evidence will be accompanied by a warning as to what could happen if the defendant fails to attend court;

no offence likely to result in a custodial sentence or community-based order will be dealt with ex parte; and

the total fines that can be imposed in ex parte hearings will be capped at 50 penalty units ($5000), with no single fine of more than $2000;

prior convictions, other than those for traffic offences, may not be disclosed to the court;

the defendant is to be informed in writing of their sentence under the ex parte procedure and their right to apply for a re-hearing;

a defendant will have an automatic right to a re-hearing within 28 days of being notified of the outcome; thereafter, leave will usually be required; and

the existing re-hearing and appeals processes will be preserved, including rights of appeal to the County Court.

Other reforms

In addition to these reforms based on CJEP's recommendations, the government has included in this bill further reforms to the criminal justice system. These concern:

improving access to bail justices;

improving the capacity of magistrates to order corporations to attend trial;

making more effective use of court time in relation to appeal costs; and

technical corrections relating to the Drugs, Poisons and Controlled Substances (Amendment) Act 2001.

Bail justices

The law currently provides that Magistrates Court registrars and other court staff who hold 'prescribed offices' are bail justices. However, certain acts greatly restrict the capacity of these bail justices to exercise their powers. This bill will amend the definition of 'bail justice' in those acts so as to give to registrars and other holders of prescribed offices the appropriate capacity to act as bail justices.

Section 85 statement

It is the intention of clause 18 of the bill to limit the jurisdiction of the Supreme Court.

In 1989 the function of deciding bail applications was removed from justices of the peace and given to the new office of bail justice. Bail justices are either people appointed by the Attorney-General or people who hold certain prescribed offices in the courts, such as Magistrates Court registrars. Since 1989, prescribed office bail justices have provided a valuable bail justice service, particularly in rural and regional areas where magistrates are not always available for bail matters. That service has been provided in good faith and on the understanding that proper bail justice powers came with the office of bail justice. However, it has recently emerged that the powers of prescribed office bail justices were not as broad as was commonly thought to be the case.

Prescribed office bail justices, who performed those functions in service to the Victorian community, deserve protection. Clauses 16 and 18 of the bill ensure that acts or decisions are not invalid simply because the bail justice had not been appointed under section 120 of the Magistrates' Court Act and thereby preclude legal challenges to those acts or decisions on that ground.

Bail for corporations committed for trial

Currently, when a defendant charged with an indictable offence is committed for trial, the magistrate must remand the defendant in custody or grant bail. However, where the defendant is a corporation, such an order does not makes sense, since it is an artificial entity with no physical existence. The bill will remedy this gap by allowing the magistrate to order the defendant corporation to appear at its trial and making it an offence to breach such an order.

Appeal costs

The Court of Appeal recently decided that a court could not issue an indemnity certificate under the Appeal Costs Act 1998 unless it was satisfied that appeal costs had actually been paid. Before that decision, the established practice had been that a court issued a certificate if it was satisfied that the party was eligible for a certificate. The Appeals Costs Board then had to determine whether a costs liability had been incurred. The bill will amend the act to restore the earlier practice and ensure a more efficient process and use of court time. The bill will also clarify that deemed adjournments include appeals.

Technical corrections relating to the Drugs, Poisons and Controlled Substances (Amendment) Act 2001

The Drugs, Poisons and Controlled Substances (Amendment) Act 2001 introduced new offences in relation to drug trafficking and cultivation of narcotic plants. The present bill will make technical corrections to that act's consequential amendments so as to ensure that certain drug offences remain within the scope of such regimes as the confiscation of proceeds of crime and the collection of forensic samples.

Conclusion

This important bill introduces a wide range of amendments. These changes will result in improvements to the criminal justice system from all perspectives. The bill will improve access to justice, improve the efficiency and quality of criminal processes, and improve care for the accused. The capacity of the courts to tackle the causes of crime will also be increased by this bill by providing for alternative ways of dealing with offenders.

Delays in court processes can be particularly distressing to victims of crime. This bill will help the Magistrates Court to complete criminal cases more quickly, complementing the new case management techniques already introduced in the County Court. The bill will also help police and defendants to manage cases more productively and effectively.

This bill is a key part of the government's commitment to improving services in the justice system for the Victorian community.

I commend the bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Thursday, 23 May.

AGRICULTURE LEGISLATION (AMENDMENTS AND REPEALS) BILL

Second reading

Mr HAMILTON (Minister for Agriculture) — I move:

That this bill be now read a second time.

The bill makes a number of amendments to the Plant Health and Plant Products Act 1995 which aim to maintain productivity and market access for Victorian plant produce by enabling more effective measures to prevent, report on and respond to incursions of exotic pests and diseases, such as fire ant, fire blight, branched broomrape and fruit flies.

The bill amends the Sale of Land Act 1962 to require vendor statements to include a warning to prospective purchasers of land that commercial agricultural production could affect their enjoyment of the land. The bill also repeals the Wheat Marketing Act 1989 and the Egg Industry (Deregulation) Act 1993 which are both redundant.

Proposed amendments to the Plant Health and Plant Products Act 1995

The presence of branched broomrape and fire ants in other parts of Australia increases the urgency for Victoria to improve its product movement and certification measures to minimise the risk of such exotic pests and diseases entering this state.

Early reporting and rapid response capability is essential for effective containment of exotic pests and diseases. Experience has shown that the current provisions in the act do not allow for a sufficiently rapid incursion response because of delays in diagnosing the organism prior to its declaration by Governor in Council for purposes of the act. Under a new section 5A, the minister will be able to make an interim order for maximum of 28 days duration to declare — —

Mr Plowman — On a point of order, Mr Acting Speaker, I understand the minister's desire to get through this quickly but I cannot understand what he is saying. I am reading it and I would like him to go slightly slower so that it is comprehensible to anyone listening.

The ACTING SPEAKER (Mr Kilgour) — Order! I uphold the point of order. I was having trouble keeping up with the minister myself. I was wondering which racecourse we might have been at. I ask the Minister for Agriculture to slow down his presentation.

Mr HAMILTON — I thought I was reading fairly slowly.

Under a new section 5A, the minister will be able to make an interim order for maximum of 28 days duration to declare a suspected pest or disease to be an exotic pest or disease if he or she is of the opinion that it is harmful to the growth or quality of plants or plant products. As the order can be made on the basis of a description of the organism or on symptoms or the condition of the affected plants, it should reduce the response time to a few days rather than the two to three weeks currently being experienced. This provision reflects similar legislation in other states.

The act is clear about the reporting requirements for plant pests and diseases by landowners and other persons, who grow, own or possess plants and plant produce. An amendment to section 7 will also make it mandatory for consultants and contractors who are employed by growers as pest monitors and laboratory owners to report suspect or identified exotic pests and diseases without delay. It has been necessary to clarify the reporting responsibilities for laboratory owners as many have confidentiality arrangement with clients.

Bees, livestock and livestock products are known vectors of pests and diseases such as fire blight and branched broomrape. Livestock and livestock products within the meaning of the Livestock Disease Control Act 1994 are to be defined as plant vectors. The bill amends sections 17 and 20 of the act to include plant vectors which will enable the making of orders to restrict their movement both within and from quarantine and restricted areas where pests, such as branched broomrape, are present.

Other amendments to section 24 will allow the minister to place controls on the movement of plant vectors from interstate quarantine or restricted areas into Victoria and to make it mandatory under section 6 for persons receiving plant vectors from such areas both within and outside Victoria to obtain the appropriate certification. The livestock industry has accepted the need for such powers provided that industry is consulted before the making of any order and on the basis that the need for such an order is likely to be rare.

Other amendments under section 6 seek to ensure consistency by requiring Victorian importers of produce from fruit fly outbreak and other pest affected areas within Victoria to obtain certification similar to what is required for produce from quarantine or similar restricted areas interstate.

While the amendments emphasise prevention, the new provisions will also allow importers of plant material, plant vectors and equipment more flexibility to deal with consignments that do not comply with the act. Rather than having to treat, dispose of or destroy the consignment, an amendment to section 10 will allow importers to opt to have an inspector authorise its reconsignment back to the owner or to an alternative market under security. An amendment to section 6 will also relax movement conditions so that only a general ministerial approval is needed for the entry of routine plant samples for diagnosis within Victoria provided the laboratory observes certain conditions. However, ministerial approval will still be required for individual introductions of material that is affected by exotic pests and diseases for the purposes of scientific research. This approval can be sought for entry of material designed to protect the environment, for example, biological control agents and for use in trials and varietal testing designed to further agricultural interests.

There has been some concern expressed by producers and market users about dirty packages transferring unwanted pests and diseases particularly back to farms. The word 'clean' has been defined in section 34 of the act to enable inspectors and package users to benchmark a standard for the cleaning of such packages, including bins. Changes to section 35 will enable growers and packers to incorporate electronically or otherwise, place of production codes on packages of fruit and vegetables. For many producers and packers who use generically branded packages, this will remove the need for packages to be

printed with the full name and postcode of origin, as is required at present.

Section 38 of the act and associated sections, which require packages of fruit and vegetables to be labelled with the grade description where such a grade system is in operation, have been revoked. This followed a recommendation from a national competition policy review of the act, which found that these sections have no direct bearing on the main purposes of the act, which are about plant health. The provisions had been retained in the event that horticultural industries elected to adopt industry grade standards but industry has not developed such standards. Alternative arrangements are being discussed with the table grape industry, which is still interested in implementing national grade standards.

Seed labelling provisions under sections 30 and 31 have been revoked because the Australian seeds association has successfully implemented a national code of practice for labelling. Discussions with various seed industry sectors have indicated that they are happy for the legislation to be revoked because there is a high degree of compliance with the code and it has received widespread support from seed producers, packers and consumer groups.

Further amendments will improve existing enforcement and offence provisions. Changes to section 59 will allow inspectors to seek information from landowners and owners of plants and produce that are suspected of being infested or infected with exotic pests and diseases. Under amendments to section 48 a minimum time of two days, rather than the current minimum of seven days, will be able to be fixed for a person to comply with an order, direction or notice. This is particularly important for situations where pests or diseases could quickly spread if prompt action is not taken to control them.

Changes to section 66 are designed to increase the time limit for commencing proceedings for a number of offences from one to three years. This has become necessary because a significant proportion of compliance is now checked through periodic audit arrangement, rather than ongoing inspection, which can lead to later detection of offences.

The list of offences in section 60 for which an infringement notice can be issued has been increased. The option to use infringement notices for an expanded number of offences reflects a need to back up compliance programs with an appropriate penalty, particularly for first offenders or for minor infringements, without the need for court proceedings that may prove expensive and time consuming for all parties.

Proposed amendment to the Sale of Land Act 1962

Last year the government endorsed the six recommendations of a right-to-farm working group the Minister for Agriculture set up to tackle mounting tensions in urban–rural areas of Victoria. Increasing numbers of people are seeking rural lifestyles but their expectations are not always compatible with the realities of modern agriculture. This, combined with inadequate knowledge of rights and responsibilities, leads to conflicts and disputes that can be very time consuming and stressful for all concerned.

Adoption of the six recommendations of the right-to-farm working group forms the basis of the Victorian government's strategy Living Together in Rural Victoria. Progressive implementation of the recommendations saw the launch, in February 2002, of a rural disputes settlement centre to improve mediation services across regional Victoria. In April the Minister for Agriculture launched an extensive education campaign to deliver information about rural living so that complaints against farmers engaged in legitimate business activities will be minimised. The education campaign particularly targets people thinking of moving to rural areas, as does the recommendation implemented by this bill, an amendment to the Sale of Land Act 1962.

This bill amends the Sale of Land Act 1962 to insert, in section 32(2), a warning to purchasers that the property may be located in an area where commercial agricultural production activity could affect their enjoyment of the property. It is therefore in the purchaser's interests to undertake an investigation of the possible amenity impacts from nearby properties and the agricultural practices and processes conducted there.

The extensive educational material developed, and now widely available in printed form and electronically, will allow potential purchasers of rural property to access information on agricultural impacts such as noise, odour, dust, visual amenity and livestock on roads. They will also find, at the same time, information on responsibilities regarding matters such as controlling weeds and animal pests, as these can also be an underestimated impact of moving to the country.

Repeal of redundant acts

The bill repeals the Wheat Marketing Act 1989 and the Egg Industry (Deregulation) Act 1993 which are both redundant.

The Wheat Marketing Act 1989 repealed the Wheat Marketing Act 1984 and conferred certain functions and powers on the Australian Wheat Board to allow the board to trade within Victoria.

The Wheat Marketing Act 1989 became redundant when the commonwealth amended its legislation and privatised the Australian Wheat Board. The Wheat Marketing Act 1989 now refers to arrangements which no longer exist and is inconsistent with the relevant commonwealth legislation.

The Egg Industry (Deregulation) Act 1993 repealed the Egg Industry Act 1989 and provided for the transfer of the property, rights and liabilities of the Victorian Egg Marketing Board to the Egg Industry Cooperative Ltd on 12 June 1993, which was the day on which the Egg Industry Act 1989 was repealed. Repealing the Egg Industry (Deregulation) Act 1993 does not adversely affect the transfer of the Victorian Egg Marketing Board's property, rights and liabilities to the Egg Industry Cooperative Ltd.

I commend the bill to the house.

Debate adjourned on motion of Mr McARTHUR (Monbulk).

Debate adjourned until Thursday, 23 May.

STATE TAXATION ACTS (FURTHER TAX REFORM) BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

This bill contains the government's tax measures for the 2002–03 budget. The government's business tax initiatives have already been announced in the Building Tomorrow's Businesses Today package that provides business tax cuts of $262 million over the next four years. These initiatives build on the government's Better Business Taxes package of last year which followed the most comprehensive business tax review undertaken in Victoria for nearly two decades. All of these initiatives bring the total business tax cuts announced by the Bracks government to over $1 billion — a significant achievement in a first term of office. The budget also contains targeted measures to assist first home buyers with families to purchase their own homes and it also assists concession cardholders who wish to move to other accommodation.

In formulating the Building Tomorrow's Businesses Today package, the government has focused on measures to grow the whole of Victoria and deliver more high-quality jobs and better living standards.

These taxation measures are financially responsible and target improved outcomes for businesses and families. They provide a solid basis for the continued improvement in living standards for all Victorians.

I now turn to the major features of the bill. The bill contains a number of important changes to the Pay-roll Tax Act 1971 that will stimulate employment in Victoria and encourage business investment.

Effective from 1 July 2002, the rate of payroll tax will be lowered to 5.35 per cent, one year ahead of the schedule previously announced in *Better Business Taxes*.

The rate of payroll tax will be further reduced to 5.25 per cent, effective from 1 July 2003. These initiatives mean that the Bracks government will have reduced the payroll tax burden for business by 9 per cent since coming to office.

The payroll tax-free threshold will also be increased from $515 000 to $550 000, effective on 1 July 2002, one year ahead of schedule. This will free around 300 small businesses from the burden of paying payroll tax. In addition, hundreds more that would have become liable for the tax will now remain below the threshold. This increase in the payroll tax threshold is the first threshold increase in a decade.

The land tax threshold will also be increased from $125 000 to $150 000, effective from 2002–03. This will remove around 21 000 taxpayers, or around 15 per cent of all taxpayers, from the burden of land tax. In total, almost 6000 properties in regional Victoria will become exempt from land tax.

Stamp duty on unquoted marketable securities will also be abolished from 1 July 2002, one year ahead of schedule. This stamp duty impedes investment decision making and financing by small business and its abolition will save businesses over $10 million each year.

This bill also recognises the government's community obligations. The government will reform, streamline and expand the concessions system presently in place to assist first-home-buying families and concession cardholders. The existing concessions were last reviewed in 1998 and the two schemes currently have different exemption requirements and cut-off levels. Both schemes will now be consolidated for the first

time and expanded with a full exemption applying for both first-home-buying families and concession cardholders up to $150 000 and a partial exemption from $150 000 to $200 000. The removal of the income test for first home buyers with families will simplify administration. It will also remove any unfair discrimination where, in a family situation, one of the partners might be moving in and out of the work force.

These reforms mean the value of the maximum concession for both schemes will increase to $4660. Previously, the maximum concession for concession cardholders was $2200 and for first-home-buying families, it was $2560. As a result of these reforms, up to 4000 additional families, pensioners and lower income-earners will be eligible for relief, bringing the total number estimated to benefit from these concessions to about 8000 — many of whom will be in regional Victoria. Common arrangements will provide improved accessibility, ensure efficient streamlined administration and eliminate any current confusion in the marketplace regarding the present variations between the two schemes.

The government's Building Tomorrow's Businesses Today package cements Victoria's position as a good place to do business. Furthermore, our reform and expansion of the concession arrangements will assist first home buying families, lower income earners and pensioners.

I commend the bill to the house.

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

Debate adjourned until Thursday, 23 May.

ALBURY-WODONGA AGREEMENT (REPEAL) BILL

Second reading

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

That this bill be now read a second time.

Background

In 1973, the Victorian government, along with the commonwealth and New South Wales governments, signed the Albury-Wodonga Development Agreement to plan and develop a growth complex in Albury-Wodonga.

With the commonwealth's decision in 1995 to wind up its corporation — the Albury-Wodonga Development Corporation — it makes sense for both Victoria and New South Wales to withdraw and leave the final winding-up process to the commonwealth. The decision for the states to withdraw was endorsed in principle at the 1997 meeting of the Albury-Wodonga Ministerial Council.

To enable the states to withdraw, the development of complementary legislation by the three governments is required. Both the commonwealth and NSW governments have passed their legislation to give effect to this decision. They are respectively the Albury-Wodonga Development Amendment Act 2000 and the Albury-Wodonga Development Repeal Act 2000. The bill that I am introducing today complements this legislation.

Protecting Victoria's and the Wodonga region's interests

During the preparation of this bill and the negotiations with the commonwealth and New South Wales governments, the Bracks government has sought to protect Victoria's and the Wodonga region's interests.

There will now almost certainly be a substantial land bank remaining after the proposed winding-up date of the Albury-Wodonga Development Corporation in 2007. It is estimated that around 80 per cent of the present 8800 hectares will still be in corporation ownership at 2007. The majority (5517 hectares) of the land bank is in Victoria.

There is also the need to ensure that the Victoria Corporation land, on its disposal by the Albury-Wodonga Development Corporation, meets all planning requirements.

Consequently, the Bracks government, in its handling and negotiations on this matter, has ensured that:

there will be effective administration and application of state and council planning laws and powers for the Victoria Corporation land being transferred to the commonwealth;

the regional property market will not be distorted by the sale of the Albury-Wodonga Development Corporation land bank;

Victoria, including the Wodonga region, will be consulted regularly and formally by the commonwealth prior to the final winding-up of the Albury-Wodonga Development Corporation; and

the payment of rates by the Albury-Wodonga Development Corporation to the Rural City of

Wodonga will be considered by the commonwealth as part of a review process.

The One City initiative

While the Albury-Wodonga growth complex experiment is drawing to a close, a different approach to addressing regional growth and cross-border anomalies and barriers is being investigated by the joint Victorian and New South Wales One City initiative.

While there are some common aims between the two approaches, it would not be correct or appropriate to confuse them. They are separate matters and need to be treated accordingly. The bill and the winding-up agreement will have a neutral impact on the 'One City' concept.

Purposes of the bill

I would now like to turn to several key aspects of the bill.

The purposes of the bill are to:

repeal the Albury-Wodonga Agreement Act 1973 and the Wodonga Area Land Acquisition Act 1973;

dissolve the Albury-Wodonga (Victoria) Corporation;

provide for the transfer of assets, contractual rights and obligations, and liabilities of the Victoria Corporation to the Albury-Wodonga Development Corporation; and

provide for the winding-up agreement between Victoria and New South Wales and the commonwealth for those purposes.

The effect of the bill and the winding-up agreement is therefore to wind up the Victoria Corporation and transfer its assets, contractual rights and obligations, and liabilities to the Albury-Wodonga Development Corporation with Victoria having no further involvement in the administration of the corporation.

The withdrawal of the states will also allow a more flexible, simplified management structure and streamlined functions to be implemented for the remaining Commonwealth Corporation.

The bill's commencement provisions

The bill comes into operation on a day or days to be proclaimed. There is no fixed day for commencement as the precise date of commencement will depend on the time of the signing of the winding-up agreement and the commencement of the commonwealth and New South Wales acts.

The Albury-Wodonga area development winding-up agreement

The bill provides for the three governments to enter into the Albury-Wodonga area development winding-up agreement (winding-up agreement) which, on commencement, will terminate the Albury-Wodonga area development agreement.

The winding-up agreement is currently being negotiated between Victoria, New South Wales and the commonwealth. It will deal with a range of transitional arrangements.

When negotiations are completed, the government will table in each house of Parliament a determination that a specified form of agreement is the approved form of winding-up agreement. Either house may disallow the determination within 15 sitting days. The New South Wales and commonwealth governments will also undertake this exercise.

If this determination is not disallowed, the bill authorises the Minister for State and Regional Development (or another minister) to execute on behalf of Victoria an agreement substantially in accordance with the approved form of the winding-up agreement. If the agreement is signed by Victoria, New South Wales and the commonwealth, then the agreement is approved by Parliament.

Functions, powers and duties of the Albury-Wodonga Development Corporation

The bill, under clause 16, provides that the Albury-Wodonga Development Corporation will have the same duties that the Victoria Corporation had to comply with Victorian laws. Once this provision is enacted, the relevant commonwealth minister will be able to make a declaration under section 8 of the Albury-Wodonga Development Act 1973 of the commonwealth that clause 16 is complementary to the commonwealth act.

The effect of that declaration would be to impose the duties on the Albury-Wodonga Development Corporation.

The bill also provides in a similar way for the Albury-Wodonga Development Corporation to have the powers and functions conferred on it by the winding-up agreement.

Development covenants

The bill also provides the Wodonga Rural City Council with the power to enforce, vary and release a development covenant that the corporation had immediately before the commencement of this section.

This is to ensure that there will be ongoing enforcement of the covenants when the Albury-Wodonga Development Corporation is eventually wound up.

The Wodonga Rural City Council's agreement to undertake this role reflects the high level of cooperation that the council has provided in this and other matters regarding the winding-up of the Victoria Corporation.

Repayment of moneys to Victoria

While the commonwealth provided the bulk of moneys for the development of the Albury-Wodonga growth complex, Victoria also has a financial interest as it made several funding contributions, totalling about $1.5 million, towards the project. New South Wales does not have a financial interest of this nature.

Based on a previously agreed formula that was part of a financial agreement made by the three governments in October 1984, an amount of around $3.6 million will be returned to Victoria. It has been confirmed with the commonwealth that the process for the refund of Victoria's equity will be agreed by an exchange of correspondence between the Victorian and commonwealth ministers. The government expects that this payment will occur by or on the signing of the winding-up agreement.

Conclusion

In conclusion, I emphasise that in the handling of this matter, the Bracks government has ensured that the interests of the Wodonga region and of Victoria are being protected now and into the future.

I also take the opportunity to note that the first decision to withdraw Victoria from the Albury-Wodonga Development Agreement was taken by the previous Victorian government and so this bill should receive bipartisan support.

The introduction of this bill will implement the decision of the Albury-Wodonga Ministerial Council.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 23 May.

GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL

Second reading

Debate resumed from 7 May; motion of Mr HULLS (Attorney-General).

Mr RYAN (Leader of the National Party) — I rejoin the debate on the guardianship and administration legislation. I cannot remember precisely what point of the debate I was at when this debate started a couple of days ago.

Mr Wynne interjected.

Mr RYAN — The honourable member for Richmond says I was just kicking off, and I thank him.

In looking at the bill before the house I think the best starting point to gain a better understanding of it is to look at the Guardianship and Administration Act 1986. It is very difficult to put these proposed changes into perspective without quickly having a look at the legislation as it currently exists.

I refer specifically to part 4A under the heading 'Medical and other treatment'. This was the provision inserted in 1999. Under the preliminary aspects of division 1, section 36 contains a statement as to the persons to whom this part applies. Subsection (1) reads:

> In this part 'patient' means a person with a disability which is a permanent or long-term disability …

It is intended by the bill under clause 11 to delete the words 'which is a permanent or long-term disability and', which will mean we are left with a definition of 'patient' that will read:

> … means a person with a disability.

Section 36 then goes on to talk about the other aspects of the definition of 'patient'. They are there to be read, both subsections (1) and (2), and I shall not go through them.

Section 37 goes into the definition of the term 'person responsible', and it contains paragraphs (a) to (h) of subsection (1). It is best for the purpose of following this debate for people to pick up the principal act and have a look at it.

The pivotal point though is that consequences flow from amending the definition of 'patient' simply to refer to a person with a disability. It means that it becomes a much more all-embracing form of the definition and if it is to take effect literally it will have a very broad context to it. It would bring into its purview,

for example, those who have a temporary incapacity. These might be people who have taken a knock of some sort. In fact, even as I speak I can think back to my very non-illustrious career as a footballer, where I had the dubious honour of being knocked out about seven times. I can see the interjection coming from the Minister for Agriculture, who is about to say, 'That explains it'. I could see it coming and I was just able to get out of it before he said it!

There are instances where it is not difficult at all to imagine people suffering from a disability which is of a temporary nature. So the bill goes on to deal with the necessity to accommodate that situation. Sometimes when — and this is what Victorian Civil and Administrative Tribunal (VCAT) and the Public Advocate have reported — someone has a temporary difficulty which creates the need for medical or other treatment in accordance with the terms of this part, it is the next of kin who are under severe pressure to actually do something about it. So what this legislation does is to set up a regime where that can be accommodated. It is very important to protect the notion of a personal autonomy.

The legislation is careful to ensure that the community, with the best will in the world, does not usurp the capacity of an individual to make the sorts of decisions to which they would normally be perfectly able to commit themselves but which they are temporarily unable to do because of some episodic event, and that is what these provisions deal with.

If the person is usually competent and capable then the best thing to do is to leave the situation be, particularly with regard to non-emergency treatment the best thing to do is to wait. If there is the likelihood of recovery, the best thing is to wait so that the person who is temporarily affected can make the relevant decisions as and when he or she is able. But sometimes it might be that the person responsible, that being one of those provisions defined under section 37 of the principal act, feels it may be appropriate for some sort of intervention to occur. If that is the case, then the person responsible can only consent to intervention pursuant to the provisions of clause 19 of the bill.

In essence, what those provisions say is that a registered practitioner can only carry out the treatment if certain qualifications are fulfilled. I pause to say that in the definitions section of the principal act 'registered practitioner' is defined as meaning:

> … a registered medical practitioner within the meaning of the Medical Practice Act 1994 or a dentist within the meaning of the Dentists Act 1972.

It is one of those two categories of professionals. If that consent is to take effect, it can only happen if, as set out in proposed section 42HA(2):

> (a) the registered practitioner reasonably believes, and states in writing in the patient's clinical records, that a further delay in carrying out the treatment would result in a significant deterioration of the patient's condition; and —

I emphasise the word 'and' —

> (b) neither the registered practitioner nor the person responsible has any reason to believe that the carrying out of the treatment would be against the patient's wishes.

If either the registered practitioner or the person as defined under section 37 of the principal act has a concern that the proposed treatment might be against the wishes of the person who is temporarily incompetent within the sense of the act, then an application has to be made to the Victorian Civil and Administrative Tribunal, as provided for in clause 9(3) of the bill. The exemption to that instance is where there is a refusal of the treatment certificate that has been issued under the terms of the Medical Treatment Act. In that event, and for the reasons set out in the relevant provision of the legislation, none of those matters need apply. It is in the circumstances though where you have a person who was temporarily rendered incompetent because of some intervening cause that these provisions are to apply.

The structure of the bill is sensible. In accordance with the second-reading speech — that is, it has been recommended by VCAT and the Public Advocate — the National Party supports the intention behind the provisions. There are then provisions with regard to special procedures, and in general terms the regime which is set up is similar to that which applies in the circumstances I have just outlined.

I shall not dwell on most provisions, but refer to the exception to the prohibition on VCAT consenting to carrying out of a special procedure on a patient who is likely to recover capacity in a reasonable time where the carrying out of treatment is for the purposes of medical research on that person. That is again a term defined in the legislation. The example given in the second-reading speech is that:

> VCAT would be able to consent to the participation of an involuntary patient experiencing their first psychotic episode in a clinical trial of medication which is expected to prevent the patient from acquiring a long-term or permanent disability.

I turn to the issue of gifts, which have been the subject of a deal of comment and concern in various quarters by the National Party and the opposition. Since the matter was first raised by each of us in the course of recent public commentary and in debate, I have been afforded a briefing note from the department, for which I record my thanks, and shall make reference to and comment on clause 21 of the bill. It is appropriate to make broad reference to the issues after giving some background. The briefing note says:

> At present, the act makes no mention of gifts, which means that VCAT cannot monitor the making of gifts under the current act. The issue of whether an administrator can validly make a gift on behalf of the represented person has come up frequently in practice. VCAT has requested that this matter be clarified (as it has been clarified in other jurisdictions, such as Queensland and Tasmania).
>
> The bill only allows administrators to make gifts where the gift is reasonable with respect to the size of the estate. In addition, the gift must be seasonal in nature, and a donation must be of a kind which the represented person has made in the past or would be expected to make.

It then goes on to give an example. The briefing note continues:

> Clause 21 provides that neither administrators nor charities with which they are associated are precluded from receiving a gift or donation from the estate of the represented person.

It then gives examples. The next paragraph states:

> There are a number of safeguards in the act and the bill.

Basically, the thesis is that these provisions provide protections for inappropriate gifts, and sets out a series of dot points as being:

> the making of gifts by administrators is supervised regularly by VCAT in accordance with section 61 of the act …
>
> under section 58 of the act, VCAT may appoint a person to examine or audit the accounts and lodge reports. It is very rare in practice that VCAT will not require formal accounting by administrators;
>
> the bill gives VCAT the power of its own initiative to give directions to administrators. This may extend to additional accounting for gifts or the disapproval of a gift;

and finally:

> section 58(4) of the act gives the tribunal power to disallow an item of expenditure after an audit of the accounts. If the expenditure is disallowed, the administrator is liable for that amount.

It concludes by stating:

> The opposition have suggested —

perhaps I should read that as 'the opposition parties have suggested' —

> … that the administrator be required to notify VCAT of any instance in which they are making a gift to themselves or a charity with which they are associated. This would be unduly cumbersome for an administrator and VCAT given the number of small gifts or donations of this nature which are likely to be made in practice. In addition, all of the safeguards outlined above apply equally to gifts or donations which are made to the administrator or a charity with which the administrator is associated.

That is the end of the memo. However, I think the difficulty still remains that even as you consider each of those propositions which are regarded as being the safeguards, there is amongst them a common theme that VCAT has a power to do things of its own initiative. It may appoint a person and give directions; it may disallow an item; it may do all manner and means of things. But the core issue remains as to how these matters are initially brought to its attention and how VCAT can be put on guard concerning the gifts in question.

I mean this in the broader sense that you have to give this a general context. We are talking about affairs of individuals being managed in circumstances where people are entrusted to the role in a way that imposes upon them a very heavy onus and a very high duty. For the main part, that is appropriately discharged; we are talking here about at the edges. But you cannot get away from the fact that the courts are very careful about these sorts of issues. The courts have repeatedly highlighted their concern to make certain that appropriate measures are in place to accommodate the necessity for absolute transparency about the way these things happen, because it is an unequal status. On the one hand you have a person with assets — an individual who by definition is incompetent, incapable and unable to go about this sort of role — and on the other hand you have people who are fulfilling that role.

That leads me to the conclusion that it would add to this legislation to impose a duty that if these gifts as defined were to occur, particularly in circumstances where the administrator was to be the personal beneficiary, the beneficiary would have to communicate that fact to VCAT and to put VCAT or the department or any one of a variety of available entities and individuals on notice that this is occurring. It might be the Public Advocate, for example. There are various ways in which to establish a structure to impose a discipline upon the person who is exercising this important role to actually have to do something that is reflective of the discharge of this very significant responsibility, more particularly when that individual is the beneficiary.

That would ensure a discipline is imposed. It would accommodate a perception which I think the public reasonably expects, and it would better accommodate the concerns which have been expressed by the courts. It could be done by setting some sort of threshold so the recipient knew there was a requirement to notify receipt of anything worth more than $100, for example. That would accommodate the bits-and-pieces, lightweight sorts of things that happen on a day-to-day basis but would otherwise ensure that this important issue is complied with.

So I support the concern the honourable member for Berwick raised the other day in his address, and I simply invite the government to consider it while the bill is between houses. It is an issue, and the legislation would be the better for the incorporation of something of this nature.

The provisions within clause 4 to do with adding to the powers of the Public Advocate seem to me to be sensible. Obviously a need has arisen whereby those additional issues have been sought to be accommodated. I notice that under the principal act the added matters are to apply to:

> … a person, government department, public authority, service provider, institution or welfare organisation …

to provide information.

The bill then goes on to provide that in appropriate circumstances it may be that that information does not have to be provided. But it seems to me in essence to be a reasonable ask on the part of the Public Advocate.

Finally, clause 7 provides for the appointment of an alternative enduring guardian, which again for practical purposes seems to me to be sensible.

The only issue I raise is the use of the word ‘incapable’ in proposed section 35A(1B), inserted by clause 7, which states:

> An alternative enduring guardian takes the place of, and has the same powers as, the original enduring guardian if that person is incapable of acting as the enduring guardian or is absent for a period.

I envisage that the use of the word ‘incapable’ may be the subject of some discussion in time to come. If some means of defining that word in that context could be offered to us, then that would also be of assistance.

On the whole this is sensible legislation to accommodate the matters that have been raised by the Public Advocate and by the Victorian Civil and Administrative Tribunal, and so it is that the National Party does not oppose it.

Mr STENSHOLT (Burwood) — I rise to support the Guardianship and Administration (Amendment) Bill before us today. One of the foundations of our democracy is the right of the individual to pursue his or her life in freedom, and it behoves us as a society to ensure that individuals who have disabilities, in particular mental illnesses, are properly protected and that their rights are also fully recognised. We have in the state of Victoria a system for protecting certain rights through the Office of the Public Advocate, through the community visitors scheme and through the Victorian Civil and Administrative Tribunal (VCAT). It is this system of checks and balances which ensures that the rights of people who are not fully competent are properly protected.

This piece of legislation has come about through a process of reflection on and experience of dealing with people with mental illnesses and disabilities on the part in particular of the Public Advocate and VCAT. As such it is a very good bill indeed which makes a whole range of amendments to the legislation. As can be seen throughout the bill, it makes quite extensive and detailed amendments and adjustments, many of which were mentioned by the preceding speaker. For example, it makes changes to the powers and duties of the Public Advocate, to the powers to enforce guardianship orders and to appoint alternative enduring guardians; and towards its end the bill amends the powers of an administrator to make gifts, seek advice, deal with accounts and interest on accounts and provides for how those moneys may be spent. The bill even requires an administrator to notify the tribunal in writing without delay if the represented person dies, so it is very complete.

Clause 19 is significant as it inserts proposed section 42HA into the Guardianship and Administration Act and deals with consent to treatment where a patient is likely to recover capacity to consent within a reasonable time. This provision is obviously a product of experience which individual cases have thrown up. It ensures that a patient’s rights are fully preserved, in particular if there is an understanding that the patient may object to some treatment, in which case the matter has to go before VCAT and the tribunal has to then make a ruling.

I believe on the whole that the state’s putting this bill before us is very good governance indeed. It will ensure that an updated list of provisions are in place for the guardianship and administration of the rights of people

who need that protection. I commend the bill to the house.

Mrs ELLIOTT (Mooroolbark) — I will make a brief contribution on the Guardianship and Administration (Amendment) Bill. As previous speakers from the opposition have said, we do not oppose this bill. However, I share the concerns of the honourable member for Berwick and the Leader of the National Party about clause 21, which inserts proposed section 50A into the act.

I have recently had to assume responsibility as power of attorney and enduring medical power of attorney for a close relative. I share that responsibility with my brother, but he lives and works overseas, and I am acutely aware of the responsibility that the power of attorney entails every time I sign a cheque on behalf of my mother.

Proposed section 50A, which allows gifts to be made to an administrator, needs some safeguards built into it, as the Leader of the National Party said. This is particularly so when a large estate is involved. I know of families where it is the practice of parents who are in the later years of their lives to take their entire families for trips to Queensland and sometimes overseas on a regular basis. I know of other families where gifts of considerable monetary value are usual at birthdays and Christmas.

The occasion could arise, for instance, that an administrator acting on behalf of a person who had become disabled and was unable to make their wishes known might think when a great-grandchild was born, 'My mother or father would wish this new baby to have the very best of prams, cots or nursery equipment, and I am sure they would wish me to purchase something on their behalf'. It is easy to see that without safeguards it could be difficult to make those decisions in a responsible way, although most people would.

The advice that has been received from the department since the second-reading speech of this bill was made is contradictory. According to the second paragraph, at present the act makes no mention of gifts and therefore the Victorian Civil and Administrative Tribunal (VCAT) cannot monitor the making of gifts. However, according to the second page of the advice provided by the department the making of gifts by administrators is regularly supervised by VCAT in accordance with section 61 of the principal act, which requires that unless otherwise ordered VCAT must reassess an administration order each year and that such reassessment must be conducted at least once every three years. If the principal act makes no mention of gifts and VCAT cannot monitor their provision, that would not be picked up by the regular reassessment of the administration order. As the Leader of the National Party pointed out, VCAT would not know that such a gift had been made unless it was notified, and as it is possible for a reassessment to take place only every three years it could occur long after the gift was made.

I do not think it is too cumbersome for gifts, perhaps those above a certain threshold so there is some monetary value, to be notified to VCAT, the department or the public guardian. That would mean a check and balance was built in to prevent misuse of an estate by an administrator. There may be only very few cases of this, but it is important that the fiduciary relationship between the trustee and the estate or assets which he or she is administering on behalf of another person is wholly transparent and as that person would probably wish.

It is a good bill, and it is obviously very necessary. The right thing needs to be seen to be done as well as our trusting that people will do the right thing. The temptation might be there in some cases to second-guess the person who is no longer competent to make their own decisions. The Parliamentary Secretary for Justice has indicated that the concerns held by the opposition and the National Party will be addressed when the bill is between the houses, and I am sure that will happen. I wish the bill a speedy passage.

Mr LEIGHTON (Preston) — Honourable members on this side of the house have been asked to limit their contributions to a few minutes to allow other members the opportunity to speak, so by necessity I will keep my comments brief.

I always welcome an opportunity to speak on any of the acts contained in the package of mental health reforms passed in 1986, the genesis of which goes back a couple of years before that. Previously we had the Mental Health Act 1959, and in 1986 the Parliament enacted a package of legislation including the Mental Health Act 1986, the Intellectually Disabled Persons' Services Act and the Guardianship and Administration Act 1986. In my view that was one of the major social justice reforms of the previous Labor government. I have been involved with the reforms, firstly, professionally, and since 1988 as a parliamentarian. That legislation very much recognised the civil liberties model because prior to that time patients and clients had very few rights.

There will always be conflicting goals. On the one hand we aim to give the individual as much right to accept or refuse treatment as possible but on the other hand we need an ability for society to intervene and make

decisions on an individual's behalf when he or she is not competent to do so. In my view there will be continuing tensions between those two goals. That is why I am sure that in future years we will be back here dealing with further amendments to the three acts I have mentioned.

I have worked clinically in mental health so my comments are directed more to that area. I have no difficulty with intervening on a clinical basis when an individual is not competent to give consent. However, I wish to make the comment that we should remember that psychiatric illness is transient in nature, it is episodic. While other disabilities may be long term, there will be people who are at times acutely psychotic but who at other times are quite competent to make their own decisions about any care and treatment.

The area of the bill that has given me the most difficulty is clause 17, which amends section 42E of the principal act. I have had difficulty coming to grips with the notion that a procedure can be carried out for the purposes of medical research. As I said, I have no difficulty with intervening and carrying out procedures and treatment if it is necessary on a clinical basis. I have been assured regarding the reference to medical research, firstly, that it must be in the patient's best interest, and secondly, that it really relates to matters such as new drugs which have not yet been approved but are very close to being approved and which if administered during the patient's first psychotic episode could dramatically affect their prognosis.

I am still uneasy with the notion of being able to undertake research without the individual's explicit consent, and I am also not quite clear on why we need to refer to a drug that is in its latter stage of development as research. However, I hope that, particularly with the use of the Victorian Civil and Administrative Tribunal (VCAT) and the ethics committees, any use of proposed new section 42E is very much limited to that definition and no attempt is made to apply a wider definition of medical research. If any such attempt were made but an individual was incapable of giving explicit consent, the procedure should not be carried out.

With those comments I will end my contribution to give other honourable members an opportunity to speak.

Mrs FYFFE (Evelyn) — I am pleased to speak on the Guardianship and Administration (Amendment) Bill. Much work has been done on the Guardianship and Administration Act by the previous government to enable emergency dental and medical work to be performed for those who at the time of the need for the work were unable to make their own decisions. For doctors and others there was the responsibility for and resulting stress from making decisions about quite important surgery, particularly in the case of pregnancy and decisions as to whether an abortion would be carried out, and further stress as to whether steps should be taken to prevent further pregnancy. Since then the Public Advocate and the Victorian Civil and Administrative Tribunal (VCAT) have made recommendations, and so the house is debating this bill today.

The changes regarding people who are not permanently disabled but have intermittent disability are needed to provide protection for the guardians and doctors who decide that medical procedures are necessary. The responsibility of being a guardian, whether it be a family member or a professional guardian, is enormous. Often those of us who are considered normal have difficulty in making decisions about many things. I admire anyone who takes on the responsibility of being a guardian and making decisions for another adult, especially when it is so often done without payment, for love and affection.

A parent of an adult child or an adult child with a parent, a brother or sister, an aunt or long-time friend — people from all walks of life take on these responsibilities. We on this side of the house have some concerns over the making of gifts from a disabled person's estate, and these concerns apply equally for the guardian's sake as they do for the disabled person, particularly if the disability is episodic.

It is feasible that guardians could give a gift to themselves, and I believe it is very important that there is some mechanism introduced into the bill that avoids any accusations of conflict. Perhaps while the bill is between the houses the government could consider amending it to set up a simple procedure — that is, a notification to VCAT or to family members.

As to the rest of the bill, the provisions for payments and fees and collection of interest are sensible and appropriate. It is important that we always make decisions in the best interests of the disabled person, but it is equally important that we continue to ease the burden on the guardians. I appreciate the briefing notes provided by the government but, although they answer many of our concerns, I feel other mechanisms could be introduced. They could be as simple, as I said earlier, as ensuring the guardian sending a note to VCAT or other family members advising of their intentions about the gift. If we do not look closely at implementing mechanisms in relation to gifts we could be

unintentionally creating future problems for guardians, in particular guardians of family members.

There are many instances of guardians who had been administering estates making decisions that they knew were what the persons with the disabilities had in mind before they became unable to make those decisions but about which other family members were perhaps unaware.

In most families individuals have needs about which only the adult parents or adult brothers or sisters may know and about which others do not know. A verbal promise may have been given several years before that the person who is now disabled would have made an outright gift of the full or part amount for housing, the purchase of a car, fees for school or university education, or whatever it may have been.

So that we do not have families becoming divided over these issues it is very important that a person who may be a guardian and also a member of the incapacitated person's family cannot be accused of doing the wrong thing. Some form of notification, whether to VCAT or other family members, about the intention to make a gift from the estate of the disabled person would alleviate a lot of those problems because questions and concerns can be raised before the gift is made. Often in this place we introduce legislation with good intent, as is the case with this legislation, but when we do things with good intent we can sometimes miss the unintended consequences.

I realise other honourable members wish to contribute to the debate, so I will finish my contribution. I hope the bill has a speedy passage.

Ms GILLETT (Werribee) — It is a pleasure to make some brief remarks on the Guardianship and Administration (Amendment) Bill, which amends the Guardianship and Administration Act 1986, the Victorian Civil and Administrative Tribunal Act 1998 and the Mental Health Act 1986.

The primary purpose of the bill is to provide an effective substitute decision-making regime for people with a disability in relation to medical and dental treatment, and to improve the effectiveness of services provided by the Office of the Public Advocate and the Victorian Civil and Administrative Tribunal (VCAT) to people with a disability who are or may come under a guardianship or administration order.

The underlying principle of the bill is to balance the personal autonomy and bodily integrity of individuals with the need to ensure that people with a disability receive appropriate and timely medical treatment.

Many of the proposed amendments to the bill are technical in nature but I will remark briefly on the main amendments.

Concerning consent to medical treatment and dental treatment, in effect the bill changes the definition of 'patient' in part 4 of the Guardianship and Administration Act to resolve some practical problems associated with a definitional issue of whether people have a permanent or long-term disability. The change has been made simply from 'patient' to a new definition of 'person with a disability'.

To protect the personal autonomy of people with a disability the bill provides that there may not be substituted consent where the patient is likely to recover capacity in a reasonable time. In addition, where relevant people have reason to believe that the patient would object to the medical or dental treatment, the treatment would await the person's return to capacity. However, to provide some flexibility the bill enables an application to be made to the Victorian Civil and Administrative Tribunal for consent for the proposed medical treatment or dental treatment in special cases.

Where a patient is covered by the Mental Health Act it was proposed to amend the act to apply to the medical and dental treatment regime in the Guardianship and Administration Act to involuntary patients as defined under the Mental Health Act in relation to their non-psychiatric treatment. The proposed changes would have operated to regulate non-psychiatric treatment for involuntary patients in the same way that medical and dental treatment is regulated for any other person with a decision-making incapacity.

However, as is the hallmark of this government, after extensive consultation with key stakeholders it was identified that a significant concern with the proposal was that the scope of the Guardianship and Administration Act regime is narrower than the current non-psychiatric treatment regime in the Mental Health Act. Therefore, the Department of Human Services has decided to retain the non-psychiatric treatment regime for involuntary patients in the Mental Health Act. So the bill instead amends the Mental Health Act with respect to the consent-to-treatment provisions. The amendments clarify the circumstances in which substitute treatment decision-makers can make treatment decisions on behalf of involuntary patients for psychiatric and non-psychiatric treatments.

Obviously, the bill before the house was examined by the Scrutiny of Acts and Regulations Committee with special care. Any piece of legislation which may trespass on a person's rights and freedoms is given

special care and attention. It was the view of the committee that the bill balances that fine arrangement between necessary treatment and respect for the integrity of the person being treated. With those very brief remarks I commend the bill to the house.

Mr VOGELS (Warrnambool) — I would like to comment on the Guardianship and Administration (Amendment) Bill. The purpose of the bill is to make amendments to the act as requested by the Public Advocate and the Victorian Civil and Administrative Tribunal (VCAT).

It seems to me that being a guardian is fast becoming one of those challenges that most people reject — in fact they will run a mile to avoid it. I would like to refer to a constituent of mine who has an administration order for a member of the family. This person has just been told by VCAT that in future there will be a charge or an administration fee payable to the guardianship list of VCAT. What does this order request? Remember that a lot of people who are guardians look after loved ones as volunteers. They get an order from VCAT which states:

> Subject to any further order of the tribunal, the tribunal orders and directs that:
>
> The administrator shall, no later than 31 July 2002, lodge with the tribunal a statement setting out the income, expenditure, assets, liabilities of the estate of the represented person for the period commencing …

Again, the order states:

> The administrator shall, no later than 31 July in each subsequent year …

And so on. For someone who is elderly and looking after a son or daughter this is big-time stuff.

As you can imagine, there is a lot of responsibility and work involved in being a guardian. A group certificate from Centrelink is also required with the statement. In other words, if you are a guardian you now have the added responsibility of dealing with gifts and making sure adequate provision is made to enable interest on fees to be collected.

I feel that the requirement to pay to help a disabled person and the responsibility which governments seem to keep adding to will lead to guardians throwing up their hands and walking away. I understand exemptions on all these issues can be applied for, but that requires more paperwork on the part of the guardians. It never ceases to amaze me that governments of all persuasions never really appreciate the contributions guardians make to their budgets: they make this contribution, usually out of love and affection, and for no payment. It is usually a parent who acts as guardian for their son or daughter, or it can be vice versa as an elderly person starts getting dementia and a daughter or son looks after them.

In conclusion, it appears to me that in this time of computers it should be possible for the disabled person's bank accounts to be checked directly by VCAT and guardians saved all the paperwork and additional responsibility with all parties understanding that checks and balances are in place using this method. Surely that would be a simpler way to go: just checking the bank accounts and assets. VCAT can check them so if gifts are being made everybody knows that checks and balances are in place and the guardians are saved all the paperwork and other responsibility that goes along with it.

Ms McCALL (Frankston) — My contribution will be brief because one of my other colleagues would like to make a contribution to the debate. The state of Victoria has an ageing population. Many in the chamber will become the carers and perhaps the guardians of our relatives and close friends. As an only child, I will bear the responsibility of currently ageing parents, both of whom, I am delighted to say, are in reasonably good health both physically and mentally at the moment. Therefore, I am very aware of the provisions in the act as they may directly affect me and my family.

The opposition has no difficulty in not opposing the bill in areas where there are temporary disabilities or temporary illnesses where there may be a requirement for an immediate decision to be made, particularly in relation to medical or dental treatment — nothing could be worse than being temporarily incapacitated and having the most awful toothache. Someone would have to be able to refer the person to dental treatment fairly speedily. We all understand that.

The safeguards that have gone into the amendment of the original 1986 act are appropriate, particularly in relation to the Mental Health Act. I thank the department for the excellent briefing it gave a number of us on the bill and for the additional briefing note they supplied to members of the opposition in relation to the gifts component. I would like to take a few moments to discuss the issue of the gift.

The issue of conflict of interest raised by the opposition was valid. I would like to think that anyone who was a guardian or administrator for a person who was incapacitated would be acting above all else in the best interests of the person for whom they were responsible. I have no difficulty with that. However, we do not live

in a perfect world and regrettably sometimes people do not behave as perfectly as we would hope.

The conflict of interest concern raised by the opposition was about there being no particular safeguard for a family who may not be the guardian or the administrator to appeal for information or to go to the Victorian Civil and Administrative Tribunal for additional support. I understand the briefing note produced by the department and its belief in the safeguards that are in place, but I still have some reservations.

I understand that the majority of the time administrators and guardians in this area will be talking about small gifts. They may well be small gifts for a birthday, a marriage, a divorce party perhaps, or another sort of party. I do not know, but I have no difficulty with that. My concern is in relation to a gift going from an estate to an administrator, and the perceived conflict of interest; or a bequest or a gift seen as a substantial amount of money, be it for an overseas holiday or something as substantial as the purchase of a property or a car.

The opposition still retains its reservations. It is grateful to the government for having produced the additional briefing note at short notice. It understands the need behind the amendments. Anything that will protect those who are less able or less capable than ourselves, either in a permanent or temporary sense, is good legislation. I am comfortable to say on behalf of the opposition that it does not oppose the bill and wishes it a speedy passage.

Mr WILSON (Bennettswood) — I am pleased to make a brief contribution to the debate on the Guardianship and Administration (Amendment) Bill. Like other honourable members I place on record my congratulations and gratitude to those people who serve as guardians for people who require that service in Victoria. The service that they provide is exemplary, and as a society we rely upon what they do for those they care for.

The bill makes some sensible provisions for people who are not able to make decisions for themselves about their medical and dental treatment at a particular time. Those of us who have witnessed people in that position would understand that once in a while — and as the honourable member for Frankston said, those times are ever increasing — people need to have decisions made for them by other people when considering their medical and dental treatment. The bill goes some of the way to solving those problems.

Other honourable members have touched on the fact that there are a sufficient number of protections in the bill, and it has indeed been well drafted. Other honourable members have made comments about the issue of gifts and how the provisions in the bill amend other pieces of legislation to allow certain gifts to continue when a person does not have the ability to communicate their ongoing wishes.

I wish to touch on a slightly different area to that touched on by other honourable members. I presume that at some stage the Public Advocate and his office will read the speeches that accompany the passage of the bill through this house and when it goes on to another place. The Office of the Public Advocate overwhelmingly does a marvellous job. At all stages it must ensure that it always deals with issues fairly and with an open mind.

In recent months I have been dealing with the Office of the Public Advocate on behalf of a constituent. Obviously I will not mention any name or any of the circumstances surrounding that case so that the anonymity of my constituent can be preserved. On a few occasions I have got the impression that the Office of the Public Advocate was more concerned with protecting the processes of the office than having an open mind about all the circumstances that can lead to a person's guardianship. We all know that when it comes to guardianship there are sometimes very conflicting views, and whatever one member of a family might think, another family member might have a very different viewpoint. Both the Office of the Public Advocate and the Victorian Civil and Administrative Tribunal, when considering the guardianship of persons who are facing those circumstances, must maintain a very open mind.

When it is dealing with members of Parliament who are simply trying to guarantee that the rights of the person who is under a guardianship order are being protected and preserved, the Office of the Public Advocate must keep an open mind and make sure that that person is receiving the most appropriate treatment.

With those few words — and noting that the Attorney-General has returned to the chamber — I conclude my contribution and wish the bill a speedy passage.

Mr HULLS (Attorney-General) — I thank all honourable members who spoke in the debate for their contributions to this very important bill. As they would be aware, most of the amendments included in the bill have been requested by the Office of the Public

Advocate and the Victorian Civil and Administrative Tribunal (VCAT).

The bill was developed after fairly extensive consultation with the Office of the Public Advocate, VCAT and the Department of Human Services. A whole range of other stakeholders were included in the consultation process. I will not go over all the issues raised by speakers in relation to the bill, but I am glad it has bipartisan support.

One particular issue concerned gifts given by administrators. The amendment in relation to gifts by administrators generally comes about as a result of a recent unreported County Court case, *Tuppen v. Norris*, 6 March 2001. In that case, the question of whether an administrator could make a valid gift from the protected person's estate was raised but, based on the facts of the case, it did not need to be decided. The Victorian Civil and Administrative Tribunal has asked that this matter be clarified; hence the amendments in the legislation. To address the issue, the bill inserts a new provision into the Guardianship and Administration Act to make it clear that the administrator may make certain gifts on behalf of the represented person and sets out the circumstances under which the administrator may do so. For the information of honourable members, this provision is based on section 38 of Queensland's Powers of Attorney Act 1988.

I understand that the issue raised is whether safeguards or some mechanism of notification ought to be put in place whereby administrators are actually in a position to and do give gifts to themselves. Of course the purpose of allowing administrators to give gifts is because the protected person may have for years given gifts to members of the family on Christmas Day, birthdays, anniversaries, or the like. It is absolutely appropriate that the administrator have the power to do the same, because that certainly would have been the wish of the protected person based on what has occurred in the past.

The issue of administrators giving gifts to themselves has been raised. I am prepared to have this matter looked at further while the bill is between here and the other place to see whether the current safeguards in the bill are appropriate and whether we can perhaps look at a process whereby gifts over a certain amount have to be notified to the Victorian Civil and Administrative Tribunal. I will have officers from my department look at the matter. They will be only too keen to do so.

Mr Wynne — Indeed!

Mr HULLS — And they will do so posthaste and will advise me so that, hopefully, we can have this matter further clarified in the other place.

Having said that, I thank all honourable members for their contributions and I also wish this important bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

FISHERIES (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 8 May; motion of Ms GARBUTT (Minister for Environment and Conservation).

Mr MULDER (Polwarth) — I rise to make a brief contribution on the Fisheries (Further Amendment) Bill. As most honourable members will be aware, my electorate of Polwarth has a tremendous role to play in both commercial and recreational fishing throughout the state of Victoria in that the electorate runs from Point Addis right around almost to Port Campbell and so takes in a tremendous coastal fishing area, along with some significant inland lakes in and around the Colac and Camperdown area. For example, Lake Colac is the largest freshwater lake in Victoria. Significant numbers of both recreational and commercial fishermen spend considerable amounts of leisure time and generate considerable income from the activities carried out in areas along the Great Ocean Road and also in and around the freshwater lakes of the Colac and Camperdown regions.

We have significant fishing industries based around abalone and rock lobster and many of our inland fishermen now are turning to fishing for eels, which are being processed regionally and exported overseas.

In many regards there is significant emphasis on the Polwarth electorate and south-western Victoria in this particular piece of legislation.

The legislation deals with the matter of producing a fishing licence. I can understand the reason behind allowing a grace period for fishermen to produce their licences if they do not have them when they are approached by fisheries officers.

In relation to recreational fishermen, one only has to look at the way they conduct their activities to understand that it would not be all that hard for a fishing licence to get wet or to be lost. If a fisheries officer were to make his way, say, from Artillery Rock at the top of the Great Ocean Road down onto the rocks area where the fishermen fish from, or even Mount Defiance on the Great Ocean Road, and a fisherman were to say, 'I haven't got my licence with me, but it is in my car', and the car was somewhere of the order of 45 minutes to an hour straight back up the cliff face, if the fisherman were required to try and dig out their fishing licence, I can understand that grace period being provided.

I do have some reservations or concerns as to how, if a fisherman usually carries his fishing licence in his wallet or with other documents and papers, and perhaps with his drivers licence, a fisheries officer is expected to be able to guarantee or verify the bona fides of the person they are speaking to. There will be that particular issue in relation to a fisheries officer approaching a recreational fisherman who does not have any identification with him at all, other than the fact that he says, 'I do have a recreational fishing licence. I understand I have to present it within a period of time, and I am prepared to do that in relation to this particular issue'.

The bill goes on to secure and give further powers in relation to securing some fisheries that may be under pressure in relation to subzones. One has only to look at the great work that has been undertaken particularly by fishermen in and around the Apollo Bay area, where off their own bat they handed back pots at one stage to secure that fishery and ensure it was not going to be overfished to the detriment of the marine environment. I know those fishermen had considerable input, as did the commercial fishermen of Port Campbell and the Anglesea area, in relation to the report of the Environment Conservation Council that proposed a series of marine national parks around the state.

One needs to look at our resource management in marine national parks as well as other forms of resource management around the state and ensure that we have a great environment in the south-western area and along the Great Ocean Road. However, all parties involved in that environment should be allowed to enjoy that wonderful amenity we have along the Great Ocean Road, whether they are people who have an environmental interest in the area — and that really means nearly of all of us, I would have to say — or recreational fishermen and commercial fishermen who have an interest in being able to continue with a recreational activity or a commercial activity.

There are significant works in relation to the protection of our fisheries that will need to take place over the next 5 to 10 years in that particular area. I know and understand that there has been a consultant's report in relation to work that is required on Lake Colac, which is Victoria's largest freshwater lake. It is a great facility, but due I suppose to some planning issues, a lack of understanding of what nutrient run-off was doing to the lake, introduced pests such as carp, several industries being located on the edge of the lake and a waste water treatment plant which was discharging into the lake, over a period of many years a certain degree of degradation has taken place, and that has had a negative impact in terms of its ability to operate as both a recreational and commercial fishery. However, this report highlights a whole host of recommendations to bring that lake back to its pristine state so it can be enjoyed by both recreational and commercial fishermen into the future.

There are matters relating to the ability to develop further fisheries inland because of the great water resources we have in and about that area. I know that there is an eel processing plant at Skipton, for instance, that has grown up purely and simply because of some of the great initiatives in and around the south-western district. The ability of our great rainfalls to wash eels down out of the high country into our lakes and streams has provided people with the opportunity to enter into an industry and a business that has really never previously had the opportunity to expand.

The spin-off effects of these particular operations are amazing. I know particularly around Lake Colac there was a midge problem. A midge is a very small insect that used to flourish in those areas and cause a great deal of discomfort to people who lived there.

Ms Duncan interjected.

Mr MULDER — Yes, a great deal of discomfort to people who lived in the areas.

The introduction of more and smaller eels into the lake system has ensured that they feed off the midges and keep them under control. That has produced a positive for people in the community who live in and around that area. Once again it is a matter of identifying our fisheries — whether they be coastal or inland — and working out what is the best way to manage them, working with the community and the industries involved and coming up with an outcome.

Commercial fishermen in their own right are always prepared to live and work with communities in that regard. It has been a tremendous example to see the

work put in by our coastal fishermen in and around Port Campbell and Apollo Bay, in particular, in coming to the fore and saying, 'We know and understand there has been a problem in the past with that fishery even prior to quota. We are prepared to hand back pots and to take a stance in relation to protecting our fisheries for future generations', and once again protecting their ability to hand on those businesses as they are to either family members or other persons who may wish to enter the industry.

With that closing comment I conclude my contribution. I wish the bill a speedy passage through the house.

Ms DUNCAN (Gisborne) — It gives me great pleasure to speak on the Fisheries (Further Amendment) Bill. This is part of an ongoing commitment by the Bracks government to protect our waterways and fisheries. I am in the privileged position of being a member of the Environment and Natural Resources Committee, and several of our references have been in relation to fisheries. One of the disturbing things that has come about is just how threatened many of our fish stocks are. One of the issues that came up yesterday in the National Party's matter of public importance was the criticism of this government for proposing, for example, to introduce marine national parks, do nothing else and assume that by their introduction all would be well with fisheries.

This bill adds to the range of bills previously introduced by the government, including an amendment in 2000 which set up fishing licences. This bill clarifies some of the issues that were introduced in that bill as well as seeking to further protect our fisheries resource. The provisions in this bill relate to that protection by improving the compliance provisions in the act. It demonstrates that the government acknowledges that not just one approach is the right approach, and that we have to tackle the multi-faceted problems of our natural resources — whether they be fisheries, timber resources, waterways, rivers, or whatever — with a multifaceted approach.

This bill goes towards clarifying some of the provisions contained in the 2000 bill and is further evidence of the Bracks government's commitment to protecting Victorian fisheries and all natural resources. I commend the bill to the house.

Dr NAPTHINE (Leader of the Opposition) — I rise to speak on the Fisheries (Further Amendment) Bill to raise a number of issues that are relevant to south-west Victoria, and particularly to ensure that the views of local commercial fishermen are reflected in this debate. Prior to moving on to the commercial fishing matter, I refer briefly to the requirement for recreational fisher licence-holders to carry their licence while they are fishing. This is obviously a reasonable provision; however, I would suggest to the Minister for Environment and Conservation and to the house that they need to look at what type of licence they provide for recreational fishers if they are going to be required to carry their licences at all times while they are fishing. The current recreational fishing licence is a cardboard or paper document; it is not waterproof. Certainly when one is out recreational fishing there are times when the requirement for a waterproof document becomes obvious. Therefore the provision that fishers have seven days to produce their licence, if they are asked for it, is not unreasonable. It is also reasonable that the minister consider very seriously producing a recreational fishing licence which is laminated or in some waterproof form so that recreational fishers are able to carry it at all times when they are fishing.

One of the other provisions in the bill relates to the allowance of indigenous communities to undertake the collection of fish for indigenous ceremonies or events. I support those provisions because there are a number of indigenous communities in my part of the state, in south-west Victoria, including the Kerrupjmara and the Gunditjmara communities. Indigenous communities from the geographical areas of Framlingham, Portland and Heywood have had a long connection to the sea in both cultural and historical terms.

Indeed, if you walk along the coastline in many parts of south-west Victoria you can clearly see areas of middens and evidence of other cultural and indigenous activities associated with many centuries of Koori and Aboriginal communities having come down to the sea and collected fish, shellfish and other creatures from the sea. It is reasonable to encourage and support these activities. It is important that our indigenous communities are well aware of their culture and history so that they maintain their sense of understanding of their very strong and important Aboriginal culture and history as well as having the benefits of being part of a modern Western society.

The area that I want to address mostly concerns the management of commercial fisheries. By way of introduction, I refer to a couple of letters I have received about this legislation. The first is from Mr Steven Nathan, president of the Portland Professional Fishermen's Association, who states:

> The following points are concerns we have with the Fisheries (Further Amendment) Bill 2002.

1. We would like to express concern at the increased use of enforcement to manage Victoria's fish stocks. There should be a more cooperative (government and coastal communities) approach to management and not the big-stick approach, which will only lead to confrontation between the government and stakeholders.

   Irresponsible management of fisheries can be just as damaging as irresponsible actions of stakeholders, so it is vitally important that a cooperative approach should be pursued.

   Why is the fisheries department implementing management regimes that lead to increases in the department's work force and operational costs when there are alternatives?

2. It is disappointing that commercial fishermen in Portland were not consulted with in regard to the amendments in relation to indigenous issues. It is not that we disagree or agree with the amendments, but we should have been consulted.

3. The rock lobster industry has not been consulted in regard to the use of subzones in its industry. The improper use of subzones in the Victorian rock lobster fishery could lead to serious social, environmental and economic problems within the fishery. It will also lead to increased cost to the industry to enforce the subzones.

   The western zone rock lobster fishery has already got one subzone (the Apollo Bay paddock). At a recent meeting (18/3/02) at MAFRI in Queenscliff, in which representatives from fisheries, MAFRI, the co-management council rock lobster subcommittee and SIV rock lobster subcommittee were present, it was decided that the future of the Apollo Bay paddock should be part of the rock lobster management plan, which is to be developed over the next 12 months.

   Note:

   The abalone industry has been discussing subzones with the fisheries department, but there have been no discussions with the rock lobster industry.

4. We are also concerned about the amendments in regard to fisheries reserves and what effect they will have on the commercial fishing industry. There has been no consultation with industry.

He concludes:

> There is a reference to 'areas where recreational fishing is authorised under this act'.

He asks:

> Is the government intending to make recreational reserves similar to New South Wales?

I think the thrust of the letter from Mr Nathan, who represents the rock lobster industry particularly in the Portland area, is about the lack of consultation of this government on these fisheries changes. The commercial fishermen are very concerned that they seem to be at the pointy end of any issues with fisheries and that the fisheries division and this minister do not seem to be at all interested in a cooperative approach or in discussing these issues with the fishing industry — they just seem to be interested in imposing these changes.

I would suggest, as Mr Nathan suggests, that a more cooperative approach would be much better in getting fair and reasonable outcomes. It is in the interests of the commercial fishermen, the rock lobster industry and fishermen, abalone fishermen, and commercial fin fishermen to have a sustainable managed industry in the long-term best interests of themselves, their families and their coastal communities. They want sustainable management and they want to have input into that sustainable management approach. They have expertise and experience from many years of successful fishing, which could be vital to the fisheries department in ensuring ongoing and sustainable management.

Yet we hear time and time again from local commercial fishermen that they are not consulted by the fisheries division, by the minister or by the government on changes that affect them. I think that is the nub of the issue raised by Mr Nathan.

Similarly, Mr Rodney Crowther, a very successful abalone fisherman, wrote to me on 29 April. He makes the same point. I will not read the whole of his letter, but he says that while he does not see any specific objections to what is proposed in this legislation, he finds it frustrating that the fisheries division and the government have not seen fit to consult with leading stakeholders in the industry.

That is the very important message I would like to send on behalf of the commercial fishing interests in south-west Victoria: that the fishing industry is an important industry. It employs a lot of people directly and indirectly in servicing the commercial fishing industry. It supplies high-quality fish products to the local market and to our export markets. It is a very economically important industry not just to south-west Victoria but to Victoria as a whole and to Australia.

It is vital that these industries are managed properly and well, and they can only be managed properly and well if there is a sense of partnership, cooperation and involvement of fishermen in the management plans, the legislation and in what happens to run those fisheries.

The fishermen say to me time and time again that this government is ignoring their interests; it is not calling upon their experience and expertise. This government is not consulting with them — it is fundamentally thumbing its nose at them. My plea to the government

and the minister, in a sense of frustration and desperation on the part of my community and the fishing industry, is for the fisheries division and the minister to sit down and discuss with them how sustainable management can be provided for fisheries. They want to be involved. Over many years they have taken steps to improve their industry to make it more sustainable; they want to work in cooperation with the government.

They tell me that the local professional fisheries officers are people they can work with; they have a very good relationship with them. But they have real dilemmas in dealing with head office and a minister who will not talk to them, listen to them or involve them, and do not seek to cooperate with them to get a better outcome. While we do not take any specific exception to this legislation, any fisheries legislation would benefit from a cooperative, consultative approach.

Debate interrupted pursuant to sessional orders.

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

QUESTIONS WITHOUT NOTICE

Police: prisoner accommodation

Dr NAPTHINE (Leader of the Opposition) — My question without notice is to the Minister for Police and Emergency Services. If Victorian police cells are designed to hold a total of only 120 prisoners, why are there now a record 350 prisoners currently in these police cells?

Mr HAERMEYER (Minister for Police and Emergency Services) — I am caught totally unawares by this question and I had no idea it was coming at all! I just happened to note that as of today there are just over 200 prisoners in police cells. We have another 27 coming out today and over the next six weeks we have another 150 beds being provided. But we have to understand how we got to the point we are now at. How did we get to that point?

Throughout the 1990s we had a growth of over 1000 prisoners and a growth in prison bed numbers of around 100: no planning for the future and no prisons strategy. This government is providing an increase in capacity of the existing prisons, and those beds are coming on line. We are also providing additional prisons, so we will have a net increase in prison capacity of over 1100 beds.

We have planned for the future; we have planned our prison strategy for the next 10 years. We know what the demand is going to be and we are providing the infrastructure to meet it, unlike the opposition, whose interest in overcrowding in police cells is very sudden. Had the Leader of the Opposition or the honourable member for Wantirna, when they were sitting on this side of the house, expressed some concern about the overcrowding of police cells back in 1996 or 1997, this government would not have to play catch-up with their mess now. I can assure the house that, come the next election, we will have more police on the streets.

Mr McArthur — On a point of order, Mr Speaker, the minister is trying to shift the blame. Is he trying to advise the house that those 350 prisoners have been in police cells for two and a half years?

The SPEAKER — Order! That is clearly not a point of order.

Mr HAERMEYER — I can understand the opposition's sudden concern for the welfare of prisoners because at the last election every criminal in the state was going into the polling booth with one of Jeff Kennett's how-to-vote cards, so I can understand its concern for its constituency. I know its plan is to empty out police cells — it is called 'less police'! If you do not have any police, you do not catch any crooks!

The opposition's policy is quite simple, but the government has a completely different approach. I can assure the house that, come the next election, this government will have more police on the streets and very few prisoners in police cells. To make things perfect in the run-up to the election I hope we also have the Leader of the Opposition doing what he is doing now!

Major events: rural and regional Victoria

Mr LONEY (Geelong North) — I ask the Premier to advise the house about recent developments concerning major events the government has secured for regional Victoria.

Mr BRACKS (Premier) — I thank the honourable member for Geelong North for his question and his commitment to the Geelong region — in association with the honourable member for Geelong, who shares his commitment — and his efforts to ensure that major events and activities occur right across Geelong.

I am very pleased to say that since this government came to office it has changed the focus of major events in this state from being solely on international events for Melbourne to being on international events for the

whole of Victoria. We have changed the name from the Melbourne Major Events Company to the Victorian Major Events Company. I can report to the house that that new emphasis or focus has borne fruit.

Already we have had the announcement of the 2004 World Hot Air Ballooning Championship in Mildura, which will be a great event.

Honourable members interjecting.

Mr BRACKS — We have had the announcement — —

Honourable members interjecting.

Mr BRACKS — The honourable member for Doncaster is interjecting: I think he is some authority on hot air ballooning! This government has secured the 2004 World Hot Air Ballooning Championship to be held in Mildura and the 2004 Commonwealth Youth Games to be held in Bendigo. It has already secured and held very successfully in Geelong the triathlon world cup and the world cup of polo has been held at Werribee.

I am pleased to announce that at 3.00 a.m. today an important announcement was made about a new major international event of great standing that will bring some $18 million to regional Victoria. We secured that in competition with the South African government, which had bid to hold the event at Port Elizabeth. I am pleased to report that the World Lifesaving Championships have been secured for Geelong and Lorne. They will be held in February 2006 — just before the Commonwealth Games. The 2006 World Lifesaving Championships will bring some 5000 athletes to Geelong and Lorne, and will also bring some $18 million of economic activity for both those regional centres. This is a great win for Geelong, for Lorne, and for regional Victoria.

I congratulate the Victorian Major Events Company on its work. Steve Vizard and his team have worked extremely well with the Geelong major events corporation in a partnership arrangement to secure this event. The government is pleased about the prospect of staging the World Lifesaving Championships because they will bring enormous economic and tourism benefits to Geelong and Lorne in February, as a prelude to the Commonwealth Games in March.

The success of the triathlon world championships showed what can be done in Geelong, and I am pleased that, through the lobbying and support of local members and the Geelong community, we have been able to secure this great event for Victoria.

Rail: regional links

Mr RYAN (Leader of the National Party) — I refer the Minister for Transport to appendix G of last year's budget paper 2 which allocated $32 million for the fast rail links project for the current financial year — that is, 2001–02 — an allocation confirmed by this week's budget papers. Has that money been spent this year; if so, on what?

Mr BATCHELOR (Minister for Transport) — I thank the Leader of the National Party for his question; it continues his negative interest in this project. The Leader of the National Party does not support the fast rail project, which is designed to deliver not only improved train services to regional Victoria but also to provide jobs and economic growth.

Mr Leigh interjected.

Mr BATCHELOR — The shadow Minister for Transport is saying it is a velocity train. That is right. He is talking about the $400 million-plus agreement the government has entered into to identify and purchase rolling stock capable of providing travel at 160 kilometres per hour.

As honourable members know, this project currently has a number of elements to it. There is the element of providing upgraded rolling stock, and announcements have already been made about that. The contract in relation to the infrastructure upgrade is being evaluated at the moment and the tenders are in, including all the country works packages, and recommendations will be made to the government shortly.

Mr Ryan — On a point of order, Mr Speaker, the minister is debating the question. The question was specific as to the $32 million in the budget papers of last year. I ask you to have the minister return to the question.

The SPEAKER — Order! I do not uphold the point of order that the minister was debating the question. The question sought information on some spending in last year's budget, and I am of the view that the minister was providing information about that project.

Mr BATCHELOR — It is information in relation to last year's budget for the current financial year. As I was explaining, the tender process for the country works component of this project is shortly to be finalised, and the expenditure on the fast rail project for this financial year will be advised at the end of the financial year.

Budget: medical research

Ms BARKER (Oakleigh) — Will the Minister for Health inform the house of how new initiatives in the budget will help make Victoria an international hub for excellence in medical research?

Mr THWAITES (Minister for Health) — I thank the honourable member for her question. The central thrust of this week's very widely supported budget is to invest for the future of Victoria. Today I was very pleased to join the Premier and scientific stars of our medical research community to announce a $35 million boost to Victoria's medical institutes, an initiative that promotes innovation and certainly invests in our future.

This will double the level of government support for medical research into the future and ensure that we maintain our lead in the medical and biotech areas. We certainly have some of the best scientific brains in our community — indeed, in the world. Now we are able to keep these medical stars here in Victoria. Today the Premier and I were given a sneak preview of the proteomics laboratory, one of the first initiatives of the new Bio 21 initiative. The proteomics laboratory will map — —

An honourable member interjected.

Mr THWAITES — It never happened. They never could deliver. It is this government that is delivering!

We are delivering on Bio 21; we are delivering on the proteomics. This new laboratory, which will open next month, has already attracted 25 of the brightest scientists in the world to Melbourne. An extra $35 million on top of that will ensure we will be a magnet for the world's top scientists.

Today the government's medical research initiatives received ringing endorsements. I was pleased to hear Professor Alan Trounson say that Victoria could now become the Silicon Valley of this quarter century and that Victoria was now attracting the attention of venture capital from the USA to commercialise our biotech discoveries. Professor Trounson said there was no doubt he would now be staying in Melbourne.

Also because of what the Bracks government is doing, Professor Mathew Gillespie, the associate director of St Vincent's Institute of Medical Research who researches diseases of the bone to prevent cancer and other disease, said he had rejected offers to move his research team overseas or interstate. He said that with an ageing population the government's budget initiatives were 'an astute investment and a sound insurance policy for our future health'.

Professor Suzanne Cory, the director of the Walter and Eliza Hall Institute, who has just attracted eight young scientists back from around the world, also said she loudly applauded not only the investment in medical research institutes but the major boost to health and education in this week's budget. Professor Cory said she hoped the federal government would follow our lead. We hope so, too.

The Bracks government is investing in our future — all our futures — unlike the opposition, which is simply interested in the cheap daily grab. They stand for nothing. The opposition leader's half-baked tax cuts — —

Mr Perton — On a point of order, Mr Speaker, the minister is now debating, and I ask you to bring him back to the question.

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

Mr THWAITES — This initiative is about investing in our future and attracting back the medical stars to Victoria. Half-baked tax cuts will either send Victoria into deficit or send these medical scientists back overseas.

Police: prisoner accommodation

Mr WELLS (Wantirna) — I refer the Minister for Police and Emergency Services to his press release in which he states that police are not jailers. How does the minister explain that the budget papers show that the Victoria Police spent an extra 150 000 hours this year babysitting prisoners rather than being out on the beat?

Mr HAERMEYER (Minister for Police and Emergency Services) — I congratulate the honourable member for Wantirna; he is on a roll this week. He had not asked a question since 20 September last year, but he has now asked two in a week. I congratulate him; I think that is great.

As I have explained to the house before, I have said consistently, even when the Labor Party was in opposition, and I will state it again, that the role of police is not to be jailers. When in opposition the Labor Party persistently raised the issue of corrections prisoners spilling over into police cells. The then Liberal government did nothing about it — absolutely nothing about it. The Bracks government's first budget provided 357 additional beds within existing facilities. Those beds are coming on line now. Approximately 100 of those beds came on line in the last few months, another 150 beds will come on line in the next four to six months, and two more wings at Barwon and

Loddon prisons will come online at the end of this year. The Labor government is fixing the problem that the former Liberal government created.

Infrastructure takes time to build. If the honourable member for Wantirna were to put on his wellies, get into his overalls and help to push the wheelbarrows, we may be able to do it more quickly. I inform the honourable member that there are a lot more police out there at the moment so there are more hours available for them to do things.

Water: Wimmera–Mallee pipeline

Mr HELPER (Ripon) — Will the Minister for State and Regional Development advise the house about the latest involvements concerning the government's new budget initiative to fund the construction of the Wimmera–Mallee pipeline?

Mr BRUMBY (Minister for State and Regional Development) — I thank the honourable member for Ripon for his question regarding the Wimmera–Mallee pipeline and reiterate that the budget brought down on Tuesday committed the Bracks government to $77 million of funding as requested for this great Victorian and national project. It is a great project. It is one that the government has looked very closely at and is one that it was delighted to support in Tuesday's budget.

Mr Bracks interjected.

Mr BRUMBY — I will come to the Leader of the National Party in a moment.

In March this year, in a document it circulated, the Liberal Party stated:

> The Bracks Labor government has, unlike the Liberal Party, made no commitment to build the much-needed Wimmera–Mallee pipeline.

I think we have done it, haven't we? Didn't we do that on Tuesday? The government did that to the tune of $77 million! The community is asking for $77 million from the federal government over a 10-year period. The federal government has a big budget that is coming down next week — it is about $160 billion — so the ask from the federal government to fund the pipeline would represent .000000005 per cent of its budget. But it is slip-sliding away. It is saying it cannot afford it. Back in February the Deputy Prime Minister and Leader of the National Party visited with the trade minister, Mark Vaile — —

An Honourable Member — He visited, did he?

Mr BRUMBY — He actually visited the area and put out a press release in which he said they:

> … voiced their support for the piping of the Wimmera–Mallee … system …

And following that the state Leader of the National Party says:

> The next step is for the state government to show some leadership on this issue and put forward its share …

We have done that. Then we had — this is the classic — the *Sunraysia Daily* of 23 April quoting the National Party conference resolution:

> The conference supports the appropriation of state and commonwealth funding for the full completion of the Wimmera–Mallee stock and domestic pipeline —

full completion —

> and commends the state and federal members of the parliamentary National Party for instigating and driving this great initiative.

We have made this commitment. We were disappointed, to say the least, that on 8 May, as I referred to in Parliament yesterday, a spokesperson for the federal agriculture minister, Warren Truss, said:

> … the project had little national significance.
>
> … There's going to have to be a lot more work done before funding.

The *Weekly Times* yesterday reported:

> … a spokesman for agriculture minister Warren Truss said no commitment —

by the federal government —

> would be made at this stage.

No commitment. We have our proposal in the budget paper. It is fully costed and fully funded over the next 10 years, as requested. Yesterday the *Wimmera Mail-Times* published an editorial — it is a very worthy editorial — headed 'Labor leads with vision'.

Honourable members interjecting.

Mr BRUMBY — I will just read it for the National Party:

> Generations can rejoice — —

Honourable members interjecting.

Mr BRUMBY — Isn't it a pity that the people of Horsham and the people of western Victoria cannot see you rabble on television!

Honourable members interjecting.

The SPEAKER — Order! I ask the honourable member for Mordialloc particularly to cease interjecting, and similarly the honourable member for Berwick.

Mr BRUMBY — Here is the editorial:

> Generations can rejoice in the Victorian government's courageous and visionary commitment to completing piping of the Wimmera–Mallee water supply.
>
> …
>
> There is an irony in a Labor state government leading the way on this issue, and the up-front commitment emphatically drops the issue at the feet of Liberal and National parties who purport to care more for regional Australia.

It concludes:

> Generations past have fought for realisation of the vision splendid. Generations of the present and the future will rejoice in their foresight if the federal government matches the money and accelerates the region's most important project in several lifetimes.

Honourable members interjecting.

The SPEAKER — Order! Would the house come to order! I also remind the minister of the need to be succinct.

Mr Perton interjected.

The SPEAKER — Order! At the point where I call on the Treasurer to be succinct the house does not need the interjection from the honourable member for Doncaster inviting the likely response from the Treasurer that that elicits.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc.

Mr BRUMBY — We have the Leader of the National Party interjecting across the table saying, 'We only want $3.5 million'. The government has put up $77 million over the next 10 years and funded, with the federal government, the pre-feasibility study for this, which shows that for every 10 litres that goes in only 1 litre comes out the other end.

The Premier has written to the Prime Minister, by the way, and the Prime Minister replied in February after you made a fool of yourself on ABC radio.

The SPEAKER — Order! I ask the Treasurer to address his remarks through the Chair.

Mr BRUMBY — We have obviously been in regular contact with the Prime Minister's office about this. We are funding it, we are getting on with the job, we are providing the vision and the leadership. What we want is for the National Party and the Liberal Party to tell Prime Minister Howard to make the $77 million available in next week's federal budget.

Police: prisoner accommodation

Mr WELLS (Wantirna) — If the Minister for Police and Emergency Services is so sure he has police cells under control, why at 2.00 p.m. yesterday were there eight prisoners in the Craigieburn police category B cells which, under police operational rules, should only hold prisoners on a temporary basis and for no more than a few hours?

Honourable members interjecting.

Mr HAERMEYER (Minister for Police and Emergency Services) — They do not have a branch in Craigieburn, so I can imagine they are trying to start one!

The SPEAKER — Order! The Minister for Police and Emergency Services, answering the question posed by the honourable member for Wantirna.

Mr HAERMEYER — Nobody denies there are people in police cells who do not belong there. I have just spent time answering two questions from the people on the other side as to why they are there. It is a problem they created, and it is a problem that we are turning around, and turning around rapidly. I have to say — —

Honourable members interjecting.

Mr HAERMEYER — A couple of years ago we did not have any police at Craigieburn police station; now we have actually got a lot more police at the Craigieburn police station. As a result of the 800 additional police on the ground we will have almost 2 million additional police hours out there this year fighting crime, out there creating Liberal Party branches in the police cells! There are more police than ever before. We are getting on top of crime, which means we will arrest a few more criminals as well. I know the opposition does not like that, because they are about the only constituency they have left!

Employment: government performance

Mr HOLDING (Springvale) — Will the Minister for Employment inform the house about the latest developments concerning employment in Victoria, and

in particular today's Australian Bureau of Statistics employment figures?

Mr PANDAZOPOULOS (Minister for Employment) — I am pleased to inform the house that today Victoria has the lowest unemployment rate in the country at 5.7 per cent, well below the national unemployment rate of 6.3 per cent.

I am pleased also to inform the house that it is only the second time since July 1990 that Victoria has had the lowest unemployment rate in Australia, the first time being September 2001 under the previous employment minister, now the Minister for Education and Training, when it was 6.1 per cent. Twice since July 1990 Victoria has had the lowest unemployment rate — that was under this government — but nothing from the previous government, which governed for most of that time!

Significantly, the unemployment rate in Victoria has been at or below the national average in 29 of 31 months since October 1999. We should remind ourselves that under the previous government, Victoria's unemployment rate was consistently above the national rate.

In the seven and a half years of the previous government, 143 700 new jobs were created. In the following two and a half years under the Bracks government, 124 000 more people were in work than in October of 1999 — an increase of 5.6 per cent.

We do not rest on our laurels, and we understand that certainly the figures show the government is delivering on jobs. We understand also that the opposition has an interest in one particular job and that just about every single member of the opposition wants the job of the opposition leader.

Honourable members interjecting.

Mr PANDAZOPOULOS — I ask opposition members who do not want his job to put up their hands! They all want it!

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

Mr PANDAZOPOULOS — The third Bracks government budget will continue to build on this great news in employment.

Honourable members interjecting.

Mr PANDAZOPOULOS — That's the way you guys are going!

The third Bracks budget will continue the work we are doing in partnership. We are about facilitating new investment and economic growth in Victoria, leading to increased job opportunities. The government is all about facilitating skill development through education and training, and also through the $158 million targeted over four years to community jobs and youth employment programs.

The government is focusing on creating jobs; that is what this budget is about. The opposition is about division; its members are only interested in one job, and that is the job of the Leader of the Opposition!

STARS Supernova program

Mr ROWE (Cranbourne) — I refer the Premier to the STARS Supernova program being undertaken by students at Glen Waverley Secondary College, where the local students have conducted an experiment which will be taken into space by the American National Aeronautics and Space Administration in July. Further, after more than two years the government has withdrawn funding for this program. Given that two weeks ago the Treasurer gave an undertaking to review the matter I had raised in this house but has still not responded, will the Premier advise the house and these students if they will have government funding for their work to go into space?

Mr BRACKS (Premier) — I thank the honourable member for Cranbourne for his question. I think he said he wrote to the Treasurer two weeks ago. I am very confident that the Treasurer will obtain that material for the honourable member for Cranbourne and report on it.

I am not familiar with the detail of this particular funded program, but I can say that if we look at our previous two budgets and at this week's budget we will see that we have committed to education more than $2 billion extra, including $550 million extra in this budget. We have committed not only to new schools but also to new teachers.

Mr Rowe — On a point of order, Mr Speaker, the Premier is debating the question. With in excess of a $500 million surplus, we are talking about only $65 000 for these children!

The SPEAKER — Order! The latter part of the point of order is out of order. I do not uphold the earlier part of the point of order that the Premier was debating the question.

Mr BRACKS — As I indicated, I have no doubt the Treasurer will provide the detailed answer as requested some two weeks ago by the honourable member for Cranbourne. I reiterate that the honourable member for Cranbourne can be absolutely satisfied that this is a government that is committed first, second and third to a better education system. We are turning around what was the lowest spending per capita per student of any state in Australia when we came to office to what is now the equal-highest spending per capita.

Dr Napthine — On a point of order, Mr Speaker, the Premier is now debating the question. The reality is that the funding increase for education is 2.3 per cent below inflation!

The SPEAKER — Order! The latter part of that point of order is also out of order. I ask the Premier to confine his remarks to comments relevant to the question posed by the honourable member for Cranbourne.

Mr BRACKS — Yes, Honourable Speaker. The honourable member for Cranbourne can be satisfied that we have turned around what was the case when we came to government. We have gone from being the lowest spending state of any state in Australia to now being the equal-highest spending state of any state in Australia. The specific matter requested by the honourable member for Cranbourne — —

Honourable members interjecting.

Mr BRACKS — The honourable member for Pakenham keeps interjecting. Get up on your feet and say something if you want to!

The SPEAKER — Order! The Premier well knows that he must make his remarks through the Chair in the third person and not directly to any particular member.

Mr BRACKS — I did not mean to impugn the honourable member for Pakenham. He is very good at defending himself in the house, and I am sure he will do that at some point.

I reiterate that the matter will be replied to in detail by the Treasurer, but the honourable member for Cranbourne can be assured that we are investing more in education.

Budget: fiscal responsibility

Mrs MADDIGAN (Essendon) — I ask the Treasurer, who handed down such an excellent budget on Tuesday, to advise the house about the latest developments concerning new tax initiatives and the government's budget commitment to fiscal responsibility.

Mr BRUMBY (Treasurer) — I thank the honourable member for Essendon for her question. Today we have seen at first hand the benefits to our state of responsible financial management in the best unemployment figures in this state for many, many years indeed — the lowest in Australia and at or below the national rate for the last 23 months.

One of the hallmarks of the Bracks government has been fiscal responsibility, as I pointed out yesterday. Our first budget had a surplus of $1.2 billion and this year the figures look set to come in at a $765 million surplus and a surplus going forward at $522 million. I pointed out to the house yesterday that if the policy proposals that have been enunciated by the Leader of the Opposition were to be implemented, the payroll tax cut to 4.95 per cent would cost the budget $203 million and the retrospective stamp duty windfall rebate reimbursement scheme would cost the budget $350 million, which, added together, would push the 2002–03 budget into deficit.

Mr Clark — On a point of order, Mr Speaker, the Treasurer is both debating the question and misleading the house, and I ask you to bring him back to order.

The SPEAKER — Order! The latter part of that point of order is out of order. I ask the Treasurer to come back to answering the question posed by the honourable member for Essendon.

Mr BRUMBY — As I pointed out to the house yesterday, that would push the budget into deficit. I want to advise the house of the risks posed to the budget bottom line by these proposals, particularly the stamp duty windfall rebate proposal. On Tuesday the *Herald Sun* ran an article written by Enzo Raimondo, the chief executive of the Real Estate Institute of Victoria. He says this about the Leader of the Opposition's plans — —

Dr Napthine — On a point of order, Mr Speaker, the Treasurer is continuing to debate the issue. The purpose of question time is for the Treasurer to provide information about government policies and actions, not to simply read from newspapers.

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

Mr BRUMBY — The question asked me to examine possible new tax initiatives and the government's commitment to fiscal responsibility. The government is totally committed to fiscal responsibility.

What I am pointing out to the house is that the tax initiatives proposed by the Leader of the Opposition would be fiscally grossly irresponsible.

Mr Perton — On a point of order, Mr Speaker, as I said to you yesterday, for two weeks we have had ministers being called to account by you for debating the question, and on each occasion the minister has flouted your ruling and returned to exactly the same point. The Treasurer is utterly guilty of this. Mr Speaker, you have shown great tolerance and forbearance to this point. If the Treasurer persists in this I ask you to either sit him down or suspend him.

Mr BRUMBY — On the point of order, Honourable Speaker, I listened very carefully to the question asked by the honourable member for Essendon. Here we are in budget week with a budget with a surplus of $522 million having been brought down. I have been asked a question about the government's commitment to fiscal responsibility and I have been asked to comment on alternative tax proposals which might threaten that surplus. That is what I am doing. It is a relevant question. The public of Victoria is entitled to know about the government's commitment to fiscal responsibility and about alternative proposals that would throw the Victorian budget into the red — into deficit. That is what we have been talking about; that is what my answer is about.

Ms Asher interjected.

Mr BRUMBY — The Deputy Leader of the Opposition says no-one believes that — —

The SPEAKER — Order! I remind the Treasurer that he is speaking to the point of order.

Mr BRUMBY — The fact of the matter is, as I am explaining to the house, that the two propositions put forward by the Leader of the Opposition would throw the Victorian budget into deficit. That is the question that I am answering.

The SPEAKER — Order! The question posed by the honourable member for Essendon asked about developments in regard to the government's commitment to fiscal responsibility. Although the Chair has shown some tolerance to the Treasurer's canvassing of alternative policy proposals in regard to fiscal responsibility, I will not allow him carte blanche to simply explore the opposition's policy in this area in continuing his answer.

Mr BRUMBY — Let me outline the REIV's response to the canvassing of proposals for a retrospective stamp duty rebate. It says:

> As for the opposition's plan to provide stamp duty rebates in so-called 'boom years' — —

Mr Perton — On a point of order, Mr Speaker. This is the third time the Treasurer has flouted your ruling in respect to debating the question. I have it as now about 16 times in the last two weeks. On behalf of yourself and the house, Mr Speaker, enough is enough, and you should sit the Treasurer down.

The SPEAKER — Order! I am not prepared to uphold the point of order. However, once again I remind the Treasurer that he must come back to answering the question about fiscal responsibility by his government.

Mr BRUMBY — I am attempting to do that by advising the house about the flaws of this proposal, which would force the budget into deficit. The Real Estate Institute of Victoria said that this plan to provide stamp duty rebates in so-called boom years is 'a half-baked proposal fraught with problems'.

Mr McArthur — On a point of order, Mr Speaker, there have been numerous rulings from the Chair in the past relating to the reading of extracts from newspapers. I ask you to uphold those rulings and point out to the Treasurer that there is a parliamentary library and that anyone who wants to read that article is welcome to go there and have a look at it themselves.

The SPEAKER — Order! I do not uphold the point of order. The precedent in this house has been that honourable members and ministers have been allowed to quote from different publications. However, once again I will not allow the Treasurer to make extensive quotations in his response.

Mr BRUMBY — What a remarkable thing it is. You would think that opposition members would be standing behind their leader's tax policies, wouldn't you, but here they are one after another — —

The SPEAKER — Order! I ask the Treasurer to cease debating the question and come back to answering it.

Mr BRUMBY — The Bracks government is totally committed to fiscal responsibility and budget surpluses, and it rejects absolutely these half-baked proposals which would throw the budget in this state into deficit. The shadow Treasurer has walked away from the Leader of the Opposition in the media today. He is not backing his plan — —

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

The SPEAKER — Order! I uphold the point of order and ask the Treasurer to come back to answering the question.

Mr BRUMBY — The point is, Honourable Speaker, that if you want to get the sort of business investment, jobs growth and interstate migration to Victoria that has been occurring under the Bracks government, you have to have responsible financial management. We have got it, we have delivered on it and we will deliver on it in the future. But if you implement the sort of half-baked proposals of the opposition you will throw the budget into deficit.

Mr Perton — On a point of order, Mr Speaker, I have to put it to you that the Treasurer is taking you on and taking on your role of authority on behalf of this house. On five occasions during that question you drew him back to order and each time he violated your ruling. I ask you, Mr Speaker, on the next occasion he does this — I think he has concluded his answer now — in respect of your own authority and in respect of the privileges of this house to either suspend him or sit him down.

The SPEAKER — Order! I am not prepared to uphold that point of order raised by the honourable member for Doncaster. As a matter of fact, upon his taking of the point of order, the Treasurer was speaking about the fiscal responsibility that his government was undertaking. The Treasurer has concluded his answer.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc is warned.

The time set down for questions without notice has expired, and a minimum number of questions has been dealt with.

Mr McArthur — Mr Speaker, my point of order relates to the authority of the Chair — —

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order so that I can hear the point of order.

Mr McArthur — My point of order relates to the authority of the Chair and the respect due to the Chair by all members of this place. Can I point out to you, Sir, that you have exercised that authority on numerous occasions, and I can give you some examples of occasions when you have warned members that if they continue to take certain a course of action you will suspend them under sessional order 10. That has happened in the taking of points of order that you consider frivolous, and in the continuation of interjections that you consider unruly.

Can I point out to you, Sir, that in recent weeks you have on numerous occasions drawn to the attention of a number of ministers, particularly the Treasurer and the Attorney-General, that they have breached the rules of the house in continuing to debate matters when they should be answering them. Can I point out to you that despite your rulings and your advice they have consistently and repeatedly flouted your rulings and challenged your authority. While I accept, Sir, that you have a difficult role, I suggest that the leniency shown by the Chair to some ministers on some issues is far greater than the tolerance shown by the Chair to other honourable members on other indiscretions. Can I put it to you that that undermines the authority of the Chair and brings into question the respect due to the Chair by all members of this place. I seek your assurance, Sir, that it will cease.

Mr Thwaites — On the point of order, Mr Speaker, there was no point of order in that statement. The honourable member was purporting to tell the Speaker how to do his job, which is for the Speaker to determine, not the honourable member for Monbulk. During question time I recall the Speaker on two occasions calling an honourable member back to the topic, and in both cases the honourable member returned to the topic. On other occasions, in an endeavour to interfere with the flow that was coming from the person speaking, opposition members repeatedly rose to their feet and raised spurious points of order aimed merely at stopping the minister from responding to the question asked.

The SPEAKER — Order! The honourable member for Monbulk has raised a point of order in regard to the authority of the Chair. I am cognisant of the heavy responsibility that the Chair has in trying to administer the affairs of the house. There have been numerous occasions when the Chair would have liked the cooperation of all honourable members in trying to achieve the outcomes we have been sent here to achieve on behalf of our constituents. On each and every occasion I endeavour to be fair and impartial. If the honourable member for Monbulk has a contrary view he is well aware of his right to move a motion of dissent from the Chair.

FISHERIES (FURTHER AMENDMENT) BILL

Second reading

Debate resumed.

Ms ALLAN (Bendigo East) — I am pleased to make some brief comments in support of the Fisheries (Further Amendment) Bill. The bill makes a number of changes to the legislative framework for the sustainable use of Victoria's fisheries resources, improving service delivery and recognising issues around indigenous fishing. The bill continues the Bracks government's approach to protecting our waterways and fisheries but recognises the need to maintain the sustainable use of Victoria's natural resources.

Only this week the state budget again put in black and white the government's continued commitment to a healthy river and waterway system and from that flows a better use of our fisheries resources, with initiatives such as $77 million for the Wimmera–Mallee pipeline, $10.6 million allocated for healthy rivers, $15 million for improving the Murray River and $12.8 million for the Gippsland Lakes, all tying together the Bracks government's approach to protecting our waterways and looking at protecting them for the future. When you consider the environment for the fish, it is important for these budgetary measures to have been introduced.

I turn briefly to clauses 5 and 12, which deal with issues of indigenous fishing. The bill provides for the collective expertise of members of the Fisheries Co-management Council to include experience and knowledge of indigenous fishing uses. The bill provides for a class of permits that will allow the non-commercial harvesting of fish for indigenous ceremonial or cultural events. Clearly this recognises that fish are important to Victoria's indigenous people, both symbolically and culturally, and it is important that their uses are protected by the legislation.

The bill also makes amendments to the recreational fishing licence system. It requires all anglers to carry their fishing licence with them. Those who do not have their licence with them will have a seven day grace period in which they can show their licence. Alternatively I understand an amendment to be proposed by the minister will provide for a certified copy of the licence to be presented within that seven day period. It is important to have the licensing system; we have it for a reason. A trust account has been established following the passage of legislation in 2000 to establish the licensing regime. The trust account is pumping resources back into the fishing area, whether improving areas for access or improving the environment for fish. There is provision for education for people who go out to fish, and it also encourages those people who might want to take up fishing but require more information.

I will briefly pick up on a point made by the honourable member for Polwarth when he spoke extensively about fishermen. I point out to him that there are not just fishermen out there but also a number of fisherwomen. I much prefer to use the terms 'fishers' or 'anglers'.

Mr Dixon interjected.

Ms ALLAN — No, it is important because fishing is a very popular recreational activity that both men and women enjoy. I had the great pleasure of chairing the Bendigo regional fisheries management plan steering committee on behalf of the minister. It exposed me to a whole range of issues about fishing use in central and northern Victoria. It is important to recognise all people who participate in fishing activities. Bendigo and central Victoria are significant fishing destinations, with a number of major waterways such as Lake Eppalock and the Campaspe and Loddon rivers. The management plan looked extensively at those waterways from both an environmental and an access point of view, ensuring that the waterways are stocked so that people can go out and enjoy catching the fish.

With those brief comments I conclude my contribution and support the legislation.

Mr DIXON (Dromana) — I, too, support the legislation. It is all about a sustainable fishing industry. Overall our industry is sustainable in Victorian waters and the bill will enhance that. The responsible minister in the other place says we have a sustainable fishing industry, and I think all honourable members who have some experience, especially those with coastal electorates, would agree that that is the case.

The angling licences addressed in the bill have gained a degree of acceptance in the wider fishing community, but when you talk to anglers, especially those who have been asked to produce their licence, while a lot of them vaguely understand why they need to have a licence they are not convinced about where the money from that licence is going.

As the honourable member for Bendigo East said a minute ago, the money was going into a trust account for a range of uses. My understanding is that at this stage it is being used only to buy back licences that are being used by commercial fishermen. In most cases they have been dormant — not a lot of them are active. Whether that is right or not, it is the general

understanding and perception of the fishing community. I think what members of the fishing community want is more visible proof of where their fishing licence revenue is going in terms of things like artificial reefs, education and research.

An area of research that needs to be boosted — and I have not noticed it in my reading of the budget at this stage — is research on the pests we find in the bay, especially the northern Pacific sea star. That is very high on the agenda of recreational fishermen.

They would also like to see improved boating facilities. I know that when the licence buyback has been completed money will go to those areas, but we need to address that pretty quickly otherwise the good acceptance of the fishing licence will melt somewhat.

Recreational fishermen are very aware of these sorts of things because a lot has been asked of them. They often have their hands in their pockets: they have to insure and register their boats, have boat licences, have trailers that are insured and registered, pay boat-launching fees, and now they must have angling licences as well. For the number of fish that I catch I am deeply in deficit at the moment! I am yet to get my boat licence, but I am sure I will do so before next Christmas.

The practicalities of having a licence with you in a boat are very different from those that come into play when you are in a car and are carrying a wallet. There are plenty of places to keep a wallet in your car or on your person. When you are fishing there are problems and they have been addressed in this piece of legislation. There are practical concerns about having a piece of paper with you when you are out on the water where it can be messy and wet, not just when you fall in the water but also during the general activities of fishing. I am glad that we now have a seven-day period during which you can produce your licence to the relevant authority. That is a practical concern and, again, it goes some way to addressing some of the general concerns that anglers have in general about fishing licences.

The other aspect of the bill that I wish to talk about briefly is the concept of compliance and enforcement. Of all aspects of fishing activity, whether commercial or recreational, this is the most important. It is very important that people see a visible presence and that they understand that if somebody breaks the law — such as exceeding bag limits, not complying with licence conditions, or whatever — they will be punished. If everybody complies then we have sustainable fisheries and the load is shared equitably amongst all people who fish. If there is less compliance because of less enforcement and less rigorous enforcement, the efforts of those who do the right thing are doubled because of those people who do not comply with the various fishing laws. It is important that we have a visible, understandable and transparent compliance and enforcement system.

I have spent a fair bit of time reading the contribution to the debate made yesterday by my colleague the honourable member for Mornington who spoke about his experiences with the fisheries officers. I have had the same sorts of experiences. Fisheries officers have a very onerous duty and there needs to be a lot more of them. I understand more are coming on stream. A visible presence of people who follow up all aspects of fishing, whether recreational or commercial, is very important. You often see fisheries inspectors out on the water but you rarely see them at boat ramps. That is where it all happens. Most boats — or 95 per cent of them, not including the ones that come off moorings — go in and out of the water at boat ramps. That is where the visible presence should be and where education should occur. I would certainly like to see more of that. With those few remarks, I support this piece of legislation.

Mr SEITZ (Keilor) — I rise to support the Fisheries (Further Amendment) Bill and congratulate the minister on the step taken in this bill in recognising our indigenous people and their right to fish. Because of white settlement, it seems always to have been considered as commercial fishing, the prerogative of white settlement in the area, forgetting that our indigenous people were living on the sea shores, the estuaries and the inlets and used those areas as a source of food as well. It is a very significant step forward, particularly for our bureaucracy when it advises the minister and the government on the biomass of fish species to be taken out of the water, that there is a percentage allocated for indigenous people and we are not just dividing it up between the environmental sector and the professional and recreational fishermen. There is a fourth organisation that needs to be considered, so I am very pleased with that amendment.

The Environment and Natural Resources Committee, which I chair, visited New Zealand and we had explained to us the fishing situation there. In the past the government and bureaucrats over there had neatly developed the biomass and quotas for each fishery that they considered — recreational, environmental and professional — but forgot about the Maoris' fishing rights, and there was no quota or biomass left — no tonnage for them. The New Zealand government eventually had to be forced into buying back some of the quotas it had issued to professional fishermen, so I see this as a very progressive step.

This matter was mentioned in the report that the committee tabled to Parliament on the Fisheries Co-Management Council, so I am pleased to see that this step has been taken by the minister, and I hope our indigenous people also appreciate the steps that have been taken by the community and the representations people have made to the committee.

For the white settlement and people who think it is their prerogative, a hunter–gatherer mentality still exists, although when we had public hearings there were submissions from a number of responsible professional fishing organisations and representatives of the recreational fishermen who understood the need for control and conservation and that to have a sustainable fishing industry there must be sufficient stock left in the environment for breeding and the development of fisheries for future generations so some fish species do not become extinct.

This is still something that we as a society do not really look at in depth or consider as much, and there is not a general campaign for saving our endangered fish species, which is an important and integral part of the strategy, and I think what the minister is trying to introduce in relation to our marine parks goes a long way towards that.

I had the opportunity of having a look first hand at marine parks in New Zealand. The fish species there are completely different, and so are the attitudes of both the professional and recreational fishermen and the public in general, living in harmony near the marine parks that were established there. It has not endangered the professional fishermen.

The licensing that has been introduced for recreational fishermen is an important and integral part of the system, particularly when we look at some of the fish species that are very lucrative and the poaching that takes place, so there needs to be a strict enforcement of bag limits, quotas and the type of fishing gear that is used, and we must ensure that there is no illegal use of netting by unlicensed people and that everybody complies with those rules. That also means enforcement.

In the bill the expression ‘coastal waters’ has been changed to ‘regional Victorian waters’, which means that the marine police can pursue suspected poachers or people who break the law, and if they are trying to get out of the 3-mile limit on Victorian waters the police can pursue them on those matters. That is another important step towards enforcement of the fisheries laws and regulations.

In many cases the Department of Natural Resources and Environment fishery people even have to look at fish caught in commonwealth waters that have landed in Victorian waters, so this brings us another step closer to recognising the importance of our aquatic creatures and of the food chain. A major aquatic industry can be developed, as we have done with dolphins and whale watching at Warrnambool. If we further develop those opportunities it will create an industry in that field for fishing charters or simply ecotourist charter boats taking people out and showing them how marine life exists and interacts.

This process is just in its beginning phase in Victoria and needs to be developed further. It is hoped that these amendments will assist in developing further the recognition of the importance of our fishing industry and the general fish and other aquatic creatures in all Victorian waterways, estuaries and inlets, including our 3-mile limits. I wish the bill a speedy passage through the house.

Mr VOGELS (Warrnambool) — The purpose of the Fisheries (Further Amendment) Bill is to strengthen our fishing laws by making a number of housekeeping amendments.

Housekeeping amendments always worry me. These are the rules and regulations that seem to state that you are no longer allowed to catch sandworms on a beach which you are no longer allowed to dig from — your spade is ever diminishing, your bucket is getting smaller, et cetera — thus making it much more difficult for families to go out and enjoy a day’s fishing. I am talking about recreational fishing.

Requiring recreational fishers to carry their licence at all times when fishing and to produce that licence on request is actually not a bad idea. I have my fishing licence here — it is just a little soft piece of paper. If I were to take this with me in my pocket on a fishing trip it would last one outing — it would get wet, as I would be forever changing, putting on and taking off bait — yet the law will require fishers to carry their licences with them all the time.

I implore the government if it requires fishers to carry their licences all the time to ensure that the document is in the form of a waterproof card, perhaps similar to a driver licence or shooter licence, which is a plastic card that can be carried in one’s pocket or wallet and is more durable than the fishing licence is now.

The bill also allows the secretary of the Department of Natural Resources and Environment to issue a general permit for the taking of fish from recreational fishing

zones for a specified indigenous cultural ceremony or event. It allows the minister, by order, to declare an area as a subzone quota fishery and to set the allowable catch for that subzone.

This also concerns me in the sense that if the government of the day is not getting its way it can by stealth reduce quotas year in, year out, and eventually squeeze a fishing industry out of existence. We do need to monitor carefully what fish are out there and ensure that the fisheries are not overfished, but we need to do that with scientific research to keep tabs on what is actually happening out there.

The bill strengthens the enforcement provisions of the Fisheries Act, which most people in the fishing industry seem to think is important. There is no doubt that we need to stop poaching of our fish resources — the poachers need to be caught — but I do not believe that our inspectors need more powers. We do, however, need more inspectors — we need more people to catch the poachers. You can strengthen the laws all you like but if you do not have the people on the ground — out there catching the poachers — there is no point in strengthening the provisions. Already boats can be confiscated and the penalties are extreme, but poaching still happens. The answer is to have more inspectors on the ground.

I know that the budget provides for the Minister for Environment and Conservation this year, through the Marine Parks Bill, to have more inspectors employed, which is a great start, but we need to make sure that we have got people on the ground — out there, monitoring the situation. That would achieve a much better result than just strengthening the powers and making fines heavier. I support the bill.

Ms DAVIES (Gippsland West) — I am pleased to speak upon these amendments to the Fisheries Act 1995, and note that they have the stated aim of better managing fisheries and arrangements in place to hopefully ensure the sustainability of the industry. The legislation has various parts — it is a bit of a grab bag — and I will just go through the parts that have caught my attention.

There has been quite a bit of discussion in the house on the requirement that is introduced in this legislation that recreational fishers carry their fishing licences and produce them on demand to fisheries officers or police. I note that a house amendment, largely at the instigation of the honourable member for Gippsland East, suggesting that fishermen carrying paper licences in open boats in rough weather does not necessarily facilitate the longevity of the paper licence. It is suggested that carrying a licence on your person while fishing can be quite difficult — let alone the fact that you might forget to have your licence with you.

That house amendment suggests that it is not the actual fishing licence but a certified copy of it that needs to be posted in to a police officer if you are not able to produce it at the time. That is a very commonsense amendment, and I am glad it has been prepared.

There is an obvious conflict with recreational fishing licences at the moment. I appreciate that the minister is aiming to make it easy for people to get a recreational fishing licence, but I think that when you have a simple paper licence with no photo identification on it there is still an opportunity for fraud. Perhaps people should have to show some sort of identification when they get a licence and be able to demonstrate that the name they are giving is actually their own. We will wait to see whether this particular provision works in practice.

The bill also means that the secretary will be able to issue permits that will enable those who are seeking to fish as part of a particular indigenous cultural activity to in some circumstances exceed recreational bag limits. I understand that an expert on indigenous issues is already on the Fisheries Co-Management Council. An amendment in the bill will clarify the traditional fishing issues language that is used in the legislation.

Clause 7 provides for catch limits in subzones of a quota fishery such as rock lobster or abalone fisheries. The minister will be able to declare subzones and set the proportion of the total allowable catch that applies in that specified subzone.

The second-reading speech states that the Department of Natural Resources and Environment would work with industry to determine the best mechanism to allocate quotas within those subzones. I note that some concern has been expressed to me by the abalone and rock lobster industry about the uncertainty of that provision. Given the extreme trauma that was caused in my electorate around the implementation of the rock lobster quota, I urge the minister to ensure that that consultation is satisfactory to the industry.

I have a letter from the Victorian Abalone Divers Association referring to that part of the bill and stating:

> Clause 7 does not guarantee that the quota allocated under a subzone will be allocated equally. VADA wishes to ensure that where there is an initial quota order and an allocation method under that quota order then the allocation for a subzone order must be the same.

I would urge the minister to take very careful note of the industry's concern about those subzones.

Other elements of the bill aim to improve the enforcement of quotas and catch limits for recreational licence-holders. Sellers of rock lobster and abalone are going to be required to keep records documenting the quantity, date and source of any fish given a quota — priority species fish we are talking about — and the records must be kept for three years. I note there has been an obvious increase in enforcement of recreational catch limits and marking requirements for abalone caught under recreational licences.

We had an instance locally where a very legitimate recreational fisher was caught not marking the abalone as is officially required under current law. I respect the increased enforcement effort to ensure that there is not excessive abalone poaching — it is part of the government's notion of marine parks legislation that there would be a very substantial increase in enforcement efforts — and I assume that this is perhaps an early beginning to that. However, I would like the minister to note — and I have written on this issue — that legitimate recreational fishers of abalone have expressed to me their concerns about the current regulations requiring them to slash and mark the abalone they catch.

The theory behind this requirement is that it is then very clear to any purchaser of abalone whether these are abalone that have been caught legitimately for commercial purposes or whether they are abalone that have been caught under a recreational licence and are being illegally sold. The impact of marking such abalone is that it can spoil the abalone, and certainly bleed it and mark it to the point where it is inedible.

I have been asked to ask the minister to review that regulation requiring abalone to be marked and to see if there are alternatives. Other states use other alternatives, including New South Wales, where abalone are tagged when they are caught under a recreational fishing licence. The advantage of tagging, it seems to me, is that it would be much easier for the department to determine the number of abalone that have been legitimately caught under recreational fishing licences. I believe that would be of definite assistance in working out the numbers of abalone available for catching.

I see real benefits in changing the way the government currently enforces the recreational take of those abalone and lobster. It has also been suggested to me that the way rock lobsters are supposed to have their tails cut at the moment can damage the fish, and that there are other less cruel ways of marking lobsters as well as marking abalone. I ask the minister in the other place, but also the Minister for Environment and Conservation, to have a look at that.

At the same time, however, I do approve of the measures in this bill which are specifically aimed at better enforcing the law to stop poaching in valuable fisheries, since any poaching is liable to reduce the sustainability of the fishery. Some of the other measures in the bill that will increase the enforcement of the law involve giving officers new powers to enter and inspect premises to take copies of documents. Officers are able to demand the production of records. Records are supposed to be kept for over three years. Officers will be able to require, upon reasonable notice, that financial information and business records be produced. I support those measures.

It is very important, particularly with the introduction of marine parks legislation in this house, that all efforts be made to ensure that legitimate fishermen who are obeying the law have access to the source of their catch and that the catch is not depleted by illegal poaching, as has happened in the past. Some of that illegal poaching is highly organised and very professional and some of it could perhaps be described as hunter–gatherer activity which might have a commercial end in mind when people go fishing with recreational licences and exceed their catch and hive some of it off for a few dollars. That type of poaching is not the main problem. It is the very organised commercial poaching operations that is sometimes featured in the media that I see as the main problem for commercial fisheries and for DNRE enforcement efforts.

I urge the minister to clarify as soon as possible the details of the enforcement effort the government plans to bring in as part of the proposed marine parks legislation. The industry has clearly expressed to me its concern that the extra enforcement of fishery controls that are going to be brought in under the marine parks legislation will not be definitive enough, that the real effort will need to go into a special task force made up of not just fisheries officers but also police, properly equipped and resourced so that they can match the highly organised criminal activity of full-scale commercial poachers. I believe the minister could set the fears of a lot of commercial fishermen to rest if she were prepared to make it very plain that that kind of highly organised enforcement effort is part of her intention when the marine parks legislation comes before the house.

In the meantime I see this Fisheries (Further Amendment) Bill as one more step along the road to making sure that fisheries are managed properly. It is

essential that these fisheries are managed properly. I commend this bill to the house.

Mr TREZISE (Geelong) — I am also pleased to support the Fisheries (Further Amendment) Bill. This bill is about a providing a sustainable fishing industry and recreational fishing for Victoria. It deals in part with ensuring the tightening of current controls or existing legislation with regard to recreational fishing in Victoria.

I am happy to support the bill because my electorate of Geelong is based around Corio Bay, and there are many thousands of recreational anglers who enjoy fishing, not only in and around Corio Bay but also down through the Bellarine Peninsula in areas such as St Leonards, Indented Head, Queenscliff and along the surf coast. When one talks about fishing, the fishing industry and also recreational fishing, one has to mention towns like Queenscliff which is of historic value to the fishing industry. Many decades ago Queenscliff was essentially established around the fishing industry. As the honourable member for Geelong, I am happy to support this important legislation.

A key part of the legislation is the amendment requiring anglers to carry licences while out fishing, or to produce them within seven days of being asked to produce them. That will ensure that people who are fishing will carry their licences, and in many ways it will protect anglers who are doing the right thing by purchasing a licence. The funds from the sale of licences go towards the sustainable fishing industry and improving recreational fishing through the trust fund that has been established. Therefore it is important and fair that all anglers contribute to the fund through this licensing system. As I said, it will protect the conscientious angler who is doing the right thing, because to a large degree it ropes in those people who to date have not purchased a licence. Therefore as far as I am concerned, the requirement to carry a licence is a good initiative.

It is fair to say that the requirement for fishermen to carry a licence while out fishing can be a nuisance, especially when they are based on water. If you are out in a boat it can be wet inside the cabin and wet outside the cabin, and to be required to carry a piece of paper — a licence — would not be practical. To be able to produce a licence within seven days, either in person or, as I understand it, by posting it to the required spot, is not only fair but also practical.

I also support the provisions in the bill for indigenous communities in Victoria who may wish to exceed the existing catch limit quotas for ceremonial or cultural purposes. As I understand the bill, it enables the Fisheries Co-Management Council to recognise this and to establish procedures to give legitimacy to vary existing catch limits for indigenous communities who may wish to use the fish for ceremonial and cultural purposes.

Another part of the bill that is important to fishermen is the amendment that relates to rock lobster or abalone catches. Under the legislation people dealing in rock lobster and abalone will be required to produce records to show the source of their catch. Fishermen selling rock lobster or abalone will be required to produce taxation receipts to inspectors to validate the source of their catch. That is important because the government and the fishing industry are intent on protecting this high-value industry. As such this initiative will not only be welcomed by this house but also by the fishing industry, because it is a valuable industry to this state.

I am also pleased that because this is important and commonsense legislation which is about protecting and providing a sustainable recreational fishing industry for Victoria it is supported not only by the government but also by all members of the house.

This is an important bill. It takes steps to make a more sustainable fishing industry and improve fisheries for all anglers across Victoria. Therefore I support the bill and wish it a speedy passage through this house.

Mr PHILLIPS (Eltham) — As someone who is not an expert in fishing, a recreational fisher or a hobby fisherperson, I am not necessarily the most qualified person to speak on this bill. However, we are talking about the principles rather than the reality of having first-hand experience. Previous speakers have mentioned the benefits of the bill. No doubt we have all had the opportunity in our childhood days and or when growing up to become adults of going with a father, grandfather, uncle or friend and dangling a line either off a rowboat or off a pier or bank somewhere and trying to catch a fish.

My understanding of the bill is that its purpose is to protect the unnecessary taking of fish and ensure the sustainability of fishing in the future, which is good and in many respects is probably no different to what has been done in other industries — whether it be in the forestry industry with pines and old growth forests or wherever we are trying to protect for future generations a resource that is becoming scarcer for whatever reason.

This bill sets out a number of conditions and puts in place a number of penalties. One of the purposes of the bill is to require holders of recreational fishing licences

to produce their licences for inspection when fishing. In short, that is saying to people that there is no problem with their going fishing but they must have the appropriate licence to do so and must understand there are certain obligations involved in getting a licence. Those obligations include carrying the licence and producing it on demand to either a fishing inspector or a member of the police force. A set of conditions go with taking out a licence. The predominant reason for having a licence is about being responsible in the use of that licence.

The bill also enables general permits to be issued for indigenous cultural ceremonies or events. That is fairly self-explanatory. Members of Australian Aboriginal cultures may need to obtain a temporary general permit to allow them to catch fish and use them for either ceremonial or other traditional events. The bill also enables allowable catch limits to be set for subzones. That is designed to protect the resource and put in place certain standards and conditions.

The bill will strengthen the enforcement provisions. Clause 3(2), which inserts proposed section 44 (2), sets out the penalties that will apply for people who do not comply with the provisions. It states that a person who:

> … takes or attempts to take fish from inland waters; or
>
> (b) takes or attempts to take fish from marine waters; or
>
> (c) uses or possesses a recreational hoop net or a recreational mesh net in, on or next to Victorian waters —

will be fined 5 penalty units.

Most responsible recreational fishing people fish, as suggested in the bill, for recreational purposes. I know that a number of my constituents in Eltham enjoy fishing, because as I drive around my electorate I see both the larger, more expensive boats and the small dinghies with 2 to 5-horsepower motors parked in their driveways or on their front lawns.

The legislation is a start and I believe it is important to protect our resources for generations to come — for our children into the future.

Mr CAMERON (Minister for Local Government) — The Fisheries (Further Amendment) Bill does a number of things. One of the key things it does is clarify that a fishing licence has to be produced when requested and if it is not available it must be produced within seven days. It puts in place a sensible regime because the government wants to make sure that people who fish are licensed. We have very precious fishing resources and those who seek to fish must be licensed. The government must ensure that what is in place is an appropriate regulatory regime.

Although the government is legislating to put in place a better and more sensible regulatory regime, supported by both sides of the house, we cannot legislate to do things that we might like to do with fishing, such as legislate that all carp would suddenly disappear. Unfortunately, that menace involves human toil and effort to combat. I believe over time we will get there.

Fish stocks, particularly of larger fish, are under threat in many areas of our inland waters. We want the fish stock built up over time, and the positive initiatives to bring that about are supported by the community, in particular by fishermen, who are keen to build up the fish stock because it will mean they will have more fish to catch, more fish to take home and ultimately more fish to eat.

The legislation does a number of things, and honourable members have spoken about them. I support the bill. We enjoy fishing and we must make sure we have a regulatory regime in place to protect the industry for the future. The sustainability of fishing resources is most important, and that is why the legislation is important.

Mr THOMPSON (Sandringham) — The management of fisheries is a very important aspect in the natural resource area of government administration. One of my colleagues, who is of Koori heritage, noted in an earlier contribution the importance of making sure appropriate provision is made from one generation to the next so that those who come after us have the opportunity to appreciate the resource.

In the records of the early exploits of the travellers to Victorian coastal waters there are some reports of the abundance of fish and marine life in Port Phillip Bay. One need only read the diaries of Matthew Flinders or the expedition of the *Lady Nelson*, the *Calcutta* — or the *Cumberland*, in which I think Charles Grimes travelled. In one particular case they recorded that they collected 500 or so lobsters in the coastal foreshore precinct at Sorrento. In another region they reported on the proliferation of oysters and mussels. I dare say that any fisher who works Port Phillip Bay these days would not be able to catch fish to the same level of abundance as fishers could in earlier years.

The early settlement of Victoria was founded principally on the whaling industry, which is allied to the fishing industry. One element of resource protection is that in 1978 it was a Liberal government that led the

world, really, in banning whaling, and a ban was imposed on whaling in Australian coastal waters.

At the time of the early settlement of Portland and other areas of the Victorian coastline, whaling was a thriving industry and a by-product of whaling, whale oil, was used for machinery back in England, for paraffin lamps and also for the lubrication of watches. The whale bone was used for a range of brushes. It was a highly valued resource that led to the development of one of the first industries on Victoria's coastline. However, it was an unregulated industry. As a consequence of the breadth of the take at the time, whereas at one time there might have been 100 whales in the Portland harbour it did not take long for the southern right whale to be in such diminished quantities that the industry could no longer be pursued.

In more recent days we have seen the collapse of international fisheries. We have had the example in Canada of the collapse of the cod industry in Newfoundland. It was once a prolific industry but through inappropriate management regimes the total industry collapsed and led many families and fishers to lose their means of employment and livelihood. There has also been a decline in the numbers of blue whale and orange roughy; and in Port Phillip Bay the tiger flathead, sand flathead and the gurnard perch are in diminished quantities.

For many years now Victoria has had regulatory regimes governing fishery management and practice which have dealt with bag limits, size limits and seasonal limits. It is a great thing to engage in dialogue with recreational anglers as they unfold their own experiences of favourite places for catching fish.

In a conversation I had earlier today mention was made that one of the problems with fishing is that, with modern technology, position indicators and the scientific understanding of fish breeding grounds, effective management of the resource is more difficult — or more simply expressed, there are too many fishermen and not enough fish. That has led to concerns about the sustainability of the industry in the longer term.

The bill before the house makes some practical reforms which are supported by both sides of the house. They include the requirement that holders of recreational fishing licences produce their licences for inspection when fishing. An interesting element of that is the practical provision that allows fishers who do not have their licences with them when asked to produce them to do so subsequently. Proposed section 44(2) develops that practical reform or improvement.

A purpose of the bill is to enable general permits to be issued for indigenous cultural ceremonies or events. In metropolitan Melbourne that may not be of quite the same significance for members of the Kulin nation or the Bunurong tribe, who once inhabited the coastal shores of southern Melbourne, but there are remnant grounds where in the earlier years the fish collectors gathered: the middens and waterholes around the foreshore of Port Phillip Bay.

Developing an understanding of these unique issues is important for future generations. The indigenous rights will certainly be more important to some of the outlying coastal areas in Gippsland, western Victoria and other regions of Victoria's coastline where there are stronger indigenous communities, such as Tidal River or at Framlingham in western Victoria, where that particular clause will be of importance.

The bill also enables an allowable catch to be set for subzones, which is important where catch limits are set. I have a constituent who has done some impressive fishing in the Bemm River region of eastern Victoria around the precinct of the Croajingolong National Park. It is one of the outstanding areas of Victoria, where the water runs eastwards off the mountain ranges into a range of very impressive inlets and lagoons and into part of the Gippsland Lakes structure. My constituent fisherman has recorded his catch of the bream in that area on a yearly basis for the past 50 years. He is an architect by profession and has carefully graphed the progressive size of his catch. He is cautious and is concerned about maintaining the catch and bag limits to ensure the sustainability of the resource.

A number of other provisions in the bill deal with enforcement and the facilitation of the operation of the Fisheries Act. I am pleased to support the bill.

Mr MILDENHALL (Footscray) — I also join with honourable members on both sides of the house in congratulating the government on its far-sighted legislation, the Fisheries (Further Amendment) Bill. In all these matters the task is to find the balance and to have a sufficient level of regulation to provide not only for a viable industry but also the preservation of the species, the breeding grounds and the habitat to allow for a sustainable environment for both commercial and recreational fishing.

I am glad that the debate has not become one of the exchange of fishing stories, because if it were not for the ability to drop a piece of bait into a trout farm my fishing success would be very thin indeed! I am conscious when I see legislation like this of the need to balance competing demands and competing rights. It

was only the other day that I had in my office a recreational angler who is a member of a club demanding that more consideration be given to recreational anglers than commercial fishers in the bay. He wanted to know why the practice of netting within the bay could be condoned or continued under any circumstances. It rang a bell, and given the huge numbers of recreational anglers in suburbs like mine where to take a tinny out on the bay and catch a flathead is regarded as a very attractive option for a good afternoon of fun and recreation, I am glad to support the legislation.

The recognition of indigenous fishing rights and the inclusion of appropriately skilled and experienced representatives on the Fisheries Co-Management Council are long overdue. It is another indicator of the path the government is taking in recognising the importance of the reconciliation process, the recognition of indigenous rights and the integrity of the culture that still remains among our Aboriginal people.

I am also pleased to recognise that many in my local area have reported to me that increasing numbers of fish are being seen in the Maribyrnong River. This is indeed a welcome development.

Debate interrupted pursuant to sessional orders.

The DEPUTY SPEAKER — Order! The honourable member for Footscray will be disappointed to learn that the completion time ordered by the house for the consideration of items on the government business program has arrived.

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 3, page 3, lines 24 to 26, omit these lines and insert —

   "demand is made —

   (a) the licence and a stamped addressed envelope for the return of the licence; or

   (b) a copy of the licence certified to be a true copy by a person specified in section 107A of the **Evidence Act 1958**.".

2. Clause 3, page 3, line 33, after "produce" insert "the licence".

3. Clause 3, page 3, line 34, after "licence" insert "or a certified copy of the licence".

Remaining stages

Passed remaining stages.

RACING ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 8 May; motion of Mr HULLS (Minister for Racing).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL

Second reading

Debate resumed from 8 May; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr CAMERON (Minister for Local Government).

ADJOURNMENT

Mr CAMERON (Minister for Local Government) — I move:

That the house do now adjourn.

Beechworth: preschool and child-care centre

Mr PLOWMAN (Benambra) — I wish to raise for the attention of the Minister for Community Services the matter of recurrent state funding of the Beechworth kindergarten. On Thursday, 24 January, I convened a meeting of that kindergarten with the day care centre. A representative from Kindergarten Parents Victoria, Gerald Mansaur, was there, and the mayor of the Shire of Indigo, Peter Graham, attended.

Immediately after that meeting I wrote to the minister about funding because the kindergarten had had a reduction of funding due to its co-location with the day care centre. I raised that matter with the minister in Parliament as well. I received a response from the minister saying that while the government is committed to implementing funding policies across the state it recognised this funding policy was not implemented in all cases. Therefore to manage the changed financial arrangements where children access both a preschool and a day care centre at the one location they will continue to receive the standard rate until 31 December 2002, and it will be reduced from then on.

Recently the honourable member for Benalla came into my electorate and advised the kindergarten that the full funding would be returned. The concerns were that the funding was reduced from $1260 to $660 per child. When the honourable member came into my electorate she was reported in the *Beechworth News* of 1 May as telling the president of the Beechworth Preschool's committee, Ms Featherstonhaugh, that 'all of her concerns were put to rest'. The article continues:

> 'The preschool will receive the higher level of funding, and will not be penalised for its co-location. That should never have been an issue', Ms Allen said.
>
> Addressing the local crowd, Ms Allen said she was rapt to be making these arrangements.

I found this very hard to understand because there was no announcement of this funding. I obtained a copy of the letter from the minister which Ms Allen had brought with her. The letter states:

> … funding to the Beechworth Preschool was reduced from the rural rate in 2001–02 due to funding provided to another preschool service in Beechworth. This other service became funded due to the removal of the minimum enrolment funding requirement in 2001 and the exemption from the minimum requirement provided in 2002.
>
> In recognition of the impact these decisions have had on the Beechworth kindergarten … funding will be reinstated to the rural rate …

The DEPUTY SPEAKER — Order! The honourable member's time has expired. I am not quite sure what action the honourable member has asked the minister to undertake.

Mr PLOWMAN — My apologies, Deputy Speaker. I wish the minister to take this up and to assure the house that these funds will be reinstated.

Footscray: shopping precinct

Mr MILDENHALL (Footscray) — I seek from the Minister for Planning additional funding for improvements to the Footscray shopping centre streetscape. The Maribyrnong City Council currently has a $335 000 project under way to upgrade the streetscape of Hopkins Street, which is the main shopping spine in the Footscray shopping centre. Of that amount the government contributed $145 000 through its Pride of Place program. The council is seeking an additional $200 000 to fund the completion of the street works, and at the location where Hopkins Street becomes Barkly Street the works would extend from the intersection with Nicholson Street up to Victoria Street at the famous Plough Hotel.

It is no secret that the Footscray shopping centre has declined over recent years as a result of competition from Highpoint Shopping Centre and other regional shopping centres, but it is still a major retail and activity centre for the multicultural community and a community service centre. I am pleased to report to the house that there has been a renewed interest in Footscray's residential and trading activity built on the back of the 30 per cent reduction in the crime rate as a result of this government's doubling the number of police stations in the area and its proximity to the booming areas of Yarraville, Seddon and West Footscray. Hopkins and Barkly streets need upgrading to make pedestrian activity easier and more comfortable, and to make them more accessible to the aged and disabled. An improved urban character that reflects both a contemporary and multicultural theme would give the centre a real shot in the arm.

If the government assists with a grant it would raise the total expenditure for the project to around $900 000, and combined with the recent magnificent announcement of a $12 million new police station, the coming transit city upgrade, the announcement of the $2.7 million theatre development at the Footscray Community Arts Centre — one of the pre-eminent centres of its type in Australia — it would no doubt lead to a revitalisation of Footscray's heart. This is a vital project for the future of the Footscray shopping centre, which is ideally situated between the huge campuses of the Victoria University of Technology and the TAFE college and close to one of the busiest rail stations, and which is the place that many of our multicultural communities are proud to call home. I ask the minister to give her earnest attention to the possibility of providing this grant.

Border anomalies: P-plates

Mr JASPER (Murray Valley) — I say at the outset how disappointing it is that we have only one minister coming in for adjournment debates, and also that the Minister for Tourism did not accept my challenge to

come up to Rutherglen for the grape-treading competition. However, it will be a great day without him, just the same.

I raise for the attention of the Minister for Transport another border anomaly. Many of us who live along the border between Victoria and New South Wales are very much aware of the difficulties for people living in that circumstance. I bring to the attention of the minister the recent case of an 18-year-old from New South Wales who came into Victoria and purchased a car — not from Jasper Brothers — and then travelled back into New South Wales, but not before buying Victorian P-plates, which happen to be white on a red background.

He was apprehended by a policeman in Culcairn in New South Wales for speeding and received an infringement notice. On inspecting the car and talking to the driver, the policeman found that the driver had Victorian P-plates on the car but a New South Wales provisional drivers licence. The driver then suffered a further penalty because he had the wrong P-plates on the car, as in New South Wales they are red on a white background.

The driver paid the infringement penalty, but the situation has subsequently been checked up and followed through, in particular by the *Border Mail*, which reported a New South Wales police inspector as saying:

> It is a trap for young players.

This is an obvious border anomaly which should be attended to. A legal representative who was spoken to about this matter said that this young person should not have paid the infringement notice fine but rather should have taken it to court to highlight this border anomaly — a New South Wales P-plate driver using Victorian P-plates for identification while driving in New South Wales being apprehended by a New South Wales police officer and suffering two infringement notices: one for speeding, which he accepted at the time, and one he later agreed to pay for using P-plates which are illegal in New South Wales.

Information is now being delivered by Vicroads through its pamphlets indicating that P-plate drivers need to have the proper P-plates on their motor vehicles but there is no indication that if they are driving in another state they must have the applicable P-plates for that state. I ask the Minister for Transport to address this issue immediately and eliminate yet another border anomaly between Victoria and New South Wales so people seeking to do the right thing are not fined because of the illegality of using the wrong P-plates.

Seniors: Internet access

Mr MAXFIELD (Narracan) — I raise an issue for the Minister for Senior Victorians and ask her what action she can take to overcome the barriers to new technology faced by seniors in rural communities. New technology is an issue that is close to my heart and the hearts of many people in rural communities. For example, upon my father's retirement my parents purchased a computer for the first time, and they are now using that computer to participate in many community activities such as printing things out for church groups.

Many retired people are still contributing a huge amount to our community through a raft of activities, volunteer and otherwise. Of course, so much information is transferred through emails these days that that affects our ability to communicate. Seniors are a growing group, especially in rural Victoria, and we find ourselves in a situation where they have a need for computers and new technologies.

Honourable members interjecting.

Mr MAXFIELD — It is disappointing to hear the negative comments being made by members on the other side about this very serious issue. The community can gain so much if our seniors can access and use computer technologies.

These sorts of computer technologies would give them a chance to contribute to our society and to access, via the Internet, a range of information sources which they might otherwise have difficulty getting to; sometimes getting out and about and going to libraries can be difficult for those who are getting a bit older. Accessing computer technology and the Internet can assist those people in gaining information.

Mr Leigh — I reckon you're a oncer.

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

Mr MAXFIELD — Honourable members know how much they use emails and computers as a matter of course. Obviously some members on the other side of the house are unable to tackle it, but we must do everything we can to assist those in our rural communities who want to access computers and computer technologies. At times it can be a little bit daunting to tackle computer systems, but we know that with a little bit of training and expertise we can make it a lot easier for people to access computers. This government is very much at the forefront of assisting not only rural Victorians but also seniors in this way.

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

Budget: drug programs

Mr DOYLE (Malvern) — I wish to raise a matter for the Premier. Yesterday in a question without notice I asked the Premier to maintain funding for drug harm-minimisation programs and specifically mentioned the peer education program and the pharmacotherapy program. Today I repeat that call to maintain these programs. In his answer yesterday the Premier said:

> … I totally reject his —

that is, my —

> suggestion that the government has cut funds to drug programs, because it has not.

The DEPUTY SPEAKER — Order! The honourable member should not be quoting from yesterday's *Hansard.* He can tell us what the Premier said.

Mr DOYLE — Indeed, I will use that to paraphrase, Madam Deputy Speaker. The Premier was wrong in that answer. At page 77 of budget paper 3 it makes it clear that the peer education program in 2001–02 budgeted for 350 participants but in 2002–03 it only budgets for 300. Again, for pharmacotherapy clients — that is, methadone clients — in 2001–02 it budgeted for 8800 clients yet in 2002–03 it budgets for only 7000 clients. In other words, as I said yesterday, those two nominated programs are being cut back. The reason is given in the footnote (a) on page 80 — that because of the reduction of heroin on the streets there is apparently a reduction in the demand for services.

I ask the Premier, firstly, to correct the record and state that I was not wrong in that claim about the budget and, more importantly, to correct the anomaly and restore those programs. It seems to me that even if there is a heroin drought — and the paper reported yesterday that that may be beginning to ease and there may be more heroin on our streets — but either way, whether more heroin is available or there is a drought, that is exactly the time to maintain effort, to get our most intractable users into programs and get better penetration with those programs. In particular, if there is a heroin drought our methadone program should be maintained because those people do not use heroin. After all, it is about a replacement for heroin, and there is a need to maintain the program. I ask the Premier to reconsider his answer of yesterday on a non-partisan basis and to restore those two important harm-minimisation programs.

Housing: child-free estates

Ms DUNCAN (Gisborne) — The matter I wish to raise today is for the attention of the Attorney-General. It concerns a proposal by a developer, Craig Gore, to introduce child-free residential communities in Victoria. I ask the Attorney-General to examine this proposal and take appropriate action. I would have though that such a proposal would breach all manner of antidiscrimination laws. The proposal was mentioned in an article in the *Sunday Herald Sun* on 5 May, which stated that Mr Gore, whose father built Queensland's Sanctuary Cove, is proposing a number of sites for such estates. He states:

> We are searching for land in Eltham … It is certainly on our agenda. There is huge potential in Victoria …

The same developer has also indicated to the press that he has looked at possible sites in Bacchus Marsh but preferred somewhere closer to Melbourne. I find this proposal quite bizarre, especially in a place like Bacchus Marsh. I can assure this developer that it is a very child-friendly town which takes great pride in being a cohesive and diverse community that respects people of all ages, genders and races and that he would not be welcome in Bacchus Marsh. Such a proposal poses a direct threat to this government's Growing Victoria Together strategy.

Banning children — and, one presumes pregnant women — from living on such estates would clearly have a significant impact on important issues such as the healthy development of communities. The proposal disregards this state's balanced approach where the government and the community listen, act and work together to achieve a better and more caring society.

One can only imagine what sort of community Mr Gore's would be — an incredibly selfish one, and a form of apartheid, in a sense. I am curious as to how the developers would go about achieving it and whether everyone applying to buy a block of land or a unit would have to have a pregnancy test — and I presume only women would have to have a pregnancy test.

Honourable members interjecting.

Ms DUNCAN — I will ignore the interjections from the opposition! But it also raises the issue of what your standing would be if you had actually purchased a property and later became pregnant. It would in fact require a pregnancy test for each prospective buyer.

I find the proposal extraordinary. I am sure it breaches various antidiscrimination acts, so I ask the Attorney-General to examine this proposal to see what its legal status would be. I think it would be outrageous and unwelcome. The proposed houses also have four bedrooms. I wonder why they would bother!

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

Balcombe Road, Black Rock: traffic control

Mr THOMPSON (Sandringham) — I wish to raise a matter on behalf of St Joseph's Primary School in Black Rock, the school principal, Mrs Annette Brewer, and one of the strong parent contributors at the school, Mr Alby Bardoel. They are concerned about traffic safety in Balcombe Road, Black Rock, and I seek the — —

The DEPUTY SPEAKER — Order! Which minister is this for?

Mr THOMPSON — I seek the intervention of the Minister for Transport to see whether he can accelerate the development of pedestrian-operated traffic signals outside the school site. According to Vicroads guidelines it does not meet the immediate criteria of the black spot funding program, that a certain number of accidents must have already occurred, so there is not that relevant accident history at the site. However, there may be scope for funding to be allocated under what is termed a potential black spot funding program.

In recent times there have been a number of accidents and near misses at or near the crossing. The school community is very keen to ensure there is an effective signal operation in place to ensure the safe transit of students at the school and the adjoining church over Balcombe Road, which is a very busy road.

This busy road will be made all the more busy as a consequence of the failure of the government to proceed forthwith with the Dingley bypass. This inaction by the government could lead to the extraordinary circumstance of increased traffic moving along Balcombe Road, Beach Road and the Nepean Highway as a consequence. The least the minister might be able to do in this particular case is ensure there is an effective operating pedestrian crossing at this location.

Budget: schools

Mr STENSHOLT (Burwood) — I ask the Minister for Education and Training to take action to ensure that new facility upgrades in the budget happen quickly and efficiently so that local school communities can enjoy them as soon as possible.

One of the matters I am very passionate about is education, having come to the house from an educational institution. I am a strong supporter and advocate for schools in my local community. Indeed, on being elected I was very much struck by the poor condition of state schools in my community. Clearly they had been run down after many years of neglect and quite a few had actually been closed.

I was very pleased that the Bracks Labor government took immediate action, for example, to upgrade Solway Primary School with new buildings which are due to be opened in a few weeks. Last year I had the pleasure of opening new buildings at Wattle Park and Hartwell primary schools where there were extensions. In the upgrades over the Christmas holidays and this term a number of schools received mod 5 portables, including Surrey Hills Primary School for a new library, and Wattle Park Primary School.

In the recent budget two of my local schools were delighted to hear the news that funds would be available to them for upgrades. I refer to Camberwell South Primary School, where I have worked very closely with the principal, Brigid O'Keefe; the deputy principal, Prue Boyd-Gerny; the president of the school council, Colin Jevons; and the people on the planning committee — Tony Pritchard, Phillip Carpenter, Margaret Henderson, Bruce Longdon, Stuart Bett, Peter Sala and Leh-Anne Engel. I also congratulate the architect, Michael Taylor, who has worked on it considerably. They are aiming to get 14 new classrooms, which will get rid of the enormous nest of portable classrooms they have had following many years of neglect.

I am also delighted for Camberwell High School, another local school which many children in my electorate attend. I remember the principal, Elida Brereton, the assistant deputy principals, Ken Tenner and Glen Linton, and the president of the school council, Marg Stephens, talking to me and saying, 'We need a library; the library is only big enough for 600 and we have 1400 kids'. I am very pleased that they have actually got over $2 million for the upgrade, to deliver a library and home economics facilities and to change the administration area and the front of the building. This is an excellent result from an excellent minister in the budget — rebuilding our schools.

Dingley bypass

Mr LEIGH (Mordialloc) — I wish to bring a matter to the attention of the Minister for Transport. It concerns yesterday's disastrous decision taken by the Bracks Labor government to take away a $180 million project from the south-eastern suburbs. The Dingley bypass, which is part of the Scoresby Road connection, was cancelled. The Bracks Labor government has lied. From the honourable member for Carrum to her Premier and all the way through to telling the Labor councillors of Kingston — they lied!

At a City of Kingston business breakfast on 29 October 1999 the Premier said that the Dingley bypass would be completed with funds from the $250 million which the government would release from the Transport Accident Commission. The Treasurer said that the bypass would be begun one year into the Labor Party's government. What have they done? They have lied! It is an economic disaster for the south-eastern suburbs. It is $180 million in total and to move the money ultimately for the extension of the Burwood tramline is a disgrace.

The honourable member for Carrum said that she had to look at the big picture. As the honourable member for Carrum she is looking at the big picture in Burwood. I do not know what the honourable member for Burwood has done to her to get her to agree to this, but it is an outrage! I call on the Bracks government, which has over $700 million in surplus, to make a truthful decision in the Parliament.

Where is the Minister for Transport tonight? Where is that coward? He is the Leader of the House! The honourable member for Carrum said that the Mornington Peninsula Freeway and the Dingley bypass would be completed. The government has not told the truth. I call on the Treasurer, the Premier and the Minister for Transport to come into the chamber tonight, and I call on the Minister for Transport to do something that he is not normally capable of doing — that is, to tell the truth for a change and to undertake a proposal that the government has said it would do.

Road safety: toll

Mr LANGDON (Ivanhoe) — I ask the Minister for Police and Emergency Services what action he has taken to reduce the road toll. As deputy chair of the parliamentary Road Safety Committee and having been a member of that committee since 1996, I am well aware that the road toll is of paramount concern to everyone in the house and previous governments of all political ilks. We are all endeavouring to reduce the road toll and save lives, so I specifically ask the Minister for Police and Emergency Services what action he has taken to do that.

My concerns are based on the latest figures to come across my desk. In the 12 months to January this year, 6379 people received serious injuries in more than 5000 traffic collisions across Victoria. This number comprises 257 bicyclists, 3182 drivers, 781 motorcyclists, 1447 passengers and 678 pedestrians. I think all honourable members would agree that those are horrific figures and we really should do something about them.

Those collisions were spread right across Victoria, from Melbourne to the regional centres and country Victoria, and across every age group. Over 1500 collisions occurred at intersections, and over 2000 collisions were single-vehicle crashes — that is, where just one vehicle crashed! Nearly 500 were head-on collisions. Nearly a quarter of the drivers and riders who were killed and tested had a blood-alcohol content over the .05 limit. That is a serious matter. Clearly the Transport Accident Commission and other people are doing lots of advertising to try to reduce alcohol consumption and drink-driving, yet people are still drinking and driving. Looking at the figure for March this year compared to last year, there has been a 45 per cent increase in road deaths, from 31 to 45. Again this is a step in the wrong direction.

Despite recent improvements motorcyclists continue to be overrepresented in statewide statistics, because they are about 20 times more likely to be killed than car drivers. Over half the motorcyclists killed or injured in 2000 were aged between 18 and 30. That is a tragic loss of life. We need to ensure that those young people are protected.

Human behaviour is known to be involved in about 90 per cent of accidents, whereas problems with vehicles are a factor in around 5 per cent of accidents. Those are serious figures, and I ask the Minister for Police and Emergency Services what action he is taking hopefully to reduce the road toll and save the lives of many young people in Victoria.

Insurance: public liability

Mr CLARK (Box Hill) — I raise a matter for the Minister for Finance relating to public liability insurance. I refer to a media release dated 8 May which was issued by the Municipal Association of Victoria. The MAV announced that its pooled insurance scheme for not-for-profit community organisations was to come into effect on 1 June. I congratulate the MAV and ourcommunity.com.au on getting this scheme up and

running. I certainly hope that everything falls into place for it and that it proves to be successful.

However, I was concerned to read confirmation in the media release that the scheme is not going to cover sporting and adventure activities or emergency services. This means that organisations such as pony clubs and football clubs will not be eligible. I also understand that no community groups within the municipality of Dandenong will be able to take part, because Greater Dandenong City Council is not part of the MAV scheme. That should be a matter of concern for the Minister for Gaming, who is at the table.

From a local government point of view these exclusions are perfectly reasonable because of the risk profile within which they need to work. But the government has put a lot of weight on the impending existence of this scheme and has used it to disclaim responsibility for taking more vigorous action to attend to public liability insurance issues across the state. I realise the current minister has received a hospital handpass from his predecessor on this issue, but he too has fumbled the ball.

I again ask the minister to pick up on some of the initiatives that the opposition put forward months ago and to put the government's weight and the expert advice of the Victorian Managed Insurance Authority behind helping other pooled schemes to get up and running very quickly before a lot more public liability policies expire at the end of this financial year.

Responses

Ms DELAHUNTY (Minister for Planning) — The honourable member for Footscray raised the issue of the revitalisation of the centre of Footscray, particularly around the Footscray shopping centre. He is absolutely right! Already substantial funds have been invested by this government to try to revitalise what is an important part of Melbourne.

The last government turned its back on Footscray; it was treated as though it did not belong to this city or to this community. Of course a variety of social problems arose because of that savage neglect, but since this government has come into office Footscray has suddenly become a centre of investor and retail interest. The community is led by an outstanding local member, who is a great advocate for what he might argue is urban renewal.

Under the Pride of Place program the government has already spent substantial funds to begin stage 1 of the refurbishment and revitalisation of the Footscray shopping centre, and I can see why it has done so. It fits centrally with the government's policy of revitalising areas around transport hubs, and attracting retail, residential, and investor interest into activity centres. Of course we know that Footscray has been chosen as a transit city destination and site as part of the government's Transit City project. Footscray has a new $12 million police station, and the government has invested $2.7 million in the outstanding Footscray Community Arts Centre. Footscray is only 12 minutes from the city, and it is the place to be.

By the time this government finishes, all roads will lead to Footscray. I think it is clear that not only do others want to go and live in Footscray, but half of the members of this Parliament are interested in looking at the revitalisation of the Footscray centre. I am delighted to announce that Footscray has been selected for an urban improvement grant from the Minister for Planning. Some $200 000 has been awarded to the Maribyrnong City Council, which will allow stage 2 to proceed, and we will find that images of the west will feature Footscray as its centre.

Ms CAMPBELL (Minister for Senior Victorians) — The honourable member for Narracan with his normal strong interest in his community has stressed the absolute importance of the Internet and computers for seniors.

I am pleased to inform the honourable member that our government will provide $30 000 to fund a Skillsnet seniors roadshow that will be visiting regional Victoria to provide Internet training. I am sure that the residents of Narracan and Gippsland will be pleased to know that this roadshow will be visiting their areas. The roadshow bus will have eight computers on board and will visit 30 rural and regional locations this year offering training to any interested senior. An estimated 700 to 1000 seniors will have their first lesson on the Internet this way. I am sure the honourable member for Narracan will find this of great interest. No doubt he will go along and enthuse his local community with his computer skills and encourage them to enter cyberspace on the roadshow.

The mobile Internet classroom for seniors will come calling at senior citizens clubs, universities of the third age, Probus clubs and Returned and Services League (RSL) clubs in towns across Victoria. The Skillsnet staff will train older people in a supportive environment which will enable them to develop the skills and confidence to hit the Internet. This is particularly important for country Victorians so that seniors can communicate with their children and grandchildren should they not happen to live in the same town or city. The honourable member for Narracan will be enthusing

his senior citizens, universities of the third age and RSLs to encourage them to come to the roadshow bus, get on to the Internet training site and enjoy that wonderful experience of the Internet.

Mr HULLS (Attorney-General) — The honourable member for Gisborne raised an issue of a proposal by a developer by the name of Craig Gore, who I understand is the son of the late Mike Gore, who was part of the white-shoe brigade in Queensland. His proposal is to set up a child-free estate in Victoria. He has already set up a child-free estate on Hope Island on the Gold Coast and he wants to set up a similar estate here. One wonders whether he has had too many margaritas in sunny Queensland and slapped on a bit too much sunscreen to be making an archaic decision like this. You have to ask yourself what sort of person would want to build areas where kids are not allowed, where any kid who visits the estate would be banned from communal areas unless supervised by an adult and where, if women become pregnant, they have to leave the estate.

The pleasantville of Sanctuary Cove is obviously not enough for the Gores. Mr Gore has already gone ahead and established an estate in Queensland called Aurora. As I said, it is a child-free estate on Hope Island. I would hope that most honourable members would be opposed to such an estate being set up here. It is true that we all go through babysitting blues from time to time. However, it is hardly time, I would have thought, to pack up our suitcases and have adults in one area and kids outlawed. It would be very difficult to describe Victoria, as we all do now, as the place to be if it is the place to be only if you are not a parent with kids, if you are not under 18 and if you are not pregnant.

We have a very clear understanding as a government of the types of communities we want — that is in our Growing Victoria Together strategy — and we are working together with the community to achieve a better and more caring society. A caring society, though, hardly involves having an apartheid estate. If we were to allow this development to occur in Victoria the next thing we might see is a Maclellan-free estate, which would be called Deanville, or perhaps a Napthine-free estate called Doyle Heights, or even a Liberal-free estate, which we would all agree would be heaven!

This type of idea clearly undermines the inherent value of every child, just when Australia and the international community are working so hard to bolster the need for kids to be involved in decision making that affects them. Placing an embargo on kids is not only ridiculous, it is childish. If Mr Gore and his mates want to start up a big playground and live in a big playpen like Aurora, then they will not be able to play in our sandpits here in Victoria, because such plans appear to be in breach of the equal opportunity legislation, the sex discrimination legislation, and potentially Victoria's planning laws, on the grounds that neither children nor pregnant women would be allowed to live on such an estate.

Mr Doyle interjected.

The DEPUTY SPEAKER — Order! The honourable member for Malvern should contain himself.

Mr HULLS — The equal opportunity legislation prohibits discrimination on the basis of age and pregnancy or potential pregnancy in the provision of a good or service. To set up a child-free estate, Gore would have to be granted an exemption under the act, and this would only be granted if the Victorian Civil and Administrative Tribunal believed it would further the promotion of equal opportunity — hardly the rationale behind Gore's warped and crazy concept of community! An estate where kids are banned may have slipped through in sunny Queensland, but such barbarity will not be tolerated here in Victoria.

I am writing to Mr Craig Gore in no uncertain terms so that he is clear about my position and is fully aware of what is and is not allowed under Victorian legislation. Indeed, if there were any further movement to develop a child-free estate in Victoria I would obviously have more to say about it.

Mr Doyle interjected.

The DEPUTY SPEAKER — Order! The honourable member for Malvern should cease interjecting.

Mr HULLS — Although many people might like the concept, we are not going to allow Gore to come down here and set up these child-free estates. I understand his next proposal is to set up a Geoff Leigh-free estate, and he wants to call it Utopia! But we are going to protect Geoff Leigh and we are going to protect kids in Victoria. These types of estates will not be allowed.

Ms KOSKY (Minister for Education and Training) — The honourable member for Burwood raised a matter in relation to schools in his electorate that have been given capital funding in the budget that was brought down on Tuesday, and he wanted to ensure that we moved very quickly to build those

schools and make sure that students get the benefit of the new facilities.

Mr Doyle interjected.

Ms KOSKY — Very good members of Parliament argue very strongly for their schools; some honourable members do not argue strongly for their schools.

In this year's budget the government allocated $216 million for more than 110 schools and TAFE institutes around the state to be either rebuilt or refurbished — that is an enormous amount of money — and 98 of these undertakings were school modernisation projects worth $141 million. The government is making a major investment in the eastern suburbs, where 20 projects will be developed involving upgrades to schools totalling $28.9 million.

It will benefit students and teachers who work in these facilities by making sure of excellent and modern teaching with up-to-date facilities in science, technology, libraries, home economics, music and physical education, as well as other enhanced spaces. The government really is putting in an enormous amount of money to make sure that education in Victoria is the best in Australia.

Camberwell High School, in the honourable member's electorate, received $2.18 million for stage 2 of its redevelopment which includes a new library and new food and information technology areas. Under the recent $2.4 million stage 1 of the redevelopment, new arts and technology facilities were built.

Camberwell South Primary School, also in his electorate, is receiving $2.5 million for 14 new general-purpose classrooms, an art and craft facility and staff work areas. The project also includes a new physical education facility, music room, canteen, extra toilets and change and shower amenities. The capital works are really about driving education in this state. This government has made a major investment — $216 million for more than 110 schools and TAFE institutes — —

Mr Honeywood — On a point of order, Madam Deputy Speaker, $51 million was underspent from last year — —

The DEPUTY SPEAKER — Order! The honourable member for Warrandyte will not come in here and hop up under the guise of taking a spurious point of order to enter into debate. There is no point of order.

Ms KOSKY — The honourable member for Warrandyte has difficulty getting on in either the adjournment debate or question time, so he uses points of order to make spurious comments. He is a bit upset that this government has made the investment that he would have loved to have made but could not convince any of colleagues of — if indeed he made the argument at all in his party room.

We are investing money in education in this state. The honourable member for Burwood will be very pleased that we are investing money in capital works, and he will also make sure that we deliver those new buildings as soon as possible so students can get the benefit of the extra investment.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Ivanhoe raised the very serious issue of our road toll, and I commend him for his longstanding interest in this matter. He is the deputy chair of the parliamentary Road Safety Committee, and I think that committee has over many years been representative of the bipartisanship that has traditionally governed matters pertaining to road safety and the road toll in this state.

Mr Leigh — And you wrecked it — $336 million ripping off people!

Mr HAERMEYER — You're a sick puppy!

Last year 421 people lost their lives on our roads. In the 12 months to January this year some 6379 people received very serious injuries in some 5000 traffic collisions across Victoria. So this government takes road safety very seriously. It is a major concern to this community; certainly higher than heroin deaths and higher than homicides. It is the largest cause of unnatural death in this state and the largest cause of traumatic injury of anything. For that reason the government has committed to, and the Minister for Transport will take significant credit for, spending virtually billions of dollars on improving the roads in this state and making them safer. We are also making significant investment in improving road safety through road accident rescue with the State Emergency Service and through the Country Fire Authority and the fire brigade — improving their capacity to get there quickly and get the people out. We are also improving the trauma facilities in our hospitals. All of that costs us many billions of dollars.

We are also putting significant investment into enforcement because unfortunately, despite the many millions of dollars spent by the Transport Accident Commission in advertising and in community

education, some people just do not get the message. They just will not learn, so enforcement really is the only way to change their behaviour.

Mr Leigh interjected.

Mr HAERMEYER — Unfortunately the bipartisanship I mentioned earlier that has traditionally been demonstrated in this Parliament — —

Mr Leigh interjected.

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc will cease interjecting.

Mr HAERMEYER — That bipartisanship has been breached in a most despicable way. In this budget the government provides for 50 red-light speed cameras, which are basically about stopping people running red lights and speeding into intersections. Of those 5000 traffic collisions I spoke about, 1500 occurred at intersections, and many of them were fatal or extremely serious.

Mr Leigh interjected.

Mr HAERMEYER — They occurred because people run red lights; and these are the people that this despicable individual over here is defending!

The DEPUTY SPEAKER — Order! The minister will address his comments through the Chair. I ask the honourable member for Mordialloc to be quiet, please!

Mr HAERMEYER — He says 'revenue raising'. I invite him to go to the road trauma unit at the Austin hospital or at any of our major hospitals, have a look around and tell the victims of car accidents that it is about revenue raising. He is worried about the pockets of people who break the law rather than about the people who lose — —

Mr Leigh — On a point of order, Deputy Speaker, the minister can make as many hysterical claims as he likes: the fact is, he has turned the police into tax collectors.

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

Mr HAERMEYER — It is extremely sad that we have for the first time in this Parliament this sort of approach where someone tries to make cheap politics out of road trauma.

Mr Leigh interjected.

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc will cease interjecting. I will not warn him again.

Mr HAERMEYER — The money raised by the use of the cameras is far surpassed by the money spent on roads and other road safety initiatives and is far surpassed by the cost of road trauma in terms of both lives lost and lives destroyed on the roads.

I find absolutely sickening the behaviour of the honourable member for Mordialloc and the fact that it is endorsed by the Leader of the Opposition.

Mr BATCHELOR (Minister for Transport) — The honourable member for Murray Valley described an apparently anomalous situation that has had an impact on, as I understand it, a constituent who purchased a car in Victoria, put Victorian P-plates on it and then, when driving it in New South Wales displaying the Victorian-designed P-plates, breached the New South Wales road law because the design of the P-plates did not match the design requirements under the New South Wales law. This type of anomaly has not been brought to my attention before. It is very interesting. We have spent a lot of time and energy trying to develop a code of national road laws to eliminate contradictions and inconsistencies. I will raise this matter with my New South Wales colleague to see if there can be some process undertaken to harmonise the requirements not only between New South Wales and Victoria but between the other jurisdictions too.

Over the last two years a lot of work has been undertaken to harmonise road laws. We have seen the introduction under this government of the national road laws, but there were some areas where states could opt out, and clearly also some areas that were not covered by the embracing envelope introduced at that time. It is a very sensible request which I am happy to follow up on behalf of the honourable member for Murray Valley.

The honourable member for Sandringham raised the issue of St Joseph's Primary School that fronts onto Balcombe Road in Black Rock. I understand an application has been made for federal black spot funding and assistance is being sought from Vicroads and from the government to see if there is anything it might do to facilitate this request.

I am familiar with Balcombe Road. It is a busy road, a long through connecting road, and I will ask Vicroads if it can prepare a supportive submission to help that school community in Black Rock and to help the honourable member for Sandringham in fulfilling the obligations and duties which he performs so well.

The honourable member for Mordialloc raised the matter of this year's budget and support for the Scoresby integrated transport corridor. The 2002 state budget included funding of some $445 million for the construction of the Scoresby freeway. This is the Victorian government's share of a road of national importance (RONI) under a fifty-fifty funding arrangement with the commonwealth government to build one of the most important pieces of economic infrastructure in this state.

Mr Leigh interjected.

Mr BATCHELOR — This project is supported by all of the residents and municipalities in the east and south-east of Melbourne from Ringwood right through to Dandenong. In fact more than 10 councils supported the Bracks government campaign to get commonwealth funding for this proposal.

Mr Leigh interjected.

Mr BATCHELOR — They were prepared to sign a declaration of support for the Scoresby freeway, unlike this opposition. This government was prepared to work with local communities in the east and the south-east and it has delivered on the commitment given at that stage in this budget.

Mr Leigh interjected.

Mr BATCHELOR — Of course that is in addition to the $110 million that has already been spent by previous governments in purchasing land. The problem with the negotiations undertaken between the state and commonwealth governments was that the Bracks government asked the commonwealth to half-fund the $110 million purchase that had already been undertaken. That is the appropriate and fair thing to do in a RONI arrangement; obviously you cannot build a freeway until you have purchased the land.

Mr Leigh interjected.

Mr BATCHELOR — Previous Victorian governments have purchased up to $110 million of land, but the federal government refused to recompense the Victorian government for that early foresighted activity, or it was not prepared to include that in the equation of funding the balance of the project. This government also asked the federal government to help fund some public transport initiatives in the Scoresby corridor.

Mr Leigh interjected.

Mr BATCHELOR — That is because this government thinks that the only solution to transport issues is an integrated one where it takes into account road-based and public transport issues. As a result of the refusal of the federal government to fund the public transport component of the Scoresby corridor — —

Mr Leigh — It was never done by any federal Liberal or Labor government, and you know it!

Mr BATCHELOR — As a result of the commonwealth government's refusal to half-fund the $110 million land pre-purchase that Victoria had made, this government made a decision some time ago, which was announced in its budget last Tuesday, to defer the construction of the Dingley arterial road and to allocate the $30 million that was previously allocated to it towards public transport initiatives in the Scoresby corridor.

Previously the government had allocated some $19 million to the Dingley arterial. It has now redirected that towards the tram extension out to Vermont South, plus an additional $23 million.

Mr Leigh — On a point of order, Madam Deputy Speaker, what is fascinating about the eastern — —

The DEPUTY SPEAKER — Order! What is the point of order?

Mr Leigh — My point of order concerns what the minister is saying. The eastern suburbs are all very interesting, but he has cancelled $180 million that was to be used in the south-eastern suburbs, and as the local member I am not interested in what is going on in the eastern suburbs.

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc will sit down. He is debating the issue. There is no point of order.

Mr BATCHELOR — We just heard the honourable member for Mordialloc, who is the Liberal Party spokesman for transport in this place, say he was not interested in what is going on in the eastern suburbs — —

Mr Leigh — On a point of order, Deputy Speaker, as a local member I raised it and he is misrepresenting it, as he always does. He could not tell the truth — —

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc has been cautioned many times by the Chair for his inappropriate use of points of order. There is no point of order. I ask the

honourable member for Mordialloc to cease using points of order as points of debate.

Mr BATCHELOR — The government has a commitment to improve both road and public transport services in the east and the south-east, and the provision of road and public transport services to the Scoresby integrated transport corridor project is an example of that. As I was explaining, not only has the government redirected money to the tram extension, it has also reallocated some of that money from the Dingley arterial to new bus services along the Scoresby corridor. In fact $12 million has been redirected to that, and that includes services along Springvale Road.

The government is trying to improve the transport services in the east and the south-east. The construction of the Scoresby freeway will significantly reduce the need for the Dingley bypass. In fact, the Kingston City Council, in its submission on the environment effects statement for the Scoresby freeway, indicated that the construction of the Scoresby freeway would take about 30 per cent of the traffic from Wells Road. That is typical of the effect that the Scoresby freeway will have on suburbs all through that part of Melbourne. Those suburbs on the western or the city side of the corridor will benefit enormously from the construction of the Scoresby freeway. The honourable member for Mordialloc may not know that the Scoresby freeway will act as a sponge and suck traffic out of these areas and redirect them along the freeway itself, so the construction of the Scoresby freeway — —

Mr Leigh — On a point of order, Deputy Speaker, the minister is not answering the matter I raised with him. In fact, he is not telling the truth because they are intending to open up Rutherford Road at the Frankston end. I want the minister to address the Dingley bypass, and not the eastern suburbs.

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc does not improve his reputation in this house by raising spurious points of order.

Mr BATCHELOR — As everybody in the eastern and south-eastern suburbs knows, the Scoresby freeway will deliver huge benefits. Tonight we see that the honourable member for Mordialloc fails to understand this simple reality. In terms of dealing with the east–west traffic on Wells Road and on those other roads to the north, in the honourable member's own electorate, the Scoresby freeway will have a huge impact.

The Scoresby freeway will encourage cars to go onto the freeway rather than travel east–west. It is a pity the honourable member for Mordialloc in his capacity as either the local member or the shadow minister fails to understand the most basic facts about the impact of building the Scoresby freeway. It will be terrific!

The other thing that is really interesting to note is this: what we have done on this occasion in reallocating funds from one project to another, from the Dingley arterial to other public transport services, is no different from what the previous government did. The honourable member for Mordialloc boasts how he was part of the Kennett government that took money it had allocated towards the Dingley bypass and redirected it to another project in the south-east — that is, the upgrade of Westall Road. He boasts how they, when the Kennett government was in power — —

Mr Leigh — On a point of order, Madam Deputy Speaker, I cannot stand here and allow that — —

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc, on a point of order. What is your point of order?

Mr Leigh — My point of order is that the arrangement the minister was talking about was agreed to by the ALP councils of the cities of Greater Dandenong and Kingston and everybody. He is misrepresenting the facts again! For goodness sake, Minister, tell us the truth for a change — for once in your life.

The DEPUTY SPEAKER — Order! I do not think that is a point of order.

Mr BATCHELOR — It was not a point of order but a confession — an admission that what I said was true. I said the Kennett government took money from the Dingley arterial and redirected it to another project, which is no different from what this government has done on this occasion.

Two significant things come out of tonight's request for information. Firstly, we have made the observation that the honourable member for Mordialloc is standing out as being different to the rest of his party. The rest of his party support what the Bracks government is doing in building the Scoresby integrated transport corridor, but the honourable member for Mordialloc wants to attack what we are doing — —

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc, on a point of order.

Mr Leigh — No, I am seeking a withdrawal from the minister. He said I have a different position from that of my party. I have exactly the same position, except that as a local member I am also ensuring that a road is constructed in my electorate that is part of the Scoresby corridor. The minister said I have a different view to that of my party. That is not true, and I ask him to withdraw his comments.

The DEPUTY SPEAKER — Order! I do not believe that is a point of order, either.

Mr BATCHELOR — Thank you, Madam Deputy Speaker. The honourable member for Mordialloc does not quite know what he wants to do. On the one hand he wants to pander to local issues and on the other hand — —

An honourable member interjected.

Mr BATCHELOR — They are easily distracted, aren't they? On the other hand he wants to attack Liberal Party policy.

The Scoresby freeway will have a huge impact. We are saying to the people of the south-east, 'You told this government and the federal government that the Scoresby was the no. 1 priority. We have committed to it, and we are going ahead. We are going ahead not only with the freeway but with the public transport, and we will not be distracted from that because of the rantings of the honourable member for Mordialloc'.

The other point that needs to be raised is the really big question: what is the Liberal Party's commitment to this? Will it say it will stop the tram out to Vermont South; will it cancel the $12 million worth of bus services that we have put in throughout the south-east; and will it cancel all those services? That is the logic of what the honourable member for Mordialloc says — he says he wants all those other services and additional things.

Mr Doyle — On a point of order, Madam Deputy Speaker, I raise standing order 99 and suggest that the entire last 10 minutes has been digression. Could we please finish this answer so we can go home?

The DEPUTY SPEAKER — Order! While having considerable sympathy for the point of order raised by the honourable member for Malvern, I do not uphold it. But I ask the minister to conclude his answer.

Mr Richardson — On a further point of order, Madam Deputy Speaker, I missed the beginning of the minister's contribution, and I wonder if he could start again.

The DEPUTY SPEAKER — Order! That is definitely not a point of order.

Mr Thompson — On a further point of order, Madam Deputy Speaker, speaking of digressions, unfortunately that is what the people living in the southern suburbs will have to do for decades without the Dingley bypass being completed in the absence of funding — —

The DEPUTY SPEAKER — Order! There is no point of order. I fear the honourable member for Sandringham is following the lead of the honourable member for Mordialloc.

Mr BATCHELOR — We want to hear from the Liberal Party whether it supports the honourable member for Mordialloc in wanting to cancel the Knox tram extension and the other buses. We want to know whether the Liberal Party will commit to building the Mornington Peninsula Freeway and the Dingley bypass. That is interesting. We want to know whether it will do that. No honourable member in the chamber need misunderstand what the impact of that would be. If the shadow Minister for Transport makes commitments in this place that all road funding will go to his electorate, no road funding will be available for other electorates.

Mr Leigh — On a point of order, Madam Deputy Speaker, on this occasion I do ask for a withdrawal because I do not seek to take funding from anybody to anywhere and the minister knows that. He has the $768 million surplus, according to the Treasurer. The minister should withdraw his comments because he is not telling the truth again.

The DEPUTY SPEAKER — Order! The honourable member is debating the question again. There is no point of order. The Minister for Transport, to conclude.

Mr BATCHELOR — The issue — and this will happen time and again with the honourable member for Mordialloc — is that he asks questions in this place when he or the Liberal Party are not prepared to make commitments. Everyone knows that the Liberal Party is not committed to the Dingley bypass or the Mornington Peninsula Freeway, and the way it is sounding it seems as though it is not committed to public transport, the buses and the Knox tram extension. The Liberal Party stands exposed by the honourable member for Mordialloc.

Mr PANDAZOPOULOS (Minister for Gaming) — The honourable member for Benambra raised the Beechworth Preschool and some

reimbursement issues. The honourable member is aware that extra resources have been allocated in the budget. I will refer the matter to the Minister for Community Services.

The honourable member for Malvern raised a matter for the Premier about some comments he made in the house yesterday regarding drug harm-minimisation programs, particularly the peer education program and pharmacotherapy. I will refer that matter to the Premier. The honourable member is aware the government is putting in significantly more resources for drug harm-minimisation programs than the previous government when he was the parliamentary secretary for health.

The honourable member for Box Hill raised for the Minister for Finance public liability issues, which I will pass on to the minister.

Motion agreed to.

House adjourned 5.13 p.m.