PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

16 October 2002

(extract from Book 3)

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By authority of the Victorian Government Printer

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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

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

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The Hon. S. P. BRACKS

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

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
Mr R. K. B. DOYLE (from 20 August 2002)
The Hon. D. V. NAPTHINE (to 20 August 2002)

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The Hon. P. N. HONEYWOOD (from 20 August 2002)
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Andrianopoulos, Mr Alex	Mill Park	ALP	Lim, Mr Hong Muy	Clayton	ALP
Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
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Barker, Ms Ann Patricia	Oakleigh	ALP	McArthur, Mr Stephen James	Monbulk	LP
Batchelor, Mr Peter	Thomastown	ALP	McCall, Ms Andrea Lea	Frankston	LP
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Burke, Ms Leonie Therese	Prahran	LP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
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Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
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Cooper, Mr Robert Fitzgerald	Mornington	LP	Napthine, Dr Denis Vincent	Portland	LP
Davies, Ms Susan Margaret	Gippsland West	Ind	Nardella, Mr Donato Antonio	Melton	ALP
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Delahunty, Mr Hugh Francis	Wimmera	NP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Paterson, Mr Alister Irvine	South Barwon	LP
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Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar [2]	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb [1]	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Trezise, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantirna	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

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

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WEDNESDAY, 16 OCTOBER 2002

Wednesday, 16 October 2002

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.35 a.m. and read the prayer.

PETITIONS

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

Gunnamatta: sewage outfall

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

The humble petition of the undersigned citizens of the state of Victoria sheweth:

Melbourne Water's outfall at Boag's Rocks on the Mornington Peninsula has been discharging toxic effluent into the marine environment for 27 years, resulting in deplorable environmental damage, documented ill health to beach users and an irresponsible waste of a precious resource, water.

Your petitioners therefore pray that Melbourne Water

1. Upgrade its Carrum treatment plant to produce potable standard water (100 per cent recyclable) using non-polluting technologies.

2. Set a date for closure of the Boag's Rocks outfall.

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

By Mr DIXON (Dromana) (10 565 signatures)

Voluntary euthanasia

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that due to the failure of the Medical Treatment Act to meet the needs of the citizens of Victoria, your petitioners therefore pray that the Parliament legislate to allow a willing doctor, on request, to assist a person who is hopelessly ill and suffering intolerably to die quickly and peacefully under certain guidelines and safeguards.

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

By Mr LANGDON (Ivanhoe) (5657 signatures)

Laid on table.

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

PAPERS

Laid on table by Clerk:

Melbourne City Link Act 1995 — Order pursuant to s 8(4) decreasing the Project Area

Mt Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2001

Statutory Rule under the *Fair Trading Act 1999* — SR No 95

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 95.

MEMBERS STATEMENTS

Local government: rate increases

Ms BURKE (Prahran) — It is clear the letter the Minister for Local Government sent to all mayors on keeping municipal rates within the government rating framework of at or below the underlying rate of inflation has not made any impact at all.

Keeping in mind that rates are only a part of council income, I note that in 1999 rate revenue across the state was $1.33 billion, yet in 2001 it was well in excess of the consumer price index increase for the same period, at $1.54 billion — an increase of 16 per cent over the term of this government. It should be remembered that this is accumulative.

In 1999 rates represented 20.2 per cent to 57.8 per cent of council income. Last year those figures had risen to 23.6 per cent and as high as 61.5 per cent. The figures are based on councils' own annual reports across Victoria. It is hard enough that rates have to keep climbing, but the problem is finding out why. Every council is different and one letter does not fit all. There are many reasons for the increases in rates. In some cases it is as simple as increases in Workcover premiums, public liability insurance premiums and cost shifting, but there are many other different causes. The government does not know, nor does it care that the ratepayers — —

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

Dental services: Echuca

Mr MAUGHAN (Rodney) — I wish to draw to the attention of the house the inadequate public dental services in Echuca and other parts of country Victoria. A new public dental clinic was opened as part of Echuca Regional Health in December 2001. That clinic has four chairs, two for the community dental program

and two for the school dental service. As at the end of August the clinic had been without a dentist for six months. Currently there is a part-time locum who is working three days a week for one month only. Waiting lists are increasing and are unacceptably long.

Whilst the Department of Human Services is issuing vouchers so eligible patients requiring urgent dental care can attend private practitioners, waiting lists continue to grow for the residents of Echuca, Kyabram, Rochester and Cohuna. It is little different in other parts of country Victoria or at the dental hospital, where there are totally unacceptable waiting lists, particularly for dentures. Elderly people are stressed and inconvenienced, and patients requiring dental attention are unable to obtain service until their condition becomes urgent.

I call on the government to ensure that the people of Echuca and country Victoria generally are provided with adequate dental services to satisfy their needs.

Reservoir Civic Centre

Mr LEIGHTON (Preston) — An innovative community building is currently being constructed in Reservoir. The $4 million Reservoir Civic Centre redevelopment by the City of Darebin incorporates a number of environmentally friendly features in both its construction and ongoing use. For example, the building materials, some of which are recycled, are non-toxic, low in embodied energy, low impact, locally produced and sensitive to health concerns such as asthma.

Energy will be saved throughout the use of the building in a number of ways — for example, the minimisation of water use and the use of rainwater to flush toilets should save about 1.2 megalitres per annum; use of green power will save 200 tonnes of carbon dioxide per annum; and solar energy will provide over 20 per cent of energy needs. The building will save 60 to 65 per cent energy over a comparable building, have lighting which will perform over 75 per cent better and produce savings of 50 per cent by using five-star equipment.

When completed the centre will be a great community asset. It will include a youth centre, recording studio, child and maternal health services and a customer service centre. As well as serving the community the centre will be environmentally friendly, ecologically sustainable and a healthy place in which to work. My congratulations to the City of Darebin for undertaking this project which will benefit the community.

Glen Eira: rate increases

Mrs PEULICH (Bentleigh) — The residents of the Bentleigh electorate are angry about the huge rate rises they have suffered over the last three years of the Bracks government. Over that time the Kingston City Council has increased its rates by 18.5 per cent. The Glen Eira City Council has increased rates by a phenomenal 37.7 per cent, with the most recent increase being 28 per cent, reduced by a rate rebate that the Solicitor-General deems to be illegal, yet the Minister for Local Government has ignored his advice and has done nothing about it. The community is angry. Petitions opposing the increases have been made to the council, the mayor of the City of Glen Eira opposes the increases and petitions have been tabled in this Parliament. I have also written to the Minister for Local Government.

Despite the Premier's own social policy adviser being the candidate for Bentleigh at the next election, no-one has lifted a finger to protect my community from these outrageous and unwarranted rate rises. Some examples include: K. L. Sorrell of Bentleigh East has suffered a 41 per cent rate increase this year; H. Kassay, who lives in Atkinson Street, Bentleigh, has suffered a 54 per cent rate increase; A. M. Raftopoulos of Bentleigh has suffered a 40 per cent increase; and A. J. Millar has suffered a 33 per cent increase. These are outrageous increases that my community can ill afford. The Minister for Local Government has done nothing. He is a do-nothing minister in a do-nothing government.

Planning: green wedge strategy

Ms DUNCAN (Gisborne) — I rise this morning to sing the praises of the Bracks government and its green wedge legislation. I personally congratulate the Minister for Planning for all the good work she has done in bringing this proposal to fruition. I also thank her for meeting with several groups in my region and allowing them to put their cases to her. I thank the minister for her good work and consultation on this. I can assure the minister that the front page of our local paper reflects the support this legislation has received in places like Sunbury. Sunbury is on the edge of Melbourne, and this legislation means we can have planning that is not ad hoc — we can have planned development and prevent the urban sprawl we have seen in many other parts of Melbourne.

The green wedge legislation complements beautifully the metropolitan strategy. These strategies will give our councils the tools and support they need to protect their towns. The legislation will allow places like Sunbury to remain unique and not be flooded with development

and overrun by the urban sprawl. This week's paper illustrates the sorts of benefits this legislation will bring. The front page headline is 'New hope for heritage site'. There are a number of very sensitive areas in the region, and this will protect them. I praise the government for its actions.

Wonthaggi Primary School

Ms DAVIES (Gippsland West) — The government needs to take note of and act on the urgent building and maintenance needs of Wonthaggi Primary School in Billson Street, Wonthaggi. This fantastic school has 308 students and lovely 100-year-old red brick facilities and is located in the centre of town.

However, the downside of the age of the buildings is a very high maintenance requirement. The school needs an upgrade. There is a master plan wafting around the regional office somewhere but no commitment has yet been made to upgrade the school. In addition, $124 000 worth of maintenance was identified by the physical resource management system audit in December 2000. The government has so far allocated only around $22 000 over the three years to 2003 to complete that maintenance. Obviously the amount allocated so far is completely inadequate.

Since I have been the member for Gippsland West in this Parliament my presence and efforts have helped and encouraged two very different governments to fund new schools or upgrades at Bass Valley, Newhaven, Drouin, Koo Wee Rup, Bayles, San Remo, Lang Lang, Wonthaggi North and Cardinia. There are more, but I have to tell the government that more is still needed. Wonthaggi Primary School needs the government's attention. The issue of outstanding maintenance funding stretches much further than one school. In education it is never acceptable to forget about one issue while dealing with others.

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

Surf Coast: performance

Mr PATERSON (South Barwon) — It is time that police were brought in to investigate irregularities in the Surf Coast Shire. As reported by Garry Cotton in the *Geelong Advertiser* on 20 September this year, auditors have identified that assets worth nearly $700 000 are missing. If these assets have been stolen, it is a serious police matter.

The government pretends there is nothing wrong with the shire and refuses to listen to local residents. The Surf Coast Shire has lost the confidence of residents. A recent meeting of 400 locals called for the council to be sacked. The shire is $9 million in debt. It has had to defer capital works projects because of a lack of money, and it has slugged residents with massive rate hikes. The municipal inspector's report was due on the Minister for Local Government's desk nearly a week ago, but the government remains silent. The government seems to be paralysed and unable to make a decision. In fact, not all that long ago this hopeless Labor government was holding up the Surf Coast Shire as a model council.

Residents must be able to have confidence in their local council, and in this case that confidence has evaporated. One senior officer has been forced to use the protection of the Whistleblowers Protection Act to expose critical information regarding the shire's operations. Residents are now wondering what has happened to hundreds of thousands of dollars worth of missing assets. If they have been stolen, then a serious crime has been committed. The police should be called in as a matter of urgency.

SES: Nunawading unit

Mr ROBINSON (Mitcham) — I pay tribute this morning to the outstanding work undertaken by the State Emergency Service (SES) crews, in particular the Nunawading crew, headed by unit controller Alan Barnard, during a couple of violent windstorms that hit Melbourne early last month. The Nunawading crew received some 300 calls in the 24 hours on the affected day, mainly about trees coming down on roads. In addition they were called to at least one roof dislodged in Vermont which was blown onto not the house next door but to the one beyond that.

There were numerous powerline-related tasks to be done on the night, with many live lines coming down. In one instance a unit member had to spend 11 hours with a live line waiting for it to be rectified. All Nunawading unit's members were active during the storm response period, even for a short period on the Tuesday when they had four vehicles plus up to five private vehicles out on tasks. On the Monday, one vehicle was sent to do a job in the Broadmeadows area where there was a huge unroofing at a block of flats. Most of the 50 volunteers took leave from their employment to do the task. The support from employers in those cases was admirable.

The SES consists of people who are very much unsung heroes to whom we owe a great deal of gratitude. I place on the record my appreciation of the work done by the Nunawading crew at that very difficult time.

Frankston: parking fees

Ms McCALL (Frankston) — The Frankston City Council rates have been increased this year by 6.9 per cent. This is not an excessive amount, and some of the valuations on the properties were quite good, being upgraded in recognition that Frankston is the place to live. However, part of our rate increase has clearly gone to producing some of the largest recycling bins that most of the older members of my community have ever seen. Even though most of them are very keen to take part in the recycling, when the recycling bin is full it is almost impossible to actually wheel the wretched thing up the driveway and out the front to be collected. However, that is not the only problem.

After an increase in rates by 6.9 per cent, which is reasonable enough, we have had a huge increase in the cost of parking in Frankston — an increase of $50 for a parking fine, which is outrageous. The parking fees around the central activities district itself are actively discouraging people from shopping in Frankston. They go to Karingal or Mornington or Mount Eliza where they can park free, but they do not want to park in Frankston. I cannot understand why, if the council is so keen to encourage the people of Frankston to shop locally and live locally and to recycle along with their huge recycling bins, it would go out of its way to push people out of Frankston to shop somewhere else.

The SPEAKER — Order! The honourable member for Keilor has 1 minute.

St Albans Lunar Festival

Mr SEITZ (Keilor) — I join the Premier in supporting the St Albans Lunar Festival, which started off in an excellent meeting in my electorate office and was then taken over by the St Albans Traders Group. At the moment it seems that the Asian community has got itself involved in a fight with local people of European background. The lunar festival should continue, and I pledge my support for it. In particular the extra rates that I pay for my electorate office should go towards it, because the funds have been stopped. However, I encourage all traders to voluntarily make their funds available to the lunar festival, joining the Premier and me in proceeding with it.

Last year it attracted some 40 000 people, which was a tremendous effort by the St Albans community, organised by the St Albans traders. I welcome the Premier's support for this program, as reported in the local papers, and I certainly will do my bit to ensure that the Brimbank City Council supports the ongoing development of the festival.

The SPEAKER — Order! The honourable member's time has expired, as has time for members statements.

MATTER OF PUBLIC IMPORTANCE

Water: infrastructure funding

The SPEAKER — Order! I have accepted a statement from the honourable member for Polwarth proposing the following matter of public importance for discussion.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Gisborne will find herself outside the chamber — similarly the honourable member for Mordialloc.

Mr Leigh interjected.

The SPEAKER — Order! The honourable member for Mordialloc well knows that he must remain silent while the Speaker is on his feet.

The matter of public importance for discussion is:

> That this house condemns the Bracks government on its $218 million (55 per cent) cut in water infrastructure spending since coming to office, including water storages and waste water treatment facilities.

Mr MULDER (Polwarth) — As a member of Parliament it embarrasses me to have to bring this matter of public importance before the Victorian Parliament, given that it was not all that long ago that the government hosted a water summit in Victoria to highlight the crucial issue of water and water infrastructure in Victoria. It is well known that the summit was attended by some of the most eminent business people in Australia, who came to voice their concerns about water and water infrastructure. Shortly after the summit concluded in Melbourne, it came to light through the Australian Bureau of Statistics that over the past three years the Bracks Labor government has cut funding for water infrastructure, water storages and waste water treatment plants and facilities by a massive $218 million, or 55 per cent. Government members should hang their heads in shame given their lack of commitment to water and water storage in rural and regional Victoria in particular.

It has come to light only today that the farmers who are serviced through the Wimmera–Mallee system may be without water next year. In the central Goulburn Valley irrigation district farmers are rapidly culling herds, shutting down and walking off their farms due to the

government's lack of commitment to infrastructure and investment in water in the state of Victoria. Off the back of a drought the government, the minister, the Treasurer and the Premier should be hanging their heads in shame for having the gall to call a summit on water knowing very well that they had cut by 55 per cent their commitment to Victoria's water storages and water infrastructure, including our waste water treatment facilities.

The previous government's commitment of over $1 billion to water infrastructure in the state recognised the important need for water in Victoria. Work was put into, firstly, establishing our catchment management authorities to improve the health of our catchments, and secondly, the authorities working on small town sewerage schemes to connect many of Victoria's smaller communities to waste water treatment plants, which do a great job for those communities.

What do we have from the government to follow that program to assist small rural communities? The government and the Minister for Environment and Conservation, through the Environment Protection Authority (EPA) and local municipalities, have imposed a massive tax on those smaller communities that have not been connected to waste water treatment plants at this point in time.

I will tell you how this process works, Mr Speaker. At this point in time a code of practice is in place — —

Ms Garbutt interjected.

Mr MULDER — Yes, minister you are right. It is a code of practice put in place under the Kennett government, but it was never implemented and never enforced. At the time the Kennett government recognised that the code had problems: it did not recognise the various situations of different locations around the state and did not allow for different household uses or various soil types.

The EPA has been around, saying that it has conducted workshops. There have been no workshops; there have been information sessions — and not all the time with EPA officers, either. They have had told municipalities, 'You will implement domestic waste water treatment plants and you will take on board the code', which means a compulsory three-year inspection and a compulsory three-year de-sludging program. That will hit these very small rural communities right in the hip pocket. These are people who pay for bottled gas. These are communities with people on very low incomes. It will hit them right in the hip pocket.

I think the minister at the table, the Minister for Environment and Conservation, knows and understands, because in a fact sheet she sent out — which I will get to shortly — she tried to cover up the fact by saying that this is not a tax. Any action you take, Minister, through the Environment Protection Authority or through the municipality that hits country Victorians in the pocket is a tax — and you have generated it! For a number of those people that will amount to anywhere between $300 and $800.

The DEPUTY SPEAKER — Order! The honourable member will address his comments through the Chair.

Mr MULDER — Thank you, Deputy Speaker. So keen are the water authorities that, as I understand it, Goulburn-Murray Water has already indicated that the costs for accepting de-sludge wastes will rise rapidly — by 50 per cent.

The minister says this will not be put in place. However, Mitchell shire is already preparing its draft waste water domestic management plan. That will come into place, and it will hurt enormously some of these very small communities.

It is interesting to look at the minister's response to my media release.

Mr Maclellan — On a point of order, Deputy Speaker, as a courtesy to you in the Chair, it is usual for the minister to remain at the table or to arrange for another minister to sit at the table if the minister has urgent need to go elsewhere, which we all understand. It is normally a courtesy to the Chair to make sure that there is a member of the executive at the table.

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

Mr MULDER — I will quote from a press release by the minister, a minister of the Crown. I apologise to the Hansard reporter and to any other females in the house who are listening to this, but this is a minister's comment in a press release to a rural and regional newspaper. The minister is quoted as saying:

> That time, just like this time, Mulder simply ballsed it up.

Can I quote one of your — and I probably will not be absolutely exact with the quote — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I again remind the honourable member to address his

comments through the Chair, without assistance from the members on the government benches.

Mr MULDER — Thank you, Deputy Speaker. It is very close to a quote from one of Labor's icons, Paul Keating, and it goes something like this: 'If you upset the dullards and underachievers, you must be doing something right'. That is all I will say about the minister because, by gee, it is a bit hard. I have never seen a response like that from a minister who has had to put together a two-page fact sheet to try to clear her name. The minister knows very well about the issues I raised with people right around rural communities, including farmers.

Can honourable members imagine it? When this proposal comes into place a farmer on a 1000-hectare property who has a septic tank and has operated that septic tank for 25 to 30 years without any need for maintenance, an inspection or a de-sludging program will get caught up. Coming off the back of that can honourable members imagine some of these farmers in the Wimmera–Mallee or in the central Goulburn Valley irrigation districts, who have no water and have not had water delivered, working with the government that has cut infrastructure spending on water?

The municipal septic tank inspector will turn up — knock, knock! — and say, 'I am here to inspect your septic tank. By the way, here is an order for some rectification works, here is my bill, here is the name of our new department within our municipality, the Environmental De-sludging Department. We see this as being a very great earner for our municipality. You can contact it and have your tank pumped out. And, by the way, we will probably be back in three years. However, should the weather conditions or the regime change, or should the need change for us to grab a little bit more money, we could be back a little bit sooner'. That is what the code allows for. It allows for a municipality, if it wishes, to either extend or increase the inspection regime. It is very likely municipalities will increase it, and that is what people in country Victoria do not trust about the government of the day.

What people in country Victoria know and understand is that they are being taxed out of their homes by the actions of this minister. So far they have additional taxes of $1500.

Honourable members interjecting.

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

Mr MULDER — When you add to this the additional tax or charge or levy — call it what you like — that this minister is trying to impose on rural communities, on farmers, those affected will wake up very quickly to what this whole process is about. It is about a tax grab imposed by the minister.

If it is all about investing in water infrastructure, perhaps the government can explain to me the actions of Darren Wilson, who is with the Robinvale irrigation customer services committee. On a number of occasions Mr Wilson attempted to contact the minister and discuss a major piping problem with his irrigation system. He was saying, 'We are not asking for an absolute handout, we are prepared to do a 40:40:20, or a third, a third and a third, but would you at least come down and talk to us about our problems?'.

I will inform the house of how Mr Wilson got an appointment with the minister after not having his telephone calls returned. He rang up the Premier on talkback radio and said, 'My name is Darren Wilson. I have a problem in that I can't get the minister to come to talk to me about the serious irrigation issues we have up here'. The Premier said, 'I will look into it straightaway. Great idea, Darren. I will look into it and make sure you get a meeting with the minister'. In actual fact what happened was that he got to meet with a departmental person who would not have known a dam from a glass of water. He got nowhere and the whole thing disappeared. There was no commitment and no interest by the minister of the day.

Really these are the programs that the government should be looking at. It is not just a matter of water savings; it is a matter of what these types of projects will do for those irrigators and how they will assist them to get their farms working efficiently with water. The problem with the system is that there are some leakage and evaporation issues, but there is also the matter of the mechanics of the system in trying to get water to farms on time and most effectively if they are under pressure. These are the things that those involved want to talk to the government about in terms of spending money on infrastructure, but they cannot even get as much as an audience with the minister.

I will also raise an issue concerning the central Goulburn irrigation district. Currently that irrigation district is able to supply only around 40 per cent of water to the farmers in the district. It also wishes to speak to the minister. To this point in time that irrigation district has lost $9 million, and $3 million last year. It will continue to lose money. It wants to discuss its infrastructure upgrade needs, and it cannot even get to talk to the minister of the day. There has been no commitment and no understanding.

The greatest fear I have about this whole process is that we will get to the point of repeating what happened in the Cain and Jolly era, when they tried to sell the Cardinia and Thomson reservoirs to dig themselves out of the dirt. That is exactly what happened in the past. Look at the finances of the state at the moment.

John Cain tried to sell the Thomson and Cardinia reservoirs, Jolly was with him behind it, and they were going to lease it back — and you have the cheek to talk about bringing into this house anti-privatisation water legislation. What an absolute bunch of hypocrites! Your own people, your own mentors, the people you put up there on a pedestal, tried to sell Victoria's water. This is an absolute outrage; it is absolutely disgusting.

Here is an article reporting Rob Jolly headed 'More water, less worry for Melbourne'. You can go through the whole lot. There is another article headed 'Lease plan "criminal" — Kennett'. It was your idea from day one, because you got yourselves into an awful stinking mess with the state's finances and you tried to buy your way out — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I again remind the honourable member for Polwarth — I am sorry to keep interrupting him, but as he persists in not addressing the Chair I have to — to address his comments through the Chair.

Mr MULDER — Thank you, Madam Deputy Speaker.

As I said, this is what it is about. This is what it is going to come to unless we get some serious commitment, some serious money and some serious interest rather than the carping, the harping and the rubbish that comes from this government in terms of its commitment to water in the state of Victoria. There is no commitment. This is what it is all about. This is what it will get back to: selling our water resources to dig the government out of the mud.

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

Mr STEGGALL (Swan Hill) — I should remind the house that the matter of public importance is:

> That this house condemns the Bracks government on its $218 million (55 per cent) cut in water infrastructure spending since coming to office, including water storages and waste water treatment facilities.

One of the issues that has been raised by the honourable member for Polwarth is the fact that there has been a cutback in the expenditure on water infrastructure. One of the reasons for that is that the government has not replaced, or has not as yet spent, the $400 million that the previous government put into the small towns and water and sewerage programs. We have still got about three of those programs to complete. What the government has not done is replace that money with new money for an ongoing project.

I can understand why it has not done that. Its members used that particular issue to a great deal of political advantage in the last election, and country Victoria saw this rather strange situation where the opposition, when in government, put $400 million of cash into small urban water and sewerage programs in the small towns and it became a political negative for us. That was very clever. It was the biggest single — —

Mr Nardella interjected.

Mr STEGGALL — Come on! People like the honourable member for Melton ought to be dealt with right from the word go. He should understand that the public ownership of the water resources in Victoria has been paramount to everyone in this house for many years. His political nonsense and carry-on and the dishonesty with which he and others continue that line have confused people throughout Victoria, and successfully confused them to the government's advantage.

Mr Nardella interjected.

Mr STEGGALL — There are areas of infrastructure expenditure that I am most interested in which have not been dealt with by this government, and I do not believe they should be. Firstly, there is the safety issue, which we have coming at us. What has happened there is that we have changed the standards for our dams in Victoria and in Australia. Because of that change I believe governments need to participate with the water users in the upgrade of that safety. No money has been put forward for that. The last government put $40 million towards that.

Once again we have not seen expenditures coming forward for the upgrade of our irrigation districts, the Sunraysia Rural Water Authority, the First Mildura Irrigation Trust, Goulburn-Murray Water and Wimmera-Mallee Water. We have not even seen plans, with the exception of Wimmera-Mallee, where we have a feasibility study now going on. It has been a rather drawn-out operation to do that. The opposition supports that very much. What the opposition has not seen is a plan to assist in the upgrade of the irrigation infrastructure in Victoria. I say that because in 1992 we

entered into a process of full cost recovery in our water industry — a total renewals program. We gave the industry 10 years to achieve that, which it has done, although central Goulburn is a little bit behind at the moment, but it is up there with this year's operation and its pricing. What we have not been able to do is to get a plan in place to pick up the shortfall.

For the last 100 years governments have not charged full tote odds for irrigation water even when, in 1983 or 1984, I think it was, we wrote off some $800 million of notional debt that was sitting there for the water industry. The government did not look at the replacement of the shortfall for the depreciation or the maintenance of our irrigation systems. I say this because we have got to be very careful that we do not end up with our public irrigation infrastructure being the poor man's operation in our country areas.

If you look at the new irrigation projects throughout Victoria at the moment you will be amazed at the sophistication of technology that is being used. It is at world's leading edge and some of the best.

I must admit that one of the areas that the government has been involved in has been the Woorinen irrigation district upgrade, which is the only one of those areas that the government has been involved in. It comes on line in February, it is ahead of time and, believe me, it is going to be a public infrastructure operation sitting right at the top of the world's best programs. That type of thing needs to be done with Mildura, for the First Mildura Irrigation Trust, and for Sunraysia Rural Water. The honourable member for Polwarth mentioned Robinvale. The opposition has been trying to get this type of approach in Robinvale for some time but has not been able to do it.

Mr Nardella interjected.

Mr STEGGALL — Yes, we tried in our time as well, but that does not make any difference to the fact that three years later, with all the progress we made in the seven years, the honourable member for Melton — —

The DEPUTY SPEAKER — Order! The honourable member for Melton will cease interjecting.

Mr STEGGALL — The government has not tried to progress that process. This is a pretty vital area and a pretty vital operation.

The planning and the process in forming Sunraysia Rural Water and getting that system fixed up is quite a task. The other area that has not been handled by the government is the introduction of desalination of our ground water, and for urban and rural water. At the moment we are in the worst drought we have ever had. The science around the world is quite significant for desalination. We are using it in different areas, but we have not seen government really pick up the ball on the science of desalination and the technology that is involved. At the water summit we had here in May we heard of the work being done on desalination for brackish water and some saline ground waters in America. We have not picked up the ball in Australia on that, and I believe that is open to and available for us.

The other issue we should briefly mention is the Regional Infrastructure Development Fund that this government has talked so glowingly and highly about. Unfortunately it has become just that — a regional development fund, not a country development fund — and as such we have not seen — —

Mr Nardella interjected.

Mr STEGGALL — You come from Melton, my son! You are almost metropolitan — in fact, you are.

Mr Nardella interjected.

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

Mr STEGGALL — The honourable member for Melton! I am really going to miss that, mate!

The other issue we are looking at is trying to make sure we have infrastructure expenditure lined up with the development projects that are going on in Australia and Victoria. I have mentioned many water infrastructure areas, including the Macalister irrigation district and the Lindenow Flats, as well as the problems of getting security of water supply into those areas so that more investment and development can take place.

The issue of small towns was mentioned rather strongly by the honourable member for Polwarth. We have made some progress with small towns, and we are still awaiting the completion of many of those schemes in my electorate. When they are completed they will be of great benefit to all of us; but what we are not seeing is government doing the planning for the next phase. The government does not have any infrastructure plans to pick up those other small towns which have requested that they be made available to their areas. The operation of the Environment Protection Authority and the quality and standards that are imposed have been mentioned. These are issues which need to be handled in a sensitive and proper manner, because our small towns are going to need some assistance in this matter, and it would be a very good area for government infrastructure spending.

The fact that the government has not continued the same rate of water infrastructure spending is a point that should be made. The government is still having trouble spending the money that was put aside by the previous government.

Ms GARBUTT (Minister for Environment and Conservation) — The honourable member for Polwarth was absolutely embarrassing! His lack of knowledge would dismay all Victorians, and the points that he raised are hardly worth answering. I will pick some of them up along the way, but it really was cringe material. He is quite obviously a shadow minister who still has the learner plates on and who does not know what he is talking about. Unfortunately he chose to parade that for all to see this morning.

The National Party member who spoke on this matter, the honourable member for Swan Hill, has a huge knowledge of this issue, but he was unfair in some of his comments, and I will pick those up along the way.

When I looked at the topic of this matter of public importance last night I thought, 'Here is a chance to make a ministerial statement on our water management, which is world class, so I am very pleased to have it'. The reaction of some water experts when I told them about this was, 'You're joking! That's the topic of a matter of public importance?'.

First of all, let's tackle head-on the so-called facts that the honourable member has paraded about a cut in water infrastructure spending. Under the last three years of the previous government average annual expenditure in water industry infrastructure was $390 million — and the honourable member should keep that figure in his head. In the three years of this government the average has been $433 million — so the honourable member for Polwarth has simply got it wrong. He is talking rubbish; he is absolutely wrong.

Mr Mulder interjected.

The DEPUTY SPEAKER — Order! The honourable member for Polwarth has had his turn. I ask him to be quiet.

Ms GARBUTT — Let's go through some of the government's achievements. We have operated on three key principles: first, that all Victorians should enjoy the benefits of clean water and healthy rivers and catchments; second, that all water users should value and conserve water, using it wisely through smarter water use; and third, investment in our water resources will contribute to new jobs and innovative, high-value industries. They, of course, underpin rural and regional economies and the jobs that they create.

Let's go through some of the government's initiatives. The first one was committing $150 million — and that is with New South Wales, topped up by the federal government, making it $375 million — to return water to the Snowy River and improve the environmental flows in the River Murray. How are we going to implement that? By upgrading the infrastructure in the northern irrigation areas across the state.

The honourable member for Swan Hill touched on this, but he skimmed over it somewhat and left out a few important facts. Let me tell the house what we have already invested in as a government. Piping the Woorinen irrigation scheme was the one thing he mentioned. That was a $9 million investment by government, matched considerably by the local farmers, who see the importance of pipelines providing secure, clean water when they need it.

The government has also demonstrated its commitment by already investing a further $25 million in pipelining the Normanville irrigation scheme. I am surprised that the honourable member for Swan Hill did not mention this, because it is in his electorate. I went there, turned the first sod and launched the scheme with all the community except the honourable member, who was overseas at the time enjoying a jaunt around Europe. Perhaps that is why he forgot to mention that little scheme. That stock and domestic program will provide all that pipeline infrastructure and deliver secure, clean water to those farmers.

The second scheme, of course, is the one at Tungamah, which is well under way. The government is committed to that scheme and it is doing the detailed planning. Tungamah is another area that will be pipelined. Those three areas will enjoy some of the best infrastructure you will find anywhere in the world, delivering much cleaner and much more secure water to the farmers.

Mr Mulder interjected.

Ms GARBUTT — Ask your colleague sitting beside you, because he is the one who has been doing some negotiating and commenting on these schemes.

The next scheme is a metering program in the Goulburn–Murray irrigation area, which will be metering the stock and domestic systems and the stock and domestic dams and producing savings both for the Goulburn–Murray water systems and, of course, for environmental flows in our rivers.

The next program is a channel control pilot program which I inspected twice in Shepparton and surrounding areas, because this is a program that will save vast amounts of water by properly controlling the flow of

water through the channels. There are solar-powered and computer-controlled gates which will allow farmers to control the water timing and save water.

I will also mention the Boort pipeline, which was funded through the Rural Infrastructure Development Fund. Perhaps the member for Melton might like to talk about the Sunbury–Melton recycled water pipeline, which is close to completion and which the government is about to open officially.

Mr Nardella — I certainly will.

Ms GARBUTT — I will move on to some other things that my parliamentary opposition counterpart mentioned — but not properly, and without explaining the detail.

One was implementing the fair deal for all to provide sewerage to around 18 000 rural properties. A total of $22.5 million has been provided for this purpose over three years to implement 60 sewerage schemes across Victoria, with an additional $4 million made available for hardship relief. Most of those projects have been completed, are being completed or are about to start.

I refer to the member for Polwarth's reference to $1 billion. I remember the previous government's advertising that $1 billion, because I had a flood of phone calls from very angry people saying, 'That's not the government's money, that's our money'. When you analyse that $1 billion, you realise $600 million of it was coming out of people's pockets but the former government was claiming it was government money! It was nonsense, and that is why we are on this side of the house and they are on that side.

That $1 billion did not exist. People were being asked to put their hands in their pockets to the tune of $4000 or $6000 for sewerage schemes, and what we were able to do when we came into office was give people back cheques. Several of the members here in this house — —

Mr Helper interjected.

Ms GARBUTT — Here we are. The member for Ripon was able to hand back to his constituents a cheque from this government, because it said — —

Mr Mulder interjected.

Ms GARBUTT — It was $22.5 million and it was in the budget. I am amazed — this member opposite obviously does not even know what has happened!

Mr Mulder interjected.

The DEPUTY SPEAKER — Order! The minister, through the Chair, without the assistance of the honourable member for Polwarth.

Ms GARBUTT — This is all very recent history. This happened just two and three years ago, and the shadow minister is still learning.

Mr Mulder interjected.

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

Ms GARBUTT — He should know that two of the big issues during the last election were, firstly, the country sewerage schemes, and secondly, the catchment management authority program, but we will get to that little fact a bit later.

One of our icon projects funded through this year's budget is a $77 million commitment to the Wimmera–Mallee pipeline to save 93 000 megalitres of water and to put that water down the rivers — the Glenelg or the Wimmera — and provide some for regional development.

Mr Mulder — When are you going to start?

Ms GARBUTT — We will start when federal government coughs up some money!

Mr Mulder — Start now. Start one project!

Ms GARBUTT — The shadow minister would be much better advised to use his time campaigning among his federal colleagues to deliver the money to that project. The federal government has not committed to that project. It is an icon project and a wonderful project that will save water and deliver great benefits to the environment, great benefits to the region, great benefits for farmers and great benefits for employment, but the Liberal Party will not commit to it. I invite the honourable member to campaign for this project as strongly as he has spoken today, but unfortunately all his comments today have been nonsense. Absolute nonsense!

Water management is not just about infrastructure and it is not just about dams and pipes; it is also about management and ideas. One of the things that has been progressed under this government has been new ideas. Our Water for Growth program — in which $30 million has been invested in regional and rural areas for growth — is about regional development, economic development and jobs, with an emphasis on efficient water use. Coming back to our second principle of smarter water use, the government is

investing heavily in many Water for Growth programs across the state.

Turning to the city, the government has increased spending on sustainable water infrastructure projects in the metropolitan area by $68 million as part of its environmental partnerships program. This will be for extending the sewerage schemes in the city as well as for a program called the Smart Water Fund, which will receive $4 million this year and another $4 million next year to increase our water recycling efforts.

When Labor came to office the percentage of water recycling in Melbourne was just 1 per cent. That is the legacy of the Liberal and National coalition government — 1 per cent recycling of the vast amounts of waste water poured out into the sea. This government has made a commitment to lift that to 20 per cent over 10 years, and it is investing in that.

Mr Mulder interjected.

Ms GARBUTT — Not another announcement, he says. No, that announcement was made months and months ago.

Mr Mulder interjected.

The DEPUTY SPEAKER — Order! The honourable member for Polwarth will behave himself.

Ms GARBUTT — The shadow minister does not know. The shadow minister missed it. The shadow minister does not know the first basic facts about water resources, water resources management or water resources infrastructure. He needs to go back to Water Management 1.01 and find out what he should be talking about!

Let's talk about some of the other areas of the government's achievements in focusing on the health of our rivers and catchments, which is absolutely fundamental to our farmers, to our regional economies and to regional jobs.

Let's talk about the Healthy Rivers strategy that I have released which the government has funded with $12 million from this budget. That will protect and improve our rivers across the state — all of them — with a focus on two icon rivers, the Ovens River and the Mitchell River, which are in excellent condition and which are heritage rivers, and we want to keep them that way. But this strategy will fund improvements for other rivers which are considerably degraded — that is about three-quarters of our river system — in cooperation with local people, and with local farmers having a say.

Millions of dollars went into the Gippsland Lakes rescue package followed up by the Gippsland Lakes action plan. Obviously I do not have time to go through all that.

If we have a look back to the previous government, which I emphasise spent less than this government has spent on this issue, we can see that its performance was woeful. What was its principle? Sell off the water authorities. Sell them off! That was the aim of every step the previous government took. That was exactly what the previous government wanted to do, and I do not think the shadow minister here ever got over it.

The performance of the Liberal Party in particular has been absolutely woeful. All members of this house will remember the infamous farm dams legislation debates, because we had three of them. The Liberal Party could not get its act right, could not get a consistent position and took seven months and six debates back and forth in Parliament before it finally landed on a position which was where the rest of us had started seven months earlier. The ringleader in all that nonsense, who did not understand the policy, was the current shadow minister.

What a disaster for the Liberal Party this shadow minister has been. He has put out two press releases, one on septic tanks and one on decommissioning of water storages, and we will come to that bill very shortly. Both those press releases were an absolute disaster. His comments on Lake Mokoan were full of the same nonsense, mistakes and lack of accuracy that have already come to characterise this shadow minister.

At least the previous shadow minister knew what he was talking about some of the time, but the Liberal Party's portfolio reshuffle has been unfortunate. I am told that at briefings it is hard to tell who the new shadow minister is.

Mr PATERSON (South Barwon) — It is plain that the new Liberal shadow minister for water resources, the honourable member for Polwarth, has the Minister for Environment and Conservation on the run. It is also plain that when the minister has to resort to personal attacks on a member of the opposition she is in trouble. It is a joke that the minister resorted to the hoary scare tactic that the Liberal Party will sell-off water resources, and the minister knows it.

It is also plain that the new Liberal shadow minister for water resources, an excellent member of Parliament, has caught out the minister, particularly on the issue of septic tanks.

Mr Mulder interjected.

Mr PATERSON — She is certainly on the nose. My constituents and my colleagues across Victoria now know that the government will slug them on septic tanks, and they are not happy.

Mr Mulder interjected.

Mr PATERSON — As the honourable member for Polwarth rightly says, the minister has been flushed out and is flushing herself out of the chamber as we speak.

In Geelong water is a critical issue. I am sure honourable member will remember the water restrictions that residents of Geelong endured over a lengthy period. That situation has now turned around. It is amazing what a heavy downpour of rain can do to water storages. Water storage levels were down to 40 per cent, but as of 8 October they are now up to nearly 80 per cent — a significant turnaround.

Mr Nardella — It must have rained!

Mr PATERSON — The honourable member for Melton has finally caught up with what I said a few minutes ago. If the honourable member reads *Hansard* he will realise he has just repeated what I said 30 seconds ago. The Wurdee Boluc Reservoir, Geelong's main water storage, is now more than 80 per cent full, and the West Barwon Reservoir, Geelong's other main storage, is over 90 per cent full, so there has been a significant turnaround in the water storage levels of Geelong. However, people still remember those years when they had to be very careful with their use of water. That care and attention to conserving water will remain with Geelong people for a long time. I am sure that better water usage practices are now in the minds of the people of Geelong, and if there is any benefit from poor rainfall and water restrictions, perhaps that higher level of awareness is one.

Over a 12-month period the average family in Geelong uses about 35 per cent of its water on garden beds and lawns, about 20 per cent through the toilet, 20 per cent through other bathroom activities, 15 per cent through the laundry and 10 per cent through the kitchen. That is the profile supplied by Barwon Water. Geelong people understand that conserving that precious resource continues to be a high priority.

I point out that Barwon Water has a reuse policy. Not that long ago, prior to the last state election, the previous Liberal government funded an important study into water reuse. It commissioned a $100 000 study, the authors of which reported, given the change of government, to the new Labor government. Unfortunately this government has done nothing about it. In fact, it has rejected the recommendations. In a question on notice to the minister last year I asked what had happened to the Barwon Water green industry probe, and she effectively dismissed it. I asked her what level of financial contribution would be available from the government to fund initiatives in the green industry probe report, which, at that point, had recently been released by Barwon Water. The government came into power with a lot of huff and puff, and one of the issues it pretended to be concerned about was conservation and environment. Certainly the response to the green industry probe has proved that to be the lie it was.

As I said, the minister's answer to my question on notice simply dismissed the report, saying that industry was not interested in the proposal and pointing out that industry support would be essential to the financial viability of a reuse pipeline. Many businesses in Geelong are interested in water reuse and are currently employing reuse practices. Issues involving water quality are important, but they are not being addressed by the government. A major turf growing facility in my electorate at Torquay, Anco Seed, has significant issues with the quality of the water it is using and is keen for action from the government, but at this point nothing has been forthcoming.

Other reuse projects that are either being trialled or are in operation include projects in the wine industry, tomato and potato trials, irrigation for tree lots, reuse water for sporting facilities, turf growing at Torquay and flower growing. Unfortunately the government did not take this major green industry report probe seriously and effectively dismissed it.

On average about 50 000 million litres a day go out to sea from the Black Rock treatment facility between Barwon Heads and Breamlea. That facility treats most of Geelong's water supply. It would be a great legacy for future generations if more of that water could be put to good use. Some businesses are using the water, but it requires a lot more water to be put to horticulture and agricultural use for that facility at Black Rock to have a practical and beneficial effect on the area. I encourage the government to revisit the green industry probe and have another look at whether any of the comprehensive recommendations in the report are worthy of reconsideration.

I know it is a high priority among many Geelong residents that waste water is used more widely in the Geelong region than it is today. If I could encourage the minister — who has now left the chamber and is not taking any further interest in the debate — to do anything, it would be to look at the waste water that goes out to sea at Black Rock. The previous Liberal government showed a strong commitment to looking at

other uses for the water, but unfortunately the report was given to the Labor government, which has turned its back on it. I ask it to reconsider, because it is a very important issue for Geelong.

Mr MAXFIELD (Narracan) — I rise this morning to talk on this matter of public importance. When you think about it, this is the sort of matter of public importance that the government would want to debate in this house because, clearly, it is one of its success stories. Here the government has utter credibility; it has delivered more in three years than the previous Kennett government dreamed of delivering in seven years.

The matter of public importance claims that there has been a 55 per cent cut in money, but what are the facts? As the Minister for Environment and Conservation said before, the average water industry infrastructure spending when the previous Kennett government was in power was $390 million a year. The average amount spent under the Labor government is $433 million. Those facts are irrefutable. The shadow minister for water resources has lied to the house and is lying to the community about the real truth of water resources in Victoria. I think he should apologise to the people of Victoria.

Mr Mulder — On a point of order, Deputy Speaker, I take exception to the comments that I have lied to the house. The facts I quoted came from figures supplied by the Australian Bureau of Statistics, not figures I put together myself. I ask the honourable member for Narracan to withdraw his comments that I lied.

The DEPUTY SPEAKER — Order! The last part is a matter of debate but the honourable member for Polwarth has taken exception and I ask the honourable member for Narracan to withdraw his remarks.

Mr MAXFIELD — Withdrawn! To follow on from my comments, you can always pull out Australian Bureau of Statistics figures, but the result depends on what you add in and deduct from them. You can come up with almost anything.

Mr Mulder — I didn't touch them.

Mr MAXFIELD — When you get the book out and add up what the government is spending and what the previous government spent you suddenly find that bingo, it has spent more than the previous government. You can pick up any statistics. If you start a statistic midway through the month or start it later you can make it say almost anything you want if you twist and distort it enough.

The reality is: what is the government actually spending? Look at the papers. The opposition should read the budget papers and see what the Bracks government is putting into water resource management in Victoria, and there is the answer. You can quote any statistic you like, but unless it gives you the full story it does not mean anything at all.

That is typical of the honourable member for Polwarth. He has put out press release after press release that bears no resemblance to reality in any shape or form. He seems to suggest that bureaucrats will be running around inspecting septic systems every three years. It might be a great idea for the Liberal Party to do such a thing because it spends much of its time in the sewer, anyway, with a lot of its policy development.

The reality is that that will not happen and the honourable member for Polwarth knows it, but it will not stop him from putting out press releases. He will rush off to the press tomorrow and probably say it again even though he knows the Minister for Environment and Conservation has made it clear that will not happen. Even being told by the minister that it will not happen, he will go out to the press, probably this afternoon, and he will lie again and lie and lie.

Mr Mulder — On a point of order, Deputy Speaker — —

The DEPUTY SPEAKER — Order! I ask the honourable member for Narracan not to use that expression.

Mr MAXFIELD — Withdrawn!

Mr Plowman — On a further point of order, Deputy Speaker, if anyone in this house reiterates the words 'lie and lie and lie', they should not only withdraw but should apologise to the person to whom those comments are directed and who is sitting in the house.

The DEPUTY SPEAKER — Order! The honourable member for Narracan has withdrawn his comment; there is no further point of order.

Mr MAXFIELD — I would urge the honourable member for Polwarth to reflect very much when he goes to the press or talks to people to ensure that what he says is completely honest and correct.

Moving on to the issue of the opposition's plans to sell off Victoria's water resources — —

Mr Mulder interjected.

The DEPUTY SPEAKER — Order! I remind the honourable member for Polwarth that the last speaker on the opposition side was heard fairly much in silence and I ask him to extend the same courtesy to honourable members on the government side.

Mr MAXFIELD — When you look at the issue the opposition says it will not sell off water. However, it said that about hospitals and it sold off hospitals.

Mr Mulder — Who did we sell a hospital to?

Mr MAXFIELD — The Latrobe Regional Hospital. In fact we have already bought it back.

The DEPUTY SPEAKER — Order! The honourable member for Narracan, through the Chair.

Mr MAXFIELD — Through the Chair, Honourable Deputy Speaker: I will ignore the interjection. The closure of the Moe hospital through privatisation is certainly one of the reasons I am here today. The previous government certainly sold it off but I am proud to know that the Bracks government bought it back.

The previous government sold off nursing homes across the state. Moe lost a nursing home as well — sold off, sold, sold, sold! It sold off parts of our freeway and we now pay tolls to drive down parts of our freeways that we used to drive down for nothing. Again, another privatisation exercise. The previous government sold off electricity.

The DEPUTY SPEAKER — Order! I ask the honourable member for Narracan to return to the debate, which relates to water supplies.

Mr MAXFIELD — Certainly, Honourable Deputy Speaker. I am finishing on the list of electricity and gas, but I will revert back to the fact that the only thing left that the previous government did not sell off is water. Its members stand up and say, 'We wouldn't sell off water', even though they have sold off everything else! It stretches the bounds of credibility, doesn't it? We know that publicly they say they will not sell off water, but privately they have already got the pencils out. They are scratching away and trying to work out which of their Liberal mates will pay them the right price and how much of a donation will the Liberal Party get. Sadly, that is the way they work.

I turn to some of the issues about where the government is spending its money. I had the privilege of announcing in my electorate last week a grant of $200 000 as the first phase of restoring the Murray River–Moe drain project as part of the nutrient flow into the Gippsland Lakes. The government is hopeful of some federal funding to assist with this project.

A few months ago the previous shadow minister for water came down to my electorate and advised that the federal government had some money but the state government would not contribute. Unfortunately, we still cannot find the federal government's money. We have asked the federal government where the money is: we want it, we have funds and we want matching funds, but not one cent has been provided by the federal Liberal government for this project — not one cracker!

The project is now ready to roll and the Bracks government will not wait for the federal government; it is putting its money in now because that is the sort of government it is. The government will not wait for the Liberals to finally catch up and say they will foot their share of the bill. For seven years the previous Liberal government looked at that Moe drain project and said it was too hard.

What has happened since the Bracks government came to power? It has conducted a study, investigated it and funded it. It is now waiting for the federal government to come up with its funds. The previous government made promises but for seven years it did not deliver a cent.

Members opposite might even make further promises, but we know that they cannot be trusted because when it comes to putting up the dollars they are missing in action. The government has put the cash on the table and the project is starting as a result of Labor's commitment and funding. That is more than we had in seven years of Liberal neglect.

That leads me on to the issue of the Gippsland Lakes. For seven years there was total neglect, but this government has launched a $12 million rescue package for the lakes. The government is rebuilding the lake system, but what is important is the nutrient flow from the creeks and streams running into the Gippsland Lakes. We need to ensure that the nutrient flow going into the lakes is reduced. Stream health is very important, and this funding package delivers on the ground the sort of action on which the Liberal government was utterly silent for seven years. The National Party was guilty of complicity in showing the same sort of contempt as the Liberal Party.

We hear comments made on the other side of the house, but who has put up the money for the Moe drain, the Gippsland Lakes in my electorate and the Snowy River? The Bracks government has put up the money, when in the seven years of the Kennett government we

did not get a cent. I stand here proud of what the government has delivered.

Looking at the issue of sewerage, members opposite said they did a bit of sewerage when they were in power. They did, but they forced people who could not afford it to pay amounts they did not have and could not pay for their sewerage. It was a proud day when the honourable member for Ripon was able to hand back the cheques. Here were low-income people who had been forced by the Kennett government to pay money they did not have. They did not know whether they could eat or pay their rates or pay their electricity bills because they faced horrendous sewerage bills imposed on them by the Kennett government. Members opposite say that was the shining light of their seven years in power — that they forced unaffordable bills on low-income earners for a sewerage scheme they did not want.

The Bracks government has delivered by ensuring that the sewerage schemes it puts in are affordable. The government has budgeted $22 million to assist water authorities to implement 60 sewerage schemes across the state. A further $4 million has been made available in hardship relief for eligible property owners who connect to sewerage. We have a caring and compassionate government that I am proud to represent.

Mr PLOWMAN (Benambra) — I was not going to mention the speech made by the honourable member for Narracan because I did not think it was worthy of comment. However, when he said that not 1 cent was spent on water infrastructure by the Kennett government I could not believe my ears. No government prior to or since the Kennett government has spent anywhere near the amount of money it spent on water infrastructure. It was the biggest single expenditure on infrastructure by any government anywhere in Australia in the nation's history. What we spent and what we achieved is on record. For the honourable member for Narracan to say that belies belief. I am so surprised!

Mr Maxfield — On a point of order, Deputy Speaker, I stated in my speech that the former government spent $390 million and we are spending $433 million a year.

The DEPUTY SPEAKER — Order! There is no point of order. That is a matter of debate.

Mr Mulder interjected.

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

Mr PLOWMAN — This debate is wholly and solely about how much money is being spent on water infrastructure. I think it is a worthwhile debate. Nothing is more important to this state and nation than how we manage water. I applaud some of the things the government is doing, but I believe it is falling short in this area of expenditure on water infrastructure. The shadow minister for water resources got it right — since the Bracks government came to office there has been a 55 per cent reduction in expenditure on water infrastructure. It is important to remember that this is the most important issue we are facing.

The main area of concern is that there have been plenty of promises of money. I accept that those commitments to spend money are made in good faith but the money is not being spent on the ground, and that is what makes the difference. Unless you actually spend the money and achieve those infrastructure improvements it does not matter how much money you have committed. The difference with the Kennett government is that it spent that money. It implemented sewerage schemes and water treatment plants right around country Victoria. In my area alone the townships of Corryong, Tallangatta, Bellbridge, Yackandandah, Beechworth, Mount Beauty and Chiltern all had either their water treatment or their sewerage plants upgraded. There had never, ever been a program like that across country Victoria with that amount of money spent on infrastructure. It was the single greatest expenditure in Australian government history. I ask anyone on the government benches to tell me whether that is true.

That is what this matter of public importance is all about. I listened with a deal of interest to the contribution made by the Minister for Environment and Conservation. She made a list of claims, and I will come to them. However, the major issue raised by the minister was the contribution that this state has made to the diversion of water from the Murray River system to the Snowy River system. Frankly I think that is a environmental nightmare. To be sending water down the Snowy River from the Murray system in a year like this is unbelievable. Why that could not have been delayed is beyond my understanding. I cannot understand how this year, in the worst drought in living memory in Victoria, a government could possibly put water down the Snowy when all those irrigators are crying out for it. We have had circumstances where dairy farmers in northern Victoria have had to walk their cows to the abattoir in the afternoon after milking them in the morning. In many cases half their herds have gone.

The situation is critical, yet we have taken this step to put water down the Snowy. Obviously that is

something that makes the government feel happy. I cannot understand that. Obviously the government does it because it sounds like a good thing to do environmentally, but I can promise members opposite that to take water from the major river system in Australia when it is under more stress than any other river system in the country and put it into the Snowy River, which currently injects into the ocean 60 per cent of the water that runs into the river, belies belief. I cannot understand it. When you look at the issues raised by the Minister for Environment and Conservation and at why we are doing this — the Boort pipeline, the Sunbury–Melton pipeline, the Woorinen pipeline — —

Ms Beattie — That was our project.

Mr PLOWMAN — These are the government's projects, I am not arguing with that. I am just saying that these are the things the minister listed — the Normanville irrigation pipeline, the Tungamah pipeline, the metering of stock and domestic water and the channel control pilot program are all good programs. I am not arguing about that. However, the money is going into those programs to find the water for the Snowy scheme. It is extraordinary that we are spending money not on the most important projects but on those projects which will meet the water requirements to tip water from the Murray system into the Snowy system. As I said, I applaud the fact that these programs are being introduced, but I do not applaud the fact that the priority is being overturned in order to meet the government's need to find the water required for the Snowy scheme.

The other interesting project that has been mooted by this government is the decommissioning of Lake Mokoan. Having lived in that area for much of my life and having met with the people in the area I can say that it would be a disastrous decision by this government to decommission the Mokoan dam in order to meet the water requirements of the Snowy River. There are many more means to manage Mokoan better and it does need improvement in management but the suggestion that we decommission it in order to meet that water need is environmental nonsense.

The shadow minister mentioned the issue of septic tanks. This is a major water policy of this government. Again, it is a stupid policy. I have lived on farms and relied on septic tanks for sewage effluent disposal all my life. The worst thing you can possibly do to a septic tank is empty it because you lose the micro-organism that treats the sewage. The best thing for a septic tank is to take a bit of water off the top but to allow the sludge to stay there to keep the system rolling. To have a system whereby it is imperative every three years to have inspections and de-sludging operations of septic tanks is environmentally nonsensical. Where will it all go? It will end up either in water treatment plants or in our streams or rivers — one of the two.

The other thing that is absolutely abhorrent about this proposal is that it is a tax in disguise. The shadow minister suggested that this will be an income-revenue issue for local government. It is a stupid thing and local government does not want it, yet we are faced with this idiotic suggestion that the government knows more about septic tank management than those people who have operated septic tanks for the past 150 years. My experience is that this is exactly the wrong way to go in septic tank management.

Briefly, there are two major areas in my electorate that are crying out for the government to fix up their problems. One is Chiltern, which is desperately in need of more water. I have about three articles from the *Indigo Herald* by people wanting the government to act on this issue. They ran out of water last year and they are looking at running out again this year. What is the government doing? It is not approaching the problem.

The other is the debacle with the honourable member for Benalla.

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

Ms ALLAN (Bendigo East) — It is becoming a regular occurrence that I follow the honourable member for Benambra in debate. It is opportune, but before I refer to comments from the honourable member for Benambra on the matter of public importance on water resources I refer to the honourable member for Swan Hill. In his comments on the Regional Infrastructure Development Fund the honourable member complained that it is not a country development fund; it is only a regional development fund, and he complained about the lack of funding that had gone into smaller communities. I take the opportunity to remind the honourable member for Swan Hill that every municipality across the state, apart from Queenscliff, has received funding through the Regional Infrastructure Development Fund. In his backyard, the township of Boort has received $3.27 million to help facilitate an olive project by the timber company — —

Mr Cameron interjected.

Ms ALLAN — It is a marvellous project, as the honourable member for Bendigo West indicates, and something I will have the opportunity to see first hand next week when I go to Boort.

This is another part of country Victoria which is massively affected by the drought and we know, as many speakers before me have already mentioned, that we are experiencing the worst drought conditions in history or in the past 100 years. It is interesting to note the quite philosophical statement by the honourable member for South Barwon that 'When it rains, there is water'. That shows the standard of debate on the matter of public importance brought forward by the honourable member for Polwarth. It is just another attempt by the Liberal and National parties to spread more doom and gloom around country Victoria about a number of strong initiatives and programs put in place by the government.

Let's reflect for a moment on what the previous Liberal–National coalition did in water resourcing in country Victoria. A number of members on this side of the house know full well what the former government's compulsory sewerage scheme meant for many country communities. It was forced on them by the former government and caused great concern and hardship to many people who were on low incomes and were going to be forced to pay outrageous fees for sewerage and in many cases did not feel it necessary — —

Mr Vogels — Name one!

Ms ALLAN — We can name many towns for the honourable member for Warrnambool: Clunes, Donnelly, Boort, Bridgewater, Inglewood, Wedderburn. We could go on but I do not have enough time. The good thing to note is that on coming to government the Bracks government acted immediately on this matter, the matter of most concern to country Victorians, and immediately reduced the cost to either an $800 one-off charge or $80 each year over 10 years — a substantial reduction on what these people would be faced with. In addition, we provided grants to assist low-income households with the connections. I know from my experience in my own electorate that this was very welcome in many parts of country Victoria.

Let's look at one of the other great initiatives by the former government in the area of water resources and that is the catchment management tax — that wonderful tax that the former government put in place just for country Victorians. We got our own special little gift from the former government in the form of this catchment management authority tax. In my region this meant that people were forced to pay $31. It might not sound much to members in this house, but the bill came out right on Christmas with no explanation. People did not understand what the bill was for, but when they were told they were paying for a $20 million cut by the former government to the Department of Natural Resources and Environment's budget they began to see what was going on. They began to see the path the former government was taking them down: cutting core budgets of departments and then forcing country Victorians to make up the shortfall. Again, this was something the Bracks government moved very quickly on in coming to office, immediately abolishing the much-hated anti-country catchment management authority tax.

The third thing I would like to talk about regarding the former government's record in water resource management is the privatisation and ownership of water. We know the former government's record on electricity and gas, and we know that water was the next cab off the rank to be privatised. The former government just did not get the time. The 1999 election came around just a little too quickly for it to get its hands on and sell off our water.

We know the opposition's position on water privatisation and on the bill that will come before the house over the next few weeks. We must ensure our water is in public ownership — we must protect it for future generations — because we have seen what privatisation means in country areas with electricity and gas. It means country people end up paying more because of inequitable costs and charges. We cannot allow this to happen with water, considering how precious a resource water is. Many people in central Victoria are still concerned that the return of a Liberal and National Party government will mean a return to the privatisation agenda and that water will be the first thing it will try to flog off, just as it did with electricity and gas.

We have a fantastic water supply service in central Victoria. Recently the honourable member for Bendigo West and I attended the opening by the Premier of the new Aqua 2000 water treatment plant, a fantastic project which has seen water quality in our region improve enormously and which has been welcomed greatly by many people. Central Victorians do not want to see this flogged off into private hands.

It is also important to note that in opposition the Liberal and National parties continue to knock positive initiatives. The best example of that is the Wimmera–Mallee pipeline. In recent days and weeks we have heard that a number of concerned Australians are getting together — this has been particularly brought about by the impact of the drought — to look at solutions for drought proofing Australia and at ways in which we can conserve more of

our water. One of the key themes that comes up time and again is the piping of our channel system in country areas.

We have to ask why, if it is obvious to everyone else, it is not obvious to honourable members opposite and to their mates in the Howard government in Canberra. Why will they not match the $77 million the Bracks government has allocated to the Wimmera–Mallee pipeline, which will save an enormous amount of water in that part of Victoria? It is desperately needed. Currently this part of Victoria is facing a harsh climate with the drought, and people are certainly crying out for this type of initiative. That is why the Bracks government moved to put $77 million in this year's budget for the piping of the Wimmera–Mallee pipeline. However, we are still waiting on the federal government to match that commitment. That is a disgrace, when you consider the harsh climate and dry conditions being experienced in north-western Victoria.

The Bracks government has achieved much. I have mentioned the Wimmera–Mallee pipeline, and previous speakers have referred to the return of the environmental flow to the Snowy River. It was great to see the water summit that was held in May this year. It is important that people get together to look at issues concerning water resources.

As the Minister for Conservation and Environment said earlier, the Bracks government has invested an additional $43 million in Victoria's water industry. That is an enormous increase in annual expenditure from what the previous government put in place. That is why for many of us on this side of the house it is laughable that we should even be debating this matter of public importance.

I will briefly finish on the drought. The Bracks government has put in place a $27.7 million drought relief package which has been welcomed right across country Victoria. It was absolutely outrageous that again yesterday in the house we heard the honourable member for Benambra criticise this initiative. In his contribution he called the drought relief package a cynical exercise. I find that outrageous when people in my region of country Victoria and up in the north-west are experiencing the worst conditions on record. They are crying out for assistance.

As I said, the Bracks government has put in place that $27 million package, which is much appreciated, and it will provide direct cash grants to these people who need assistance. But all we hear from honourable members opposite is that it is a cynical exercise, which is outrageous!

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

Mr MACLELLAN (Pakenham) — The honourable member for Bendigo East accused the opposition and the National Party of spreading doom and gloom by way of criticising the government for its want of enthusiasm and commitment over its three-year term to developing appropriate water policy and providing funding for works in rural Victoria. The honourable member of course claimed credit for the abolition of the catchment management charge.

I paid a catchment management charge, as did many of the electors of the honourable member for Bendigo East, which was abolished by legislation introduced by the Bracks government. Today the honourable member for Polwarth brought to the attention of the house the fact that instead of having a catchment management charge of, say, $31, country Victorians by and large face a septic tank inspection charge of even more, as well as a de-sludge charge and a charge for the delivery of the sewerage sludge to the nearest water board reception point.

If a country hotel which was boomingly popular and which was relying on septic tanks was creating an environmental difficulty, I could understand that it ought to be inspected, perhaps de-sludged, and appropriate action taken. But why, I ask, would it be appropriate for that to happen with shearers quarters, which are occupied only by shearing teams during the shearing season? Why should the municipality have to come and inspect and de-sludge every three years in areas of the state where that is not an appropriate response? Frankly, if I had the choice of having the catchment management authority charge back or being spared the Labor government's proposals for septic tanks, I would be only too willing to have the catchment charge back.

What is this doom and gloom that is being spread? Well doom and gloom in the government's view is any criticism of government policy. Of course the honourable member for Bendigo East was not kind enough to indicate that the piping of the Wimmera–Mallee pipeline was initiated under the Kennett coalition government. That is where it started, and I think it is a welcome thing that the Labor government is continuing that program. I think it should be commended for that, and I do not have any difficulty in saying, 'Well done, you are continuing an initiative that was introduced by the former Kennett government by piping channels to reduce the waste of water by evaporation'.

The fact is that water leaks out of even the best channels, and much of the water which is so precious and so important in the northern parts for good agriculture use is in fact lost. Let's hope that we learn lessons from this drought, as we learned lessons from previous droughts, and not forget them so we remain active and engaged in this issue of trying to reduce the waste of good agricultural water.

Surely we have got to heap some praise on the National Party, because it has led the charge for many years in trying to get adequate storages of water, upgrades of storages of water, and indeed extension of irrigation areas. What we need to do is say, if we — —

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Dromana will please stop talking to people in the gallery.

Mr MACLELLAN — If we look at the goodwill that exists across the house in relation to these matters, not only now because of drought but generally because of our concern in Australia to make sure that water is used wisely, then we have to say that there are many initiatives from the National Party, from the Liberal Party and from Labor which ought to be backed, and backed with greater energy. But what do we hear? We hear about what is supposed to be a current issue — that is, that if you elected the Liberals there would be privatisation of water, whatever that means.

But I have a memory long enough to remember when the Honourable Rob Jolly, the then Treasurer of Victoria, seriously contemplated in a moment of the financial chaos of the Cain and Kirner governments selling the dams of Melbourne and leasing them back by way of a funding arrangement. It led to a save-our-dams campaign. There were stickers on cars saying 'Save our dams', because Rob Jolly was contemplating that. He sold the trains and leased them back on 29 June, and by the time he got round to the dams the situation financially was pretty desperate. That is why electricity was privatised, and the proceeds were used to repay the debt. That is why gas was privatised. It was privatised to repay the debt.

Mr Nardella interjected.

Mr MACLELLAN — With great respect to the honourable member for Melton, I find that although it is very laudable that the quality of water supplies for the suburban areas of Melton should be upgraded and the pipes improved so that there will not be any restrictions and water quality can be guaranteed, I do not regard that as being a rural water project. The honourable member for Polwarth said that this government cut the effective funding of rural water programs, and it has done it over the last three years. What the minister then desperately tried to do was include outer suburban upgrades in the water program to try to establish that it has advanced.

What amount were we talking about? We were talking about $350 million a year. That is not much if we look at what the challenge is today. Can I say to the honourable member for Bendigo East and her colleagues that the Bracks Labor government was ungenerous in its failure to recognise the drought conditions in northern Victoria earlier than it did. The Minister for Agriculture is in the house, and I know that he would have been well aware of the circumstances that were being faced in northern Victoria. We in the south were certainly aware of it because we were getting the requests for agistment. We were getting inquiries about the possibility of buying some hay. When the Premier went north he said, 'No, there isn't a drought'. And then what? A fortnight later he discovered a drought. A fortnight later he found there was a drought! That was a foolish mistake; and it is even more a foolish mistake for the honourable member for Bendigo East and her colleagues to stand up in this house as if they are the only ones who have discovered that we have a critical drought situation in Victoria.

In this matter of public importance debate the opposition is drawing attention to the fact that consistently for the last three years this Labor government has found priorities for its expenditure other than rural water. It has found other priorities in the metropolitan areas which may all make sense, but if they make sense at the expense of the effort of rural Victoria, then they are frankly a misplaced priority. What this government has got to do is cut back on some of the nonsense offerings it makes and get serious about solving some of the rural water problems. This is a drought year when we are all called to account for our views on this matter. My people from the south will willingly give up programs for the northern parts of Victoria.

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

Ms DUNCAN (Gisborne) — It is with great pleasure that I respond to the matter of public importance raised by the opposition this morning. The only part of it that I agree with is that water is a matter of public importance, and a critical issue at that. I also suggest that the honourable member for Pakenham actually read the matter of public importance statement. He seems either not to have read it or to have

deliberately misunderstood it, suggesting that the focus of today's debate is simply about infrastructure in rural Victoria. In fact the matter of public importance is about government spending on water infrastructure and water storages across the whole of the state. It might illustrate the fact that the Liberal opposition does have trouble focusing on all things together. It can either focus on the city or focus on the country, but it cannot do both at once. It cannot walk and chew at the same time. We have seen that evidenced by the speech from the honourable member for Pakenham.

I go to the key point of the matter of public importance. Supposedly it is about comparing the government's spending on water infrastructure with the previous government's spending. I could say a whole lot of stuff about that as a topic generally — 'We spent more than you spent' or 'You spent more than we spent' — but I am very proud of the amount of investment that this government has made in water infrastructure. I do not doubt the figures quoted by the minister earlier in regard to the average spending per year in the last three years of government compared to the Kennett government's last three years. I have no doubt that we are well and truly up with spending on water infrastructure.

I also point out a simple, basic issue — the Kennett government had seven years and this government has had three years. It is hardly surprising that there are many projects that are in the pipeline, if you will pardon the pun, and that we need additional time to actually get them on the ground.

Like a lot of things that are presented in political debate, statistics can be extremely misleading. I think it was one of our former Prime Ministers who referred to big lies, little lies and statistics, and we are seeing that here this morning. Regarding Australian Bureau of Statistics figures, you cannot compare one year's ABS figures to another year's figures without considering what changes have been made in ascertaining those figures. It would be illuminating for the honourable member for Polwarth to go back to the ABS statistics and compare what was counted in this year's tally with what was tallied in previous years. I think he will find there are loads of infrastructure projects, but because of the change in the nature of ownership, they will not be included in those figures.

Regarding the issue of water, we have all been talking about drought. That is clearly an issue in Victoria, and in fact through most of Australia at this time. I just point out that while the issue of water is critical during drought conditions, it is critical for us all the time. Australia is the driest continent on earth. As water users Australians are the most wasteful of any country — I think we have the second-highest per capita consumption while living in the driest continent on earth. We have to seriously address the issue of water consumption. I can assure the people in the gallery and those in this chamber that you only have to live without town water, to live on water from tanks, to really appreciate how much water you can save and how incredibly frugal with water you can be. That is something that all Australians and all Victorians need to come to terms with.

We can not continue to hose concrete. We cannot expect to have brilliant green grass in the middle of summer. We cannot put in plants that require huge amounts of water and will wilt if they are not watered twice a day. These are things we all have to come to terms with. We can sit here on both sides of the chamber and debate how much each government has spent on water infrastructure, but we are missing the point if we focus on that.

Regarding infrastructure spending, I am disappointed that the matter of public importance is clearly focused only on water storage and infrastructure when anyone with any understanding of water conservation and use would realise that it is a lot more than dams and pipes and that this is the sort of issues that this government is seeking to address — in addition to improved water infrastructure — because we can do two things at once. We can also focus on land management issues like salinity, weeds, pest animals and remnant vegetation management, which we know all impact on the health of our rivers, waterways and coastal environment.

If anyone wanted to get a clear understanding of the attitude of the Liberal and National parties to water management they should have sat through the farm dams debate. You may say, 'Which farm dams debate?', because we have had several. It took us seven months to get that bill through. The opposition criticises the government for undertaking reviews and studies before we take action. This is a government that listens, takes into account all the different positions, then finds the best available outcome for this state. I am proud of the government taking considered action. It is not something the government should be criticised for.

If you had sat through the farm dams debate you would have seen the lack of understanding by many people about water management issues. I note that the honourable member for Warrnambool continued this morning to say that water that is left to flow through a river is absolutely wasted. I am afraid it is a bit embarrassing sometimes to sit here and listen to some of the arguments. In the course of the farm dams

debate — and I sat through all of it — I absolutely cringed when I heard the suggestion — I believe it was from the Liberal Party — that we should not consider any kind of regulation of dams in areas where the catchment is not yet stressed. That was the most illuminating statement of all those I heard in the debates. I guess the logical extension of that argument would be to say, 'We'll wait for the catchment to become stressed. When it is stressed we will do something about it'.

I cannot believe that in the 21st century we would have elected members of Parliament who would stand in the chamber and make such assertions. It is mind boggling, it is embarrassing and it is extremely worrying that we would have that sort of petty politics when we are talking about the most critical natural resource in this country. It distresses me enormously to watch the level of this debate, with the opposition saying, 'We spent more money than you spent, therefore we have been more effective'. I refute the assertion to start with, but it also illustrates to me — and it causes me even greater concern — that this is the way this opposition measures the performance of the government. It is so simplistic as to be frightening.

There are a number of other issues I will talk about in terms of my own electorate. As other speakers have said, the abolition of the catchment management tax brought great benefit and was seen as an equitable thing to do, particularly when weighed up against the enormous cuts the Kennett government had made to Department of Natural Resources and Environment. We are still paying the price of many of those cuts. In order to accommodate those cuts the former government implemented that catchment management tax across the state. I was very pleased when this government not only abolished this tax but more importantly recognised that the funding issues like catchment management were more properly dealt with through the state budget.

Many people in small towns in my electorate were very pleased to have the ability to pay off their sewerage costs either in a one-off payment of $800 or by paying $80 a year over 10 years instead of having to pay a minimum bill of $1900. That brought great relief to many people who were about to have the sewerage connected.

The opposition should be lobbying its federal counterpart to make sure that Victoria gets its share of Natural Heritage Trust money. I cannot believe opposition members are not screaming about the reduction in that funding to some of our most seriously stressed catchment management areas. Some of those catchment areas have had more than $1 million cut out of their funding this year. Instead of sitting here trying to compare Australian Bureau of Statistics figures on funding, their efforts would be much better put towards working with this government and with our society on water consumption issues and on lobbying the federal Liberal–National Party government — their federal counterparts — to increase funding to Victoria so we can get on with this critical job.

Mr VOGELS (Warrnambool) — The matter we are debating says:

> That this house condemns the Bracks government on its $218 million (55 per cent) cut in water infrastructure spending since coming to office, including water storages and waste water treatment facilities.

The Labor Party just does not seem to get it. It does not understand that water is the most crucial commodity out there, not only in Melbourne but all over Victoria. The Kennett government set a target of achieving $12 billion worth of food exports by 2010. The Labor Party has adopted that target, and it is building up obviously because of the hard work of our agricultural workers and farmers out there in rural Victoria.

To achieve this goal those people need to have equity in water rights, and the water needs to be of World Health Organisation standards — and it needs to be available! They are the three main things our farmers need. By 'equity' I mean that the water needs to be affordable. There should also be sensible returns. You should not just be running water into an area when there is no return on it. In fact a lot of people have commented to me that perhaps we should not be growing rice in Australia. That issue probably needs looking at, because if you worked out the cost of a megalitre of water and compared it with the return on rice production, the comparison would not be favourable.

However, we have also been told that 75 per cent of Melbourne's water consumption is used to water gardens, wash cars and footpaths or spray onto golf courses and recreational reserves. Once again you could question whether that is a good way of using this scarce resource.

Victoria should be spending money on infrastructure to upgrade the use of grey water. It is imperative that Victorians do that, and money should be spent on providing an incentive to do it. The Kennett government spent $1.2 billion on upgrading water quality to better than World Health Organisation standards, and that was necessary because we are a state of exporters. In the dairy industry, for example, our cheeses, skim milk powders and butter are largely

exported. A large amount of water is used in the manufacture of these products, and it has to be clean and needs to be up to World Health Organisation standards because it is used to rinse and sterilise equipment et cetera.

The availability of water is also crucial. At present this government — the honourable member for Gisborne read my mind — is much happier to tip water into the ocean than to use it properly. We should think back to our forefathers who built the Snowy Mountains scheme. They had some foresight because they built a scheme so the water could be turned inland — remember that we are the driest continent in the world — and used for generating hydro-electric power, which is the cleanest power in the world, and then used for irrigation.

I have been told that in today's water market the value of the 38 000 megawatts that has been sent back down the Snowy River is about $10 million. That is a complete waste of money. However, the $300 million it will cost to redirect the water in piping — you name it — is only the tip of the iceberg. Think of the loss of the hydro-electric power that will no longer be generated because the water is going the other way. Think of the loss to Victoria of the exports that could have been grown with that water.

If the government had done its homework on the cost savings nobody would have objected to environmental flows, but to pluck it out in a drought year — probably the worst drought year we have had on record, and who knows what next year will bring — and just turn water going inland back out into the ocean is ludicrous.

During the Kennett years, as a mayor and shire councillor I was continually being invited to openings of upgrades at towns that were being connected to either water or sewerage. In my area Camperdown, Cobden, Timboon, Peterborough, Port Campbell, Koroit and Warrnambool all received either new or upgraded water plants. The towns of Koroit, Mortlake, Timboon and Allansford were also connected to the sewerage scheme for the first time. All these schemes have a lead-in time; it does not happen overnight.

Last week the Treasurer tabled the damning document I have here, called the *2002–03 Public Sector Asset Investment Program*. I have gone through that program and looked at what money this government has spent on new projects in the year just finished. Let's look at the figures for the Gippsland and Southern Rural Water Authority, for example. Page 78 of this report shows that the total estimated expenditure on new projects to 30 June 2002, based on information provided by the agencies on 2 August 2002 — which is only a couple of months ago — is nil. According to the report, $25 570 000 is to be invested in new projects, yet the estimated expenditure was nil. The government expects to expend $6 million in the next financial year.

I turn to the Goulburn-Murray Rural Water Authority. It has $175 409 000 sitting there to be spent on new projects, and last financial year it spent only 20 per cent of it — $33 million. This is the same Goulburn–Murray system where irrigators are now down to getting 40 per cent of their water allocations. I would have thought it was urgent to get on with the job, but as I said, expenditure on new projects by one authority was nil, and by another, 20 per cent.

Let's look at the expenditure last financial year on new projects by some of our regional urban water authorities: Barwon Region Water Authority, nil; Central Gippsland, nil; Central Highlands, $464 000 — so it did pretty well; Coliban, $1 347 000; East Gippsland, nil; First Mildura Irrigation Trust, nil; Glenelg, nil; Goulburn Valley did well — it had $705 000; Grampians, nil; Lower Murray, nil; North East, nil; South Gippsland, nil; Portland Coast, nil; South West, nil, Western Region, nil; and Western Port, nil.

These figures are a damning indictment of the government. In the last 12 months these water authorities have in total spent only $2.5 million on new projects. It is absolutely disgraceful. This is in a drought year, when we all know how important water is. Basically the government has not spent a cent.

As I have said, this is the driest continent in the world, and it is urgent that we get on with the job. There is no need to reinvent the wheel. The technology for the reuse and desalinisation of water and for better delivery methods is all out there. We should get on with the job and start delivering the projects.

The farm dams legislation proved once again that this government does not understand. This year is a drought year, yet south of the Divide the south-west of Victoria has probably had one of its wettest years, and the water is pouring out into the ocean. Scotts Creek has been flooded continually for the past three months, as has the Hopkins River, yet not one permit has been granted by the department for anybody to put another dam in so that next year, if there is a dry year, they could be drought proof. Not one permit! It is absolutely outrageous.

I do not believe that this government, and I stand to be corrected, has connected one new town to a sewerage

scheme — not one! Yet what it is going to do is, as the honourable member for Pakenham said, start charging people in these towns to have their tanks inspected and de-sludged at least once every three years. It could cost anything. Council officers will come out and call in a plumber to remove the sludge from the system, and he may say that your pipes need replacing, which could cost big dollars.

In conclusion, members of the Labor Party should be ashamed of themselves for gloating about the $27 million for drought relief when compared with the $90 million to its union mates at the Melbourne Cricket Ground, $60 million wasted at Seal Rocks and another $60 million on a wild goose chase for the royal commission into the ambulance service. Country Victoria depends on water, and that $27 million is a pittance.

Mr HELPER (Ripon) — I will not say that it gives me a great deal of pleasure to speak on this matter of public importance. The lack of pleasure comes from the sheer hypocrisy of this matter of public importance, and I stress the word 'importance'. To draw a word picture for *Hansard*, there are two members of the opposition in the chamber engaged in the debate on this matter of public importance, with the honourable member for Warrnambool now walking out.

Mr Perton interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Doncaster will refrain from using that language. I do not tolerate that language in the house. I ask the honourable member to withdraw.

Mr Perton — I withdraw the use of the word 'liar' in respect of the honourable member, but I will take up that issue on the point of order.

The ACTING SPEAKER (Mr Lupton) — Order! the honourable member on a point of order.

Mr Perton — On a point of order, Mr Acting Speaker, there are certain standards in the house that do not permit a member to engage in bland lies. The honourable member for Ripon, who is on his feet, in the presence of only three of his own members at the time he made that comment, and there were at least four members of the Liberal Party in the house — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! I am listening to the honourable member for Doncaster on his point of order. I will not tolerate any other interjections.

Mr Perton — Although I apologise for having used the word 'liar', the reality is the honourable member was lying and that the standards of the house do not permit that sort of behaviour.

The ACTING SPEAKER (Mr Lupton) — Order! Will the honourable member explain the point of order?

Mr HELPER — On the point of order, the honourable member for Doncaster has again called me a liar or implied that I was lying and stated that I was lying. I take offence and ask him to withdraw.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Ripon has taken offence at the comments made by the honourable member for Doncaster. I ask the honourable member to withdraw.

Mr Perton — I withdraw.

Mr HELPER — On a point of order, Mr Acting Speaker, the honourable member for Doncaster in raising his point of order said that there were four members of the government present in the chamber. Firstly, he misses the point and secondly, there were clearly five members of the government in the chamber. The second issue I raise — —

The ACTING SPEAKER (Mr Lupton) — Order! That point is irrelevant. I will rule on the point of order. I believe the comments were made in the heat of a burst of passion during the debate. I rule there is no point of order and I call on the honourable member for Ripon to continue his contribution.

Mr HELPER — Thank you, Mr Acting Speaker; it is obviously a sensitive revelation for members of the opposition.

I turn now to the matter of public importance. It has an incredible stench of hypocrisy about it and it is factually flawed. The matter of public importance implies there has been a reduction in infrastructure spending under the Bracks government in the water industry. Clearly that is a misinterpretation of figures. I will be polite in stating it as that. The real figures are that in the last three years of the previous Kennett government, which honourable members opposite seem to be so proud of for some delusionary reason — —

Mr Perton — On a point of order, Mr Acting Speaker, I have closely watched the honourable member and for the last 3 minutes his eyes have not risen. He is clearly quoting from a document and I ask that he make the document available.

Mr HELPER — On the point of order, clearly these are handwritten notes that I am referring to and I shall continue to refer to them. I was also referring to the matter of public importance notice.

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

Mr HELPER — Thank you, Mr Acting Speaker. Returning to the statistics, in the last three years of the former Kennett government, average infrastructure expenditure on the water industry was $390 million per annum, yet under the current government — the guts of the matter of public importance — the average annual expenditure on water industry infrastructure is $433 million, making a farce of this matter of public importance.

During this debate opposition members have frequently lamented that the government actually consults with communities as infrastructure projects are put in place.

The ACTING SPEAKER (Mr Lupton) — Order! There is too much audible conversation in the chamber. I ask honourable members who want to carry on conversations in the chamber to go out into Spring Street.

Mr HELPER — I cite one instance of the supply of drinking water to the township of Clunes in my community. The government consulted extensively with the Clunes community to the point that it voted 75 per cent in favour of an option to supply water to Clunes from the Ascot aquifer just outside Clunes. About 75 per cent of the community that would be directly affected supported that scheme to supply water. Yet my Liberal Party opponent at the next election, Mr Rob de Fegely, indicated that he would turn that community decision on its head at the cost of an extra 12 months delay in getting water to the people of Clunes. I have had shown to me a water filter out of a dialysis machine which was oozing black crap after a short period of use with the current water supply system in Clunes. My opponent Mr de Fegely would expose the user of that dialysis machine to a further 12 months delay in getting decent, quality water to the township of Clunes. On a local level, that is abominable.

Because of the frivolous points of order taken by the honourable member for Doncaster, who is no longer in the chamber, my time is limited. I touch on one other issue that again exposes the hypocrisy of this matter of public importance — the Wimmera–Mallee pipeline.

Mr Mulder — On a point of order, Mr Acting Speaker, on the issue of relevance: I have listened with interest to the honourable member's contribution in relation to the township of Clunes and his particular consultation process, but what he has failed to mention is that the bore water supply to Clunes is going to wipe out every single one of their — —

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

Mr HELPER — I thank the so-called shadow minister for taking that point of order because I will return to issues regarding Clunes. The supposed shadow minister and the Liberal Party candidate for Ripon at the next election slunk along to a meeting of Ascot ground water users, not talking to the people of Clunes but simply talking to one interest group on this issue — —

Mr Mulder — On a further point of order, Mr Acting Speaker, the honourable member for Ripon knows very well that the issue is not about connecting Clunes. It is about selling Newlands Reservoir to Daylesford.

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

Mr Pandazopoulos — On a further point of order, Mr Acting Speaker, I have only been in the chamber for 20 minutes but the number of vexatious points of order that have been raised concerns me. They are really points of debate that waste the time of the house and bring down its reputation. We are lucky that there are not many people in the gallery. It is a serious matter. These vexatious points of order occur on a regular basis, and I ask that acting speakers consider whether they should ask honourable members making points of order to ensure they are clearly points of order and not vexatious.

The ACTING SPEAKER (Mr Lupton) — Order! I thank the Minister for Gaming for his comments. However, if he had been listening he would know that I have not ruled in favour of any points of order. Every member of this house is entitled to raise a point of order as he or she thinks fit. The honourable member's time has expired.

Mr DIXON (Dromana) — This matter of public importance is important for Victoria but it is especially important for the Mornington Peninsula. Regarding the spending that has not been done on the Eastern Treatment Plant at Carrum over a number of years, the proposed spending now to be done and the extension to the outfall over the next number of years, I am here to give the government an idea of how to save $60 million of infrastructure spending that could be better spent elsewhere.

The Eastern Treatment Plant treats and disposes of about 42 per cent of Melbourne's sewage. Once the effluent is treated it runs 56 kilometres through a pipeline and reaches the ocean at Gunnamatta Beach in the middle of a national park. The stench of the outflow is incredible, as is the look of it — a brown plume that goes out into Bass Strait. It is disgusting whether you are on the beach looking at it, surfing in the water or even if you see it from the air.

The treatment plant is treating a growing amount of hospital industrial waste, which it was certainly not set up to treat. This is adding to the problem because the plant was only set up to treat domestic waste. At the moment the sewage is treated to a class C or secondary stage, which is not good enough in this day and age. Only a pathetic 1 per cent of the total outflows of the treatment plant is recycled. There should be far more recycling than that.

The past lack of work on the treatment plant, the infrastructure and the proposed future spending is very important to many people in my community. Last Sunday some 1500 people blockaded Gunnamatta Beach where the outflow is. It was advertised as a way of the community sending a message to the Bracks government that the current outfall and the plans to extend same are not good enough.

A petition with over 10 000 signatures was presented today to this Parliament. It is one of the largest petitions ever presented, which is incredible. The signatories were not all local people but came from all over Melbourne and Victoria protesting about the outfall and the lack of work which has gone on. There was to be a protest on the steps of Parliament House today which was cancelled in light of events at Bali. Another protest has been organised for 1 November at the State Library of Victoria, where a number of union representatives will attend to voice their concerns about the treatment plant and the outfall extension. I fully support that.

Melbourne Water needs approval for the money it plans to spend at the Eastern Treatment Plant. It is licensed by the Environment Protection Authority, which appointed a community panel to listen to the community — although I have my doubts about how much it did actually listen — and it made a number of recommendations to the EPA, which have been adopted.

I will read into the record three quotes regarding the outfall which I think are relevant to the debate. The first is from Peter Smith, the president of the Clean Ocean Foundation, who says:

> Future generations must be protected from short-term, knee-jerk reactions to long-term problems. We need infrastructure now.

Graham Quail, a spokesman from Clean Ocean Foundation, is quoted as saying:

> The Bracks government needs to make decisions and commitments for future generations, not just the next election.

Finally, Peter Johnston, a local fisherman in the area, says:

> Why have marine parks if they are just going to end up polluted wastelands thanks to some mega outfall?

It is incredible that this outfall flows through a national park, and with an extension to 2 kilometres further out to sea the effluent will flow down to the Heads towards the new national park.

I support the upgrade of the Eastern Treatment Plant proposed by Melbourne Water because the quality of the effluent certainly needs upgrading. It hopes to get the quality up to class A standard through extra filtration and disinfection, and through a reduction in the amount of ammonia in the effluent as the result of a program that will be implemented over the next few years. All this is laudable and wonderful. If the quality of the treated effluent water is better it is more likely to be recycled over a wider variety of uses, which is fine, and no-one has any arguments with that.

As I said earlier, I can save Melbourne Water some money. Part of the proposal included in the EPA's recommendations is to extend the outfall by 2 kilometres. No-one that I know has asked for that extension or even sees it as a viable option. The concerns I have with this extension are, firstly, that no-one wanted it, and secondly, that it will only spread the problem. The EPA is proposing that this outfall extension happen before work is carried out on the treatment plant.

First of all it will just be piped 2 kilometres out into Bass Strait. That will put it out of sight and out of mind, but it will also spread the effluent over a larger area — 2 kilometres out it will hit the ocean currents, head down to Cape Schanck, up to the marine national park and onto the Heads. That is all the extension will do. The damage already done at beach level and on the rock shelves can probably never be recovered, and we will have another problem 2 kilometres out. The $60 million cost could easily be used by instead spending a lot more money on improving the filtration of what flows out of the Eastern Treatment Plant.

My major concern with the extension of the outfall is the environmental damage that will be done during its

construction. This is a major piece of construction. For it to happen a road has to be built through the sand dunes to the work site. Hectares of sand dunes will have to be bulldozed just so a work site can happen there. The area is valued not only for its environmental values but I understand that there are very important Aboriginal middens in that area, and to have the area bulldozed to construct this extra pipeline is criminal. The actual construction, whether it is drilled or put out on derricks, is going to cause major disruption and environmental damage. It will be an absolute eyesore and need not happen in the first place.

I take my hat off to the wonderful work done by the Clean Ocean Foundation in bringing this issue to the consciousness of not only my local community, but more importantly to the consciousness of Melbourne and Victoria because that is where the effluent comes from and where the changes have to happen. I proudly have the Clean Ocean Foundation's sticker on the back of my car.

I would also like to commend the action group at Gunnamatta for the work it is doing in supporting the Clean Ocean Foundation, especially the 10 000 strong petition that was presented here today. One of the local newspapers, the *Mail*, has taken up the fight as well and is providing some publicity in spreading the word about what is going on down at Gunnamatta. It is doing a wonderful job.

My federal colleague Greg Hunt, the honourable member for Flinders, is now working on a national strategy, and that is something we need to look at, too. This is one of about 160 outfalls, and one of 17 outfalls in Victoria. We need a national strategy, and Greg Hunt is working on that.

As well as treating what goes into the treatment plant we need to reduce what goes into the treatment plant in the first place. That involves education and encouraging people in new housing developments to separate their stormwater. It also involves giving incentives for people to recycle grey water within their own homes. It involves setting up things like composting or worm toilets to reduce the load going into the sewerage system and on to the treatment plant. We also need to have a change of mentality so we see effluent as a resource to be used. There is a mountain of sludge — some people would call it something else — just mounting up in Carrum, and it absolutely stinks! Uses are available for it and that should be addressed as well.

To be crassly economic, $60 million is to be spent on extending that outfall. It must not go ahead. There is absolutely no reason for it: it is a waste of money which could be far better spent, not forgetting the environmental damage that will be caused. We must upgrade the eastern treatment plant, and I am glad that is going to happen, because in that way we will be recycling the water that comes out of that plant to a far greater extent and therefore less will be going out of the outfall, but we must have the guts to eventually aim to close that outfall. The technology exists to do it and the will of the people is there to do it. There is nothing stopping us from eventually aiming to close that outfall.

Applause from gallery.

The ACTING SPEAKER (Mr Kilgour) — Order! There should be no clapping from the gallery.

Mr NARDELLA (Melton) — Honourable members have just had a demonstration of where the opposition is lazy, does not understand the government's policies to do with water and has no idea of what it wants to do. Opposition members have had two and a half hours to put their policies before the house. It is the shadow minister's motion and he is not even in the chamber! He has no policies.

Let us turn to the Gunnamatta outfall. As a surfer I understand the issues at Gunnamatta, although I have not been surfing for a while. The $60 million for extending the pipeline is part of the wider process of cleaning up the oceans and the sewage in that area. That is what the honourable member for Dromana does not understand.

The government is putting a massive amount of money into the Carrum treatment works to do two things. One is to clean up the sewage to a much higher level as it goes through. Secondly, we are in the process of recycling a lot of the sewage. That is what the opposition does not understand. It does not understand the issues or policies to do with water, water infrastructure or recycling.

Instead of just finding this issue after seven years, opposition members have come in here and suddenly got on their high horse to say that we should not be building an outfall pipeline. They do not know what to do because they have no ideas or policies. Liberal Party members attended a state council last weekend where their leader, who is not here to debate these important issues, did not come up with any policies on any of these important matters before the house.

The people who are taking matters on water and water recycling forward after the summit earlier this year are the members of the Bracks Labor government. There has been no leadership from the Liberal Party whatsoever, and the honourable member for Dromana

has just left his seat. The opposition comes in here and pontificates about all the things that the government is doing.

The motion before the house is very telling. The opposition claims that the government is not spending enough money on infrastructure. During the last three years of the previous government $390 million was spent on average each year on water infrastructure. Over the last three years of this government, $433 million has been spent. So already the hypothesis of the motion before the house is wrong. The Liberal Party always gets it wrong. The National Party should know better but it is worse because it has even less understanding of what is happening. The honourable member for Dromana is skulking away, leaving the chamber because he cannot hack it.

We now have the disgraceful situation where the honourable member for Bennettswood is the only opposition member of Parliament in the chamber. It is the opposition's motion before the house, and it is appalling!

Mr Wilson — On a point of order, Mr Acting Speaker, the honourable member is casting aspersions on the opposition. He might like to explain why the Minister for Environment and Conservation is not in the chamber.

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

Mr NARDELLA — We have just had another demonstration of how lazy opposition members are — all they can do is raise points of order instead of talking about the substantive issues.

Let's have a look at the great things the government is doing in my area by working in partnership with the water boards. Central Highlands Water is spending more than $600 000 at Blackwood to upgrade the water purification plant serving that community. That is real money.

The honourable members for Tullamarine and Gisborne and I have had to beat Western Water into submission. Since being elected we have put Western Water in a much better position to take into account what needs to occur in our communities. Western Water has invested more than $3 million at the Sunbury treatment plant to extend water recycling into Sunbury. The honourable members for Tullamarine and Gisborne have been critical of the project. Water recycling is also being extended through my community into Rockbank, and hopefully all the way through to Centenary Avenue and the Melton Valley Golf Course. There is real money and real commitment there — $360 000 of state government money has gone into a grant for that project.

Western Water has also spent more than $1 million — I think it is about $1.5 million — on undergrounding pipes from the Keilor–Melton Road to connect up the pipeline so that if it is necessary Melbourne Water can cover both Melton and Bacchus Marsh in the future. The government is planning for the future. It is looking at what is necessary today to look after our communities in the future.

We had the water resources review. The honourable member for Gisborne and I, and prior to that the honourable member for Tullamarine, worked through these issues for our regions as part of that review. We have had that leadership from the chairman of Western Water, Terry Larkins; and from Les McLean, Mary Tissaaratchi, Rob Franklin and Suzanne Evans. We now have great leadership from John Wilkinson, the new chief executive officer. We are going forward and we are dealing with the matters before us.

The previous government's policy was not one of commitment to local communities but one of ripping them off. It was a policy of setting up the water companies so it could flog them off. The previous government did not want to look after those communities but it wanted to privatise the water companies. Let's have a look at a demonstration of the Liberal Party's commitment to water infrastructure and recycling in Victoria. What greater contrast can we get than City Link, where 1.5 billion litres of drinking water was being used to stabilise the tunnels every day. That was the previous government's great icon project, and every day 1.5 billion litres of potable drinking water was used to stabilise the tunnels. Who fixed it and who worked through these major problems with City Link?

Honourable members interjecting.

Mr NARDELLA — The honourable members for Tullamarine and Coburg are correct — it was the Bracks Labor government. It was not the Liberal Party — the Libs could not care. The National Party is surviving by the skin of its teeth and the Liberal Party is going to take it over. Here we have a real commitment on the part of the Bracks Labor government to ensuring that potable water is not wasted. We talk about recycling, but that was one of the greatest wastes of water ever.

We have this furphy that the government was not quick enough with its drought response. After the interim

measure the government put in place a $27.7 million full measure. The Liberal Party has a policy espoused by the Honourable Philip Davis in the other place — it is a failed policy that not even the Victorian Farmers Federation wants — of subsidies for the transporting of fodder. That would spread weeds and would destroy any likelihood of really dealing with the drought.

The Liberal Party did not recognise the year-after-year green drought in Gippsland. The then Leader of the Opposition and current Treasurer addressed a meeting of 300 farmers when the former government had not recognised the drought conditions down there for two years, yet after Labor's swift action on the drought members opposite have the gall to come in here and say the government is not doing the right thing.

The issue of Lake Mokoan was raised. It was built in the 1960s under a Liberal government and it is too shallow. Every year 42 000 megalitres of water evaporates from Lake Mokoan and is lost. We have had algal blooms in 10 out of the last 12 years. The economic and environmental vandals in the Liberal Party have no idea. They want to keep this disaster. Labor is working with the community to try to sort these matters out.

The motion before the house is a disgrace. The opposition is wasting the Parliament's time and the motion should be rejected.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member's time has expired. The honourable member for Wimmera has 8 minutes.

Mr DELAHUNTY (Wimmera) — I am pleased to rise on behalf of the Wimmera electorate to speak on this important discussion this morning, particularly in relation to water infrastructure in western Victoria.

With regard to some of the comments made here today and yesterday in relation to the Regional Development Victoria Bill, I was thinking about a statement I have seen on television. It was made not by an Essendon man but by John Kennedy, the former coach of Hawthorn. It highlighted to me that this government is all about talk. John Kennedy was in a huddle of players during a grand final and he said, 'Don't just stand there, do something!' The reality is we want this government to do something.

The previous government has been hammered in relation to this, and I want to pick up on some of the points made by the honourable member for Bendigo East.

Mr Perton interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Doncaster!

Mr DELAHUNTY — The honourable member for Bendigo East made some statements in relation to water, sewerage and particularly the catchment management levies. Levies administered by the councils were in place in a lot of areas of Victoria, and they were very well accepted. This model was developed right across Victoria. I think this is an example of where we all talk about doing something for the environment but we are not prepared to put our dollars into it. It was worked through. No-one likes paying any more money but the reality is we needed those dollars to do some restoration work and repair decades of damage to the environment.

I turn now to water and waste water facilities. The objective of the National Party is that all those towns should be entitled to water and waste water facilities which match world health standards. Is that not appropriate? Why should people who live in Murtoa, Minyip, Edenhope, Casterton or anywhere in western Victoria not be entitled to world health standard water and waste water facilities? Many water facilities were upgraded by the previous government; unfortunately most were opened by this government, but they were implemented by the last government. They include facilities at Murtoa, Rainbow, Dimboola, Stawell, Great Western and Halls Gap. The government provided about $500 million out of a total of $1.2 billion for those types of facilities in regional and rural Victoria. I compliment the former Leader of the National Party, Pat McNamara, for his strategy in driving this, because it is important that we have these facilities.

I will talk about sewerage and focus on one town in my electorate — that is, Minyip. I know the town has been working for three years or probably more to try to get sewerage facilities, and Hopetoun and Ouyen are also working through that. After three years of this government we have not seen any action in relation to those matters. Where have we seen this government talk about the next stage of planning for these small towns and their water and waste water facilities? I do not believe the government has any plan at all. At least the National Party and the previous government had a plan, and it was being implemented.

We also talk about safety standards. I know that because of safety concerns money was put into Lake Wartook to improve the wall there. I am pleased to see that the government has continued that work in the Wimmera area at Lake Bellfield.

Another issue I wish to focus on is desalinisation. Unfortunately because of the drought a lot of our lakes are empty, so places like Edenhope have had to get water out of underground storages. However, most of this water is very salty. Grampians Water and I lobbied the government very hard but without success to get some support to put in a desalinisation plant. That plant is now working very well, and I congratulate Grampians Water for its efforts, but no help was provided by this government.

I would like to talk about the Wimmera–Mallee pipeline, and I am sure this will light up their eyes. Many members in the Parliament have talked about the Wimmera–Mallee pipeline today, but I can highlight to this government that it has not spent $1 on Wimmera–Mallee infrastructure in the three years it has been here. The reality is that it has all come from previous governments, and in saying that I give credit to previous Labor governments. But if the northern Mallee pipeline had not been done, the Wimmera–Mallee would have been in diabolical trouble last year — not this year and next year.

I congratulate the government on the fact that it has at least committed to do the Wimmera–Mallee pipeline, but again we do not need that money for probably nearly two years. Before that stage, we need to do the detailed design work, which is starting to take place at this stage. The detailed design work will look at the size of the pipes and the infrastructure requirements and where those dams and lakes need to be filled. It will also look at pricing and all the Country Fire Authority requirements. There is a lot of work to be done with the whole of the Wimmera–Mallee community, and that includes the Glenelg region.

I know the minister has appointed a steering committee and has now appointed a 12-member community committee. But again I think she has dropped the ball. A member of her staff, James O'Brien, spoke to me about this matter, and I give him credit for ringing me once to say, 'This is a list of people we are thinking about putting on a community steering committee'. I had no problem with any of those members, but I said to him, 'Make sure you have representation from the Glenelg region, because they are the ones who have been working with the Wimmera–Mallee people on water management over the last couple of years to address environmental flows, water harvesting issues and, in particular, water storage issues in western Victoria'. But the minister has dropped the ball. I sent a fax to her, which she has not had the decency to respond to, about including membership from the Glenelg River region.

There is not one member on that community steering committee from north of Balmoral right down through the Glenelg River region to the sea. Those people are quite angry, and I think that will impede the consultative process they are going through in relation to the detailed design work.

Water is vital to the continuing growth of any community in rural Victoria but even more so in the Wimmera–Mallee area, where we believe we have done the work. We have done the feasibility study that shows it will stack up, and it is now time to get on with the detailed design work. It is important that the minister review that decision and put someone on the committee from the Glenelg River region.

I am pleased to say that the government, after a lot of cajoling, has admitted that there is a drought in country Victoria and has implemented a drought package, including cash grants. There are some concerns, though, that that is not moving fast enough.

One thing I want to focus on is the shortage of water we have had for the last three to five years, particularly the last three years. Farmers this year are only getting 50 per cent of their water entitlements. The irrigators will get none next year. Diverters did not have any last year and have been promised none for next year, but they are still paying those service charges.

The Victorian Farmers Federation wrote to me and to the Minister for Environment and Conservation to try to get a deputation to meet with the minister. It was to be a proactive meeting to inform the minister of what was happening in the Wimmera–Mallee region. We know there are other major problems, because we were briefed about the Goulburn area, and no doubt that community has enormous problems because of the shortage of water. But the Wimmera VFF, with some community people, wanted to come down and spend half an hour with the minister to inform her from a local perspective of what was happening in the Wimmera–Mallee region. Guess what? After two weeks I got a phone call back to my office which said, 'Go and speak to the Minister for Agriculture'. The Minister for Agriculture does not administer the water pricing structure. That is under the Minister for Environment and Conservation. I again ask the minister to review that decision.

Water is vital to the continuing development of western Victoria — whether it be water infrastructure for piping the system, water that meets World Health Organisation standard requirements or sewerage that meets those requirements. It is important that this government develops a plan, as we in the National Party have,

leading up to the next election. As I said, I believe — as all of us in the National Party believe — that people in rural towns are equally entitled to have infrastructure at the standard required by larger cities.

I finish by congratulating the water authorities — and we now have water authorities that operate outside Melbourne. We can all remember back to the State Rivers and Water Supply Commission, which was administered from Orrong Road here in Melbourne. The previous government distributed the decision making out into country areas, and the water authorities, which are facing difficult circumstances with low water allocations, are getting through that. I ask the government to do the same for country Victoria.

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

PORT SERVICES (AMENDMENT) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) introduced a bill to amend the Port Services Act 1995 to give further power to the Melbourne Port Corporation and for other purposes.

Read first time.

HEALTH LEGISLATION (AMENDMENT) BILL

Introduction and first reading

Mr THWAITES (Minister for Health) — I move:

That I have leave to bring in a bill to make miscellaneous amendments to the Drugs, Poisons and Controlled Substances Act 1981, the Health Services Act 1988, the Human Tissue Act 1982, the Lord Mayor's Charitable Fund Act 1996, the Mental Health Act 1986 and the Nurses Act 1993 and for other purposes.

Mr WILSON (Bennettswood) — Could I ask the minister for a brief explanation of the intent of the bill?

Mr THWAITES (Minister for Health) (*By leave*) — The intent of the bill is to make some minor amendments to those acts on certain issues. For example, the Nurses Act will enable nurses in training who have completed part of their division 1 nurse training to work as division 2 nurses.

In relation to the Drugs, Poisons and Controlled Substances Act, the bill will ensure that certain pharmaceuticals that might be administered by nurses and nurse practitioners are administered in a consistent way.

The Human Tissue Act is being amended in relation to certain human tissue that might be used for therapeutic purposes, such as bone pieces, so that that can be done according to the provisions to be set out in the act.

Motion agreed to.

Read first time.

PAY-ROLL TAX (MATERNITY AND ADOPTION LEAVE EXEMPTION) BILL

Introduction and first reading

Mr BRUMBY (Treasurer) introduced a bill to amend the Pay-roll Tax Act 1971 to grant an exemption from pay-roll tax in respect of paid maternity leave and paid adoption leave and for other purposes.

Read first time.

RESIDENTIAL TENANCIES (AMENDMENT) BILL

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 100, page 48, lines 10 to 18, omit all the words and expressions on these lines.

2. Clause 100, page 48, line 19, omit "12." and insert "11.".

3. Clause 100, page 48, line 26, omit "91" and insert "90".

Ms PIKE (Minister for Housing) — I move:

That the amendments be agreed with.

These amendments are consequential amendments that were moved in the other place as a result of an amendment that was passed in this house.

Motion agreed to.

BUSINESS LICENSING LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 16 May; motion of Ms CAMPBELL (Minister for Consumer Affairs).

Mr PERTON (Doncaster) — The Liberal Party will support the bill, although in my view it does not go far enough nor will it resolve the problems that exist in the area of e-government.

The purpose of the bill is to enable transactions between government and business and associations on such matters as licence applications, renewals, registration of business names, formation of incorporated associations, annual statements and auditors' reports to occur online. It is also to enable certain public registers to be searched online. Where necessary safeguards will include passwords, confirmation of change by letter and access to private information on restricted registers. The bill also permits small associations to appoint an unregistered liquidator to oversee a voluntary winding up.

The opposition has consulted the Victorian Employers Chamber of Commerce and Industry, the Australian Retailers Association Victoria and the Microbusiness Network as well as a range of people, and there is no objection to the bill.

Although most of the briefings were conducted when my predecessor held this portfolio, I attended one of the briefing sessions and what I found most unsatisfactory is the lack of commitment of the Bracks government to modernising government by using information technology in appropriate ways.

Today is not the day for me to repeat all of the achievements of the Kennett government in these areas, but we will recall that in 1996 the Kennett government established the office of multimedia headed by John Rimmer. It also established the first minister for multimedia anywhere in the world. We went about the business of modernising government using the tools of the new economy — information technology, modern forms of telecommunication, the Internet — to improve the interface between the citizen and government. It was our view that the great achievement in this area would be to have a genuine citizen-centric service by government that permitted the citizen to conduct and complete any major transactions that involve government and/or the private sector.

This was driven well through agencies like Vicroads and others such as the VicOne network that we established — so much so that you will recall, Mr Acting Speaker, that you were at events where Bill Gates described the performance of the Victorian government in this area as the best in the world — —

Ms Fyffe — That's right!

Mr PERTON — As the honourable member for Evelyn rightly says. In his book, *Business @ the Speed of Thought,* which was written for the international marketplace, Bill Gates referred to Victoria — —

The ACTING SPEAKER (Mr Kilgour) — Order! I ask the honourable member for Doncaster not to turn his back on the Chair. I am interested in what he is saying, but it is very difficult to hear while he is speaking facing the other way.

Mr PERTON — Sure. I guess it is a bit difficult when there is such an absence of government members in the house to turn in that direction, especially with Liberal Party members being so active and having such infectious enthusiasm for these matters. I apologise that I turn my back on the Labor benches, but it is understandable.

The ACTING SPEAKER (Mr Kilgour) — Order! I advise the honourable member for Doncaster that the concern was that he was turning his back on the Chair.

Mr PERTON — Indeed, Mr Acting Speaker. Let us proceed. The honourable member for Evelyn — —

Honourable members interjecting.

Ms Campbell — Put a mirror up!

Mr PERTON — In your case it is probably more entertaining than the blank wall that you are, Madam!

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Doncaster, on the bill.

Mr PERTON — I wish *Hansard* could record the minister waving her hands around like a child in kindergarten.

The ACTING SPEAKER (Mr Kilgour) — Order! On the bill.

Mr PERTON — It is a lovely image: what a pity it is only in black and white.

As the honourable member for Evelyn rightly points out, Bill Gates did not describe us as being best in the world just because we use computers or the Internet. Bill Gates described us as best in the world because we were seeking to improve the interface between the

citizen and government. In creating a business channel, an education channel, a health channel and a land channel the idea was that citizens would in one place be able to find both the government tools and the private sector tools to make their lives easier and better. For instance, under what we had devised, when buying a new house the citizen ought to be able to conduct the whole transaction online, including land transfers, notification to government agencies, including licence changes and changing of gas, telephone and electricity accounts. It all ought to be done on one screen and it blurs the boundaries between the government and the private sector — —

The ACTING SPEAKER (Mr Kilgour) — Order! Will the honourable member for Doncaster take note of what the Chair asked him to do just a few moments ago. Since that time he has on three occasions turned his back directly on the Chair, and I would ask him not to do that.

Mr PERTON — Thank you for that contribution, Mr Acting Speaker. The Kennett government, of which you were a part, Mr Acting Speaker, left a record that is a matter of pride. One would have thought that in 1999, when the previous government was unfortunate enough to lose government — but it was a democratic decision of the people — the Bracks government would have maintained that program. In its rhetoric it indicated that it would maintain that program.

But what we have seen since that time is a government that is bumbling, inept and incapable of focusing on these matters. The real disgrace with the Minister for Consumer Affairs, the former Minister for Community Services, introducing this bill is that in the case of community services there should have been a client tracking system in place almost a year or more ago so that if a child under protection or a person of interest to the department was to be a matter of alertness — —

Mr Wynne — On a point of order, Mr Acting Speaker, I do not mind the honourable member for Doncaster casting a relatively wide net in this debate, particularly around the issue of technology and so forth, but clearly his most recent exploration of the department of community services and its tracking is clearly off the bill. I ask you to draw him back to the bill before the house.

Mr PERTON — On the point of order, Mr Acting Speaker, obviously the honourable member has not focused on this bill very well. He need only look at the explanatory memorandum to see that the entire bill revolves around issues of e-government and e-services by government. I am the lead speaker for the opposition, and I am entitled to a wide ambit. The honourable member may be a bit sensitive about this minister's failure, but it does not disentitle me from addressing such matters.

The ACTING SPEAKER (Mr Kilgour) — Order! I have heard enough on the point of order. I do not uphold the point of order. The honourable member for Doncaster, continuing his contribution.

Mr PERTON — Thank you, Mr Acting Speaker. The disgrace of this minister leading this bill, when in her last department, where electronic tracking and transactions were so important — —

Ms Campbell — On a point of order, Mr Acting Speaker, the bill before us relates to the Associations Incorporation Act, the Business Names Act, the Estate Agents Act, the Motor Car Traders Act and the Travel Agents Act. Those are the acts this bill covers. I ask that the honourable member be drawn back to the bill before us.

The ACTING SPEAKER (Mr Kilgour) — Order! I do not uphold the point of order at this time. I believe the honourable member for Doncaster is setting the scene with his contribution to the bill; although I ask the honourable member for Doncaster to be cognisant of those issues.

Mr PERTON — It would have been only three or four sentences, Mr Acting Speaker, but there is a clear sensitivity of this minister and this parliamentary secretary to her utter failure in her previous ministry.

Honourable members interjecting.

The ACTING SPEAKER (Mr Kilgour) — Order! I have ruled on the point of order. The minister knows that interjections across the table are disorderly. The honourable member for Doncaster.

Mr PERTON — If they were even funny and witty they might add something to the debate, but their banal nature probably betrays the banal nature of the minister. This minister failed in her previous department, and she has taken too long in supporting such innovation across into her current department.

The provisions contained in this bill that enable the delivery of more services by electronic means to those in business is a good thing, but I would have thought that by 2002 we would have been a long way further down the track on this. One only has to talk to the leading vendors of information technology (IT) services, equipment and consultancy services in this state to find that this state government is genuinely the

worst government in the country — nay, not just the worst government in the country, but one of the worst governments in the Western World with its adoption of new technology to deliver its own services better for the citizen.

The minister inanely grins and giggles again, but one only has to look at the judgment of the international community on this. One week ago Ericsson shut down 380 jobs in this state. They were not just 380 ordinary jobs; 380 of the brightest people in the world lost their jobs in Melbourne as a result of Ericsson losing faith in the ability to do this sort of business in Victoria.

One only has to go a little bit further back to remember Nokia Broadband Research making the decision to close a couple of its research laboratories. It had 15 in the world, and one of those it chose to close was the one in Victoria. I recall a situation that occurred not far away from you in your electorate, Mr Acting Speaker. Selectron, a major world producer of IT equipment, after having to make choices about where to close, closed its Wangaratta plant. It was not to take the jobs to some low-income environment to get the benefit of low wages; it took the jobs to Sydney and Singapore. If there ever needed to be a great indictment on this government, it could be found in those three decisions alone. It was the IT minister of the government, the Honourable Marsha Thomson, the so-called Minister for Small Business, who crowed to the newspapers that she had brought Infosys to Melbourne. What is Infosys? It is a major Indian software production house whose office in Melbourne is designed to suck jobs out of the Victorian IT industry and take them to India. The minister is on the record as being attacked not just by members of the IT industry but by columnists like Stan Beer from the *Age* and national columnists at the *Australian* for a lack of understanding of the need for jobs of the future.

Under the Kennett government Victoria was renowned as the world leader. Not just Bill Gates but the group of eight industrialised states came here to look at what we were doing. People came from European and American countries to look at the programs we were undertaking to deliver new services to the citizen that had never been delivered before because it could be delivered through the means of new information technology via the Internet and new means of telecommunications. This was a wonderful thing. Of course it brought interest, and as a result people decided to invest in Victoria and to adopt Victorian practices, and our designers were able to sell their intellectual property around the world. It was because we were the leader. Under this government we have become a mere follower in information technology — and not just in information technology, but in technology in general. There is such a lack of focus, courage and risk taking that this community has been betrayed — not just the people of Melbourne, but the people of your electorate of Shepparton, Mr Acting Speaker, and the people of Ballarat and of Bendigo. The people of Ballarat were promised a televillage. They were promised that each household would be equipped in the same way as those in the town of Ennis in Ireland. Every household was to have a broadband connection and a computer so they could access the sorts of services referred to in this bill, and that ought to be made available.

This minister is again giggling and chortling in her lack of understanding of her own department. The manifest incompetence is breathtaking. This is the minister who, in introducing the real estate agents legislation last week, believed a cooling-off period applied to auctions. Not only did she say it in her statements to journalists and on radio, but she put it in the explanatory memorandum. So how could anyone believe this minister was able to implement this bill?

Ms Campbell — I raise two points of order, Mr Acting Speaker. The first is on the bill and the second is that the honourable member is misleading this Parliament in relation to the radio comment.

Honourable members interjecting.

The ACTING SPEAKER (Mr Kilgour) — Order! The minister and the honourable member for Doncaster know that they should not be conducting conversations across the table.

I do uphold the point of order because of the fact that I think we have given the honourable member for Doncaster a fair go, as the honourable member for Richmond has said. It has given the honourable member for Doncaster the opportunity to have a very wide-ranging debate over information technology issues. I ask the honourable member to come back to the bill.

Mr PERTON — I hope that this government does bring on the election, and I hope that in the course of that election campaign the arguments that we are talking about today, the arguments about modernisation and about government actually delivering the services wanted in the way they are wanted, become a political issue. I am prepared to debate this minister anywhere, any time in the course of the coming election campaign on these issues because they are important.

The Minister for Consumer Affairs may giggle about it. She may not be focused on it, but it is hugely important that Victoria be an icon, a leading light in the delivery of government services online, re-establishing the position we held in the late 1990s so that we actually get economic development as a result and so that in this world of footloose capital we attract attention in respect of these matters, and so that every businessman, every potential businessman, and every student in school who wants to become an entrepreneur is able to go online to get the tools they need to undertake business.

It is nice to be able to get your registration online. It is nice to renew your registration online. That is timesaving and it is a good thing, but it is three years later than it should have been. As I have said earlier and as the minister with a glass jaw has taken objection to, it does not need to be repeated. What we ought to be looking to is delivering a whole range of new services to entrepreneurs, to business people and to investors so that we can make Victoria a centre for these matters, and so that we are looked on as doing something new and different.

This sort of bill has been done in probably 20 or 30 American states already. It is operating across most of Europe. Even in Australia other states now lead us in these areas, and this minister brings this bill in too late and too slow, and I hope too late and too slow for her government.

Mr DELAHUNTY (Wimmera) — On behalf of the National Party I am pleased to rise and speak on the Business Licensing Legislation (Amendment) Bill. My understanding is that my colleague the Honourable Ron Best in another place was briefed on this issue. He is our spokesperson on this issue, but he tells me that Victoria is only catching up to New South Wales. Unfortunately Victoria has numberplates which used to say, 'Victoria on the move'. Now we have 'Victoria: The place to be'. We have become very stationary but, as we all know, this legislation is non-controversial and will not be opposed by the National Party.

The main purpose of the bill is to amend the Associations Incorporation Act 1981, the Business Names Act 1962, the Estate Agents Act 1980, the Motor Car Traders Act 1986 and the Travel Agents Act 1986 to enable transactions under each act to be delivered online via the Internet.

It is good to see this finally happening, but I raise one concern. I know that a lot of government agencies are now purchasing online, and that is a very efficient way of doing things, but it is important that I put on the record that we make sure that country businesses also are given every opportunity to do this. Too often we have seen some of the larger government agencies, whether they be the Department of Natural Resources and Environment or the Department of Human Services, purchasing online through large distribution companies in Melbourne. That takes jobs out of country Victoria, so it is important that we give every opportunity for country businesses to be able to get online and put their produce and services online so that they can compete. I am sure country businesses are very competitive and, given the opportunity, will tender for services and equipment to supply government businesses.

Another purpose of the bill is to remove the existing requirement that the document lodged with Consumer and Business Affairs Victoria or the Business Licensing Authority be signed by more than one person. That is commonsense legislation, which is supported by the Liberal Party and, again, it will not be opposed by the National Party.

Another purpose of the bill is to remove the existing requirement that a document be accompanied by a statutory declaration. It is interesting that at my offices in the main street of Horsham, Firebrace Street, one of my staff, Joanne Bibby, is a justice of the peace. We get an enormous number of requests for the signing of statutory declarations. If we can minimise that, it would be a very efficient way of doing business, and also save the time of some of my staff!

Another purpose I want to talk about is the insertion of a purpose and to clarify the contents of the public registers established by each act affected by this bill. My understanding of this legislation is that the fees and charges will still be set by regulation, so I do not want any businesses to get the idea that this legislation will deal with those issues.

What I am really concerned about is business charges. I want to touch on that at this stage. We are seeing businesses constrained because of cost increases, particularly under this government. The previous government had a great record in lowering those costs. We are seeing increases now under this government through council rates, Workcover premiums and many other charges. The National Party is looking for this government to come forward as we have put forward some positive discrimination to help these businesses, not only with this bill, which helps them go online through the Internet, but also in relation to stamp duty, land taxes and all those other taxes. Before the honourable member for Richmond jumps out of his chair, that is all I want to say in relation to that.

As I said, Victoria is catching up to the New South Wales legislation. It brings this legislation in line with that of other states and provides the opportunity for these services, such as the registration of business names and motor car transactions, to change.

I will quickly cover a couple of clauses. In clause 67 a new requirement is inserted in the amendments to the Motor Car Traders Act 1986. The new requirement in proposed section 29B(2A), that an application to the authority for permission to hold a motor car trader's licence where a person has been convicted or found guilty of a serious offence must be made in the form approved by the authority, is commonsense. It gives the opportunity for the authority to ask for more information and make further inquiries.

I bring to the attention of those people in the motor trades the amendments to the Motor Car Traders Act. The bill also incorporates amendments to the Travel Agents Act 1986. Unfortunately not only have people lost some dear friends because of the events of 11 September and last Sunday in Bali but those events will obviously have an enormous impact on the travel industry. I hope we can get that back on track as soon as possible.

Clause 80 inserts new section 41 into the Travel Agents Act 1986 to require persons who send a copy of a document or notice to the director or authority to retain the original of that document or notice for seven years. That is common practice in the business sector, and this act will put more pressure on travel agents to do it.

Lastly I touch on the amendments to the Business Licensing Authority Act. Clause 85 amends the delegation power contained in section 11 by substituting paragraph (a) and (b) to enable the authority to delegate some of its powers and functions. I will be interested to see how that is implemented, and the honourable member for Richmond might have a few minutes to explain that. I wonder if that is going out to private companies. I see that the government could, with this legislation, be working with private companies much more than in the past, and that is good. If we have government agencies working with private authorities for the benefit of our communities, we all support that.

With those few words I say that the National Party will not be opposing this legislation.

Mr WYNNE (Richmond) — It gives me pleasure to rise to support the Business Licensing Legislation (Amendment) Bill. I indicate that my contribution may well go over the luncheon break, given the time of day. I acknowledge the contributions of the honourable member for Doncaster and the honourable member for Wimmera. But I have to say that, in particular, the honourable member for Doncaster's contribution was long on rhetoric — his was a wide and free-ranging discussion of this bill — but paid scant regard to the really important initiative which the government is implementing through this bill. It was interesting that his contribution was very much geared towards what he saw as the deficiencies of the government in promoting the information technology sector in this state. Frankly nothing could be further from the truth. I know that this is a pet project of the honourable member for Doncaster, because he has had a long and involved interest in the question of — —

Mr Perton — Passion!

Mr WYNNE — Indeed, he interjects, he has a passion for the matter. But I wanted to indicate to the honourable member for Doncaster that the proof of this is in the delivery, not only in relation to this bill. It was only very recently that I, along with the Minister for Manufacturing Industry, had cause to visit an information technology organisation near my electorate office in Church Street, Richmond, which is an extraordinary success story. It is an organisation that has grown from a very small base to become one of the world leaders in mapping aeroplane movements, not only in Australia but also Asia and Europe. What a wonderful symbol, that a modest organisation in my electorate is reaching out to the world and is truly a success story in an international information technology context. It shows the incredible power of the research and development that operates out of this state.

Business interrupted pursuant to sessional orders.

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

QUESTIONS WITHOUT NOTICE

Able Demolitions and Excavations Pty Ltd

Mr DOYLE (Leader of the Opposition) — I refer the Premier to evidence given at the Cole royal commission, where the government admitted it behaved inappropriately in delaying a demolition contract to Able Demolitions and Excavations Pty Ltd at the Latrobe Regional Hospital because the company was not respected by the Construction, Forestry, Mining and Energy Union. Why has the government rejected a bid from Able Demolitions to demolish housing commission flats in Kensington, despite Able being the lowest bidder?

Mr BRACKS (Premier) — As with all tender arrangements, the government reserves the right to accept all or none of the tenders. That has always been the case. This particular matter is currently being examined by the royal commission, and the government will await its findings and determination before offering a comment on that matter.

Bali: terrorist attack

Mr LANGUILLER (Sunshine) — I ask the Premier to update the house on the latest developments concerning the Bali attack, particularly in so far as it directly affects Victorians.

Mr BRACKS (Premier) — I think all honourable members would wish to put on record their appreciation of the response of the people of Victoria to the tragic events in Bali last weekend. The floral tributes on the steps of Parliament House have been a fitting and appropriate way of commemorating and honouring those people who died, those who were injured and their families and friends. Again I congratulate you, Mr Speaker, and the President in another place, for allowing that to occur.

Most honourable members would have seen that today not only were more floral tributes arriving but that Victorians were standing three to four deep when paying tribute to the people who died and to those who have been injured and affected by this tragedy.

As I mentioned yesterday, the condolence books are now available to all members of Parliament, at all strategic government sites and at Parliament House itself. We expect them to be filled in and then transferred to the federal government for appropriate acknowledgment.

Over the next few days, including this coming Sunday, around Victoria all religious denominations will hold services to commemorate the events in Bali. This Sunday a minute's silence will be observed at the Phillip Island motorcycle grand prix.

I also want to thank Victorians who are working in or associated with key government agencies, including the Department of Human Services staff who are stationed at Tullamarine airport and who are working to provide assistance in the form of counselling and support for families and people directly affected by the Bali tragedy. I thank the Victoria Police, who are on stand-by and who are supporting the federal government in this effort.

I thank the major hospitals that are currently treating about nine patients who have been transferred from Darwin to Victoria. Most of the victims are from Victoria, but some are not. Those nine patients are being treated at the Alfred, the Royal Melbourne and St Vincent's hospitals. As you would expect, they are receiving the best of care. The Alfred, for example, is treating some six burns victims from Bali while already treating five other burns victims, whereas its usual workload is something like three people in that category. Staff have actually offered to cancel their annual leave and come in to give support to people who need it. I congratulate those people for volunteering and for their support in coming to work so that more beds can be opened.

Following a request from the Australian Federal Police, Victoria Police has also stationed additional police at Tullamarine to assist in the processing of patients, families and others involved who are arriving on incoming flights. One Vicpol bomb technician is now on his way to Bali and others are awaiting advice from the Australian Federal Police to assist in the crime scene investigation and the forensic examinations that will be required.

On behalf of the people of Victoria I also thank other agencies, including the Australian Red Cross, in conjunction with the Indonesian Red Cross. Today at around this time the Red Cross will be launching an appeal for the families and victims of the Bali tragedy. That appeal will be in two parts: firstly, to assist Australians and their families; and secondly, to assist the Red Cross in both Australia and Indonesia in its efforts to support and assist the recovery of people in Bali who have been affected. I am pleased to report to the house that the Victorian government will be offering initially $500 000 towards that appeal. This money will be transmitted to the Australian Red Cross today.

I hope that not only other jurisdictions but the people of Australia show the same generosity they have shown over the last two days by supporting this appeal to assist families who find they are without the support they would otherwise have had, and that in doing so they will assist the Red Cross itself, which is doing a fantastic job in the recovery effort.

Melbourne Wholesale Fruit and Vegetable Market

Mr RYAN (Leader of the National Party) — My question is to the Premier. I refer to the fact that consultants have been employed by the Department of Infrastructure's division of major projects to report to the Treasurer by the end of the month on the future of

the Melbourne market. Is it the intention of the government to privatise the Melbourne market?

Mr BRACKS (Premier) — I thank the Leader of the National Party for his question. I have always wanted one of these questions. The answer is no!

Economy: performance

Mr MILDENHALL (Footscray) — Will the Treasurer advise the house of any recent evidence which demonstrates the strength of the Victorian economy and any potential threats to our current economic position.

Mr BRUMBY (Treasurer) — I am pleased to advise the honourable member for Footscray and the house that there is more evidence that the Victorian economy is still leading the way — and certainly leading the way in terms of private business investment and employment growth across Australia.

This was confirmed yesterday with the release of the National Australia Bank's quarterly business survey, which reported that Victoria experienced one of the strongest growth rates in business conditions, doubling to an index of 12 in the September quarter — above New South Wales. This is the highest level of business conditions in almost three years. The survey also showed that employment conditions rose strongly — up 14 points in Victoria. That is again above the national average and above New South Wales.

In looking forward, which is most important, the survey showed that Victoria has the strongest business expectations since December 1994.

Dr Dean interjected.

Mr BRUMBY — If the shadow Treasurer refers to the figures he will see that Victoria's position in relation to consumer confidence is much stronger than the national figures.

The National Australia Bank survey yesterday confirms what we have been seeing in the state for some time. The unemployment figures issued last week showed Victoria's level of unemployment was 5.8 per cent, well below the national average of 6.2 per cent and the lowest in Australia. Building approvals are at $14 billion over the last year, a record high, and business investment over the last year is up 8.1 per cent, again well above the national average.

The last two weeks in Victoria paint a good picture of what has been occurring. Last Friday — we know what happened last Friday, because the Leader of the Opposition had to cancel his trip to Bendigo, which was unfortunate — there was a positive announcement of 140 new jobs at Empire Rubber in Bendigo. The Premier was in Ballarat to announce 300 new jobs for IBM, and on 9 October Savage Boats announced its new $4 million boat manufacturing plant in Laverton North, resulting in 50 new jobs. On 1 October Dana Corporation announced its new $8 million facility, with 67 new jobs; and tomorrow is the official opening of the Knox City Shopping Centre, a $150 million redevelopment with 120 new stores and about 1000 new jobs. It is a very strong picture.

Dr Dean interjected.

Mr BRUMBY — The honourable member for Berwick is still whingeing and whining about the economy. At the weekend someone said this about the Victorian economy: 'The state is in good shape and investment is pouring in'.

Mr Mulder — Who said that?

Mr BRUMBY — The Prime Minister!

Honourable members interjecting.

Mr BRUMBY — This is the new Dynamic Duo, those two over there!

The SPEAKER — Order! I ask the honourable member for Polwarth to cease interjecting, and I ask the Treasurer to come back to the question.

Mr BRUMBY — On a serious note, the figures released are very positive. We all understand that the international economic environment is very difficult. We have seen that with the tragic events in Bali, we saw it last year with 11 September, and we have seen it with the decline in equity markets. Despite the difficult economic environment, there is great strength in the Victorian economy.

I was asked whether there were any other threats to that strength going forward. I have mentioned the international economy. Obviously we have succeeded because we have provided a good framework for economic growth, delivered prudent financial management and kept the AAA credit rating. As I said the other day, we are one of the few governments anywhere in Australia or anywhere around the world which in this environment is producing sustainable budget surpluses.

The major threat is the $3 billion of unfunded election commitments made by the opposition — $2 billion from the former leader and an additional $1 billion from this

leader — which would throw the budget into deficit. Last week on *Stateline* the Leader of the Opposition was asked a question about the costings — —

Dr Dean — On a point of order, Mr Speaker, the question was quite clear. The Treasurer has been hovering around debating it, but now he is debating the question. He is taking a political position regarding the opposition and the government. It is an abuse of question time for the Treasurer to use questions without notice to debate issues instead of answering the question, and if he does so he must expect the opposition to take points of order.

The SPEAKER — Order! The Leader of the House, on the point of order.

Mr Doyle interjected.

Mr Batchelor — Not as desperate as you!

On the point of order, Mr Speaker, the Treasurer is absolutely answering the question asked. I remind you, Sir, that he was asked to provide evidence and also asked to identify potential risks to the economy, which is exactly what he is doing. The point of order, which has been taken on other occasions and presumably will be taken subsequently, is designed to thwart the thrust of the answer and should not be allowed.

The SPEAKER — Order! I have heard sufficient on the point of order. I ask the Treasurer to cease debating the question and to come back to answering it.

Mr BRUMBY — On this issue — —

Mr Perton interjected.

Mr BRUMBY — We will stay on the same one, thank you very much!

Mr Perton interjected.

Mr BRUMBY — Go out and have a cup of tea and calm down.

The SPEAKER — Order! The Treasurer, addressing the Chair.

Mr BRUMBY — The economy is growing well, and the budget is in good shape. The threat posed is the $3 billion worth of unfunded election commitments made by the opposition.

Dr Dean — On a point of order, Mr Speaker, if we are now going to enter into a slanging match in relation to the so-called budget proposals by the opposition, which by the way are so deceitfully untrue it is stunning, then we will enter into a debate. The whole point of raising points of order in relation to debating is so this does not happen.

The SPEAKER — Order! I have heard sufficient on the point of order. I am not prepared to uphold it. I am of the opinion that the Treasurer was not debating the question but was answering it, and I will continue to hear him.

Mr BRUMBY — In relation to this issue, when asked about the $3 billion the Leader of the Opposition said:

> Well we do reject that and we have no official …
>
> I'm sorry but I can't do the addition for you straightaway but … I do have an idea.

The fact is that the opposition has promised $3 billion in funding commitments and has no idea — —

Dr Dean — On a further point of order, Mr Speaker, the Treasurer is debating the question.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Berwick. However, even allowing for interjections, the Treasurer's answer is now getting lengthy, and I ask him to conclude his answer.

Mr BRUMBY — The economy is growing well and the budget is in a strong position, with a AAA credit rating from Standard and Poor's. In an environment of some international difficulty this is an outstanding performance for the state.

One thing, though, which the state cannot tolerate is $3 billion worth of unfunded election commitments which would throw the budget into deficit. You will not see the Bracks government promising $3 billion of unfunded commitments. Its commitments will be responsible and will be fully funded, and it is about time that the Leader of the Opposition and the shadow Treasurer did their jobs, properly costed their policies and explained to the Victorian people how they would pay for them.

ALP: union donations

Mr McINTOSH (Kew) — I refer the Premier to the fact that the Construction, Forestry, Mining and Energy Union has donated almost $500 000 to the Victorian branch of the Australian Labor Party since 1995 and I ask: can the Premier guarantee to the house that the CFMEU has had no influence over the awarding or withholding of any government contract?

Mr BRACKS (Premier) — I thank the honourable member for Kew for his question. He may be absolutely sure that the government operates independently, thoroughly and without influence. The honourable member for Kew referred, as I understand it, to donations since 1995. If you look at donations to all parties in 1995, including the Labor Party, you see the amount of corporate donations far outweighs any donations from any particular union. The government acts without fear or favour and will continue to do that.

Geelong bypass

Mr TREZISE (Geelong) — Will the Minister for Transport inform the house of the latest costing for the preferred Geelong bypass option and explain what other options have been rejected and why?

Mr BATCHELOR (Minister for Transport) — Honourable members would be aware that the government has recently released the Geelong Road strategic study, which identified and analysed the route options for the bypass around Geelong. The document clearly and unambiguously said that the west was the best. This strategic study was overseen by key stakeholders, including the local councils, the Geelong Chamber of Commerce, the Victorian Employers Chamber of Commerce and Industry and the Geelong Environment Council.

The study evaluated the merits between an eastern and a western bypass and strongly recommended that the western bypass was superior on the basis of cost, economic returns and benefits, environmental benefits and social amenity, and best in traffic management.

The eastern bypass was rejected by the study. It is, however, the option favoured by the Liberal Party. The former Leader of the Liberal Party announced that in the *Herald Sun* on 18 August. The eastern bypass option is also favoured by the honourable member for Bellarine and the Liberal Party candidate for Geelong, Mr Srechko 'Stretch' Kontelj who, on behalf of the Liberal Party, has promised to build all three bypasses — the western, the southern and the eastern — all three! In addition to the unfunded promises of $3 billion the Liberal Party's Geelong candidate has just added another $2 billion.

According to this strategic study the eastern bypass would service only a small market; it would threaten the environment, particularly around the sensitive Avalon wetlands, and it would open up the Bellarine Peninsula to significant pressure for residential development. The property developers want to get in there.

The eastern bypass by itself would cost between $680 million and $1.4 billion. The western bypass would cost between $270 million and $375 million. Not only does this demonstrate that the Liberal Party policy is in a complete mess but its members are divided on the issue. The shadow Minister for Transport has refused to support any funding for a bypass of Geelong. He described the Napthine and Kontelj commitment as wild — and that is from the honourable member for Mordialloc!

Mr Perton — On a point of order, Mr Speaker, in accordance with all of your previous rulings the Minister for Transport is clearly debating the question, and I ask that you bring him back to order.

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

Mr BATCHELOR — I understand that the honourable member for Bellarine is going to retire as a real estate agent on the Bellarine Peninsula as the basis — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Minister for Transport to come back to answering the question.

Mr BATCHELOR — This study that was undertaken was a strategic study and it clearly identified that on all the conditions and factors that are important to be taken into account the western option was the best.

Mr Doyle interjected.

Mr BATCHELOR — It is no use the Leader of the Opposition interjecting. He has to stop ducking and weaving, stop slipping and sliding away and declare what the Liberal Party is going to do.

Mr Perton — On a point of order, Mr Speaker, you have already ruled twice against this minister. One only has to observe him to know that he is now reading from a script. He clearly intends to defy your ruling, Mr Speaker, and I ask you to sit him down.

The SPEAKER — Order! I have on two occasions called the Minister for Transport to come back to answering the question. Proceedings are not assisted by the Leader of the Opposition interjecting and asking further questions of the minister. I ask him to cease doing that, and I ask the minister to come back to answering the question.

Mr BATCHELOR — In finalising my answer to the question, which asked me to explain what options have been rejected, the government has clearly analysed the options in a detailed way together with the Geelong community and its key stakeholders. We have analysed which options are environmentally sensible and economically beneficial and which options will actually address the traffic issues which are alive in Geelong at this time.

Mr Perton interjected.

The SPEAKER — Order! The honourable member for Doncaster should cease interjecting!

Mr BATCHELOR — The honourable member for Doncaster takes points of order to interrupt the flow of answers, and now he is continuing to do that by way of interjection. We know what is best for the City of Greater Geelong, and that is the western bypass. What we want to know is what the Liberal Party has committed itself to and whose policy it will support — that of the shadow Minister for Transport, its former leader or its current candidate.

Minister for Education Services and Minister for Housing: conduct

Mrs SHARDEY (Caulfield) — My question without notice is to the Minister for Housing. It has been revealed in the Legislative Council today through reference to Office of Housing documents that the Minister for Housing and the Minister for Education Services have abused their positions of power and — —

Honourable members interjecting.

Mr Batchelor — On a point of order, Mr Speaker, the Leader of the Opposition is carrying on as if he is still back at Scotch trying to boss — —

Mr Doyle interjected.

The SPEAKER — Order! I ask the Leader of the Opposition to cease interjecting.

Mr Batchelor — The point of order I wish to raise, Honourable Speaker, is that the honourable member for Caulfield is referring to the *Hansard* of a current session and a debate that is still under way, in clear breach of standing orders.

The SPEAKER — Order! I do not uphold the point of order. I do not believe that the honourable member was doing that.

Mrs SHARDEY — My question is to the Minister for Housing. It has been revealed in the Legislative Council today through reference to Office of Housing documents that the Minister for Housing and the Minister for Education Services have abused their positions of power and were knowingly involved in the fabrication of a priority housing application on behalf of a family who both ministers knew had been assessed by the Office of Housing as not meeting the priority housing eligibility criteria. Why did the Minister for Housing actively participate in this deliberate abuse of responsibility to provide this family with a house it was not eligible for?

Ms PIKE (Minister for Housing) — Here we have it again today — this rather bizarre, desperate and, I think, futile attempt to fabricate impropriety in what is a commonplace occurrence.

Honourable members interjecting.

The SPEAKER — Order! I ask the opposition frontbench to cease interjecting in that way, particularly the honourable member for Doncaster.

Ms PIKE — My role as Minister for Housing is to accommodate people, to find houses for people. As I said to the house yesterday, I get many, many requests from members of Parliament to advocate on behalf of their constituents and provide appropriate housing for them. Here I have a request from the honourable member for Forest Hill and several requests from the honourable member for Brighton. I have requests from a member for Gippsland Province in another place, from the honourable member for Mildura, a member for North Western Province in another place, several from the honourable member for Mooroolbark and the honourable members for Sandringham and Evelyn. I could go on and on and on.

Honourable members interjecting.

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

Mr Batchelor — On a point of order, Mr Speaker, I am only three seats away from the minister answering the question and I cannot hear what she is saying. I would like her to repeat the information she is supplying to the house and I ask members opposite to show some respect.

The SPEAKER — Order! I ask the whole house to quieten down so we can all hear the answer.

Ms PIKE — For the benefit of the Minister for Transport let me repeat: I think it is the honourable

member for Brighton from whom I have the largest number of requests, but I also have requests from the honourable member for Swan Hill. The honourable member for Bentleigh has asked me to assist a constituent who is eligible for public housing and to make representations from my office to the Office of Housing to ensure that people receive their entitlement.

One particular request that I have here was received in my office in March and came from an electorate office. The electorate officer in question was very distressed on behalf of this constituent but was also concerned to check out whether a personal approach to the minister's office was appropriate. I understand that the electorate officer concerned was assured that this is a commonplace occurrence and that we receive many letters, representations and phone calls from electorate officers on behalf of particular constituents.

Members may well ask who this particular electorate officer was representing — in fact, it was the honourable member for Caulfield. I would like to assure the honourable member for Caulfield — —

Mrs Shardey — On a point of order, Mr Speaker, this minister is clearly debating the issue. The issues she is raising are irrelevant to the question, which related to a family that was not eligible, and I ask her to come back to the question.

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

Ms PIKE — I would like to assure the honourable member for Caulfield that she has nothing to fear, that it is quite appropriate for her office to make representations, as it was appropriate for the minister's office to make representations. My office will continue to support people in the Victorian community who are eligible for public housing.

Basslink project

Mr CARLI (Coburg) — I ask the Minister for Planning to advise the house of what independent costings have been provided for the undergrounding of Basslink and whether any other costings have been provided.

Ms DELAHUNTY (Minister for Planning) — I thank the honourable member for his question and his interest in major infrastructure projects.

Basslink is an enormous project that is supported by three governments — the Tasmanian government, the Victorian government and the commonwealth government. This is a massive, multimillion dollar electricity connector that will provide 550 construction jobs in Victoria, most of them in Gippsland. It will give Victoria extra electricity, including renewable power, during those peak periods, particularly in summer. The entire Basslink interconnector is — —

Mr Cooper — On a point of order, Mr Speaker, the minister is clearly reading from either a script or a document of some kind. I ask her to table the document.

The SPEAKER — Order! I do not uphold the point of order.

Ms DELAHUNTY — The entire Basslink interconnector is 330 kilometres long. It will carry 600 megawatts of power and will cost half a billion dollars to build.

As far as the cost of undergrounding the Victorian leg goes, which was the point of the question — —

Mr Ryan interjected.

Ms DELAHUNTY — No, that's what you did!

The cost of undergrounding the Victorian leg of Basslink was reported by the independent panel appointed by the three governments, on advice from Halliburton KBR, to be $91.1 million. That is what the independent report said. The report also found that emerging technologies have technical limitations.

Mr Ryan interjected.

Ms DELAHUNTY — Actually the Basslink figure was even higher than that, to answer the specific question, but the independent report said $91.1 million.

It also found that emerging technologies had technical limitations and unjustifiable costs. The government further tested this advice, seeking independent expert opinion from the international energy expert Parsons Brinkerhoff Power Systems. It said that it did not provide the power rating or the transmission distance required by Basslink.

To go to the other costings on undergrounding, which the honourable member for Coburg asked me about, last Tuesday the Leader of the Opposition said:

> … we simply do not know whether it is $30 million or $640 million … it is much more likely to be of the order of $30 million or maybe a little bit more than that.

He went on to say that another estimate said the overheading of the project might cost $33 million, yet a

mere two days later the Leader of the Opposition said on the ABC's *Stateline* program:

> … the generally accepted figure is about $60 million.

I will read the whole quote:

> One figure is $30 million from one particular provider company but the generally accepted figure is about $60 million because we think this is an intergenerational project.

That is what he said on *Stateline*. So in the space of about three days we have $30 million, $640 million, $33 million, and then on Friday — —

Dr Dean — On a point of order, Mr Speaker, I can understand the government's sensitivity about not putting the pylons underground, but the minister is clearly debating the question. She was asked a question about the cost of the project, and now she is concentrating on what the opposition may or may not have said, and she is debating the question.

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

Ms DELAHUNTY — The question specifically asked what other costings have been provided. We have $30 million, $640 million, $33 million and now $60 million. That is what the Leader of the Opposition said. No wonder the people of Gippsland simply do not believe you. They simply do not believe you.

The SPEAKER — Order! The minister will address the Chair.

Ms DELAHUNTY — It's like *Pick a Box*! This is another case of Liberals in limbo, absolute limbo. They do not know what the figure is; they make it up as they go along.

We do not need these rubbery figures. It is all there in the independent report. That is where the figures are; that is what you need to use. We thought that the Leader of the Opposition, when they changed horses, would be an improvement, but you — —

The SPEAKER — Order! I ask the Minister for Planning to cease directing her remarks to the Leader of the Opposition and to direct her remarks through the Chair and conclude her answer.

Ms DELAHUNTY — The people of Gippsland know what the figure in the final report is. They also know that the Liberal Party stands for nothing, and they do not believe anything they say. Liberals in limbo!

Superannuation: public sector

Mr CLARK (Box Hill) — I refer the Minister for Finance to the fact that Victorian taxpayers lost $515 million between the presentation of the state budget and 30 June this year, mainly as a result of falls in local and international share prices. I further refer to the fact that US share prices have declined by an additional 17 per cent in the three months to 30 September. Is it a fact that in May 2001 the Treasurer authorised the Government Superannuation Office and other public sector superannuation funds to increase their investment in overseas shares from 30 per cent to 40 per cent of their total portfolios, and if so, how much money has been lost through increases in unfunded superannuation liabilities as a result of the Treasurer's action?

Mr LENDERS (Minister for Finance) — I would have thought that the answers from the Premier and myself last week would have clearly answered the first part of the question for the honourable member for Box Hill. Given that the second part of the question deals with the administrative responsibility of the Treasurer at a time I was not a minister, I suggest the honourable member ask the question of the Treasurer.

Mr Clark — On a point of order, Mr Speaker, the Minister for Finance is the minister responsible for government public sector superannuation funds, and therefore I submit he should answer the question.

The SPEAKER — Order! I have called the Minister for Finance to answer the question, and he has concluded his answer.

Police: government initiatives

Mr SEITZ (Keilor) — Will the Minister for Police and Emergency Services inform the house about the changes made to support police operational matters and why it has been necessary to make these changes?

Mr HAERMEYER (Minister for Police and Emergency Services) — The government has taken many — —

Mr Ryan interjected.

Mr HAERMEYER — I do thank him for the question. Okay?

Mr Ryan interjected.

Mr HAERMEYER — I am glad you do.

The government has taken many initiatives to support Victoria Police. We have not just made promises; we have actually delivered and in full. We did not just promise 800 police officers; we did it. When we made that commitment the people opposite said that we were not serious and that we could not do it in the time we allowed ourselves. We did it, and we delivered in spades — 18 months ahead of time! The police officers are making their presence felt in the community. We have falling crime rates across almost all categories and in most parts of the state.

We have also given our police the biggest pay rises in the history of the Victorian police force. Australia's best police force deserves to have the best remuneration. We have done it not grudgingly and not by cutting police numbers; we have done it because they deserve it. We also have the biggest police facilities building program in history — $125 million worth, including 65 new police stations. We have new equipment, state-of-the-art helicopters, lightweight utility belts and ballistic vests, none of which the honourable members opposite had considered when they were in government. We have done it.

Apart from that we also promised we would reinstate what was taken away from Victoria Police — the right on disciplinary matters to appeal to an external tribunal and to have that determination made binding. The former government took it away and we gave it back. We also restored the legal fees reimbursement agreement which they took away because they wanted to punish the Police Association because it dared to question them over cutting police numbers. They took it away and we put it back. We also instituted an indemnity against civil litigation for police officers acting in good faith. We did it. That is what I call supporting our police force 100 per cent. It is a proven fact. It is not just words. We have matched our words with actions.

I was asked why these actions have been necessary. It is because we inherited a great police force that had been run down, that had been decimated by having 800 members cut. As the first act of the previous government when it came to office 34 police station contracts were cancelled and another 400 were threatened with closure. The police force was made to work with outdated equipment. That is a very sorry record. The previous government took away the right of binding appeal to an external tribunal and the legal fees reimbursement agreement. We gave it back, but the Leader of the Opposition calls what they did supporting the police force 100 per cent.

The SPEAKER — Order! The minister, coming back to answering the question.

Mr HAERMEYER — I was asked why these changes were necessary, and I am explaining why. The Leader of the Opposition said that was backing the police 100 per cent. Police officers tell me that they have had enough support from the Leader of the Opposition and from the members opposite. They cannot take any more support from the members opposite!

On the weekend the Leader of the Opposition said, 'Well, the Kennett government made a mistake. It should not have cut police numbers'. But he was a part of that government; they were all a part of it. When asked whether he would increase police numbers, he said, 'Yes, we will increase police numbers'. He was asked by how many, and he said, 'Oh, I don't know. A number between 1 and 10.'.

The SPEAKER — Order! I ask the minister to cease debating the question.

Mr HAERMEYER — They promised 1000 police; they cut 800. They promised 400 last time, and then the police force further declined in numbers. We promised 800; we delivered 800. The people of Victoria and Victoria Police have to ask themselves whether they can believe anything these people promise. They can believe what we promise because we have delivered. It is what you do, not what you say.

BUSINESS LICENSING LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed.

Mr WYNNE (Richmond) — Prior to the luncheon break I was indicating the importance of investment which has flowed into Victoria since the election of the Bracks government. I referred to a most interesting company which is developing cutting-edge technology in the aerospace industry, particularly related to air traffic control and movements of aeroplanes, and is competing not only within a national market but internationally and is extraordinarily successfully.

Since the election of the Bracks government we have seen a renaissance in the high-tech cutting-edge industries, because it has put in place the correct economic climate and settings for that level of investment.

Mr Perton — On a point of order, Mr Speaker, the honourable member on his feet took a number of points of order against me during my response to the second-reading speech and took a very strong view that this was a very narrow piece of legislation relating to business licensing registration rather than a general debate on the investment climate. While the lead speakers for the opposition have a wider ambit, I ask you to bring the honourable member back to order.

The SPEAKER — Order! The honourable member should restrict his remarks to what is contained in the bill.

Mr WYNNE — I thank you for your guidance, Mr Speaker. In doing so I will finish that thought by saying that today in answer to a question the Treasurer neatly summarised the position the state finds itself in by indicating that the National Australia Bank index suggests that we have had the highest level of appropriate business conditions in the last three years. Need I say any more, other than that further independent advice to the government is that our policy settings are entirely correct.

I return to the bill itself. The bill facilitates the delivery of online services by amending a number of pieces of legislation to improve the delivery of services to businesses, associations and most particularly consumers. I was interested in the contribution by the honourable member for Doncaster, who ranged far and wide in his contribution. He was rather silent on the question of the real potential outcomes for people who are living in rural and regional settings within Victoria. That was taken up, I think very appropriately, by the honourable member for Wimmera, who is providing me with ample assistance on this side at the moment. I think that reflects the positions people come from in this debate.

As we know, the former government's view of rural and regional communities was, in the famous terminology of the former Premier of Victoria, that rural and regional communities in Victoria were really the toenails of the state. Clearly that is not a view of this government. It governs for all Victorians, and this bill will benefit all Victorians, whether one lives in metropolitan Melbourne or in rural or regional Victoria.

A discussion paper was distributed to key stakeholders seeking their feedback on the proposed changes that are detailed in the bill. Not surprisingly, there is widespread support for the proposed changes.

Online services are critical to country Victorians in particular, because they offer easy and fast access to information and reduce the disadvantage that many people from rural centres suffer due to their isolation from regional centres, where many services are conglomerated. If you are out in a more remote or isolated regional setting, this bill will be a real boon for you in very practical ways.

The bill sets the foundations for online services for most licence applications and renewals — for instance, for applications for the registration of a business name and for applications to form an incorporated association, and the like. The Electronic Transactions Act enables documents to be lodged electronically via the Internet. However, amendments are required to remove other impediments to the conducting of business online.

As was indicated in the contributions of both the honourable member for Doncaster and the honourable member for Wimmera, five acts are to be amended to facilitate the delivery of online services — the Associations Incorporation Act 1981, the Business Names Act 1962, the Estate Agents Act 1980, the Motor Car Traders Act 1986 and the Travel Agents Act 1986.

In our view online judgments will be quick and efficient and transactions, particularly under the Associations Incorporation Act as well as the Business Names Act, will be available online during 2002. Transactions under the other acts will be phased in over the subsequent year.

The transactions that will be available online include applications for incorporation; registrations of business names; the granting of estate agents, car traders or travel agents licences; and notifications of changes to registered particulars, such as the standard sorts of things that people obviously have to advise the appropriate government agency of, such as their address, place of business or contact details. Also available online are things such as an extract or copy of information contained in the register.

I think this is a good bill. It goes to some very practical issues, particularly for people living in regional centres. Where in the past they may have had to go into a regional town or a larger provincial city to conduct this sort of business, they will now be able to conduct it on an online basis. Substantial risk analysis and business process planning has been undertaken, and business processes have been developed to minimise the risks associated with online transactions. I think even the honourable member for Doncaster would concede that in this burgeoning online community we are living in there are potential risks involved in the engagement of

online services, so there need to be some checks and balances to ensure the authenticity of people's applications and so forth.

In that context a pass code issued by Consumer and Business Affairs Victoria or the Business Licensing Authority will be used to verify transactions and for fee payment by use of a credit card or electronic funds transfer. It is our view that this provides an appropriate set of protections. A fundamental tenet of the Minister for Consumer Affairs, who is sitting at the table, is that appropriate checks and balances be put in place to protect consumers in these transactions.

Provisions have been developed — and this is very important — in consultation with the Privacy Commissioner to protect the privacy of people whose personal information is held on the public register.

The bill inserts a purpose for each register and clarifies their contents. Both consumers and businesses will be aware of what information is publicly accessible by the register and will assist with meeting privacy obligations regarding people's personal information.

So we are both opening it up and, at the same time, ensuring that people's personal information is appropriately protected. The registers are publicly accessible; however, a person can make an application to have public access of their personal information restricted.

Finally, the bill enables consumers to identify the proprietors of a business they are dealing with or to satisfy themselves that a person holds the appropriate licence by conducting an online search of a public register. The government believes this will be a significant time saver for consumers, and we believe the reforms outlined will be an important step towards providing online access to information from the public register to the community generally. So if you live in metropolitan Melbourne or in a rural or regional — —

Mr Perton interjected.

Mr WYNNE — Well, Mr Acting Speaker, this is the honourable member for Doncaster who had absolutely — —

Mr Perton interjected.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Doncaster will refrain from interjecting over the table.

Mr WYNNE — This is the honourable member for Doncaster who in his contribution had absolutely nothing positive to say about the rollout of these online initiatives, which are fundamental to regional and rural Victorians because they will provide them with decent access to information. If that is the position he seeks to take, that is fine, and people will judge him accordingly.

This is an important bill that has come at a very appropriate time. Yet again this government is indicating its strong support not only for people living in metropolitan Melbourne but also for people living in rural and regional settings. I commend the bill to the house.

Mr COOPER (Mornington) — I note that the principal purpose of the bill is to enable government services under each of the acts that it proposes to amend to be delivered online via the Internet. I recall the words said by the honourable member for Richmond in his address, that online transactions will be quick and efficient. Virtually everyone in this house would say we can all hope so. It is important that online transactions are improved to remove a lot of the problems which are still bedevilling the private sector.

It is on that note that I advise the house of a problem that was recently brought to my attention regarding the registration of a business name, because I think it brings it down to the sort of issue we all need to be made aware of. One would hope that this bill, together with actions taken administratively by the department, will resolve this sort of problem.

I take people back to the days when the registration of a business name was regarded very seriously. Usually people wanting to register a business name would put in a number of names for consideration by the government, or by the bureaucrats, in the hope of their ultimately approving one. In a similar way people register the names of racehorses. The do not just put one name in; they put a number of names in. If one of those is regarded as acceptable, not contradictory and not similar to other names, that will be the horse's name and it will always be able to race with it.

It is the same with businesses and similarities in business names. Given the activities of people who are interested in consumer affairs and in pursuing people who have breached the law — you only have to look at current affairs programs to see that occurring all the time — we know how precious a business name is to the reputation and credibility of a company and, importantly, how precious it is to its credit rating throughout the nation.

Just last week I was visited by a constituent who operates in the building industry. Back in the 1970s when he started up as a builder he submitted a list of some 40 names for consideration. Ultimately the bureaucrats who were looking at that came back and said, 'This is the name we believe you should have', and he agreed to it, although it was not one of his preferred names. The name his business is registered under — as I say, it is a building business — is Top Notch Homes Pty Ltd. He has operated successfully under that name for many years. A few years ago his son decided that he would branch out. Whilst they are not in the same businesses they are father and son, so the son registered the name, with his father's approval, of Top Notch Homes Peninsula. He operates his business from Langwarrin; the father, Top Notch Homes Pty Ltd, operates his business from Mount Eliza.

Recently Mr Noel Marshall, the owner of Top Notch Homes Pty Ltd, became aware through a newspaper advertisement that there was a company operating in the same geographic area, somewhere out to the east of Frankston, under the name Top Notch Builders and Maintenance. He though it was quite peculiar that a company could advertise using the name Top Notch, so on 1 October, just recently, he wrote a letter of objection to the Register of Business Names. He received a reply dated 7 October from Consumer Affairs Victoria dismissing his complaint and saying that the name Top Notch Builders and Maintenance is sufficiently dissimilar from the names that Mr Marshall and his son have registered.

I quote from the letter from Consumer Affairs Victoria:

> Examination of the matter you raise has determined that Top Notch Builders and Maintenance was not registered in contravention of the Business Names Act 1962 as it [is] sufficiently dissimilar and identifiable from the business name Top Notch Homes Peninsula and it is not identical to the company name Top Notch Homes Pty Ltd.

The letter is signed by a Mr John Stevens, team leader, business affairs.

I find the decision of Consumer Affairs Victoria to be quite extraordinary. At the end of the day this matter really relates to the two words 'top notch'. The term 'top notch' is being used by companies operating building businesses in the same geographic area. It is not as if this latter company — Top Notch Builders and Maintenance — is operating in Mildura, for example, and the other two are operating in the Mornington Peninsula: they are all operating in the Frankston and Mornington Peninsula area. There is absolutely no doubt that there is a similarity. There will be a similarity seen by suppliers. There will be a similarity seen by people who are checking credit ratings. It could well be that if this later company gets into financial difficulties and its credit is cut off mistakes will be made by credit companies which will impact on the two companies owned and operated by Mr Noel Marshall and his son.

It would be quite clear to any sensible person that that similarity should have ruled out the registration of the business name Top Notch Builders and Maintenance. I hope that action will be taken by the minister and her department to resolve this issue. It is not a minor issue. It is a matter that comes down to the potential problems of credibility, of financial ratings, et cetera, that are so important — in fact intrinsic — to the continued success of building operations. Mr Marshall and his son operate successful building operations, and they are extremely concerned about the impact this may have on the future of their businesses. This is an issue that I hope would be resolved by some of things in this bill, but certainly it is an issue that stands on its own and demands urgent action from the minister.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

MURRAY-DARLING BASIN (AMENDMENT) BILL

Second reading

Debate resumed from 12 September; motion of Ms GARBUTT (Minister for Environment and Conservation).

Mr MULDER (Polwarth) — I rise to contribute to debate on the Murray-Darling Basin (Amendment) Bill. This is mirror legislation to legislation that is making its way through both the federal and New South Wales parliaments. The bill does nothing more than amend the Murray-Darling Basin agreement so there is nothing very contentious in it. However, there are a couple of issues that we will touch on as we work our way through it.

I express some concern regarding the briefing and a request I made of the department after the briefing for a copy of a document called the *Snowy Water Inquiry Outcomes Implementation Deed*. I made the request to the department on three occasions last week, and I also spoke to the Minister for Environment and Conservation in the house about getting a copy of that document. While it was indicated to me that I would get

a copy, it was not delivered to me via the department. I am not sure what took place, and I rang the department on a number of occasions, as I said.

The document is in fact a commercial-in-confidence document, which may have something to do with the reason the minister did not want to release it. However, in a contribution earlier today the minister commented that at that particular briefing I had with her department the department officers were not really sure who the real shadow minister for water resources was because the previous shadow minister and I were both present at the briefing. But somewhere along the way someone has certainly worked out who the new shadow minister for water resources is, because the document — marked commercial in confidence — somehow arrived at my office. I am not sure who has been kind enough to ensure I got a copy of it, but to whoever saw fit to do that: I do appreciate it. It is quite obvious that the minister had no intention whatsoever of making sure I got the document.

The legislation comes about as a result of the issues regarding the government's commitment to the return of flows to the Snowy River. The amending agreement makes new arrangements for sharing water made available in the River Murray catchment above the Hume Dam by the Snowy scheme. I understand the water savings are to be achieved through water savings primarily, environmental improvements and regional development projects and diversions from the River Murray and from the Murrumbidgee and Goulburn river systems.

A business plan is currently being prepared in relation to the Snowy River savings, and those savings will be audited. The bill protects Victoria's water allocation from unilateral New South Wales actions, and it requires the Murray-Darling Basin Ministerial Council to develop environmental objectives and a strategy for increased environmental flows to the Murray River. Those particular strategies are picked up in the document entitled *The Living Murray*, a discussion paper which sets out the various reference points for improved environmental flows.

One thing that comes to the minds of all members of Parliament but particularly to the minds of those who live in rural communities and who have had the opportunity over the last two to three months to travel through north and north-west Victoria and get a very sound understanding of the drastic affect that the drought is having on that part of the state is that I do not believe you could find a person in Victoria who could genuinely look you in the eye and say that the stunt that was pulled by the Premier of New South Wales and the Premier of Victoria to open the floodgates and send water down the Snowy River during one of the worst droughts in the history of this country was a sound decision made in the best interests of all Victorians.

There is no doubt that at this point in time our city cousins are starting to come face to face with what is happening in country Victoria in relation to the drought. I am sure they would have looked on that act as nothing more than one of the most outrageous political stunts that has ever been pulled in the state of Victoria. For the life of me I cannot in any way, shape or form understand what would motivate anybody to think that that could be done at such a time.

Having made that statement, of course the Liberal Party supports providing environmental flows to rivers. Of course the Liberal Party will pursue studies such as *The Living Murray* to improve environmental flows into the Murray River. Of course the Liberal Party understands and supports the fact that all of our rivers and streams across country Victoria need to be looked after and rehabilitated. We have to turn around much of the past damage that has been done to our rivers and streams, and the Liberal Party will undoubtedly support all of initiatives to ensure that we have healthy rivers and streams. However the stunt — and the manner in which it was carried out could only be described as a stunt — hit a very sour note right across Victoria, resonating into our rural sectors, and I doubt very much whether the government has gained any political kudos by being involved in that process.

In terms of Victoria's commitment, the projects that are to be identified under the joint government enterprise for water projects and savings within the system are well and truly slow off the mark. They have made very little impact, and they have one hell of an amount of catch-up work to do. The projects identified in the commercial-in-confidence document — the piping of the Tungamah stock and domestic water system, the piping of Normanville and the metering of unmetered stock and domestic outlets — would have to be considered a fairly slow process. The government has not got off the mark. It has not been out there identifying where the real savings are going to come from, and one wonders what the government is going to do in relation to finding waters for the Snowy River.

I refer to some notes I made on information in the commercial-in-confidence document that the minister refused to hand over to me. These relate to the review processes for the flows to the Snowy River, and they say:

27.1 Parties to initiate reviews.

> At any time the parties may agree to initiate a review of any or all of: …
>
> 27.4 Reviews of increased flows —
>
> (1) Snowy River increased flows; and
>
> (2) Snowy-Montane rivers increased flows.

There had been some concern expressed all through this process that perhaps Victoria was creating a massive water debt and locking itself into the position where if it could not find the particular projects it would end up with a massive water debt. Quite clearly the commercial-in-confidence document which the minister was not keen to release opens up the possibility that if at any stage in time all parties — that is, the federal, New South Wales and Victorian governments — agree we have to go back and address the issues of these increased flows, then this can take place. I do not see that there was such an issue in making that type of information available.

The issue that concerns the Liberal Party most of all is the purchase of water entitlements by the Victorian government. If the Victorian government fails to identify good water-saving projects throughout the state, where will it go for water and where will the water come from? It has always been obvious to us right throughout the process and throughout this debate that at this time, given the positions of many eminent people around Australia who are all talking about and identifying particular piping projects, the last thing you would think could or should happen would be that the government would enter the water market and attempt to purchase water, particularly when we are experiencing one of the worst droughts in this country in possibly 100 years.

Yet that was sold on the basis initially that there would be no water purchases and that it was purely a process the government was putting in place as a joint government enterprise to analyse various projects put forward as water-saving projects. The commercial-in-confidence document that the minister was very keen not to hand over, at clause 10.4(3) headed 'Functions of the Joint Government Enterprise — water purchases', states that one of the functions is:

> to purchase water entitlements from willing sellers of those water entitlements in the River Murray system upstream of the South Australian border, the Murrumbidgee River system and the Goulburn River system.

The clause brings into question the issue of identifying a willing seller. In the marketplace, if the government were to attempt to buy into the marketplace today, a willing seller who has water at a highly inflated price could do nothing more than damage other parties within the water trading arrangement. A willing seller at this point would be someone who would sell his water only to the highest bidder, and it would be of concern to all members of Parliament, particularly rural members who are involved with people in irrigation districts, to see the government enter the water market and start to purchase water.

In relation to the commercial-in-confidence document that the minister failed to hand over, clause 13.2(2), 'Limits on joint government enterprise', raises alarm bells and concerns with rural members, particularly those representing irrigation farmers, people with water entitlements and people in the marketplace who are trying to purchase water to keep their farming enterprises going, knowing full well that the cost of water could hit $600 — it is about $400 now and will continue to rise as the competition increases and people support their businesses to stay afloat. The clause states:

> … primarily fund water savings and only purchase water entitlements if necessary.

As I said, this was in the commercial-in-confidence document that the minister was very keen not to hand over. That clause raises some concerns, especially for members in rural Victoria who work with irrigation farmers and who know and understand what they are going through at the moment. The government has nothing in front of the joint enterprise at this point in time for assessment in terms of water-saving projects, yet wherever you move around rural Victoria, especially through irrigation districts, you are knocked over in the rush from water customer consultation committees and the various interests representing irrigators, who all seem to have water-saving projects they can put to the government that you would think would be worthy of consideration.

The real concern we have at this point, given that at the moment there is not a project in front of the entity for it to look at and to be evaluated by the Victorian government, is why it is holding off until after what appears to be the run-up to an early election before deciding what it will do with clause 13.2(2), which is to 'primarily fund water savings and only purchase water entitlements if necessary'. If 'if necessary' means it is cheaper to buy water than it is to fund a water project we have a hell of a problem in front of us. The government is very quickly running out of time to meet its commitments regarding the Snowy River, and there is a real fear within the water community, those people who rely on their entitlements and on water being available for sale, and if there is any spare water in the

system, particularly in the drought period, it should go the irrigators' way.

If we get another year of very dry conditions where it may take a couple of years after that for our storages to pick up, where will it leave the agreement and the government of the day in meeting its commitments to the agreement? When we see media reports that the government has gone from saying that it will not be purchasing water to that it will be primarily funding water savings and only purchasing water entitlements if necessary, and then only buying from willing sellers, that says to me there is a shift in the position of the government from funding irrigation projects, pipelines, pump stations and the infrastructure that people in rural Victoria and irrigation districts need and that it will at some stage attempt to enter the water market and compete with farmers and people who need water in these drastic times in rural Victoria.

I have a real concern with that. I understand now why the government has decided that it is probably not in the best interests of anyone, particularly the opposition, to have a copy of this document, because it lays out some open clauses that allow the government if it wishes to enter the water market and in particular to push up the price. One can only hope that if we were to look at further amendments in some way there would be some social responsibility regarding what is happening in rural areas of Victoria when these droughts occur. As I said, we are currently facing one of the worst droughts on record. I ask that in summing up the minister give a commitment to the house that the clauses in the commercial-in-confidence document relating to entering the water market only if necessary and only purchasing from willing sellers will be taken up by the government and only enacted once the water storages have completely recovered from the drought conditions and that the government will not, under any circumstances, enter the water market and put undue pressure on farmers.

The document addresses the issue of the ministerial council working with the body currently working on *The Living Murray* discussion paper. One only has to look through the staged steps of this document and the reference points for the increased environmental flows to the River Murray that it is hoping to achieve of 350 gigalitres per year, 750 gigalitres per year and 1500 gigalitres per year to understand that it is one hell of a challenge. One has to take on board communities going down the river system, the towns, the tourism operators, the irrigators, the people with bulk entitlements and come out with a solution to improve the health of the river and not upset or leave behind any of those interest groups, particularly of irrigators. When you put the two river systems together, the Snowy and the Murray river systems, the attempts being made to increase environmental river flows, coming off the back of a prolonged drought running in some parts of Australia for four or five years and slowly moving south, pose an enormous challenge.

I will not pursue further issues regarding the legislation. It is mirror legislation that is currently passing through the federal and New South Wales parliaments. It presents enormous challenges and the Liberal Party will not oppose it. I wish the bill a speedy passage.

Mr STEGGALL (Swan Hill) — I rise to support the legislation and also make a few comments. The bill gives effect to the Murray-Darling Basin Amending Agreement, which amends the Murray-Darling Basin Act of 1993 and recognises that it establishes and protects Victoria's share of the water in the event that New South Wales fails to ensure environmental flows to the Snowy River or the required annual releases from the Snowy scheme to the River Murray.

It provides for the irrigation water rights to be purchased under the various state laws and for the transfer of water savings to environmental entitlements and subsequent reduction of the caps. It enables the Murray-Darling Basin Commission to make increased environmental flows to the River Murray and requires the Murray-Darling Basin Ministerial Council to develop environmental objectives and a strategy for environmental flows to the River Murray. It provides detailed means of accounting for and arrangements to support increased Snowy and Murray flows with accounting notification, modelling and verification processes, and removes the reference to the Snowy River Hydro-Electric Authority which is no longer there.

The legislation is part of the ongoing debate and discussion we are having concerning the politics of water and the law under which the Murray-Darling Basin agreement is operated and the way in which we handle the issue, which has been raised many times in this place, being the issuing of water to the Snowy and the difficulties which come from that. This legislation opens up and draws together, if you like, the total picture of the Murray and the total challenge we have with regard to the stated objectives of various governments.

I will run through some of those because for the first time we are seeing savings in the Murray being legislated for in this Parliament. Up until now we have just seen discussion on the Snowy with Murray waters to the Snowy. We knew that the Murray was to achieve

some 70 000 megalitres of extra environmental water from the agreement on the Snowy with commonwealth participation. If we put it totally into place, over the next 10 years we are looking at achieving 212 gigalitres for the Snowy from New South Wales and Victoria and on top of that achieving 70 gigalitres for the River Murray. In addition, the Premier last year announced and committed Victoria to 30 gigalitres of extra environmental water to South Australia.

Since that happened the commonwealth has entered into *The Living Murray* discussions. The documents that have gone with it have increased the activity with regard to environmental water to the Murray to three standard points and the impacts of 350 gigalitres, 750 gigalitres and 1500 gigalitres of extra water down the Murray each year. And so we see the totality of this issue, which has been raised in this place on many occasions with the argument of the Snowy and the emotion with which that issue has gathered ground in Melbourne and Sydney and in the Victorian Labor Party and the subsequent commitments.

The honourable member for Polwarth mentioned the rather farcical thing that we saw — the timing of which was shocking: the montane rivers being put down the Snowy. There is an agreement, which I will go through shortly, for that to happen, but one wonders exactly why it would be done in a year like this.

I will run through some of the items in the heads of agreement from the Snowy water inquiry of December 2000 because we need to marry the Snowy agreements with the Murray agreements. The federal, New South Wales and Victorian governments have adopted a target flow for the Snowy of 21 per cent annual natural flow, which is 212 gigalitres, to be achieved progressively within a 10-year period.

The environmental flow of 70 gigalitres allocated to the River Murray per annum was part of that agreement. All increased flows to the Snowy and the Murray will be offset with water acquired through verified water savings from the Murray, the Murrumbidgee and the Goulburn systems and, if necessary, through purchases from these areas. I say to the honourable member for Polwarth that the quotes he was using about the purchase of water rights and the matters which were of concern to him have been the language of the government since the introduction of those rights. It has consistently used that language and it must be recognised that it is a legal way in which a government can achieve water rights. There is no doubt that the Victorian Water Act allows it, as does the New South Wales Water Act.

The issue that we have in this chamber is the suitability of purchasing or using the government in the water market. I do not believe the government has changed its position; it has always been there. Water rights and entitlements would be purchased from holders, if necessary, in a manner that promotes the water trading market. This legislation actually changes the language for that a little but it just adds to the issues. I guess we are maturing as we go through our discussion.

Compensation would be made for all net forgone revenue resulting from the reduced availability of water paid to Snowy-Hydro for any Snowy flows above 21 per cent or 212 gigalitres.

According to the agreement no adverse impacts would be caused to water entitlements for irrigators, the Murray–Murrumbidgee–Goulburn environmental flows or South Australian water security and quality.

The joint government enterprise which has been set up has a charter to acquire water at the least cost through savings and purchases. The enterprise will be funded over 10 years, with $150 million each from Victoria and New South Wales and $75 million from the federal government.

I think we should pause and have a look at the stages for increased flows. This picks up the initial release from the Mowamba River. The agreement specifies that the initial release of unspecified volume from the Mowamba River and the Cobbon Creek is to be borrowed from storages and paid back within three years in a way that does not affect water allocations, and that is to be offset by verified water savings.

This has happened, and we saw the nonsense which went on. That volume is a maximum of 38 gigalitres in any one year. The system has not been changed in a way that means that if we had a big rainfall up there now and 38 gigalitres went into the Snowy it would be turned back into Jindabyne for the rest of the year. We have to understand that that was initially part of the agreement. Not all of us agree with it; those of us who represent people struggling in this year of drought think that in many ways it has been a political exercise in insensitivity. So that is the first year.

From year 2 to year 7 the target flow in the Snowy below Jindabyne is to be 15 per cent. Now 15 per cent of the flow is 142 gigalitres. Dedicated environmental flows of up to 70 gigalitres per annum — this is for the Murray — will be progressively implemented. That is 1 gigalitre for the Murray for every 2 gigalitres for the Snowy to a maximum of 70 gigalitres for the Murray over 10 years. Under the agreement the water releases

to the Snowy are to mimic natural flows, and I will come back to that later.

The third stage of the agreement is from year 8 to year 10, and the target flows in the Snowy below Jindabyne at that stage are to reach 21 per cent. That is a total of 212 gigalitres, of which I believe Victoria's share — this is not a common view; it is one of the things the Labor Party and I disagree on, but there are reasons for that — should be equal to the amount by which it benefits from the Snowy scheme — that is, 25 per cent.

I have always believed that Victoria's share of water going to the Snowy should be no more than 25 per cent, but interstate trading starts to make the edges a bit fuzzy. In addition, if Victoria comes up with really top-line water saving opportunities for our irrigation and water distribution systems, maybe it would be in our best interests to get a benefit out of it. I am probably not as vigorous about that 25 per cent rule as I was at the start. Done properly, under Victorian law we will have more opportunity than New South Wales at this time to achieve flows here. However, we must remember that interstate trading is coming, which could change all this around. We should look at the Victorian–New South Wales Murray system supplying 212 gigalitres in that first 10 years.

The fourth stage is beyond 10 years, so now, for the first time, we know what the medium term and the long term are. The fourth stage is virtually a Victorian Labor Party promise, with some token but not strong agreement from New South Wales, that an additional 7 per cent of flows up to the 28 per cent will be achieved following major capital works programs beyond those required to offset the 21 per cent.

That is the program we are under at the moment, and it has been going along okay. There is a great deal of friction between the northern communities along the Murray and the government over its targets in these areas. Politically we have a problem inasmuch as we have a handful of people — six members of Parliament — against Melbourne's 72 members of Parliament who are responding to the green issues of the state and the times.

I will not be here, but it will not be all that long before we have a debate in this place about the production of food and fibre and the things that sustain us. Then we might understand that some of the natural resources that we use and are improving on every year are vital to our wellbeing and our society. Then we might understand that those water issues are a bit bigger than the issues we are seeing today. I saw one of the environmental groups the other day advocating 4000 gigalitres of water for the Murray. Honestly, you really have to scratch your head!

One of the things happening now is the Living Murray program, which is the Murray-Darling Basin Commission's introduction to the next phase of development on the Murray. It marries in with this bill, which sets up the legislation needed for action under the Living Murray program. State and federal ministers from Victoria, South Australia, New South Wales and the commonwealth have agreed to one year of discussion on *The Living Murray* document — and I imagine the Queensland minister is there too. That 12 months of discussion has started, and it is pretty interesting.

The issue is whether there is a better way to run the river, a better way to allocate environmental flows and a better way to utilise those environmental flows for the health of the Murray. There is a lot of emotion around today, as the mouth of the Murray has been closing. The Murray and Goulburn rivers have had well below average rainfall in their catchments for about six years, while we have gone up and down with the Darling — although at the moment it is flat and dead.

We are in our sixth year of the dry. When we did the *Sharing the Murray* report we tried to plan it so that irrigators on the Murray River would be able to receive 100 per cent of their water rights 97 years out of 100. If you translate that down to how we looked at the droughts over the past 100 years, it would mean that the seventh year of a dry, not seven drought years, would be the time when we would probably get back to the water right and then possibly to below the water right. This year the Murray has 129 per cent of its water right, and at this stage it does not look like getting any more. It seems to me that those predictions in the *Sharing the Murray* report were pretty accurate and pretty good. You have to look at the discussion on the river we are having today in light of the fact that these are not normal times. We need to take a lot of care in how we approach the issues we are wrestling with now.

Let's look at the vital issues in *The Living Murray — Restoring the Health of the River Murray* document, which is based on trying to get a healthy, working river. I wish some of the environmentalists in this state would understand that. I know a lot of them do, but I get a bit wild when journalists start picking up others who make everyone who lives on the river look like a criminal in the eyes of the people of Melbourne, who sit here in the glorious beauty of this wonderful city far away from the issues.

Some of the vital issues covered in *The Living Murray* document include the impact on current uses such as irrigation and recovering water for the environment. What does the health of the River Murray really mean for our industries, our drinking water, our environment and us? That is a big question, particularly if you are from South Australia. Drinking water is a vital issue, and the health of the South Australian stretch of the River Murray is the main thing driving the problems at the moment.

Another issue is how should environmental water be managed to achieve the optimal environment, social and economic outcomes. I wish the honourable member for Gippsland East was here at the moment. I am sure he would be listening. The very point we had with the Snowy River argument right back in the mid-1990s was that we must know how we are going to manage environmental water being supplied to any of our areas. We must understand what will get the best value for the environment and not sit and argue, as we did in the first part, 'Just give us water, give us water, give us water'. Even today, as I will go through a bit later, some of the Snowy studies and decision-making bodies are not yet in place. Those things are there for the Murray River. This legislation provides that the governments, through the Murray-Darling Basin Commission, must set up environmental management studies on how to best use the water. That is most vital.

The next issue is how much water needs to be saved. Where would it come from; how should it be used; what would it cost; and, more importantly, who should pay for it? How do we minimise the chance that any regional group, such as those in broadacre irrigation, might be disadvantaged or dealt with unfairly? How could we share fairly among Australians the benefits and costs, which are likely to be high? Let the people of Sydney and Melbourne understand that they are very much part of this debate that is going on on the biggest and mightiest river in Australia. They should not run away. They might have been carried away and flushed with emotion over the Snowy River issues, but the River Murray is a far bigger issue and one which is going to test the governments of all states and the commonwealth when they are coming to grips with how we might resolve this issue. Should water given up for the environment be kept for the environment until it reaches the Murray mouth, or should irrigators be able to use it after it has performed an environmental function? We have that situation in Victoria, where we use some of the water after it has been used for the flooding of our forests.

However, these issues raise further questions. Should water for the environment be just taken back or acquired through compensation? That is a pretty interesting little subject, to say the least, and I will come to that a little later. For your information, Madam Acting Speaker, the legislation which puts in place the mechanism for the accounting of water in that regard is very pertinent to the legislation before us today. Should water for the environment be acquired compulsorily or voluntarily? That is an interesting point. I have some pretty strong views on that, but this is not a time for volunteers. If we are going to settle on environmental water then we have to settle on a mechanism by which that can be acquired, and we have to have a system by which the benefits can be measured.

One of the arguments we have had with scientists about the river over the 20 years that I have been involved in this place has been that the accountability of the science has not always come back to the river communities. We are very keen to be able to understand and participate in the science that goes on so that we can help and understand better the environmental process that we have, and in sharing the Murray, we did that quite well. The changes that came about there for the Victorian area were pretty good. It was the first stage, if you like, of what we are now talking about — the living Murray.

Next, what are people's access rights to water; how secure are they; and how will they be affected? When you look at Victoria and New South Wales and try to marry the two together on that subject you have a lot of trouble because the security is very different in New South Wales. In New South Wales today you have water rights on the River Murray to the tune of about 11 per cent and on the Victorian side of the river you have water rights to the tune of 129 per cent, because we have a totally different allocation system to New South Wales. Hence we need to be very wary of the differences in the law between the two states, and it will take many years before they are harmonised and before we start taking water, whether for the Snowy or for the Murray.

Going to other questions in the document, how can water trading help; how could we run a more efficient water market? Today the Victorian market is going along pretty well. The price reached $400 on the Goulburn last week, and interestingly enough I noticed that in the cotton areas up in New South Wales the Darling water reached a price of $1600 a megalitre. People should not get too carried away with the numbers there. It is a mathematical calculation for our farmers to do as to what they can get for a megalitre of water. In my electorate the variation of return on a megalitre of water ranges from $25 to $30 per megalitre used up to $3000 to $3500 per megalitre used. There is a big variance in the way we use the water.

The question of whether water should be purchased by the government on an open market is going to be part of this discussion. This legislation before us today is saying that we expect that government will be able to purchase water on the open market, as of course it can now, and puts an accounting process in place if that should happen.

How do we achieve more efficient irrigation practices and how do we share the water savings? These are issues that are going to test us all. How effective will environmental flows be in restoring the health of specific environments along the River Murray? That is the point on which we have not done very well in the past — that is, accounting to the communities and towns along the river as to what the benefits have been and what the measures are.

One of the things I have proposed to the Living Murray committee in discussions, and I shall put it before the house this afternoon, is something I believe we should be doing here or that we should be prepared to do. If governments, and I start off with the 'if', purchase water it is pretty clear to me given the volumes I went through earlier that we should understand that we are not going to get that water from savings. We go and get as much as we can, and that is good because we all benefit. Every time there is a saving achieved the communities of the area involved are going to benefit and so is the environment. It is going to be good. There are more savings to come — there is no doubt about that — and more work to be done, and we will achieve it.

We have argued from the Snowy point of view that that should be the only source of water for the Snowy — that is, coming out of savings created by the distribution system — but when *The Living Murray* document comes along on top of it that changes things, and it puts us out of the ball game of achieving enough savings to be able to handle even the first or the second target points in this discussion — the 350 gigalitres or the 750 gigalitres. We need to work out how we might do that if a government then decides to go ahead with all the other bits in place.

What I have said is that capital works on distribution systems should be met by governments. That basically is for the Snowy. We have had the Woorinen operation going now for a few months. It will be completed in February and will be fully operational next year. It is going to be the most magnificent public irrigation system we have in Australia, but it is going to have to match the private ones. As I said in this morning's rather strange debate, we have a big problem in that the government-owned irrigation distribution systems in a lot of areas — First Mildura Irrigation Trust, Sunraysia Rural Water and the like — are falling behind the private operations in those areas. We need to catch them up.

If governments are going to look at taking water I believe they should first acknowledge the water right as a property right, and any clawback on these property rights should be legislated and compensated for under just terms. That takes the volunteer bit out, because when you start playing with the volumes we are talking about, forget about the volunteers. This is not a time when country people are going to put their hands up and volunteer those type of volumes. They cannot afford it, and they cannot do it. Property rights should be acknowledged. Under Victorian law they are clear, understandable and good. Under New South Wales law they are not so good. New South Wales is taking steps to correct that.

The integrity of the water market and property rights should be continued to allow movement of irrigation water to higher valued production.

The water market we have today has been the main driving force behind the investment and development we have seen in this state in the past few years. I hope all governments, particularly Victorian governments, will keep the integrity of the water market. Keep the governments out of it. If governments are going to take back big volumes of water and agree to a process for environmental flows in whichever rivers, then that should be done by legislation and compensation on just terms, not by higgledy-piggledy going into the market and opportunistically buying water because that will ruin the water market. If it has to happen the process can go on and the investment and development in our international food and fibre industries can adjust. We are talking about a 10-year period, not what is going to happen in the next few months.

Governments need to work with river communities for the ongoing reporting of river quality improvements so that the target of river quality improvements is seen to be being achieved. If the scientists cannot prove that, if after five years down the track certain things have happened and we cannot see a benefit, then it needs to be revisited and checked — as I hope it will be at each step on the way through.

The legislation sets out the accountability of the process. It is good legislation for Victoria and for the Murray River and it helps account for the waters in the Snowy.

The points I have made are the points that need to be considered as we go forward with the targets for the environment and the management of our river systems.

I draw the attention of the house to clause 2(40) of schedule G inserted by clause 6 on water entitlement — not the water entitlements of New South Wales and Victoria as we know them to be but, for the purposes of the bill, the water entitlement purchased by government. The definition of water entitlement in this agreement is different from those in the water acts of New South Wales and Victoria. For example, for Victoria the clause states that water entitlement means:

> (b) a water right, licence to take and use water or bulk entitlement under the Water Act 1989 (Vic) together with any transferable allocation of sales water made to the holder of such a water right or licence,
>
> in either case purchased for the purpose of achieving either or both of:
>
> (c) environmental flows from the Snowy Scheme; and
>
> (d) River Murray Increased Flows;

We have not called them environmental flows to the Murray but increased flows. That is the difference.

We then run into the issues contained in clause 15 of schedule G which picks up the translation factors, which are the New South Wales factors, and also acknowledges the exchange rates which will be used for that water. The water will have an exchange rate and we achieved the exchange rates here in the principle of the farm dams debate earlier on. It was a big breakthrough. The exchange rates for the Murray River interstate — South Australia, New South Wales and Victoria — will be settled in the Living Murray program and for the interstate trade. We have settled them in Victoria for our intrastate trade along the river.

There are the translation factors and the water entitlements, and the other area is the Murray-Darling Basin Commission, dealt with in clause 24, which states:

> A Contracting Government must inform the Commission of any proposal:
>
> (1) to achieve Water Savings or to purchase Water Entitlements for the purpose of transferring those Water Savings or Water Entitlements to the Environmental Entitlements; or
>
> (2) to modify the reliability of a supply of water pursuant to an Environmental Entitlement,
>
> in accordance with sub-clause …

Ideally that is how it is set up, and that is the accounting of the purchase of the water for us.

The bill also covers a couple of other areas. One of the differences, one of the things we do not always understand — and I have difficulty sometimes — is the above-target water. This is water collected in the Snowy scheme in excess of that needed to maintain the required annual releases which were previously called the minimum notification — that is 1062 gigalitres on the Murray — to irrigation. Half of that would be for us and the other half would be for New South Wales.

Any water caught above the minimum requirement needed to meet the target is called above-target water. It averages about 138 gigalitres a year but this year, my understanding is — the Snowy electricity boys have been very smart because this is a battle between electricity and water; make no bones about it — they are holding in excess of 600 gigalitres at the moment.

That is all right. We always had the rules for that and the above-target water is the water collected in the Snowy above and beyond that which is required for the minimum releases.

I draw the attention of honourable members to part 5, clause 20 of the schedule inserted by clause 6:

> 20. Environmental Objectives And Strategy For River Murray Increased Flows
>
> …
>
> (2) The Strategy:
>
> (a) must include a provision to the effect that River Murray Increased Flows have first priority from River Murray Above Target Releases;

Let us remember the situation we are in. We are going to have this battle between the production community, the consumer users of the towns and the irrigation industries and the Green movement and the health of the environment. I ask all those people involved to be very careful on their way through that they do not tilt the environment too quickly.

If they do, we will lose the goodwill that exists on the River Murray, particularly on the Victorian side. In South Australia the goodwill is also there to achieve the environmental operation. People in New South Wales have a bit to go; they are not as certain as our people are about the security of their water. They have different issues which are a little bit testy. We should remember that the Goulburn is having a terrible time, with only 41 per cent of the water right being allocated. New South Wales irrigators are looking across a river where

we in Victoria have 129 per cent and they have about 11 per cent. So a few tensions are already there. Victoria has prosecuted irrigators for stealing water quite often. Whereas we can really enforce the integrity of the water law in Victoria, I would have to say that in New South Wales that is not quite the way. Tensions will also gather in New South Wales as conformity with the law is brought to bear.

Let's not rush these things, because this area is dangerous. If the populations of the cities of Sydney and Melbourne alienate the river communities of South Australia, Victoria and New South Wales, we as a community and as a society will not achieve what we want. I believe we can achieve it as long as we understand it, as long as we understand the emotions, and as long as we give enough time for the process to take place.

This legislation sets up the rules and the accountability mechanisms to measure it. It does not give us the power to do anything, because that power already exists in the water acts of Victoria and New South Wales. We need to take our communities gently through this, to learn and to force — 'force' — the scientific community to answer those questions which it does not always answer. There are questions in South Australia about the barrages and the Coorong: a huge amount of water behind the barrages evaporates each year, and there have been huge losses.

There is the argument going on about Lake Mokoan, a small issue that can be resolved. Although it will get caught up in the political bunfight over the next few weeks, Lake Mokoan has a vital role to play in the management of the water system around Benalla, and it also has a big benefit for us in the Murray system, because it is not restricted by and can get water around the Barmah choke. We also have to respect the fact that the people who live there have consumptive rights, which can be looked after, and recreation needs, which they have had and have enjoyed. Those needs and rights should be looked at and upheld.

I have looked at the way governments around Australia spend money on cities, given the work that has gone on in the last 10 years in the city of Melbourne. My God, I tell you what, we can afford as a society to do some of these things which people will at first think are outlandish when they get put up. But let's not hurry in the implementation of this. *The Living Murray* discussion has a long way to go, and it is not easy.

I have two other points to make. Firstly, with the Murray-Darling Basin (Amendment) Bill there is the Snowy Scientific Committee. This has been a point of argument in this place. Remember, this legislation will look after the interests of Victoria while another state regulates much of our water, the Snowy River water being basically regulated by New South Wales. This bill protects Victorian interests in case the New South Wales government decides it wants to do some things which are not kosher and which we would not agree with. The legislation is pretty vital, which is why we support the process.

I turn to the Snowy Scientific Committee. The New South Wales Hydro Corporatisation Act 1997 established the committee, its principal functions being to advise the New South Wales Water Administration Ministerial Corporation on the environmental flow release regime each year, the adequacy of those releases, and programs for the management and restoration of the catchments receiving the releases — in this case, it is the Snowy. The committee will be required to produce a public state-of-the-environment report each year. This is the nub of it; this is why people like me get a bit cranky about the Snowy River. The committee has not yet been constituted, but it will consist of six members, of which Victoria will nominate two.

We have missed a lot already, with the politicking that has gone on between the premiers of Victoria and New South Wales and with satisfying the Green wants and the feel-good appetites of the people of Sydney and Melbourne. It is only fair that I add to that the following about the Snowy River benchmarking project, which has been going for three years.

The aim of the benchmarking project is to quantify the current environmental status of the Snowy River and to provide a quantified benchmark against which changes can be measured — and the house should remember what I said before about measuring the changes. The project is developing a scientifically defensible methodology to quantitatively measure the magnitude and direction of ecosystem changes following any environmental flow releases below Jindabyne dam. This is the first time that changes resulting from increased flows will be measured over the full 350 kilometres of the Snowy River. The project is both multidisciplinary and interdisciplinary and measures geomorphology and hydrology and the effect on water quality, macroinvertebrates, macrophytes, microalgae and fish.

The project has been funded by both New South Wales and Victoria — the Victorian Department of Natural Resources and Environment and East Gippsland Catchment Management Authority — and we have seen the budget for this come through in the past few

budgets. The project has now collected data for three years, and it is envisaged that the project will continue to collect data for another 10 years. Annual costs are of the order of $300 000. That is the background work. I hope the scientific committee at the top end will have a pretty good input into all that so we can get the best value for environmental releases in the Snowy and so we can get into action very soon and be able to operate on that data. Under this bill the Murray-Darling Basin Commission must do that first up and get its scientific work done very quickly.

The legislation is necessary, but it is dangerous. It sets in place measurements that we have not had before, and it gives us the way to account for future changes in the River Murray and the Snowy River. I would hope that the principles contained within it would be used for other rivers as well through our stream-flow management plans. Because those plans are just micro versions of these plans, the principles should be there.

The introduction of this legislation at this time, in which accounting for the government's purchase of water is to be legalised, is appalling. It is on about the same level as the arguments we had when water was opened up from the montane streams to flow down the Snowy. Doing that in the middle of a drought with a very small trickle was of absolutely no benefit to the Snowy itself.

That is not the way people envisaged environmental flows being achieved or benefiting the Snowy in the future. It was so silly. The pictures on television that night through northern Victoria were just a complete and utter turn-off, I can tell you. The people of the Goulburn, who are on 41 per cent, were just horrified. The New South Wales people, who are not planting rice this year on their 11 per cent, just could not believe that their Premier would be seen at such a stunt.

This timing for the allocation of government-purchased water almost falls into the same bit. I understand that it is going to be in the New South Wales legislature before Christmas and in the commonwealth legislature next year, which is probably a better time for it.

However, it is here; it has been presented. The National Party supports this legislation. I hope the governments will be careful with its implementation. I hope the Green movement in Melbourne and Sydney will actually appreciate and understand the people who make up the river communities and the changes they have made over the last 20 years, which have been astonishing to say the least. I know we cannot get decent media on good news stories in our river areas. The newspapers keep telling us: 'If we can't have tears and fears, we don't want to know you. If you want to say something along those lines, come along and we will report you'. We just cannot get a positive message across. I hope that since I have been here some of those positive messages have been able to get through, because we have a wonderful state and a wonderful river.

Mr HOWARD (Ballarat East) — I am pleased to be able to speak on the Murray-Darling Basin (Amendment) Bill. Earlier on I was advised by the opposition whip that the honourable member for Swan Hill was going to speak on this bill for about 2 minutes. I found that a little bit hard to believe, and the honourable member certainly has proven my prediction to be a little more correct than that of the opposition whip.

However, as we have heard, the honourable member for Swan Hill and the shadow minister are not opposing this particular bill, because they recognise it is about the ratification of an agreement that has already been signed; that the agreement involves the commonwealth, this state, New South Wales and South Australia; and that the original Murray-Darling Basin agreement was signed on 28 June and was followed up on 5 October by a ministerial council where the arrangements were further detailed and signed off. The agreements are now in effect and binding on the governments and the other parties involved.

Mr Steggall interjected.

Mr HOWARD — They are already in effect. They are binding in that sense, so ratification is important. The passage of the bill is essential to protect Victoria's interests under the newly established arrangements.

Snowy Hydro Limited, as it formerly was, took over the operation of the Snowy scheme under the provisions of the New South Wales Snowy water licence on 28 June, and the other Snowy water agreements also came into effect that day. The agreement protects Victoria from unilateral action by New South Wales under the administration of the Snowy water licence. Under this agreement the Murray-Darling Basin Ministerial Council will develop a strategy to maximise the environmental benefits, as we have heard, of the 70-gigalitre dedicated environmental flow allocated to the Murray River system.

In ratifying this important and historic agreement the Victorian Parliament will be honouring the commitment made by the four governments. To not ratify the agreement would seriously undermine all

those discussions that have been held to date and seriously undermine the bipartisan and intergovernmental support that has been developed through this process. I am pleased to see that neither the Liberal Party nor the National Party is seriously contemplating that we should do that.

As I have indicated, the main aspect of this bill is to provide protection for Victorian water users. How does the bill do that? By establishing Victoria's rights to the headwaters of the Snowy scheme. It also establishes water accounting arrangements to protect Victoria's rights and interests from unilateral action by New South Wales, and it ensures that the Murray-Darling Basin Commission independently monitors and manages the water sharing arrangements. It establishes translation factors to protect the security of the water supply when water savings are transferred to the scheme for environmental purposes. Lastly, it codifies arrangements to provide greater certainty in the annual releases from the scheme, which underpin irrigation commitments.

As we have heard, particularly from the honourable member for Swan Hill, this is clearly a bill that is of great interest to the many farmers and other water users in the north of this state who use water from the Murray River system. Of course that does not just affect farmers and water users in Victoria; it also affects water users from New South Wales and South Australia.

Why has it been necessary? As we heard about again, we have all seen the vision of that historic release of water down the Snowy River. We recognise that while the timing of that release of water seemed to cause concern in some sectors of the community because of the drought conditions which we know are occurring in other parts of the state, it is important to realise that the two issues are separate. While there is a visual image that people might misunderstand, the fact is that we have dry conditions and a drought in the northern part of this state, and this government is working to provide appropriate support for the relevant land users. However, we know that an agreement was made between the commonwealth Parliament and the people of Victoria and New South Wales that recognised that the Snowy had fallen victim to the original Snowy River scheme and that water flows had been seriously depleted over many years, which had seriously degraded the river.

It is quite encouraging to notice that people across the state are starting to change their views on water use. We know that early on, when this state was settled by white settlers, there was this philosophy that you just moved onto the land, cleared the vegetation, planted European crops, introduced European animals — cattle, sheep, or other species — established your farm, and wherever water was flowing you made use of that water because to not do so would be wasting it. Then we came up with schemes about how to turn other water which would have flown into the sea — and people saw that as an enormous waste — into the interior and make use of that too. There was a general view that you could just do whatever seemed practical, and it would be of great benefit to the agricultural communities and therefore to the overall population of the state.

But we have seen on so many occasions that our understanding of the environment at the time was completely overlooked. We know that the clearing of our land has caused not only the loss of many species but major environmental disasters through the destabilising of the delicate nature of the character of our country in Victoria, which is quite different from the European environment. By recognising that our original land clearing was wrong we are also recognising that it is not necessarily wrong to see water running down river systems and going out to sea — that in fact it is quite important that some water does run out to the sea. It is a matter of ensuring that we get that balance right, and of not getting it so far wrong that it causes severe environmental degradation in other areas.

The arrangement for the Snowy River scheme is not to do anything too dramatically but to gain 21 per cent of the original flow of the Snowy River back down the river over a 10-year period. We are looking at a total of a 212 gigalitres annual flow down the Snowy River within 10 years.

The first stage of that commitment was to have 38 gigalitres by the end of three years. The Bracks Labor government is intent on maintaining all the commitments made to the people of Victoria both before and after the 1999 election. In keeping with this commitment it was appropriate to show the people of the Snowy River area and other people around the state that we were serious about maintaining that commitment, and that we were serious — along with our partners in New South Wales and the commonwealth government — about following through on the agreement that was made. Therefore the first flow of that 38 gigalitres has now taken place, and people are beginning to hope that the government is starting to get it right in terms of recognising environmental imperatives.

That 38 gigalitres of water was never going to go into irrigation. The irrigation commitments that are already out there are continuing to be met. The initial 38 gigalitres has been taken on the over-target figures

for the water. At the same time, we are working to make sure that we can make savings to make up for that amount and that the next stage of the releasing of water does not have to occur for another four years, because we have said that the 15 per cent — the 142 gigalitres — will be released after seven years. We are not rushing with this process; we are working through it in a very sensible way.

In terms of the savings we are looking to make — and that is a vitally important part of this process — people have always known how important water is but in a lot of cases they have never taken it so seriously as to deal with the way they use water. It has perhaps needed greater resolve from governments in the past to look at government infrastructure schemes that will provide savings. In so many areas with irrigation water flowing down open or cracked channels we can lose, as we do in the Mallee, 90 per cent of the water present at the start of the system before it gets to the end, simply through evaporation and seepage. That is a huge loss. That does not affect the Murray–Darling system as such, but we see that happening in so many of the irrigation areas in northern Victoria that are irrigated out of the Murray–Darling system.

What has the government done to date to find these savings? I was pleased to visit Normanville with the Minister for Environment and Conservation on 1 August and launch the pipeline project that will be taking place in that area. These projects are slow to get under way because you need to ensure that you work with the land-holders involved and that there is an appropriate cost-sharing agreement established to work with those projects. As anybody would know, when you are dealing with a large number of land-holders they do not want to let go of their money too easily. They want to be totally satisfied that they understand the nature of the project and the benefit to them, and that the government is living up to its side of the commitment.

It takes a while to work through these projects, but we have certainly got there with Normanville. The people of Normanville were very excited on the day we were there for the opening. It was a very well-organised day and people from the town were all out there celebrating. But there were also people there who were there to provide advice on how land-holders needed to do the surveying of the land, do their assessments, in order to put their irrigation systems in place.

We are not quite so far down the track with the Tungamah pipeline project. In my discussions with them Department of Natural Resources and Environment staff told me that although they are not up to the stage of starting work they are very confident that the project is progressing well.

On the same day that I went to Normanville I went to Woorinen. As the honourable member for Swan Hill knows, the Woorinen project is well under way and is due to be opened in June of next year. It was most impressive to see the huge pumping station set up on the banks of the Murray River and the pipes that have gone in across the area around the Woorinen project. It was also good to talk to some of the local land-holders, who are really looking forward to coming on line and being able to use that water. They know that they are going to be assured of their water usage and that there will no longer be any wastage.

This is not just about the wastage of that valuable resource, because we know that salinity problems often occur with the seepage of water as water tables rise. We are addressing the salinity issues in those areas as well as providing for the piping of the water.

Metering is another means of creating savings. An extensive stock and domestic metering pilot project has been established at Shepparton, and the results of that project will be evaluated with the aim of extending a system of metering small pipe outlets for larger users. The government is confident that that will contribute significant savings to the Murray–Darling system. With the Normanville, Tungamah and domestic and stock metering project at the moment we are looking at saving a total of 28 gigalitres of water, getting us well on the way to finding the savings for that initial flow of water into the Snowy River scheme. I understand that Woorinen adds another 2 gigalitres.

The Bracks government is doing some great things through its commitment to the Snowy River project, not because it is benefiting those people along the Snowy but because it is also benefiting the many irrigators and other water users from the downstream areas of the Murray–Darling Basin. That is something those land-holders know they can benefit from, and they can feel more confident in the future about their water rights. While I understand the concerns raised by the honourable member for Swan Hill about ensuring that we get a two-way communication going so that people in the cities understand the issues facing the land-holders and irrigators in the Murray–Darling Basin, let's not be fooled, because there will be lots of benefits for those land-holders through the government's determination to find savings and pipe that water. I am very pleased to see that it is the Bracks government that has undertaken these projects.

There will of course be many more projects undertaken in the years to come. We know that the Wimmera–Mallee pipeline is another significant project that has been committed to by this government. It will not be saving water out of the Murray–Darling system, but it will be saving water out of the Grampians water system. It will be of great benefit to the farms in that area, as well as provide the opportunity for environmental flows down the Glenelg River.

Some great benefits have been achieved right across this state through our looking seriously at how our irrigation waters have been used in the past and ensuring that we do not continue to go down the wrong path of extending those irrigation systems in wasteful ways. We recognise that we need to find ways of saving water and of finding a balance between providing environmental flows and using water to generate growth in our agricultural areas through the implementation of sensible irrigation systems.

The Bracks government has made some great steps forward. The Murray-Darling Basin (Amendment) Bill recognises the steps this government has taken and ratifies the agreements that have been worked on with ministers in the states of South Australia, New South Wales, Victoria and the commonwealth. I am very pleased to commend this bill to the house.

Mr INGRAM (Gippsland East) — I rise to make a brief contribution and to thank the honourable members who have spoken before me for indicating their support for this change to the Murray–Darling Basin agreements. This is a fairly simple but historic bill. It outlines an agreement that has taken some very dedicated individuals from a number of areas, particularly my electorate of Gippsland East, a lot of years to achieve.

I would like to take this opportunity to identify some of those people and highlight the dedication and commitment they have shown. Through this process we have made contact with members of Parliament from New South Wales, Victoria and the commonwealth, whom we have lobbied hard over a number of years. We have run into people who work hard within the bureaucracies. I would also like to congratulate the people in government agencies who have put in an effort behind the scenes to make sure this agreement came about.

There are people who have worked within government for over 10 years, not as elected as representatives, to make these changes and achieve this outcome, and I would also like to thank them. I refer to people like the Whites; the Richardsons; the Adamses; my grandfather, Jim Nixon; Peter Nixon; and Genevieve Fitzgerald. There are a number of people in Victoria who have made total and absolute commitments. Paul Leate and Joe Garland from New South Wales and others have given their all over a number of years to achieve this agreement.

I recognise them in this house today. The agreement is historic and I know through the grapevine that when the Prime Minister was about to sign the document he said that it was a special thing that we were doing. While some honourable members will disagree with the way the Snowy Mountains hydro-electric scheme was built and its importance to the country, nevertheless it had a significant impact on the environment, not just on the Snowy River, which has been recognised, but through the damage it has caused in the alpine regions. The scheme was too efficient in harvesting water, but it played an important role in the nation building of this country. I recognise that, but it came at a cost. Diverting large amounts of water from river catchments is unsustainable. That has been proved. With all natural resources, there must be sufficient resources left within the environment to ensure the ecological functioning of those systems, whether it be timber, fisheries or water extraction. That level must be set.

When the Snowy Mountains hydro-electric scheme was built it was not given the consideration it should have been given. We hear often that it was not recognised: it was recognised. Many of the environmental factors were recognised when the scheme was first being considered. During the debates in this place and in the New South Wales Parliament a lot of those factors were considered, particularly the salinity aspects of some of the effects of irrigation.

Back then it was recognised when the scheme was being established that we should not be growing rice in Australia and that a lot of the water would be sent to New South Wales to grow rice. It was also recognised that the financial resources were not available at that time to pipe the channels. There were people around with foresight who knew that we should have been doing it: the technology was available, but the financial resources were not available at the time.

We should acknowledge that some of the environmental effects were recognised and it is great that we are returning to a sustainable use of one of this country's most precious resources. We are also returning some of what has been taken away from the Snowy River to fix some of the problems that have been caused.

It was a special day of celebration for the community of southern New South Wales, eastern Victoria and the Snowy community when the environmental flows were officially released into the Snowy River. You cannot say there is any right time, but it was good to see the premiers of New South Wales and Victoria on that occasion. Although the event was well organised, on the day we all got upstaged by a mad canoeist who decided to create a stunt by canoeing over the edge of the weir. He got a severe knock on his head. He drove a fair way across New South Wales to get there on the day, but he got the most publicity, so there is some justice and some things never go according to the script.

What has been done is to return the headwaters to the Snowy River — something we have not had for 35 years. Seasonal and daily variability of flows have been returned that we have not had for some time. A couple of days after the weir was turned off the river was running at a nice rate — at about 490 megalitres a day. I note that some honourable members have criticised the timing and candidates for some state seats have made some derogatory comments to the effect that we should not be returning any flows to the Snowy River. This has no impact on the allocation to the River Murray, and that should be recognised by all members of this place. I am sure the Murray-Darling Basin Commission and the Prime Minister would not have signed the agreement unless those interests were protected.

I thank the Honourable Nick Minchin, the federal Minister for Finance and Administration, for his work in driving the agreement, especially since it was quite difficult; the Victorian Minister for Energy and Resources in another place for the effort she put in; and the Special Minister of State for New South Wales, Mr Della Bosca, for his involvement. They all played a role in this historic agreement, which returns pride in our region back to democratic elected institutions, because that was taken away when the water for the Snowy River was taken away. Some of that has been returned.

As part of the agreement environmental flows will go to the upper montane rivers, to the upper Murrumbidgee River and to the River Murray. We all should recognise that the returning of a sustainable level of flow back to those rivers is a great outcome. The upper Murrumbidgee River has not been recognised as a seriously degraded system, so these measures will assist in the restoration of the river. The bill also codifies the water rules, which is a good outcome for water users of the River Murray in particular, and provides for water accounting, which is a good system.

This is an historic achievement. I thank all honourable members of this place for getting behind it, and I look forward to their continuing support in making sure that savings are achieved and that we invest essential dollars into the irrigation infrastructure, because there is a lot to do. A lot needs to be done within the irrigation districts to ensure we are using our water as efficiently as possible. It is a topical issue at the moment and it should be given a high priority. I give strength to the arm of the government to make sure the joint government entity is progressed as soon as possible and the next stage of the agreement is reached.

Debate adjourned on motion of Mr RICHARDSON (Forest Hill).

Debate adjourned until later this day.

LIMITATION OF ACTIONS (AMENDMENT) BILL

Introduction and first reading

Mr LENDERS (Minister for Finance) — I move:

That I have leave to bring in a bill to amend the Limitation of Actions Act 1958 to limit further the period within which certain actions for damages for personal injuries can be brought.

Mr PERTON (Doncaster) — I ask the minister to give a brief explanation of the purpose of the bill.

Mr LENDERS (Minister for Finance) (*By leave*) — The bill will limit the period during which the statute of limitations can be invoked from six years to three years, and related purposes.

Motion agreed to.

Read first time.

TRAVEL AGENTS (AMENDMENT) BILL

Second reading

Debate resumed from 9 May; motion of Ms CAMPBELL (Minister for Consumer Affairs).

Mr PERTON (Doncaster) — The Travel Agents (Amendment) Bill is supported by the opposition. Funnily enough, despite its being a small bill, it comes at a very significant time for the travel industry. Yesterday we had the very solemn motion and debate in relation to the events in Bali. Those events obviously bring home to all of us the fact that we are not necessarily safe in any environment.

I am conscious of the fact that during the last holiday my wife and I took overseas we were in the Helsinki market where there was last weekend a terrible event for the people of Finland. Now we have had these terrible events in Bali which hit home to us as Australians, Victorians and Melburnians.

Clearly there will be a practical effect on the travel industry and travel agents as people reassess their travel plans not only to countries that have been perceived as dangerous but now to places where Americans, Australians or Europeans are known to congregate. Lest that not be broad enough, we know that in many parts of the Middle East and elsewhere people of all faiths, including Muslims, Jewish people, Christians and the like, have all been affected by such terrible events.

For the travel industry this debate comes at a time where many people who would travel are probably reviewing their plans. Matters that are within the ambit of this national scheme — that is, does the traveller have a right to a refund in the event that the travel agent has not properly accounted for the funds, and what is the recourse for the traveller? — are raised at an opportune time by this bill.

Having said that, the bill is relatively small and administrative, and I believe it is supported by all sides of the house. What it does is enable the trustees of the Travel Compensation Fund to sue and be sued in the name of the Travel Compensation Fund and to enable the Victorian Civil and Administrative Tribunal (VCAT) to review a decision of the trustees of the Travel Compensation Fund concerning payment of compensation.

To quote from the second-reading speech:

> The trustees of the Travel Compensation Fund are responsible for the operation of the compensation scheme established by the trust deed.

In the course of administering the Travel Compensation Fund the trustees may take action against a travel agent to recover moneys which have been paid from the fund to a consumer by way of compensation in respect of the actions of a travel agent. This is obviously to seek reimbursement.

It was originally intended that the provisions relating to this would be uniform, but when the bill came in in the mid-1980s for some reason this area was not uniform. It is believed that it is appropriate nationally that the trustees of the Travel Compensation Fund should be able to sue and be sued in the name of the fund instead of in their own names as trustees. I suspect that is because trustees turn over and change over, and if litigation is ongoing over a period of time one does not necessarily have to seek leave to amend proceedings or the like. The bill is sensible, appropriate and one that the opposition supports.

Having said that, recently a travel agent within my electorate has made some complaints with respect to this area, so problems do exist. I have sent that correspondence to the Minister for Consumer Affairs. It is not a political debate between us at this stage, but there are some anomalies in the way the thing operates given that it is, as I understand it, Sydney based. There is some dissatisfaction with some Victorian travel agents as to the precise ways in which that operates, but it can be discussed later between the parties.

As I said earlier, the second element of this bill is to enable VCAT to review a decision. At the moment a review is heard by an appeal committee appointed by the minister. What that means is that the minister has to set up a new appeal committee perhaps on every occasion, or certainly quite frequently, and the notion that VCAT is properly staffed to undertake these tasks makes this a very sensible amendment.

Today during lunch I attended a business function across the road at which Richard Pratt spoke. He spoke to that business audience about the uncertain times in which we live. In these uncertain times people must still travel for business or family reasons, and of course for pleasure and relaxation. The bill helps to deal with the administrative problems relating to travel agents who may not have done the right thing in terms of their professional responsibilities. Clearly, this is a matter where the opposition, the government, the National Party and the Independents must work together to ensure that those who travel for whatever reason can do so in safety and security.

Mr Wynne interjected.

Mr PERTON — As the honourable member for Richmond says, that is very much an agreed position. The Liberal Party wishes this bill well. As a result of the events of this week, clearly there are greater responsibilities that we hold as members of Parliament working in this area than the mere administrative problems. We now have the very practical problems of security and safety and we will work together as a Parliament to achieve those ends.

Mr DELAHUNTY (Wimmera) — I am pleased to rise on behalf of the National Party to speak on the Travel Agents (Amendment) Bill. Members need to know that the second-reading speech for this bill was made on 9 May this year. It is unfortunate that it has

taken a long time for this bill to be debated in the Parliament. It is a pity we did not start a little earlier than last week — we could have got a little bit more done in relation to bills and maybe we would not have had to go through the night to achieve the government's aim of moving some legislation through.

The bill has a few purposes. Firstly, it amends the Travel Agents Act 1986 to enable the trustees of the Travel Compensation Fund to sue and be sued in the name of the Travel Compensation Fund. Secondly, the bill enables the Victorian Civil and Administrative Tribunal, commonly known as VCAT, to review a decision of the trustees of the Travel Compensation Fund concerning the payment of compensation. Thirdly, the bill regulates travel agents under the national scheme.

The National Party has consulted reasonably widely. My colleague the Honourable Ron Best in another place has carriage of this bill within our party and has spoken to many people including the Australian Federation of Travel Agents — I will come back to that a little later — the Australian Business Travel Association, and the Travel Compensation Fund people themselves.

The National Party will not be opposing this legislation as we know it comes about following the collapse of Ansett Airlines. This bill will provide a better process to sue and appeal for compensation. The fund has a reserve of about $9 million but because of the potential claims following the collapse of Ansett and other things there is likely to be a review of the fee structure; I will come to that a little bit later.

The federal government and each of the states are committing $5 million to top up the Travel Compensation Fund. It is my understanding that this legislation brings Victoria into line with other states, but there are some concerns that we are again hitting the public purse to prop up agents within an industry. These unforeseen circumstances do occur and, as with public liability and all these other things, it is important that we provide for the times when these things happen.

Ansett and Kendell airlines were very important for the travel industry in Australia and across the world. I want to congratulate the Deputy Prime Minister, John Anderson, for his work in relation to regional airlines. He kept them running in difficult circumstances following the collapse of Ansett.

The incident in Bali last weekend will have a major impact not only on the families of those involved but also on the travel industry in general. I do not often see a lot of television, but I saw an item on the news this morning which highlighted the fact that the beaches and industries of Bali will be devastated in the short term because of what happened last Sunday.

In researching this bill I looked up on the web site of the Business Licensing Authority how to become a licensed travel agent. It says:

> You cannot be licensed as a travel agent until you meet the eligibility criteria:

The criteria for an individual is to be over 18 years of age, be a fit and proper person to be a licensed travel agent, and not be or have been disqualified from acting as a travel agent or being involved in any such business. Corporations can also become licensed travel agents and there are eligibility criteria for them. The web site states further:

> Individuals and corporations must also be deemed eligible to join the Travel Compensation Fund.

The costs involved at this stage are a $250 application fee and an annual licence fee of $240. For additional premises agents must pay another $240. On top of these fees, there are costs associated with joining the Travel Compensation Fund.

I also looked at the Business Licensing Authority's Travel Compensation Fund web site. It says:

> Every licensed travel agent in Victoria must be an ongoing member of the Travel Compensation Fund (TCF). This national compensation fund has been established to compensate people who have suffered financial loss as a result of a travel agent's failure to account for money or other considerations entrusted to them. The fund is made up of subscriptions from licensed travel agents, money forfeited by unlicensed travel agents and income from the investment of fund money.

I raised that because my colleague the Honourable Ron Best received a letter from Mike Hatton, the chief executive of the Australian Federation of Travel Agents (AFTA). I will not read all the letter out but in relation to this legislation it says:

> AFTA does not have a problem with the appeal process except where it may relate to any payment made by the compensation fund in the wake of unlicensed trading.

It is interesting that when I looked through the Business Licensing Authority web site it said that every licensed travel agent should pay a subscription to the Travel Compensation Fund. It seems to me from the research the National Party has done that that does not always happen, and we have these unlicensed operators who are not doing any good for the industry but are in fact causing a lot of harm.

The letter goes on to say:

> By way of explanation —
>
> All travel agents in Australia must be licensed and members of the Travel Compensation Fund, however, the fund does give trustees certain discretionary powers in relation to payments made to consumers. In the past, payments have been made from the fund to consumers who have lost money through the collapse of unlicensed travel agents, who by virtue of the fact that they are unlicensed, are, in fact, illegally operating in the marketplace.
>
> It is therefore our view that as each agent must display its licence number, that events of this nature (unlicensed trading) should not be covered or subject to payout in the event of a claim on the TCF.

That highlights the need for the government and Minister for Consumer Affairs to make sure that these people are licensed and operating in an appropriate manner. At the end of the day, these unscrupulous operators are the ones who do not do the travel industry any good, particularly in these difficult times.

I turn now to the clauses the bill. Clause 5 inserts a new section 46AA into the principal act to provide for a new appeal scheme providing that a person whose interests are affected by a decision of the compensation scheme trustees relating to the payment of compensation under clause 15.1 of the trust deed may apply to VCAT for review of that decision. Currently an appeal is determined by an appeal committee established under the trust deed. The clause also provides for a time within which review can be sought under the new scheme.

I think that is appropriate but my big fear is VCAT is being loaded up more and more. Every week we seem to see legislation coming into this Parliament loading up VCAT. I am not sure that VCAT has the resources to handle all these matters in an appropriate and timely manner. At the end of the day, people making a claim on the fund need that dealt with as quickly as possible. If they are knocked back by the scheme they need to enact the appeal process fairly quickly to get their funds. Most people hoping to travel overseas are saving for their one and only or first trip and it is very difficult if they have lost out because of some unfortunate circumstance like that we have seen in the past couple of weeks.

This is fairly standard legislation. It is non-controversial. The only concern some members of the National Party have is we are again dipping into the public purse to prop up an industry. We have to be careful that we do not do this. We seem to be doing it more and more every day. I know it was done at a very unfortunate time with the collapse of Ansett and no-one complains when that happens. Importantly the industry funds as such should have been able to cope with that. It is always difficult when we dip into the public purse to prop up those agents and people within the industry who are not doing the right thing by being licensed.

With those few words, I repeat that we in the National Party will not be opposing this legislation.

Mr WYNNE (Richmond) — I rise to support the Travel Agents (Amendment) Bill and thank the honourable members for Doncaster and Wimmera for their contributions.

It is appropriate at this time in the debate that we reflect upon the circumstances we find ourselves in as a state and indeed a country in relation to the travel industry. I refer in particular to the appalling circumstances that confronted so many of our fellow Victorians and Australians in Bali as a result of the atrocity that was wreaked upon innocent individuals going about their leisure. This community has always responded when individuals have been struck down in such a vicious way and families have had such suffering inflicted on them. It gives us cause to pause as individuals and as we have in a bipartisan way in this Parliament in paying tribute to those people.

The impact of an atrocity like this has an impact not only upon individuals and their families but also on the travel industry. We are well aware of that impact. We saw the direct results of the events of 11 September in New York and Washington a year or so ago. It has an impact upon the way people choose to conduct their social and recreational lives. As we know, events like that give people cause to be more cautious about their travel plans, and undoubtedly that impacts in a very deleterious way upon an industry which is a major employer in its own right.

The purpose of the bill is to ensure that under the leadership of the Minister for Consumer Affairs we have a strong, credible travel industry, because that is vital for the growth and development of tourism, not only in Victoria but certainly Australia. We are quite dependent as a state, and indeed nationally, on tourism as a major generator of income and employment.

The amendments in this bill will ensure that consumers have an efficient process by which to pursue a claim for compensation when they need to. In an effort to place adequate controls over the industry, the Minister for Consumer Affairs, who is at the table, has been incredibly active in ensuring that travel agents are members of the Travel Compensation Fund, known in its abbreviated form as TCF. This membership is

necessary in order for a company to obtain or keep a licence to trade as a travel agent in Victoria. As we know, the TCF is a cooperative scheme for the regulation of travel agents which operates in all states and territories apart from the Northern Territory.

The fund has been established under a trust deed to assist those who pay money to a travel agent and find themselves in the unfortunate position where the travel is not provided and the money not returned. The honourable member for Wimmera in his contribution asked whether firms had been prosecuted in relation to their status as unlicensed travel agents. In that context I indicate to the honourable member that in the last couple of months there have been at least two instances of unlicensed travel agents seeking to operate — one in Swan Hill and the other in Kerang. It is therefore important that we take a vigilant approach to this, because we must protect consumers who legitimately attend a travel agent seeking to be provided with services and who find that, firstly, they are unlicensed, and secondly, they have no capacity to seek recompense. On a bipartisan basis we should applaud the minister for her work in getting straight on top of these unlicensed and inappropriate dealers.

If the travel agent does not have a licence obviously there is no backing from the fund, and in the worst-case circumstance consumers can lose their money. Where a family has saved up to take a trip to, say, northern Australia or overseas, the cost is substantial. A family of four travelling up to Asia on a package-type holiday could spend $6000 to $8000, I would imagine, and of course Europe would be something else again. So people are expending significant amounts of money, and they should be properly protected. That is very much what the core of this bill is about. The fund obviously fulfils an important consumer protection function, as the trustees can take action against travel agents to recoup moneys already paid out.

When this regulation of the industry was originally established in 1986, it was expected that the states would follow with uniform legislative provisions. However, this did not occur in Victoria. As a result, the process of recovery actions in this state has been in our view unnecessarily complicated, inconveniencing trustees and providing an avenue for procedural delay by defendants. We believe the bill corrects these problems by allowing the trustees of the Travel Compensation Fund to sue and be sued in their own name. This will bring Victoria into line with other participating states and will provide a more administratively convenient and clean process.

The fund receives registration fees from travel agents. However, shortfalls in funds must be met by a combination of commonwealth and state contributions. That is why I believe it is appropriate that we have a uniform approach across the states. Although in many respects there is often rivalry between states — and indeed constant friction between the states and the commonwealth almost regardless of political persuasion on each count — when you are proposing uniform legislation the level of unanimity that is reached both among the states and between the commonwealth and the states is remarkable. Because it is widely recognised that these sorts of schemes which protect consumers are for the common good, perhaps some of that argy-bargy that usually occurs between the states and the commonwealth gets washed away.

We are of course well aware of the Ansett collapse, which tragically provided us with a situation that increased substantially the heavy workload on the Travel Compensation Fund. People were left stranded after the sad collapse of Ansett. Apart from the huge inconvenience to travellers, there was of course the appalling loss of jobs, particularly in Victoria, because a large contingent of Ansett workers were Victorians. Although we never want to see anything of that magnitude again, this bill provides us with a more efficient process for making compensation payments that will not only be of great benefit to the claimants but also reduce significantly the workload.

Currently, appeals against the decisions of the trustees of the fund are made to an appeals committee appointed by the minister, which the government regards as unnecessarily cumbersome. The committee needs to be established each time there is an appeal. However, the amendment before the house requires that appeals be heard, in our view appropriately, by the Victorian Civil and Administrative Tribunal. We believe that VCAT is the appropriate forum for consumers to attend in seeking to have their claims dealt with, as it has wider powers of subpoena than the appeals committee.

Finally, it is important to say that the board of trustees supports the proposal and requires an amendment to the trust deed as recommended to the ministerial council, which my colleague at the table, the Minister for Consumer Affairs, sits on. In our view these amendments improve efficiency by reducing the administrative burden. More importantly they significantly improve consumer protection, and if there is one thing that the minister is on about it is protecting the rights of consumers. In that respect the bill enjoys bipartisan support, and I applaud the minister for her initiative in bringing the matter speedily before the house. I sincerely wish the bill a speedy passage.

Debate adjourned on motion of Mrs SHARDEY (Caulfield).

Debate adjourned until next day.

NATIONAL PARKS (BOX-IRONBARK AND OTHER PARKS) BILL

Second reading

Debate resumed from 15 October; motion of Ms GARBUTT (Minister for Environment and Conservation); and Mr MAUGHAN's amendment:

> That all the words after 'That' be omitted with the view of inserting in place thereof the words —
>
> > 'this bill be withdrawn and redrafted to provide for the development of management plans for new parks and reserves and additions to parks and reserves proposed within this bill and incorporate a range of other matters that were referred to in the second-reading speech.

Mr MAUGHAN (Rodney) — When I started my remarks last night I moved a reasoned amendment on behalf of the National Party which is now in the hands of all members. I briefly outlined the approach of the National Party to natural resource management in general and specifically to the box-ironbark forest. I want to continue my remarks tonight by expanding on those, but first I want to comment on a couple of points made by the honourable member for Sandringham during his contribution last night.

It is now clear that both the government and the Liberal Party have a different approach from the National Party to natural resource management. This has become clear in our approach to the forest industries, for example, where again there is a clear difference between the National Party and the Liberal and Labor parties; and likewise with marine parks and national parks. There seems to me to be a general belief out there in the community and among members of the government that simply declaring an area a national park ensures its preservation. We entirely reject that notion — that is, that simply drawing a line on a map, putting a fence around an area and calling it a national park preserves those values that we all appreciate.

As I said last night in my contribution, the National Party is not opposed to national parks — we support national parks. The difference between ourselves on the one hand and the Liberal and Labor parties on the other is that we believe that before we declare any more areas as national parks we should have management plans presented to and approved by the Parliament and resources provided in order to properly look after those proposed national parks. That is the essential difference.

Mr Richardson — You have opposed every park!

Mr MAUGHAN — We have not opposed every park; that is not correct. Be that as it may, I still hold strongly to the view that the proper way of going about it is, firstly, to have management plans and then to approve the national park rather than doing it the other way around. The results of that flawed approach are evident where a national park is declared, nothing is done and it is overrun with blackberries, rabbits and wild dogs — honourable members should go and have a look at our national parks. One could go on and on. I do not intend to do that, but we have national parks that are covered with weeds, have wild dogs in them, in which fire tracks have been closed and there is a build-up of potentially explosive fuel on the forest floor.

On the issue of the build-up of fuel on the forest floor, in his contribution the honourable member for Sandringham quoted some figures given by Jason Doyle on national parks in New South Wales. In essence, the honourable member argued that most of the fires came from private land into national parks rather than going out from national parks and that therefore the notion of keeping the forest floor relatively free of that build-up of material was not a sensible argument. I respond to that by saying that I do not think it matters a hoot where the fire comes from — whether it comes from inside the park or it goes in from outside — if there is a great heap of build-up on the park floor clearly there will be a much hotter fire and much more of a likelihood of the forest being destroyed than otherwise. Again I advocate that keeping the litter down, either by grazing or by controlled burning, or both, is a very sensible management tool to preserve those very values that we all hold dear — not only the vegetation, but the wildlife, the birds and animals, that we all want to protect. There is no argument about that.

On that line I argue that grazing is a very effective management tool which has been used by successive generations for years to effectively manage the forests and parks. There is no better example of that than the Barmah State Forest in my electorate, which I think is better today than it has ever been in the whole of human history. That is because of good management and controlled grazing. The forest is multi use, and I really think it is a tribute to the people who have been managing it, not just the Department of Natural Resources and Environment people — almost in spite of DNRE — but the foresters, the cattlemen — all the people in that area who love, work in and manage that park, and who have protected it. That is an outstanding example of what can be achieved by people who are passionate about looking after a park. Already 34 per

cent of Victoria's land mass is in public ownership. About half of that — 16 per cent of the whole area of Victoria — is in some sort of park or reserve. This legislation proposes to add another 105 000 hectares to that.

I do not intend to go through the whole mechanics of how this inquiry came about in great detail, except to say that it started off in 1995 with a reference to the then Land Conservation Council, which subsequently became the Environment Conservation Council and took over the inquiry in 1997. That body handed its final report to the minister on 23 August 2001. Following that there was the box-ironbark implementation committee chaired by the Honourable John Button, a person I have a great deal of regard for. I think he is a great Australian who has made a great contribution to our nation, and I think he was an appropriate person to chair the committee. I do not agree with all his recommendations or believe that he necessarily consulted as widely or listened to the views put to him as closely as he could have. However, I do not intend going into all the detail of that, except to say that there were people in my electorate who were not satisfied with the hearing they got from that committee. Nonetheless, the report was tabled on 26 February this year, hence the legislation we now have before us.

The bill before the house does a number of things. It establishes an expanded parks system in the box-ironbark region of north-central Victoria totalling more than 105 000 hectares. That will include five new or expanded parks — Chiltern-Mount Pilot, Greater Bendigo, Heathcote-Graytown, St Arnaud Range and Terrick Terrick; and five new or expanded state parks — the Broken-Boosey, the Koyoora, Paddys Ranges, Reef Hills and the Warby Range. It includes the Castlemaine Diggings National Heritage Park and seven new conservation zones, five of which are reserves along the Broken-Boosey and the Nine Mile Creek. It also adds a couple of lighthouses on Wilson's Promontory to the national park area.

I will comment a little more about the Broken-Boosey Creek as I go through, but I want to start by going through and picking out a few points from the minister's second-reading speech. In the opening of her speech the minister said:

> The box-ironbark forests and woodlands of north-central Victoria are a special part of the state's natural and cultural heritage.

None of us in this house would disagree with that; that is a statement of fact. She then goes on to describe the light, flaky appearance of the box trees and the dryness of the forests and so on. She then says:

> … the forests play an important part in the everyday lives of the local communities that depend on them for various products and visit them for recreation.

Well of course they do. No-one knows that better than I. Part of the park is in the Rodney electorate. Many of the people who live and work in the park are constituents of mine, and I know them well. Of course they depend on it for their various products and their recreation. Whole communities have grown up living and working in the forest — in the Rushworth area, in the Heathcote area, and through the areas from Chiltern on the one hand right down to Maryborough and St Arnaud on the other.

The minister goes on to say:

> … the box-ironbark forests and woodlands that exist today cover only a small proportion of the area they once did. Since European settlement, the box-ironbark region has been substantially cleared. The remaining native vegetation covers only some 17 per cent of the original cover and has been heavily modified by ongoing land-use activities.

Many people would dispute that claim. It has been disputed by a number of people personally in representations to newspapers. I will quote just one, although there have been many.

This letter is from Tracee Spiby, Timber Communities Australia (TCA), Rushworth, to the *Numurkah Leader* on 27 March. She wrote:

> Ms Garbutt proved yet again she has not listened by still saying there is only 15 per cent of the box and ironbark forest left. Is she really deaf, or is this a deliberate lie?
>
> The fact is, and we have been telling her for over five years, the forest has not been cleared. She knows very well it's the box-ironbark forest and woodlands —

and I stress that —

> … and woodlands investigation, yet she deliberately continues to drop the and woodlands in order to persuade people the forests need locking up.

So the letter goes on:

> … 85 per cent of the study area is private land and only 15 per cent public land, and that most of the woodlands was cleared for agriculture to feed us, or covered with tar and cement to house us in our sprawling urban developments. These forests were not cleared, and are in no danger whatsoever of disappearing.

So the point there is that many of these so-called endangered species are on the grasslands that have been cleared for agriculture so that we can enjoy our way of life: to provide the food, the fibre and the recreation.

She goes on:

> We have said over and over the list of species faced with 'imminent extinction' is another deliberate fallacy to convince people to lock up the forests. The fact is, according to the ECC report of the 350 species she goes on about, almost 300 are plant species. Considering the woodlands were cleared, it's pretty obvious what caused them to be on the list.
>
> How can she keep saying these species are facing 'imminent extinction' when only 28 of those 350 species have had action plans prepared for their protection, which are essential under the Flora and Fauna Guarantee Act?

That is a very important point that has been made. If these species are so important — they are in danger of extinction, we really do have to do everything to preserve them — why is it that as at today there are only 28 of them that actually have action plans prepared under the Flora and Fauna Guarantee Act?

The government cannot on the one hand talk about all these endangered species and on the other take absolutely no action to do anything about it.

I mention in passing that the box-ironbark forest and woodlands actually straddle the Rodney electorate from the Broken-Boosey in the east of the electorate, through Rushworth, the Whroo forest, Graytown through to Heathcote — all of which is in the Rodney electorate — and on then on through Bendigo to St Arnaud and Maryborough. It is a very important part of the electorate as far as I am concerned.

I will go through the second-reading speech because I want to make a few points. Under the heading 'Enjoying the parks' it states that the parks will be:

> … places for visitors to enjoy and appreciate the diversity of the box-ironbark country.

It talks about tourism, and this is a furphy if ever I have heard one. It talks about phasing out all of these timber industries, the ones that have been creating employment for generations. There are generations of people who have earned their living out of the forest, and have looked after the forest. This legislation is going to get rid of them. Many of them have already taken voluntary redundancy packages. What the government is saying is, 'Yes, we can afford to lose those jobs because think of all the benefits that we are going to get from tourism'. I think the evidence is fairly clear that the statistics are that visitor numbers do not increase, certainly not in the short to medium term.

I can accept with a very attractive national park that visitor numbers will increase and tourism will add to that area, but this is not the case in the box-ironbark forests. I quote from a survey by Timber Communities Australia, which did a survey in the Chiltern and Mitiamo–Pyramid Hill area. The conclusions were that not one business had grown as a result of the declaration of a national park in their area, with many businesses stating that they are not open on weekends or public holidays due to the lack of business, and that their business had dropped off due to the loss of timber cutters, domestic firewood cutters and prospectors visiting the town.

In the areas that we have made into national parks, and in response to the honourable member for Forest Hill, I did support the declaration of national parks in those areas, but it has not generated the tourist employment that the government infers.

Mr Vogels interjected.

Mr MAUGHAN — As my colleague, the honourable member for Warrnambool, points out, it is a furphy. As somebody said to me the other day, 'How silly is it to expect somebody who has been working in the forest all of their working life, who has callused hands and a crook back and is sunburnt, to be serving lattés and croissants for all the tourists who are going to flock through the so-called national park?'. It is a furphy and the government knows it, so I dismiss the notion that we are going to have large numbers of tourists who will generate employment in these areas, at least in the short term, unless there is something else to add to it as there is in Heathcote, for example, and as there will be in Rushworth as those lovely old buildings are developed and the Whroo forest is developed and people come to the area for reasons other than just the forest. We can see tourism as being an important employer in the future, but not as a sole result of declaring a national park.

The minister's speech further states:

> In a broader context, a region-wide recreational framework is being prepared …

The National Party would argue that this should have been prepared and tabled prior to the declaration of the national park. There are a number of these statements through the speech — that things are being prepared, that they are being considered. So we declared the national park and were considering things, we are looking at them, but we have not taken any action. Later the speech states that the bill will enable the minister to:

> … consent to minor mining infrastructure under a mining licence in the existing Deep Lead Flora and Fauna Reserve …
>
> … the government is consulting with industry …

Again we ask the question: why are we getting to the stage of actually making it into a national park and the

government is still consulting with industry? Surely it should have consulted with industry prior to getting to this stage. So, again, the National Party argues that the government is putting the cart before the horse, and all of these things should have happened prior to the declaration of the national park rather than flowing on afterwards, with no specific time scale and no commitment that they are going to be completed.

At page 10 of her second-reading speech the minister refers to firewood and says that one of the big issues confronting the box-ironbark region is the future availability of firewood for local communities.

Of course it is! It is a major problem in communities in my electorate — in Rushworth and in Heathcote — where there are large numbers of people on low incomes who really are dependent on cheap firewood for heating their homes and for cooking. This legislation is going to reduce the volume of firewood coming out of the forest by about half. Again it would have been much better if the government, prior to getting rid of timber cutters and reducing the amount of available firewood, had said, 'Okay, as some sort of compensation we will extend the natural gas line to Heathcote and Rushworth, and we will provide an alternative before we remove the firewood'.

In talking about the future availability of firewood the minister said she is:

> … developing five-year firewood plans.

Again, it is about something in the future — 'Trust me, we will do it sometime further down the track'. This speech is full of phrases like 'we will do something' and 'we have reports'. What have we got here?

> In accordance with the ECC recommendations, grazing will not be permitted in national, state or national heritage parks but will be used as an ecological management tool in Broken-Boosey State Park.

That is a bit of a turn-up if ever I saw one. On the one hand the government has been arguing that you cannot have grazing in national parks or reserves at all because that is inconsistent with what it is trying to do, yet — as it should, because this is a sensible statement — the second-reading speech talks about how grazing can be used as an ecological management tool in the Broken-Boosey State Park. I commend the government for bending a little on that to come to some accommodation with landowners in that area. Again in relation to forest management plans it says that a grievance process is also being established. Why is it not there yet? Why don't we have it already? Again the government says, 'Trust us and everything will be okay'.

In passing I want to mention something that has nothing to do with box-ironbark but is about the lighthouse reserves in Wilsons Promontory. I know Wilsons Promontory reasonably well, and I had cause some 18 months ago to walk from Tidal River to one of the lighthouses with the honourable members for Bellarine and Prahran and some friends. We had a wonderful time — a full day's hike out to the lighthouse, staying there overnight and hiking back again. It is a great part of Victoria, and I am delighted to see that the reserves are now going to be included in the Wilsons Promontory National Park.

An honourable member interjected.

Mr MAUGHAN — Make the lighthouse work? We certainly did: it was flashing all night! I can thoroughly recommend it to anybody. Let me now turn to a number of specific issues that are dealt with in this legislation.

An honourable member interjected.

Mr MAUGHAN — If you walked 22 kilometres out to the lighthouse you wouldn't be flashing all night either!

I am familiar with Risstrom's timber mill at Rushworth and with the families that have run it for three generations. It is a very important part of Rushworth's history and has been a very important contributor to Rushworth's employment. The mill has turned over the years to kiln drying and value adding to the beautiful box-ironbark timber, which makes beautiful furniture — and when it is kiln dried and properly crafted there is nothing more beautiful.

I have toured and looked through the forest together with my colleagues in the other place the Honourable Bill Baxter and the Honourable Jeanette Powell and people involved in the forest industry. I am very concerned that parts of the forest have been managed for the last couple of years as if they were already in a national park. Some of that timber, which could and should have been harvested to keep Risstrom's Mill going, has been out of bounds and locked up as if it was in a national park when it was not.

I have a letter here from the Minister for Environment and Conservation, with whom I raised the issue in the adjournment debate on 30 October 2001. I expressed my concern that the future of this mill was being threatened because of a lack of adequate timber resources. The minister referred to me raising the matter and said:

> Your concern for the management of the Rushworth and Heathcote state forests over the past 12 months and the effects

> of this management on Risstrom's timber mill in Rushworth is noted.

The concern is noted but no change is made. It is still managed like it is a national park even though it is not a national park. The letter goes on to say with specific reference to Risstrom's timber mill:

> … the Environment Conservation Council (ECC) says that there is a future for the timber industry in Rushworth, and that the Rushworth-Heathcote State forest should be used for the production of high-value, kiln-dried timber for furniture and floorboards. The total volume of timber products will continue to be made available from state forests.

That all sounds fine, and I should have a nice warm feeling that Risstrom's mill is now protected and the resource is going to be there to keep it going well into the future. The reality is that the mill has to travel further and further to get its logs and many of those logs are of a standard that is lower than it is looking for. It is lesser timber than it really wants, lesser timber than it has been used to and it has to go further and further to collect it, so I do not know about the future of Risstrom's mill. I think it is under threat because of the distance it will have to go to get its natural resource.

I would like to touch on the issue of firewood, because as I mentioned previously it is a very important source of fuel for households in the box-ironbark area, not just Rushworth and Heathcote but through to Eldorado and a whole range of other communities. In the area surveyed 61 per cent of all households — and that was 268 000 households — use firewood and 51 per cent use firewood as a primary source of heating. It is fair to say that the majority of people in that area use firewood and more than half of them use it as their main heating source.

When the survey was done the consumption was 100 000 cubic metres of firewood per annum with the average household using about 6.5 cubic metres per annum at an average price of $64 per tonne. The price has gone has gone way up since then, and it will go even further because of the restriction of available firewood in the forest. As the volume has declined the price has obviously gone up, and in some areas it has gone up by 100 or 150 per cent already and people would forecast that it is going to go up even higher. The government is encouraging private plantations to provide firewood into the future. While that is commendable there is obviously going to be a time lag of some 15 or 20 years before those plantations start producing any sort of sustainable yield of firewood.

Secondly, there is the issue of long-term security. I raise that issue advisedly. I mentioned that the government has already reduced the take of firewood from public land by half and is looking to regulate and control collection of firewood on private land. The National Party has been accused of scare tactics by raising that issue, but the government did produce the *Victorian Firewood Strategy Discussion Paper* and canvassed those very issues about controlling firewood on private land. It is not just a furphy; it is not just something that the National Party dreamed up. The government itself put out a discussion paper that canvassed that issue.

I refer to a letter published in the *Waranga News*. It is from Tracee Spiby on behalf of the Bush Users Group, and it says:

> More government propaganda: The Bracks Labor government has been wrongfully accusing the National Party and the Liberal Party for using 'scare tactics' regarding the government's plan to restrict and control collection of firewood on private land.
>
> The fact is the government is currently discussing the best ways to prevent and regulate the collection of firewood on private land.
>
> It's written in black and white in the document entitled *Victorian Firewood Strategy Discussion Paper*.
>
> The government's denial is just more propaganda and is further proof of the Bracks government's continual attempts to deceive country people.
>
> How can they say that they care about rural communities when it is this government that is reducing the amount of available firewood from the box and ironbark forests by over half, has already cancelled the licences of all firewood cutters and is therefore guilty of creating the shortage of firewood?
>
> All because of the recommendations of the ECC —

note this —

> which also began as a discussion paper!!!

So beware of discussion papers and some of the consequences that might flow from them.

I have another letter — and I will not quote it all — from Robin Taylor, president of the Bush Users Group, who writes amongst other things:

> BUG is also suspicious of the government rhetoric surrounding the availability of firewood. To close down most of the timber industry in the region and expect guaranteed supplies to continue is absurd.

I agree with those sentiments. Another letter is from Rita Bentley, the vice-president of the Bush Users Group. It states:

> The Bracks Labor government should be ashamed of the heavy-handed tactics it is using to close down small timber harvesting businesses across central and northern Victoria.

> The selective timber harvesters of the box and ironbark region of Victoria have all been told their businesses will be forcibly closed and that they have no option but to accept 'adjustment packages'. A few will be successful in tendering for the handful of residual log licences or part-time firewood collection licences that will eventually be made available at the whim of the bureaucrats. The businesses that are carrying on an 150 year old country tradition are being bullied onto the scrap heap by a government that claims to be 'listening and caring'.
>
> Next time readers want to buy firewood they should ask Steve Bracks why so little is available at such exorbitant prices.

A series of those letters have appeared in the press over time.

I also have a letter from Janine Haddow, who is the project manager of the box-ironbark project. The letter is addressed to my colleague in the other place the Honourable Peter Hall. She says, amongst other things, that the survey that was done showed that:

> … 79 per cent of households recognised the need to better manage firewood to ensure a sustainable supply in the future.

I agree with that sentiment. We do need to better manage our supplies of firewood into the future. The government has therefore developed five-year firewood plans for the 13 community firewood supply areas in the box-ironbark region. The five-year firewood plans are now available on the web site.

There was no consultation whatever on developing the five-year plans. I would have thought that people involved in working in the forests all their lives would have been the obvious people to ask. In spite of its rhetoric about consultation, the government does not seem to have the slightest interest in talking to people who actually work in and know the forest back to front and who could give it some good advice. Ms Haddow goes on to say:

> In the longer term the government is developing a community energy plan for the box-ironbark region.

I will be interested in the result of that.

> This plan will look at alternative energy sources, and initiatives to reduce the box-ironbark communities dependence on firewood.

Ms Haddow says she will keep me informed, and I look forward to receiving further advice on that. I am not holding my breath, because I do not expect to see anything in the next three or even five years. But as I said earlier, the government could have acted in good faith and shown it was fair dinkum about these sorts of issues by giving the people of Rushworth and Heathcote and other towns in the box-ironbark area some alternatives to extending the natural gas pipeline to the communities that are large enough. Rushworth and Heathcote are certainly large enough, and it would have been a great initiative that would have taken the angst out of removing that volume of available firewood from the area.

Another issue I touch on briefly is the structural adjustment packages available to firewood cutters, those preparing fencing materials, residual log licensees and sawlog licensees. If you go to Heathcote or Rushworth or anywhere in the area and talk to some of those licence-holders to see what they think about these so-called voluntary packages, you may get an earful. I have spoken to many of those who have been forced to surrender their licences. The package goes up to $58 270. There is also a plant and equipment allowance, so if you have a truck you may get $6000 for your plant and equipment — but the maximum you will get is close to $60 000.

I have not spoken to a single person who has received the maximum amount. I know many people who are getting half of that, but none of them are happy because a gun was held to their heads and they were given a matter of days to make up their minds — about 10 days to be precise. I spoke to many people who were in the difficult situation of trying to make up their minds about whether to take the package and voluntarily surrender their licences or hang on hoping something would happen. Kersten Gentle from Timber Communities Australia said in writing to her members on 23 August:

> You have probably all received information from the Department of Natural Resources and Environment about the amount of timber you have cut for the last five years and information about the 'assistance packages' they have decided upon.
>
> They have also told you that you are to apply for this by 6 September.
>
> TCA is extremely alarmed about this whole approach.
>
> The way they have set it up, it is possible that licensees could be seen to be applying to leave the forests of their own free will, when in fact many, if not most of you, do not wish to leave the industry at all and are being forced.

They are the sentiments that I have got from the many farm workers, timber cutters and others I have spoken to. The letter goes on:

> We are also concerned at the indecent time frame they have given, as we do not believe that anyone can fully understand the implications and consider their future in just two weeks.

I agree with those sentiments. Similar sentiments were expressed in an article in the *McIvor Times* of 3 July

entitled 'Woodcutters face payout decision'. The article commences:

> Heathcote district forest workers are expecting to receive payout offers from the state government in the next few weeks to cease work in the forests.

It further states:

> Woodcutters to be paid out to cease work
>
> The establishment of national and state parks around Heathcote will mean there is not enough forest for a sustainable yield to meet Heathcote's future firewood requirements
>
> Woodcutters will have to source firewood in the forests around Rushworth to satisfy the demand in Heathcote.

Rushworth is some distance from Heathcote. A further article in the *McIvor Times* of 10 July states:

> Timber cutters from throughout central Victoria have reacted angrily to the state government's proposed compensation packages which will see them forced out of the box-ironbark forests.
>
> Victorian state manager of Timber Communities Australia, Kersten Gentle, said this week the packages 'highlighted the fact that the government is out of touch with rural workers'.

The article further states:

> The minister is once again misleading the public as only half a dozen or so cutters will be eligible for the maximum package with most cutters walking away with between $8000 and $40 000.

I repeat: most cutters are receiving between $8000 and $40 000 as a total package for walking away from their employment — and in many cases, it is the only employment they have known for the whole of their lives. Some people in their 50s will have to take that package and try to find some work in a town where there is already high unemployment. The package is lacking in compassion.

The Leader of the National Party has criticised the minister for trying to rush through compensation arrangements for timber cutters in the box-ironbark forests. His media release of 29 August states:

> Mr Ryan said the Vic Nats were appalled that the government had given only two weeks for licensees to apply for a compensation package to compulsorily exit the industry.
>
> 'The government is making a real mess of this. To expect people to make a decision on their future by 6 September is just unrealistic and unfair. We know the government wants to get the compensation out of the way before Parliament resumes and before an election, but it is being deeply unfair to the licensees'.

There is no doubt that the minister wanted people to accept the packages before we resumed for this sitting of Parliament and before the government goes to an election. The final paragraph of the media release states:

> 'In the first instance we are totally opposed to this buy-out, particularly given that it is occurring well before any legislation is presented to Parliament to create new box-ironbark national parks. It is another instance of the Labor government sacrificing country jobs in favour of winning some city votes'.

That is what this is all about. The government does not care about jobs in country Victoria, and it does not care about the individuals whose lives are being changed. If it wants to force out people who have been in the industry for the whole of their lives it would have been far more sensible for the government — I accept it has the right to make decisions about national parks — to have said, 'Okay, if you are under 45 years of age you will receive a package to retrain and do something else, but if you are over 45 you will be able to serve out the rest of your time, doing what you are doing until you retire'.

That would have been a sensible way of treating those people with dignity without making any impression on the forest at all. You could still have had national parks and all the things you are trying to protect, but you could have given those who are now being asked to accept the package a little more dignity when they are being kicked out of an industry that they know and love and have worked in all their lives.

I now deal briefly with mining and prospecting. I note the press release issued today by the Victorian Minerals and Energy Council. I received an earlier letter from Mr Chris Fraser, chief executive officer of the body, who in his press release issued today states:

> The Victorian Minerals and Energy Council (VMEC) has been actively involved in the public review of the box-ironbark forests and woodlands over the past four or more years and is concerned to ensure that the recommendations of the Environment Conservation Council regarding access procedures for exploration and mining are implemented.
>
> … one of the greatest uncertainties of the minerals industry in Victoria is the ad hoc approval rules and processes of the Department of Natural Resources and Environment when dealing with parks and reserves. Throughout the box-ironbark review the Victorian Minerals and Energy Council has consistently sought effective, timely and transparent procedures for the approval of exploration and mining activities on newly established parks and reserves. We were pleased to note the ECC recommendations that effective approval procedures be established.

The next paragraph I will read out is typical of the comments I have received. Mr Fraser said:

> … we are still waiting to be effectively consulted by the department on the proposed procedures for the approval of work plans and for access to restricted Crown land. We remain very concerned that effective approval procedures will not be established.

This is typical of this whole procedure right from day one — the lack of willingness to consult, the lack of willingness to go and talk to people. The government is very strong on rhetoric and in some cases it is very good about consultation. In this area it has been absolutely appalling. The Minister for Environment and Conservation has refused to talk to people and has refused to consult, and the department has refused to talk to people who are intimately involved. Here we are tonight dealing with legislation about a whole range of people who have not effectively been consulted. They do not believe that their views have been taken into account, nor do they believe that they have been consulted. They have been told what the government is going to do rather than being asked and engaging in some sort of a dialogue, with their input being noted.

As to prospectors and miners, these are people who prospect on a small scale, and Victorian prospectors and small-scale miners will be seriously affected by the government's box-ironbark legislation. Prospectors should retain access to all known goldfields and prospective areas in the region. A management plan should be in place prior to the declaration of any new park, which is what the National Party has been consistently advocating over all natural resource areas to ensure that the government's stated intention in respect of prospecting is honoured.

Prior to the 1999 election the government made a commitment that it recognised the strong social and recreational importance of prospecting in Victoria and said it was committed to ensuring that it remained a vibrant pastime into the future. That is what the government said in 1999, but the Prospectors and Miners Association is still waiting for that high principle to be put into place. The association is very concerned about prospectors being forced out of the goldfields. I have a letter from the association, which says in part:

> The government's proposal to further limit prospecting in the goldfields region has prospectors considering burying their picks permanently.

It talks about banning prospecting in the new St Arnaud and Heathcote-Graytown national parks, and continues:

> State president of the Prospectors and Miners Association, Rita Bentley, said 'the viability of prospecting as a sustainable activity has been put at risk — it is not our minuscule environmental impact that government should worry about now, it is whether or not country Victorian towns will survive without us. You simply cannot keep limiting the area available for prospecting and expect the level of expenditure by these people to continue — it simply doesn't add up'.

It is a very good point to make that the prospectors and miners support the economies of many of these smaller country towns. If we are going to restrict their activities then certainly the prosperity, or the very survival, of those smaller country towns will be limited in many cases.

I will quote briefly from a letter from a constituent at Rushworth by the name of Anne Flower. Anne and Jim Flower both have a long history of being involved in the area. Anne Flower's letter states:

> It is with utter amazement and great concern that I have viewed the recent decisions made by the Labor government concerning the control of the forests in our area. The locking up of 121 000 hectares of box and ironbark forests and closing of these areas will eventually be their graveyard —

that is the graveyard of the forests —

> from tree overcrowding, infestation by feral animals and increase of weeds by visitors. The native fauna and flora that is now cared about will be destroyed by people who have no idea how fragile they really are when exposed to an uneducated tourist.

She goes on about trees being vandalised, young ones being broken and so on. The letter continues:

> Coming from a family of foresters and conservationists of five generations, I am aghast at the lack of knowledge held by those who are making decisions for the management and control of our forests, and who are now making decisions for the future care and use of them.

There are many letters along that line.

I now turn briefly to ecological thinning, which is something the government has consistently rejected, although the report of the Environment Conservation Council (ECC) did recommend ecological thinning. Recommendation 12 states:

> Dense eucalypt regrowth be thinned to enhance the growth of retained trees.

It is further recommended that:

> DNRE initiate an ecological management strategy to achieve a system that more closely resembles the pre-European forests …

There are very sound arguments for ecological thinning, not just from the forest point of view but to create employment for those who have been displaced from their normal activities.

I have a very good publication called *Flamin' Parks*, which clearly spells out the risks to the parks from management plans that are not well thought out. Practices such as allowing fuel to build up on the forest floor pose risks to the forests that we are all trying to protect but which we will not protect if we allow some of these harebrained schemes to go ahead.

I conclude by referring to the issue of consultation. Whilst the National Party sought a briefing prior to this debate, two weeks ago in fact, as of today no briefing has been provided. This has become a standard pattern in that the National Party has been waiting for two weeks for briefings on three pieces of legislation.

I refer to the Heathcote timber cutters. I know the minister has been there, but she was not prepared to talk to them, so there has been no consultation. The Bush Users Group has been wanting to meet with the minister to discuss issues of concern, but there has been a no-show by her. The minister does not want to talk or consult.

I have a letter from Win Morgan, the president of the Indigo region of the Bush Users Group. It says:

> Ms Garbutt consistently tells us we have been consulted with; this is absolutely untrue, she has not answered letters, refused to meet with stakeholders in this area, and has never listened to our concerns about fire.

Another group, the Black Dog Creek graziers, writes that it was never given the courtesy of a letter or telephone call to alert it to the proposed change of status, and says it is disgusted at the lack of communication from the minister. She has neglected to even answer letters.

The National Party has moved a reasoned amendment, and when we get into the committee stage I will be moving further amendments. Those amendments will seek to do a number of things. They aim to allow the use of ecological thinning as an appropriate management tool within the box-ironbark forests. They aim to allow the minister to consider allowing fossicking to take place in the Chiltern-Mount Pilot National Park, the Heathcote-Graytown National Park, and the St Arnaud Range National Park.

The amendments will aim to increase the phase-out period for affected eucalyptus oil harvesters from the present six years to a period of ten years. I encourage the Liberal Party to support the National Party on that. I note that yesterday the honourable member for Sandringham said the opposition would work to achieve that. The National Party will be moving an amendment to that effect in the committee stage so the honourable member for Sandringham will have an opportunity to support that amendment and bring that change about.

The amendments the National Party proposes will also expand the Chiltern Box-Ironbark National Park and retain the existing multipurpose park classification north and east of Eldorado. That amendment aims to provide greater protection from fire for that township and facilitate the adding of the historic Woolshed Falls area to the national park. It will also enable the continuation of fossicking and camping along Reedy Creek.

Those amendments have been prepared by the National Party and parliamentary counsel and they will be moved when we get into the committee stage.

In conclusion, I think this legislation is being pushed through to satisfy philosophical and political objectives rather than being primarily concerned about the preservation of those very important areas of box-ironbark forest. I do not believe the bill is in the best interests of the forest. It is certainly not in the best interests of the people who live, work and recreate in that area. As I have just indicated, there has been totally insufficient consultation with the stakeholders and the major players in the area.

The evidence presented to justify enclosing even more land in national parks is certainly not convincing. The National Party is totally opposed to further areas of public land being locked up with blanket prohibitions on recreation and commercial activity. National Party members are opposed to that happening without firstly having management plans drawn up with widespread community support to determine those appropriate uses of public land. We believe that use is an excellent management tool which should be considered in the management of the parks. We believe that in the past the forest has generally been well managed by those who have worked there for generations. We do not have confidence in the government's ability to manage public land and/or commit the necessary resources. We believe that Parliament should be presented with the proposed management plans prior to the consideration of any new national parks.

In conclusion, the National Party will not be supporting the creation of new parks until the management of existing parks has been vastly improved. I conclude by saying that country people are sick and tired of governments taking away their access to public land and then mismanaging that land, as has happened all over the state. It leads to problems for neighbouring landowners such as the spread of weeds and pest

animals and the very real risk of bushfires. The National Party will be moving amendments in the committee stage but it will be opposing this legislation.

Debate adjourned on motion of Mr HOWARD (Ballarat East).

Debate adjourned until later this day.

SENTENCING (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 12 September; motion of Mr HULLS (Attorney-General).

Opposition amendments circulated by Mr PERTON (Doncaster) pursuant to sessional orders.

Independent amendments circulated by Mr SAVAGE (Mildura) pursuant to sessional orders.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Doncaster will have the call when the chair is resumed at 8 o'clock. I believe this is an appropriate time to break for dinner.

Sitting suspended 6.26 p.m. until 8.02 p.m.

Mr PERTON (Doncaster) — This is a very important piece of legislation, but like most pieces of sentencing legislation brought in by Labor governments during the last 20 years, it seems to have a remarkable timing coincidence with the lead-up to an election. Whilst the government has had three years to develop some reasonable policies in relation to sentencing, it has taken it until the death knell of the election to introduce this legislation.

Sentencing, as you would know, Madam Acting Speaker, is something that is not just the stuff of newspapers, television news and the like. It is dinner table conversation. It is the conversation of people on public transport. It is the concern of every citizen.

When we think of the last few weeks, we think, for instance, of the extraordinary sentences that have recently been handed down in New South Wales in respect of gang rape — sentences handed out to young men that are in excess of 50 years, 40 years and 20 years. I can honestly say that were we to do a survey around this chamber or go down Collins Street or Bourke Street, there would be almost unanimous support for that level of sentencing in respect of gang rape.

Yet at the other end of the spectrum we have the S11 prosecutions. Melbourne two years ago was held to ransom by a group of thugs who prevented a conference of some of the world's leading exponents of globalisation and the like — of people like our own Premier, our own Leader of the Opposition, and the Premier of Western Australia. We had the most violent demonstrations in the history of this state with lit cigarettes being pressed against police horses, with urine being thrown at policemen, with ball bearings being thrown at policemen, and with policemen being injured. Yet in the state of Victoria there was one conviction recorded and not a day of jail served in respect of those offences! We had the Premier of this state and the Attorney-General virtually acquiescing in these matters.

The people are not happy about sentencing, Madam Acting Speaker. I am sure in your electorate when people raise questions of law and order and of personal security, they express a lack of confidence in respect of the sentences that are being handed out by the magistracy; they are expressing a lack of confidence in respect of the sentences that are being handed out by the judiciary; and to the extent that we as politicians try to argue the opposite, to the extent that commentators try to argue the opposite, the public just looks at us as if we are out of touch. They regard us, they regard the judiciary, they regard the elite that supports the existing system of sentencing as being out of touch.

Is this a reality or is this not a reality? The weekend before last I had the benefit of attending the International Criminal Bar Association conference. There was a session held there with a distinguished panel talking about the issues surrounding this bill — that is, the question of guideline judgments. I think one of the most significant contributions to that debate was made by a senior prosecutor. It was this senior prosecutor's view that, to the extent that there are statistics about sentencing in this state, were they to be aggregated and published for the benefit of the public, the public would be shocked by the leniency of sentencing in this state.

But do people have the aggregate figures? Do they have the sentencing figures? Do they have accurate results? This is an Attorney-General who promised last year to produce within months the 1997 sentencing statistics; in other words, the awful truth in relation to sentencing in this state is that nobody actually knows what the average sentence is in respect of most offences. They do not know what the median is. They do not know what the range is — —

Ms Duncan interjected.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Gisborne is out of her place, I think, and disorderly.

Mr PERTON — It is after dinner and it is her usual after-dinner performance in the house.

Honourable members interjecting.

The ACTING SPEAKER (Ms Davies) — Order!

Mr PERTON — You have a government that has not even kept its promise to reduce crime statistics from the term of the last government.

There are two elements to the bill, which is a pre-election bill. The two elements are the introduction of guideline judgments to the state of Victoria and the introduction of a Sentencing Advisory Council. Where do guideline judgments come from? Why are they being introduced into this bill?

Guideline judgments exist in New South Wales, they exist in the United Kingdom, and they are to be introduced here, according to the Attorney-General, in line with the Freiberg report's recommendations. When one reads the Freiberg report one notes that there are absent from this bill a large number of the recommendations of Freiberg himself.

Mr Stensholt interjected.

Mr PERTON — I am glad the honourable member for Burwood says it is an excellent report, because it is based on Freiberg's report, on which the amendments that we will be moving in respect to the publication of sentencing statistics are based.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Doncaster should not respond to interjections.

Mr PERTON — So I am glad that the honourable member for Burwood might exercise his independence on this occasion and vote with us on those recommendations.

What does the guideline judgment do? Under this bill it requires the Court of Appeal on the receipt of an appeal and in appropriate circumstances to determine that it will establish a guideline judgment.

Under this piece of legislation it will take evidence from the parties to the appeal that have brought the case to it; submissions from the Director of Public Prosecutions; submissions from Victoria Legal Aid and advice from the Sentencing Advisory Council.

The honourable member for Richmond, who will no doubt follow me in the debate, needs to explain to us why, when Freiberg recommended that the Court of Appeal have a guideline judgment power on the receipt of a request from the Attorney-General, that has been deleted.

If the Attorney-General was really determined to have a system of guideline judgments to deal with the issues that are of concern to our community he would have adopted the recommendation of the Freiberg committee report and given himself a power to request the Court of Appeal to have a guideline judgment. Instead, what we have is the Court of Appeal acting of its own volition to determine a guideline sentence. It is typical. It is a government working on remote control.

When the public expresses a concern about the inadequacy of sentencing in respect of a particular offence or type of offence, we will have the Attorney-General saying, 'Well, that is in the hands of the Court of Appeal', as the Premier did last week in respect of a notorious criminal currently held in a Victorian prison. When asked by 3AW, 'What will you do, Premier, about this criminal who is violating the prison codes, terrorising other prisoners and prison officials?', what did the Premier say? He said, 'Go and ask the Commissioner for Corrections'. It is a government by remote control.

If the Premier of the state and his Minister for Corrections cannot be responsible for the operations of the corrections system they should hang their heads in shame. There is still a system of ministerial responsibility in this state, and if a question arises in respect of the way in which a particular criminal is behaving in the prison system and there is concern that he or she is perverting the way in which the prison system is operating, it ought to be the responsibility of the Premier or his minister, not this remote control type of behaviour — 'Oh, that is the responsibility of the Minister for Corrections'.

In this respect the bill is a lowest common denominator. It is a bill designed as window-dressing so that every time there is public outrage about the inadequacy of a sentence the Attorney-General will say, 'We have put it in the hands of the Court of Appeal'. What is the problem with putting it totally in the hands of the Court of Appeal? I see the honourable member for Richmond is now having to take some advice on these provisions that have been left out.

What is the problem? The problem is that the bar and the judiciary do not think there is anything wrong with the sentencing system. The bar and the judiciary are

opposed to guideline judgments. Had the honourable member for Richmond bothered to attend the session on guideline judgments at the International Criminal Bar Association conference he would have found near-unanimous opposition among those experienced in criminal law, both judges and practitioners to guideline judgments.

I wish to read from a submission, dated 15 October 2002, that came to me from Robin Brett, QC, vice-chairman of the Victorian bar. In his submission Mr Brett states:

> The Victorian bar is opposed to sentencing guideline judgments. High Court Chief Justice Gleeson, in his judgment in Wong [2001] 76 ALJR 79, quoted with approval the following statement by the Honourable John Winneke, president of the Victorian Court of Appeal:

It then quotes the Honourable John Winneke as saying:

> Experience in other areas of the law has shown that judicially expressed guidelines can have a tendency, with the passage of time, to fetter judicial discretion by assuming the status of rules of universal application which they were never intended to have. It would … be unfortunate if such a trend were to emerge in the sentencing process where the exercise of the judge's discretion, within established principles, to fix a just sentence according to the individual circumstances of the case before him or her is fundamental to our system of criminal justice.

Those are the words of the vice-chairman of the Victorian bar, so I am not sure who the honourable member for Richmond has been consulting on the legislation, but crucially the High Court in Wong says the entire principle is wrong. That opens the question of whether the High Court will ultimately determine whether these sorts of guideline judgments may be unconstitutional at a federal level.

Critically, the Court of Appeal in the judgment of Wong quoted from our own president of the Victorian Court of Appeal, who in that statement indicates that he and his court are opposed to the principle of guideline judgments. What the legislation says and the practical effect of the legislation is that we are putting the power of setting the circumstances in which guideline judgments are to be made and the publication and preparation of guideline judgments in the hands of judges who do not believe in them. This is extraordinary to me.

On the one hand this is said to have come out of the Freiberg report, but central to that report was the notion that the Attorney-General would ask the Court of Appeal to prepare a guideline judgment. But the bill has him abrogating that responsibility, saying it will be put in the hands of the Court of Appeal, and the president of the Court of Appeal has been quoted by the Chief Justice of the High Court as saying that he does not support guideline judgments. How will it work? I put it to you that it is not going to work.

Years down the track, if these people are re-elected to government, we will find that it has not worked. If we are elected to government and we find it has not worked there is going to have to be major law reform. All this bill is about is a bit of window-dressing before an election campaign.

You have then got established alongside this new power for a guideline judgment on the part of the Court of Appeal the new Sentencing Advisory Council. Were we to go out to the community and ask people whether a Sentencing Advisory Council was a good idea — the notion of having an expert group of people, hopefully including members of the general public, to actually take an objective viewpoint in relation to sentencing — I think the public would say that that was a good thing. But let us again look at how a guideline judgment is going to work, when you have got the judges saying it is not going to work and when you have the bar saying it is not going to support it.

Again I will read from the submission of Robin Brett, vice-chairman of the Victorian bar. He wrote:

> The bar is also opposed to any proposed role of the Sentencing Advisory Council in making submissions to the Court of Appeal in particular cases. Such a body can play an important role in gathering information on sentencing, and in keeping, recording and publishing statistics and research on such statistics, and in informing the public of the processes and practices of the criminal justice system in relation to sentencing. It is entirely a different matter for it to be making submissions to the Court of Appeal in particular cases.

He goes on to say, and I think it is relevant to include this in my quoting from this submission:

> Section 108C(1)(a) of the bill provides that one of the functions of the council is to 'state in writing its views in relation to the giving or review of a guideline judgment'. Section 6AD requires the Court of Appeal, before it gives or reviews a guideline judgment, to notify the Sentencing Advisory Council, and to consider any views stated in writing by that council. Section 6AE(c) of the bill requires the Court of Appeal, 'in considering the giving of, or in reviewing, a guideline judgment' to have regard to 'any views stated by the Sentencing Advisory Council … under section 6AD'. The bar is opposed to all these provisions.

What we are doing in this bill in the way that it is structured is putting the power in respect of sentencing into the hands of a Court of Appeal which says it does not believe in this system, advised by barristers who do not even support the public input that a Sentencing

Advisory Council should give. In other words, you are setting up a system that is doomed to fail.

The Liberal Party has quite a different stance. We accept the view of the judges, we accept the view of the lawyers and we accept the view of the community. And the view of the community is that it expects its Parliament to act when the judges and the magistrates indicate that the sentences they are going to be handing out are quite different from those that the public would expect in the case of quite serious offences, such as those against the police in the case of the S11 protests and those in the cases of many acts of arson and other violent offences. We need not go through them case by case, but we know that almost on a weekly basis the public is disgusted by the inadequacy of one sentence or another. It is quite clear that what the public is calling for is that people like you and me, Madam Acting Speaker, and the other parliamentarians in this chamber actually engage in setting proper guidelines in the legislation we pass.

It is quite clear, for instance, from the brief summary I have received over the last week in respect of arson, that where the Parliament has set a 15-year maximum for arson, to the extent that you can find reported sentences in respect of arson the courts are regularly handing out sentences of less than five years. The courts are regarding even cases of the firebombing of people's houses as relatively trivial offences. The public is saying, 'We want you as a Parliament, we want you as parliamentarians, to do something about that'. In the policy we released the week before last in relation to required minimum sentencing the opposition has taken that message from the community. We have indicated that, for instance, in the case of the murderer of a policeman a minimum sentence ought to be 20 years. I defy the honourable member for Richmond to set out circumstances in which he believes that a murderer of a policeman ought to be given a sentence of less than 20 years.

We accept that there may be unusual circumstances, so we have said that if a judge finds that there are exceptional circumstances in the case they can go below the minimum sentence. But the Liberal Party has certainly heard the message of the people. That message is that where there is a serious offence that violates public view on what the minimum sentences ought to be then the Parliament should act. We have done the same thing in setting a minimum for those who engage in sexual offences against children, and we have done the same thing in respect of those who assault nurses, fireman and policemen in the course of their duty and occasion grievous bodily harm.

In respect of bushfire arson, for instance, it is extraordinary that the government introduced a bill in which it set a maximum penalty for that offence that was the same as the maximum penalty for ordinary arson. As I have indicated, the maximum penalty for arson is 15 years yet I have been able to determine from looking at the written reports that the average sentence is less than five years. Is this government saying that a two or three-year sentence is adequate in respect of someone who sets a bushfire that causes widespread terror to people but does not actually kill anyone?

Mr Stensholt — That's illogical, Victor, and you know it.

The ACTING SPEAKER (Ms Davies) — Order!

Mr PERTON — I am glad that the honourable member for Burwood has — —

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Doncaster should not respond to interjections.

Mr PERTON — But I would like to have it recorded, Madam Acting Speaker, so his constituency can understand his attitude to these matters. When the Liberal Party suggested that bushfire arson, which is a new offence determined to be different from ordinary arson but less serious than arson causing death, should carry a maximum penalty of 20 years rather than 15 years we were met with absolute derision by the government. In fact you, Madam Acting Speaker, did not even speak on the bill — —

The ACTING SPEAKER (Ms Davies) — Order!

Mr PERTON — You did not even speak on the bill.

The ACTING SPEAKER (Ms Davies) — Order!

Mr PERTON — And yet you voted against it.

The ACTING SPEAKER (Ms Davies) — Order! I would like the honourable member for Doncaster to apologise for his previous comment, which was disrespectful to the Chair, not relevant to the issue being debated and not appropriate for this topic of conversation. The person in the chair is to be treated as the Chair of this Parliament and not referred to in the way the honourable member just did. I would like an apology and a withdrawal.

Mr PERTON — Madam Acting Speaker, the rules permit a withdrawal, and I withdraw the comment in deference to the Chair.

The ACTING SPEAKER (Ms Davies) — Order! I accept that withdrawal.

Mr PERTON — When the Liberal Party introduced an amendment with a 20-year maximum and a 5-year minimum for bushfire arson, it was treated with such derision by the government and the honourable members for Gippsland West, Mildura and Gippsland East that they did not even have the courage to give a speech in this house to tell their communities why they were not prepared to vote in favour of it.

The ACTING SPEAKER (Ms Davies) — Order! I have just suggested to the honourable member for Doncaster that his previous comments were out of line. I regard his continuation with this theme as also out of line. If the honourable member for Doncaster would like to continue his speech on the bill, and if he is prepared to do it in a properly respectful fashion, then I will continue to hear him. But I ask that he shows behaviour appropriate to this chamber.

Mr PERTON — Madam Acting Speaker, as I said before you interrupted — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Davies) — Order! I suggest again that the honourable member withdraw those intemperate and out-of-order comments or I shall ask somebody to ask the Speaker to come in. Perhaps he will be able to extract a bit more respect for the Chair than the honourable member is currently showing. I ask the honourable member for Doncaster to withdraw his intemperate comments.

Mr PERTON — Madam Acting Speaker, if someone finds intemperate comments in what I have said, in deference to the Chair I withdraw them.

Clearly there is a distinction between this side of the house and the other on this matter. Whilst we will not oppose the bill — in fact, we will support it as an experiment — we will see, over the next 12 to 24 months, whether the system of guideline judgments can work within the state, despite the fact that those who are professionally obliged to work within the system have expressed their lack of confidence in it. We will allow the legislation and examine its operation. Indeed in respect of the Sentencing Advisory Council, we will be moving amendments in committee to improve its operations and structure.

Let me briefly outline those amendments so we can hear the other lead speakers in the debate before moving into committee. Essentially the difference between us relates to the role of the public on the Sentencing Advisory Council. We note that in new section 108C of the Sentencing Act, which sets out the way in which the advisory council is to operate, the functions of the council are to include, at subsection (d):

> … [gauging] public opinion on sentencing matters…

In our view, that requires a proper system of consultation, similar to that which is set out in the Subordinate Legislation Act. The amendments set out our view that the public should have at least 28 days in which to make submissions to the Sentencing Advisory Council and that the council should have sufficient time, before making a submission to the Court of Appeal on a guideline judgment, to take public opinion into account.

It is also our view that the membership of the advisory council certainly should not just be as set out by the existing Attorney-General or his successors — which I hope will include me. We ought not just pick out people of our own choosing, or people who may be congenial to our own political opinion, but rather ask the public to suggest people with the appropriate qualifications to serve on the Sentencing Advisory Council. Those amendments will be put in committee by our party.

We also believe that victims of crime should have a very special place on the advisory council.

Mr Wynne — We agree with that.

Mr PERTON — You will support our amendment? Excellent, I am pleased to hear that.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Richmond can have his say in a minute.

Mr PERTON — It is important that in Parliament we establish agreement where necessary, so I am pleased to hear that from the honourable member.

Further, we will be moving an amendment to require that the terms and conditions of the members of the council should be transparent and ought to be published in the *Government Gazette*.

Mr Wynne — Process questions, which we will deal with in committee.

Mr PERTON — I am glad to hear that.

The ACTING SPEAKER (Ms Davies) — Order! I ask the honourable member for Richmond to hold his fire until the honourable member for Doncaster is finished.

Mr PERTON — I come back to the other set of amendments we will be moving, which relate to the sentencing statistics and their method of publication. Clearly the government has no interest in or commitment to publishing those statistics.

One would have thought that by late 2002 the government ought to be able to publish the statistics for 1997. That is the opposition's view, given that all the magistrates use computers in the preparation and processing of their decisions and County Court judges or their associates use computers, as do the Supreme Court and the Court of Appeal, whose judgments are quickly put on the Internet. The opposition believes that the type of technology used, for instance, by the Environment Protection Authority to provide hourly updates of the complex data that is picked up around the state for the benefit of Victorians should be used with sentencing.

It is only in the light of day that sentencing statistics will make sense. If when people see a particular sentence for rape or the assault of a policeman or the like they can look at both the circumstances of the case and the general sentencing of people in respect of those offences, there will be more informed public opinion and a demand for greater accountability on the part of the judiciary, the bar and prosecutors to make sure that those who commit serious crimes receive the appropriate sentences — if you like, the sentence that fits the crime.

It is totally appropriate in a modern age that the judiciary and its sentencing practices be utterly open and transparent, because then we can meet any criticism head on. Judges keep saying, and the Attorney-General says, that the public is misguided and does not understand and that if it really knew the sentencing statistics it would be in a better position to judge. I challenged the Attorney-General and the honourable member for Richmond a week and a half ago on radio when I said, 'Why don't you put five public servants to work and get them to produce the statistics?'. I would have thought it would be a week's work to put the 1997 figures into public circulation and that it would not take many weeks more to ensure the publication of the other statistics right through to the current period on a monthly basis.

The smug Minister for Consumer Affairs is laughing and chortling about these matters. This is a government that does not take these things seriously. However, my party does take them seriously, and I look forward to moving these amendments in committee and, from the comments of the honourable member for Richmond, to the government's support on some of them.

Mr RYAN (Leader of the National Party) — The Sentencing (Further Amendment) Bill is one that the National Party and I have grave concerns about, and I want to explain why. Having carefully considered the situation we will not oppose the legislation — but as I said, we have severe reservations about it. In explaining why, I point out that I am not interested in what may or may not be the case in other jurisdictions. I am interested in what ought to happen in the Victorian jurisdiction.

I start from the fundamental aspect of our democratic system, the separation of powers. We properly have a time-honoured division between the Parliament, the judiciary and the executive. I believe all members understand and respect that basic tenet of our democratic system. What concerns me about the legislation is that it is as close as you can get to breaching the principle of the separation of powers. I say that because I believe trenchantly that matters relating to the functions of the judiciary and the way in which members of the judiciary, at whatever level of the justice system, discharge their responsibilities fall entirely within the province of those directly involved.

To put the corollary of the proposition, I strongly believe that it is utterly inappropriate for those outside the judicial system to be involved in the process whereby sentencing is given effect. It is a matter that ought properly remain directly, specifically and in an unfettered way in the hands of those obliged by their position to exercise the judgments that go into imposing sentences. Although it is a critical component of what they do, those members of the judiciary at all levels whom I know and used to brief as barristers universally say that the most difficult aspect of fulfilling the judicial role relates to sentencing.

The bill purports to achieve two fundamental outcomes. The first is to create the principle of guideline judgments. That is set out in new section 6AA, the definition provisions. A guideline judgment as defined stipulates the guidelines to be taken into account by the courts in sentencing offenders. The basic idea is that the Court of Appeal is to be equipped with the power to deliver a guideline judgment either on its own motion or on the motion of a party to an appeal against sentence. I emphasise that it is against sentence where the capacity to issue a guideline judgment actually appears.

The saving grace in these provisions, which has persuaded me on behalf of the National Party to not oppose the bill, is that the word 'may' appears in new section 6AB(1). What the legislation does is empower the Court of Appeal to deliver a guideline judgment

should it so choose, but that is to be distinguished from obliging the Court of Appeal to deliver guideline judgments. On the same point I note that the word 'may' appears throughout new sections 6AB and 6AC. If the Court of Appeal determines that it will issue a guideline judgment, it is also given a discretion as to the content of that judgment. To that extent — and by the skin of its teeth if one approaches this from a particular aspect — I can allow for the fact that the Court of Appeal is empowered to deliver guideline judgments should the court so desire.

The saving grace is that the Court of Appeal may never deliver a guideline judgment. I listened carefully to the contribution of the honourable member for Doncaster, and I must say that on this pivotal point we differ somewhat. While on balance I am not opposed to the Court of Appeal being given the power to deliver guideline judgments, I do not believe that it should be obliged to deliver such judgments.

Mr Wynne interjected.

Mr RYAN — Under any direction! I hear the interjection from the honourable member for Richmond to the effect that no power should be forced upon the Court of Appeal under the direction of the Attorney-General.

Mr Wynne — Exactly.

Mr RYAN — The only distinction I make about that principle is that absolutely no-one should be able to impose upon the Court of Appeal of this state an obligation in the nature of that which this legislation contemplates. If you do that, by whomever this imposition might be caused, then the separation of powers is immediately breached.

Mr Wynne — Exactly.

Mr RYAN — I believe that is untenable. Many people who are not perhaps associated with the law might regard that as being terribly pompous. The fact is that this is an absolutely fundamental aspect of the way in which our democratic system works. I do not believe that one can talk about a principle of an objective view of sentencing. I do not think there is such a concept. What that conveys is that somehow there is a power out there in the public at large which has the capacity to directly interfere with the way in which sentencing is carried out. I would simply disagree with the principle of that concept if it were to exist. I say again that this issue of sentencing, difficult though it is, is something that rests within the province of the judiciary at whatever level of our courts, and certainly within the Parliament we do not have the power under our system of democracy to interfere or intervene with that.

In making those comments I am very aware of concerns that have been expressed in the public arena at different levels by different people about the level of sentencing. I am very aware of recent commentary about the way in which sentencing has been given effect to as an outcome of the S11 demonstrations a couple of years ago. I am also very aware that public comment has occurred with regard to the subsequent — 'condemnation' is too strong a word — criticism of some police officers who are said to have wielded the baton with a little too much gusto during those demonstrations.

There will inevitably be public comment on all such issues because they are matters of significant public importance. If ever anything engenders comment in the public arena it is issues such as these. By its nature sentencing will draw comment from various aspects of community, but that is a very different thing from translating that sort of sentiment in the public at large to having it impacting directly upon the way in which those who administer sentences are obliged to react to that opinion. I say again how important it is that we keep those principles in mind when discussing these important issues. If you do not do that it does not take long to slip down the path that applies in so many countries.

It does not take long to get to the point of other jurisdictions in other parts of the world where no separation exists between those who hold political office and those who are purportedly exercising judicial functions. There are many examples of there being no such division. Many of the regimes under discussion in terms of terrorism and the like are replete with examples of no such division occurring — where there is a direct nexus between the way in which politics, as it is defined in those regimes, is exercised and the way in which sentencing, loosely described, occurs. The last thing we want in this country is the notion of going down that path.

I reiterate that the National Party has grave concerns about the whole nature of this legislation. The fact that this provision in the bill is an empowering provision rather than one that obliges the Court of Appeal to take note of and act in accord with some sort of prescribed mechanism is the reason that on balance the National Party determined that it would not oppose this legislation.

The second aspect of the bill relates to the creation of the Sentencing Advisory Council. The capacity for the

delivery of guideline judgments having been dealt with in part 2 of the bill, part 3 deals with the Sentencing Advisory Council. This entity used to be a statutory authority with functions defined within the legislation. Amongst those various functions is the capacity in proposed section 108C(1)(d) to gauge public opinion on sentencing matters. As a matter of general principle there is nothing wrong with that.

Set out in the balance of the clauses are issues to do with the powers of the council, its board of directors, the way it will be constituted, issues regarding terms of office, payment and the like, and the general paraphernalia that goes with a statutory authority. The key point about this body is that it is empowered to undertake certain activities which are intended to reflect a gathering of various points of view and statistical information on the issue of sentencing.

However, I think the bill then sails very close to the wind because under the terms of the legislation this council will have the power to make direct submissions to the Court of Appeal concerning matters about which it is empowered to record information in the way that is set out in the bill. I renew the point that this seems to me to be sailing very close to the breeze where an entity such as this is in a sense being given direct access to the court to put its point of view regarding sentencing issues. Inasmuch as this might be interpreted by anybody reading this legislation as a direct imposition on the court's capacity to deal with sentencing as it sees fit, that is a concept which troubles the National Party considerably.

On balance the National Party does not oppose the legislation, but I conclude my contribution to this aspect of the debate by reiterating the point that the separation of powers is fundamental to the way our democracy functions, and no government of any persuasion is entitled to interfere in the way that structure occurs. To the extent that any such interference were to be reflected in legislation before the Parliament, certainly from the National Party's perspective that legislation would be opposed.

Mr WYNNE (Richmond) — I thank the Leader of the National Party for his contribution. By any assessment it was a measured review of the Sentencing (Further Amendment) Bill. In both his opening and closing comments to the debate the member went to the heart of that fundamental tenet of our justice system — that is, the separation of the powers between the Parliament, the executive and the judiciary.

I do not seek to go very much further with that aspect of the debate. I am delighted to have the company of my learned colleagues on the other side of the chamber. I would have thought that the honourable member for Kew, who is sitting on the opposition frontbench, would have been dismayed at best by the performance — the blustering, the posturing and the bullying — of the shadow Attorney-General in his contribution here tonight, which in essence sought to undermine that separation of powers.

I notice that the honourable member for Berwick has left the chamber. This is not a line of argument I heard him pursue in the two and a half years he was shadow Attorney-General, but this new shadow Attorney-General has dipped down into the barrel to see what he could pull out and pulled out this pathetic attempt to justify mandatory minimum sentences. This has been a constant thread running through the honourable member's contributions over the last couple of months, since he took over this portfolio responsibility.

As I think the Leader of the National Party indicated, either you accept the basic tenet of the separation of powers and the independence of the judiciary or you do not. I would have thought that it was a very simple proposition. This side of the house stands for separation of the powers and the independence of the judiciary. Being a member of the judiciary is a difficult job and we should not make it any more difficult. If by chance members of the judiciary had a small opportunity in their very busy lives to peruse *Hansard* and read these rantings of the shadow Attorney-General they would surely be dismayed.

I want to make a brief contribution to debate in relation to the Sentencing (Further Amendment) Bill itself. As members will recall, in October 2000 the government commissioned a review of sentencing laws amid some community debate and media calls to increase the use and severity of sentences of imprisonment in Victoria. The review conducted by Professor Arie Freiberg was an extensive review: it took quite a lengthy period of time, with lots of opportunities for public meetings and for people to come along and express their views about the sentencing process.

It is interesting to note that the review did not find any evidence to support a significant shift away from the use of imprisonment only as a last resort in the sentencing process. I refer to the executive summary of Professor Freiberg's review. Victoria's sentencing system has often been held up as a model by other jurisdictions and the government believes that the review found good reason for ongoing confidence in the structure and operation of our judicial system.

It behoves us as members of Parliament and participants in this debate to show a level of moderation. I must say this level of moderation was absent in the contribution made by the shadow Attorney-General. I know other members who will contribute to this debate this evening will show a level of balance and moderation. It does no credit to the honourable member for Doncaster to be strutting around seeking to make fairly cheap political points about the judiciary, which does not have a chance to defend itself against these rather trite throwaway lines and offhand comments. It is simply unfair and unreasonable to do that.

Another important element indicated in the contribution made by the shadow Attorney-General was picked up by the Leader of the National Party — that is, the question of whether the Attorney-General of the day should be provided with the statutory power to apply to the Court of Appeal for guideline judgments. I can go no further than to simply endorse the comments made by the Leader of the National Party. In a very succinct and measured way he essentially stripped the argument down to its core element — that is, either you accept that there is a separation of powers between the judiciary and the Parliament and executive government or you do not. It is not the role of the Attorney-General of the day to be interfering in the sentencing process, plain and simple. It is no more complicated than that. No doubt the Attorney-General, who is at the table, will have plenty to say about that when we get the summary of this debate and the committee stage of the bill. That is essentially where that argument needs to sit.

Labor has a very proud record in relation to making improvements to the justice system. It has sought to respond to the contemporary issues confronting it as a government in relation to the judiciary. The government has responded in ways which, ironically, are supported by both sides of the house. A couple of months ago we debated some legislation in relation to the Koori court.

That was widely supported by both sides of the house, and the shadow Attorney-General — all bluster, all razzamatazz and flashing lights — was up there in Shepparton with the Attorney-General. Good on him for being there and supporting in a bipartisan way the establishment and launching of the Koori court. The government acknowledged that in the debate, and it welcomed the bipartisan support for that court.

Similarly the government has also rolled out the drug court, and Victoria now has drug courts operating. People have said, again on a bipartisan basis, that it is important that we have specialist courts that deal with the most difficult issues surrounding people who are tragically addicted to drugs, because we do not want them just going in and out of courts and in and out of prison in a revolving circle, and a more intensive and appropriate treatment program supervised by the courts is the way to handle the drug problem. Those programs are being piloted, and the early indications are that they are being very widely supported by the community.

Our well-established credit programs and diversion programs to try to get people diverted out of a life of drugs are a further manifestation of how the government has sought to provide, in partnership with the judiciary, a more contemporary response to those issues confronting our community.

What are these measures about? They are about trying to reduce the level of crime in our community and ultimately to protect our community. The weight of expert opinion is that harsher sentences bring about quite small reductions in crime rates. In the *Pathways to Justice* report, Professor Freiberg notes that states with the largest increases in incarcerations ironically experience some of the smallest declines in levels of crime. There is a whole criminological debate around those issues, and although now is perhaps not the time to canvass them in any detail it is quite an interesting area of criminological debate and study which perhaps we will have an opportunity to air at another time. No doubt further debates around these issues will come up.

The bill introduces guideline judgments and establishes the Sentencing Advisory Council. These two major reforms will unquestionably modernise the criminal justice system and in the view of the government will ensure that it is more responsive and better informed about community views on sentencing issues. As we all know, sentencing is a highly complex task and cannot be reduced to a simplistic formula; and it certainly cannot be reduced to mandatory sentencing. It is the role of the courts to apply the law fairly and consistently to the individual circumstances of each case. No two cases are the same. The reforms in these bills will support the courts in this important and critical role.

Guideline judgments have been handed down by the courts of England since the early 1970s for a range of offences including rape, drug trafficking, incest, causing death by driving and other related offences. A sentencing advisory panel was established in the United Kingdom in 1999 to provide fully researched and objective advice and information to the Court of Appeal for the formulation of sentencing guidelines. I understand that in the United States of America the federal government has introduced commission-based

sentencing guidelines in approximately 20 states, with the primary aim of eliminating disparities in sentencing. In New South Wales the Court of Criminal Appeal adopted the practice of delivering guideline judgments for certain types of offences back in 1998.

The model developed in Victoria has similar objectives to the New South Wales practice; however, Victoria is proposing a Sentencing Advisory Council which will have the power to make submissions to the Court of Appeal. The government believes the council will be uniquely placed to consult widely with the community, to conduct research into sentencing matters and to gauge public opinion on sentencing.

At this point I will close my contribution because there will be further discussion as we move into the committee stage, but I indicate that when we get to the committee stage an amendment will be proposed by the honourable member for Mildura pertaining to victims. The government will most certainly be supporting that amendment because it clearly articulates the type of organisation from which the government would seek to draw members of the advisory council. In that respect I can indicate, as no doubt will the Attorney-General in his summation, that the government is very keen to ensure that there is proper representation of a victims group within the council.

I am pleased that, in a half-hearted way, the honourable member for Doncaster has indicated the support of the Liberal Party for this bill. I thank the Leader of the National Party for his measured response to the bill.

An honourable member interjected.

Mr WYNNE — If he is half hearted, that is okay. At least the Leader of the National Party understood that fundamental tenet of the separation of powers. This government will never undermine it. I commend the bill to the house.

Mr HULLS (Attorney-General) — In closing the debate I thank all honourable members for their contributions, and I will make a couple of comments in relation to those contributions. I am still very perplexed — and I said this last Thursday — about who is now the shadow Attorney-General. I am asking for the real shadow Attorney-General to declare himself and to please stand up, because the honourable member for Doncaster, the Victor Perton whom we all once knew and loved and who was that same Victor Perton who says on his web site that he is known throughout the Western World as a civil libertarian, as I said last week has undergone an extraordinary change on the road to Damascus, where he has gone from being a civil libertarian to what I can only describe as a mandatory sentencing maniac.

Some of the comments he has made in the last few weeks about sentencing — including comments on this bill — were really quite extraordinary.

One of the most extraordinary things I read recently, and he has repeated it to some degree in his contribution to this debate, was in relation to the S11 protesters, so called, and the sentences and penalties handed down by the magistrates to those protesters. The shadow Attorney-General actually made the comment on ABC radio that in effect the sentences handed down by the magistrates were congenial to the government of the day. In making those comments, the shadow Attorney-General has in one fell swoop branded the entire Magistrates Court as having kowtowed to the government of the day and done the government's bidding. That is what he did by making those comments on ABC radio, and I have no doubt that those comments have been distributed widely throughout the entire judiciary and legal profession. It is important not only that I am a wake-up to the transformation from civil libertarian to mandatory sentencing maniac but that everyone else in the legal profession who is involved in justice understands exactly what it is that this shadow Attorney-General now purports to stand for.

The shadow Attorney-General mentioned the criminal law conference that took place in Victoria recently — I was also a contributor at that conference — and said he learnt a lot from it. Honourable members should have no doubt that he was noticed at the conference. I received a number of emails and pieces of correspondence in relation to his contribution. One I recall said, 'His contribution was noted. Please don't allow him to be elected. He is an accident waiting to happen'. But that is wrong, because the accident has already happened!

Mr Plowman — On a point of order, Mr Acting Speaker, I believe the Attorney-General is straying right away from the bill. He is here to sum up the bill, and I think his comments are aimed specifically at the shadow Attorney-General and not at the bill before the house.

Mr HULLS — On the point of order, Mr Acting Speaker, the shadow Attorney-General raised the issue of the sentences handed down by magistrates in the S11 matter. He also raised in his contribution the criminal law conference that was held here recently, and I am referring to that. It is the job of the minister in summing up on the bill to address matters that have

been raised in debate if the minister believes it appropriate, and this was absolutely raised in the debate.

The ACTING SPEAKER (Mr Jasper) — Order! I do not uphold the point of order. The minister to continue closing the debate.

Mr HULLS — We will deal with the amendments that have been foreshadowed by the shadow Attorney-General in committee, but I find it very difficult — and it disturbs me somewhat to say it — to take anything he says seriously, because he stands for nothing. He is prepared to flip-flop in the breeze almost overnight.

I would like to touch on the interesting contribution made by the Leader of the National Party. I agree with most of what he had to say. From memory he said — and I was listening in my room — that it is not appropriate for those outside the judicial system to be involved in sentencing and that the role of the judiciary in the sentencing process must be unfettered. He also said that sentencing is the most difficult aspect of a judicial role. He said he could not agree — I am sure I am not misinterpreting what he had to say — with the shadow Attorney-General's proposal that the Attorney-General have the power to direct the Court of Appeal to issue guideline judgments. It appears to me that the National Party leader was saying that that should not be the role of an Attorney-General. He said he is prepared to support the legislation by the skin of its teeth because the word 'may' is there and because he does not believe that in any way fetters the discretion of the courts.

He said — and I think I am quoting correctly again — that no-one should be able to impose directions on a Court of Appeal in relation to guideline judgments. By that comment I assume he was referring to the view of the shadow Attorney-General that an Attorney-General should be able to direct a Court of Appeal. He also said — and I think I am again quoting correctly — that sentencing properly rests within the province of the judiciary and that we should not have the power to intervene. I agree with that.

Great arguments were put by the National Party leader in opposing mandatory sentencing. But I recall that during a debate last Thursday, unless I am mistaken — I do not think I am, although I have a cold at the moment and maybe my memory is fading — the Leader of the National Party said that on balance he also supports mandatory minimum terms in relation to fire offences.

Let's not kid ourselves, mandatory minimum terms by any other name are mandatory sentencing. So whilst I respect the comments that have been made by the Leader of the National Party tonight, I find them very difficult to reconcile with the comments he made last Thursday. I would have thought, and I said at the time — —

Mr Perton — On a point of order, Mr Acting Speaker, the minister's summing up at the end of the debate is generally narrow. Re-debating a debate that took place on another bill last Thursday is clearly outside the ambit of this bill, and I ask you to bring him back to order.

Mr HULLS — On the point of order, Mr Acting Speaker, I am referring to comments that were made tonight by the Leader of the National Party in relation to his apparent opposition to mandatory sentencing. I was simply making a side comment that that seemed to be at odds with comments that he made last week. I think that is absolutely on point, and I would be happy to hear the Leader of the National Party justifying his position.

Mr Ryan — On the point of order, Mr Acting Speaker, the discussion which the Attorney-General now wants to debate is utterly irrelevant to the bill before the house. He ought be brought back to the bill so we can all get on with it.

The ACTING SPEAKER (Mr Jasper) — Order! While I do not uphold the point of order, I remind the minister that he is summing up the debate and should relate his comments directly to the bill before the house.

Mr HULLS — I think it is important for all members of this house to be consistent in their views, and I was pleased to hear the Leader of the National Party tonight enunciate clearly and in pretty categoric terms his opposition to mandatory sentencing. I know he is a well-qualified lawyer, and I hope he can use whatever persuasive powers he has to convince the shadow Attorney-General that he also should change his extraordinary views in relation to sentencing. I also thank the honourable member for Richmond for his usual excellent contribution. He fully understands the importance of the sentencing process.

I conclude by saying that, as we all know, this is an important piece of legislation, because sentencing is a difficult task at the best of times. The bill will allow the Court of Appeal to give guideline judgments and enable a Sentencing Advisory Council to be set up. The advisory council will obviously allow properly ascertained and informed public opinion to be taken

into account in the operation of the criminal justice system on a permanent and formal basis, but without infringing upon judicial discretion — and I reiterate 'without infringing upon judicial discretion'. Guideline judgments will also provide a mechanism to promote greater consistency in sentencing. I believe these two reforms will modernise our criminal justice system and ensure that it is more responsive to and better informed of community views on sentencing issues.

I conclude on a matter raised by the shadow Attorney-General that related to sentencing statistics. I think it is important that he understands — and I am sure he does — that there was a case-flow analysis unit within the Department of Justice that was totally dismantled under the former government. That unit used to produce statistics, and when it was dismantled I do not recall the shadow Attorney-General making any complaint about it. Indeed that unit has been and is being rebuilt after its dismantling. I am quite sure I would have the full support of the shadow Attorney-General in turning around the previous government's policy of dismantling this unit.

This is important legislation. I thank honourable members for their contributions, and I wish this legislation a speedy passage.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 3 agreed to.

Clause 4

Mr PERTON (Doncaster) — I move:

1. Clause 4, page 5, line 9, before "If" insert "(1)".

2. Clause 4, page 5, after line 27 insert —

"(2) The Court of Appeal may cause notice of its decision to give or review a guideline judgment to be published —

(a) in newspapers circulating generally throughout Victoria; and

(b) on the Internet —

and by that notice invite members of the public to make comments or submissions to the Sentencing Advisory Council within the period specified in the notice.

(3) There must be at least 35 days between the day on which the Sentencing Advisory Council is notified under sub-section (1)(a) or a notice is published under sub-section (2) (whichever is the later) and the day on which submissions are heard under sub-section (1)(b).

Note: The period of 35 days is set so that members of the public will generally have 28 days within which to make comments or submissions to the Sentencing Advisory Council. The Council then has to consider those comments and submissions before stating its views to the Court of Appeal (see section 108C). The timeframe gives the Council at least one week to do this.".

This is consistent with clause 6, which inserts new section 108C into the Sentencing Act. One of the functions of the council is to gauge public opinion on sentencing matters. It is the view of the opposition, and the view of a wide cross-section of the public, that if there is to be a guideline judgment then the public ought to be able to have its say. In particular amendment 2 is structured in such a way as to ensure that there are at least 28 days in which the public has the opportunity to comment. Should the Court of Appeal wish to give notice of its decision in the newspapers it may do so, and by doing that give members of the public the right or the opportunity to give comments to the Sentencing Advisory Council. Then there is a requirement that there be at least 35 days between that advertisement and the further hearing of that case.

As you will see in the explanatory note, the public will have 28 days in which to make comments or submissions, and the council will have at least seven days in which to consider the last of those submissions. It is pretty much in line with what we do in the Subordinate Legislation Act and other similar acts, and one would have thought that with the role of the sentencing council in providing advice to the Court of Appeal it is appropriate that there be a sufficient time for members of the public to have their say.

Ms McCALL (Frankston) — I wish to make a contribution to the debate on this clause in the bill. There is much concern in the community in general, and while there would be no suggestion that it would be appropriate for people to interfere in court judgments, it is not unreasonable that if a guideline judgment is to be issued the Court of Appeal give notice to members of the public so that they may comment on it. It is not unreasonable that those guideline judgments be made public so the public can view them and understand them. To a certain extent that will dispel many of the myths that surround some of what the community tends to judge as rather peculiar judgments from the courts.

I urge the government to support the amendments. They have merit because they do much to dispel some

of the myths surrounding appeals and judgments in sentences given out by the courts.

Mr RYAN (Leader of the National Party) — The National Party does not oppose these amendments. The key word is 'may' in that if the Court of Appeal is minded to deliver a guideline judgment, under the terms of this amendment it may adopt a certain course in the nature of that which is contemplated by the terminology within the main amendment. Such being the case, I reiterate the point I made in the debate on the bill that given the expression 'may' appears within the opening provisions of the legislation so that the Court of Appeal is in effect empowered to deliver guideline judgments but not obliged to, I suspect that the pragmatics are that we will never see the bill come into effect let alone the amendments which are contemplated to the bill by this provision.

Mr HULLS (Attorney-General) — These amendments and most of the other amendments being proposed by the shadow Attorney-General attempt to impose legislative obligations as to how the Sentencing Advisory Council ought to operate. These are operational matters — that is the reality — that are not required in legislation. These are implementation matters for the Sentencing Advisory Council. The way the council, when it is constituted, disseminates information is an implementation issue. I do not believe it appropriate or desirable for legislation to set out implementation issues in such prescriptive details. The amendments to clause 4 and other clauses proposed by the opposition would make the bill unduly cumbersome and complicated and, I suspect, unworkable.

The rigid requirements being proposed by the shadow Attorney-General would impose unnecessarily bureaucratic processes on the council, restricting its ability to work in a collaborative and flexible way with the courts and with members of the general public. It should be a matter for the council itself to work with the courts and other interested persons and bodies to determine the most effective and efficient way of disseminating information to the public. I believe the amendments are unwarranted, and they will be opposed by the government.

Mr PERTON (Doncaster) — I hope the public reads the record, because what you have in this Attorney-General is someone who in opposition was the great hero of transparency. The government was going to be open and transparent. There was going to be a freedom of information system that worked. There was going to be information flowing to the public. All we say is that if you are going to have a Sentencing Advisory Council which is obliged to gauge the opinion of the public, give the public the opportunity to participate.

The Attorney-General says this is bureaucratic and rigid. The Acting Chairman has worked with the Subordinate Legislation Act and the systems the Parliament has to review subordinate legislation. One of the critical advances made by Victoria over every other jurisdiction in the world was to say that there ought to be a period of around a month in which interested members of the public can participate in law making. If you are going to have guideline judgments you have really important issues in relation to the type of crime, the sentence that is appropriate, and the sentence that is appropriate in a range of circumstances. There will be lawyers and victims of crime who want to comment, and ordinary interested members of the public who want to express their points of view. To hear an Attorney-General say that giving people 28 days in which to comment is a bureaucratic impediment is the language of George Orwell's *1984* and the ministry of truth.

Mr STENSHOLT (Burwood) — I feel that the amendments proposed go against the current intent of the bill. The Sentencing Advisory Council is set down to perform specific tasks drawn from a reasonably wide cross-section, as can be seen in the bill. What we do not want, for good governance, is to impose too many prescriptive conditions. We set up councils and expect them to implement things.

Amendments negatived; clause agreed to; clause 5 agreed to.

Clause 6

Mr PERTON (Doncaster) — I move:

3. Clause 6, page 9, line 21, after "persons" insert "and publish that information on the Internet".

Amendment 3 is a requirement that the information that the Sentencing Advisory Council is to publish ought to be published on the Internet. People always say they have trouble getting government reports. Almost inevitably reports are hugely expensive, oftentimes it costs up to $90 or $100 to get reports that ought to be available to people. Clearly publishing on the Internet allows people to read reports at a relatively low cost. Should they choose to print a report out for themselves they can obviously control the costs of what they print. This is amendment just makes sense in this century — that is, it provides that where something can be published it ought to be published on the Internet, and it conveys that this Parliament believes that information

ought to be available to the public easily, efficiently and at low cost.

Ms McCALL (Frankston) — I may not be as passionate about information technology as the shadow Attorney-General is, but I recognise that within the community the need to access information and the desire to access information are important, and that there is a recognition within the community that access on the Internet is the most available and the most cost effective. All of us know of the prohibitive prices of $90 or $100 that are charged for government and local government reports, and that it is much easier to download that information.

I am aware of the information that the Attorney-General gave about the lack of statistics coming out of the department. I consider the community will have a far greater belief in the information that is available to it the faster you get a department producing those statistics. I urge the government to support this amendment to clause 6, which provides that in the absence of any other statistics being available all that information should be available on the Internet.

Mr RYAN (Leader of the National Party) — The National Party does not oppose this amendment.

Mr HULLS (Attorney-General) — Again, this obviously is a matter for the relevant body — the council. For us to be directing how information should be disseminated is just nonsense. Whilst I would not be surprised that the Internet is used, since when have parliaments directed in legislation that certain information ought be published in a particular way when an independent body is being set up? This is entirely a matter for the council. The government believes the council ought be making these decisions, and it is opposing this amendment.

Mr PERTON (Doncaster) — The Attorney-General is not very good on this stuff. I understand he is not great on transparency of publication, but he might be aware that his own government, in the legislation for the Victorian Environment Assessment Council, accepted precisely these amendments and these requirements. But this is not some godly body, this is the Sentencing Advisory Council set up under this bill by this Parliament. If we require it to publish its reports on the Internet so that the citizenry can get access to it, it is our right as a Parliament to do it.

It is an absolutely mindless and stupid statement to say, 'We set up a body and we give it complete discretion as to how it goes about its task', particularly where this Attorney-General gives himself the power to appoint most of the membership. We already have in the submission of the Criminal Bar Association a complete reluctance to make this information available to the public because it does not trust the public with this information. It seems that the Attorney-General is a complete prisoner of that school of thought — that is, that it is better to keep the public in the dark about what the actual sentencing statistics are. As the Attorney-General's reports from the Criminal Bar Association are so accurate he would be aware that his own prosecutors have a complete lack of faith in the system of sentencing in this state, particularly the weakness that that sentencing statistics are not available for the judiciary, the bar or the public.

Amendment negatived.

Mr PERTON (Doncaster) — I move:

4. Clause 6, page 9, line 33, omit all words and expressions on this line and insert —

"sentencing matters;

( ) if the Court has not itself done so, to cause details of sentences passed by the Supreme Court (whether the Court of Appeal or the Trial Division) or the County Court, and the reasons for those sentences, to be published on the Internet (within 7 days of the sentence being passed) in a form that complies with any direction as to publication given by the sentencing court, whether generally or in relation to the particular proceeding (which may include a direction that the sentenced person, the victim of the crime or any other specified person not be identified by, or not be reasonably capable of being identified from, the publication);

( ) to cause details of any sentence passed by the Magistrates' Court or the Children's Court, and any written reasons for that sentence given by the Court, to be published on the Internet (within 7 days of the sentence being passed) in a form that —

(i) except as otherwise directed by the Court (in the case of the Magistrates' Court), does not identify (or enable the identification of) the sentenced person or the victim of the crime; and

(ii) complies with any direction as to publication given by the sentencing court, whether generally or in relation to the particular proceeding;

( ) so as to keep interested members of the public fully informed of sentencing practices, to publish on the Internet statistics, tables and graphs relating to sentences imposed within a specified period for offences against (or for which the maximum penalty is fixed by) the **Crimes Act 1958**, the **Summary Offences Act 1966** and any other Act

that the Council considers appropriate, or the Attorney-General directs it in writing, to include;

( ) to update, on a monthly basis at least, any statistical information on sentencing published by it on the Internet.

Note: A model for Internet published updated statistical information may be found at http://www/epa.vic.gov.au/Air/Bulletins/default.asp (Environment Protection Authority hourly air quality bulletins).

(2) Statistical information published under sub-section (1)(i) must show average sentences, median sentences and the range of sentences (including graphical representation of the range) and be accompanied by such other statistical analysis as the Council considers appropriate, or the Attorney-General directs it in writing, to include.".

Amendment 4 requires complete transparency in the facts of sentencing in this state. Generally the response of the judiciary or this Attorney-General when the public complains about inadequate sentencing in a particular case is, 'Oh well! If you knew all of the facts, if you knew all of the cases, if you knew the actual average of sentences in the state of Victoria you would not worry as much'. That is a bit of a mystery because the figures are not available — they have not been collated and they have not been published.

The Liberal Party proposes that if the courts themselves do not publish their sentencing material the council would do so. However, we already know that in respect of the Court of Appeal that it is very keen to get its judgments on line quite quickly. Obviously there would be work to be done by the sentencing council to make sure that the sentences passed by the Supreme Court and the County Court were published in a speedy way. In the case of those courts of record, it is appropriate that unless a judge directed that the names of the parties not be published they would in the ordinary course of things be published.

In the second section of the amendment in respect of the Magistrates Court or the Children's Court, obviously the great volume of cases and the misuse of that data might be inappropriate and so we said that the names of the parties would not be mentioned unless a magistrate so directed.

The next component says — and I understand the Attorney-General is going to oppose this — 'to keep interested members of the public fully informed of sentencing practices' we would require the council to publish on the Internet statistics, tables and graphs relating to sentences imposed, and it goes on from there. I understand the honourable member for Mildura obviously does not spend much time on the Internet. He blurted out earlier that it was much too complicated to put on the Internet. I invite him — in fact I will lend him my laptop now — to have a look at the Environment Protection Authority web site. The EPA manages to publish on an hourly basis air pollution figures, not just for Melbourne and the suburbs but for the Latrobe Valley and a range of regional and rural areas. For the honourable member for Mildura to try to put a case that graphs and charts and the like are a bit too complicated to put on the Internet is a bit odd.

What this says is that this Parliament requires that this creature of statutes, the Sentencing Advisory Council, will publish this sort of material. We have had some discussions and there have been some very good suggestions put this evening just to clarify the time limit within which these matters ought to be published. There is a view put that maybe seven days is just a bit too speedy, and I am happy to indicate that between houses we will be having talks with a range of people about this amendment remaining in its current form, but there will be a slightly longer period within which these matters can be published.

Mr SAVAGE (Mildura) — I am opposed to this amendment, and it is a bit of an irony that the previous government abandoned or abolished the statistical unit in the Department of Justice and now wants it recreated. It is logistically impossible to publish sentences on the Internet within seven days. I understand the government is working towards the publishing of sentences, but in a more realistic way than that being proposed by the honourable member for Doncaster, who perhaps needs his medication adjusted when he comes up with ideas like this. Therefore I am opposed to this amendment.

Ms DUNCAN (Gisborne) — I oppose this amendment not just because of it being a legislative requirement and imposing incredibly onerous time frames, but I would also ask the shadow Attorney-General what costing and staffing implications would be involved in this.

Mr RYAN (Leader of the National Party) — Sorry to elbow my way into this, but such is life. I will not even talk about mandatory sentencing either; I will deal with the bill and the issue now under discussion. I understand the general intent of what the honourable member for Doncaster has in mind, but I think the time frame is a bit tight and he needs to consider that further. I have had some discussion with him in that regard and I am pleased to hear his comment.

Other issues that I think need a little consideration are: what are the actual details that are contemplated to be incorporated in the material that will be published? Furthermore, there is the issue of the extent to which it is feasible for the details of sentences passed by the range of courts which are referred to in the totality of the legislation being able to be published in the manner which is contemplated. I think the intent behind the amendment is laudable because the more the public knows about the detail and the basis for sentences being imposed, the better informed people will be, and the public debate about this issue will be all the better for that fact. I have said already that the issue of actual sentencing should lie entirely within the province of the court that is involved in its imposition. On the other hand, it is a good thing as a matter of general principle for the public at large to be informed about the issues that go to make up the reasons for the sentence ultimately being imposed.

I see the intent but I wonder whether the mechanics of it perhaps need some further consideration by the honourable member for Doncaster.

Mr PERTON (Doncaster) — We will be talking with the National Party while the bill is between houses about giving more detail on the information to be published and about extending the time. In respect of the question of the honourable member for Gisborne, it is interesting that each of the courts referred to already prepares its judgments and sentences and disposes of all matters by computer. So it is just a matter of making some adjustments to the software and setting up some sort of database in which these matters are collected.

As the honourable member for Gisborne might be aware, the Victorian government and Parliament use a Lotus Notes database system, which allows for the easy automatic publication on the Web of not just text but diagrams and charts. So all these matters could be relatively inexpensively dealt with, given the high costs of the courts and the operation of the system of justice. The costs would probably be in the tens of thousands — not in the hundreds of thousands — particularly if the system is automated in the way the Environment Protection Authority automates its publication of data, which is quite expensive to collect and prepare but relatively inexpensive to publish for the public. I think it is a cost that members of the public would believe would be appropriate in order to get the information to them and to other experts who would want to interpret it.

Mr HULLS (Attorney-General) — We do not support this amendment.

Amendment negatived.

The CHAIRMAN — Order! As the honourable member's amendment 4 has failed, therefore his amendment 5 also fails.

Mr PERTON (Doncaster) — I move:

6. Clause 6, page 10, after line 3 insert —

"( ) The Attorney-General must cause a copy of any written advice given to him or her under sub-section (1)(f) —

(a) to be laid before each House of the Parliament within 3 sitting days of that House after the advice is received by him or her; and

(b) if a House of the Parliament is in recess at the time the advice is received by him or her, to be sent by e-mail to each member of the House within 7 days after its receipt; and

(c) to be published on an Internet site maintained by the Council or the Department of Justice in such a format as to enable anyone accessing it to print the information and freely distribute it to others.

( ) For the purposes of sub-section (4), a House of the Parliament is in recess when it stands adjourned to a date to be fixed by the presiding officer of that House.

( ) The Attorney-General must issue to any person employed by the Secretary to the Department of Justice under Part 3 or 9 of the **Public Sector Management and Employment Act 1998** any direction that is necessary to ensure that the Council is provided with any information that it requires to enable it to perform its functions.

( ) Courts must take steps to ensure that information referred to in sub-section (1)(g) and (h) is published on the Internet, or made available to the Council for publication by it on the Internet, within the time limits set out in that sub-section.

( ) The Council must commence to perform its function to publish information, or cause information to be published, on the Internet no later than 3 months after its establishment.

( ) If the Council does not comply with sub-section (8), it must cause an explanation of the failure to be sent by e-mail to each member of the Parliament on the first business day of each month while the failure continues.

( ) A function of the Council to publish information, or cause information to be published, on the Internet is sufficiently discharged if —

(a) the information is published on an Internet site maintained by the Council or the Department of Justice; and

(b) the Internet site on which the information is published is so constructed that data may be entered directly on the site by users authorised to do so by the Council; and

Note: It is intended that publication of tables, graphs and other data will be automated as much as possible so that fresh data can be published quickly and tables and graphs kept up-to-date.

(c) the information is published in such a format as to enable anyone accessing it to print it and freely distribute it to others.

Note: This format of publication will give interested citizens accurate resources and thus facilitate discussion and debate among them on sentencing issues and the putting of their views to the Executive, the Parliament and the Sentencing Advisory Council.

( ) As soon as practicable after being notified by the Court of Appeal under section 6AD of its decision to give or review a guideline judgment, the Council must publish notice of the matter —

(a) in newspapers circulating generally throughout Victoria; and

(b) on the Internet —

and by that notice invite comments or submissions from members of the public within the period specified in the notice.

( ) The period specified in the notice published under sub-section (11) must be as long as is practicable and in any event not less than 28 days unless comments or submissions have previously been invited by the Council on the same matter within the preceding 12 months.

( ) The Council must —

(a) publish on the Internet all comments or submissions received by it within the period specified in the notice published under sub-section (11) unless the maker of the comment or submission has asked the Council not to so publish it or has not provided the Council with an electronic copy of the comment or submission; and

(b) make available any comment or submission to any member of the Parliament on request; and

(c) ensure that all comments or submissions are considered by it before it states its views to the Court of Appeal.".

This is a very simple amendment. Under this bill the Sentencing Advisory Council will give advice to the Attorney-General. Given that this is to be a public body providing unbiased advice, I believe it is very appropriate that its written advice to the Attorney-General should be made available to Parliament. This amendment sets out that it ought to be laid before the house or, if the house is not sitting, emailed to honourable members.

Mr HULLS (Attorney-General) — We believe the council should be free to decide the most affective way of publicising the advice it provides to the Attorney-General. On that basis, we do not support the amendment.

Mr RYAN (Leader of the National Party) — We do not oppose this amendment.

Amendment negatived.

Mr SAVAGE (Mildura) — I move:

Clause 6, page 11, lines 12 and 13, omit "have experience in issues affecting victims of crime" and insert "be a person who is a member of a victim of crime support or advocacy group".

I have taken an interest in sentencing and in compensation for victims of crime, and I was represented on the victims compensations scheme review committee, which was chaired by the parliamentary secretary and honourable member for Richmond. I am well apprised of that process. I believe victims of crime should be represented on the Sentencing Advisory Committee, and like the opposition, I am concerned that the requirement in proposed section 108F(1)(c), that one director must have experience in issues affecting victims of crime, is too broad. It would defeat the purpose of the bill if a director occupying this position did not have the support of victims of crime and did not have access to their networks.

The process suggested by the opposition for selecting an appropriate director is too cumbersome and would also be unworkable and inefficient given the number of organisations, including at least the Crime Victims Support Association, the Victims Referral and Assistance Service, the Victorian Community Council Against Violence, Crime Victims Services and the Centre Against Sexual Assault, that are advocates for victims of crime. Consequently I had moved that this subsection be amended so the director must be a person who is a member of a victim of crime support or advocacy group.

Mr HULLS (Attorney-General) — The government supports the amendment. If one has a look at proposed section 108F(1)(c) one sees that one director must have experience in issues affecting victims of crime. Quite obviously the amendment being moved by the honourable member for Mildura will ensure that that person — a member of a victim of crime support or advocacy group — will certainly have experience in

issues affecting victims of crime. We believe it is an appropriate amendment.

Mr PERTON (Doncaster) — What I find extraordinary about this amendment is that I wrote at the first possible opportunity to the honourable member for Mildura and his Independent colleagues, setting out our amendments. I did not get a response, save from his adviser at 9 o'clock this evening. It seems remarkably opportunistic that the honourable member proposes this amendment and that the Attorney-General is aware of and accepts it. I also find it remarkable that it was the Liberal Party that consulted the independent victims of crime groups. They indicated to us that they wanted a provision nominating a person who was appropriately qualified. They said it might not be a member of their group but might be someone who is active in the treatment of victims of crime or an academic working with victims of crime — certainly someone with hands-on experience with victims of crime. I find it interesting that the honourable member for Mildura names a range of groups, many of which are government instrumentalities rather than independent victims groups.

I think it was churlish of the honourable member not to respond to our attempt to involve him in our amendments until the debate was on the go and, secondly, to cook up an amendment — obviously drafted with the Attorney-General — that does not deliver what victims groups want but which is somehow a means to give him some inappropriate publicity. We will proceed with our amendment in the upper house, and we will put it again to this place in the terms that the victims groups have put it. But clearly if the government and the Independents support this quite cynical amendment it will obviously go through this chamber.

Mr RYAN (Leader of the National Party) — I do not see the proposition being advanced by this amendment and amendment 7, foreshadowed by the shadow Attorney-General, as being mutually exclusive. Whatever might be the machinations of how they have respectively come about, I simply ask the committee to recognise that there is a common claim as to what it wants to achieve and having regard to the body of persons engaged in this aspect of the discussion it might be time for temperance in the expression of views.

Mr WYNNE (Richmond) — I support the amendment moved by the honourable member for Mildura. The tenor of this debate is distressing. We are seeking to ensure we get an outcome regarding the board of directors which is as representative as possible. The honourable member for Doncaster said that perhaps an academic could fulfil the criteria. If the honourable member for Doncaster looked at the requirements for the proposed board of directors he would note in proposed section 108F(1)(b) inserted by clause 6 that:

> one must have experience as a senior member of the academic staff of a tertiary institution;

We have already covered the academic area. Proposed section 108F(1)(c) states:

> one must have experience in issues affecting victims of crime;

The honourable member for Mildura approached the government and said that he did not think the provision was defined clearly enough. How does one define 'must have experience in issues affecting victims of crime'? The honourable member put a submission to the government which said that the person should be drawn from an organisation which has a track record of involvement in supporting advocacy with victims of crime — some constituency from which the person would be drawn, whether it is from centres for sexual assault or organisations that which the honourable member for Mildura indicated.

That makes sense. You just do not pluck someone from the community who may have been a victim of crime, as many of us may have been over the years. We all have experience as victims of crime, but what we are seeking is to further clarify that the person to be appointed to the board represents a constituency group, a support group of victims of crime or an advocacy group of victims of crime. It is in that context that the approach was made to the government by the honourable member for Mildura and it has been taken on board and is supported, as I would have thought the opposition would do, and not play silly and pathetic point-scoring politics on this issue.

Mr SAVAGE (Mildura) — I am surprised the honourable member for Doncaster does not accept the amendment as being relevant to the bill. I am disappointed about his observations of the lack of consultation, because on the last occasion I consulted with the honourable member on the arson bill and I agreed with his tenet that the sentence for that should be 20 years, I read in the paper that I had not agreed with it and I was being cooked alive by this man. When it comes to negotiations, the honourable member has a deceptive way of doing things. If you cannot trust the man, you cannot negotiate with him.

Amendment agreed to.

Mr Savage — On a point of order, Madam Chairman, the honourable member for Doncaster said I was a liar. I find that remark offensive and I ask him to withdraw.

Mr Perton — I said, 'You are the most deceptive member I have ever had to deal with'. If those words are offensive I withdraw them in deference to the Chair.

The CHAIRMAN — Order! I call on the honourable member for Doncaster to move amendments 7 and 8.

Mr PERTON (Doncaster) — I move:

7. Clause 6, page 11, after line 30 insert —

"( ) Before an appointment can be made under this section, the Attorney-General must —

(a) publish notice of the vacancy in newspapers circulating generally throughout Victoria; and

Note: The requirement to give public notice of a vacancy is intended to ensure that the Attorney-General will gain the assistance of the public in identifying appropriate appointments to the Sentencing Advisory Council.

(b) in the case of a vacancy of a director referred to in sub-section (1)(c), request in writing non-government bodies recognised by the Attorney-General as representing victims of crime to nominate a panel of between 2 and 5 names of persons with experience in issues affecting such victims.

Note: The panel nomination process is intended to ensure that victims have confidence in the person appointed as having experience in issues affecting victims of crime.

( ) A body requested to nominate a panel of names may submit the panel in writing to the Attorney-General within 28 days after receiving the request or any longer period that the Attorney-General may allow.

( ) If —

(a) one or more panels of names are submitted to the Attorney-General; but

(b) the name of the person appointed to the vacancy was not included on any such panel —

the Attorney-General must cause to be laid before each House of the Parliament, within 7 sitting days of that House after the appointment was made, a statement of his or her reasons for nominating that person and (to the extent possible without unduly embarrassing any individual or adversely affecting his or her personal privacy) for not nominating any person included on a panel".

8. Clause 6, page 12, after line 21 insert —

"( ) The Attorney-General must cause details of the terms and conditions on which a director holds office to be published in the Government Gazette.

Note: The requirement for public notification of terms and conditions of appointment is intended to ensure transparency and enhance public confidence in the Sentencing Advisory Council.".

I have already spoken extensively about amendment 7. Clearly we will proceed with it in the upper house if it is rejected in this place. Amendment 8 seeks transparency, and I understand the honourable member for Evelyn will have more to say about that.

Mrs FYFFE (Evelyn) — Amendment 7 relates to the nomination of representatives of victims of crime, that being between two and five persons with experience in issues affecting victims of crime and comes about in response to conversations with victims of crime. They say it is not necessary that the representatives have been victims of crime but that they be people they have worked with and respect, people who can advocate for them. It could be people who come from a range of professions who have worked with them and for whom they have great respect. It could be a psychiatrist, a psychologist or even an academic. It may be a retired lawyer or a retired judge. They are asking for someone they have empathy with and who can advocate for victims of crime.

Proposed section 108F(1)(b) states that of the board of directors one must have experience as a senior member of the academic staff of a tertiary institution. That person may not necessarily be the person that the victim of crime believes can best represent him on this board. It can be two to five people nominated from a wide range of professions. They may not necessarily be victims of crime themselves, but someone whom they respect and have confidence in and who can advocate and represent them on the board.

Mr RYAN (Leader of the National Party) — The National Party supports amendment 7. In looking at the provisions of proposed section 108F, all the directors are to be appointed on the nomination of the Attorney-General. That is the literal reading of proposed section 108F(2). Proposed section 108F(1) names various categories of persons who, in some instances, in the view of the Attorney-General, are to have particular experience and in other instances they are not. The reality is that the structure of subsection (1) as it refers to the Attorney-General is of no relevance at all, because in the end everyone appointed to the council will be appointed on the nomination of the Attorney-General. The Attorney-General, by definition,

will look at the experience of every person who nominates for the council. There needs to be no reference at all to the Attorney-General within subsection (1). It is completely unnecessary.

What appeals to me in relation to amendment 7 is that it is important if you are to have this organisation, and I have already had enough to say about that, but granted for the purposes of the discussion that the organisation will be created by the legislation, the more that can be done to engender confidence in the way it is appointed and the people on it, the better outcomes we will have. As the bill sits at the moment it does not do anything to prescribe the way the directors are to be appointed, save for the comment that they are to be appointed by the Attorney-General. This amendment sets out a process whereby the vacancies can be advertised so those who wish to nominate can submit the names.

In the case of the issue just being discussed, the composition of the board having an affinity with victims of crime, I think there is a sensitive mechanism set out in the amendment to make sure the Attorney-General will have a good breadth of people from whom to draw to ensure that he achieves the best outcome — that is, to appoint someone to the crucial role in the way which I understand the organisations are recommending to the opposition.

The amendment has much to offer. It gives some certainty to the way the appointments are to be made; it takes it past the situation where the appointments, as the bill now stands, will be appointments by the Attorney-General on a basis where, although the general aspects of experience are outlined, the actual mechanisms of how it happens are not stipulated. I hear the Attorney-General has responded to other amendments by saying, 'This is a process issue'. On this critical aspect of the appointment of the board of directors it ought properly remain within the province of the Attorney-General. After all, it is the Attorney-General who will be making the appointments, and the more that can be done to engender public confidence in the way that he ultimately does, that will be a good thing in terms of achieving a best outcome.

Mr STENSHOLT (Burwood) — I believe the amendment is unnecessary. It is far too prescriptive of detail and is not in the context of good governance. With respect to the suggestion regarding proposed subsection (1)(c), I think the amendment we have already looked at is quite specific and engenders the confidence the honourable member for Evelyn was seeking insofar as it must be a person who is a member of a victims of crime support or advocacy group. They will clearly have the experience and will clearly have the confidence.

Mr HULLS (Attorney-General) — The government believes that it is unnecessary that legislation should provide for these positions, apart from anything else, to be advertised. This is an implementation issue. I suspect that these positions will be advertised. I vividly recall being criticised for being the first Attorney-General in this state who advertised for judicial appointments. I recall the former shadow Attorney-General saying advertising was inappropriate. It is all about getting the best and brightest.

In all likelihood advertising is the way to go to get the best and brightest for this position, where the bill sets out the types of people required. However, advertising is not always the most effective means of attracting suitable candidates. People with relevant experience and expertise may not be interested in responding to an advertisement. Yes, we want the best and brightest, but the government does not believe that being as prescriptive as is proposed here is necessary, and it opposes the amendment.

Amendments negatived; clause agreed to.

Reported to house with amendments.

Remaining stages

Passed remaining stages.

The SPEAKER — Order! The time being 10.00 p.m. I am obliged under sessional orders to interrupt the proceedings of the house.

Sitting continued on motion of Mr HULLS (Attorney-General).

REGIONAL DEVELOPMENT VICTORIA BILL

Second reading

Debate resumed from 15 October; motion of Mr BRUMBY (Minister for State and Regional Development).

Mr CAMERON (Minister for Local Government) — This bill is a great bill and the government thanks all honourable members who made contributions to the debate. One thing stands out — only one side of this house cares for country Victoria and only one side of this house believes in the whole of Victoria. It believes in Melbourne and it believes in country Victoria.

When the Bracks government came to power only 2 per cent of jobs growth occurred in country Victoria. The situation today is that country Victoria is leading the way. It is leading the nation. That did not happen by accident; it happened because this government is committed. The one thing that country Victorians certainly do not want is a return to those bad, evil and dark days of the former Liberal–National Party government.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 15 agreed to; schedule agreed to.

Reported to house without amendment.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Transport).

ADJOURNMENT

Mr BATCHELOR (Minister for Transport) — I move:

That the house do now adjourn.

Insurance: engineers

Mr ROWE (Cranbourne) — I raise a matter for the attention of the Minister for Finance that was raised with me by a Mr Peter Holmes from Nilsson, Noel and Holmes, consulting engineers in my electorate. Mr Holmes was in great distress when he rang me today as his company is unable to obtain professional indemnity insurance. It seems that it is a problem not only for Mr Holmes but also for 100 other engineers. This problem has been brought about by inaction on the part of the government, particularly the Minister for Finance, in not providing insurance guarantees in this area.

Consulting engineers, particularly structural and construction engineers, are required to register with the Building Commission, and as such they are required to provide professional indemnity insurance. The problem has arisen because engineers must provide a rollover indemnity — that is, when they retire the indemnity must continue for 10 years. The insurer, R. E. Brown Australia, has withdrawn from the market, which is causing great consternation within the industry. Nilsson, Noel and Holmes, along with 80 to 100 other engineers, will go out of business at the end of October.

I ask that the Minister for Finance take urgent action to ensure that consulting engineers are covered by insurance and to prevent this problem rolling over to building surveyors, who I understand are in a similar situation, being without insurance. This is a government which said it would fix the insurance problem. It has not done that, and it must get on with the business of doing it. I ask the minister to fix it immediately.

Ovine Johne's disease

Mr HARDMAN (Seymour) — I raise a matter for the attention of the Minister for Agriculture. When I first came into Parliament I was alerted to a disease which has had a disastrous effect on many of the farmers and farms in my electorate and indeed across country Victoria. Ovine Johne's disease (OJD) was poorly managed by the previous government, and that poor management meant devastation for many farmers and their families right across my electorate and country Victoria.

As honourable members are probably aware, ovine Johne's disease is a wasting disease that affects sheep and, I believe, goats, and it has some relation to the bovine Johne's disease which affects dairy farms. Notwithstanding that, on behalf of the farmers in my area whose flocks have been affected by OJD I ask the Minister for Agriculture to advise of the progress being made by the important OJD advisory committee in developing a program to deal with the effects of the disease. I urge the minister to listen carefully to the committee's advice about where it is up to and to deliver a positive response to its proposals. I am seeking a response which will work for and meet the needs of farmers and others who have been affected as well as those who have not. It is a tough line to walk, but I believe it is necessary in my electorate and in the rest of country Victoria.

As many people know, ovine Johne's disease has caused great hardship, uncertainty and worry among many families. The effect on communities is devastating. It is mostly hidden, but we see it when we go to OJD rallies where people talk about how it is affecting them. There are disputes between neighbours, and there is suspicion over whether farms have been tested, whether the results are positive or negative and whether the sheep should be in quarantine — and the list goes on. We have seen depression developing as

people have seen what is in many cases their life's work going down the tube.

The previous government's program resulted in a $16 million debt for the industry, but I believe the Bracks government has fixed that. The issues of particular concern to my local producers include support in using vaccinations, accurate advice and business planning, financial support for the cost of testing and support if decisions are made to cull high-risk animals. I know the advisory committee has been faced with the difficult task of protecting the industry's markets while safeguarding the economic and social needs of the affected farming businesses. I urge the Minister for Agriculture to listen and deliver a positive response.

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

Euroa: petrol station sites

Mr RYAN (Leader of the National Party) — I wish to raise a matter on behalf of Mr Rob Asquith of Euroa for the consideration of the Minister for Environment and Conservation, particularly in her capacity as the minister responsible for the Environment Protection Authority. I raise this issue with the minister in the first instance, but I think some aspects of the matter should be of concern to the Minister for State and Regional Development.

The issue relates to the disused service station sites in the township of Euroa. On a recent visit to the township I met with a number of community groups, which is where Mr Asquith raised this issue with me. The problem is that there are three former petroleum sites which are a blight on the township. Euroa has now been bypassed by the Hume Freeway, and the amount of traffic passing through the town along the old highway is far less than it once was. This may have led to the service stations being abandoned over the years. Whatever might be the rationale for its occurrence, three of these service stations now sit there disused, for the most part looking unkempt and generally detracting from the pride the people of Euroa have in their lovely township.

I raise with the minister the prospect of her intervening to force these sites to be cleaned up. It will have to occur in a variety of ways. The sites should be better maintained, but apart from anything else the longer term problem is that their previous operation as service stations has implications for their future land use, given the degradation caused by the leaking of fuel and other products over the years. This in itself is a deterrent because of the cost factor involved in effecting a clean-up. That means those responsible are not going about what one would regard as their proper responsibility of bringing these areas of land back into use, and in turn that means the township of Euroa is stuck with this blight on its landscape for time immemorial.

The sites in question are an old Mobil service station, a former Shell service station and an unused Esso-Mobil service station. I ask the minister to intervene to ensure that an appropriate land use is required of these particular sites.

Firefighters: emergency medical response

Mr SEITZ (Keilor) — I raise for the attention of the Minister for Police and Emergency Services the matter of firefighters attending medical emergencies. The issue I want the minister to take up is the growth area in my electorate, where we have the Taylors Lakes fire station, which is handier to that outlying area than the ambulance service when there is a medical emergency.

As all honourable members know, firefighters have now been trained by the ambulance service to assist with immediate first aid when they attend a scene. That is something new to the general population, and people have actually asked me what is happening. I ask the minister to broaden the education of the community about this new service. In some other countries that service is the norm, but in Australia it is a new program that has been developed. I congratulate the minister and the two emergency services — that is, the ambulance service and the fire service — on cooperating and providing this service for the community in my electorate. Such a service is vitally important in a growth area, where government services are lagging behind, in particular following the seven years of neglect by the Kennett government. This government is making up the lost ground and repairing the damage done in that area.

I welcome the fact that firefighters are now able to assist with medical emergencies. We all know that the first 1 or 2 minutes after someone has had a heart attack are very important and that if you are in a coma it is vital that you have proper medical assistance from people who know what they are doing. In most cases the people at home who surround a person with a medical problem are not trained to assist and do not know how to help — for example, how to roll the person onto their side or check that their airway is clear. I wonder how many members of this house have a current first-aid certificate. Probably none of us has a

valid certificate, because they have to be renewed every two or three years.

This is a very important and encouraging step. I intend to promote it through the local media to make sure that members of my community know about it and feel safer because that service is available. I intend to ensure that when members of the fire brigade turn up at their houses they do not say, 'No, we don't have a fire, we have a medical emergency' and send them away. That is important, because people from different backgrounds who are settling into a new area may not be familiar with those issues in their own neighbourhood.

Having said that, I urge the minister, the emergency services and the media to publicise and welcome these activities both in my growth area and across the broader Melbourne area.

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

Disability services: integration aide

Mrs ELLIOTT (Mooroolbark) — I ask the Minister for Community Services to look again at the possibility of providing an integration aide for a small boy called Joshua Rowe, who is currently at kindergarten. I received a letter from Mrs Rowe, Joshua's mother, as did the minister and the shadow minister for education, in which she points out that Joshua has autistic tendencies and is struggling to cope at kindergarten.

Mrs Rowe also points out that, unless Joshua is assessed as being at significant risk of causing serious injury to himself or to others or as having restricted capacity for movement or exceptional support needs that require medical intervention, he will not qualify for an aide. However, various psychologists and other professionals have assessed Joshua as being well behind his peers in all performance indicators. As his mother points out, without support Joshua would be unable to thrive in the classroom situation and at risk of becoming further developmentally delayed and possibly frustrated as he will be unable to understand his environment or his peers. Joshua clearly shows autistic tendencies and has other problems as well.

I point out to the minister — I am sure she is aware of it — that children with mild to medium disabilities who would benefit from integration aides are not getting that help, which retards their progress and makes their entry to school even more problematic.

I am asking the minister in good spirit if she could assess Joshua Rowe's case again and see if it is possible to provide him with an integration aide. Mrs Rowe's very articulate letter would move anybody, and plainly this little boy would benefit from that sort of support at preschool.

North Warrandyte Community Centre

Mr LANGUILLER (Sunshine) — I raise a serious matter for the attention of the Minister for Community Services. I regret to inform this house that in the early hours of this morning the North Warrandyte Community Centre was all but burnt to the ground. It is believed this fire was the work of an arsonist who has lit at least four other fires in the north-eastern suburbs in the last fortnight.

The loss of this community centre is a tragedy for the residents of North Warrandyte, particularly for the children, as it is the only community centre and facility they have. But importantly this community is also facing a severe fire season this summer, and it happens that this is the only centre that is used as a fire refuge.

Not only is the centre a community hall that houses the Yarra Warra kindergarten, which caters for approximately 70 children in both three-year-old and four-year-old programs, but a maternal and child health service facility and a toy library also operate from there. The only structures that remain largely intact are two sheds on the site containing some outdoor equipment. The community is concerned about the ongoing viability of these important services. I ask the minister to ensure that the community affected by this tragic event can get back into operating premises as soon as possible and that any licensing requirements that may have to be met in the short term can be expedited by the minister.

The local Labor candidate for Yan Yean, Danielle Green, turned up to the site early in the morning, talked to parents, talked to teachers and talked to the community. She has made strong representations to us on behalf of the community she represents so well to ensure that the minister delivers a quick process by which the community, the centre and the children and parents can resume their normal activities. I am sure the North Warrandyte community would be most grateful for anything the minister can do to alleviate the burden of this wicked crime.

I put on the record my appreciation of all the work done by Department of Human Services staff at the local northern region office and the immediately adjacent eastern region office, the staff at the local schools and

the staff of the local shire — one of whom I understand was on site soon after 6.00 a.m. — to address the needs of this community, which desperately needs the centre to resume its activities as quickly and as normally as possible.

Police: New Year's Eve

Mr DIXON (Dromana) — I raise a matter for the attention of the Minister for Police and Emergency Services. I ask the minister to support the provision of divisional vans, brawler vans and extra personnel at Sorrento next New Year's Eve.

Dr Napthine — Kim Wells will deliver them!

Mr DIXON — Yes. I will put this one on notice; I will speak to him later.

I understand this is a command decision, but I am seeking the minister's support on this matter. Over past years we have had a lot of problems at Sorrento on New Year's Eve, and those problems have certainly grown over the years, not only in terms of crowds but also in terms of injuries and brawls, damage to property and just general disruption.

Last year there was a disturbing incident with gangs coming from outside areas not to celebrate New Year's Eve but just to cause trouble. There were also a lot of problems with knives, and I welcome the control of weapons bill that will be coming back to this place later in the sitting, because it will go a long way towards alleviating some of those problems.

Following the problems of last New Year's Eve the shire employed former police commissioner Bob Falconer to review the situation. I am part of the reference group that is following up the review done by Bob Falconer. This year the new approach is absolutely no nonsense, with no entertainment to be provided. It is a vital year. It is a change in direction. It is for this one-off year that we seek that extra support in terms of the provision of brawler vans and divisional vans, and some extra police resources.

We are trying to advertise amongst the young people that the entertainment is not on this year. We think this extra support will complement the cooperative approach that we will have between the police and the by-laws officers and also private security. I ask the minister to give this due consideration.

Community jobs program

Ms BEATTIE (Tullamarine) — I wish to raise a matter for the Minister for Employment. I am confident that he will be in a position to deliver it. I ask the minister to take action to provide finance for ongoing programs in the Hume area through the community jobs program.

I am a member of a group called the Jobs for Hume task force. I was a member of that body before my time in Parliament, and I have continued on that. I have presented certificates many times to graduates of the community jobs program, so I am well aware of the success of these programs and the positive outcomes they can deliver. The north-western area, as you may well know, Acting Speaker, has higher than average unemployment figures in all age groups — both in the 44-to-55 age group and in the youth age group. Of course the collapse of Ansett has impacted upon those figures, and with the collapse of Ansett there has been the ripple-down effect of those job losses.

We all know that having training programs and being job ready is a major bonus of community jobs programs. Not only that, but the networking, the friendship and the support that those community jobs programs provide are a major part of their success. The City of Hume through the task force has put up many imaginative programs that have already proved to be a great asset to the area. A lot of work has been done in the area.

We have the providers in the north-west to provide the community jobs programs. We have Youth Futures and Work Force Plus. Work Force Plus does a fantastic job. In particular, I would like to mention John Catto-Smith, who is an absolute dynamo at Work Force Plus in getting these programs, getting people signed up to the programs, getting them through the programs and then getting successful outcomes and having people job ready. It is a wonderful scheme, and I want it to continue. I want more programs like that in the area, an area with many needs, where there are people who are culturally and linguistically diverse. Many are from non-English-speaking backgrounds. Many have other problems which lead them to unemployment. These programs are absolutely fantastic. They are a great initiative of the Bracks government, and I am asking the minister to continue to finance those programs.

Templestowe Heights Primary School

Mr KOTSIRAS (Bulleen) — I raise a matter for the attention of the Minister for Education and Training. It concerns funding for Templestowe Heights Primary School through the Students with Disabilities program.

The school has recently made an application to the department in respect to a 10-year old student by the

name of Vicki. I wish to read a letter from her classroom teacher.

> [Vicki] is not able to take the initiative in discussing a text nor is she able to make comments relevant to the text … [Vicki] has not worked out how to use basic punctuation — full stops and capital letters … there is no comprehension of the text and Vicki does not use any strategies when reading. If she does not recognise a word she substitutes another … Similarly, Torch test indicates that her level of comprehension is too low to score.
>
> Vicki's maths ability is also at a very low level, at best CSF level 1. She can count out concrete materials to 20. She cannot accurately record answers in a formal sense. She does not understand that groups joined together make a new group, e.g. 2 + 2 = 4 … She cannot tell the time …
>
> Vicki's AIM test results in 2001 showed scores below the accepted range in all areas tested.

While her application is currently being assessed, I ask that the minister make sure that there are no mistakes like those made with her brother's application 12 months earlier. The administrative error by the department caused much distress to the family, to the student and to the school. There is no amount of compensation that will replace the assistance that Vicki needs, so I urge the minister first to provide the money to the school and to make sure there are no mistakes. This will ensure that Vicki is able to participate in the school classroom and at home and feel part of the community.

Calder Highway: funding

Ms ALLAN (Bendigo East) — I raise a matter this evening for the Minister for Transport regarding the completion of the Calder Highway duplication between Bendigo and Melbourne, and specifically the Kyneton to Faraday section, and I am also seeking that the federal government match the $70 million that the Bracks government put in place in the state budget this year for the completion of that section.

The action I am seeking from the minister is for him to urgently review federal and state Liberal Party policies on the Calder Highway, because I am quite concerned, and the community of central Victoria is very concerned, about these policies.

On Monday of this week the new Leader of the Opposition came to Bendigo. He said that he would soon be releasing his party's policy on the Calder Highway as part of an overall infrastructure strategy. This is very concerning, because last year we had the shadow Minister for Transport make the comment that the federal government is under no obligation — —

Dr Napthine — On a point of order, Mr Acting Speaker, the adjournment debate is to raise issues for the minister and to seek government action. As I understand it, the honourable member is seeking for the minister to review Liberal Party policies. That is not seeking government action. I would ask you to bring her back to seeking government action on the issue, and perhaps I could deal with the planning impasse in the Harcourt area which is holding up the Calder freeway.

Ms Pike — On the point of order, I clearly heard the honourable member raise a matter for the Minister for Transport and ask for advice on the progress of the duplication.

Dr Napthine interjected.

Ms Pike — I am getting to that — and the upgrade of the Calder Highway duplication and what action he was going to take to facilitate to duplication, so I believe there is no point of order.

The ACTING SPEAKER (Mr Nardella) — Order! I ask the honourable member for Bendigo East to ask for some action from the Minister for Transport.

Ms ALLAN — I am asking for the minister to reject federal and state Liberal Party policies on the Calder Highway and continue apace to put in place the government's policy on the Calder Highway to ensure its completion by 2006 between Bendigo and Melbourne.

I am concerned because the new Leader of the Opposition has made statements in Bendigo that he will soon be releasing his party's policy on the Calder. The state shadow minister has already told his mates in Canberra that they do not have to fund the Calder Highway. That is really surprising, considering Monday was the first time other than when the Parliament sat in Bendigo last year that the new Leader of the Opposition has bothered to make the trip to Bendigo, using the Calder Highway for political purposes.

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

Brauerander Park, Warrnambool

Dr NAPTHINE (Portland) — I wish to raise a matter for the Premier. The action I seek from the Premier is to keep his commitment to the people of Warrnambool and district to provide $1 million from the state government for the very exciting Brauerander Park development.

Brauerander Park is the proposed new recreational and community sporting facility for south-west Victoria. It will include an Olympic standard all-weather athletic track and facilities, soccer field, football field, sporting ovals and very good quality open space areas which will provide for great community access and community recreation.

It will be on a 30-acre site which has been donated by a very generous benefactor. It is strategically situated between the existing Warrnambool indoor basketball, netball and sports stadium and Brauer College. Brauer College has 1400 students, which I understand makes it the largest secondary college in country Victoria.

The federal Liberal government has already committed $1 million to this very important development for south-west Victoria. In late 2001 Premier Bracks when he was visiting Warrnambool was quoted in the *Warrnambool Standard* as having said:

> We're happy to contribute to a three-way partnership between state, local and federal governments and I think we're well on the track to achieving that.

Late last year Mr Bracks said he was going to match the federal government commitment on this. However, the people of Warrnambool, the people behind Brauerander Park, have not seen the colour of his money.

Tonight we are asking the Premier to back his rhetoric with real dollars. What we want from the state government is for the Premier to match his words with action and to write out a cheque for $1 million so the project can get under way. This facility will serve the entire south-west of Victoria, including the municipalities of Glenelg, Southern Grampians, Moyne, Corangamite and Warrnambool, with a population of over 100 000. The land value which has been donated to this facility is worth $1.65 million — a magnificent community contribution by a generous benefactor. The federal government has put in $1 million; Brauer College has committed $1.4 million; and the community is putting in $700 000.

The only thing missing from this magnificent project, which will be of lasting benefit to the young children, adults and people of all ages of south-west Victoria, is the state government contribution. Over 12 months ago the Premier said in the *Warrnambool Standard* that he was happy to contribute, yet we have not seen the colour of his money. Tonight I call on the Premier to make a commitment of $1 million to this very important and vital project for Warrnambool and south-west Victoria.

The ACTING SPEAKER (Mr Nardella) — Order! The honourable member for Springvale has 20 seconds.

Motor vehicles: numberplates

Mr HOLDING (Springvale) — I wish to seek action from the Minister for Transport on a very important issue in my electorate. As we are trying to tackle the road toll I ask the minister to take action to deal with the problem of obscured numberplates.

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

Responses

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Keilor raised the issue of the Metropolitan Fire Brigade turning out to medical emergencies and wanted reassurance for people who had rung for an ambulance and found that a fire truck turned up. This occurs because of an agreement in place between the Metropolitan Fire Brigade and the Metropolitan Ambulance Service called First Responder. MFB officers are trained in defibrillation, cardiopulmonary resuscitation (CPR) and enhanced first aid particularly to deal with cases of cardiac arrest. It is not the intention to supplant the MAS but to keep the patient alive until the ambulance gets there; and it provides an enhanced level of service.

The very good response times of the fire service, particularly making better use of the down time that exists in that service, means that in those circumstances where a truck can get to the patient first and administer that important first aid, CPR or defibrillation it can be despatched by the MAS until an ambulance can get there. It provides a better chance that the patient will still be alive when the ambulance arrives and enhances the patient's chance of survival. People can be reassured that the fire officers who turn up are highly trained and that this service provides patients with an enhanced level of emergency medical response. I thank the honourable member for Keilor for raising this important issue. It is important that people be reassured that this arrangement is about improving their safety.

The honourable member for Dromana raised the issue of obtaining an additional police presence, I think in the form of police divisional vans, in Sorrento on New Year's Eve. The police are conscious that Sorrento has become a popular New Year's Eve revelling spot. There is nothing wrong with that, but unfortunately it brings with it some people who do not know how to

handle their alcohol or how to behave. I think the police are conscious of the need for a strong police presence in Sorrento, but I will make sure the issue is taken up by Victoria Police.

Ms PIKE (Minister for Housing) — The honourable member for Mooroolbark raised with me the matter of an integration aide for Joshua Rowe, a young child who has autistic tendencies and is currently at preschool. I assure the honourable member I will investigate the matter, follow it up and get back to her and the family with further advice regarding support.

The honourable member for Sunshine raised with me a disturbing matter of an arsonist who has been causing havoc in the Warrandyte area. The community house in North Warrandyte has been burnt out, as have facilities such as the maternal and child health service and the Yarrawarra kindergarten. It is pleasing that the community has banded together. The Department of Human Services has begun detailed discussions with the Andersons Creek Primary School and the Warrandyte Primary School, and both schools have offered temporary accommodation for the kindergarten.

I understand that negotiations are currently under way between the Department of Human Services and the Warrandyte community centre so that long-term accommodation arrangements for the kindergarten can be determined. I have asked my department to look at the temporary licensing requirements. I am advised that Danielle Green, the Labor candidate for the Yan Yean electorate, has been working very hard to support the local community and to facilitate a swift outcome for all parties.

The honourable member for Cranbourne raised a matter with the Minister for Finance. The honourable member for Seymour raised a matter with the Minister for Agriculture. The honourable member for Gippsland South raised a matter with the Minister for Environment and Conservation.

Matters were raised for the Minister for Transport by the honourable member for Springvale, and by the honourable member for Bendigo East regarding the Calder Highway duplication.

The honourable member for Tullamarine raised a matter with the minister responsible for employment regarding the community jobs program extension in the Hume region.

Mr Honeywood — On a point of order, Mr Acting Speaker, yet again we have one minister in the house. We have a whole range of questions asked, including one by the honourable member for Springvale, who is so upset that his own ministers are not in the house that he has fled the chamber before listening to the answer.

When is this government going to get its act together and be true to its accountability? It publicised the claim that it would have open and transparent government, yet we have the lone minister who flick passes questions on to the bureaucracy and we never hear from them again.

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

Ms PIKE — The honourable member for Bulleen raised a matter with the Minister for Education and Training regarding disability support services at the Templestowe Heights Primary School.

The honourable member for Portland raised a matter with the Premier regarding funding for Brauerander Park.

I will be very pleased to forward all these matters to the relevant ministers.

Dr Napthine — On a point of order, Mr Acting Speaker, I wish to reiterate the points made by the Deputy Leader of the Opposition. It is an absolute outrage and a disgrace and an insult to the Parliament and people of Victoria that this Labor government continues to thumb its nose at members who raise issues on the adjournment. Members who raise issues on the adjournment do so in all sincerity on behalf of their constituents and in a very genuine way to seek responses on key issues in their electorates and key issues of concern to individuals and families in their communities.

It is only fair and reasonable that the government treats those issues with respect and has the responsibility to come in here and respond to those concerns. I think it is an insult to the Parliament and an insult to the people of Victoria that they do not, particularly from a government which, when in opposition, said it would seek to improve and enhance the standing of the Parliament in our community. Is it any wonder that the Parliament and members of Parliament in this community are not held in very high esteem? It is because of the way this government treats this Parliament with absolute contempt and disrespect.

I ask you, Mr Acting Speaker, to pass on to the Speaker the concern of members of Parliament who have raised matters and to ask the Speaker to take it up with the Premier and his government to ensure that ministers take their task seriously, that they have a responsibility to the people of Victoria in this Parliament and that they

have a much higher attendance in the adjournment debate.

The ACTING SPEAKER (Mr Nardella) — Order! There is no point of order, but may I suggest to the honourable member that he personally take up the matter with the Speaker and make those points directly to him so that he can then take those points to the Premier.

Motion agreed to.

House adjourned 10.46 p.m.