PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

30 October 2001

(extract from Book 7)

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By authority of the Victorian Government Printer

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
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Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb [1]	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
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Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
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Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantirna	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

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

CONTENTS

TUESDAY, 30 OCTOBER 2001

Tuesday, 30 October 2001

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

QUESTIONS WITHOUT NOTICE

Pakenham bypass

Dr NAPTHINE (Leader of the Opposition) — Will the Premier guarantee that in the next state budget his government will match the federal Liberal government's commitment to provide half the funding for the $200 million Pakenham bypass?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question, and I welcome the fact that belatedly the federal coalition has agreed with the federal Labor Party. We are in the very happy position in Victoria where federal Labor has committed to the Pakenham bypass — and where, more recently, the federal coalition has been embarrassed into also committing to it.

We have said in response that we will examine our priorities on this matter — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition! The honourable member for Monbulk! I ask the house to come to order.

Mr BRACKS — We will examine our priorities and our capacity to match the funding. It is a road of national importance and has been declared as such by both parties. I welcome the fact that the federal coalition has joined with Labor on that matter.

Alpine parks: grazing licences

Mr RYAN (Leader of the National Party) — My question is to the minister for natural resources and environment. Given that on 30 November 2000 — 11 months ago — the minister's alpine advisory committee approved the transfer of five alpine park grazing licences, can the minister advise the house whether she has acted on that advice, and if not, why not?

Ms GARBUTT (Minister for Environment and Conservation) — It is a pity that the Leader of the National Party does not do his homework and even get the ministry right. But leaving that to one side, yes, I have acted on that advice. I have approved four of those transfers. There has been some work done on the other one with the stakeholders to see if they can protect the environment a little more than was being suggested.

We have a very clear policy on this issue. We want the environment protected. I said in this house just a few week ago — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Doncaster!

Ms GARBUTT — I said in this house a few weeks ago that there would be no changes to those licences and that we would not be taking them back or changing them without the agreement of the alpine cattle graziers. This is a similar sort of question. I said to the honourable member at that time that he should listen carefully to the answer. Quite clearly he has not bothered to listen. He certainly has not learnt and he has not understood, so I hope he takes that message on board this time.

Tourism: international flights

Mrs MADDIGAN (Essendon) — I refer the Premier to the government's drive to promote Victoria as a safe destination for international tourism. Will the Premier inform the house whether Victoria has been able to secure further international flights for Melbourne, despite the difficult industry situation?

Mr BRACKS (Premier) — I thank the honourable member for Essendon for her question. As a show of confidence in Victoria's quick and prompt response to the downtown in the tourism industry after 11 September and also the collapse of Ansett Australia with the government providing $10 million extra funding for tourism in Victoria, five major international airlines have announced new or additional services to Melbourne.

Australia is a safe destination. The government wants to promote Victoria as a safe destination and Melbourne as a bit of Europe. Melbourne is a great cosmopolitan destination, a great multicultural destination with a European feel. It is therefore attractive to a whole range of tourists, including those visiting Asia. As part of that I can announce that the five airlines which have increased major international air routes to Melbourne include Philippine Airlines, which from today will resume flights to Melbourne after a three-year absence, and that is extremely good news.

Air Canada, the first carrier to provide direct services between Toronto and Melbourne, will operate three weekly services via Honolulu, which will also provide

seamless connections from Vancouver. China Southern Airlines will from 20 November add an additional flight to its schedule, taking the number of its flights to three per week. United Airlines has announced that its daily Boeing 747 flights from San Francisco to Sydney will be extended to fly to Melbourne from the start of December. These new services add to United's daily 747 services from Los Angeles.

What is also pleasing is the fifth airline to increase its direct international flights and routes to Melbourne. In December Singapore Airlines will add five supplementary services between Melbourne and Singapore. I was very pleased to receive communication from Singapore Airlines of that matter over the last 24 hours, which will mean five extra direct flights to Singapore. That adds on to the direct marketing we are doing into Singapore for the 60 000 tourists we get a year, and it is very pleasing to have five international airlines showing faith in Victoria, faith in the fact that we have a $10 million new package for tourism and faith in our tourism industry in the state.

Tipstar: revenue

Mr BAILLIEU (Hawthorn) — Can the Minister for Gaming inform the house exactly how much money promised from the revenue of Labor's footy tipping competition has gone into health, sports medicine, women in local sport and to save Waverley Park?

Mr PANDAZOPOULOS (Minister for Gaming) — I notice that the same question was asked in the upper house two weeks ago, but the shadow Minister for Gaming is a bit slow. When I — —

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order to allow the minister to answer.

Mr PANDAZOPOULOS — I know it is embarrassing being two weeks slower than the upper house but, nonetheless, Parliament will be advised of what those figures are. As yet I have not been formally advised in relation to the — —

Honourable members interjecting.

The SPEAKER — Order! I cannot allow that barrage of interjection to continue.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Monbulk!

Mr PANDAZOPOULOS — The house may be aware that as part of the licence the financial returns are tabled in the house, and that will occur.

Scoresby: integrated transport corridor

Ms BARKER (Oakleigh) — Can the Minister for Transport inform the house of joint funding arrangements the Victorian government has negotiated to deliver improved public transport in the Scoresby corridor?

Mr Napthine interjected.

Mr BATCHELOR (Minister for Transport) — The Leader of the Opposition asks about the Pakenham bypass. The federal Liberal government before the last election promised to deliver it during this last term, and how much has been delivered? Not 1 cent!

Dr Napthine interjected.

Mr BATCHELOR — Not 1 cent! John Howard lied before the last election!

Dr Napthine interjected.

Mr BATCHELOR — John Howard lied and delivered nothing!

Dr Napthine interjected.

Mr BATCHELOR — Not a cent! He lied; he did!

The SPEAKER — Order! I ask the Leader of the Opposition to cease interjecting, and I inform the Minister for Transport that responding to interjections is also disorderly. The minister, answering the question.

Mr BATCHELOR — I apologise, Honourable Speaker.

Honourable members would be aware that the Bracks government is committed to delivering an integrated transport solution to the Scoresby corridor, an integrated solution that includes not only the freeway but also a network of public transport improvements. This commitment by the Bracks government is supported by the 10 mayors throughout — —

Honourable members interjecting.

Mr BATCHELOR — This call for public transport is supported by the 10 mayors throughout the Scoresby transport corridor. They want both the freeway and the public transport upgrade.

In negotiations that have been taking place in the lead-up to the federal election, you would be aware, Honourable Speaker, that the federal Liberal government has refused to commit any funds to the public transport requirements of the Scoresby corridor. In fact, in the agreement that was entered into the federal Liberal government short-changed Victoria because it refused to make allowance for the $110 million worth of land that the state of Victoria has purchased. That is the attitude of the federal Liberal government. It is mean and tricky. It has short-changed Victoria.

We have continued negotiations at the national level. The federal Labor Party has given a commitment to put $55 million into public transport initiatives along the Scoresby corridor. I can advise this house that if there is a Beazley government — and that is odds-on at this stage — money will be made available for the people of Victoria to deliver public transport services into the Scoresby corridor. The $55 million is half the money — it is our share, and it is a fair share — or the splitting of the $110 million by which John Howard short-changed Victoria. Under the agreement that has been entered into with the Labor Party at the national level, Victorians will benefit through that $55 million being made available for public transport.

What does that mean? It means we can start the light rail extension from East Burwood out to the Vermont South shopping centre as the first stage of the extension to the Knox shopping centre. It also means we would be able to start a light rail extension from the Huntingdale railway station to Monash as the first stage of a light rail connection to Rowville. These are terrific announcements.

Dr Napthine interjected.

Mr BATCHELOR — The Leader of the Opposition wants to know if the light rail will go to Waverley Park. Of course it will go past Waverley Park. It will go out to Rowville. This just indicates that the Liberal Party here does not know where Rowville is, does not know where Monash University is and does not care about the south-eastern suburbs. That is why Labor will do well out in these suburbs. That is why Labor, at the state and national level, has got the best possible policy for delivering public transport initiatives.

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

Mr BATCHELOR — That is why the Labor Party at all levels will deliver public transport and not just the freeway upgrade. One wonders where that leaves people like the current federal member for Deakin, Mr Barresi, who said that the freeway should not be built unless there was a public transport upgrade — but his own party could not deliver it! I assume Mr Barresi will be voting for Helen Buckingham, the Labor Party candidate in his electorate, because she is the only one who will deliver — —

Mr Ryan — On a point of order, Mr Speaker, the minister is clearly debating the point. I ask you to have him return to the question or otherwise conclude his answer.

The SPEAKER — Order! I uphold the point of order and ask the minister to return to answering the question.

Mr BATCHELOR — The Scoresby transport corridor is required to be an integrated one which has as a prerequisite not just building the freeway — as important as it is — but also paying some attention to funding public transport. I have already mentioned the light rail initiatives. There will also be bus service improvements in terms of both infrastructure and service. This will be a real boost to the people of the eastern and south-eastern suburbs, but it will only be delivered if the federal Labor Party is returned to the government benches, where it rightly belongs, so it can help fund those projects.

Blackwood Centre for Adolescent Development

Ms DAVIES (Gippsland West) — HIH Insurance was sponsoring the Blackwood Centre for Adolescent Development near Drouin to the tune of $42 000 a year, topping up Department of Human Services funding and enabling the employment of welfare staff. Will the Minister for Community Services guarantee an ongoing financial commitment from her department to the centre's vital work, including a commitment to make up the shortfall resulting from the demise of HIH?

Ms CAMPBELL (Minister for Community Services) — I thank the honourable member for her question. Funding for the youth worker at the Blackwood centre had been provided on an ongoing basis as a result of the commitment of HIH Insurance to that centre. All honourable members are conscious of what happened with HIH.

The Blackwood Centre for Adolescent Development primarily receives its funding through the Department of Education, Employment and Training (DEET) and its programs. The work of Blackwood is well recognised by both the Minister for Education and her department and me. We have extended funding through

the youth services grant program until the end of 2001, and we are looking at funding for Blackwood and other centres in the context of what will be available in the 2002 funding period.

Three programs at Blackwood are funded with support primarily from DEET. Those programs have been also been extended to Wonthaggi. I am pleased to inform the honourable member that the Minister for Education and I are looking carefully at this proposal, and we will be informing both the Blackwood centre and the honourable member when a resolution to this matter has been found.

Tipstar: revenue

Mr BAILLIEU (Hawthorn) — I refer the Minister for Gaming to his claim that Labor's footy tipping competition would provide the Australian Football League with a revenue stream to save Waverley Park for AFL football, and I ask: will the minister confirm that after the first season the gross return to the AFL before expenses was barely $40 000 and the gross return to agencies selling Labor's footy tipping competition averaged less than $10 per week before wages, promotion and expenses?

Mr McArthur interjected.

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

Mr PANDAZOPOULOS (Minister for Gaming) — The honourable member and the house would be aware that there was a tender process for a footy tipping-type product, and Tipstar won that tender. As long as it fulfils the requirements of the licence and the appropriate legislation it can do what it wants with it.

The election commitment of the government was that any revenue earned by the government will go into health and sports development. That is what our election commitment was about, and the financial returns from the licence will be tabled in the house at the appropriate time. It is up to the private sector company to manage its own product. It can run at a loss if it wants to.

Manufacturing: federal policy

Mr LONEY (Geelong North) — I refer the Minister for State and Regional Development to an article in today's *Australian Financial Review* headed 'Manufacturers seek fresh agenda for tougher times', and I ask: how has the federal government's industry policy affected Victoria and does the minister endorse the call for a new national agenda?

Mr BRUMBY (Minister for State and Regional Development) — The honourable member for Geelong North has referred to an article in the *Australian Financial Review* headed 'Manufacturers seek fresh agenda for tougher times'. The first paragraph states:

> Australian manufacturers have called for a fresh industry agenda from the next federal government.

The Victorian government certainly echoes that call because the data provided to the Victorian government by Invest Australia shows that the state of Victoria is being dudded by the Howard government.

We know that Victoria is already dudded on commonwealth–state financial relations. We are dudded to the tune of $1 billion a year by the Howard government. We are dudded in the area of aged care, where we are being ripped off to the tune of $150 million per annum. Now we are able to produce data released by the federal government itself which shows beyond doubt that the Howard government is dudding Victoria in industry attraction and investment.

The data, which I am releasing today, is from Invest Australia, the commonwealth's investment facilitation body, which shows that only 16 of the 79 projects facilitated through the commonwealth in 2000–01 were in Victoria. What the data shows is that the Howard government — —

Mr Perton interjected.

The SPEAKER — Order! The honourable member for Doncaster!

Mr BRUMBY — I'll come to that. The data confirms that the Howard government continues to favour resource-sector projects in other states such as Queensland and Western Australia. The data for the last three financial years going back to 1998–99 shows that the Howard government is a serial offender when it comes to industry attraction and Victoria. In 1998–99 — —

Ms Asher interjected.

Mr BRUMBY — That was the last full year of the former discredited Kennett government, and we will see how that government performed. Only 11 out of 83 projects facilitated by the commonwealth were in Victoria. That is how effective the former Premier was in lobbying the then federal government to get projects. Only 171 of 6918 jobs resulting from those projects

were actually here in Victoria. All the rest were in other states, particularly resource-based projects in Queensland and Western Australia.

In 1999–2000, 15 of the 82 projects facilitated by the commonwealth were in Victoria — only 339 of 6435 jobs. In 2000–01 we are doing somewhat better: 16 of the 79 projects facilitated by the commonwealth were in Victoria — but 1005 jobs out of 4831! So we are doing a bit better than we did under the Kennett government. But the fact is we are being dudded by the Howard government. There is a continuing pattern of bias against Victoria. What the Victorian government wants, like the Australian Industry Group and other manufacturers in this state and across Australia — —

Mr Ryan — On a point of order, Mr Speaker, I refer to your directions to ministers on the time they take to answer questions. The minister has been speaking for in excess of 4 minutes. I ask you to have him conclude his answer.

The SPEAKER — Order! I am not prepared to uphold the point of order raised by the honourable Leader of the National Party.

Mr BRUMBY — Obviously this data embarrasses the coalition because it shows — —

Honourable members interjecting.

The SPEAKER — Order! I warn the honourable member for Doncaster.

Mr BRUMBY — This embarrasses the coalition because no matter how you look at the data — and it is provided by Invest Australia, by the Howard government — it shows a consistent pattern of bias against investment in Victoria.

In this state we have the best economic fundamentals of any state in Australia, the best investment figures, the best building figures, the best gross domestic product figures, the best employment figures, and we have got the Better Business taxes — $774 million — so we are out there leading the Australian states, but imagine how much better again it could be if we got a fair deal from the Howard government. That is what we want.

Honourable members interjecting.

Mr BRUMBY — Here we go! The silent opposition! You talk about the Howard government, the Marcel Marceau of industry policy, all mime, no substance, no policy — —

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

Mr BRUMBY — What we want is simply a fair deal from the federal government. I would have thought the one thing the coalition — the opposition that stands for nothing — would stand for — —

Mr Ryan — My point of order has two bases, Mr Speaker: I ask you to have the minister return to the question because he is clearly debating; and secondly, he has now been speaking for in excess of 6 minutes and he should be sat down, with respect.

The SPEAKER — Order! The Chair has already asked the minister to come back to answering the question. On the latter part of the point of order raised by the Leader of the National Party, I remind the minister that he must be succinct, and I ask him to conclude his answer.

Mr BRUMBY — Honourable Speaker, I will conclude. This is obviously a key issue for Victoria. The opposition leader has been interjecting continually through this answer. He is full of bluster in the house. What Victorians want to know is why he has gone missing in the federal campaign. Why is he not out there supporting Howard. He has not been out there on a single day.

The SPEAKER — Order! I am now of the opinion that the minister is debating the question. I ask him to conclude his answer.

Mr BRUMBY — I will conclude, but I would have thought that on this issue the government would get the support of the opposition parties. The government is saying that Victoria wants a fair deal.

Mr Ryan — On a point of order, Mr Speaker, the minister is clearly debating the point. I ask you, Sir, to have him conclude his answer or return to the point of the question.

The SPEAKER — Order! I am not prepared to uphold that point of order; the minister had just been called to the microphone.

Mr BRUMBY — Members opposite hate the answer. The government is looking forward to the opposition's support for a fair deal from the Howard government in relation to this. The government is looking for a fair deal from whoever forms the next federal government. We want a decent deal for Victoria and an end to this policy under which Victoria has been robbed, cheated and dudded of decent investment attraction proposals.

Health: services

Mr DOYLE (Malvern) — I refer the Minister for Health to the fact that over the last financial year the number of patients waiting too long for elective surgery increased by 15 per cent, the number of ambulance bypasses increased by 50 per cent and the number of people waiting on trolleys increased by 84 per cent, and to yesterday's financial report that shows that the Department of Human Services budget blew out so the department was over budget by more than $500 million. Is all this another example of the Bracks government spending more but delivering less?

Mr THWAITES (Minister for Health) — We have heard from the whispering honourable member for Malvern. Honourable members all know why he whispers — because he is so used to whispering behind his leader's back! He is whispering that his leader has until the federal election and that's it, because then he is coming to get him. Have honourable members noticed how many press releases the honourable member for Malvern has put out and how much the Leader of the Opposition has been doing? The Leader of the Opposition has gone completely missing during the federal election campaign.

However, as usual the honourable member for Malvern has got his facts wrong. First, in the past 12 months waiting lists have decreased. For the first time in a generation we have seen an improvement.

Honourable members interjecting.

Mr THWAITES — Members opposite do not like being told that there has been an improvement, but that is the fact. The honourable member for Malvern talks about year-on-year figures, but in the last year of the Kennett government when the honourable member was the parliamentary secretary responsible for this area there was an increase in ambulance bypasses of 1860 per cent. Where was the honourable member then? What was he doing as they went through the roof?

Mr Doyle interjected.

Mr THWAITES — The honourable member has his facts wrong this time — and he has his facts wrong most times. This government, unlike the previous government, is putting more resources into our hospitals. It is opening more beds and employing more nurses to get a better quality of care — something, I might say, we never hear about from the opposition. We have not heard anything from the opposition about quality of care!

The most incredible thing of all is that during this federal election campaign, where health is a major issue, we have had the Liberal Party, which this member represents, saying that our public hospitals do not deserve a penny more. That is what the Prime Minister, Mr Howard, is saying. Whereas a federal Labor government working with a state Labor government will ensure — —

Dr Napthine — On a point of order, Mr Speaker, the minister is now debating the question. Kim Beazley has said the health system has got worse in the past two years under this — —

The SPEAKER — Order! The Leader of the Opposition raised a point of order and then proceeded to make a point in debate. He will not be allowed to do so. I ask the minister to come back to answering the question.

Mr THWAITES — I thank the Leader of the Opposition for making his first comment on health during the election campaign — well done! Mr Speaker, unlike opposition members, we are supporting our hospitals and putting more money, more nurses and more beds into them. We will continue to do so.

Dogs: control

Ms LINDELL (Carrum) — I draw the attention of the Minister for Agriculture to the strong community concern regarding dog attacks, and I ask the minister what action the government will take to better protect our community from aggressive dogs.

Mr HAMILTON (Minister for Agriculture) — I thank the honourable member for her question and for her interest, and the interest of other honourable members on the issue of reducing dog attacks. It is a serious concern to the government and to the broader community. Over many years it has been demonstrated that companion animals are a great health benefit, especially to the elderly, and they are also great for kids. Unfortunately, when dogs are associated with humans, attacks will take place.

The government is responding to that concern by introducing ways to reduce the number of aggressive dogs in the community, which will in turn reduce the number of dog attacks. The attacks involve attacks on other dogs as well as on humans, and because neither situation is acceptable the government intends to stamp out these attacks.

A three-pronged approach will be used. The government believes education programs such as the

responsible pet ownership program in schools will be an extremely important part of the strategy. The legislation needs to be beefed up, and we need to make sure that enforcement does take place.

Dr Napthine interjected.

Mr HAMILTON — As the Leader of the Opposition says, we will give the legislation more teeth to deal with these problems.

It will be an offence to attend a dog fight. Currently dog fights are illegal and have been illegal in this state for many years, but it is not an offence to attend dog fights. The legislation will make it an offence to attend such fights. That will discourage dog fights and the breeding of fighting dog types. A fine of up to $6000 will be imposed to discourage people from supporting what is an obscene blood sport.

The penalties for dog attacks will be increased from the current $500 maximum to a $12 000 maximum, and that gives a very clear indication that the government considers it to be an extremely serious issue. Victoria's legislation will be aligned with commonwealth legislation on pit bull terriers. Pit bull terriers will be declared as a restricted breed, and a number of provisions in the legislation will discourage breeding of the pit bull terrier, which is known to be one of the most aggressive dogs bred for fighting, and certainly one that needs to be controlled.

The declaration of the pit bull as a restricted breed will require owners to be more responsible and to make sure that their dogs are managed properly. The legislation will restrict ownership of pit bull terriers and management of them in public places to people who are over 17 years of age. We do not believe this breed should be in the hands of young adults.

The government will ensure that this legislation is monitored. We hope to have the cooperation of all dog owners, all animal welfare organisations, the Victorian Canine Association and, most importantly, all local government organisations within the state because local government is responsible for implementing this legislation. We would certainly be working closely with local government. Providing additional resources to make sure of this partnership to manage aggressive dogs, to reduce their numbers and therefore reduce dog attacks on the public is something that I think this Parliament will support strongly.

PERSONAL EXPLANATION

Ms DAVIES (Gippsland West) — During my contribution on the Statute Law Further Amendment (Relationships) Bill on 17 October 2001 I referred on two occasions to advice I stated I received from the Family Court. I wish to correct the record. The person referred to briefed me as a representative of the non-government organisation, Defence for Children International, not specifically as a representative of the Family Court.

PETITIONS

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

Yarra Ranges: Upper Yarra

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

The humble petition of the undersigned citizens of the state of Victoria showeth that the citizens call upon the Shire of Yarra Ranges and Victorian state government to change the classification of the Upper Yarra area (incorporating the former shires of Healesville and Upper Yarra) from metropolitan to rural in order to provide access to many important federal and state government programs and initiatives for rural and regional areas, including:

health and after hours emergency services;

rural industry and tourism;

emergency services.

Your petitioners therefore pray that the Parliament of Victoria examines the role of the Shire of Yarra Ranges in this discrimination of services and development against the citizens of the Upper Yarra region.

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

By Mrs FYFFE (Evelyn) (2545 signatures)

Eastern Freeway: extension

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

The humble petition of the undersigned citizens in the City of Manningham sheweth that there is a prospect that the Eastern Freeway extension to Ringwood crossing beneath Park Road may, upon direction of the relevant minister, include vehicle ramp connectivity with Park Road.

Your petitioners therefore pray that there be no vehicle ramp connectivity by reason that:

Park Road is unsuitable in terms of both design and topography for use other than as a local collector road, traversing as it does the Whitefriars Secondary College, Mullum Mullum Creek valley via steep grades, Park Orchards Village, comprising primary school,

community house, kindergarten, recreation complexes and local shops, all abutting Park Road, bisecting the Park Orchards residential community and also connecting with the equally unsuitable Heads Road, both being on maximum steep grades, with narrow and bending road pavements, resulting in poor sight distances;

Park Road is already amongst the few roads in Manningham with one of the highest casualty rates, although presently carrying below 6000 vehicles per day, 24 hours two-way count.

The community and environmental amenities of both the Donvale and Park Orchards areas will be forever adversely affected by through traffic seeking to exit and enter the freeway via the aforesaid unsuitable roads, particularly given the lack of clear run exit on the Ringwood bypass end of the freeway and in the absence of any connection to Maroondah Highway and the proposed Scoresby freeway.

The honourable minister for infrastructure and the honourable Minister for Transport take all necessary steps to ensure that there is no vehicle connectivity between Park Road and the Eastern Freeway extension beneath.

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

By Mr HONEYWOOD (Warrandyte) (661 signatures)

Laid on table.

Ordered that petition presented by honourable member for Evelyn be considered next day on motion of Mrs FYFFE (Evelyn).

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 12

Ms GILLETT (Werribee) presented *Alert Digest* No. 12 of 2001 on:

Energy Legislation (Miscellaneous Amendments) Bill
Gene Technology Bill
Judicial Remuneration Tribunal (Amendment) Bill
Livestock Disease Control (Amendment) Bill
Marine (Further Amendment) Bill
Melbourne City Link (Further Amendment) Bill
Petroleum (Submerged Lands) (Amendment) Bill
Retail Tenancies Reform (Amendment) Bill
State Taxation Legislation (Amendment) Bill
Transport (Alcohol and Drug Controls) Bill

together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Agriculture Victoria Services Pty Ltd — Report for the year 2000–2001

Audit Act 1994 — Report on the Performance Audit of the Victorian Auditor-General's Office, October 2001

Bendigo Health Care Group — Report for the year 2000–2001

Chief Electrical Inspector — Report of the Office for the year 2000–2001

City West Water Limited — Report for the year 2000–2001

Corangamite Catchment Management Authority — Report for the year 2000–2001

Emergency Services Superannuation Scheme — Report for the year 2000–2001

Environment Protection Authority — Report for the year 2000–2001

Financial Management Act 1994:

Financial Report for the State of Victoria, incorporating the Quarterly Financial Report No. 4 for the Victorian Budget Sector for the year 2000–2001 — Ordered to be printed

Report from the Minister for Agriculture that he had received the 2000–2001 annual report of the Victorian Broiler Industry Development Committee

Report from the Minister for Environment and Conservation that she had received the 2000–2001 annual report of the Trust for Nature

Report from the Minister for Finance advising of the delay in tabling the annual report of the Government Superannuation Office

Reports from the Minister for Health that he had received the 2000–2001 annual reports of the:

Timboon and District Healthcare Service

Osteopaths Registration Board

Gascor Pty Ltd — Report for the year 2000–2001

Gas Safety Office — Report for the year 2000–2001

Kerang and District Hospital — Report for the year 2000–2001 (two papers)

Maldon Hospital — Report for the year 2000–2001

Mallee Catchment Management Authority — Report for the year 2000–2001

Mallee Track Health and Community Service — Report for the year 2000–2001

Maryborough District Health Service — Report for the year 2000–2001 (two papers)

Melbourne Market Authority — Report for the year 2000–2001

Mt Alexander Hospital — Report for the year 2000–2001

Parliamentary Contributory Superannuation Fund — Report for the year 2000–2001

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

Casey Planning Scheme — No. C37

Cardinia Planning Scheme — No. C2

Darebin Planning Scheme — No. C33

East Gippsland Planning Scheme — No. C9

Horsham Planning Scheme — No. C6

La Trobe Planning Scheme — No. C13

Moreland Planning Scheme — No. C7

South Gippsland Planning Scheme — No. C2

Whitehorse Planning Scheme — No. C37

Whittlesea Planning Scheme — No. C14

Police Appeals Board — Report for the year 2000–2001

Port Phillip and Westernport Catchment and Land Protection Board — Report for the year 2000–2001

Queen Victoria Women's Centre Trust — Report for the year 2000–2001

South East Water Limited — Report for the year 2000–2001

South Eastern Medical Complex Limited — Report for the year 2000–2001

State Electricity Commission of Victoria — Report for the year 2000–2001

Statutory Rules under the following Acts:

Cemeteries Act 1958 — SR No. 109

Discharged Servicemen's Preference Act 1943 — SR No. 110

Evidence Act 1958 — SR No. 105

Magistrates' Court Act 1989 — SR No. 106

Motor Car Traders Act 1986 — SR No. 107

Pharmacists Act 1974 — SR No. 108

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 107, 108

Ministers' exemption certificates in relation to Statutory Rule Nos 105, 106, 109, 110

Sustainable Energy Authority Victoria — Report for the year 2000–2001

Swan Hill District Hospital — Report for the year 2000–2001

Victorian Funds Management Corporation — Report for the year 2000–2001

Victorian Casino and Gaming Authority — Report for the year 2000–2001

Victorian Coastal Council — Report for the year 2000–2001

Victorian Electoral Commission — Report for the year 2000–2001

Victorian Government Purchasing Board — Report for the year 2000–2001

Victorian Managed Insurance Authority — Report for the year 2000–2001

Victorian Workcover Authority — Report for the year 2000–2001

Yarra Valley Water Limited — Report for the year 2000–2001.

ROYAL ASSENT

Message read advising royal assent to:

23 October 2001

Drugs, Poisons and Controlled Substances (Amendment) Bill
Essential Services Commission Bill
Retail Tenancies Reform (Amendment) Bill
Roman Catholic Trusts (Amendment) Bill
Telecommunications (Interception) (State Provisions) (Amendment) Bill
Victorian Arts Centre (Amendment) Bill.

30 October 2001

Gene Technology Bill

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Marine (Further Amendment) Bill
Melbourne City Link (Further Amendment) Bill
Petroleum (Submerged Lands) (Amendment) Bill

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

> That pursuant to sessional order 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 1 November 2001:
>
> Marine Safety Legislation (Lakes Hume and Mulwala) Bill
>
> Legal Aid (Amendment) Bill
>
> Health Services (Conciliation and Review) (Amendment) Bill
>
> Fundraising Appeals (Amendment) Bill
>
> State Taxation Legislation (Amendment) Bill.

In briefly speaking to this motion I point out that it is our intention to have these five pieces of legislation dealt with during the course of this parliamentary week and to subject them to the guillotine at 4.00 p.m. on Thursday. It is also our intention this week to have discussions on what has been colloquially referred to as the farm dams bill — that is, the Water (Irrigation Farm Dams) Bill — with the objective of progressing it right through the committee stage to a vote.

As I understand it, at this late stage we have been advised that there are a number of amendments circulating around, so we have chosen not to include that bill on the government business program and have it subject to the guillotine. But it was always our intention to have some part of the this week's legislative program devoted to farm dams, so by way of explanation to the house I make it quite clear that we will be debating the farm dams bills although we have not included it on the government business program.

Mr McARTHUR (Monbulk) — The Liberal Party will not oppose this business program. I welcome the comments of the Leader of the House on the issue, particularly in relation to the farm dams legislation. The minister is right. There has been a good deal of discussion about this. I believe a number of amendments are coming from several different directions, so clearly it is the intent of many people in this place that that bill be taken into committee, and I understand the government has its own amendments, so it will be necessary to go into committee. That being the case it is sensible that it not be included in the guillotine. That is consistent with an assurance given to the house. When the minister made the second-reading speech on this bill she assured us that it would not be rushed through or guillotined, and I am pleased to see that the Leader of the House is now confirming that to be the case. It will allow members from all parties and organisations, and all the Independents if they so wish, an opportunity to contribute to the debate and to contribute during the committee stage.

For the opposition's part, I can assure the Leader of the House that we will do what we can to make sure that the legislative program goes through in a reasonable manner and that we deal with those bills that are to be guillotined at 4 o'clock by giving them a reasonable amount of time as well as devoting a substantial amount of time to the farm dams legislation.

Mr MAUGHAN (Rodney) — Members of the National Party certainly do not oppose the government's business program; we support it. I thank the Leader of the House for honouring assurances that were given to the National Party earlier in the day regarding the Water (Irrigation Farm Dams) Bill. We are more than happy to debate that bill this week, although we would really like more time. There are some very fundamental changes. I personally have not yet seen the amendments, and representing as I do an irrigation area where the issues in the bill are absolutely critical, as today is the first time that people in my electorate have become aware of the amendments, I can say that we need more time to discuss their implications.

Members of the National Party are therefore happy to facilitate the five pieces of legislation included in the government's business program. We have no difficulty with that at all. We are more than happy to commence the debate on the farm dams bill, and we look forward to that, but I simply make the point that we have not had anything like adequate time to consult with my constituents and my colleagues' constituents in northern Victoria in particular on the very fundamental changes in the amendments that I understand will be moved this week.

Although we will cooperate with the government, I express concern about trying to get the farm dams bill through this week. The National Party would certainly like more time to consult with its constituents, to consult with interested parties and to look at the implications. It is not a simple piece of legislation, as those who have been grappling with it well know. It is complex to understand all the implications and to get a balance between the rights of those in the upper catchment and those in the irrigation areas. Nonetheless the bill is on the notice paper and we are prepared to

debate it, but obviously there will be discussions during the week and we will see how they go. We support the government's business program.

Motion agreed to.

MEMBERS STATEMENTS

Road safety: driver drug testing

Mr WELLS (Wantirna) — This statement condemns the Minister for Police and the Bracks Labor government for their abject failure and incompetence in botching the implementation of driver drug testing in Victoria, which has unduly pressured the rising road toll.

This is just another example of the do-nothing Bracks government taking its eyes off the real issues affecting all Victorians. The Minister for Police and Emergency Services has clearly dragged his heels ever since the enactment of the driver drug testing amendments to the Road Safety Act in December last year. He has failed to provide Victoria Police with sufficient procedural support and resources to effectively implement the new provisions, particularly in rural Victoria.

Between December last year and 31 August this year, 139 offenders were charged, only 21 from rural Victoria. Of the 139 only 17 successful convictions have been made, with 122 still awaiting prosecution. This is why only 21 rural Victorians have been charged with drug-driving offences in nine months. There are simply not enough trained police officers across rural and regional Victoria to adequately cope with driver drug testing.

While there are regionally based officers trained to perform drug assessment tests, in reality when these officers are not available or simply not contactable officers have to urgently respond from Melbourne in order to meet the 3-hour time limit for drug tests.

Darebin: travel plan

Mr LEIGHTON (Preston) — Last Friday I attended the very successful launch of the Darebin Integrated Travel Plan. The City of Darebin's plan, entitled 'Going places', was launched by the Minister for Transport. The document quite rightly contained the word 'travel' rather than 'transport' to recognise that people commute not only by vehicle or public transport but also in other ways such as by bicycle and on foot.

The report points out that 22 per cent of households in Darebin are without a vehicle and that a further 37 per cent of households have only one vehicle. The implication is that those without cars, especially the elderly and disabled, can easily be housebound, and if one resident of a one-car household takes the car to go to work the remaining residents can be housebound. In my view this is much more of a problem in the part of the city I represent, the northern end, rather than in the southern end, which is closer to the central business district.

The strength of the report is in the emphasis it places on the relationship between medium-density housing and public transport as an alternative to the urban sprawl. While recognising the strength of our existing public transport infrastructure in Darebin, the travel plan nevertheless advocates further improvements to public transport. One I emphasise is the extension of the tram service along Gilbert Road up to Edwards Street. This was promised in the 1940s when that residential area was built. Many of those residents are now in their 70s and 80s and do not have ready access to transport for their shopping.

Premier: federal election campaign

Mr RYAN (Leader of the National Party) — I rise to support the Independent members of this Parliament in their expression of concern about the confusion created in voters' minds between state politics and federal politics. I do so in circumstances where country Victorians are faced with the unedifying spectacle of the Premier of the state of Victoria endorsing Labor Party candidates for a federal election, and of course it is creating dreadful confusion in the minds of voters.

The Independent members of Parliament are right, and one would have to wonder why the leader of the federal Labor Party, Mr Beazley, is not out there endorsing those candidates whom he nominally at least has standing on behalf of the Labor Party in the various areas of Victoria, particularly country Victoria, where they have nominated. Is it the fact that the leader of the federal Labor Party feels he is unable to bring himself to endorse those candidates? Is there some sort of problem about them of which we are unaware?

Whatever might be the case, it is most unfortunate that the Premier of Victoria should engage in this unedifying spectacle. Instead of using his services for the purposes of the people of Victoria, who are paying him his weekly wage to look after the interests of this state nominally at least, he is appearing on television screens across country Victoria, backing up the federal Labor candidate when the federal Labor leader will not do it.

Warragul Regional College

Mr MAXFIELD (Narracan) — The Warragul Regional College has won the 2001 languages other than English (LOTE) award for secondary schools. The Minister for Education presented the award recently at Parliament House in recognition of excellence in teaching and learning languages other than English. Warragul Regional College has shown once again that it is a provider of quality education, this time in the area of LOTE. This is a school of which Narracan can be very proud. The Warragul Regional College received the sum of $5000 for the LOTE award.

I congratulate the students, who worked together to design a CD cover that promotes LOTE. They can be very proud of their achievements. Not only do we have a school offering quality LOTE programs, Warragul Regional College also has the best Indonesian teacher in the education system. Robyn Buckeridge received the LOTE teaching award for Indonesian. Congratulations Robyn! Robyn Buckeridge receives an international study tour to Indonesia of two to three weeks duration.

The principal of the Warragul Regional College, Russell Monson, is leading a talented and committed team of teachers who have worked under great difficulty due to a massive rebuilding program. Stage 2 of the $2 million development is now being finished and will be opened by the Minister for Education next month.

As well as that, stage 2 will shortly start at the school. With a total cost of over $3.5 million, the project is a wonderful Bracks government contribution to education in my electorate.

Minister for Corrections: staff

Ms McCALL (Frankston) — The open, trustworthy, honest and accountable Labor government!

Honourable members interjecting.

Ms McCALL — Last week the shadow Minister for Corrections and I made a third attempt to visit a justice centre controlled by the current Labor government. For the third time — —

An honourable member interjected.

Ms McCALL — We found our way there quite adequately. What appeared to be the problem was that no ministerial staffer could find their way and that, due to bungling in the minister's office, nobody expected our arrival. There we were — honest, open and accountable members of the opposition — to learn about how well these centres were being run and how organised the administration of these environments was. So imagine our horror, confusion and embarrassment — including our embarrassment on behalf of the administration of the juvenile justice centre and the Deer Park women's prison — to discover that, through the bungling of the minister's office, nobody had bothered to tell them that we were coming and nobody had bothered to organise a ministerial staffer to be present while we were there.

However, we did not mind wasting our time, because it gave us an excellent opportunity to remind members opposite that if you want to be remembered as open and accountable, you need to be organised as well.

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

Republic of Turkey: anniversary

Mr LANGUILLER (Sunshine) — I was delighted to represent the Premier in conveying greetings to Victoria's Turkish community and the Consul-General of the Republic of Turkey, Mr Hasan Asan, on the 78th anniversary of Turkish independence. The anniversary celebrates the birth of modern Turkey under the leadership of the first President of Turkey, Mustafa Kemal Ataturk. His vision for the future of his country is reflected in Turkey's present achievements.

The history Australia and Turkey share is significant. It was during the First World War that the countries first came into contact on the battlefields of Gallipoli. It was there that Turkish and Australian soldiers earned each other's respect and admiration, while Gallipoli became a defining moment in the histories of both nations.

Half a century later, in 1968, a bilateral agreement on migration was signed between the two countries. It was then that the first significant migration of Turks to Australia began. We are proud that more than half of Australia's Turkish immigrants have chosen to live in Victoria. Turkish migrants have added greatly to this state, culturally, socially and economically.

On behalf of the Victorian government I pay tribute to the local Turkish community for its contribution to the growth of our state over the past three decades. This government recognises that our culturally and linguistically diverse communities are one of Victoria's greatest assets. It realises the importance to each community of maintaining and celebrating its distinct cultural background.

Congratulations to the Republic of Turkey on reaching this milestone and to Victoria's Turkish community. Cumhuriyet Bayraminiz kutlu olsun!

Yarra Ranges: Upper Yarra

Mrs FYFFE (Evelyn) — Today a petition was tabled in my name, signed by 2545 citizens of the Yarra Valley, that calls on the Victorian government and the Shire of Yarra Ranges to change the classification of the Upper Yarra area from metro to rural to provide access to the many state and federal government funding initiatives available to rural and regional areas, particularly for health and after-hours service.

The lack of health facilities in the Upper Yarra Valley shire is appalling. The lack of understanding of the state Minister for Health is beyond belief. He gives no consideration to the things that are happening to the people of the Upper Yarra.

I commend the hardworking federal member for McEwen, Fran Bailey, for her encouragement of and support for the organisers of the petition. Fran knows the needs of her electorate, understands all the issues and works tirelessly for her constituents. She is a politician who gets down to work and gets the job done — unlike Andrew McLeod, the ALP candidate for McEwen, who does not understand the issues facing the Yarra Valley. He repeatedly blames the federal government when it is the Bracks Labor government's policies which are discriminating against the people of the Yarra Valley. The Bracks government's regional and rural Victoria policies begin and end in Bendigo, Ballarat and Geelong. The Upper Yarra Valley does not get a zack from this government.

Ivan Pavlovic

Mr SEITZ (Keilor) — I rise today to put on the public record my appreciation of the work of Ivan Pavlovic, who has been an activist within our Croatian community in the western suburbs. Like so many postwar migrants, Ivan came here with basically nothing but a suitcase and the clothes on his back.

Ivan is a husband, a father and a grandfather. He has spent his entire working life within his own community, whether it has involved the church, soccer, folkloric dancing groups or his children as they went through school — where I met him first — and later on, his grandchildren.

Now that Ivan Pavlovic has reached the age of 65, has he intimated that he will stop his community work and activities? Not so. He is still involved every day of the week at the Melbourne Knights Soccer Club. He is continuously working within his community in a voluntary capacity, as he has done for many years.

As honourable members would know, volunteers are not paid, and for someone who has a young family to bring up while trying to get established in this country, that is a great sacrifice. Ivan has certainly made that sacrifice for his community. The Croatian community should appreciate the work Ivan Pavlovic has carried out in this area. No doubt if his health keeps up he will continue to do that even in his semi-retirement years.

Council for the Encouragement of Philanthropy in Australia

Mr ASHLEY (Bayswater) — Traditionally Australia has not really shone when it comes to individual philanthropy. More disturbingly, recent research indicates that Australian corporate philanthropy has declined steadily over the past three years.

That is all the more reason for giving public recognition to the inspiring efforts of one of Australia's all-time great athletes, Ron Clarke, in establishing CEPA, the Council for the Encouragement of Philanthropy in Australia. CEPA's mission, a world first, is to stimulate philanthropy by mobilising Australians, corporate and private, to press on towards a better, fairer and more decent world by enabling many more people to help themselves.

Council members and contributors are directly involved in evaluating the worthiness of different project submissions put to CEPA, including voting for those they prefer. At its recent launch, CEPA announced an inaugural distribution of over $2 million. The largest single grant, of $731 000 over three years, went to the Irabina autistic children's centre in the Bayswater electorate. For the next three years Irabina will now be able to provide early intervention services to the many families on its waiting list, who it has not been able to help given current levels of state government funding.

I congratulate Ron Clarke and commend him on setting out on this his most auspicious marathon.

Connect a Kid program

Ms GILLETT (Werribee) — I place on the record my thanks to a wonderful group of people in my community. The group has been brought together in a joint initiative of the Department of Health and the Department of Education. Through that historic combination the departments have combined to create a program called Connect a Kid.

It was my privilege to be at the launch of this program at the Hoppers Crossing Secondary College two weeks ago. At the launch we heard from some magnificent and dynamic people who have put the program together. The team is headed by Dr Harry Gelder from the Royal Children's Hospital.

The program essentially connects mentor teachers with children who have found themselves in somewhat difficult circumstances. It has been a spectacular success, as was evidenced by the young children who spoke about their experiences on the program. It was wonderful to hear that the children found it beneficial to have someone to talk to and listen to. It is a simple program, but it has been a spectacular success in my community. I recommend it to all members of the house.

MARINE SAFETY LEGISLATION (LAKES HUME AND MULWALA) BILL

Second reading

Debate resumed from 27 September; motion of Mr BATCHELOR (Minister for Transport).

Mr PLOWMAN (Benambra) — The Marine Safety Legislation (Lakes Hume and Mulwala) Bill is designed to make the current requirements for marine safety clearer, simpler and more effective on Lake Hume and Lake Mulwala. At present the border between Victoria and New South Wales follows the high-water level, or as it is put in the bill, 'the top of the bank on the Victorian side of the Murray River'. It was determined in *Ward v. The Queen*, which introduced the understanding of where the legal requirements were on either side of the river once it was submerged by either or both lakes.

As honourable members would appreciate, when you are out on either lake there is no way possible for you to know where the riverbed lies underneath you. In some cases you can see the tops of the red gums, which are still clearly apparent, and from them you can see where the river runs. In the deeper waters, going down 200 feet, there is absolutely no way to appreciate where you are in respect of the true state border.

It has been said that if you are of a mind to commit a murder, the place to do it would be somewhere in those waters and then to drop the body overboard somewhere near where you think the high-water level of the Murray River on the Victorian side is. It would be almost impossible to say which jurisdiction would be responsible for administering the case against the murderer. I raise the point in jest of course, but it highlights the difficulties faced by the coastguards and the water police from both states who are responsible for enforcing marine safety on either lake.

This is a sensible piece of legislation that assists in overcoming some of the anomalies continually faced on the state border by people wanting to follow recreational pursuits such as boating, fishing or any other activities on the water where there is a requirement for marine safety.

The bill deals quite extensively with the definitions associated with what parts of the lakes come under the jurisdiction of New South Wales law and what parts come under the jurisdiction of Victorian law. Put quite simply, the Bethanga Bridge crosses between New South Wales and Victoria. It is the longest inland bridge in Australia and clearly defines the areas the bill stipulates as being New South Wales water and Victorian water. Under the bill, on Lake Hume everything on the upstream side of the Bethanga Bridge is regarded as New South Wales water and everything downstream, including the Mitta Mitta Arm, which runs up to Tallangatta, is deemed to be Victorian water. It makes a bit of sense, because to get from one side to the other anywhere on Lake Hume you must cross under that bridge, so quite clearly anyone travelling on Lake Hume would know that they were within one jurisdiction or the other.

However, it strikes me as a bit strange, because the government has introduced changes to fishing licences, that on Lake Hume all fishing licences are Victorian licences and on Lake Mulwala all fishing licences are New South Wales licences. I am not sure why the government did not follow that lead when looking at marine safety for boaters. There tends to be some confusion. Boaters are out on the water to enjoy themselves, they are not there to know the letter of the law. It would be far simpler and less complicated if all the laws associated with boat use on either magnificent lake or reservoir were the same, so that ideally on Lake Hume fishing licences and marine safety legislation would both be Victorian requirements. There would then be a need for only one lot of water police and one set of regulations. The Albury-Wodonga coastguard, which is operated by volunteers, would only have one lot of police to refer to. It would make it clearer and easier not only for them but for all the people wishing to use that area for boating pursuits.

It is far simpler and more accommodating for boat users on Lake Mulwala, where all of the lake is determined to be New South Wales water, even running up the Ovens River as far as the Murray Valley Highway bridge, so that everything on the north of the Murray Valley

Highway bridge going down the Ovens River and then into Lake Mulwala is determined to be New South Wales water. That applies for both fishing licences and marine safety legislation.

I think it is a mistake that a similar system is not followed with Lake Hume. Although the legislation has improved the situation, the government should have thought it through a bit more so there was consistency. For my money it is a pity that consistency has not been achieved.

Clause 4 refers to laws associated with marine safety legislation and provides that the laws in each state in each particular area of water be applied irrespective of whether it is New South Wales or Victorian territory. Under the proposed act if it is determined to be the responsibility of New South Wales then the New South Wales law will apply. Equally if the area is in the Victorian jurisdiction the Victorian law will apply.

There are two main parts of the bill: part 2 refers to the area transferred to New South Wales jurisdiction; and part 3 refers to the area transferred to Victorian jurisdiction. In both cases they are exactly the same, and reciprocal and matching legislation is being enacted in New South Wales. Maybe the Attorney-General will advise us as to when the legislation is due to go through the New South Wales Parliament. I understand it is to go through in this session.

Part 4 headed 'Miscellaneous' deals with the appointment of interstate officers, and this gets back to my earlier point. Clause 11 under part 4 states that a power under the marine safety legislation of Victoria is provided to appoint or authorise a person for the purposes of the enforcement of that legislation in Victoria or in the transferred New South Wales area and extends to the appointment or authorisation of a person who is a police officer of New South Wales or a member of the staff of the Waterways Authority of New South Wales or of any other authority of New South Wales. Equally this provision applies to Victoria. If the water body had been looked at as a whole that level of complication would not have been necessary.

The bill provides a simpler framework for marine safety to be conducted on both the lakes on the Murray River. Most people up there recognise that the state border is submerged, but there is confusion as to where the border lies. From the point of view of law enforcement officers, this is a great improvement because they will know where their jurisdiction lies.

The difficulty for boat owners is still prevalent. Over the past few years there were always questions such as: where can I fish; what fishing licence do I require; what boat owner's licence do I require; do I require a boat driver's licence; and what part of the lake that I wish to go on does the marine safety law affect? The boat registration licence should become reciprocal and I hope that will occur. The fishing licences are being rationalised and Lake Hume will be covered with the Victorian licence and Lake Mulwala with the New South Wales licence. I have to say again, why did the government not consider taking those same steps when it looked at the marine safety legislation?

The issue in respect of fishing licences came to a head under the John Landon case. John Landon put a boat into the water on the New South Wales side, fished on the Victorian side of Lake Hume, took a catch appropriate to the Victorian regulations, returned in his boat to New South Wales and, when bringing his boat up, was investigated by a New South Wales fisheries officer who said the catch was not appropriate for New South Wales law despite the fact that he had caught the fish in Victorian waters. The fact that he had brought his boat back into New South Wales led to a charge being laid against him. The story hit the headlines and consequently the anomaly which had existed forever on both those lakes has been fixed and that is a great improvement. It cost John Landon in that case despite there being no definition as to whether they were New South Wales or Victorian fish.

Over the past 10 years there has been considerable improvement to overcoming some of these anomalies in respect of boating laws. If a reciprocal boat driving licence is implemented it will overcome the differences between the licence requirements in New South Wales where a boat which travels at more than 10 knots is required to have registration while in Victoria there is no such requirement. Despite these differences and the inadequacies of the bill it will improve matters, and for that reason we support the bill.

Different speed limits exist on Lake Hume. In those areas the different speed limits will become a single speed limit. Around the coast guard station the speed limit of 4 kilometres per hour will be increased to the speed limit of 5 kilometres per hour that exists around the swimming areas around Kookaburra Point.

I pay tribute to the work of the coast guard on inland waters. Very few people recognise that the coast guard has a role in regard to inland waters. We tend to think of the coast guard acting in bay and marine waters, but it provides a good service on those inland waters. It checks boats for fire extinguishers and life jackets. The composition of personal flotation devices (PFDs) is different in the two states. The requirement in Victoria

is that the PFD has part of its device behind the head of the person wearing it so the person's head is automatically up out of the water.

If an accident occurs and a person is rendered unconscious, that person has a better chance of survival with a PFD 1, which is the requirement in Victoria. People in New South Wales are required to have PFD 2 and PFD 3 units, which do not have the stabilising pads behind the head that force the head to be lifted out of the water. They are typical of the types of jackets people wear when waterskiing. I have done some ocean sailing, and I know the requirement on ocean sailing boats is to supply the PFD 1 jacket, because it lifts the head out of the water.

One of the problems faced by the coastguard in inland waters, as I am sure is the case with other marine areas, particularly in our bays, is jet skis. People are still coming to an understanding how their use can better conform with the activities of other water users. The problem is not the jet skis themselves, but the fact that in inland waters it is difficult to achieve a separation of water usage because of the restricted areas in which the jet skis can be used.

Last weekend an accident occurred near the boat haven on Lake Hume. A speedboat caught fire and the occupants had to jump into the water; the man was able to keep his young son afloat. The coastguard came to extinguish the fire, but almost immediately afterwards it received an emergency call to another accident caused when a jet skier hit and dislocated the shoulder of a swimmer. The coastguard was placed in difficult circumstances as it was called from one accident to the other. The second accident should not have occurred and is an example of the difficulty faced by the coastguard in separating jet skiers and swimmers on inland waters. I am sure the house will hear more about similar difficulties from my colleagues whose electorates are on the bays.

The jet skiers tend not to obey the rules, and often the noise levels are totally unacceptable. They should be kept to separate areas, which becomes more difficult on inland waters. Unfortunately the coastguard cannot enforce such separation. Its members can advise the jet skiers that they are breaking the law, but then they have to get the police or the water police to attend to enforce the law. The role of the coastguard is to educate and to engage in search and rescue. I suggest its members do an extraordinarily good job.

Last year the coastguard attended 12 emergency calls, including one death, on Lake Hume. The Marine Board of Victoria allocated a police boat to each of the coastguards at Lake Eppalock and Lake Hume. Both boats are all-weather craft, thereby increasing the opportunity for both coastguards to operate successfully and to achieve what they are there for — that is, search and rescue in any conditions. That move by the board was well received by the communities at Lake Eppalock and Lake Hume.

The coastguard is a magnificent volunteer organisation. The bill will help its members, as it will the water police and all other people responsible for marine safety legislation, to conduct their work on inland waters, particularly on Lake Hume and Lake Mulwala.

Mr KILGOUR (Shepparton) — It is with pleasure that I rise to speak today on marine safety legislation for Lake Hume and Lake Mulwala, two of the lakes in the north-east of Victoria that add a tremendous amount to the areas that surround those lakes through tourism and with irrigation. My own home town of Katamatite in the Murray Valley would not be as prosperous as it is today without the irrigation water from Lake Mulwala after the Yarrawonga Weir was built in the 1930s and 1940s.

Those waters turned what were dusty wheat and sheep paddocks into areas of magnificent green grass and gave the opportunity in the initial stages for fat lambs to be raised, followed by dairy farming. Today the area is rich and productive because of the irrigation water from Lake Mulwala and initially from Lake Hume. Today the community is engaged in much discussion about how much water should flow into those lakes and how much should come from the hills.

Today the house will decide on an extension of state borders, particularly around Lake Mulwala, as it has been hard to know where the border is located. Lake Mulwala is a wonderful place to be. Many thousands of people travel every year to visit it. Camping at the oval in Yarrawonga is a romantic place to be, with the willow trees around the lake. I have it on good authority that the honourable member for Mornington did a lot of his courting around Lake Mulwala; he may be able to contribute to debate on the bill and tell the house what Lake Mulwala means to him. I am sure on many a summer evening he would have walked and courted his present wife there — or maybe it happened in the back row of the Yarrawonga drive-in theatre!

Mr Cooper — Both places.

Mr KILGOUR — I'm sure! On many occasions I have visited Lake Mulwala — as well as the back row of the Yarrawonga drive-in! — and have always found it interesting to try to work out where the actual state

border lies and where you should fish. You have to work out whether you are fishing in New South Wales or Victoria.

On only a few occasions do you get the opportunity to see where the state border is actually marked, because Lake Mulwala is almost always full, although I have seen it on the few occasions when the lake has been drained so the authorities can carry out necessary works around its edges and in its centre. The lake has to be drained every 10 or 15 years for that work to be done. On those occasions it has been interesting to see where the original Murray River bank was located. However, when you are fishing from a boat on Lake Mulwala it is not easy to work out whether you are fishing in New South Wales or Victoria.

I am pleased that the bill will rationalise the application of marine legislation in Victoria and New South Wales so far as the Murray River border at Lake Hume and Lake Mulwala is concerned. Nobody can decipher a submerged border beneath a lake. As a young boy I often used to go to Yarrawonga to play football. My mates and I would walk across the bridge and try to work out whether we were in Victoria or New South Wales. Honourable members may know that the road bridge across the lake has a dip in it at the Yarrawonga end. The story goes that the person who designed the bridge jumped to his suicide from the bridge after he saw the dip in the road. It is interesting to watch cars, while crossing the bridge, encounter that dip.

Lake Mulwala is one of the best recreational playgrounds in Victoria, and the lake should be preserved. However, problems have arisen for people fishing and boating on the lake in working out whether they are fishing or boating in New South Wales or Victoria.

The honourable member for Benambra pointed out the anomaly about the man who caught a fish on the Victorian side and was then charged with an inappropriate catch when he got out of his boat on the New South Wales side.

The bill does not necessarily solve the issue for many people. I was very concerned when the government brought in legislation last year providing for the registration of all motorboats. I find it incongruous that we say we should rationalise issues as far as marine safety is concerned, but that the registration of motorboats is another story. New South Wales has a system by which if a motor is not capable of pushing the boat at more than 10 knots it does not have to be registered. The Victorian government has decided that all boats will be registered.

This legislation provides that somebody living in Yarrawonga could own an unregistered aluminium boat with a 5 horsepower motor that does not push it at any more than 10 knots and put the boat in the water on Lake Mulwala; but if that person takes the boat out of Lake Mulwala and moves it downstream to below the Yarrawonga Weir or into the massive channel that comes off the river for irrigation purposes they will be breaking the law. We still have a few things to sort out to ensure that we rationalise things perfectly. When the government brought in this legislation I thought it was silly that it did not make it the same as for New South Wales. It is always a problem around state borders working out where things are.

The situation at Lake Mulwala is quite clear. The New South Wales water to be policed by the New South Wales police or water police will be clearly defined. Everyone will know where the border is — namely, at the Murray Valley Highway bridge, which crosses between Yarrawonga and Rutherglen. The Ovens River is the border for policing purposes, and the Paralos, as it is known, will also be a part of New South Wales for the purposes of policing and New South Wales boating regulations. The Paralos is an area we might have called a delta if it had been part of a bigger river. The river branches out there into a number of waterways with land in between. Some good fishing has occurred there on occasions, particularly after a flood. By making the bridge that crosses the river at the Murray Valley Highway the border everyone will clearly understand the delineation between the states for the purpose of policing.

The two states have agreed to overcome the anomalies and rationalise the enforcement of marine safety on the two lakes. All of Lake Mulwala and that part of the Ovens River north of the Murray Valley Highway bridge known as the Paralos will become a part of New South Wales, as will the section of Lake Hume upstream of the Bethanga Bridge. In both cases there is a bridge to clearly mark the different zones. Victorian law will continue to apply to the remainder of the Ovens River upstream from the highway bridge, and on Lake Hume downstream from the Bethanga Bridge. In other words, some Victorian water will become New South Wales water, and on Lake Hume what is currently New South Wales water will become Victorian water.

I stress on the government the importance of advertising this new legislation when it comes in so that the fishermen — the boaties — who are either sailing or driving motorboats and so on will have a clear understanding of what laws will be in force in what parts of each lake. No doubt both lakes — Lake Hume

being the larger and Lake Mulwala the smaller — will have many people travelling to them and using them from both sides of the border. At least they will know, however, that when they reach the Bethanga Bridge at the upstream end of Lake Hume they are moving into New South Wales waters.

Officers of the New South Wales waterways authorities will undertake the primary enforcement role, and Victoria Police and other Victorian authorities under the Marine Act will also enforce New South Wales boating laws in those areas — that is, Victorian authorities will have a policing role under the New South Wales law. That is something different we will have to look out for, to see whether it works. I implore the government to ensure there will be negotiations with people who use the lakes and with the police officers in another 12 months or so to see if it actually works.

The second-reading speech refers to the differences between the boating laws being minor. It recognises that New South Wales boats do not have to be registered unless their motors can push them at more than 10 knots.

The legislation will solve a few problems for people who do not have the right understanding about where they should be fishing or boating. For many years we have had a problem of Victorians living on the Victorian side of the Murray River not being allowed to fish in the Murray River without having a New South Wales licence. That has always been deplorable. As a family who lived in Katamatite, 12 miles from the Murray River, we spent many days on the banks of the river — and caught many fish, I might say.

Mr Plowman interjected.

Mr KILGOUR — Yes, we did have licences; as a matter of fact I think I shared one with my twin brother for many years! We had a Victorian licence; but being twins one of us used to buy a Victorian licence and the other a New South Wales licence. We made sure we did not fish together for too long. That has always been a problem: living close to the border, having these anomalies and having to worry about New South Wales law when you are actually fishing in what we deemed to be Victorian waters because we threw our fishing lines in or put our boats in from the Victorian side of the border.

That does not solve the problem with the Murray River downstream from Lake Mulwala, and even between lakes Mulwala and Hume, but I guess this legislation will make it a bit clearer for people living in that area. I guess it will make it clear that both states can police those lakes, but obviously the New South Wales police will be more prevalent on Lake Mulwala and the Victorian police will be more prevalent on that part of Lake Hume that New South Wales used to police.

I wish the bill a speedy passage through the house. I hope that if they have not been to Lake Hume or Lake Mulwala members will take the opportunity to visit the area, which is a beautiful part of Victoria. I intend to take my yacht up to Mulwala over the summer and give it a run, so I hope we get some nice breezes. I have skied on Lake Mulwala on many occasions, and I have spent many a day enjoying the swimming and many an evening on the romantic banks of the lake. I hope we do not have too much confusion when this legislation is finally enacted and that people can easily understand the new state borders.

Mr CARLI (Coburg) — I am pleased to follow the honourable members for Benambra and Shepparton, but I do not pretend to have the same intimate knowledge of either Lake Hume or Lake Mulwala. I have been there as a tourist, but I cannot recall any intimate or romantic evenings on either lake, which is to my misfortune. The descriptions given by both honourable members show that there is a clear recognition of the anomaly in the area and the need to rationalise marine safety on the two lakes. It is good to see a level of cooperation between Victoria and New South Wales, including the two ministers and ultimately the two Labor governments, in sorting out an anomaly which has been present for a long time.

The need to rationalise marine safety on lakes Mulwala and Hume was identified by the Victorian and New South Wales Border Anomalies Committee. The anomaly is created by the fact that the interstate border lies along the banks of the Murray River, but the banks of lakes Mulwala and Hume are clearly submerged. The honourable member for Shepparton knows where the border is — he has seen it and he has seen Lake Mulwala drained — but very few people have that knowledge. It is an issue of great confusion for boaters and fishermen in the area, who do not know where the Victorian border is because it is submerged. Clearly there is a need to rationalise and define the jurisdictions so the waters are better policed. This is also an opportunity for users of the lakes to recognise which marine legislation applies to them. While there is much commonality between the marine safety legislation in New South Wales and Victoria, there are subtle differences, including who has actual authority over the lakes.

This issue was identified by the Border Anomalies Committee more than 10 years ago, and it has involved considerable debate between the two governments. The committee's work has led to this option of the Victorian and New South Wales parliaments passing complementary legislation so that if we do not know where the borders are at least we will know what the jurisdictions are and we can allocate some waterways to New South Wales and others to Victoria. With this legislation being passed in Victoria and complementary legislation being passed in New South Wales, all of Lake Mulwala, part of the Ovens River north of the Murray Valley Highway bridge and Lake Hume upstream of the Bethanga Bridge will be in New South Wales and Lake Hume downstream of the bridge will be part of Victoria.

This bill has important ramifications. It will allow the water police to apply the appropriate legislation, and it is an opportunity for boaters to get to know the legal environment. I appreciate the contributions made by the two previous members, who pointed out the need for education and publicity to ensure that the people using the lakes, including many thousands of tourists, are familiar with the new jurisdictional boundaries and the marine safety legislation that applies to the lakes.

The New South Wales waterway officers will have the primary enforcement role. In cases where Victorian enforcement officers operate under New South Wales waterway laws, they will enforce those New South Wales laws. That will clarify the question of which jurisdiction applies to which waterway. A memorandum of understanding is being developed, and a working party has been established by the various stakeholders — the police, the water authorities, local communities and interest groups — to deal with both the implementation of the legislation and the management of these waterways.

As was pointed out by the honourable member for Shepparton, the lakes are an important part of our tourism industry. They are major attractions in the state as well as being important for recreational fishing and irrigation. Therefore it is commendable that the Minister for Ports in another place and the New South Wales Minister for Transport were able to come to agreement and announce this important breakthrough. It has taken more than a decade of debate and discussion to arrive at, but it was certainly well worth the effort.

Judging by the contributions of the honourable members for Benambra and Shepparton, that effort has been appreciated by the Parliament. Clearly they have a greater knowledge of and interest in the lakes than I, and they see the importance of the rationalisation of marine safety. I can only commend this legislation to the house and wish it a swift passage. It is very good to see cooperation between the Labor governments of Victoria and New South Wales.

Mr DIXON (Dromana) — I too support this piece of legislation. It is fairly typical of the far-reaching and weighty legislation we have had to deal with in this place over the past few weeks! However, I recognise that it is important to those who fish in and enjoy boating recreation activities on lakes Hume and Mulwala.

In my brief contribution I wish to concentrate on the marine safety aspects of this bill and their wider ramifications. The licensing of those who operate power craft has been a very important step towards improving marine safety. It has been pointed out by previous speakers that there are still differences from state to state — and more importantly, as far as this bill is concerned, between New South Wales and Victoria. We have just had the introduction of boating licences in Victoria, but they have been in operation in New South Wales for quite a while. Jet ski operators and those aged 20 years and younger will be affected this year by the staged introduction of these licences.

The boating season is now upon us. No matter where you are boating, whether it be Port Phillip Bay or on the inland waters or lakes, there has been very little education or notification of those who will be affected by these changes. In addition, there is a real lack of flexibility in some aspects. People are vaguely aware that this is going to happen, but I can see a lot of confusion occurring. That confusion will be compounded on lakes Hume and Mulwala because of the differences between the states and the introduction of licences in Victoria.

As far as the flexibility is concerned, there are black and white rules as to who must have licences, but the issue of the people they affect has not been thought through. There are many retired people in that area of northern Victoria, and a lot of pensioners in my electorate like to go boating on inland waters as well as on the bay.

There is no concession for pensioners. As well as the concessional aspect, there is confusion about other matters. Many people have spoken to me, including one or two recently who approached me at the local boat ramp when I was launching my boat. They asked me what was happening with the laws and the introduction of the licence. They were not aware of the situation. They were not happy about the fact that when it is

introduced for them in the following year they will have to pay the full rates — there will be no concession. People who need to apply for boating licences this season need to know where and how to apply for those licences. They need to know how much it will cost and who must have a licence. There is confusion. Some pensioners believe it is their turn this year, and they want to know the test details — whether they have to do an examination or a practical course, how much it will cost and where they can do it. All these questions are being asked. No matter where you are boating, whether it be on the Mornington Peninsula or Port Phillip Bay or on inland lakes and waters, confusion is still there.

The honourable member for Benambra spoke about that wonderful voluntary organisation, the coastguard, and the work it does in inland waters. He is right. Not many people are aware of the work the coastguard does in our inland waters. The coastguard also works in Port Phillip Bay and off the coast of Victoria. The volunteer rescue organisations that operate in my electorate, and there would be equivalents in other areas around the bay and on inland waters, include the Southern Peninsula Rescue Squad. All the yacht clubs have powered patrol boats, and the surf lifesaving clubs have their patrol boats, which are usually rubber duckies. Operators under the age of 20 who are members of those voluntary organisations will be hit with that licence fee, even though they are working in a voluntary capacity saving people's lives, and many people have been saved. I believe it sends out the wrong message to these young volunteers that they will have to cough up for a licence.

However, I can understand that there will be some confusion. The legislation is going in the right direction, and I hope the rocky introduction of the marine licence becomes a lot smoother. I wish the bill well.

Ms DUNCAN (Gisborne) — I would like to respond to points made by the honourable member for Dromana. Firstly, the bill has nothing to do with either licensing or boat registration. Nonetheless the honourable member for Dromana stated that from his constituency's point of view there appeared to be a lot of confusion about the licensing laws recently introduced by the government. At the recent four-wheel-drive and fishing show it was demonstrated that there is an enormously high level of knowledge about these laws, and boat operators and fishermen know quite well what is required of them. There has been no change to boat licensing, and it is a fairly simple change to state that if your boat has a motor, you require a licence to operate it.

On that point, the honourable member for Shepparton seemed to be criticising the Victorian law and the fact that it is different from New South Wales law. I again emphasise that the bill is not about these licensing changes. The legislation that was adopted by Victoria was developed by the National Marine Safety Committee, which stated that all operators of mechanically propelled recreational boats should be licensed. Even New South Wales has endorsed those principles. Victoria has been the leader in adopting national principles, which were only developed back in 1999. Victoria is leading the way in boat safety legislation.

I am pleased to speak on the Marine Safety Legislation (Lakes Hume and Mulwala) Bill, not just because it finally addresses an anomaly that was identified about 10 years ago by the Border Anomalies Committee. It has taken cooperation between a New South Wales Labor government and a Victorian Labor government to finally address this longstanding anomaly. The changes are not exactly rocket science; they are quite sensible, and they are simply there to end confusion about the difficulties in determining where the New South Wales–Victorian border is when you are floating around Lake Hume or Lake Mulwala.

I will speak of my own knowledge of Lake Mulwala, because I have spent many weekends floating around it. My forebears were part of the very hard-working pioneer-spirited people who cleared the lake in the last century. It is very much home to me. There are many Duncans in Yarrawonga, and most of us have spent almost all of our summer and Easter breaks on Lake Mulwala.

An honourable member interjected.

Ms DUNCAN — I cannot attest to any romantic happenings on the lake; I was just a young gal, and I had a lot of fun just playing with the dogs. I am sorry I cannot share anything more.

The bill does some fairly simple things, and it does them well. It addresses the current confusing situation that has been identified for more than 10 years as being a problem. It is proposed that New South Wales laws will apply to all of Lake Mulwala, that part of the Ovens River north of the Murray Valley Highway bridge and the section of Lake Hume upstream of the Bethanga Bridge. The Victorian law will continue to apply on the remainder of the Ovens River and on Lake Hume downstream of the Bethanga Bridge. They are significant landmarks that people can readily identify with, which will enable them to understand exactly what state legislation applies.

On the issue of some of the anomalies that currently exist with the fishing laws that apply, the honourable member for Benambra raised concerns about recreational fishing. New South Wales and Victorian fishing agencies are currently working together to create some consistency between fishing laws in Lake Hume and Lake Mulwala. A fairly extensive community consultation program is commencing, which will resolve the differences and anomalies that relate to things like seasonal closures, bag limits, size limits and gear regulation. That will be done in consultation with all of the stakeholders so that those anomalies will be smoothed out and removed.

Administrative arrangements will be managed through a memorandum of understanding that will be signed by the Victorian Minister for Ports and the New South Wales Minister for Transport. The memorandum of understanding will focus on the administration of day-to-day activities, water management issues such as enforcement, resources and safety zones, and liaison with local communities and interest groups. A working party comprising officers from the New South Wales Waterway Authority, the Marine Board of Victoria, Victoria Police and Goulburn Murray Water will also be established. The bill has been introduced this week, and the New South Wales equivalent was passed last week. The timing has been designed for the legislation to come into effect for the 2001–02 boating season.

On the issue of the confusion that may be created with the introduction of the bill, the intention of the New South Wales body is to take an educative rather than an enforcement approach for the 2001–02 boating season in recognition of the fact that, although there is a huge consultation program going on, there may be some people participating in the boating season who are unfamiliar with the changes. New South Wales boating safety officers will also be meeting with Victorian boating and fishing clubs to explain to them the new requirements and the New South Wales law.

In regard to the amount of consultation on this proposed change and other recent changes referred to by the previous speaker, the Marine Board of Victoria is on average visiting one club a week in metropolitan and rural Victoria to remind people of the changes. That is part of what this bill will do in the future as well, through the memorandum of understanding and the other consultations that will continue to take place, to make sure that all the people who use these wonderful parts of Victoria are fully aware of these changes.

This bill will simply remove anomalies. There are no fundamental changes, and the inconsistencies that exist between Victoria and New South Wales are minor. As I said, the process still to take place will make sure that all interested parties are fully aware of the changes. It will only help improve marine safety overall by removing these border anomalies, and I commend the bill to the house.

Mr COOPER (Mornington) — I want to make a brief comment on the Marine Safety Legislation (Lakes Hume and Mulwala) Bill. I know a little bit about Lake Hume, but I know a lot about Lake Mulwala. I first visited Yarrawonga in 1956, and I have been a reasonably regular visitor to that area since that time as my wife comes from Yarrawonga. There is a family connection up there that takes us back quite regularly. In the 25 years or so following 1956 we went to Yarrawonga many times each year, and I have spent a lot of time on Lake Mulwala both sailing and powerboating. I have not done any fishing there, but I have eaten a lot of fish that have come out of the lake and the Murray River in the area.

I know a lot of people who use Lake Mulwala regularly as a holiday resort, as a recreational area, and I know from my personal observation and from what I have been told that about 80 per cent of the users of Lake Mulwala would be Victorians. It is from that point that I wish to speak, because I have a little apprehension about the application of New South Wales law and probably more particularly New South Wales policing of what is predominantly a Victorian sheet of water with the people using it being predominantly Victorians.

I note from the contribution by the honourable member for Gisborne that the government has had assurances from the New South Wales government that there will be a lot of education going on during the coming summer to accommodate the ignorance of people who do not pay particular attention to new laws. In this case it would be even more so, because basically Victorians will be subjected to New South Wales law. I hope that education does come to be, because if it does not we are going to have a lot of very concerned and angry Victorian boat owners who may well find themselves being apprehended at launching ramps or being pulled over by New South Wales police when they are unaware that they have broken the law.

They may not even be aware and probably will not be aware that they are able to be subjected to New South Wales law. There could certainly be some confrontations occurring unless an education program is put in place.

This education program is particularly important. I do not believe when it comes to the fact of policing that

police officers are necessarily going to be conciliatory or accommodating when they see the law being broken, regardless of whether it is a New South Wales person or a Victorian in the boat. It may well be they will be less accommodating and less conciliatory if they know it is a Victorian in the boat. So it is very important for this government to play a proactive role in ensuring that these new regulations and laws are smoothly brought in and that boat owners in Victoria are not put to the high jump automatically because they happen to be ignorant of the laws that are now going to apply.

I sought some information about the differences in the laws relating to boat owners in New South Wales and Victoria. The information that I have been provided with by my colleague the Honourable Philip Davis from the other place on drink-driving or alcohol laws seems to suggest that there should not be any problems in that regard, but I have not had any information provided to me on the other little bits and pieces that go to make up the complete breadth of laws in regard to marine safety. I do not know, for example, whether there is anything significant that can be done on Victorian waters that is illegal in New South Wales. If there are such matters, they certainly need to be addressed.

This legislation is certainly supportable and will receive the support of the opposition because it rationalises the application of law over a confused area. As the honourable member for Shepparton said, when you come to Lake Mulwala you have no idea where the banks of the Murray are. Locals can tell you in a fairly reasonable way where the river does meander through the lake, but the bulk of the water, as I understand it — and I am quite sure I am right in saying this — on the lake is on the Victorian side of the river. We have a confusing situation and it is good that both governments have got together and resolved this situation. I have no problems with that at all.

My problems relate to the way in which the law will be applied and the way in which it will be put into operation to ensure that boat owners, particularly Victorian boat owners, are not discriminated against over the first year or two of application. This puts an obligation upon the Victorian government to not just say, ‘We have done the job’, and walk away from it. I hope the Minister for Ports will keep a very careful eye on what goes on, particularly over the coming boating season, to ensure that Victorian boat owners are looked after properly. Other than that, I support the legislation.

Mr TREZISE (Geelong) — I stand in support of the Marine Safety Legislation (Lakes Hume and Mulwala) Bill. This bill does not affect greatly the safety of boaters on lakes Hume and Mulwala, but it will eradicate the confusion that probably confronts boaters or lake users in the duplication of laws, in making those two laws into one, with the New South Wales law taking over from those two laws. As the house is aware, both Lake Mulwala and Lake Hume straddle the New South Wales and Victorian borders. Currently two sets of laws apply to those waterways.

In a commonsense approach to this issue the New South Wales and Victorian Border Anomalies Committee has recommended that the anomaly of the two sets of laws applying to the waterways be replaced with one set of laws. Although it will probably not improve safety for boaters — it may to a small degree — it will eliminate any confusion that exists at the present time.

The timing of the bill is appropriate in that both the New South Wales and Victorian parliaments are debating their respective bills in the spring session, ensuring that the laws are in place for the coming summer when, being the holiday season, hundreds, if not thousands, of boaters will be heading to the two lakes. I have had the pleasure of spending a couple of long weekends on Lake Mulwala; to say it is a popular spot for boaters is probably an understatement.

I am pleased to speak on this bill because I can relate to the problem of various laws applying to the one body of water and the confusion that can cause. Prior to becoming the honourable member for Geelong I was employed by Toll Geelong Port as the shipping manager. In that role I was responsible for or managed the marine-based activities that occurred within Toll Geelong Port, or the old Port of Geelong Authority, as we knew it before it was privatised by the then Kennett government. Given that the marine responsibility activity was really the interface between the land-based port owner or operator and the many water organisations, a number of regulations and laws did intertwine — for example, there was always ongoing discussion and debate between the port operator and the Victorian Channels Authority about who was responsible for what when it came to berthing a vessel. In that debate there was always a grey area about what laws or regulations applied and to which bodies they applied. It was not just the Victorian Channels Authority that was involved. There was also the Marine Board of Victoria, a number of oil regulatory bodies, Toll Geelong Port, perhaps the tug operators and the stevedores. There were a number of bodies and a number of laws that did intertwine.

It did not to any great extent affect the safety or the safe movement of vessels, but it provided numerous

administrative and legal headaches for the operators involved, including myself in my role as the shipping manager. So although this legislation before us may not significantly improve water-based safety, it will provide for clearer laws and better enforcement on the two lakes that we are talking about today — Lake Mulwala and Lake Hume. Perhaps to some degree I am selling short the impact of safety with regard to this legislation because, while there is confusion surrounding applicable laws and responsibilities, there always is the potential for an incident or accident. No matter how big or small that potential may be, that potential is there, and this legislation is about minimising the incidents or accidents that may occur.

Again my experience within the port of Geelong provides me with some practical examples. As I said before, the berthing of a vessel is an example that comes to mind. In the port there was always the grey area involving unclear responsibilities and legal issues at the interface between the land-based port and the water-based authorities when a vessel was being berthed, although I must say the lines of responsibility are far clearer today than what they were.

In the early days of port privatisation that was not the case. There were particular grey areas, and the potential for an incident or an accident in berthing a vessel was there. There were concerns due to duplicated laws or responsibilities. I well remember the day a phosphate vessel was berthing at our Lascelles wharf when the vessel T-boned the wharf, which means that the bow of the ship was driven 10 metres into the berth creating a massive hole in the wharf. Fortunately nobody was hurt, but both the wharf and the ship were damaged, and there was the potential for an enormous gantry crane to topple and for a pipe carrying thousands of litres of oil to break and cause a major oil spill in the port. The investigation that subsequently took place gave rise to concern about the duplication of laws as they related to the legal responsibilities between the captain of the ship and the tug operator. That is one example I have been involved with of duplication of laws relating to an accident on water.

The legislation proposes that the New South Wales law applies to Lake Mulwala and the Ovens River north of the Murray Valley Highway bridge and the Lake Hume upstream of Bethanga Bridge. Because the two lakes will be covered by a New South Wales law, New South Wales waterways will provide the primary enforcement role on the lakes.

This is good legislation because its primary purpose is to eliminate confusion that applies to the laws. In this case we eliminate confusion for boaters who will be using both Lake Mulwala and Lake Hume, and we ensure that water users are aware of changes in laws. I am sure that public consultation and the public campaign will ensure that people are aware of those changing laws. With those few words, I commend the bill to the house.

Mr THOMPSON (Sandringham) — I am pleased to join the debate. It is worth noting that since 1989–90 more than 120 recreational boating fatalities have occurred in Victoria. The importance of legislation such as this which clarifies the laws in an anomalous border circumstance is of great importance.

Before commenting on the bill I would like to allude to the outstanding record of achievement on the part of the Royal Life Saving Society and other lifesaving organisations in this state which have overseen a diminution in deaths by drowning over the last 12 months.

I will comment on a number of issues about the bill, the first being one of the anomalies indicated in the second-reading speech which refers to a clarification of the law while at the same time pointing out that as a consequence of our federal system there is a discrepancy in the fee that is paid for a boat operator licence. The second-reading speech refers to the fact that the main difference in legislation between New South Wales and Victoria relates to licensing. In New South Wales only operators on vessels travelling over 10 knots require licences whereas in Victoria all powered recreational boat operators require a licence. This issue was debated in the house last year, and in recent times the opposition has expressed dismay at the position of the government on boat operator licence concessions and specifically on the unfair financial impost imposed on pensioners.

It is the view of yachting organisations and owners of small boats that there is a high level of concern about the effect that boat operator licensing would have on their sport and recreation activities. Originally it might have been envisaged that when the licensing scheme was introduced a concession scheme might have applied so that those people who drive motorboats for short distances or at low speeds might have the opportunity to pay a lesser fee than those who drive personal watercraft or larger vessels. Initially yachting bodies, club members and owners of small boats generally supported the safety aspects of the original Marine Act amendments; however, they are now increasingly concerned about the discrepancy in the fees that will be applied. The opposition has also sought concessions on behalf of the Australian Volunteer

Coast Guard, the State Emergency Service operators and lifesaving clubs from the payment of licence fees.

In the electorate of Sandringham there are some outstanding lifesaving clubs with long histories going over 80 or 90 years where many volunteers give their time to supervise safety on the water. A constituent provided me with a very good letter earlier in October in which he noted his concern regarding the applicability of the licence across the board. Mr David Judkins indicated that he and his wife own a small trailer-sailer with a 5 horse power outboard motor which is used mainly to get the boat in and out of the marina launching area. At full revs the boat is propelled at about 5 knots and cumulatively over a full year it would be operated for little more than 3 hours total. He indicates that his situation is typical of many small boat owners.

In the light of the above he strenuously objects to the proposed legislation under the Marine Act for its being illogical, ill considered and unfairly punitive and discriminatory. He indicates that a boat such as his creates no danger, as the records would show. He says that the reasoning behind the proposal is flawed and that most accidents and incidents involve craft such as jet skis and high-speed powerboats. He states further that the effects of the legislation would have the impact of terminating a harmless and environmentally friendly leisure activity on his part and on the part of the others, and the jet ski-powerboat incident rate would be unchanged unless there are accompanying controls and penalties. Interestingly, he recommends the under 10-knot scheme — which includes trailerable yachts with auxiliary outboard motors — which in New South Wales does not require a licence, be applied in Victoria.

This highlights the anomaly in the second-reading speech to which I alluded earlier, that at the same time that governments are trying to address anomalies and uncertainties between borders, a boat owner who launches his boat on the Victorian side of the border will be paying a different licence fee from that paid by a boat owner launching the same vessel on the New South Wales side of the border. Such differentials seem to be unfortunate.

In commenting on the outstanding records of other organisations that look after boating safety, I draw attention to the fact that in 2000–01 the Victorian drowning toll was 45, which is 10 less than the 55 of the previous year. The previous 20th century low was 49 recorded in 1998–99. This has been a most encouraging development. I point out that the former coalition government initiated a Play it Safe by the Water scheme which directed some $6 million towards advertising to highlight concerns regarding the importance of care when engaging in water-based activities, particularly swimming in this case. Another Lifesaving into the 21st Century scheme saw some $6 million invested in the upgrade and improvement of lifesaving club infrastructure. I pay tribute to the excellent work undertaken by the Royal Life Saving Society, its current chair, Mrs Dianne Montalto, and its chief executive officer, Mr Norm Farmer, for their excellent work in trying to drive water safety reforms in this state which will impact on the welfare of many Victorian families as a consequence of the reduced rate of death by drowning.

The bill before the house clarifies a range of anomalies regarding lakes Hume and Mulwala. In the north wing of the parliamentary library there is a fine portrait of Hamilton Hume holding a map. With the assistance of the parliamentary library staff I discovered that it is a map of Port Phillip Bay, Corio Bay and Western Port Bay.

It is notable that the Murray River was originally named the Hume River. There was a level of controversy about the Hume and Hovell expedition to Victoria, because they arrived not at Western Port Bay, which they reported to government officials they had arrived at, but at Corio Bay in the fine electorate of the honourable member for Bellarine. This matter led to some longstanding disputation between Hume and Hovell over the years, which I do not think was ever fully clarified.

The bill before the house clarifies a number of border anomalies but, as I restate to the house, not all anomalies. It is a pity that in this day and age, when it is possible to get good template legislation, there will be ongoing anomalies such as the one which boating enthusiasts such as Mr Judkins of Beaumaris have drawn attention to, where a person launching a boat on the New South Wales side of the border will pay a reduced fee compared to his Victorian counterpart.

Mr HOWARD (Ballarat East) — I am pleased to speak on the Marine Safety Legislation (Lakes Hume and Mulwala) Bill. As we have heard from previous speakers, this bill acts upon the recommendations brought to the government by the Victoria–New South Wales border anomalies committee.

From the feedback the committee has gained from law enforcement officers who are required to enforce boating safety issues on lakes Mulwala and Hume, it has been clear for some time that there are complications with the present border. As most people would know, the present state border was determined

based on the high-tide level on the Victorian side of the Murray River. Of course at that stage of the borders being established, lakes Mulwala and Hume did not exist. But once they did, the border ran through the middle of Lake Mulwala and through a significant part of Lake Hume. For law enforcement officers who find people doing the wrong thing when boating, there are complications about where they are in regard to state boundaries when they are apprehended and where any action against them should proceed. There is also confusion among boat owners about which laws they should follow when they are on those lakes.

The proposal will significantly simplify in which state people are when they are on those lakes. Effectively it will mean that all of Lake Mulwala will now be in New South Wales, as the effective border for boating issues will be at the Murray Valley Highway bridge on the Ovens River to the south of Lake Mulwala. Lake Hume has two significant sections: the section to the north of the Bethanga Bridge will be considered part of New South Wales, and the other arm of Lake Hume, to the south of the Bethanga Bridge, will be considered part of Victoria.

This is not of great interest for many constituents in my electorate of Ballarat East. There are not many boating opportunities for them in Ballarat East, although there are lovely lakes such as Lake Daylesford and Jubilee Lake. But Lake Wendouree, which happens to be in the electorate of the honourable member for Ballarat West, is a place where people can enjoy boating, wind surfing and other activities. It is certainly a great asset to the City of Ballarat. Other boating can take place outside the city at lakes Learmonth and Burrumbeet, presuming there is enough water in them. Fortunately in recent months the level of water in those lakes has risen, so people can now enjoy boating — certainly on Lake Burrumbeet. Certainly some of the people from my electorate have enjoyed the opportunity of boating on lakes Mulwala and Hume, and this legislation will be of some interest to them.

As I have done every time I have talked in this house about any legislation that has been brought forward by the Bracks government, I draw members' attention to the level of consultation which the government ensures is undertaken before legislation is introduced. It is a hallmark of the Bracks government that before it brings forward legislation it ensures significant consultation takes place so that it hears from interested parties about their concerns, which it is then able to respond to.

There was substantial initial consultation with the Victorian and New South Wales government agencies which operate in this area. Back in March this year the general public was also alerted to the change, when information was released in the media about the proposed amendments. The State Boating Council, which clearly has an interest as a representative body of recreational boating in Victoria, was also consulted, and it endorses this initiative. The chief executive of the Marine Board of Victoria wrote to the north-east municipalities network to formally advise them of the proposed changes, and no negative response was received. The other significant body which needed to be consulted on this matter was Goulburn Murray Water, the current waterway manager for both lakes. It then informally consulted with waterways users to gain feedback from them. It is clear that in this case there have been no adverse comments about this legislation. It comes forward with good popular support, and it is a commonsense measure.

Unfortunately there are still some differences between the boating safety regulations in New South Wales and those in Victoria, but the differences are not great. One of the main differences relates to the need in Victoria to licence all boats which can be mechanically powered. That is not the case for New South Wales, where only boats that can travel at a speed above 10 knots need to be licensed. Therefore, people using any form of mechanically powered boat on the southern section of Lake Hume would need to be licensed. That is one difference.

The only other difference I have noted relates to the blood alcohol counts allowable for boat users in each state. For people above 21 years of age there is no significant difference. The blood alcohol count, levels above which are considered illegal and incur fines, is 0.05 per cent. In New South Wales people at or below the age of 18 need to have a blood alcohol count of less than 0.02 per cent. But in Victoria a person at or below 21 years of age is not allowed to have any alcohol in their blood; it is only people over 21 years of age who encounter the 0.05 level. Anybody on the southern section of Lake Hume who is below 21 years of age should not have been consuming any alcohol if they are in control of a boat, whereas the requirements in New South Wales are slightly different.

That is one of the main differences. Other speakers have said that Victorian enforcement officers can still enforce law in New South Wales waters but must operate under New South Wales boat laws rather than Victorian ones. Those sorts of issues have been worked through so that we understand how the laws can be appropriately enforced and the boating community supports the changes.

I am pleased that the legislation has finally come forward. It is not major legislation but it is significant in dealing with an anomaly that has been brought to the government. I am pleased that the government has been able to respond appropriately and I support the legislation.

Mr SPRY (Bellarine) — I rise as a member with one of the greatest interests in recreational boating because my electorate is almost entirely surrounded by water, whether it is the river, the waters of Bass Strait or Port Phillip and Corio bays. All but a couple of kilometres are surrounded by water, so naturally the people of my electorate have a keen interest in recreational boating, whether it is motorboating, sailing or — —

Mr Wells — Canoeing!

Mr SPRY — Or canoeing, as the honourable member for Wantirna interjects. He and I tried to paddle around the entire Bellarine Peninsula some years ago to highlight what a great recreational boating area we come from. It is interesting to hear the honourable member for Ballarat East, who I often follow in debate, refer to some of the boating interests of his own electorate. I would like him to know that many visitors from Ballarat come down to the Bellarine Peninsula to enjoy their summer holidays. Those people are always very welcome in my area of the world.

The Marine Safety Legislation (Lakes Hume and Mulwala) Bill highlights one aspect of the legislative anomalies which exist between the borders of the states and the Commonwealth of Australia, this time in water safety legislation as it relates to boating. Before I make a few brief comments that are pertinent to the bill I would like to commend the honourable member for Benambra, whose electorate this legislation directly affects, for the work he has done to make life easier for residents on both sides of the border in Albury and Wodonga. The work he did in trying to amalgamate the two cities has largely gone unrecognised. When the premiers of New South Wales and Victoria announced the amalgamation would proceed, virtually no mention was made of the work of the honourable member for Benambra. I would like to commend him for it.

I return to boating and water safety. New South Wales and Victoria have marginally different boating laws in that in New South Wales operator licences are only required for boats travelling at speeds over 10 knots whereas in Victoria all powered recreational boat operators must have a licence with the anomalous exception of those who, for example, operate hired personal water craft, or jet skis as they are more commonly known. On the Bellarine Peninsula jet skis need to be very tightly controlled, especially on traditional family beaches where often children are learning to swim. I am talking of beaches like Portarlington, St Leonards, Indented Head and the Queenscliff front beach. Those areas have gentle water, are not affected by the ocean waters and are frequented by many families and young children, who are all very much aware of jet skis and the threat that they sometimes pose if they are handled by inexperienced boat operators.

One could argue that this bill should have been in the form of an amendment to bring Victorian laws into line with their New South Wales counterparts, particularly with regard to operating vehicles under power. But in the absence of such a simple and obvious solution, this legislation will at least be supported by local boat operators on the two lakes concerned. As the honourable member for Benambra pointed out, since the river waters have been submerged by the creation of the two lakes the state boundaries are difficult to identify, especially if you are on the water in a recreational vessel. The legislation makes it clear where the enforcement jurisdiction lies and is therefore supported by this side of the house, despite doing absolutely nothing to standardise boat safety laws in both states.

Mr SEITZ (Keilor) — I rise to support the Marine Safety Legislation (Lakes Hume and Mulwala) Bill. The history of Lake Hume is of particular interest to the people of my electorate. It played an important role in the 1950s because it was the first lake established in Victoria with fish stock in it. Lake Eppalock and Lake Eildon came on stream much later.

Lake Hume was important to the migrant community because the Bonegilla migrant camp was there. As soon as people from the Mediterranean in particular were able to afford a boat and a car, they would head to Lake Hume for fishing holidays. It caused untold confusion because they were not aware of the underwater borders that existed. They were not even aware that there were two states because they assumed that New South Wales and Victoria were two different countries. Most European countries do not have the three-tier government we have here. In the main there is one government for the country and local government, so the provincial laws do not apply across the borders.

Furthermore, when they did get into strife with the enforcement regimes — it was the police who policed the waterways then — it was difficult to find a lawyer who could represent them because the act that applied depended on which side of the border it was on. A

Victorian lawyer registered in Victoria, particularly in my electorate, could not represent clients on the other side of the border in the New South Wales courts. They had to get another lawyer and barrister registered in New South Wales to represent them. That created further confusion for those people.

Imagine the confusion created for those people at that time. You have just come to this country and you are not familiar with it and you have been brought up living in one country — which you assumed Australia is — that had one standard law. It spoilt their leisure and their pleasure. When Lake Eppalock came on stream and the government of the day allowed leases for fishing clubs and ski clubs in the area, they all gathered around there to start building their own clubrooms and clubhouses because there was less confusion for them. So I am pleased and happy to see that some 40 years later we are unravelling the mystery for those people and introducing some reasonable and standard understanding of where the borders and boundaries are and which law will apply.

It is also important to ensure there is enough communication with the people — that the community education process take place once the legislation is gazetted and has passed the Governor in Council — not only in the region of Lake Hume, Lake Mulwala and the part of the Murray River that is affected but also with boat users in other parts of the state. My electorate, particularly Mill Park and Thomastown, has one of the highest registrations of boats on trailers. According to Vicroads, a high percentage of trailer boats are registered in that region. Many of the people are from the Mediterranean and are interested in what they think of as the safer fishing of the lakes compared to Port Phillip Bay, which has always been said to be treacherous and dangerous as the weather can change and make it very choppy. Most have opted to go fishing in the lakes, and groups from my electorate still have regular fishing trips to the Hume and enjoy the fishing in that area. I hope the clarification of the legislation will make it easier for them and for people who have to enforce the law such as fisheries officers, not just the police.

As previous speakers pointed out, the alcohol limits and licensing have always created a problem. Again it is to be hoped that that will be explained and we will get enough literature out to enable the community to understand those issues. If you are out fishing with the family, it is so easy for the young people who are aboard to get into strife if they have a drink. Somebody has a rod out with a fish on the end of it, and somebody else happens to put their hand on the throttle and all of a sudden they are in charge of the boat and they find themselves in strife because of the alcohol limits. Those things are important.

Victoria will also licence boat operators, and that will bring a closer understanding of the situation in the other states. It is important that we have uniform laws across the Australian states. After all, we are one country, and agreement on uniform laws on those issues, particularly in border towns, is very important. Some European people like catching the carp. They might not like to eat them, but they still like catching the carp on the Murray, and there is a problem with understanding where the border is. You cannot depend on which way the river has washed the bank away and changed the boundary. At different times the flow of the river has changed. There are still anomalies in that situation. Although recently I have not had any complaints or visits from people coming to see me about infringement notices for not complying with the rules on that issue, I have had them in the past.

Anything the government can do — not only through legislation — to remove those anomalies and make the law standard across the country and between the states is important. It is also important that we make sure that the officers who have to uphold the fishing and recreation laws know what the rules are, where they are and what law applies, because it is really a question of where you have to front up when you get an infringement notice and, if you want to contest it, whether it is a Victorian court or a New South Wales court that you have to appear in.

All those matters are important to the community, and the simpler we can make the explanation of the legislation to the people, the better they can enjoy their recreation time and facilities. Quality time is scarce today, because we all work more hours and life is faster. The bit of leisure time available to people should not be spoilt by unpleasant registration legislation that cannot be understood and leads to people getting infringement notices through no fault of their own. With those few words I wish the bill a speedy passage through the house.

Mr SMITH (Glen Waverley) — I have pleasure in supporting the bill, particularly as I have had a long association with that area of the Murray at both Lake Mulwala and Lake Hume. I was a teacher at the high school in Albury many years ago. I see the Minister for Agriculture looking over. I can discuss how many years ago with him later.

Mr Hamilton interjected.

Mr SMITH — Teaching was a good starting thing for lots of professions. Much more recently, there have been visits to Talmalmo Station, which is about 5 miles downstream from Jingellic and is one of the most historic homesteads in the area. Talmalmo is owned by that erudite, octogenarian patriarch, Bob Smithwick. A lot of us will be going up there at Christmas time to go fishing in the lake, which we have a close association with. The group includes a wine and food society president from Sydney, John Pola.

People are very keen to know what the rules are. The Murray River is the only river in the world that I am aware of that serves as a border where the middle of it is not the boundary. When New South Wales handed self-government to Victoria in the 1850s the whole of the river up to the high watermark on the Victorian side was deemed as part of New South Wales. That complication has created lots of boundary problems in both Lake Hume and Lake Mulwala ever since.

It is odd having the minister responsible for ports and harbours looking after the bill. We have nearly got it right, but we need a few more details. The honourable member for Benambra and the honourable member for Murray Valley, who will follow me in this debate, are both great experts on the subject. No doubt the honourable member for Murray Valley will give us chapter and verse on how things should be. The problem is with the different jurisdictions for fishing and boating. However, we are heading in the right direction.

The area is, for the people who live there, a most magnificent place. We have friends on Lake Mulwala too. Bruce and Nola Parry, who have been commodores of the yacht club there, show us just how much people can enjoy the facilities, which are fabulous.

As a result of this bill we are well on the way to getting it right both for the fishermen and for the people who use watercraft on both lakes. Eventually we will get it exactly right, and then there will be no boundary or jurisdictional problems for the people using the facilities. The bill has the support of both the Liberal and National parties because it is getting it right for the recreational users of the area and for the people for whom the area is part of their livelihood.

Some of us have been fortunate enough to meet Bob Smithwick and read some of his books. Bob, who is now at least 84 years old, has been there all his life. He knows that part of the world like the back of his hand. He will be pleased to know we are sorting out the jurisdiction for craft on the Murray and on the Ovens adjacent to Lake Hume. The government is to be commended for getting the legislation to this stage. There are further problems to be sorted out, so let us hope that in the next little while legislation dealing with them also will be brought before the house. I wish the bill a speedy passage.

Mr JASPER (Murray Valley) — Border anomalies are a huge problem for those of us who live on the border between Victoria and New South Wales. The northern border of the electorate of Murray Valley, the Murray River, is approximately 200 kilometres long and constitutes also a large part of the border between Victoria and New South Wales. Ever since I entered the Parliament in 1976 border anomalies have been a huge issue of concern. They have been brought to my attention by a number of people living within my electorate and have been addressed by successive Victorian governments.

Last Monday I was a guest speaker at the Numurkah Rotary Club, where I spoke on the history of border anomalies. I mentioned the fact that the border anomalies committee involving the Victorian and New South Wales governments was set up in 1979 under the then Premier of Victoria, Rupert Hamer. I went through the 10th annual report of the committee, produced in 1990, to look at the many border anomalies listed since 1980 on which corrective action had been taken, along with those on which action still needs to be taken. When I spoke to the Numurkah Rotary Club I provided detailed background information on the establishment of the committee and the subsequent action that had been taken by the two states to eliminate border anomalies along the Murray. I mentioned in particular the problems that had been brought to my attention in latter years, on which corrective action had been taken. In the question time that followed the questions that were put to me indicated clearly that a huge list of border anomalies still need to be addressed.

As I said, I have been making representations on border anomalies over all the years I have been in Parliament. Even with the corrective action that has been taken, there are still a huge number of anomalies for those of us who live along the border between Victoria and New South Wales to resolve. I guess for those members living in metropolitan Melbourne and representing seats in metropolitan Melbourne — and, indeed, in the southern part of the state — it is not a huge problem, because they do not come across these anomalies. However, if you live along the border you are dealing with these border anomalies all the time.

The classic example is daylight saving. We had an issue some years ago when the Honourable Jeff Kennett was Premier of this state. He indicated to us as the

coalition — the Liberal and National parties — that no action would be taken on daylight saving unless there were discussions in the coalition party room and that we would seek the elimination of the border anomaly which we had because Victoria began daylight saving approximately one month earlier than New South Wales.

We had this crazy situation where the two states had a 1-hour time difference due to daylight saving. The then Premier undertook discussions with South Australia and Tasmania and declared when daylight saving would start. We had quite a debate in the coalition room the following week because the members representing seats on the New South Wales–Victorian border were quite concerned that no discussion had taken place. However, despite the strong arguments we put in the coalition room we did not win when it came to a vote.

Mr Hamilton — Shame!

Mr JASPER — I agree with the Minister for Agriculture when he says shame. We lost the argument when it came to a vote because there were too many members living in the southern part of the state. However, I give due credit because the times were brought into line the next year and we now have uniformity in the timing of daylight saving, which began last Sunday in this state and in New South Wales.

I referred earlier to the 1990 report of the Border Anomalies Committee. It listed 131 border anomalies. I wish to digress for a few minutes and talk about specific border anomalies, because they relate to this legislation. I will mention some of the issues raised in the report covering the first 10 years of operation of the Border Anomalies Committee. One was pensioner fare concession for travel on private buses between Victoria and New South Wales. Another was applications to the Victorian housing authority by persons residing in New South Wales — that is, if someone had lived in Victoria and went to live in Mulwala, just across the border from Yarrawonga, he could not apply for a housing authority house in Yarrawonga because he was a resident of New South Wales. That has been corrected.

Reciprocity in the licensing of auctioneers and estate agents is another issue that has been corrected over the years. I am pulling out a few that I think are important and worth mentioning, such as portability of long service leave in the building industry for building industry workers and disparity in daylight saving arrangements between Victoria and New South Wales, which I have already mentioned.

Reciprocity in the recognition of fishing licences issued between Victoria and New South Wales continues to be a problem. I recall representations being made to the New South Wales government in the 1980s to provide reciprocity for those who held a Victorian licence and allow them to fish in New South Wales. The New South Wales government responded by saying that it was quite happy to ensure that there was reciprocity of fishing licences between the two states provided the Victorian government reimbursed it for the costs it estimated of those Victorians fishing in New South Wales. Of course the Victorian government did not respond to that, on the basis that it believed there should be reciprocity of licences and not an amount paid by the Victorian government that allowed Victorians to fish in New South Wales, remembering that if you are fishing in the Murray River you are fishing in New South Wales.

Reciprocity of recognition of free ambulance transport for pensioners in New South Wales and Victoria was a big issue that has been corrected. Progress has been made on the reciprocal recognition of shooters licences. Dual payment of payroll tax was another issue raised in this report that goes back to 1980. As I indicated, 131 issues were mentioned as border anomalies. Many of them have been corrected, but we have the continuing problem of border anomalies between Victoria and New South Wales.

I want to mention one particular border anomaly which was bought to my attention approximately 18 months ago. A person was apprehended in Albury in New South Wales where he was a passenger in a car being driven by a person on L-plates. In New South Wales that is illegal if you are over .05. The passenger was apprehended in that vehicle with the driver on L-plates. He was charged in New South Wales, went to court and was fined $1200 and had his licence suspended for 18 months because it is illegal in New South Wales for the passenger of an L-plated driver to be over .05 as far as the legal alcohol content goes. However, no such legislation applied in Victoria.

It was brought to my attention that a person in north-eastern Victoria regularly travelled to a hotel in a nearby town with his daughter who was on L-plates. He drove the car into town, she was a sporting lady and would go and play tennis or netball while her father spent the afternoon in the hotel watching the replay of the races, putting a few bets on and having a few drinks. Late in the afternoon he would be reasonably inebriated and his 17-year-old daughter on her L-plates would then drive him home. It was legal in Victoria but illegal in New South Wales. I raised that issue with the Attorney-General and corrective action has been taken.

That legislation has been reciprocated in Victoria and it is illegal for an L-plated driver to have a passenger over .05 as far as alcohol content is concerned.

I turn now to the Marine (Amendment) Act passed last year. I strongly supported that legislation which sought to introduce a licensing system for people operating powerboats in Victoria. I believed it was essential that such legislation be introduced in Victoria. I made representations to the Victorian government over many years on the basis that it needed to do something about this and introduce a licensing system for boat operators in Victoria. The anomaly of course is it applies to all boat operators in Victoria but in New South Wales those who are operating boats under 10 knots do not have to be licensed. We still have that anomaly between Victoria and New South Wales.

The licensing system to be introduced in Victoria has a commencement date for testing of 3 December 2001. It will first require the licensing of those under 21 years of age. That is to be introduced on 1 February 2002 and licensing is to be completed for all boat operators from 2 February 2003. We will continue to have a border anomaly between the two states with the licensing system not reciprocating from one state to the other.

Then we have the communiqué presented by the premiers of New South Wales and Victoria earlier this year when they met at Albury-Wodonga. It indicated that the states would be introducing legislation to provide reciprocity for licensed boat owners operating on lakes Mulwala and Hume. I supported that and thought it was important legislation to eliminate a further border anomaly. Recreational fishing licences were also referred to and there is no doubt that the continuing anomaly between Victoria and New South Wales on that issue needs to be addressed. It is an issue which was mentioned in the communiqué, at least to get this reciprocity working on lakes Hume and Mulwala.

The legislation before us this evening is an important step in looking to get reciprocal arrangements for those people operating boats on lakes Mulwala and Hume. Previous speakers have mentioned that the reciprocity means that New South Wales licensing arrangements will apply to Lake Mulwala, to the Ovens River up to Paralos Bridge across the Ovens River on the Murray Valley Highway, and the section of Lake Hume upstream of the Bethanga Bridge. The Victorian licensing system will apply downstream of the Bethanga Bridge. Although I support the legislation and believe it is a move in the right direction, there is no doubt in my mind that major anomalies still exist.

I turn to the boating and licensing systems. Although I indicate again my strong support for the introduction of a licensing system in Victoria, the anomaly still exists in that those operating boats under 10 knots do not have to have a licence. I refer to Lake Hume where there is a dual licensing system. Anyone travelling on Lake Hume would understand that the Bethanga Bridge is only just north of the Hume Weir wall and there is a large portion of Lake Hume which still falls under the New South Wales licensing system. But if you travel under the Bethanga Bridge into the southern part of Lake Hume you are under the Victorian licensing system. The anomaly still exists for people who wish to fish or undertake boating activities on Lake Hume. They need to be very careful of where they are operating and it will be necessary for people policing the system to have some flexibility and consideration for those operating along the border to the Bethanga Bridge, which is the demarcation between the New South Wales and the Victorian licensing systems.

A huge number of border anomalies still exist along the New South Wales–Victoria border. As I indicated earlier in my contribution, when I spoke to the Numurkah Rotary Club last Monday night on border anomalies, I thought I had covered fairly well the number of anomalies we have in Victoria as opposed to those across the border in New South Wales. However, when people spoke on the issues and questioned me they came up with a large number of additional border anomalies that will need to be addressed.

For those of us living along the border between the two states it is a continuing issue, and one we will need to keep addressing. The New South Wales and Victorian Border Anomalies Committee has undertaken extensive work since it was first established in 1979 and it has knocked out a large number of anomalies between the two states. However, the problem continues and more work needs to be undertaken.

The bill is a step in the right direction. It recognises the communiqué that was put out by the two premiers when the New South Wales and Victoria cabinets met at Albury-Wodonga earlier this year. Recreational fishing was added to it, and I believe extensive work needs to be undertaken on this issue to make sure we eliminate further border anomalies and make it easier for people living along the border.

Recently I had a situation brought to my attention where people living at Mulwala paid the financial institutions duty (FID), which was eliminated on 1 July this year, twice. Cheques were drawn in Mulwala but paid into bank accounts in Yarrawonga, so the people concerned paid the FID twice. Another issue raised was

stamp duty, which is being looked at by the Attorney-General, and hopefully some credit will be provided through the State Revenue Office to take account of the anomaly in that situation.

It is worth while to put on the record that people who operate businesses in the motor industry, in which I have a deep and abiding and family interest, whether they operate as used car dealerships or new motor vehicle operations, have huge problems moving cars between the two states. If you have an operation in one state with another part of the dealership in the other state, when you shift cars between say Albury and Wodonga you have to enter in a licence book change of that vehicle from one used car dealer to another, even if it is owned by the same people and the same dealership. Those issues need to be addressed.

I have sympathy for people who operate businesses on the border between the two states, and boat operators will need to be very careful about whether they are licensed and where they are operating their boats. Although Lake Mulwala and Lake Hume are included in the legislation, if you move further along the Murray River you will still have the continuing problem of the border anomaly. On Lake Hume you will still be in great difficulty because of the Bethanga Bridge being the demarcation of whether you need a New South Wales or Victorian license system for the boat operator. However, the legislation is a move in the right direction and I applaud it. Let us see that we keep moving in making sure we address additional border anomalies and eliminate the problems for people living along the border between Victoria and New South Wales.

Mr BATCHELOR (Minister for Transport) — In closing the debate for the government I thank the members of Parliament who have contributed. It is a bill on which there is furious agreement, although comments honourable members have made during the course of the debate are of interest and worthy of being made. I thank the honourable members for Coburg, Gisborne, Geelong, Ballarat East, Keilor, Benambra, Shepparton, Dromana, Mornington, Sandringham, Bellarine, Glen Waverley and Murray Valley. One can see by the wide spread of speakers on this issue that while it is a bill that deals with a very specific geographic application there is apparently widespread interest in the issue, and I thank honourable members for their contributions.

The bill will rationalise the application of the marine safety legislation of Victoria and New South Wales in Lake Hume and Lake Mulwala on the Murray River border. It results from, firstly, decisions that have been agreed at the national level. National principles have been agreed upon at meetings of the transport ministers and ministers responsible for this type of legislation from around Australia at meetings in the Australian Capital Territory, and as a result the Victorian and New South Wales governments have agreed to the rationalisation of these marine safety enforcement issues in the areas where the state borders are difficult to identify.

Victorian law will continue to apply on the remainder of the Ovens River and on Lake Hume downstream of the Bethanga Bridge. Under the agreement officers of the Waterways Authority of New South Wales will undertake the primary enforcement role. Victorian enforcement officers will also enforce New South Wales boating safety laws where that is necessary. It is sensible legislation. Honourable members have suggested some additional matters, and they will be considered over time. The bill stems from agreements that have been reached at the national level, so in that context it is appropriate we put in place those national agreements. If other issues arise in the future, future governments of New South Wales and Victoria can address them. I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

HEALTH SERVICES (CONCILIATION AND REVIEW) (AMENDMENT) BILL

Second reading

Debate resumed from 27 September; motion of Mr THWAITES (Minister for Health).

Mr DOYLE (Malvern) — This surely must be the last of the government bills in which I have some sort of proprietary interest. This bill originated three years ago under the previous government. It was a process that I initiated, as I recall, in the first year that the present Health Services Commissioner, Beth Wilson, took up her post. During that time I attended an all-day workshop with the Health Services Review Council to get this process under way. A small election loss intervened, and sure enough, two years later the bill pops up as a government bill. Surely after two years this must be the last of the government bills in which I have some proprietary interest!

I pay tribute to the chair of the Health Services Review Council at the time, now the Honourable Andrea Coote

in another place. She did an excellent job, and she has been most ably succeeded by Michael Gorton. Both of them deserve great commendation. It is no small thing to chair a council of that importance, and as I said, the Honourable Andrea Coote in another place did that extremely well.

This is a series of extremely sensible amendments which give some flexibility to both the office and the council, although I will make some points later about how in many ways my opinion on a couple of these issues has changed in the last three years. That is not to say in any way that we cavil at this bill, but some things that this house and our community need to think about can be flagged during our discussion of it.

The bill redefines health services to include things like social work, which is very sensible. It also includes psychotherapeutic services and laundry, cleaning and even catering services where they affect the health care or treatment of a person receiving a health service. The most important part is the addition of 'therapeutic counselling' to the definitions. That is an area to which we need to turn our minds. While I certainly applaud the move to bring counselling into the general ambit of the responsibility of the commissioner and the council, I do not think adequate attention has been paid — I do not say this by way of criticism — to what 'therapeutic' might mean and how wide the net might be. I will come back to that towards the conclusion of my contribution because as a Parliament we need to give consideration to the direction we take in this area.

The definition of 'provider' has also been amended to allow a complaint to be made against a group of people who hold themselves up as providing a health service although they are not defined as health service providers — that is, in circumstances where people have a reasonable expectation that a health service is being provided. That not only reflects more modern terminology but also refers to a group of people who may not be defined as a health service but yet may be the sort of people whom we wish to catch by the provisions the Health Service Commissioner has before her.

The definition of 'user' is amended by the bill to ensure that a complaint can be made by a person in relation to the past use or receipt of a health service or who wishes to complain that he or she has been unreasonably denied a health service, and that too seems to me to be important. Sometimes the fact that someone did not get a service could be the legitimate subject of a complaint to the commissioner — again, a very sensible process. The bill gives the commissioner the functions of providing education, information and training and of conducting research into complaints relating to health services.

It also clarifies part of the wording in the act which I must say is unclear by making it clear that the commissioner can refer issues to the council for advice. I believe that creates a much more intellectual and symbiotic relationship between the council and the commissioner, or between the active arm, the advisory arm and the governing arm, and that seems to me to be sensible.

I hope that gives the commissioner great scope. Being able to research complaints is an important area for the Health Services Commissioner, particularly when the commissioner sees a trend of complaint arising. Often this is the most immediate indicator of problems in the health service or indeed with providers of a wider and more general nature. A couple of years ago we had dental care being provided by unregistered and untrained pseudo-dentists. That spate of illegal activity resulted in police prosecution, but it would be very useful, not just in cases of that seriousness but where other trends develop, for the commissioner to be able to institute research into why they are happening and how we can go about preventing disasters in the health system.

The bill gives the commissioner power to encourage providers to distribute information produced by her office on the resolution of complaints. Again that seems to me to be sensible. The more we can promulgate information about complaint resolution the better that complaint resolution will be.

The bill also sets outs the circumstances in which the commissioner may name a person, either in her annual report or as the subject of a special report to a house of Parliament, and it also outlines the procedure the commissioner must follow before doing so. This is one of the things I wish to take up, which I flagged earlier in talking about therapeutic counselling, the ambit of the act and what it allows the commissioner to do. I will also take up a little later on clauses 7 and 17, which pick up this power of naming in Parliament and dealing with unregistered providers.

There is also the issue of the grounds on which the minister may remove a member of the council. I do not believe that power currently exists, but I believe it should. The bill gives the council additional functions to allow it to provide expertise and advice to the commissioner and to assist the commissioner in the operation of her office and the guiding principles of that office. Again that seems to me to be reasonable. In concluding I will also talk about the greater

expectations that the public has of the health system and how in monitoring complaints we need to ensure the processes are appropriate. It seems to me that this amendment is sensible in helping us achieve that goal.

Another amendment enables a person to make a complaint on behalf of a user who has died if the commissioner recognises the complainant as the user's representative. That also seems to be sensible. In some cases closure needs to be brought about or further damage needs to be prevented, or at least some concerns need to be conciliated. That should not stop because the person who initially received or, as the amendment would provide, did not receive a health service has died. Again that seems to me to be a sensible amendment. It ensures that a complaint can be made by a user's representative in relation to a health service provided before or after the user died.

A further part of the bill permits the commissioner to reject a complaint if it is misconceived or lacking in substance. The current wording I believe is something like 'frivolous or vexatious'. That reflects more modern wording, but although it may be only seen as a wording change, it sends a clear message to people about the sorts of complaints that would be quite properly rejected by the commissioner because they are lacking in substance. It seems to me to be better wording, and again we welcome that change to the act.

Another interesting part — this is something that perhaps our colleagues in the Department of Justice and their shadows need to give some thought to — talks about the commissioner rejecting a complaint to the extent that it relates to an issue that has already been determined by a coroner. I understand this is due to the finding in a recent court case involving the ruling on a coroner's decision. We are getting onto fairly difficult ground there. Whether the coroner and the coroner's findings are court findings has been the subject of considerable legal discussion.

Of course a distinction is made between the investigative arm of the coroner and when a more inquisitorial process is involved. It is about whether that is considered administrative or judicial — and about whether it is considered judicial when the coroner acts in a more adversarial role in presenting debate and argument. In this instance I do not wish to get into the debate about what standing a coroner's decision has, but it would be a concern if someone were to complain to the Health Services Commissioner about an issue that had already been determined by the coroner. This just ensures that the commissioner's office is not required to investigate such complaints. Again that seems to be reasonable.

The bill also allows the commissioner to give any information that she believes is relevant to a complaint to a registration board or any other person, organisation or agency if the commissioner has referred the complaint to that board, person, organisation or agency. That is very difficult in the health system, because there are so many statutory authorities, office-bearers, registration boards and other bodies to whom one can complain. We do not want a type of forum shopping, but neither do we want people to fall through the cracks in the system. We need to ensure there is maximum communication between all those bodies who hold responsibility in this area. This seems to me to be a sensible amendment that takes us a step closer to that.

A further amendment enables the commissioner to extend by 28 days the period in which the user or the user's representative may take reasonable steps to resolve the complaint through the conciliation process. That gives the office of the commissioner a little more flexibility, and I am sure will be welcome. Another sensible thing is to allow the commissioner to split a complaint into a number of different parts that can be treated separately. Again that offers the commissioner reasonable flexibility.

One reason why I know the commissioner will be keen to see this bill pass is the ability it will give her to ask a conciliator to provide a report on the progress of conciliation. It expands the recommendations which the conciliator can make in such a report and provides the commissioner with powers in relation to the new recommendations. Complaints are sometimes very complex, difficult and charged with emotion, and this will give the commissioner the power to look at the process as it unfolds. That seems again to be a sensible provision.

One other thing we must say, however, is that the commissioner should have the power to stop dealing with a complaint if she believes it cannot be conciliated or that no further action is warranted. Again the bill makes provision for that, and that is sensible. The other side of that, of course, is that once a complaint has been closed it may well be, given further evidence or new or additional information, that the commissioner may need to reopen the case. Again the bill allows that. It is a very sensible balancing of powers to allow the commissioner to bring something to closure if information suggests it should not be taken further or to reopen it if new information is brought to hand.

Conciliators are to be given the power to discuss cases amongst themselves. There is always a concern about conciliators breaching the confidentiality of complainants or other users of the system, but there are

instances in which conciliators need to discuss those cases among themselves. The bill sensibly provides that power.

There is an amendment that says that if during the investigation process, which can be quite lengthy, the commissioner believes that a complaint would be better dealt with or is suitable for conciliation, she has to refer that complaint to conciliation without delay — again a sensible provision.

One issue that I mentioned briefly — I apologise to the house for dealing with this in little bits, but I will address them all together shortly — is that the bill increases penalties substantially. Where a provider has been told to take action or it is recommended that action be taken, they must provide a report to the commissioner on what they have done to remedy a complaint which has been found to be justified. At the moment the penalty for not reporting is 10 penalty units, or $1000. That has been increased to $6000. While that is welcome, some of the suggestions I have to make later will relate not to the fact that the penalty has been increased but to what it is we are asking of someone against whom a complaint is found to be justified.

One other thing the commissioner can do is make repeated requests for information from a provider about the action they have taken on a complaint, including any action to remedy a complaint which has been found to be justified. That will be the subject of my remarks later too.

We must remember that the Health Services Review Council and the office of the commissioner sometimes deal with very confidential information indeed, and it is always problematic as to when that confidential information may be disclosed. The bill provides for three circumstances in which confidential information can be disclosed: when it is in the public interest, when it is necessary in a criminal case and when the user and the provider have authorised disclosure. All three of those things seem to me to be reasonable. The minister is given power under the public interest to waive that confidentiality requirement, and all those powers seem to me to be reasonable, given that they are in the public interest, of course.

In total, although the bill seems to be a bit of a grab bag of amendments to the Health Services (Conciliation and Review) Act, all the amendments are sensible and provide greater flexibility for the office of the commissioner and the commissioner herself, and all deserve our commendation. Certainly all are welcomed by both the commissioner and the council. The range of people with whom I have consulted, including those from the Australian Medical Association and the Royal Australian College of General Practitioners and providers like the health care networks, say that this will add to the efficacy of the office of the commissioner.

In my contribution I mentioned one area where I do have concern. What I am about to say is not to criticise the bill; it concerns something where I think my own views have probably changed over the last three years. I refer to what is contained in clauses 7 and 17 of the bill, as well as many other areas to which I will refer later in this contribution.

Clause 7 allows the commissioner, under subsections 11(1) or (2), to name a person if the commissioner believes on reasonable grounds that naming the person is reasonably necessary to prevent or lessen the risk of a serious threat to the life, health, safety or welfare of any person or the public or the person is a provider who has unreasonably failed to take action that has been specified in a notice under section 22(6) of the act to remedy a complaint and has been given a notice to remedy a complaint under section 22(12).

Many people take this power very seriously. I do not wish to minimise the importance of being able to name somebody in Parliament. It says that this is the highest law-making body in the state and that to name and therefore shame someone in this forum is a serious sanction indeed, and I agree that that is so. But in fact the commissioner already has this power. It has never been used. So while the provisions make the process clearer and more appropriate, this power of naming in the Parliament has never been taken up by the Health Services Commissioner, and perhaps we could ask ourselves why that is so.

An honourable member interjected.

Mr DOYLE — We could ask ourselves that, but perhaps later. I should have resisted that phrase!

The second area about which I have more serious concern goes to powers relating to evidence and investigations. This is an interesting one. Clause 17 deals with the commissioner's inquiries into actions taken by a provider following notice of a decision under section 22(6) requiring action to be taken and the commissioner's inquiries pursuant to section 9(1)(1). It says that if the commissioner has found that a complaint is justified — if someone has done the wrong thing — the commissioner has then through the whole process of investigation and conciliation made some recommendations about what that provider should do.

There is now a penalty of $6000 under the act — 60 penalty units, not 10 penalty units — but it is not for not taking action. Rather, the penalty is only for not reporting on what action that provider has taken.

So in a terrible case the provider could say, 'Well, I have not taken very much action at all. I have done X, Y and Z', and that person may have actually provided the report that is required by the act. They have reported on the action they have been asked to take, but the report has said, 'I have not done much'. So they have fulfilled the requirements of the act. There is no enforceable power to make a provider do what the commissioner has recommended through the conciliation process. Certainly this bill allows the commissioner to go back and ask that provider again and again what action they have taken and require them to report on that, but really that is no more, if I may say, than a power to nag. That may be effective, but it may not.

I do not criticise that; I think it is a step forward. However, the point I wish to raise and the point I have been alluding to throughout this contribution is that we are a little unsure and the community is a little unsure about whether we expect the Health Services Commissioner to be a conciliator or an arbiter. Do we want the Health Services Commissioner to investigate complaints, bring the parties together — which the commissioner can do compulsorily, that can be subpoenaed — and then make recommendations but stop short of saying, 'We are going to make those recommendations enforceable'? Because all we are doing is saying, 'You have to report on those recommendations and what action you have taken, but you do not have to take the action'.

This is a difficult question, and I am not suggesting there is a correct answer to it, but I am saying that unless we decide that we do not ever wish to give enforceable powers to the commissioner, then we have not gone far enough with this bill. There are still people out there who are going to prey upon some of the most vulnerable people in the community. I regret to say there is, if I could be a little unkind, a cohort of new-age, psycho-babbling con artists out there who will prey upon the weakest and most vulnerable in our community under the guise of counselling, and they will do enormous harm. Quite rightly the commissioner will censure them and make recommendations about what actions can be taken.

I do not say this is a particular problem of the present government because this is one of the problems that we wrestled with as well. On the one hand we can say, 'If it is serious enough the police will take an interest under the Crimes Act'. And so it is with people providing, for example, dentistry, who are completely untrained and unregistered. The police will take an interest in that because harm has been done. At the very lowest end, yes, conciliation and the commissioner nagging at a person and that person being named in Parliament may well have the effect of straightening up somebody who is not doing the right thing. But in the middle I fear is a group of people who will prey upon the public and who will seek to evade the powers of the commissioner and keep themselves below the threshold above which the police will get interested.

What are we going to do about those people? Unfortunately they often operate in this realm of therapeutic counselling or psychotherapy. I am suggesting that there should be something between a wrist slap on the one hand and jail on the other so that we can bring these people back into line to protect the public, because that is what these acts are all about. One thing that was not considered — I do not think — in the consultation paper was whether, for instance, we would make it a contempt of the commissioner not to follow the recommended actions, and make the power enforceable; indeed, make it an offence and say, 'If the commissioner makes certain recommendations and you ignore those recommendations, then you have committed an offence'. That is not the track the bill goes down, and I understand the good reasons why not, but it may be something we have to visit in the future.

One other thing I would flag is that we have a whole swathe of unregistered providers of health services. Because of Council of Australian Governments agreements we are not going to register new health providers. I remember well the very lengthy process we went through with all the states and the commonwealth to register practitioners of Chinese medicine. That bill was given expression in this house with support from all sides, but it was an anomaly. It has not been done in other jurisdictions, and it will be very rare in the future for other health providers to be registered.

So what sanctions do we have for those who are providing health services — therapeutic counselling is a very good example — but who are not under the aegis of any registration board? As I say, they fall between that slap on the wrist or police action. I hope the extra powers afforded to the commissioner will mean that happens less and less, but it is also something that this house has to face up to; there are people out there who prey upon people at their most vulnerable, and they can do enormous damage. At the moment, I regret to say, some of them get away with it. We should be looking at what we can do through acts such as this one to make sure they do not get away with it and to protect the

public. I do not offer that as criticism of the bill in any way. I just say that in this instance we have not gone down that track and that it is something we may need to consider.

I will throw up one further idea, which I have thought of often over the past three years when considering where we would go with this legislation. Maybe it is time for us, as other states have done, to consider a board for unregistered providers so that we would almost have a general catch-all board — not with registration powers by any means — which would be a protector of the public against the shonks who seek to prey upon vulnerable members of the public. I am not sure that such a board would sit very comfortably with the model set up for the Health Services Commissioner, given that it is a conciliation model, and that is reasonable. But I still know of the council's frustration and the commissioner's frustration that sometimes these most recalcitrant and difficult of practitioners who come before them can escape with a very limited punishment, and in some cases can escape altogether and go on preying on the public. As I have said, that is not meant to be any criticism of the legislation, because I think it moves us forward.

In conclusion I say that this piece of legislation will expand the role of the Health Services Review Council to ensure it can offer guidance to the commissioner and promote the work of the commissioner and the principles of the act. It provides new functions of education, training and research for the commissioner, and includes therapeutic counselling and psychotherapeutic services along with social work in the commissioner's responsibilities. It provides better procedures for the complaint, investigation and conciliation processes. It also provides a power to refer matters to a registration board or other authority.

It provides the power which I have been talking about, of requiring proof of the implementation of recommendations through reporting how much action has been taken on a complaint, and it may attract a penalty of up to $6000 if such a report is not forthcoming to the commissioner. It provides the power to name a person when making a report to the Parliament. It also provides that the exempting of some information from confidentiality rules, particularly when it deals with criminal cases, is with the consent of all parties, or is upon a decision of the minister.

Overall, within the present model of the Health Services Commissioner and the Health Services Review Council, the changes will provide greater flexibility for the commissioner. They are sensible changes, which reflect overall changes in our community about our approach and attitudes to and expectations of the health system. They follow the modern trends of increased disclosure in the health system and increased accountability for health care providers.

As I said earlier, overall the aim of this legislation is very worthy indeed. One of the most important things in the health system is to identify, to monitor and to manage complaints in the system. The Health Services Commissioner is a vital arm of that, with the Health Services Review Council. I believe this bill will be a step forward for both the council and the commissioner in identifying, monitoring and managing complaints about our health system.

Mr DELAHUNTY (Wimmera) — On behalf of the National Party I am pleased to speak on this bill which amends the Health Services (Conciliation and Review) Act 1987. From my research I am informed that the Victorian act was the first in Australia to create a Health Services Commissioner. That again shows that Victoria has led the country in many aspects of legislation and activity, and I only hope it can continue. As someone said, we hope the brakes are not on and that Victoria keeps moving forward.

The purpose of the bill is to amend the Health Services (Conciliation and Review) Act 1987 on three major points — firstly, to expand the functions performed under this act; secondly, to improve the effectiveness of the act; and thirdly, to provide the commissioner with additional powers.

From my research I am aware that there is a nine-person board, the Health Services Review Council, appointed by the minister. The composition of the council is: three persons who, in the minister's opinion, have experience of and are able to express the interests of the providers — which covers the providers' area; three persons who, in the minister's opinion, have experience of and are able to express the interests of users — the majority of us are users of health services; and thirdly, another three persons who, in the minister's opinion, are not affiliated with any association which acts as a representative, advocate or adviser for providers or users — so they are the independent people.

I am informed that the term of a person's appointment to this office is three years from the date of the appointment. I have a list of the council members. Its president is Mr Michael Gorton, and his term will expire on 8 June 2003. The list goes on. I see that the board has diversity with both males and females, which is good to have because I know that women particularly

have a great concern about health. We men do not take our health seriously enough until it hits us. We can learn a lot from the female sector of our community about looking after our health.

I inquired as to whether the Health Services Review Council members are paid a sitting fee, and was informed that they are not. Members were paid a sitting fee prior to 1994, but that was discontinued due to constraints on the budget of the office of the Health Services Commissioner back in those days. Because of the perilous state in which the government was left right across Victoria, the sitting fees had to be abandoned. I am not sure whether the government will change that. The nine-person council has a very important role, and we wish it all the best in that.

The National Party — particularly me, now that I am shadow minister in the area — consulted widely with the Victorian Healthcare Association; the Wimmera Health Care Group; West Wimmera health services; the Stawell District Hospital; Warracknabeal and Edenhope district hospitals; the Lister House doctors' surgery, which is a major doctors' clinic in Horsham; the Westvic Division of Health Practitioners; and many others. I received only one letter in response. It was from the Wimmera Health Care Group's chief executive, Mr John F. Krygger, who says:

> Re: Health Services (Conciliation and Review) Amendment Bill
>
> Thank you for sending me a copy of the above bill for comment. The bill has been the result of wide consultation and essentially relates to the role of the Health Services Commissioner.
>
> I believe it to be sound legislation.

That was the only response I had, which did not help me a lot in the consultation phase. But members of the National Party have spoken to a lot of other people. We had a good briefing from the minister's staff and staff of the Health Services Commissioner. We will not oppose this legislation.

We were interested to see that the bill makes amendments to address issues canvassed in a discussion paper released in September 2000. The issues include: whether the functions of the Health Services Commissioner and the Health Services Review Council should be expanded — and I will come back to that a little later; whether amendments should be made to improve the effective operation of the act; and the capacity of the commissioner to deal with complaints against an unregistered provider of health services. As we know, when a complaint is made it goes to the commissioner and it could go to the council. My understanding is that if people are not happy they can even take it to the Victorian Civil and Administrative Tribunal.

The National Party has some concerns about the bill. One is about the confidentiality provisions, where the second-reading speech states that the Minister for Health can decide that disclosure would be in the public interest. I will refer later to some of the concerns we have raised and the comments we have received about that.

Our other concern is about parliamentary privilege. As honourable members know, in this place they have parliamentary privilege and they do not want to see that abused. We are concerned about how the bill will insert grounds on which the commissioner may name a person when making a report to Parliament.

The National Party has had concerns about dealing with unregistered providers of health services, and we asked for some clarification about that. Clause 4 amends the definition of 'health service' to include: social work services, therapeutic counselling, psychotherapeutic services and laundry, and cleaning and catering services when they are associated with health care treatment.

I am informed that it is planned to include Chinese medicine at a later stage, and the honourable member for Frankston East may cover that in more detail.

In relation to the concerns about unregistered providers, the National Party was advised that research by the department supports the view of the New South Wales Joint Committee on Health Care Complaints Commission that it is very difficult to establish the nature and extent of complaints concerning the provision of health services by unregistered providers. The discussion paper outlines the commissioner's view that while the proportion of complaints against unregistered providers is low, the issues raised are often serious. The National Party asked for some examples and I will give some of them to highlight the concerns raised.

The first example was of a therapist who invited a woman who suffered from muscular problems to attend him for assistance. He told her that her problem arose from sexual repression and then assaulted her. The matter was referred to the police and charges were laid. The second example was of a woman who attended a therapist who advised that she needed to see him for ongoing care. The person performed a breast examination and asked questions of a sexual nature. The woman complained to the commissioner and the provider subsequently moved to another state. I am sure

there are other examples which are also very serious in nature.

The Health Services Review Council consists of nine persons appointed by the minister for a period of up to three years. They do not receive a sitting fee. Clause 8 inserts proposed subsection (7A) and provides grounds on which the minister may remove a member of the Health Services Review Council for a good cause. I am aware that this is in many other acts of Parliament and the National Party sees no problem with its inclusion.

The National Party had some concerns about freedom of information (FOI) and the relationship between this bill and the Freedom of Information Act 1982. There are a number of provisions in the Freedom of Information Act which exempt documents from disclosure under that act. One of the provisions is section 38, which exempts documents from disclosure under the FOI act if there is an enactment applying specifically to information of a kind contained in the document and prohibiting disclosure of that information. The National Party is comfortable with the bill as it relates to the FOI act and also in relation to the process going through Parliament.

I raised earlier the issue of confidentiality. The second-reading speech states:

> Nevertheless, confidentiality must sometimes yield to the public interest.
>
> The bill provides that information which would otherwise be confidential may be disclosed in three circumstances: firstly, in the course of criminal proceedings —

all honourable members would agree strongly with that —

> secondly, where the Minister for Health decides that disclosure would be in the public interest —

the National Party has some concerns about that and I will come back to them later —

> and, finally, with the written consent of both the health service user and the provider of the service.

The National Party has no problem with that. On the second point, National Party members raised concerns and were told that the minister would act on the advice of the Health Services Commissioner and the department in exercising that discretion. We call on the minister to make sure that he uses his authority and discretion wisely.

A situation in which the minister may consider exercising his power is if the commissioner becomes aware that an unregistered provider is engaging in serious, unethical behaviour which does not amount to criminal behaviour. An example is where an unregistered provider is engaging in sexual relations with his or her patients where those patients have a mental impairment. We encourage the minister to use his power in that regard. The National Party was also informed of two other acts within the health portfolio which give the minister power to authorise disclosure of confidential information in the public interest.

Clause 7 amends section 11(5) of the principal act by outlining the circumstances in which the commissioner may name a person in an annual report or a report to a house of Parliament. The clause also provides a statutory process for ensuring the commissioner exercises natural justice before exercising this power. The National Party supports that. During the consultation and research process we were informed that the ombudsman has similar powers to lay a report before each house of Parliament. Again the National Party has no problem in supporting that clause.

In further consultation, National Party members spoke to the Honourable Andrea Coote in another place, who was a former president of the Health Services Review Council. She informed me about Beth Wilson, who is a lawyer. I have often had a bit of a go at the lawyers here, saying there is a plethora of experience that it is always their fault if something goes wrong!

I am sure the honourable member for Frankston East is itching to get to his feet — —

An honourable member interjected.

Mr DELAHUNTY — Have a belt at the lawyers? I do not want to get my leader back in here to defend those people. I am informed that Beth Wilson is a lawyer and that she is doing a fairly good job in her position. I am informed that there were a number of abnormalities in the previous act that the council was pushing to change. Some people we had discussions with believe the bill could have gone much further.

The Health Services Commissioner provides an excellent service and is a great vehicle for making complaints. In looking at other states, we were informed that the New South Wales service has a much bigger operation with over 70 staff and a larger budget. It looks into a lot of other health services that are not covered by the act of the Health Services Commissioner.

I want to touch on a couple of other clauses before I hand over to the honourable member for Frankston East. Clause 2 states that the amendments come into operation on proclamation or no later than 1 December

2002. The Liberal and National parties will not oppose the bill, so I am sure it will move quickly through the upper house too.

Clause 6 amends section 10 of the principal act to give the commissioner additional power to encourage providers to distribute and display information produced by the commissioner's office in relation to the resolution of complaints. This goes back to the educative role of the commission in providing information to consumers and providers. As the old adage says, if we do not have the information we cannot enforce or implement it. I strongly support the continuation of that role to a much greater extent than happens now.

Clause 11 amends section 19 of the principal act to permit the commissioner to reject a complaint if it is misconceived or lacking in substance, in addition to the existing ground of being frivolous or vexatious. These amendments are commonsense and appropriate. Clause 11 amends section 19 to provide that the commissioner must reject a complaint to the extent that it relates to an issue which has already been determined by the coroner. Again that is commonsense.

Clauses 13 and 15 deal with the commissioner's powers of conciliation and the handling of complaints. The Honourable Andrea Coote in another place said that a lot of work is going on in relation to conciliation. That can only be helpful in bringing the complainants together to resolve the issue before it goes further — and it could go on to the Victorian Civil and Administrative Tribunal.

The National Party believes the bill, which deals with the Health Services Commissioner and the role her office and the council plays, is commonsense legislation. The nine members of the council do good work, and we hope that continues. The Health Services Act has provided an independent and informal way of resolving complaints about health services and promoting better medical practice, and all honourable members would support that. With that I trust the bill has a speedy passage through the chamber.

Debate interrupted.

DISTINGUISHED VISITORS

The ACTING SPEAKER (Mr Phillips) — Order! Before I call the next speaker, I take the opportunity to welcome the students, teachers and parents from Eltham East, one of my local primary schools. They will entertain us during the dinner break.

Debate resumed.

Mr VINEY (Frankston East) — I join with you, Mr Acting Speaker, in your welcome to the students. It is one of the bigger audiences I have had in this chamber for some time!

I rise in support of the legislation, and in doing so I note the comment of the honourable member for Malvern that he was following through on work he had been involved in while in my current position as parliamentary secretary. In acknowledging that and in recognising a degree of bipartisan support for the legislation, I would add that it follows a proud tradition of the Labor Party in the area. In 1987 the position of Health Services Commissioner was created in legislation introduced by the Labor government of the time. These amendments largely follow through on the Bracks Labor government's 1999 health policy commitment to enhance consumer protection and community participation in our health services. They do that by clarifying the powers and the role of the Health Services Commissioner so the commissioner can address systematic problems in the health system as well as individual complaints. They also expand the function and role of the Health Services Review Council so it can advise and assist the commissioner in her role.

These measures will ensure a strong and independent complaints system. In making that comment I pick up further on some of the other issues raised by the honourable member for Malvern. I do so in a genuine spirit of bipartisanship and in acknowledgment of the role of Parliament in regulating an industry and of the role of government in regulating industry and professional practice. The legislation on the role of the Health Services Commissioner is an attempt to introduce a system of conciliation into a complex range of professions in the health sector. In part the legislation broadens the definition of a health service to ensure that the commissioner is able to investigate complaints on areas such as counselling.

The honourable member for Malvern questioned whether the government is seeking to have the role defined as that of a conciliator or an arbiter. He asked whether it was about trying to bring parties together to reach agreement or whether we wanted the Health Services Commissioner to act as an enforcer of good practice. The question raised by the honourable member for Malvern is important. Over the coming years, as we continue to modify, change and amend the legislation covering the professions, it will be an important question for the Parliament to consider.

In many ways the matter of conciliation is where the balance of the Health Services Commissioner legislation sits. The legislation is about enhancing the powers of the commissioner to act as a conciliator. It gives the commissioner the power to enforce conciliation rather than enforce an outcome.

If we are to have a role for a conciliator, that is probably the correct direction in which to head because to give a conciliator power to enforce an action or outcome shifts the focus, as the honourable member for Malvern said, to that of an arbiter. If that were done it would probably diminish the preparedness of the parties to subject themselves to conciliation in the first place. There is great benefit in having the roles and functions of the Health Services Commissioner and the Health Services Review Council to be about bringing parties together, conciliation of complaints and finding, where possible, some agreed resolution to what are often quite serious complaints and concerns raised in the community.

I appreciated the points made by the honourable member for Malvern and I am happy to continue along the path of an open bipartisan discussion on those aspects.

In concluding my comments on that part of my contribution, I indicate that the Health Services Commissioner has power within the legislation to report a matter or a complaint that has been brought before her to a relevant professional body such as the Medical Practitioners Board of Victoria or the Psychologists Registration Board of Victoria. There is a powerful ability within the legislation for the commissioner, if not to act as an arbiter, certainly to report a matter for consideration of a professional board, which may then take action against a practitioner.

Within those other complementary pieces of legislation that action can range from a whole series of possibilities, including the ultimate sanction of deregistration of a practitioner in a range of fields. A registration board may include the requirement for a practitioner to undergo further training or some other form of activity.

The core issue raised by the honourable member for Malvern about conciliation and arbitration is important. Victoria has the balance right with the Health Services Commissioner's position and the legislation in that the balance is in conciliation but the powers of the commissioner are designed to force parties to come to conciliation, to provide information and to be open. Where the commissioner believes a matter is serious, it is within the commissioner's powers to provide that information relevant to it to an appropriate board or authority; and, as has been mentioned in the debate, it is also open to the commissioner to include matters in a report to Parliament, which is a sanction that should not be underestimated. Reporting matters to Parliament can have quite significant implications for practitioners.

In the few minutes remaining for my contribution I will summarise the elements of the legislation and some of the reasons the government has proceeded with it. Essentially, the legislation has five main categories. A range of matters relate to definitions in the health service. As I said earlier, it is about expanding and clarifying some of the definitions of the health service to better reflect changes in the delivery of health services since the act commenced in 1987.

It also corrects an inadvertent error in the 1998 public sector reform legislation which had the effect of removing services provided by the Department of Human Services or the Secretary to the Department of Human Services from the definition of a health service. That is inappropriate. The government believes even though services are provided by itself through its department, they should be subject to the capacity of the Health Services Commissioner to investigate and take evidence on.

The second group of amendments relate to the functions of the commissioner, recognising her role in the provision of information education and training, permitting her to conduct research into complaints, and requiring her to encourage health service providers to distribute information produced by her office. They also relate to the functions of the Health Services Review Council, particularly giving the council a clear guidance that part of its function is the promotion of the office of the Health Services Commissioner and its guiding principles.

The third group of amendments relate to improving the operational efficiency of the act. They cover a range of things including the power to reject a complaint to which it relates if it is misconceived or lacking in substance; and a range of powers about clarifying material that the commissioner may forward when referring a complaint to a registration board or another body; to request a conciliator to provide a report on the progress of the conciliation process; and to allow the commissioner to use existing investigative powers to compel attendance and call for evidence and documents when she is conducting an inquiry into a matter referred by the council or into broader issues of health care.

Some amendments relate to confidentiality. Finally, a group of amendments are concerned with strengthening the commissioner's powers.

The bill strengthens the commissioner's powers in the event that she finds a complaint is justified. At present a provider must report to the commissioner within 45 days of receiving a notice about the action the commissioner considers ought be taken to remedy a complaint. The legislation increases the penalty from 10 to 60 units.

The bill contains a range of amendments to the act that go to the heart of the government's commitment to ensure the community and consumers are protected through a process of conciliation but ultimately with some powers of arbitration, by referring a matter to a registration board or a professional body. That mix of power and capacity of conciliation and arbitration through professional bodies is the right mix. I commend the bill to the house.

Debate adjourned on motion of Mr McARTHUR (Monbulk).

Debate adjourned until later this day.

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

WATER (IRRIGATION FARM DAMS) BILL

Second reading

Debate resumed from 27 September; motion of Ms GARBUTT (Minister for Environment and Conservation).

Opposition amendments circulated by Mr McARTHUR (Monbulk) pursuant to sessional orders.

National Party amendments circulated by Mr STEGGALL (Swan Hill) pursuant to sessional orders.

Mr McARTHUR (Monbulk) — It is a pleasure to respond on the Water (Irrigation Farm Dams) Bill on behalf of the Liberal Party. Let me state clearly from the outset that the intent and direction of the legislation is supported by the Liberal Party. Liberal Party members think the aims the government is trying to achieve are worthy and very worth while.

As you are aware, Mr Acting Speaker, I will turn later to some amendments circulated by the Liberal Party for which we seek the support of honourable members. I point out to the government that the amendments are offered in a spirit of cooperation to try to improve some of the drafting of the legislation and to assist the government in achieving what, as I have already said, are very worthwhile aims.

As background, many honourable members — particularly members from country areas — are well aware of some of the problems that have arisen since the introduction of the 1989 Water Act. Those honourable members who were here in 1989 — and there are not all that many left — will remember that that was a very long debate. It excited more than a little passion, and there were some memorable speeches from people who stood on various stumps and proclaimed the rights and wrongs of various provisions in the legislation. During the course of that debate several hundred amendments were included in the legislation.

Without doubt some of those amendments improved the workings of the act, and some of them may have had a questionable effect. Nevertheless, some deficiencies have become clear for all to see over the 12 years since the passage of the 1989 Water Act. They have become clear for all of us who have an involvement in this issue, whether as a farmer who has a diversion licence, a manager of a water authority, a parliamentarian who has an interest in water resource management or a member of one of the other organisations and community groups with an interest in the field. Those of us who look at this regularly are well aware of the deficiencies of the 1989 act and the need to update and improve it. To that extent I welcome the government's initiative.

One of the principal problems that has surfaced since the passage of the 1989 act is the definition of 'waterway'. I refer honourable members to the definition, which is very broad. It is so broad that it takes up more than a page and a half of the act. It covers a range of different types of waterway, including the standard things that everybody out there on the street would clearly understand. They are the sorts of waterways that have beds and banks and defined streams and names like Sandy Creek, Boggy Creek or Six Mile Creek. The part of the waterway definition which has caused the most problems is paragraph (b), which refers to:

> a natural channel in which water regularly flows, whether or not the flow is continuous …

That is such a broad definition that a waterway has become like beauty — it is in the eye of the beholder. It depends who you ask about whether a particular body is a waterway, but more of that later. The definition has resulted in considerable confusion and has led to a range of different interpretations across different regions of the state administered by different regional

water authorities — and indeed it has led to differing interpretations within the coverage area of a single regional water authority. This has led to discontent and inconsistency. I am sure the government does not appreciate that. Certainly the opposition does not, and neither do the farmers and administrators who have to deal with it.

In the mid-1990s we saw the agreement on the Murray–Darling Basin cap involving a range of state and territory governments and the federal government. In layman's terms that agreement capped the consumptive use within the Murray–Darling Basin at a particular year's level. It said no state or agency could use more water beyond, I think, that 1995 level.

Mr Steggall interjected.

Mr McARTHUR — The honourable member for Swan Hill has advised me that it was the 1993–94 level, and I am happy to have that corrected. Coupled with that we had an increasing interest in cool climate irrigation. Cool climate wineries and olive groves were increasing rapidly in areas which had previously been devoted to pastoral industry — that is, sheep and cattle country. The sheep and cattle industries were not travelling too well at that time, and the wine industry and the growers of olives and other exotic crops were travelling very well, so there was substantial interest in developing those enterprises in areas which had not traditionally been irrigated.

There was also significant improvement in people's capacity to build dams in areas which had not been irrigated before and to distribute and use the water for irrigation. Advancements in pumping technology and dripper and spray irrigation systems made high country and cool climate wineries very viable and attractive propositions in traditional pastoral areas, so we saw rapid expansion in those areas. We also had a series of years of very much below-average rainfall, which led to the imposition of the Murray–Darling Basin cap and an increasing demand for access to irrigation water but a reduction in the supply of irrigation water on a year-to-year basis. As a result we had no more water to allocate other than through a market mechanism.

That bumped up hard against the statutory right in section 8 of the act — that is, the right of a landowner to collect and use any of the rainfall or water that flowed across his or her property subject to one condition. That condition was that it had to be collected and stored prior to it getting into a waterway. That is one of the essential issues this legislation aims to resolve.

In her second-reading speech the Minister for Environment and Conservation pointed out that a series of reviews, studies and consultation programs have tried to resolve this issue. Those of us who are involved in this area are all familiar with the Baxter committee, the Heeps committee, the Hill committee and finally the Blackmore committee. The Baxter, Heeps and Hill committees were all established by the previous government to look at specific aspects of this issue in specific regions or locations. The Blackmore committee was formed by the Minister for Environment and Conservation in April of last year, and it had the responsibility of considering this issue in the statewide context and coming up with recommendations that could be applied statewide. That was a divergence from what had been attempted before.

The Heeps committee looked at four separate locations in the Grampians and Pyrenees in order to come up with a reasonable approach to and a consistent interpretation of the waterway definition. But to put it bluntly, the committee could not agree on any one of the four locations, and if it could not agree it is fairly difficult to expect that the water authority and the farmer would ever agree.

Bill Hill's committee looked at the issue in the high-catchment areas in the north-east and proposed a set of recommendations which were similar in their impact to the current provisions in New South Wales. Before that the Baxter committee also looked at this issue in the north-east and proposed a bulk allocation of water which should be made available to the north-east and high-catchment irrigators. It involved a proposal for 10 000 megalitres to be made available by way of bulk entitlement.

There is some belief in the community that that bulk entitlement was in fact made available. I have heard all sorts of stories saying that it was done but that it has been spirited off somewhere and should be returned to the north-east and made available to the high-catchment areas. I have made inquiries about this and have been assured by both the department and senior managers in the Goulburn-Murray Valley Rural Water Authority that while the intent was to create that 10 000 megalitre bulk water entitlement for the north-east it was never actually done. I can only take that advice on trust; I have no reason to doubt the veracity of the information those people gave me.

This is a very difficult and complex issue which people have tried to resolve for a number of years. It has caused heated argument between farmers and the irrigation authority, and it has caused heated arguments around the dinner table and, I imagine, around the bar

on Friday nights in lots of areas. So far it has been beyond any single person or group to come up with an easy solution. Before they get too wedded to the notion of an easy solution to this, I remind honourable members of the words of H. L. Mencken, who early last century said, 'To every complex problem there is a solution which is simple, neat and wrong'. For quite some time people have been attracted to the idea of a series of alternate, simple solutions.

I do not think any of them work completely for all areas of the state, and to that extent I think we need to recognise that the government's response on this issue has a range of approaches to it. I would like to point out to the minister that in proposing some amendments to the government's legislation the Liberal Party also appreciates that this is a multifaceted area that needs a response that is not just a simple and single issue but addresses the range of problems we face, which differ from area to area and can only be resolved by approaches that differ from area to area.

In her second-reading speech the minister said that the primary purpose of the bill is to better manage Victoria's water resources and that the government is strongly committed to regional development and wishes to avoid future fights for water that drive investment away. She went on to say that a sound, well-regulated system is needed that will provide security for existing water users and provide opportunities for future development. As the Liberal spokesman on this issue I can only say that I think they are very worthy aims, and I agree completely with them. I do not think anybody in the broader community would disagree with the minister's aims. All Victorians want to see water managed well and wisely; we want to see water managed sustainably. After all, we live in the driest inhabited continent on earth. Water is our most precious resource, and the potential for arguments and fights over water is increasing as our wish for development increases, as our population increases and as our demand increases.

This is not an open-ended game. There is a limit to the available resource, and if the community is to benefit generally we must have a resource management strategy and a resource management mechanism that is sensible, rational and sustainable, but above all it must also be fair and reasonable to the people involved. It needs to provide security for people who currently have licences and entitlements to use water across the state, but it should also provide a reasonable, sensible and equitable avenue for new entrants into the water market or irrigation industries. If it can achieve that, it will serve the state well and it will serve the community well for many years to come.

In dealing with the detail of the legislation later on I will turn to the amendments. First of all let us look at what the Blackmore committee said. Before going to the recommendations I will read from the final report of the Blackmore committee. The key findings of the committee were that water is and will continue to be a scarce resource and that the legal and administration framework needs to recognise this by managing all of the water in a catchment. It then went on to say that the priority for access to water should be first of all domestic and stock; secondly, water to sustain rivers and creeks; and thirdly, water for irrigation and commercial use. The fourth finding was that existing water users should have their rights protected. I can find no fault with those findings. I have not heard any significant agency, organisation or spokesperson criticise those findings; they are sensible. However, we need to judge the outcome of the Blackmore committee on the recommendations it has put forward to achieve those aims and put them into practice.

The first recommendation of the committee was in effect to change the threshold for licensing the use of water. In the past the threshold was made up of a mixture of topographical and usage parameters. The first recommendation of the Blackmore committee is to remove the existing statutory right of a farmer or landowner to build a dam off a waterway, collect water in that dam and use it for any purpose free of licensing requirements and free of charge. I have already explained the difficulty in determining what is or is not a waterway and the problems that has caused around various areas of the state. The Blackmore committee's first recommendation removes the issue of whether the dam is on a waterway, and its intent is to change the critical issue that triggers the need for a licence from where the dam is sited to what the water is used for.

If the legislation goes through in its present form it will no longer be an issue of whether a farmer builds a dam on a waterway; that will not trigger the need for a licence. What will trigger the need for a licence is whether the farmer intends to use the water for irrigation or commercial purposes. If the answer to that question is yes, then the farmer will need a licence for that use. Depending on where the farm is, other requirements come into play.

If it is in the Murray–Darling Basin catchment area, the farmer will also need to purchase entitlement that is equivalent to the licence volume. If the farm is south of the Great Dividing Range at present there will be no requirement to purchase entitlement, but there will be a requirement to go through the licensing process with the regional water authority and to pay whatever fees are associated with that licensing.

The Blackmore committee made a total of 19 recommendations, all of which were accepted by the minister. In the government's response the minister clearly stated that the government accepted all of those recommendations, but then went on in outlining the government's response to make some minor variations to the implementation process recommended by Don Blackmore. I will deal with those issues later in more detail.

In relation to the principal recommendations, on the removal of the current statutory right I clearly state that it is the belief of Liberal Party members that governments should remove statutory rights only in cases where there is an overwhelming public benefit from the removal of the rights and where the government is prepared to provide reasonable recompense to those who lose their rights. It is not something that should be undertaken lightly; it is not something the community accepts lightly. I can remember in the years between 1992 and 1999 members of the Labor Party making a lot of noise on this side of the house about attacks on rights. Often the noise they made was a spurious argument about imagined attacks on rights, and there were all sorts of trumped up claims about a reduction of democratic rights or processes.

Let there be no mistake about this: this is an actual removal of a statutory right. There is no question about that. The legislation specifically and deliberately removes an existing statutory right, and if that is the case the government needs to do two things. Firstly, it has a responsibility to demonstrate that the removal of that right is in the overall community interest and that there will be a broad community benefit from the reduction of the rights that people have enjoyed. In saying that, let us remember that it was the Labor Party that established or reiterated or restated this right in 1989 when it introduced the original Water Act, to which we are now discussing amendments. So, this is not a right established by the minister's political opponents; this is not a right established by somebody she does not trust or agree with. This is a right established by the minister's predecessor, John Cain. It is a right established during the Cain government, and it is a right the minister should not lightly throw away without first justifying it and giving the reasons and without providing reasonable recompense to the people whose rights are being taken away.

I will debate the merits of the recompense at a later stage, because the situation is not clear. Public statements have been made about what the government intends to do to recompense farmers for the loss of this right, but it is not in the legislation, and people across country Victoria who are considering whether the government has justified its case are being asked to take the government on trust. They are being asked to accept the minister's word that she has the capacity to drive what the government is calling a transition package through the budget and the economic review process and that she can convince the Treasurer that these funds should be made available. I have no reason at this stage to doubt the minister, but she must be aware that she is asking people to take her on trust on this matter.

Ms Delahunty — And I think that is a good thing.

The ACTING SPEAKER (Mr Kilgour) — Order! The Minister for Education knows full well that interjections across the table are disorderly.

Mr McARTHUR — It is a good thing if you can take a minister on trust, but if you look at some of the media coverage on this you see that the measure of this minister is already in question. The measure of this minister in the future will be very clearly judged on her ability to deliver those benefits which she has promised. If she does it, that is fine.

Let us look at some of the other effects of this legislation. First of all, it requires the licensing of all new irrigation farm dams in Victoria, regardless of where they are. Some of them will need two licences if they are built on a waterway: a section 67 construction licence and a section 51 take-and-use licence — that is, a licence to use the water within the dam, also called a volumetric licence.

Secondly, it offers a grandfather provision for farmers who have existing dams. Where the water is used for commercial irrigation, it allows the farmer to choose between registering those dams or going through the full section 51 licence process. If the farmer chooses to register, the registration should be for a five-year period. The government is prepared to pick up the cost of that first five years but after that expects the farmer to pay a five-yearly charge that approximates the administrative cost of maintaining the database or register. I shall say more about that later.

Thirdly, this legislation extends the current ground water protection regime to include surface water. It has essentially just photocopied the old ground water protection mechanism and said it now applies to surface water or ground water or both. Those of us who are involved in and interested in this legislation will know these procedures well.

Fourthly, the legislation improves the regulation, monitoring and control of hazardous dams. There are private dams in various locations around the state

which pose a threat to people downstream if the dam wall should fail. The safety and security of some dams have been severely questioned in recent years, and it has been shown that the current Water Act is deficient in allowing the minister, the government or the water authority appropriate powers and mechanisms to deal with that hazard and to protect public safety. So those changes are welcomed and sensible.

Fifthly, this legislation improves the regulation of licensed drillers. There is a deficiency in the Water Act 1989. If a farmer wants to sink a bore on his farm, he has to get a section 67 licence to construct the bore. However, in most cases it will not be the farmer who sinks the bore; it will be a licensed driller. In fact the farmer cannot sink the bore unless he is also a licensed driller, so in most cases the farmer organises a contract driller to come in and sink a licensed bore. The current Water Act has the capacity to require conditions on the section 67 licence for the construction of the bore. But those conditions bind the licensee, the landowner, the farmer; they do not bind the driller, the person who is actually sinking the bore and putting in the casing and the screening. So firstly, if the driller breaches the conditions, it is the farmer who is liable for the breach. Secondly, it is difficult for the water authority to take appropriate action against the driller.

The only real action available under the legislation is to either suspend or cancel that driller's licence. Most people would think that was a bit severe for an inadvertent breach. You probably would not need to cancel a driller's licence unless that driller consistently and deliberately breached licence conditions. This legislation brings in some penalty provisions which require the licensed driller to abide by the conditions on a section 67 licence and imposes a penalty on the licensed driller if the conditions are breached.

Finally, the legislation deals with a problem in relation to state observation bores. State observation bores are there for the measurement and assessment of ground water and salinity and for a range of hydrological issues around the state. They are regularly used as a method of research, testing and assurance of proper management of the system. State observation bores are generally sunk on Crown land, but over the years some of that Crown land has been sold off. It has been old public purpose reserve or roadway land which has been excess to requirements and has been sold off. The water authority responsible for a state observation bore has not always been advised of the sale, so some of those bores are now fenced in, in farmers' paddocks.

This legislation provides that the water authority's officers can get access to that bore for the purposes of monitoring and maintenance. It provides that if that imposes a cost on the farmer — if the farmer has to put a gate in his new fence — there will be compensation. It further provides for the protection of those bores so that anybody who deliberately damages them is liable to penalties, and it provides that if the person on whose land the bore is situated wants to use some of the water, they need to do so by negotiation and licence with the responsible regional water authority.

They are the basic thrusts of the legislation. This house has been able to examine it for just over a month now. The bill was introduced into the Parliament on 26 September. It is the government's solution to a problem which has grown over a period of more than a decade and which involves and affects people from a wide range of communities around Victoria. The initial proposal of the government was to debate this within two weeks. We sought an extension on that. We sought agreement from the government that it would not immediately debate the legislation when the two weeks was up. That was for the simple reason that by the time you get hold of copies of this sort of legislation, always on a Thursday evening fairly late, and find the various mailing addresses when you get back to your office on the Friday, it will not get to the people who are critically interested in it before, at the very earliest, the following Monday, but more likely Tuesday or Wednesday if they live in remote areas of the state. That then means that in the normal circumstance those people have only a week to read the bill, to try to understand what it means and to formulate some response.

We have in the consultation process discussed this issue with the Victorian Farmers Federation, Flowers Victoria, which is the horticultural industry arm of the VFF, the United Dairyfarmers of Victoria, the Nursery Industry Association of Victoria, the High Catchment Committee and the VFF Wodonga district council. I have sent copies of it or web access links to 55 rural and interface municipalities, to all catchment management authorities and to all regional water authorities, and I have sought as wide a comment as it is possible to seek. I have also had comments from university hydrologists who have been involved in lifelong studies of ground water and ground water management. Some of the comment I received back was not always absolutely supportive of some of the actions of the department and its contractors. Perhaps I will also mention those matters later.

The advice we received in response to this consultation was generally in support of the legislation. The statewide peak industry bodies all said they thought the legislation was an improvement on the current act and

that they would like to see it passed through the Parliament. Nevertheless most of them pointed to some deficiencies within the legislation as it applied to their particular area or industry and sought our assistance in either negotiating or by way of amendment improving and trying to resolve those deficiencies.

We also had comment from the Shire of Towong, the VFF branches from the north-east and the Wodonga district council, and the High Catchment Committee, which strongly argued for the retention of some form of statutory right. I will get to the detail of our response to that when I discuss the legislation in committee.

As a result the Liberal Party has decided that it will propose a set of amendments, and I have asked for them to be circulated. I will briefly outline the intent of those amendments. Five of them deal with clause 10. For the benefit of honourable members, clause 10 is a fairly large clause. One of the glories of legislative amending bills is that a single clause can insert virtually half a new act. In this case clause 10 substitutes a proposed new division 3 of part 3. It is the section which sets up the water supply protection areas and provides for the declaration of those areas, the formation of the local management committee, the tasks of the local management committee, the processes that the local management committee is to go through, the reporting mechanism for the local management committee, and the approval process and implementation of the draft management plans. This single clause starts on page 7 and goes to page 23, so it is a significant part of the bill.

We have five amendments to clause 10. They fall into two separate categories. Firstly, we are seeking to improve the workings of some of the operations of clause 10 — the water supply protection area regime. Secondly, we are seeking to improve the transparency and accountability of parliamentary scrutiny of that process.

There are two amendments relating to the improvement of scrutiny and allowing the Parliament a voice in this process. The first is to require that when the minister makes a declaration of a water supply protection area, he or she is required to gazette that order and then to advertise it in a newspaper circulating in the local region that that water supply protection area declaration affects. We have an amendment which will also require the minister to table that declaration in the house. The declaration of a water supply protection area is the trigger to a whole process which lasts upwards of two years.

There is a 60-day-by-60-day notification process. Then you have the formation of the local committee. The local committee will have 18 months to complete its task. It then refers its response back to the minister and the minister must make a decision, so it is likely this process will take upwards of two years. I think it is reasonable, if you are going to start such a lengthy process which is so critical to water management in any region, that the Parliament is advised that that process is started and that local members whose constituents may be affected are also advised and alerted that they need to take an interest in the issue.

The second amendment in relation to parliamentary scrutiny is about the end of that process when the local committee has done its work and prepared the draft management plan and supplied that draft plan to the minister. The legislation provides the minister with only two options. The bill says the minister can approve the draft management plan or reject the draft management plan, but the minister may not amend it. If the minister rejects it she is required to give reasons, but if the minister approves it then the plan goes into effect.

The Liberal Party believes that as part of the approval process the minister should bring that approved draft management plan into Parliament and table it, and Parliament should then have the opportunity of passing a motion supporting that plan. That is similar to an existing process, and I refer honourable members to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan. When the Liberal Party entrenched that planning mechanism in the Planning and Environment Act it inserted a requirement that any minister who in future amended that plan had to seek the approval of both houses of Parliament before such an amendment became effective. This is in effect the same mechanism. If a minister approves a draft water supply management plan, we believe it is reasonable to bring that plan to Parliament and let Parliament have some oversight of it.

I do not expect there to be many occasions when Parliament has any reason to alter that draft management plan or reject it. After all, it will be drawn up by a committee of largely local people with in most cases a majority of practising farmers, so it is likely to be fairly practical and sensible and well thought out and argued, and it is unlikely that Parliament will want to toss it out. Nevertheless, in the event that a committee goes off the rails and gets approved a management plan that unfairly or unduly penalises or diminishes the interests of one individual or a small group of individuals, it is reasonable that those people should be able to take it up with their local parliamentarian and say, ‘Look, I have been done over in this. I want you to take this up in Parliament and argue the case for me’. It

is only sensible that we give those people that opportunity on those rare occasions.

The other three amendments to clause 10 deal with drafting changes which members of the opposition believe will improve the operation of the legislation. Clause 10 says that at least 50 per cent of local management committees will be practising farmers when the declared water supply protection area is wholly or predominantly a farming area. Concern has been expressed in the community about what 'wholly or predominantly a farming area' means. If you have a water supply protection area that includes, say, the town of Hamilton or Benalla, is that wholly or predominantly farming? If not, what will the make-up of the local committee be? If it is, there is no question; but if it is not, what will the make-up of the committee be?

We therefore propose an amendment which would resolve that issue of deciding what 'wholly or predominantly' means. We suggest that the government reverse the test and say, 'Unless it is a wholly urban area, then at least 50 per cent of the membership of the local committee must be practising farmers appointed after consultation with the Victorian Farmers Federation (VFF)'. That would remove all doubt about the intent of the legislation and the operation of the membership provision the minister is seeking to include. I offer that to her for her consideration.

I referred earlier to the difficulty of dealing with the definition of 'waterway' in the current act. Despite the fact that a good deal of this issue rests on that definition and has been caused by that definition, the government's response does not amend the definition of 'waterway' at all; it does not affect it by even a word. Its response has been to say, 'Let us take "waterway" out of the equation and require all irrigation to be licensed'. But that does not end the definition of 'waterway'. The 'waterway' definition is also used in relation to construction licences. The opposition has an amendment it believes will help to resolve that.

Where a water supply protection area is declared, we believe the local committee should map all the waterways in that water supply protection area. After all, the local committee is made up of local people with local knowledge. They will have the advantages of 21st century technology and the geographic information system. They will have their local knowledge and experience as well as the advantage of some very sophisticated mapping data within the department and within universities. It is reasonable to require them to map the waterways in their area to remove the doubt that has been left by the 'waterway' definition, which has not been amended by the government.

There is also an amendment that deals with the ability of regional water authorities to enforce the local plan and the water supply management plan. The amendment will prevent them from demolishing a farm dam. Under the act a regional water authority has the capacity to order the removal or alteration of works. 'Works' includes a farm dam, and the amendment is to ensure that farmers who are covered by a plan will not be unreasonably expected to remove a dam that has been on the property for decades or perhaps for generations.

The other three amendments deal with the licensing and registration issue and with the statutory right issue. I have already mentioned that one of the options the government is providing to farmers who use water from existing dams for commercial irrigation purposes is to register those dams. The government has made it clear that a single registration will cover multiple dams on the same property, but in order to qualify for a registration a farmer must have used the water from those dams for commercial or irrigation purposes in the last five years.

We think that a 5-year period is a little short, and we are proposing an extension to 10 years, which would provide greater comfort to people from the wetter areas where there are less frequent droughts but who nevertheless from time to time use water from what is normally a stock and domestic dam to keep the lucerne crop alive in a dry summer or the stud rams alive in a dry time. We think that by extending this to a 10-year period you provide better coverage for people who have an occasional use of water from a farm dam. That is the intent of that amendment.

The second amendment relates to the requirement for the registration to be five yearly, with the government providing the first five years free and then farmers paying a fee five yearly thereafter. It has been put to us, certainly by the VFF — and I think there is justice in this argument — that these dams already exist. In my experience travelling around the country I have never seen a dam get up and walk away. They do not move.

Mr Steggall — They move. One end of them moves.

Mr McARTHUR — The honourable member says one end of them moves occasionally. Yes indeed, but they are a different dam then, and a slightly larger dam.

The dams are there; they do not move. People do not fill them in. They do extend them from time to time, but that is a different argument. Given that they are there and will not shift, given that they will not be filled in,

the maintenance of this register is a very simple operation indeed. It will virtually be a static register. The only times there will be changes to the register are when farmer A sells his farm to farmer B, and then there is an automatic transfer of the registration into the new owner's name, and when a farmer who has registered dams in the past chooses to move into the full licensing system and wants a section 51 take-and-use licence for whatever reason — it may be to enter into the irrigation trading market if it is established in that area or it may simply be for greater flexibility in the use of the water — and then that farmer will be removed from the register. They will be the only variations to the register, once it is established. The government has already offered the first five years free, so the register will be established in that period.

Farmers have only 12 months to apply for registration, so it will be fully established by early 2003. If that is the case there will be very little maintenance of the register and very little need for five-yearly fees. It is our contention that the government should allow for the permanent and free registration of existing irrigation and commercial uses from farm dams. That would provide a proper grandfathering arrangement. It would mean there would be absolutely no retrospective effect on existing users.

The final amendment relates to statutory rights. As I pointed out earlier, the government is very clearly, very deliberately and very distinctly removing an existing statutory right. It has been put to the opposition, particularly by people from the north-east and from some areas in the south-west, that that should be replaced with another right. In its official policy, which I think was decided some 12 or 18 months ago, the Victorian Farmers Federation opted for the replacement of a right to a percentage of run-off from a farm.

The Liberal Party proposal on this is similar to but different in detail from that. The proposal is that landowners should have the right to use up to 3 per cent of the rain that falls on their property for irrigation or commercial purposes, that the right should be in addition to that for stock and domestic use and that it should be subject to a water supply management plan.

Those are the bases of our response to the legislation. We have consulted widely in relation to this. We support the government's intent in introducing this legislation, and we agree that the proper, rational and sustainable use of water is in the best interests of the community, both now and into the future. However, we believe our amendments will improve the operation of this legislation. We believe they will assist by providing increased transparency in and some level of parliamentary scrutiny and control over the water supply management and protection process and will clarify some ambiguities in the government's drafting process.

The Water Act is not recommended bedtime reading. If you suffer from insomnia I can guarantee that this will put you to sleep within 15 minutes. It is hard to read, it is randomly constructed and it is very difficult for the layman to interpret — and let's face it, many of the people who depend on access to water for their livelihoods are laymen. They are not lawyers and they are not bureaucrats; they are people with ordinary educations and ordinary qualifications but with extraordinary skills on the land. If we can help to make the legislation a little clearer and understandable for people, then I think that is a benefit.

The other thing that needs to be remembered is that the new water supply protection area and management process aims at promoting reasonable debate at the local level. The very act of saying to local users that a local committee will be appointed whose job it will be to draft a plan which will determine how they manage water resources in their area in the future is aimed at sponsoring debate. The people who form those committees will have no easy task. The debates will be long, difficult, sometimes angry and, I imagine, often passionate, because people's livelihoods and long-held ambitions and rights are involved. So it will not be a simple process to manage.

If that is to happen it is sensible that we try to make the legislation and its operation as clear as possible, that we promote sensible debate, that the legislation should have the clear aim of providing for everybody in an area where a resource is overused and stretched, and that those people get a fair share of it in the future.

Mr STEGGALL (Swan Hill) — I rise to support this legislation. The National Party has three amendments which I have circulated for the consideration of the Parliament and which I believe will improve the legislation.

The purpose of the Water (Irrigation Farm Dams) Bill is to better manage Victoria's water resources by providing security for existing users and opportunities for future investment in irrigation development in the upper catchments. The bill fills in a vacuum we have left as we have made our water laws over the years. That vacuum has been there because we did not know how to fill it, and that is because we did not know the best way to handle these issues. The issues did not come through to us from the upper catchments. While we were wrestling with the water law across the state

we always knew that one day we would have to go back and tackle this issue.

As the honourable member for Monbulk said, there have been four reports into this issue — the Baxter report, the Heeps report, the Hill report and the Blackmore report. With all those reports playing a role in this, at long last we have come to a pretty good solution. It is true that this bill takes away a statutory right — it certainly sets out to do that — and it also takes away some of the obstacles that have plagued users in the upper catchments concerning their rights and their understanding of water.

I should also point out that this is the first time in the 100-odd years since 1886 that Parliament has ever compensated for a change in the right to water. As has been mentioned, while a compensation package is not in the legislation it has been discussed in the government's response, and this Parliament will make sure the government of the day lives up to it — as I am sure it will. Through that package some compensation will be given to those people who have not taken up a statutory right that has been available to them for many years and who feel, because technology and opportunities have come along, a little peeved by the fact that this right is now being taken away. When you look at and wrestle with the best way to handle the legislation, you can see that that is not an unreasonable way to go.

I remind honourable members that only three or four years ago we took 20 per cent of the water sale rights away from all the Murray irrigators from Nyah to Hume. We also took 100 per cent of water sale entitlements, or rights, away from people from Nyah to the South Australian border, all without compensation but through negotiation and a process which we called the Murray River bulk entitlement operation.

I thought I would use this opportunity to travel over a little bit of ground. I have never had an opportunity to explain the cap, particularly the Murray cap. As the legislation we have operates with stream flow management plans, governments of the future will introduce caps for all the rivers and streams throughout the state. They will operate as the cap has operated in the Murray River, with some differences. I will turn to the Murray River, because the upper catchment in the north-east of Victoria is impacting on the Murray River flows, and that is a vital part of this debate.

Water extractions from the basin more than trebled in the 50 years to 1994. By the early 1990s it was obvious that the Darling and the Murray rivers were under extreme stress. Honourable members might remember the 1000 kilometres of toxic algal bloom in the Darling River in 1991. From 1988 to 1994 water consumption in the basin increased by 8 per cent overall. Under the 1994 level of development, medium annual flows from the basin to the sea were only 21 per cent of what they would have been naturally. Honourable members should remember that when they are thinking about the debate this Parliament has had from time to time on the Snowy River, the natural percentage flow of which is in the high 50s.

The frequency and scale of floods have fallen so significantly in the Murray–Darling Basin that the lower reaches of the Murray River now experience severe drought-like flows in over 60 per cent of years compared with 5 per cent of years under natural conditions. The 1995 audit of water use in the basin was a watershed in the development of a common and agreed understanding between member governments on resource sustainability. This has got to be seen as an Australian issue, not just a Victorian one.

The audit found that in the five years before only 63 per cent of the water permitted to be used was in fact used, leaving scope for further increases in consumption without any changes in entitlement. The audit also found that average diversions could increase by a further 25 per cent if all water rights were taken up, jeopardising the rights and water security of existing irrigators. That is where we moved in with the bulk entitlements issue.

At its June 1995 meeting the Murray-Darling Basin Ministerial Council decided to introduce a permanent basin-wide cap on diversions in response to declining river health and the erosion of security of supply for irrigators. It was seen as an essential first step to achieving healthy rivers and sustainable consumptive use. The cap is not an end in itself but is the first time that the governments of Australia have joined together in tackling head-on the health and the consumptive use of the rivers for the betterment of their future. The cap itself is the most vital change we have seen. It has started to deliver, and I will get to some of the reasons for that later.

For the first two years interim arrangements were put in place. In December 1996 the partner governments confirmed there would be a permanent effective cap from 1 July 1997. Its implementation is the responsibility of the individual states, and water monitoring reports are prepared on an annual basis. Since 1996 the ministerial council of the Murray-Darling Basin Commission has used the following definition of the cap, remembering that

Victoria is very much a member of that council. It states:

> The cap is the volume of water that would have been diverted under the 1993–94 levels of development in unregulated rivers. This cap may be expressed as an end-of-valley flow regime.

In other words, where there is a non-regulated stream it is measured by the water coming out the end, in most cases into the Murray River. With small variations this definition has prevailed. This does not mean the volume of water that was used in 1993–94. The cap in any year is the volume of water that would have been used with the infrastructure and management rules that existed in 1993–94, assuming similar climatic and hydrological conditions to those experienced then.

So the cap provides scope for greater water use in some years and less in others. The cap does not attempt to reduce basin diversions, just to prevent them from increasing. The cap should restrain diversions, not restrain development. New developments are possible under the cap through improving water use efficiencies or purchasing water from existing developments. There is no certainty that the cap has been placed in the correct place. New knowledge may lead to the lowering of the cap in some valleys. As we saw with the report last week, that work will go on into the future to make sure that we look after our river valleys and look after and better understand consumptive use and its impact on the environment and the health of the river.

The cap must use the principle of balancing development and the environmental uses of water. The cap has provided a basin-wide framework to coordinate actions between states and catchments. It strengthens and reinforces existing reform initiatives and really is the benchmark of all our regulation. The cap is what we are using in the northern rivers as the benchmark for all future directions. It ensures compliance, monitoring and publicity in all 22 major systems of the Murray–Darling Basin.

One might ask if it has put a lid on consumption, and it is interesting to have a look at what has gone on in that regard. At best the cap would have restricted diversions from increasing beyond the climate-adjusted levels of 1993–94. This has not happened, because in the northern basin diversions have continued to rise, and compliance in the middle sections of the basin — that is, in New South Wales and Queensland — is regularly in question. Rising diversions are impacting downstream in South Australia, and particularly in Adelaide. There is a big issue in the Murray–Darling Basin and in this chamber about the actions of Queensland in particular and New South Wales to a lesser extent, and the integrity which they put into implementing the cap.

The cap for Queensland is expected to be announced any day. In the southern section of the basin, diversions from the River Murray may have been constrained by the amount of water in storage, not by the level at which the cap was set. It is not possible to determine whether at the basin scale the cap has been exceeded because computer simulation models for determining cap compliance are still being determined. Only 4 of the 22 valleys — that is, 18 per cent of the operation — had draft models submitted to the commission in August 2000. The cap level has yet to be determined for the Australian Capital Territory and Queensland. I hope the minister and this government are playing a positive role in ensuring that Queensland, and to a lesser extent the ACT, will play their role in the integrity of our inland water system, the Murray–Darling Basin, by getting those caps in place and starting to run them.

Until all this information is available it will not be possible to determine if the cap has been successful. In water law Victoria is a mile and a half ahead of every state, South Australia being close alongside. New South Wales, Queensland and the Australian Capital Territory are travelling in slightly different time zones and in a slightly different manner. Queensland particularly is the one we hope will improve its position.

In 2000 there was a major review of the operation of the cap following on from detailed annual audits by the independent audit group. After five years of the cap it noted that the cap has supported the Murray-Darling Basin Commission Ministerial Council's aim of achieving ecological sustainability. While the cap does not necessarily provide for a sustainable basin ecosystem, it has been an essential first step. All water users throughout the basin need to recognise that the water they use is part of the reduced water available to the environment and that without the cap significantly increased risks or worse environmental degradation of the river will occur. The cap represents no certainty of a sustainable level of diversions and even at this level of diversions degradation may escalate. The report that has just been released suggests that reports that talk about doom and gloom in the river systems in the future fail to take into account that governments, landowners and river dwellers will change their operations over future years to make sure that does not happen.

The good outcomes of the cap have created an awareness that water is a finite resource. It has heightened understanding of the value of the riverine environment and has guaranteed security of water at the valley level. It has improved the codification of

property rights and entitlements over water — something we can discuss later — and it has accelerated the water trade. Up until this debate it has reduced tensions between irrigator groups and urban and rural Australia, and it has encouraged sustainable development. For example, in northern Victoria where I come from, and in Shepparton, Swan Hill, Robinvale, Mildura and Boort, we are seeing very fast development and investment. We now know that is something that can be achieved. The proposed legislation is trying to give the upper catchments the ability to have that increased and fast development. Victoria needs that development and so do the regions.

The independent audit group review in 2000 found that Victoria's water diversions from the Murray and Goulburn river systems in 1998–99 were 1 per cent above the state's climate-adjusted cap target and that this was within acceptable bounds for cap management. It said that Victoria's implementation of the cap has been exemplary, with models now developed for the state's main river systems and a management regime based on bulk water entitlements in place for major water users. It also said that Victoria had made substantial progress on models and frameworks to comply with the cap and that it has a reliable monitoring and reporting system in place for its major water users.

I am proud that at the end of our term of government we left the natural resource of the River Murray in that situation. I am pleased that the present government has carried that on and not tried to change it in any way.

Let us look quickly at the cap from another point of view. I refer to the 'Sharing the Murray' document which the former government issued as a discussion paper for the bulk water entitlements of the Murray:

> We do know that, if the weather in the future is the same as over the last 100 years —

I ask those people who are very interested in the cap to take note of this so that they will understand it; it is a problem when honourable members in particular do not understand the cap —

> then Victoria's use of Murray water has to stay at 1621 GL a year on average. This is the average use that would have occurred over the last 100 years if Hume and Dartmouth and all the present-day farms had been there for the whole of that time — i.e., they had been there at the 1993–94 levels of development.

The next part is interesting and confuses some people:

> The peak use would have been 2045 GL in 1957–58 — this was a dry year, and the dams were full after floods — the floods of 1956 —
>
> a year earlier. Lowest use would have been 960 GL in 1973–74 …

That was a very wet year and gave us some flood problems in the north. So the cap has a huge variance. Honourable members should remember that it operates on the average flow of how much water would have been used depending on the climatic circumstances of each year based on the development of 1993 and 1994.

And how will the cap work? In the future the underlying upward trend in each state's use of water has to flatten out and become a horizontal line. In a particular year, however, what is allowed to be used may be considerably above or below that line — which in our case is 1621 gigalitres. It will be calculated using the same model that estimated what would have been used over the last 100 years given the 1993–94 levels of development, but the model will be extended to take in the weather conditions right up to and covering that future year. Obviously the cap for a particular year will not be known until the year has ended, and accordingly there needs to be some latitude to go over it.

At the same time, if we were allowed to go over the cap every year there would be no cap. The ministerial council has now decided that any overrun of the cap incurred after July 1997 will need to be repaid by staying correspondingly below a later year's cap. How quickly any overrun must be repaid and what the limit for accumulated overruns should be, along with other implementation matters, had until recently not been agreed to by the ministerial council — although I think they would have been agreed to by now.

When people are looking at and thinking about the stream flow management plans we are going to have developed — not by this legislation, although the bill is highlighting them — they will realise there are a lot of ways in which we manage water for environmental and consumption use.

In Victoria the cap will be adhered to on a year-by-year basis by adjusting seasonal allocations of sales. That will bring in some interesting discussion later on: we have a sales component, as we call it, in our northern waters, which is the balancing factor in our water allocation system. In deciding on allocations account will be taken not only of how much resource is available in storages but also whether Victoria has clocked up a debit with respect to the cap. There will be a single cap for all of Victoria's Murray use, and 1621 gigalitres will be the average.

Australia, as we all know, is the driest continent on earth. It stores more water than any other country — more than 4 million litres for each person. We store 79 000 gigalitres in 447 large dams for urban, irrigation and hydro-electric purposes, and 2000 gigalitres is stored in farm dams. There are some 90 000 farm dams in the Murray system from the upper catchment to the South Australian border. The legislation leaves those stock and domestic dams untouched.

Between 1983 and 1997 New South Wales used 9000 gigalitres of surface water each year and 1008 gigalitres of ground water.

Mr Lenders interjected.

Mr STEGGALL — We measure it.

Mr Lenders interjected.

Mr STEGGALL — The question is, 'Who measures it?'. What a lot of people in Melbourne do not realise is that the resources we are using throughout Australia, and particularly in Victoria, are very closely monitored and measured. When we look at some of the criticism we get about natural resource management from people who do not realise how the system is working we get a little upset.

In New South Wales during the years 1983 to 1997, 8643 gigalitres were used for irrigation, and between those years total water use increased by 60 per cent. I came into the Parliament in 1983, and between then and 1997 New South Wales increased its total water use by 60 per cent. During the same period Victoria increased its water use by 48 per cent. Queensland, which is the area we are still having trouble with, increased its water use between 1983 and 1997 by 97 per cent. Queenslanders will argue that they had not done it until then and it was about time they got started. South Australia, which because of its geographic location is a highly regulated area, increased its water use by only 12 per cent.

One-third of Victoria's ground water is now overallocated, or close to it, and we are having some difficulties, as the minister is aware, with some of our ground water operations.

I will close now with a couple of quotes from the Deakin lectures given by Don Blackmore a couple of years ago:

> We cannot continue to drive a research agenda largely on the back of a definition of sustainability built only around the relationship of a farmer and bank manager. We need to reset the agenda. Much more of our research should focus on establishing farming and forestry which more mimics natural systems.

I quote further from the same document:

> The vast majority of Australians believe that small changes to land management will bring us into harmony with the natural capacity of the Australian landscape. It is simply not true in many areas, and a long-term institutional response is needed to manage the change process.

We have introduced a great deal of understanding through Landcare, salinity plans and the catchment management authorities, and we need to understand that the next change to really get sustainable land use is going to be in far larger land use changes.

Don Blackmore went on to say:

> We are now at a point where it will not be possible to deliver win-win outcomes for all states in the future. The current debates on environmental flows to the Snowy River, vegetation clearing controls [and] the cap in Queensland are a few examples of issues that tear at the fabric of the political commitment necessary to manage for basin outcomes rather than for more narrowly focused state and regional outcomes.

That is a summary of the position Victoria finds itself in when dealing with the legislation before us.

The cap and its position are vital to where we are going. Our measurement, management and understanding of our water systems is vital. The bit that has been missing for all these years is our upper catchments, and this legislation is going back to pick them up.

On the issue of the statutory right to water, the fact sheets put out by the Victorian Farm Dams (Irrigation) Review Committee and the response by the government to the committee's report are excellent documents which people should glance through to get some understanding of the issue. I will go through some of the history of the issue in this place. More than 100 years ago the efforts of Alfred Deakin — standing just across where I am now — led to the Irrigation Act 1886, which gave the state the power to control Victoria's surface water resources.

Alfred Deakin's royal commission, which led to the Irrigation Act, identified the legislation's basic principles. They included the notion that water, like air, is in an important sense a public community resource which ought not to be susceptible to private ownership or domination in the same way as other forms of private property. Also, in the public interest it is important that mechanisms exist to ensure that water sources are protected against overuse and degradation and that private uses are consistent with the long-term protection of the resource. It is therefore necessary that the state have supervening powers to intervene when necessary

to ensure that the resource is equitably distributed and properly protected and that individual entitlements are also protected. That was a pretty good set of principles in 1886. They were strongly debated in this chamber, with just about everyone agreeing with Deakin's outcome. They are the principles on which our water law has been written. They are also the principles by which we have moved the act through its many and various stages over almost 120 years.

This legislation is another one of those changes. It is a change which, as was mentioned earlier, removes a statutory right which some people have not exercised for 120 years. Similar changes were made through the Murray River bulk water entitlements to improve the control and quality of the river and to stop the overutilisation of the resource to ensure that we knew where we were going and what we were doing.

The National Party asked for a couple of things to be provided before the debate, and I thank the government for releasing some information on them. Firstly, we asked for the principles of the stream flow management plans, and they have been provided. Honourable members also have a copy of the stream flow management framework which spells them out. There are currently 20 principles in place for the stream flow management plan. I would have thought the debate about this subject over the last year or so might have led to a slowing of those stream flow management plan outcomes, but it is still a very good process. Amendments were suggested during the interim stage when this report came through, and the government has picked up most of them, particularly those the National Party put forward. The amendments before the house tonight contain some suggested changes, and the Parliament will work out how it wishes to go about the process.

I do not intend to go through the stream flow management principles at this stage, but they spell out the details so people can understand what we are trying to get to in these areas. Each unregulated stream will have a minimum flow, a harvestable amount of water and an environmental flow regime. That will be managed within a time frame. In certain places it will be a time frame aimed around winter flows, and that will be discussed and thrashed out by the local communities — I hope with better understanding than we have today. The operation is not designed to give the environmental movement a free kick towards the great desire some people have of knocking out consumptive use. The principles in the stream flow management plans are there to ensure that harvestable amounts are properly identified and rules are put in place. We talked earlier about the Murray–Darling Basin cap, which moves and wanders. The rules are not rigidly set, so the cap wanders with the environment, the seasons and circumstances. These stream flow management plans will do the same.

The National Party has asked that the management plans come before the Parliament before they are approved. The National Party will propose an amendment that the plans be tabled so that any member of this place who has a constituent with a grievance about a stream flow management plan and believes that issues have not been fairly dealt with will have a right to raise it properly in this place. The government has two choices with the amendments in front of it, so we will see how we go in the committee stage.

I do not agree with the honourable member for Monbulk that the Water Act is so complicated that no-one understands it. As people work with the act and rely upon it for their future livelihood, they get to understand it and ensure it works. The stream flow management plans are there to help us design our way through and ensure that we have a proper system in our country areas that provides security. That is vital for the unregulated streams in the upper catchments, and it is crucial that people play a role in those communities.

We have recently had a debate about a prescribed formula based on 3 per cent of rainfall. Honourable members would know that New South Wales has a formula of 10 per cent of run-off and that it is far from successful. I confidently believe that New South Wales will have to revisit that, because the harvestable amounts of water in its valleys and rivers are completely out of hand in many cases. The New South Wales government will have to find a method to manage that situation.

Like many other members of this Parliament I have met and had discussions and debates with people from the upper catchment. The 3 per cent issue came up just recently, and I note with interest that an amendment to introduce this concept has been circulated by the Liberal Party. I have a huge amount of difficulty with that, and I am very surprised that it is here. The figures we were given in relation to the 3 per cent are so huge that I have some difficulty with them, so I have dropped them down to between 250 000 and 350 000 megalitres of water. That is the amount of rain which under this process would become a water right on agricultural land in the north-east.

To put it into perspective, that is more than the total amount of diversion licences on the Goulburn-Broken, the Campaspe, the Loddon, the Murray, the Mitta Mitta and the King rivers. It would equate to 25 per cent of all

Goulburn Murray irrigation district water rights. Three per cent of rainfall would deliver property rights to people who have never been entitled to them under 120 years of Victorian water law. It would create new property rights in a huge area of Victoria. One can use a figure of in excess of 350 000 megalitres, which is part of the cap I mentioned before. I went through the details of the cap to explain that if this system were to come into place we would have to take at least 350 000 megalitres of water from existing users in this country.

Mr Plowman interjected.

Mr STEGGALL — You will have your turn, my friend. You'll be able to go for your life, and I look forward to it! Under this concept we have the issue of how you measure it and how you deliver that right, because this government is part of the Council of Australian Governments agreement. Under the COAG agreement on water rights, no property right will be given to anyone other than by tender or by auction. That is what we agreed to, and that is what the government is agreeing to today. A new property right in water will have to be delivered in that way or we are going to have quite a debate on our hands about the water law.

It is unclear at the moment — and we will listen to the debate later on in the committee stage — whether a right over agricultural land in the upper catchment would put a contingent liability on the state to deliver that water to the people who own that land. I do not believe that is feasible. In talking about the pressures and tensions brought on by a water debate, I can assure honourable members that, having seen the television news — of which I was not part — temperatures in the irrigation areas of this state are a lot higher tonight than they were last evening. I believe we should have the debate, and I look forward to it, but if you are going to have a property right and that property right under our law is a tradable right — let us just use a figure of 350 000 megalitres — if you are not going to use it you should have the ability under our law to trade it.

Mr Plowman — You can't trade it.

Mr STEGGALL — I hear somebody saying that I can't trade it. I can assure the honourable member, through you, Mr Acting Speaker, that the law of equity says that if people have property rights to water in this state — and even if this Parliament were to try to deny the people who hold those rights the right to trade them — I am pretty sure that you would find that under common law and under Victorian law this government would be forced to trade in those property rights. I would suggest that we ought to have a bit of a look at and a think about all of that to work out what it means, because if you take 350 000 megalitres away from the dairy industry you can multiply the 350 000 by, say, $500 a megalitre to find what that means. If you like you can take 350 000 megalitres away from the horticultural areas of this state, then multiply that figure by $3000 a megalitre and see what you come up with.

What we are trying to do with the legislation is put in place a comprehensible water law for the upper catchment so that those types of developments are properly protected without any misunderstanding, without any form of skewing of the cap and without changing the system of water law in Australia or sharing the facilities we have with New South Wales, Queensland, the Australian Capital Territory and South Australia.

We have a pretty good thing going in Victoria. People from all over the world come and look at our water law, and up until now we have had very good results. It is only since 1992 that we have started using our property water rights for the development of our country communities. One of the things that has made me wild over that time is that people in the upper catchment have not been able to do that. The upper catchment has not had the ability nor the confidence to have that investment developed, and we need the cold climate operations to produce high-value, high-quality products. We need it to make sure that we have a proper spread of our wine grape industry and our cold-climate wines, and we need it for horticulture and a spread of crops whose products will have a greater selling period for us and for the rest of Australia.

I look forward to listening to the arguments on the 3 per cent issue, but I hope we will not go ahead and bring things to a position where people are going to feel threatened and where we are going to have a difficult time. It equates to transferring 25 per cent of the Goulburn Murray irrigation district's water right to property rights in the upper catchment areas, whose people have not exercised those rights in 120 years. As we go through the discussion I hope we will have come to a clear understanding, and I hope that when the minister responds she will put a clear statement down as to exactly what that operation means.

While we are on controversial issues, let us have a crack at the exchange rates, which were part of the committee's report. They were also part of our request to the committee, which the government accepted. The development of exchange rates is vital not only for this argument but also for interstate trade. We have exchange rates operating between South Australia, Victoria and New South Wales, and we have

permanent interstate trading downstream of Nyah. It is a trial operation, and there are reports and documentation on it if anyone wants to go into it.

We need exchange rates in the other areas, and in particular we need exchange rates for 5 basic products. Oils ain't oils, and water ain't water when it comes to irrigation or transferring water. There are 5 basic products, but we probably have closer to 20 products in New South Wales and Victoria. We need exchange rates in those areas so we know that when water is traded it is not going to impact on the cap and will maintain the equity of our operation. We will have a set of rules that people can understand so we will not have a pig in a poke with people hoping they will get the best deal of the day by political influence, or whatever it might be.

The person in the upper catchment wishing to purchase water will have five basic choices. They will be able to purchase a water right between, say, Hume and Nyah with a full sales component to it. That will apply to the Goulburn Valley and the Murray Valley. There are other products that have water rights without sales components. Remember that we took the sales from the people downstream of Nyah and did not compensate them. They do not have a sales component, so if you go there to buy your water you will not have the sales component. We have diversion licences with sales components. A diversion licence applies where the pumper pumps directly from the river. It is a little different. They do not get a sales outcome until the gravity irrigator has received 30 per cent of their water right in sales. So we have a different regime, or a different product, with a diversion licence.

And then, of course, we have the diversion licence without sales. Most of the developments downstream of Swan Hill, for example, have exactly that product, a diversion licence without sales. And then we have the diversion licence from the unregulated stream, usually in the mid to upper catchment areas. So those are the areas in which we need to have it.

We have asked the government to give us some idea of the top exchange rate that might be expected, so that people understand what we and they are talking about and so that when an upper catchment person, and I am thinking of the 3 per cent, wants to sell water right out of that area under the new conditions that will be created, they will sell it at a lesser volume than they would buy it. Let me put it this way. If an upper catchment person is purchasing water from the Boort water irrigation district, which has the highest reliability and the highest level of product, it would be somewhere about 1.85 — in other words, for every megalitre they purchased in the Boort–Pyramid irrigation area, and there is a lot of water in there, they would have delivered on their property 1.85 megalitres.

An honourable member interjected.

Mr STEGGALL — Yes, Macorna is in the Boort–Pyramid irrigation area, and I know that you will be delighted to know that in your old place someone buying a megalitre would receive, in their upper catchment area, 1.85 megalitres. If they were looking at selling water from the catchment they would have to sell 1.85 megalitres to deliver 1 megalitre. So what goes up comes down, and the exchange rate works both ways. As water is traded and people get more confidence in the trading of water, and as we get in to the system, I believe the next review we will have will be the retail entitlement review to reform sales of water. These things become more and more important.

The government has agreed to exchange rates which I am informed will be about that — 1.85 for the highest value water product is not bad. That will go right down to 1 in other areas. For example, with buying and taking of water from the unregulated stream it would be 1 for 1. We look forward to the development of that, which has been a process at the Murray-Darling Basin Commission level and which we need to achieve at the Victorian level.

Then we go to the issue of the dams and the registration of the dams. We were looking at asking the government to have an amnesty — and the government might still decide to do this — for some of the people with dams who have not registered or who are having trouble registering or changing over to a licence. The bill has the potential to create difficulty for a small number of farmers who have existing dams that were not caught up with during the amnesty some years ago. We have already had amnesties on these things. In most cases these dams were not reported to Goulburn Murray Water during the amnesty because either the owner did not believe it was sited on a waterway or did not perceive that the use was anything beyond stock and domestic, even though the use may have included watering around the house for fire prevention. In fact many such dams are located at sites which will fall within the 'waterway' definition as currently applied and thus should have been licensed during the amnesty, but they were not. We believe we need a further amnesty to enable all such dams to be registered or licensed. Another amnesty can be justified on the grounds that the rules are changing and we should give everyone a chance to regularise their situation so we can start with a clean slate.

With that in mind we have circulated amendments that will give people the ability to register their dams where there is a doubt on a waterway and where there is a blatantly illegal dam — that is the downside of our amendment.

The illegal dam that is blatantly there will be able to be legally registered. I believe we should have a clean slate and start again. Then we would have a dam which is not on a waterway and is not registered. The bill aims to do that, and the amendment picks up those matters. I hope with the amnesty area we will be able to tackle it in that way. We will present those amendments in the committee stage. If the government wishes to travel that course, we would be most grateful. If it does not, I believe a full amnesty should be put in place.

You will also notice, Mr Acting Speaker, we have amendments to the definition of 'domestic and stock use'. Amendment 1 states that:

> … in the case of the curtilage of a house and any outbuilding, watering an area not exceeding 1.2 hectares for fire prevention purposes with water obtained from a spring or soak or water from a dam …

will be a use for domestic and stock. The object there is that we have in our upper catchments quite a few people with soaks and springs who trickle water around the house and look after their interests. Under the current act that system could be deemed an irrigation system and a licence would be demanded. The opposition believes that is not required and we should have a facility whereby people who are steering a bit of water around from a soak or using water from their stock and domestic dam for fire prevention purposes to 1.2 hectares, or 3 acres, should be tolerated. We hope to pick up those people who have been caught in that area.

The other amendment is the one that has been mentioned where the changes to the water supply protection areas would be tabled in the Parliament. Any member of Parliament would have the opportunity then to raise an issue of grievance to put a case, so a minister would not have a clean slate and an easy run on that sort of thing.

The Water Act was changed in 1989 — and I keep saying this, I suppose, but we should keep saying it. In the old days we had the State Rivers and Water Supply Commission, with commissioners sitting out there who made decisions on irrigation and water use in Victoria. We had a lot of trouble with that, because there was no political accountability. The ministers of the day, and the members of Parliament of the day, would say, 'We agree with you, but the state rivers and water supply commissioners have the power for that, so we should rely on them to do it'. We changed that in 1989 to make the minister responsible. If you look at the way the Water Act is written, you see that the minister is the final arbiter in a lot of things. It is designed so that this Parliament will be used to protect any person who has a grievance under the Water Act about changes or about whatever might happen to them.

Likewise, as was mentioned with the concept of having the Essential Services Commission come in, the Treasurer announced he was going to bring in legislation next year to have the Essential Services Commission do all the economic regulation on the government-owned rural and urban water authorities. That is why we opposed that concept. If it occurred, we could not ever get any accountability in the Parliament because the Essential Services Commission out there would perform that task. I hope government members, particularly the backbenchers, will understand our angst about the Essential Services Commission taking the responsibility away from the Parliament in dealing with totally government-owned enterprises.

The other issue raised in the legislation is the issue of drilling and changes to the principal act. We have had discussions with members of the drilling industry and they are quite pleased with those changes. I believe ground water will be a subject that is debated further in this Parliament because our ground water management is not quite as good as it needs to be.

In summarising the issues of this legislation, the unregulated development of the water resource in the upper catchment jeopardises the security of the Murray–Darling Basin cap and needs to be fixed. This legislation will do that. It does not need the 3 per cent concept. That is an absolutely unworkable operation. The waterway definition has become unworkable, as upper catchment operators will tell you. It has become unworkable because as water becomes scarce, bureaucrats are forced to screw down on the additional use of water, and that is why the problem needs to be remedied. Total water resources of the catchment are now included in the water allocation regime. That is vital. Stream flow management plans will pick those up.

The bill will expand licensing arrangements to include all new irrigation and commercial water use in a catchment. For the first time we are introducing legislation which has a licence by use. It is a commercial use. If you have water and use it for commercial use, whether it is irrigation, dairy wash-down or industrial, you must license it — not as we used to have it. This legislation is introducing a new concept which I think is pretty good. Domestic and

stock dams are excluded from the new arrangements. I have noted the comments of the honourable member for Benambra in the media on that, and I believe him to be wrong, but the domestic and stock dams exclusion is a vital part of this, remembering that in the River Murray system we have about 90 000 dams between the upper catchment and the South Australian border.

The planning process for multiple light rural and residential subdivisions is new and has a reference only to local government, which I believe is adequate and which will be fine. New water users can apply for a registration licence issued for five years, with the cost of the nominal fee to renew to be met by government for the first five years. The Liberal Party has introduced amendments which would omit the five years in that area. That matter will be handled later in committee. No water trading is allowed by registered water users. There will be a single licence only for multiple commercial dams on a property.

We have, particularly in the Colac area, in the Ballarat area and in western Victoria with the internal drainage systems, people with multiple dams that they do not use every year for commercial purposes — sometimes they do with some of the aquaculture ones. There is now a single licence for multiple commercial dams on property, which I think is very good. Metering is only required on new dams when licence entitlement is less than the dam capacity or when the entitlement exceeds 20 megalitres. We have a fear for some reason in Victoria that you should not meter dams — that you are going to hide something. I have the opposite view.

Metering protects those people with a water right and makes sure they have the right entitlement to get it. Re-use dams need no licence subject to reasonable criteria — that is, they are not built on a catchment picking up a whole heap of water flowing downhill other than from the irrigation. The system of exchange rates has been developed, and the bill provides for specification of permissible annual volumes for both surface and ground water resources.

The water supply protection area plans are introduced for both surface and ground water resources and a combination of both where it is needed. There will be transition packages in capped catchments, which we will debate later in the committee stage, and a transition package in both capped and uncapped catchments for farm plans and engineering design for dams and that type of thing, which is in the package.

I look forward to the debate. I hope it is a good and solid one. I hope I have not missed out on too much. We will pick up other issues in the committee stage of the bill. I commend the bill to the house.

Mr HOWARD (Ballarat East) — I am pleased to start speaking on the Water (Irrigation Farm Dams) Bill, which is a very significant bill.

The DEPUTY SPEAKER — Order! The time allocated for government business has now expired. The honourable member for Ballarat East will have the call when the debate is resumed.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

Planning: restrictive covenants

Mr COOPER (Mornington) — I seek action from the Minister for Planning to overcome the problems created for many property owners by a dead man's covenant.

As an example of the problem, I cite a situation facing one couple who live at Mount Eliza and who applied to the Mornington Peninsula Shire Council for a planning permit to extend their home. In accordance with the Planning and Environment (Restrictive Covenants) Act 2000 the council then sought and was given a full copy of the property title. It was then discovered that the property was burdened by a covenant that states in part:

> … no building shall be commenced to be erected or reconstructed on the said land without first obtaining the consent and approval in writing of John Edmund Taylor …

That covenant was put in place in 1933 when the Mr Taylor mentioned was the authorised officer of the company that owned a lot of properties and enacted the covenant on many titles. Mr Taylor died in 1943 and there are now some 300 or possibly more individuals who are the beneficiaries of the covenant.

The council has apologetically advised this couple that it is bound by the requirements of the Planning and Environment (Restrictive Covenants) Act 2000 and that in order for them to receive a permit to extend their house they will need to have the covenant varied. This means that they will have to appoint a surveyor to carry out a title search and establish exactly how many beneficiaries there are. They will then have to meet the cost of the council writing to every beneficiary — at least 300 individuals at over $5 per letter — seeking the approval of those beneficiaries for the extensions to proceed. Just one rejection would prevent the works

from going ahead, and the objector would not have to give a reason for objecting.

Alternatively, the property owners can apply to the Supreme Court at an estimated cost to them of at least $10 000 to have the covenant removed. This is an appalling situation that is confronting many property owners in Mount Eliza, and I understand in parts of the outer ring of Melbourne. I assume that it was not understood or was ignored by the government when it brought in its legislation last year. Now that I have made the minister aware of this mess that is facing a great many properties owners who simply want to renovate or extend their homes, I ask him to advise me what he proposes to do to quickly fix the problem.

Gremel Road–Plenty Road, Reservoir: traffic control

Mr LEIGHTON (Preston) — The matter I wish to raise with the Minister for Transport concerns Gremel Road, Reservoir. I call for the installation of traffic lights at the intersection of Gremel and Plenty roads, Reservoir.

Previously I had representations from the Latrobe Retirement Village and in particular one of the residents, Mr Frank Cox, who, as the minister would be aware, has been vigorous in putting the case for traffic lights. Earlier this year an on-site meeting was held between representatives of the minister's electorate office, my electorate office, Vicroads and Darebin City Council; local residents; and Mr Cox. More recently I have received representations from the Summerhill Residential Park. I quote from a letter received from Summerhill:

> Our residents face entering six lanes of traffic, plus constant trams moving along this major roadway, unassisted by the use of traffic lights. This can be, and is, most unnerving to anyone, and we face this cat and mouse situation on a daily basis.

I wish to restate the case for traffic lights. With the growth in the Plenty corridor, new suburbs further out to the north, La Trobe University and the RMIT University, Plenty Road has become a busy arterial road. The area around Gremel Road is also heavily developed and includes a hotel and gaming venue, two supermarkets, Target, Red Rooster, a large medical clinic, an 80-bed nursing home, and the Latrobe Retirement Village and Summerhill Residential Park. Several hundred residents are in each of these residential parks.

Many of them can be described as older Victorians, and for them it can be quite a frightening experience, if they are going north, to do a right-hand turn out of Gremel Road and into Plenty Road across the tram lines to the Reservoir District Secondary College along the road. I am aware there have been some unresolved issues with the Reservoir District Secondary College, but the City of Darebin supports the installation of traffic lights, and as the local member so do I.

I have raised the matter but I now consider it is becoming urgent. I seek a resolution of this matter and call for the installation of traffic lights at the intersection of Gremel and Plenty roads.

Heathcote–Graytown national park

Mr MAUGHAN (Rodney) — I raise a matter for the attention of the Minister for Environment and Conservation concerning the management of the proposed Heathcote–Graytown national park.

The Environment Conservation Council (ECC) has spent the last six years on an exhaustive examination of the box-ironbark forests and woodlands that stretch from the Beechworth–Chiltern area in the east through to Rushworth and Heathcote in the middle and on to the western area, including Castlemaine, Maryborough and St Arnaud. Its brief has essentially been to devise a strategy to protect and manage the box-ironbark forests and woodlands. The council has had the difficult job of balancing competing demands. It has had to balance the need to protect the unique biodiversity of that area — and it is unique, because there are some 1500 plant species and 250 bird, animal and reptile species — against the need to allow recreational usage and continued commercial activities, including timber harvesting on a long-term sustainable basis.

The forest has been very well managed by timber cutters and forestry officers for a long time — well over 100 years — and is in excellent shape. I can personally attest to that, having visited the area and toured the forest last Friday. The ECC has made 58 recommendations, and I stress that these are yet to be adopted by government. One of these recommendations is to utilise 12 000 hectares of the present Rushworth–Heathcote State Forest to create the Heathcote–Graytown national park. I understand that for the last 12 months or so Department of Natural Resources and Environment (DNRE) staff have been managing this 12 000 hectares of land as though it were a national park, but I point out that it is not a national park because the recommendations have not yet been adopted by government. I have no objection to its adopting those recommendations, but right now it is not a national park.

I therefore ask the minister to investigate if it is in fact the case that DNRE staff are managing it as if it were a national park; and if they are, to remind her officers that the area concerned is currently not in a national park and should therefore be available for normal commercial activities, which obviously includes milling. At Rushworth there is a very important mill owned by the Ristrom family that produces value-added timber. It is very important to the economy of the area and I therefore ask the minister to investigate this matter and to remind her officers that it is not yet a national park and therefore should not be managed as such.

Melbourne–Geelong road: safety

Mr TREZISE (Geelong) — I raise for action by the Minister for Police and Emergency Services the driver lawlessness that currently exists on the Princes Freeway between Geelong and Melbourne. This house is aware that the Melbourne–Geelong road is currently in the midst of a $270 million upgrade, and part of that upgrade includes lane closures, speed restrictions of 80 or 60 kilometres per hour and numerous other closures to road entry points et cetera.

Given these conditions and restrictions a number of drivers currently flout the law by speeding and tailgating. They are putting in jeopardy not only their own lives but also the lives of other drivers. I call that a disgrace. The action I seek is for the minister to take steps to ensure that adequate policing levels and mechanisms are in place on the Melbourne–Geelong road to maximise prosecutions and thus help minimise the risk of serious accidents.

As the house would be aware, the amount of traffic that uses the Melbourne–Geelong road is enormous. Something like 100 000 cars and trucks use the road daily, and a large percentage of them are trucks, including B-doubles and B-triples. Combine this amount of traffic movement with speed and severe road restrictions and poor conditions and you have a recipe for disaster — a disaster that will cost lives.

As a person who uses this road on average two or three times a week, especially during periods like this when Parliament is sitting, I am well aware that you literally take your life into your own hands, especially if you attempt to obey the road laws and the 80-kilometre-per-hour speed restrictions. The number of speeding drivers who tailgate, swerve in and out of the traffic and abuse other drivers is quite disturbing. I would estimate that on one trip to Melbourne from Geelong you would be tailgated probably no less than two or three times, no matter what lane you happen to be in. To drive at 80 kilometres an hour is inviting abuse. Of great concern to me is the number of truck drivers who flout the laws. Driving at 80 kilometres an hour, stuck out in the right-hand lane with a large truck right on your tail with its lights flashing can be a very disturbing experience.

As a member of the parliamentary Road Safety Committee I am well aware of the effect speed has on the incidence and severity of accidents. There is a sense of lawlessness on the Melbourne–Geelong road, and I seek the minister's action — —

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

Lysterfield Primary School

Mr LUPTON (Knox) — I wish to draw a matter to the attention of the Minister for Education. During September I visited the Lysterfield Primary School. During this visit to the school I was made aware that the water coming out of the drinking taps was blue in colour. I raised this matter in a member's statement on 18 September. Much to my disgust and annoyance, nothing has been done by either the region or the minister.

This is a situation where children are expected to drink water which is coloured because of copper pipes. The school has taken action to run the taps continually to flush the residue out of the copper pipes, but without a great deal of success. Last week some residents who have a similar problem came in from the local area. The big concerns are, firstly, that the minister has not done anything, and secondly, that the minister is expecting the school community to pay for the replacement of the copper pipes in the school. This school was originally built for 450 students; it currently has over 650 students. I find it totally unacceptable that any school community is expected to pay for the replacement of copper pipes. South East Water has indicated to me that it is apparently a fault with the pipes and that the only way out of it really is to flush them. But the problem comes back in a few weeks time.

I believe the minister has been derelict in her duty in not acting on my request when I brought the matter to attention some five weeks ago. I am talking about children who are going to a state school, children who have to drink water and children who are drinking water that is coloured by a copper residue coming out of copper pipes. I find that totally unacceptable. I also find it unacceptable that the school community should be expected to pay for the replacement of the pipes.

I would like the minister to take some sort of action to have the matter investigated as a matter of urgency and to allocate funds as a matter of urgency for the replacement of these pipes or whatever action is necessary without the school community having to fund the replacement pipes or whatever action is taken. That is not acceptable and is totally un-Australian. I believe the minister should take urgent action, because I do not want kids having to go through the summer season drinking blue-coloured water that is tainted by copper pipes.

Community services: family violence information

Mr LANGDON (Ivanhoe) — I raise an issue for action by the Minister for Community Services. Will the minister advise what action the government will take to assist women from culturally and linguistically diverse groups who are experiencing family violence? The minister may be aware that my electorate has a large socioeconomic and cultural diversity in areas ranging from West Heidelberg, Viewbank, Eaglemont and Ivanhoe to East Ivanhoe. The West Heidelberg area in particular has a large Somalian population, which came to Australia in the last five to eight years.

Will the minister inform the house of what action she has taken to assist those women who perhaps do not have the English language down pat — like many of us have and perhaps some have not — to assist in cases of family violence? The West Heidelberg area has the Banyule Community Health Centre, which I am pleased to advise the house tonight had its annual general meeting. Its new board has just been appointed, with half elected members and half appointed members. I wish the Banyule Community Health Centre all the best. I am sure that service could assist the government to help women from linguistically diverse backgrounds.

Also within my electorate is the Children's Protection Society. It may also have concerns about the issue. The Heidelberg Emergency Housing Group often accommodates women who have family violence issues, and it may also assist. I know it takes quite a few women from refugee situations.

Any assistance the government could give to women in that category would be much welcomed. Hopefully the minister will take steps in the right direction to assist these women who are refugees, who are newly arrived in this country and who are having difficulty not only with our culture but also with family violence. As they are challenged with our language, perhaps the minister could produce leaflets, cards or whatever to help them out. I look forward to the minister's advice to the house on what action she has taken or will take to assist these women.

Disability services: respite care

Mr SMITH (Glen Waverley) — I raise a matter for the attention of the Minister for Community Services. It concerns a constituent, Mrs Anne Bamblett of 45 Kinnoull Grove, Glen Waverley, who in her letter in response to the minister's letter of last week says:

> Having been a Labor supporter for many years, and a social worker since 1975, I am quite frankly stunned and disheartened by the inaccuracies and dismissive responses which were endemic to your letter.

The story is that Mrs Bamblett requested respite and accommodation for her Down syndrome sister, who is aged 50, in early February of this year. It took Department of Human Services officers until 3 April to assess the sister, whose name is Mary. Under the Intellectually Disabled Persons' Services Act of 1986 the director-general must ensure that an assessment of the eligibility of a person for the services is undertaken within 30 days after receiving the request. No real service was provided until September this year.

The story is a saga of lost documents, flawed legal advice, inappropriate referrals and blatant incompetence. It is just the tip of a huge iceberg. Hundreds of intellectually disabled adult children of elderly parents who have never been assessed and who have never accessed services will come on stream in the next decade. Mrs Bamblett's father has been responsible for Mary for most of her life, but he was put into hospital earlier this year. He is aged 86.

The problem is that the Labor government has no plan to deal with this situation. The minister, her office and the department are just patently inefficient. Constantly changing personnel and slow response times are inexcusable and lost documents and scant knowledge of the legislation is endemic. This woman has too much to bear. The minister has the capacity to help. Will she do it or will she risk having Mary, the 50-year-old, dumped at the door of her office? The system should fit the individual, not vice versa. Ignoring this case is inhumane. Mrs Bamblett has requested that her sister be placed in respite next January so she can have a trip with her sons aged 13 and 15 years. It is inhumane that there is no respite care available for her sister.

Volunteers: religious organisations

Ms GILLETT (Werribee) — I raise a matter for the attention of the Minister for Community Services

which relates to the positive army of volunteers who are part of religious organisations in Victoria and who are an integral part of our community and a major force in developing and nurturing the social capital of Victoria. Governments rely heavily on those organisations and their volunteers for the delivery of a range of health and community services from counselling to providing emergency relief, food and accommodation. I ask the minister to take action to recognise, support and reward the volunteers and the various faith communities in Victoria, acknowledging the pivotal role they play in looking after the vulnerable members of our community.

In 2000 Australians gave more than 117 million hours of voluntary work to their community, and volunteering with a religious organisation accounted for 17 per cent of all volunteer hours. The Australian Bureau of Statistics reports that 47 per cent of Australian volunteers give their time to help others in their communities, and 11.9 per cent of volunteers gave religious belief as their motivation for undertaking voluntary work. Nationally more people in metropolitan areas — 19.5 per cent — volunteer for a religious organisation than in non-metropolitan areas — 14.8 per cent. Some 44 per cent of volunteers in religious organisations have been volunteering for those organisations for more than 10 years. That is the highest rate of any type of organisation in the country. Volunteers with religious organisations have the highest rate of volunteerism, with 87 per cent volunteering at least once every week.

Volunteers from hundreds of Victoria's churches, faith communities and related welfare programs have been presented with one of the state government's International Year of Volunteers certificates of appreciation in recognition of their efforts, and I congratulate the minister on this important recognition of the contribution made by these volunteers.

I ask again that the minister take action to further recognise and acknowledge, and hopefully encourage, this remarkable history of volunteerism and dedication to the work of looking after the more vulnerable members of the Victorian and Australian community.

Dingley bypass

Mr LEIGH (Mordialloc) — The matter I raise concerns the Premier's recent secret visit to the City of Kingston where he said that the Dingley bypass was to be funded by the federal government. The federal Liberal candidate for Isaacs, Mr Michael Shepherdson, has asked me to ask the Minister for Transport whether he has been able to obtain the funds from the federal government. Clearly Ann Corcoran, the federal Labor member for Isaacs, has had so little influence on her party's processes that she has been unable to secure any funding for the Dingley bypass.

The fact is that all honourable members, other than Premier Bracks and presumably his transport minister, know it is a state road. But given the fact that the Premier said he would obtain money from a federal Labor government if it is elected, the opposition wants a commitment from the Minister for Transport that he is going to seek to do that. A memorandum in 1999, which I am happy to make available, shows that without the bypass being constructed the traffic through Aspendale Gardens will increase by in excess of 20 per cent.

Mr Shepherdson has asked if the minister can install some acoustic barriers for the residents, because the traffic noise will increase substantially. He also asked me to remind the minister that tomorrow is the date when he was to tell the local community when he was to build the Mornington Peninsula Freeway connection. Ms Corcoran and the honourable member for Carrum have been running around the community saying that Labor will build this $270 million road as part of the arrangement to connect the Dingley bypass and the Mornington Peninsula Freeway. We are seeking a commitment from the government. We got on with doing part of it — Westall Road — which the government tried to claim credit for, although no-one locally believes it.

Aspendale residents are about to get a 20 per cent increase in traffic because of the opening of the Boundary Road extension. Clearly the Labor Party has not met its commitments. I remind the house that the honourable member for Carrum said the government was about to kick off the bypass on 30 April. It spent half a million dollars last year, and it will spend half a million dollars this year. Between the federal Labor member and the local state member, the Labor Party is basically incompetent and has not been able to achieve anything on behalf of the local community. It is an utter disgrace, and the sooner both are dumped the better off we will be.

Making a Difference program

Mr SEITZ (Keilor) — I congratulate the Minister for Community Services on the work she is doing in her portfolio, particularly for people with disabilities. I draw her attention to the Making a Difference program and the need to make sure that people in the western suburbs are aware of the program and are able to access and make use of it.

Many people in the Keilor electorate have difficulty with the language and therefore with understanding these programs. It is important that they get the message from the service providers who have multilingual information available to them. Once again I congratulate the minister on her kind thoughts and on the provision of that information so that people are able to access the mainstream services of our community, particularly those people with disabilities. Often if a member of a family from a different country with a different culture and different attitudes has a disability, the other family members consider that they have committed a heinous crime or that it is a punishment from God or Allah, whatever the case may be. In many cases the woman is blamed. It is not the man's fault: it is not considered that his genes caused the problem.

It is important that this program is provided. The Yooralla centre is in St Albans, and I know that many people have bought houses or are renting places in the area so their disabled children can use that facility or access the special school in St Albans or the deaf school in Furlong Road. There is a need for these services in my electorate so that disabled people can live at home and have the support of their immediate and extended families.

Close friends of mine have a disabled daughter. I have known them for the best part of 20 years, and I have been to their home many times. But it has only been in recent years that I have seen their disabled daughter. They used to hide her. When somebody knocked on the door they wheeled her off into the bedroom. It is that coming out that is important for such people. I took the father of the disabled child to the disabled ball we organised in Taylors Lakes — I have spoken of it previously — so he could see what it is we are on about, what this world is about and why there is the need for an education program. People need to know they are living in Australia, where things are looked at differently. A disability is not a shameful thing; it is not a punishment from God but an unfortunate thing that happens through birth or other accidents. They need to know that they need not be ashamed and can have the government's help.

Workcover: premiums

Mr THOMPSON (Sandringham) — I wish to raise a matter for the attention of the Minister for Workcover. It concerns the escalation in Workcover charges for a number of businesses in Victoria. At one in particular, a Neerim South abattoirs, 17 workers lost their jobs as a consequence of an increase in Workcover charges from some $20 000 to $38 000. According to locals Workcover broke the business, and I ask if the minister could entertain a deputation from concerned citizens from that area to see whether there is a way the circumstance could be prevented from arising again.

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

I call the Minister for Community Services to respond to matters in her portfolio raised by the honourable members for Ivanhoe, Glen Waverley, Werribee and Keilor, the matter raised for the Minister for Planning by the honourable member for Mornington, two matters raised for the Minister for Transport by the honourable members for Preston and Mordialloc — —

Mr Leigh — On a point of order, Deputy Speaker, given that the Leader of the House is the Minister for Transport and the honourable member for Preston has asked for the minister to come into the house, it is an outrage that his colleague does not even come in.

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

There is also the matter raised for the Minister for Police and Emergency Services by the honourable member for Geelong, the matter raised for the Minister for Education by the honourable member for Knox, and the matter raised for the Minister for Workcover by the honourable member for Sandringham.

Responses

Ms CAMPBELL (Minister for Community Services) — The first matter, which was raised by the honourable member for Ivanhoe, related to women particularly from culturally and linguistically diverse backgrounds who are experiencing family violence. It is especially difficult for women from such a diverse range of family, cultural and linguistic backgrounds to be proficient in English and to readily access the information and services they require.

I want to pay tribute to the Northern Family Violence Reference Group, which I am sure would be familiar to the honourable member for Ivanhoe. That group has been very active in formulating women's help cards which will assist women from a range of different ethnic backgrounds to access family violence services. I am pleased that the reference group developed the concept of the women's help cards because its members understand that women in the local region have to have information in an accessible form. They have designed a card to provide basic regional information on services for women who are experiencing domestic violence. The card lists

statewide domestic violence services and a 24-hour emergency contact number — very important details.

I am happy to be able to provide over $3000 for the translation of these cards. We want to ensure that the eight community languages are the appropriate community languages for the cards. They are being printed in Greek, Italian, Turkish, Macedonian, Chinese Mandarin, Vietnamese, Arabic and Somali, which is of great interest to the honourable member for Ivanhoe. I will ensure the cards are distributed in the northern region by domestic violence networks, police and other community agencies, and I am sure the honourable member for Ivanhoe, given that he is such a proactive local member and his office is always a source of great information, will proudly distribute them through his office. This is another example of the government delivering better services, and honourable members can distribute these wonderful help cards if they so choose.

The second matter, which was raised by the honourable member for Werribee, related to the importance of recognising volunteers who are active through various religious and faith communities. Yesterday I had the wonderful opportunity to recognise 70 years of volunteering within the Brotherhood of St Laurence and had the great honour of being present with Fr Nick Francis and the Governor-General when a plaque was unveiled on behalf of the state of Victoria to the volunteers of the Brotherhood of St Laurence. I am sure in our own electorates many of us would be proud of the great work done by the brotherhood. The state government recognised that yesterday at a reception honouring the volunteers of the Brotherhood of St Laurence. The government is working with other faith communities to recognise their volunteers.

Last Friday week I had the opportunity to recognise the work of the great team within the St Vincent de Paul Society. At that gathering I talked about how volunteers give freely of their time without any reward, because obviously they are not paid long service leave, sick leave or superannuation. I was quickly pulled up by the national president of the society, who said, ‘Our reward is not of this world but of the next, we would like to believe’.

The honourable member for Werribee will be pleased to know that, having acknowledged that so many people with high-minded motives volunteer through their religious communities, conscious and hopeful of a reward in the next life, we are trying to recognise them in this life through a range of celebrations for volunteers. Some 44 per cent of volunteers are members of religious organisations who have served for over 10 years. That is an outstanding record, and in conjunction with organisations such as Volunteering Victoria and even the Office of the Governor, the state government is recognising religious communities. I will be pleased to assist the honourable member for Werribee if she wishes to facilitate something in that regard in her electorate. We will continue to distribute the certificates and to work with organisations that are keen to promote their volunteers in faith communities.

As usual the honourable member for Keilor made a very strong representation on behalf of people with disabilities. I will comment on the matter raised by the honourable member for Keilor, although some of my response will dovetail in with the points raised by the honourable member for Glen Waverley. Since this government has delivered two budgets that have contained a 25 per cent increase in the disability services budget, we are very pleased that we have been able to provide far more respite services in this state than people with disabilities and their families have ever experienced.

In the western region of the Department of Human Services over the past two years we have put in an additional $1.7 million for the Homefirst program and an additional $357 000 for the Making a Difference program. We have also put money into each of the Department of Human Services regions based on the percentage of the population and the level of disabilities in those regions.

The matter raised by the honourable member for Glen Waverley was specific. I am happy to take up that request for respite for Mary, and I will advise both the honourable member and Mary of any further assistance that can be provided in relation to the specific example he raised.

Given that the honourable member for Keilor raised the importance of better disability services in his electorate without mentioning a particular case, I am pleased to inform him that as a result of our last budget the Homefirst program will provide assistance for 47 more people and the Making a Difference program will provide 158 new places for the support of families and carers over an extended period. I am sure that extra funding for respite care and disability services will assist the honourable member’s electorate, as I am sure the honourable member for Glen Waverley will be able to further assist Mary.

The honourable member for Mornington raised a matter for the Minister for Planning about a covenant. I will direct that matter to the minister.

The honourable member for Preston asked the Minister for Transport to consider the installation of traffic lights at the intersection of Gremel and Plenty roads in Reservoir. I will pass on that issue.

The honourable member for Rodney directed to the Minister for Environment and Conservation his concern about box-ironbark forests. I will pass on his request that the minister investigate whether the Department of Natural Resources and Environment is managing an area as a national park when it is not declared as such.

The honourable member for Geelong raised a matter for the Minister for Police and Emergency Services about adequate policing on the Melbourne–Geelong road, particularly drivers tailgating and their inability to abide by the speed limit. All honourable members would share the concerns of the honourable member for Geelong about the need to minimise the risk of accidents and possible death or injury on that dangerous stretch of road.

The honourable member for Knox raised a matter for the Minister for Education about drinking water at Lysterfield Primary School. I will pass that matter on.

The honourable member for Mordialloc directed a matter to the Minister for Transport about the Dingley bypass. I will pass that on.

The honourable member for Sandringham raised a matter for the attention of the Minister for Workcover. I will pass that matter on.

The DEPUTY SPEAKER — Order! The house stands adjourned until next day.

House adjourned 10.41 p.m.