

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

28 October 2003

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By authority of the Victorian Government Printer

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Tuesday, 28 October 2003

The SPEAKER (Hon. Judy Maddigan) took the chair at 2.04 p.m. and read the prayer.

DISTINGUISHED VISITOR

The SPEAKER — Order! I welcome to the visitors gallery the Ambassador to Israel, Mr Levy.

QUESTIONS WITHOUT NOTICE

Royal Children's Hospital: funding

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the funding crisis for cancer patients at the Royal Children's Hospital and to the Premier's admission on radio this morning that:

... if there is an emergency situation at the Royal Children's Hospital the children will not be turned away without the complete authority of the chief executive officer.

I ask: why does the Premier think it is appropriate —

Mr Brumby interjected.

Mr DOYLE — You are a bit sensitive, aren't you, John? Just a bit sensitive.

I ask: why does Premier think it is appropriate for clinical decisions about the emergency treatment of seriously ill children to be made by bureaucrats rather than doctors?

Mr BRACKS (Premier) — I am very pleased with the assurances we have received from the Royal Children's Hospital, and I congratulate the Minister for Health on receiving those assurances. She has received written advice from the chief executive officer of the hospital that if an extraordinary situation occurs at the hospital the approval of the chief executive officer is required to arrange for that extraordinary situation. In all other circumstances we believe that patients who are being treated for cancer will be treated appropriately.

We have put steps in place, including the training of new nurses in cancer treatment, which will be put in place before the end of the year. We are reviewing the price paid for paediatric care — the price-weight index — and the health minister has announced that \$8 million is going into the Royal Children's Hospital immediately while that review is being undertaken.

Today I was very pleased to announce with the Minister for Health that we will be rebuilding the cancer ward for children, which will include a \$6 million contribution from the state on a dollar-for-dollar basis. I am very pleased with those arrangements, and I believe they will make a significant difference.

East Timor: Premier's visit

Mr WYNNE (Richmond) — My question is to the Premier. Will the Premier advise the house of details of his visit tomorrow to East Timor and outline what efforts the government has made in strengthening the relationship between Victorians and the East Timorese?

Mr BRACKS (Premier) — I thank the cabinet secretary and honourable member for Richmond for his question. We know that the member for Richmond has a large number of East Timorese residents in his electorate, who in some cases do not have certainty on their residential status. The government hopes that the remainder of those who have uncertain status will have permanent residency as soon as possible.

From tomorrow until Saturday I will be in East Timor principally for the historic occasion of the handover of the Balibo Flag House — the house at which regrettably five journalists, principally from Channel 7 and Channel 9, died in 1975, when there was obviously a war going on in East Timor and Indonesian troops were marching through Balibo. Those stations are working with the state government in contributing funds to purchase the flag house, the Australia house as it is known, and hand it over to the East Timorese people as a community and educational facility for the people of Balibo.

I will be attending the opening of the historic Balibo Flag House alongside the President of East Timor, Xanana Gusmao; the foreign minister, José Ramos-Horta; and a large number of East Timorese and other key officials.

In addition I will also be visiting the Dili Institute of Technology, which has an association with the Victorian University of Technology, looking at and examining some of the complementary skills and programs that are being conducted between those two tertiary institutions, and also the work of friendship schools. I know that a number of schools in Victoria have associations with schools in East Timor, and I want to congratulate the many state, Catholic and private schools in Victoria which have a direct association with schools in East Timor and which are

providing necessary assistance, support and materials to those schools.

In particular, I will be visiting the Hun Booti Community School and handing it some school supplies which have been donated generously by Victorians, in addition to the results of some work which has been undertaken by schools in Victoria. I congratulate those schools for their association with the school.

It is worth noting that a large number of Victoria's councils also have friendship associations with key communities within East Timor. They are developing extremely well and are providing support for our nearest neighbour and the newest nation in the world. Victoria is home to the largest number of East Timorese who have left East Timor to settle in Australia. We have a special and unique responsibility, and we are taking up our responsibility as a state government to support the people of East Timor where we can.

Certainly the commissioning of the Balibo Flag House will go long way towards providing resources and support to the people of East Timor. It will also serve as a fitting recognition of the five Australians who died while reporting on the war in East Timor and of the people of East Timor who died in the same war.

Hospitals: funding

Mr RYAN (Leader of the National Party) — My question is to the Minister for Health. I refer to yesterday's financial report that confirmed that public hospitals have raised a better-than-expected \$70 million from their commercial activities, and I ask: is it not the fact that hospitals are being forced to use that money and the proceeds from the sale of assets to reduce their overdrafts and to otherwise prop up their ailing budgets?

Ms PIKE (Minister for Health) — I thank the Leader of the National Party for his question. I am encouraged by his new-found interest in the financial state of our hospitals, and I wish that he would come to his federal counterparts with the same enthusiasm. I wish that he had been as vigilant and as eager to make representations when Victoria was forced to take a \$350 million cut under the Australian health care agreement, which we recently signed.

We work closely with all of our hospitals in the context of increasing demand. We note that we funded our hospitals to admit an additional 35 000 patients last year, and that last year they admitted an additional

60 000 patients. That is a challenging and difficult context.

Every single hospital across metropolitan and rural and regional Victoria received an increase in funding this year. Our record is one of investing, supporting and working closely with hospitals to ensure that they can continue to provide services for the community. It is a record that we are proud of, in a challenging and complex environment.

Point Nepean: future

Mr HARKNESS (Frankston) — My question is to the Minister for Environment. Can the minister advise the house of Victoria's response to the recent commonwealth announcement on Point Nepean that ignores the clear community view to have one national park, instead handing it over to Queensland property developers?

Mr THWAITES (Minister for Environment) — I thank the member for his question regarding Point Nepean. The Victorian government is appalled by the federal government's decision to hand over this land not to Victorians and not to Victoria but to a consortium including a Queensland property developer. The federal Liberal Party, like its colleagues —

Mr Smith interjected

The SPEAKER — Order! The member for Bass will cease interjecting in that manner.

Mr THWAITES — The federal Liberal Party is treating Victorians with contempt. It is clear that the people of Victoria want one thing: they want one national park. That is what Victoria is committed to. Even the federal government-commissioned community master plan recommended that the future vision for the Portsea defence site is to create a public park managed as a whole. That is what the community wants, and that is what it would get under Victoria's proposal. Under our proposal we would see one park managed by one body, Parks Victoria.

Because the federal government has ignored the Victorian community we are very concerned about the type of development that is proposed. The real question is why a Queensland property developer would invest millions of dollars in this site unless it is going to make a very substantial profit out of it. That will mean additional buildings on the site, the public potentially excluded from areas, and inappropriate development.

Our government, the Bracks government, is seeking legal advice to determine what planning and

environmental controls can be put in place over this site into the future, because it will do whatever is necessary to ensure that the heritage and the environment of this important area is protected. I remind members that the Howard government is sitting on a \$7.5 billion surplus. It was prepared to commit \$155 million to former defence land in Sydney, but it is not prepared to commit any money to Victoria.

Mr Honeywood interjected.

The SPEAKER — Order! The member for Warrandyte!

Mr THWAITES — This government, together with the local member for Frankston, the member for Hastings and the federal Labor candidate for Flinders, Simon Napthine, has it clear that it will continue the fight for one Point Nepean national park.

Kew Residential Services: site development

Mr McINTOSH (Kew) — My question is to the Premier. I refer him to a resolution passed unanimously last evening by the councillors of the City of Boroondara, that information circulated by the Minister for Community Services regarding Kew Cottages has been ‘factually incorrect and grossly misleading ... disingenuous and irresponsible’, and I ask: will the Premier stop the Minister for Planning bypassing the City of Boroondara by calling in the project as early as this afternoon, and instead work with residents, parents and the local council to provide choice for the most vulnerable people in my community?

Mr BRACKS (Premier) — I thank the member for Kew for his question. The most vulnerable people will be supported by our government in the Kew Residential Services matter. Could I make it as abundantly clear in the house as we have made it publicly, that every cent of the development at Kew will go back into disability services. Every cent!

Mr Honeywood interjected.

The SPEAKER — Order! The member for Warrandyte!

Mr BRACKS — Every cent will go back into accommodation, which is supported off site, in the community, or it will go back into a residential community for disabled people in Kew itself. Every cent will go back into services and support for disabled people in Kew.

The development which is proposed there, which is about deinstitutionalisation — that is, supporting people

who are moving to independent living arrangements and supporting them in their community, or supporting those who stay at Kew — will also have with it as part of the development some 27 per cent which is also open space.

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte!

Mr BRACKS — It is a good and sensible plan; it is not only in the interests of the people who were in the former institution, but it is also in the interests of the wider community.

Budget: financial report

Mr STENSHOLT (Burwood) — Can the Treasurer advise the house on how the Bracks government is delivering strong fiscal responsibility, as demonstrated by yesterday’s annual financial report, and at the same time delivering stronger communities?

Mr BRUMBY (Treasurer) — I thank the member for Burwood for his question. As honourable members are aware, yesterday I released the annual financial report for the state of Victoria for the financial year 2002–03. I am pleased to advise the house that the report confirms a strong budget position for Victoria on the accrual AAS 31 measure, cash and government financial statistics (GFS).

If you go through the numbers we released yesterday, you see there is an operating surplus AAS 31 of \$236 million, up from the budget forecast of \$160 million, and a GFS cash surplus of \$613 million. I am also pleased to say that over the past 12 months we have been able to further reduce net debt by \$337 million down to just \$2.1 billion, or just 1.1 per cent of gross state product (GSP).

If you look at last year’s result, the surplus was \$273 million. This year, as I announced yesterday, it is \$236 million, and the budget forecast for the current financial year is \$245 million. It is useful to refer honourable members to the *2002–03 Financial Report*, and particularly pages 16 and 17. I want to reiterate the performance of the state in relation to net debt. When we came to office net debt was \$4.9 billion, and today we have cut that to \$2 billion.

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte and the Leader of the Opposition! I ask the

house to come to order to allow the Treasurer to continue answering the question.

Mr BRUMBY — Chart 1.3, headed ‘General government net financial liabilities’, shows that when we were elected it was 10 per cent of GSP, and today under the Bracks government it is 8.1 per cent of GSP.

We are delivering! At the same time we have also delivered \$1 billion worth of tax cuts. We have driven the payroll tax rate down from 5.75 per cent to 5.25 per cent, and one of the reasons why we have the best unemployment rate anywhere in Australia is that we have cut payroll tax, something the opposition, the former government, could never do. We have cut that.

Honourable members interjecting.

The SPEAKER — Order! I remind the Leader of the Opposition and other members that they are required to be silent when the Chair rises to her feet. I ask members to cease interjecting at that level. I cannot hear what the Treasurer is saying. The Treasurer, to conclude his answer.

Mr BRUMBY — We have the fundamentals right, but of course at the same time we have managed to strengthen particular areas of budget support by cutting out waste and mismanagement and slashing consultancies. We have slashed spending on consultancies by 30 per cent.

Standard and Poor’s yesterday put out a press release headed ‘Another strong financial outcome for Australian state of Victoria’ and saying:

... the state enjoyed an extremely strong financial performance in 2003.

We have done all of that. In addition we have paid down debt, we have cut taxes, we have put more than 4000 teachers and support staff back into the education system, we have put more than 4000 nurses and support staff back into the health system and we have put more than 1000 additional sworn officers on the streets. We have done all of those things and we have retained a comfortable budget surplus.

The other thing that I want to say in conclusion is that again, unlike the former government, the work of the Bracks government has reached out to all sections of the Victorian community. To give just a couple of examples —

The SPEAKER — Order! I ask the Treasurer to conclude his answer. He has been speaking for 6 minutes.

Mr BRUMBY — Following the recent bushfires we had a \$2.8 million package for Gippsland and north-eastern Victoria, helping towns like Stanley, Yackandandah, Beechworth, Omeo, Benambra, Tubbut and Wulgulmerang. Through the community capacity building initiative of \$3 million we have assisted 55 small towns across the state, including Marnoo, Violet Town, Nathalia, Balmoral, Picola and places like Nowa Nowa, which got nothing under the former government.

We are delivering strong surpluses, we are paying down debt, we are cutting payroll tax and we are putting additional resources into services and community building. It is a great effort, and it will continue in the future.

Police: infringement notices

Mr SAVAGE (Mildura) — My question is directed to the Minister for Police and Emergency Services. In view of recent advice from Victoria Police that the current system for service of Traffic Camera Office infringement notices by post to recipients who do not have a residential mail delivery is satisfactory, which is in conflict with the PERIN court statistics that say that it is receiving about 300 written complaints per day despite the fact that Victoria Police has not lodged any PERIN court prosecutions for the last two months, can the minister advise the house what action the government is taking to rectify this unjust and flawed system?

Mr HAERMEYER (Minister for Police and Emergency Services) — The member for Mildura wrote to me about this issue. Victoria Police uses the postal address that is provided when people apply for their drivers licences as the address to which infringement notices are sent. I am not aware of any deficiencies in the way that system works. However, if the member for Mildura wants to talk to me about it I will be happy to go through it, and if there are any issues the government will be happy to work towards resolving them.

Australian health care agreement: funding

Mr SEITZ (Keilor) — My question is directed to the Minister for Health. Will the minister advise the house of the Bracks government’s latest efforts in support of the state’s health system and outline how Victoria will be reiterating its call for greater health funding from the commonwealth?

Ms PIKE (Minister for Health) — I thank the member for Keilor for his question. As the Premier has

told the house today, with him I visited the Royal Children's Hospital, and we made a commitment of up to \$6 million of support for a new cancer treatment centre at the hospital. The facilities were originally built in the 1960s and have not really kept pace with the changing needs of children, have not recognised that because of our world-class services at the hospital many more children are staying alive and are being supported, and certainly have not kept pace with the needs for parents and families to have appropriate facilities.

We made that announcement, and it builds on the considerable work that has been happening between the government and the Royal Children's Hospital: I announced a one-off injection of \$8 million earlier this month, we have improved procedures to prevent the cancellation of chemotherapy sessions, we are training more chemotherapy nurses and we have put money aside to commence planning for the redevelopment of the whole of the children's hospital. As the Premier said, we are doing a very vital piece of work — that is, reviewing the paediatric case weights in looking at the amount of funding that we actually pay for the services that are provided at the hospital.

Of course we have been doing all of this additional work in the context of a very difficult Australian health care agreement that we were forced to sign recently, which saw Victoria having a \$350 million support funding cut from the commonwealth for our hospitals. The \$350 million was in the forward estimates and has now been taken away. That is the context we find ourselves in.

I found it interesting today that the Leader of the Opposition was on radio saying that the Treasurer should spend the surplus in Victoria on health. A pretty easy thing to do really. The really courageous thing would be to ask his Liberal factional mate, Peter Costello, if he could spare some of the \$7 billion surplus to restore the \$350 million funding for our hospital system that has been taken away from Victoria.

Today I am meeting the new federal health minister, Tony Abbott. I do not have a 10-point plan, but I have a very strong message for Tony Abbott.

Mr Doyle interjected.

Ms PIKE — It is very interesting, Speaker —

The SPEAKER — Order! The Leader of the Opposition will cease interjecting. The minister, to respond through the Chair.

Ms PIKE — I will be telling Tony Abbott what his Liberal colleagues have not had the courage to tell him — that is, that we need to work together to reform our hospital system, we need to work on a number of different fronts to ease the pressure and make our hospitals more efficient and more effective.

I will be requesting federal approval for six pilot bulk-billing GP clinics to be established near our hospital emergency departments. These clinics will assist in meeting the needs of patients who are coming to our public hospitals, because the bulk-billing rates have absolutely plummeted under the Howard government in all of our communities. I will be speaking to Tony Abbott about after-hours telephone triaging services, which will assist people who are unable to access GP services in the community. I will be asking for a restoration of the \$350 million that the opposition was absolutely mute about when we were negotiating the Australian health care agreement, and I will be requesting the appropriate number of aged care places for Victoria to take the pressure off the hospital system. We will be identifying particularly those 500 people that we are caring for — —

Mr Doyle interjected.

The SPEAKER — Order! The Leader of the Opposition will cease interjecting. I ask the minister to conclude her answer as she has now been speaking for over 5 minutes.

Ms PIKE — We will be identifying those people in our hospitals and making sure we have appropriate funding for them. I will also be talking about the need to increase the number of places for nurses and doctors in our university system. I am very much looking forward to working collaboratively with Mr Abbott.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition and the member for Warrandyte!

Ms PIKE — This government will have the courage of its convictions and will continue to press for a fair deal for Victoria.

Community Support Fund: grants

Mr SMITH (Bass) — My question is to the Premier. I refer to the approval of Community Support Fund grants between 1999 and 2002, during which time, despite record gaming tax windfalls, the value of the Community Support Fund projects declined, and I ask: can the Premier confirm that the largest number of projects were approved in the electorate of Gippsland

West, held by the former so-called Independent member, Susan Davies — —

Honourable members interjecting.

The SPEAKER — Order! I ask the member to conclude his question!

Mr SMITH — I would if they would stop yelling out! Ms Davies is now a staff member of the Treasurer and the endorsed Labor Party candidate for the federal seat of Latrobe.

Mr BRACKS (Premier) — I thank the member for Bass for his question and indicate to him that the Community Support Fund is applied on the basis of need.

Mr Honeywood interjected.

The SPEAKER — Order! I warn the member for Warrandyte. I am heartily sick of his interjections!

Mr BRACKS — I also refer to the opposition's statement today on the Community Support Fund, and I will use some examples. It claimed that the Community Support Fund has been underfunded in certain regions of Victoria. Several areas were highlighted, and the Geelong-Barwon region was one of them. It said that \$346 million had been raised out of gaming there but that only \$1.9 million, or 0.5 per cent, had been approved for projects.

The question needs to be asked: has the new Liberal Party ambassador for Geelong done his homework and realised that Skilled Stadium has received a \$13 million grant out of the Community Support Fund because the Minister for Sport and Recreation was down there recently and turned the first sod? It is typical of the research done by the Liberal Party. It is all wrong, and it is misleading. I am grateful to the member for Bass for his question.

Schools: speed zones

Mr LANGDON (Ivanhoe) — My question is to the Minister for Transport. Can the minister advise of the progress of the government's program to establish safer communities by lowering speed limits outside all Victorian schools? Has the government considered alternative policies that would involve introducing these speed limits to a smaller number of schools?

Mr BATCHELOR (Minister for Transport) — I thank the member for Ivanhoe for his question and in particular for his ongoing interest in road safety. Recently I was delighted to launch the first of the

Arrive Alive school speed zones: one was in Carlton and the other was in Ballarat. I also launched an awareness campaign which involved TV, radio and print advertisements across the state to alert drivers to these new school rules.

Without a doubt the Arrive Alive strategy is saving lives. The streets of Victorian communities are safer places to be. The pedestrian road toll is down around 40 per cent on the toll for this time last year. That is a 40 per cent reduction in the pedestrian road toll because of our initiatives under the Arrive Alive strategy, of which the school speed zones are one element.

We are putting \$23 million into our Arrive Alive school speed zone program to protect our children, who are the most vulnerable members of our community. The speed limit will be reduced outside every primary and secondary school, city and country, government and private, across the state.

Mr Ryan interjected.

Mr BATCHELOR — The Leader of the National Party is congratulating us on this idea, and we agree with him — it is a great idea. Over the five years from 1998 to 2002, 2086 school-age pedestrians were injured in casualty crashes across Victoria. A further 1741 school-age cyclists were also injured in casualty crashes.

So the government has developed this initiative directly in response to the need to protect these vulnerable road users on their way to school and home again. Vicroads has as a priority having the speed limit signage installed at every school as soon as possible, but it will take until the end of next year to complete. Our plan is to do this at every school — unlike the Liberal Party at the last election, which proposed to do it at only 12 schools. So we will do it at in excess of 2500, in stark contrast to the Liberal Party's position of only 12. What is more important is that we will fund this campaign with \$23 million — unlike the Liberal Party proposal, which was for 12 schools but which was completely unfunded.

This program is about reducing the speed limit outside every school. It is about making our community safer for our children. The opposition stands for a policy — —

Mr Doyle interjected.

Mr BATCHELOR — The policy was for 12 — only 12! There are 2500 schools across the state, and we will do all of them. You would think the opposition would be supporting us in this fantastic policy to protect the children of Victoria.

RULINGS BY THE CHAIR

Members: conduct

The SPEAKER — Order! I wish to make a statement in relation to parliamentary behaviour. I have received correspondence from a number of members complaining about the behaviour of the member for Doncaster in the house on Thursday, 16 October, during debate on the Education Legislation (Miscellaneous Amendments) Bill. It is alleged that the member for Doncaster, when reacting to interjections, uttered offensive and threatening remarks towards the member for Mildura. I received a further complaint that the member for Doncaster had menaced another member on the same day after the house had risen.

I remind members that insulting and abusive language and threatening behaviour are unparliamentary and bring discredit upon the parliamentary institution.

Whilst I do not consider that the member for Doncaster has committed a breach of privilege, I do believe that his actions as reported to me were highly disorderly and in breach of the standing orders. I therefore request the member for Doncaster to apologise unreservedly to the house for his behaviour.

Mr PERTON (Doncaster) — Thank you, Speaker. I regret that I responded to the provocation of the member for Mildura. I apologise for any —

Honourable members interjecting.

The SPEAKER — Order! This is a serious matter; I ask the house to be quiet.

Mr PERTON — I apologise for any offence taken by members.

The SPEAKER — Order! I will now make some general comments about this case.

When a written complaint is lodged with the Speaker for consideration the matter is confidential and the contents of the letter should not be divulged or commented upon, either inside or outside the house. Under the current rules, where a contempt of the Parliament or a breach of the standing orders is committed in the view of the house, the matter can be raised immediately with the Chair and dealt with in the house in that manner.

Finally, it is my expectation and the expectation of the wider community that members conduct themselves in an appropriate manner in the house. Abusive language and improper behaviour are unparliamentary and bring

discredit upon the house and members of the Parliament generally. This type of behaviour will not be tolerated, and any further breaches by any members will be treated most seriously by the Chair.

ROAD SAFETY (DRUG DRIVING) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) introduced a bill to amend the Road Safety Act 1986 to provide for random drug testing for drivers and create new offences for failing a drug test and for other purposes.

Read first time.

FORESTS AND NATIONAL PARKS ACTS (AMENDMENT) BILL

Introduction and first reading

Mr THWAITES (Minister for Environment) introduced a bill to amend the Forests Act 1958 to provide for supply of hardwood sawlog levels not to exceed total sustainable yield rates and to make amendments to that act relating to the administration of the act and regulation-making powers, to amend the Conservation, Forests and Lands Act 1987 to provide for the delegation of certain powers to Vicforests, to amend the National Parks Act 1975 to make further provision in relation to the boundaries of certain parks and to make other minor amendments to that act and the Fisheries Act 1995 and for other purposes.

Read first time.

FISHERIES (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr CAMERON (Minister for Agriculture) — I move:

That I have leave to bring in a bill to amend the Fisheries Act 1995, the Confiscation Act 1997 and the Magistrates' Court Act 1989 and for other purposes.

Dr NAPHTHINE (South-West Coast) — Can I have a brief explanation of this legislation?

Mr CAMERON (Minister for Agriculture) (*By leave*) — This legislation will establish a crime of trafficking and also one of possession of a traffickable quantity in our priority fisheries of abalone, rock lobster and has other purposes.

Motion agreed to.

Read first time.

HEALTH LEGISLATION (FURTHER AMENDMENT) BILL

Introduction and first reading

Ms PIKE (Minister for Health) — I move:

That I have leave to bring in a bill to amend various acts relating to the registration of health practitioners and the Health Records Act 2001 and the Health Services Act 1998 and to repeal the Pathology Services Accreditation Act 1984 and for other purposes.

Mrs SHARDEY (Caulfield) — I ask the minister for a brief description of the bill.

Ms PIKE (Minister for Health) (*By leave*) — There are a number of components to the bill. There are some changes to the registration of health practitioners because of changes in privacy considerations et cetera. The main component of the bill is the repeal of the Pathology Services Accreditation Act because of Victoria's acceptance of the national system of accreditation for pathology services.

Motion agreed to.

Read first time.

The SPEAKER — Order! I ask members to stop removing messages from papers unless they are bright enough to know how to do it without making a noise.

WRONGS (REMARRIAGE DISCOUNT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Wrongs Act 1958 with respect to wrongful deaths and for other purposes.

Mr McINTOSH (Kew) — I ask for a brief explanation of this bill.

Mr HULLS (Attorney-General) (*By leave*) — This bill ensures that the marriage discount that is taken into account under the Wrongs Act in awarding compensation for a dependant spouse cannot take into account the remarriage prospects of the particular woman or man in awarding damages. It removes the marriage discount that arose in the case of Teresa de

Sales in Western Australia. I am sure it will have the full support of all members of this house.

Motion agreed to.

Read first time.

WRONGS AND OTHER ACTS (LAW OF NEGLIGENCE) BILL

Introduction and first reading

Mr BRUMBY (Treasurer) — I move:

That I have leave to bring in a bill to amend the Wrongs Act 1958, the Wrongs and Limitation of Actions Acts (Insurance Reform) Act 2003, the Victorian Managed Insurance Authority Act 1996 and the Building Act 1993 and for other purposes.

Mr CLARK (Box Hill) — I ask the Treasurer to give a brief explanation of the bill.

Mr BRUMBY (Treasurer) (*By leave*) — These amendments to the Wrongs Act and the Wrongs and Limitation of Actions Acts (Insurance Reform) Act provide further reforms to the insurance industry and build on the release and publication of the Ipp report.

Motion agreed to.

Read first time.

PARTNERSHIP (VENTURE CAPITAL FUNDS) BILL

Introduction and first reading

Mr HOLDING (Minister for Manufacturing and Export) introduced a bill to amend the Partnership Act 1958 to provide for the formation of incorporated limited partnerships and for other purposes.

Read first time.

PETITIONS

Following petitions presented to house:

Pines Forest Primary School site: community use

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that the former Pines Forest Primary School buildings area, situated in Stringybark Crescent, Frankston North, be retained by the Victorian state government for the

purpose of community use. The site is currently in a state of disrepair, and the buildings are constantly being vandalised. The community believes the buildings area could be put to such uses as an outreach centre for community services, permanent rooms for the Frankston North Senior Citizens, community garden, training centre for youth and adults.

Your petitioners therefore pray that the former Pines Forest Primary School buildings area be retained for the use of the community.

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

By Mr PERERA (Cranbourne) (410 signatures)

Sinhala Language School: relocation

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

The humble petition of the parents of the children attending the Sinhala Language School at Fountain Gate, Victoria, sheweth the attention of the house.

As the parents, we object to the announcement of relocating the Victorian School of Languages Fountain Gate centre to Lyndale Secondary College, North Dandenong, since the majority of the children attending the Sinhala Language School live in and around the City of Casey.

Your petitioners therefore pray that the Legislative Assembly support this petition.

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

By Mr PERERA (Cranbourne) (43 signatures)

Aquatic facilities: Frankston

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

The humble petition of undersigned citizens of the state of Victoria sheweth that a regional aquatic centre be established in Frankston to serve the people of the southern region. Your petitioners therefore pray that the government of Victoria in consultation with Frankston City Council and local community groups facilitate the building of an aquatic centre in Frankston.

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

By Mr HARKNESS (Frankston) (107 signatures)

Laid on table.

Ordered that petition presented by honourable member for Cranbourne (Sinhala Language School: relocation) be considered next day on motion of Mr PERTON (Doncaster).

PRIVILEGES COMMITTEE

Right of reply

Mr NARDELLA (Melton) presented report on right of reply of Mr Kumar Rajaratnam and Mrs Karen Rajaratnam, together with appendix.

Laid on table.

Ordered to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 8

Ms D'AMBROSIO (Mill Park) presented Alert Digest No. 8 of 2003 on:

Accident Compensation and Transport Accident Acts (Amendment) Bill

Animals Legislation (Animal Welfare) Bill

Constitution (Supreme Court) Bill

Education (Workplace Learning) Bill

Education Legislation (Miscellaneous Amendments) Bill

Electoral (Amendment) Bill

Emerald Tourist Railway (Amendment) Bill

Extractive Industries Development (Amendment) Bill

Fair Trading (Further Amendment) Bill

Local Government (Democratic Reform) Bill

Non-Emergency Patient Transport Bill

Port Services (Port Management Reform) Bill

Professional Standards Bill

Residential Tenancies (Amendment) Bill

Road Safety (Amendment) Bill

State Taxation Acts (Further Miscellaneous Amendments) Bill

Superannuation Acts (Family Law) Bill

Transport (Rights and Responsibilities) Bill

Unclaimed Moneys (Amendment) Bill

Victorian Curriculum and Assessment Authority (Amendment) Bill

Victorian Qualifications Authority (Amendment) Bill together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Agriculture Victoria Services Pty Ltd — Report for the year 2002–03

Auditor-General — Performance Audit Report on Managing logging in State forests — Ordered to be printed

City West Water Limited — Report for the year 2002–03 (two papers)

Commonwealth Games Arrangements Act 2001 — Notices of approval of amendment to the Melbourne Planning Scheme — Nos C85, C87

Duties Act 2000 — Report of exemptions and partial exemptions approved and refunds made pursuant to s 250 for the year 2002–03

Environment Protection Act 1970 — Environment Protection Policy (Waters of Victoria) pursuant to s 18D(1)

Equal Opportunity Commission — Report for the year 2002–03 — Ordered to be printed

Financial Management Act 1994 — Financial Report for the State of Victoria, incorporating the Quarterly Financial Report No 4 for the year 2002–03 — Ordered to be printed

Financial Management Act 1994 — Report from the Minister for Finance that he had received the annual report of VicFleet Pty Ltd for the year 2002–03

Greyhound Racing Victoria — Report for the year 2002–03

Harness Racing Victoria — Report for the year 2002–03

Interpretation of Legislation Act 1984 — Notice under s 32(4)(a)(iii) in relation to an Order varying State Environment Protection Policy (Waters of Victoria) (*Gazette S107*, 4 June 2003)

Legal Ombudsman — Report of the Office for the year 2002–03 — Ordered to be printed

National Parks Act 1975 — Advice pursuant to s 11(3)

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

Colac Otway Planning Scheme — No C16

Darebin Planning Scheme — No C37

East Gippsland Planning Scheme — No C14

Frankston Planning Scheme — No C15

Greater Bendigo Planning Scheme — No C52

Greater Geelong Planning Scheme — No C40

Manningham Planning Scheme — No C15

Melbourne Planning Scheme — Nos C85, C87

Moreland Planning Scheme — No C39

Towong Planning Scheme — No C11

Wellington Planning Scheme — No C19

Whittlesea Planning Scheme — No C48

Yarra Planning Scheme — No C45

Public Advocate — Report of the Office for the year 2002–03

Public Prosecutions — Report of the Director, Committee and Office for the year 2002–03

Public Record Office Victoria — Report for the year 2002–03

South East Water Limited — Report for the year 2002–03

Statutory Rules under the following Acts:

Occupational Health and Safety Act 1985 — SR No 121

Pharmacists Act 1974 — SR No 120

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule No 120

Victorian Environmental Assessment Council — Report for the year 2002–03

Victorian Government Purchasing Board — Report for the year 2002–03

Yarra Valley Water Limited — Report for the year 2002–03 (two papers).

The following proclamations fixing operative dates were laid on the table by the Clerk pursuant to an order of the house dated 26 February 2003:

Australian Crime Commission (State Provisions) Act 2003 — Items 11 and 14 of Schedule 1 to the Act on 16 October 2003 (*Gazette G42*, 16 October 2003)

Health Legislation (Research Involving Human Embryos and Prohibition of Human Cloning) Act 2003 — Whole Act on 16 October 2003 (*Gazette G42*, 16 October 2003)

Terrorism (Community Protection) Act 2003 — Part 2 of the Act on 16 October 2003 (*Gazette G42*, 16 October 2003).

CEMETERIES AND CREMATORIA BILL

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered next day.

CHILD EMPLOYMENT BILL

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered next day.

ROYAL ASSENT

Message read advising royal assent on 21 October to:

Grain Handling and Storage (Amendment) Bill
Heritage (Amendment) Bill
Instruments (Enduring Powers of Attorney) Bill
Mental Health (Amendment) Bill

**Planning and Environment (Port of Melbourne) Bill
Travel Agents (Amendment) Bill.**

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

**Animals Legislation (Animal Welfare) Bill
Emerald Tourist Railway (Amendment) Bill
Fair Trading (Further Amendment) Bill
Local Government (Democratic Reform) Bill
Port Services (Port Management Reform) Bill
Professional Standards Bill
Residential Tenancies (Amendment) Bill
State Taxation Acts (Further Miscellaneous
Amendments) Bill
Transport (Rights and Responsibilities) Bill
Unclaimed Moneys (Amendment) Bill
Victorian Curriculum and Assessment Authority
(Amendment) Bill.**

BUSINESS OF THE HOUSE

Sessional orders

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

That the amendment to sessional order 19 relating to the operation of divisions agreed to by the house on 16 September 2003 be adopted for the remainder of 2003.

Motion agreed to.

Program

Mr BATCHELOR (Minister for Transport) — I move:

That pursuant to sessional order 6(2), the orders of the day, government business relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 30 October 2003:

Animals Legislation (Animal Welfare) Bill
Electoral (Amendment) Bill
Extractive Industries Development (Amendment) Bill
Local Government (Democratic Reform) Bill
Port Services (Port Management Reform) Bill
Residential Tenancies (Amendment) Bill
Victorian Curriculum and Assessment Authority (Amendment) Bill.

This motion sets out the legislative program for the government for this week, and it provides for seven bills and a range of areas to be covered. The government believes there is sufficient time to enable

all members who wish to speak on the proposed legislation the opportunity of doing it.

However, I would like to raise one issue with honourable members, particularly members of the opposition. It relates to the desire of the government to brief the opposition as soon as it is practicable and convenient. The government ministers are instructed by the Premier and me to make briefings available to members of the opposition to assist them in the preparation of their understanding of the legislative program, and in particular specific pieces of legislation.

It has been reported to me that last week there was some difficulty in getting to brief the opposition in relation to the Local Government (Democratic Reform) Bill. As I am informed, the opposition spokesman on this, Mr Vogels in another place, or his office, was initially contacted by the Minister for Local Government with a request that the briefing be held sooner rather than later. Mr Vogels was offered a choice of three times and dates, and 3.00 p.m. on Thursday, 16 October, was agreed upon. That arrangement was then cancelled because the member for Bass was unavailable and other offers were made for a briefing on the following day —

Mr Perton — On a point of order, while this is a very interesting setting out of a memo by a public servant, I do not believe it is relevant to the question of the government business program.

Mr BATCHELOR — On the point of order, on a number of occasions in recent weeks the opposition has raised the timing of briefings at this very part of the government business program, and this government is concerned to make sure that Parliament understands it is the government's policy to provide briefings for the opposition and it does not want to stand accused of trying to thwart those. As I do not know what issues opposition members will raise later in this debate I have no option but to raise it in anticipation of their raising it, as they have done on every other occasion in recent times that we have debated the government program.

The SPEAKER — Order! I do not uphold the point of order. The Leader of the House is explaining the bills that will be processed by the house and any business relating to them.

Mr BATCHELOR — So there has been a number of occasions before today when an opposition spokesman's office has tried to have meetings organised or has cancelled meetings that have been organised. I understand a meeting will be held probably now or very soon based on Mr Vogels's request, so in

anticipation of these issues being raised we want to have it clearly set out on the record that the government has made a number of attempts through the Minister for Local Government to provide a briefing and has found that the opposition spokesman was not cooperative in wanting to receive it in advance of today.

Mr PERTON (Doncaster) — The opposition opposes the government business program. The reason it does so is that a number of bills have been brought on with such a short time frame that the opposition has not had the opportunity to receive the advice of many of the groups that one would automatically consult regarding these bills. In particular in respect of the Animals Legislation (Animal Welfare) Bill, this is a complex piece of legislation which, as the minister said in his second-reading speech, alters some 30 elements of the appropriate legislation. Groups as diverse as the Victorian Farmers Federation, breeders associations and the like need to be consulted.

As late as last Thursday or Friday, there were two transport bills to be in the government business program. Now they have been withdrawn, and in order to suit the government's agenda it has brought this piece of legislation on. It is inappropriate. If you have a look at the newspaper it is not even listed in today's business program; it is listed for business later this week. The usual practice of this Parliament, unless the legislation is extremely important or urgent, would be that the legislation would be dealt with in a subsequent week. So we cannot accept the fact that the disorganisation of the government in respect of the two transport bills, for which the Leader of the House is responsible, ought to be an excuse for bringing on a piece of legislation which the constituent bodies in the community have not yet had the opportunity to respond. It would be their view or expectation that that bill would be debated next week and they would have time to go out and consult with their own members before responding to the appropriate shadow minister. That is the critical piece of legislation that we oppose being in this business program.

It is not as if there were not other items that could be debated. In your messages, Speaker, from the Legislative Council, two very important and substantial bills — namely, the Cemeteries and Crematoria Bill and the Child Employment Bill — are both coming back into this house, both with amendments, and both of which need to be debated in full. So the notion that the animals legislation needed to be brought into the house for conclusion this week by 4.00 p.m. on Thursday is something that I find odd and inappropriate.

There are other things that might disrupt the agenda as well — for instance, the Minister for Education and Training has made a promise that she will make her ministerial statement on education reform in October. This is, of course, the last sitting week of October so if the minister is to keep her promise to the community then we ought to anticipate a ministerial statement on Wednesday or Thursday, and I would have thought if it were the government education reform package it would have required some debate.

In respect of the statements of the Leader of the House about the negotiations between the office of the Minister for Local Government and the Honourable John Vogels in the other place on the Local Government (Democratic Reform) Bill, there is indeed quite a difference in facts between the two parties. It was Mr Vogel's secretary who rang the minister's secretary within a very short period of time after the bill had been second-read, seeking a briefing and actually accepting a time for a briefing, which was subsequently withdrawn by the minister's office. The memo I have says that there was a lot of toing-and-froing between the two offices in trying to find a time for a briefing, but it was certainly not the fault of Mr Vogels that a briefing was not arranged in due time.

In any event what is the urgency of the bill? Does it need to go through the house this week? There are not only briefings that need to be considered but Mr Vogels and other members of the opposition and the National Party need time to go out and consult with the community. This government constantly says, 'The bill was consulted on', but usually when we contact outside parties we find that they have never seen a copy of the bill. All they have ever had is the most vague assertions as to the contents. We oppose this government business program and believe the government is running roughshod over the lower house.

Mr MAUGHAN (Rodney) — The National Party will also be opposing the government business program for two main reasons: firstly, because of the changes; and secondly, because of the reasons that the member for Doncaster has indicated.

Mr Nardella — You're following the Libs!

Mr MAUGHAN — We are not following the Libs. We are making our own independent decision.

Mr Nardella — It looks that way!

The SPEAKER — Order! The member for Melton!

Mr MAUGHAN — The member may laugh, but I assure him that we have genuine concerns about the

government business program, one of them being that last week I was notified of what the government wanted to do this week. Only a matter of days after that it was changed yet again. If members look at what is on the notice paper and what we are actually debating this week, they will see there are only four of the original bills that were on the notice paper. This is the government's published program that people in the community look at to see what is going to be debated this week so they can contact their local members to get some input. Now four of those bills have dropped off. More importantly other bills have come on, one of which is the local government bill, a very important bill which was second-read a mere 12 days ago. Does this government that talks a lot about consultation and about being transparent and honest believe 12 days is sufficient for country members in particular or members generally to be able to talk to their local councils and get a view on this particular bill?

The animal welfare bill is a very important piece of legislation. In the minister's second-reading speech he refers to the number of amendments — some of them very significant — that are going to have serious implications for the animal industries. We have had a mere 12 days to consult with a whole range of groups. Members might well laugh, but there are about 50 groups out there interested in animal welfare. We need to be able to consult with those groups and we need to give them sufficient time to consult with their own members. We need to give them time to meet and discuss issues. As the member for Doncaster has pointed out, yes, we are aware that there has been legislation in the pipeline, and yes, we are aware of some of the general principles that the government wants to implement, but until the bill is actually presented it is difficult to know what it contains. I remind the house that the speeches of three of the bills we are debating this week were second-read 12 days ago. They came in on 14 October, 12 days ago, so that is very little time to adequately consult with all those who have an interest in this legislation.

I personally have no complaint about briefings, but I make the point that it is very difficult, when you have only a 12 or 14-day period to arrange them, for a country member who has been down here as we were for two weeks to then come back down specially for briefings, unless they are worked in with other visits for a parliamentary committee meeting or something similar. It is not always easy for a country member with responsibilities — and that applies particularly to the National Party, but also to members like the Honourable John Vogels, a member for Western Province in the other place, who lives a long way from Melbourne and needs to make a special visit to come

down. Briefings that are arranged at the drop of a hat are not easy for country members, and I suggest that 12 days is insufficient.

It is likewise with amendments. In the last few sitting weeks members on this side of the house have come up with amendments of various sorts which they have wanted to discuss in committee. Because of the way the house is run we have got the bills through, but it is largely because of the guillotine coming down on Thursdays. We do not get the chance to discuss amendments in committee. There will be some amendments coming in this week. If we were only talking about bills, then clearly we would have time to accommodate that. But it is not so for members wanting to put some time and effort into discussing amendments.

The Cemeteries and Crematoria Bill was a case in point. In my case I had some really good material that had been provided by the leaders of the various cemetery trusts, but at the end of the day we were limited to 5 minutes each. In the scheme of things that is probably acceptable, except that the people who put in the time to present their case to me as their local member were disappointed because I did not have time to present that information. For all those reasons the National Party will oppose the government business program.

Mr LANGDON (Ivanhoe) — I congratulate the government on another business program with a lot of commonsense. I listened to the crocodile-tear speeches from the opposition, and I recall hearing them not so long ago over the last sitting week's program. I can report to the house that for the entire week we had as many speakers as possible on every bill. Every member who wanted to be heard was heard. I remind members of the protest from the opposition and the National Party on the Tuesday that we could not possibly hear everybody, but we did. We successfully passed bill after bill, with no members who wanted to speak remaining unheard. That is how well we managed that business program, and this government program is exactly the same.

I thank the Leader of the House for highlighting in anticipation the questions that are constantly raised about the opposition not having enough time to be advised on bills or to attend government briefings and also for highlighting to the house how difficult it is to get the opposition to government briefings. I think he did an outstanding job in detailing the attempts we have made on the Local Government (Democratic Reform) Bill, which lay over from the last Parliament, so it has had lots of public consultation. It has been before this

house for over a year, so it is a prime example of consultation — but he still could not get the opposition to a briefing!

Mr DIXON (Nepean) — As you are aware, Speaker, the opposition is not supporting this week's business program. The member for Ivanhoe was talking about what happened in the last sitting week, but we are talking about what is happening in this sitting week and what has led up to it. It has basically been a dog's breakfast. Bills which we were all expecting to debate and which many members of the opposition have been involved in briefings on have suddenly been taken out. As well as that we have the late additions, which are the greatest cause of concern, because it is very difficult to organise suitable times for briefings on them. Members have to get out and talk to their networks and constituencies about these bills, whether they are spokespersons or not. As you are probably aware, Speaker, you cannot do that overnight.

Often organisations that meet only weekly or monthly are the key groups you want to talk to, and when bills are brought on quickly like this you just do not have the opportunity to consult widely or to represent the views of your constituency, whether it is people in your local area or the networks within the portfolio you are working with. The sitting dates for this session have been known since June, so the government should have an idea of the dates and therefore of when legislation is due. This last-minute chopping and changing — a dreadful habit that seems to be recurring — makes it very difficult for the opposition.

We have heard on a number of occasions that it has been hard to organise briefings for opposition members. One of the contributing factors is not the opposition but the government, which insists on having an army of advisers at every single briefing just in case somebody says the wrong thing. Therefore it is not just about a spokesperson or somebody from the bureaucracy or the minister's office doing the briefing. There is a whole army of people watching them, making sure they all say the same thing. The record number of people I have had sit opposite me at a briefing is eight, which I think is quite incredible. I do not think I am that scary. In fact, at the last briefing I went to there were seven. Given the logistics involved in getting all those people together, we cannot be blamed if we cannot make a date.

The one that took the cake was the briefing on a very important and complex bill that is coming up this week, the Emerald railway bill, where the poor shadow spokesman had to confront six people. It is incredible overkill and very clandestine. No wonder it is hard to organise dates for briefings. It is not our fault — it is

about there having to be this huge army of advisers at each briefing. Those are the contributing factors and the reasons why the opposition is opposing the government business program.

Mr STENSHOLT (Burwood) — I rise to support the motion of the Leader of the House. I not sure whether the member for Nepean really knows what he is on about. He says he cannot do it overnight, but he is not expected to do it overnight. You get two weeks to do it — that is, 14 days — not overnight.

I find it very surprising that the member for Nepean is now starting to complain about the fact that he is getting too good a briefing; he asked if he could just have a casual or off-hand one. We like to do things properly. We prefer to go to a great deal of effort to do things with respect for the Parliament and its processes. That is why we offer full expert briefings for the opposition and the National Party spokespeople, and for the Independents if they so request. As the Leader of the House has pointed out, they actually need it. The member for Nepean probably needs as much advice as he can get; he needs as many people as possible to get it through to him. I support the motion moved by the Leader of the House.

House divided on motion:

Ayes, 59

Allan, Ms	Languiller, Mr
Andrews, Mr	Leighton, Mr
Barker, Ms	Lim, Mr
Batchelor, Mr	Lindell, Ms
Beard, Ms	Lobato, Ms
Beattie, Ms	Lockwood, Mr
Bracks, Mr	Loney, Mr
Brumby, Mr	Lupton, Mr
Buchanan, Ms	McTaggart, Ms
Cameron, Mr	Marshall, Ms
Campbell, Ms	Maxfield, Mr
Carli, Mr	Merlino, Mr
Crutchfield, Mr	Mildenhall, Mr
D'Ambrosio, Ms	Morand, Ms
Delahunty, Ms	Munt, Ms
Duncan, Ms	Nardella, Mr
Eckstein, Ms	Neville, Ms
Garbutt, Ms	Overington, Ms
Green, Ms	Pandazopoulos, Mr
Hardman, Mr	Perera, Mr
Harkness, Mr	Pike, Ms
Helper, Mr	Robinson, Mr
Herbert, Mr	Savage, Mr
Holding, Mr	Seitz, Mr
Howard, Mr	Stensholt, Mr
Hulls, Mr	Thwaites, Mr
Ingram, Mr	Trezise, Mr
Jenkins, Mr	Wilson, Mr
Kosky, Ms	Wynne, Mr
Langdon, Mr	

Noes, 23

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Powell, Mrs
Delahunty, Mr	Ryan, Mr
Dixon, Mr	Shardey, Mrs
Doyle, Mr	Smith, Mr
Honeywood, Mr	Sykes, Dr
Jasper, Mr	Thompson, Mr
Kotsiras, Mr	Walsh, Mr
McIntosh, Mr	Wells, Mr
Maughan, Mr	

Motion agreed to.

MEMBERS STATEMENTS

Liberal Party: arts policy

Ms DELAHUNTY (Minister for the Arts) — I rise to condemn the Leader of the Opposition for not disciplining or sacking the opposition spokesperson for the arts in another place for threatening to interfere in the arts. This is more sinister evidence — —

Mr Perton — On a point of order, Speaker, the minister may not cast aspersions on a member in another house other than by substantive motion.

The SPEAKER — Order! I uphold the point of order.

Ms DELAHUNTY — We see that the man who would be the state's — —

The SPEAKER — Order! The minister must not cast aspersions on a member in the other house.

Ms DELAHUNTY — I am about to read my 90-second statement, which refers to government business. I presume I can continue to do that?

The SPEAKER — Order! As long as — —

Ms Asher interjected.

The SPEAKER — Order! The member for Brighton will be quiet! As long as it does not reflect on a member in the other house.

Ms DELAHUNTY — I call on the Leader of the Opposition to clarify what the Liberal Party's arts policy is and whether he supports a policy that encourages political interference in arts programming. I call on the Leader of the Opposition to declare whether it is arts policy for a government to politically interfere by personally choosing the program in the Melbourne Fringe Festival — —

The SPEAKER — Order! The minister's time has expired.

John Harber Phillips

Mr McINTOSH (Kew) — I would like to recognise the tremendous contribution made to the law, administration of justice and to Victoria by former chief justice, John Harber Phillips.

A long and eminent career as a criminal barrister saw him elected chairman of the Victorian Criminal Bar Association and his appointment as Victoria's first Director of Public Prosecutions, then later chairman of the National Crime Authority and chairman of the Victorian Institute of Forensic Medicine. Always being deeply involved in his profession as well as the broader community inevitably led him to assume diverse roles in many different groups and organisations — for example, as patron of the Australian Greek Welfare Society as well as Victorian Women Lawyers. One of Her Majesty's counsel, actor, playwright, author, Supreme Court judge, Federal Court judge, and for the past 12 years Chief Justice of Victoria. His time as head of Victoria's judiciary saw the general application of case management, mediation and strong support for implementing procedures designed to make the court more efficient and accessible.

John Phillips has been an exemplary citizen of this state, of whom we can all be proud. I add my sincere thanks for his prodigious contribution to the people of Victoria and wish him and his wife, Helen, all the very best in their retirement — although I suspect for both it will be a transition into other projects rather than a final curtain call.

Christopher Williams

Ms CAMPBELL (Pascoe Vale) — We extend condolences to the family and friends of Christopher Williams following the tragic events of last week. His highly respected qualities have been reflected upon by an ever-widening circle centred around his family and friends in Melbourne's north-west. Many of us who have never met him nor his family have learnt via personal contacts and the media of Christopher's qualities so loved and respected. We reflect on how precious and unique is the life of each child. Our hearts are extended to Christopher's parents and brothers who today described him as a lovely young man with a sweet smile and beautiful nature, a real gentleman, resting peacefully.

Year 12 St Bernard's boys wrote:

We hope you can see from up there just how many of us you touched.

In their tribute they outlined Chris's qualities of kindness, affection and respect, his artistic ability and determination to succeed, his prowess on the downhill court and gutsiness on the slopes at school.

Yesterday his heartbroken parents encouraged his peers to pay tribute to their son by doing their very best in their forthcoming exams. To his parents, many parents pay tribute to you by recommitting to do the best we can in our parenting. Over the last week Christopher's life and that of his family have become public. At this time we must never forget the grandparents, aunts, uncles and cousins and the lifelong friends who will bear the pain long after the public gaze has passed.

Mansfield-Stringybark Creek Remembrance Festival

Dr SYKES (Benalla) — I wish to congratulate the people of Mansfield on the highly successful Mansfield-Stringybark Creek Remembrance Festival held last weekend. The festival commemorated the 125th anniversary of the slaying of police members Sergeant Kennedy, Constable Lonigan and Constable Scanlan by the Kelly Gang on 26 October 1878.

Activities were held over three days and included a civic reception and dinner for Chief Commissioner Christine Nixon and fellow police dignitaries and the unveiling of a commemorative plaque on the monument to the slain police.

Another highlight of the weekend was the graduation of 22 new police recruits, the first time in history that a graduation ceremony has occurred outside the police academy. The graves of the three police were visited, and the weekend concluded with a visit to the murder site at Stringybark Creek, where over 100 people enjoyed a lunch and the period atmosphere re-created by the Mansfield Colonial Re-enactment Society.

That the weekend ran so smoothly and was enjoyed by thousands of people is a credit to the many people who worked tirelessly to organise it. In particular Acting Inspector Bruce Klinge and his police team, and the Mansfield mayor, Don Cummin, the chief executive officer, Gary Gaffney, and the council team all did a very professional job.

I, along with Graeme Stoney, a member for Central Highlands in the other place, and Sophie Panopoulos, federal member for Indi, were certainly very pleased to have participated in such an historic event.

ALP: Dunkley federal candidate

Mr PERERA (Cranbourne) — Helen Constas was born in Frankston of Greek migrant, working-class parents. She grew up in Frankston North and attended Monterey High, which is in my electorate.

Helen is the executive officer of the Peninsula Community Legal Centre. This legal centre services a catchment area containing 720 000 people and is now one of the largest in Victoria. In recognition of her commitment to the community she was recently awarded a Centenary Medal for a career dedicated to a community legal service. Helen will now proudly contest the seat of Dunkley in the next federal election. Dunkley also takes in parts of my electorate.

For far too long the constituents of Dunkley have been suffering from the decline of bulk-billing doctors. Since Mr Howard took government the rate of bulk-billing by general practitioners has decreased by 48 per cent in the electorate of Dunkley. The Amstel Medical Centre in my electorate of Cranbourne has advised its patients that as from 20 October the surgery will not be bulk-billing. This was the last bulk-billing place in the Cranbourne central activities district. I am left with only two bulk-billing surgeries in my electorate. I am not sure how long these two will survive.

Restoring bulk-billing is Helen's greatest priority. Dunkley electorate is badly in need of a federal member of Parliament who will stand up for constituents and fight to protect bulk-billing. I wish Helen Constas good luck in her endeavours to protect bulk-billing and in her bid for a parliamentary career.

Roads: Bulleen

Mr KOTSIRAS (Bulleen) — I stand to once again call upon this inactive and uncaring government to allocate appropriate funding within a specified time frame to upgrade Thompsons Road, Templestowe Road and King Street in my electorate of Bulleen. I have raised the issue of funding for roads in my electorate on numerous occasions, but this arrogant government has ignored these requests. All three roads are in urgent need of repair. They are a danger to drivers, a safety concern for residents and a nightmare for children attempting to cross the street.

Residents have formed reference groups because they are fed up with this government's inaction. This Labor government has deserted and ignored the residents for four long years. This has recently been highlighted by the recent refusal by Parks Victoria to fund under the metropolitan trail network grant program the extension

of the linear trail along the Mullum Mullum Creek between Tindals Road and Parks Road in Manningham.

According to Parks Victoria, and I quote;

Unfortunately your application for \$287 000 has not been funded at this stage. Each application was assessed against priorities ...

Whose priorities? Were the grants allocated simply on political grounds? This just illustrates that this Labor government has turned its back on Manningham and cannot be trusted to govern for all Victorians.

Western Suburbs Indigenous Gathering Place

Mr MILDENHALL (Footscray) — I had the pleasure on Wednesday last week of attending the opening of the Western Suburbs Indigenous Gathering Place by Mr Gavin Jennings, the Minister for Aboriginal Affairs in the other place. The gathering place has been constructed at the Maribyrnong library adjacent to High Point shopping centre, and it is the gathering place of many in the community. It will provide a voice for the Wurundjeri people of the Kulin nation and also improve access to a range of key programs and services, including drug and alcohol programs, mental health services, the home and community care program, and early intervention services. The government's contribution of \$32 000 was instrumental in seeing this project come together.

Those who attended also heard about the successful Reconnect program, where a group of western suburbs indigenous young people visited central Australia to encounter and reconnect with the traditional Aboriginal communities.

Congratulations to the extraordinary Colleen Marion, Jackie Marion, Leanne Brooke and Robert Critch and the rest of their team; to Maribyrnong City Council for its leadership; and to the Department of Human Services. It was a very successful event.

Taxis: multipurpose program

Ms ASHER (Brighton) — I wish to draw attention to the 2003 financial report showing that out of a total state tax revenue collected by this government of \$9.3 billion there was stamp duty of \$2.1 billion compared with a budget of \$1.59 billion and land tax of \$655 million compared with a budget of \$611 million. These taxes are particularly relevant to my electorate of Brighton.

However, my office has been approached for help with regard to the government's cuts to the multipurpose taxi program, which is used by a number of elderly and

disabled in my electorate. Users of this system were sent a letter by the taxi directorate indicating that a per annum cap of \$550 would be instituted. For those members not familiar with this program, it is used by many elderly and disabled people to do their weekly grocery shopping, for basic visits and the like. So this government, with all that revenue, is now capping this assistance for the elderly and the disabled at \$10.57 a week. I suggest that would not even cover many grocery trips for the elderly women, for example, who have approached my office.

The government has also decided to institute a fee of \$16.50 for the renewal of a card. So if your wallet or purse is stolen, the government will now charge you an extra \$16.50 for card replacement. The minister refers to this as an improvement; I think it is an attack on the elderly.

James Vickers

Mr SEITZ (Keilor) — I want to express my respect and admiration for James Vickers, who was one of 13 St Albans Saints footballers who were in Bali on 12 October last year. I have known Mr Vickers since he was a youth. I was his teacher at St Albans, and in his young days I knew him as a very caring person.

In particular he showed his respect in an interview in the *Advocate* dated 7 October in which he said:

I start work at six in the morning and I was going down Green Gully Hill and I was in tears, because I thought [after] what I have just been through, I just turn up Thursday morning and go back to work and act like nothing has happened ...

He said that he could not do that. He had to think about it. The article continues:

Mr Vickers said it was a tough year, but it was important to remember those who died, their families and the injured.

He lost a close friend, Sue Maloney.

This man is a footballer who has shown how deeply people are affected 12 months after the event — —

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

Wangaratta Festival of Jazz

Mr JASPER (Murray Valley) — I bring to the attention of the house the award-winning Wangaratta Festival of Jazz that will be held over the coming weekend from 31 October to 3 November.

From very humble beginnings the jazz festival at Wangaratta, now in its 14th year, has become

nationally and internationally famous, attracting well-known jazz and blues artists from within Australia and overseas. Jazz bands will be performing at a range of venues over the weekend, with over 90 events programmed at hotels, halls, wineries and even the Holy Trinity Cathedral. The Transport Accident Commission provides the major sponsorship, together with a range of sponsors including Arts Victoria, Tourism Victoria and Vichealth.

The Wangaratta Festival of Jazz is a multiple award winner having now won state and federal tourism event awards. It is part of the Victorian Hall of Fame and a declared hallmark event. Again I pay tribute to the committee chairperson, Patti Bullus, who with a small committee and over 600 volunteers has worked to make the jazz festival one of the most prestigious events in Australia and beyond, bringing thousands of jazz enthusiasts to Wangaratta for a fabulous weekend.

Australia's national jazz awards for young musicians, which is sponsored by Bruck Textiles, will be awarded for brass instruments and again I will have the honour of conducting the presentation ceremony for the winners. I invite parliamentarians and jazz enthusiasts to join me in Wangaratta this weekend, which is now the jazz capital of Australia and mecca for jazz musicians.

Securing Our Water Future green paper

Mr MERLINO (Monbulk) — I would like to inform the house of the very successful community consultation process of the green paper, *Securing Our Water Future*.

On Monday, 13 October, I hosted a local water forum in Upwey to encourage debate and input from the local community. Residents and community groups present at the meeting were addressed by Carolyne Carvelo, who is the environment manager with the Shire of Yarra Ranges, and Louis Delecretay, who is with the Upper Yarra and Dandenongs Environment Council. Representatives from Yarra Valley Water were also present.

The issues raised during the meeting included supporting and resourcing our catchment management authorities, the use of indigenous plants and discussion about the water rebates. The biggest issue revolved around seepage from septic tanks in the Dandenongs and the damage being done in relation to the dieback of vegetation and water quality. There was discussion that the solution is not a massive infrastructure development to connect to main sewerage but through localised solutions. A great example of this is the pilot program

at the Olinda water treatment plant, which will stop seepage from local septic tanks and will use water from septic tanks, toilet blocks and sports facilities to provide a constant supply of water for the golf course, the recreation reserves and parts of the rhododendron gardens. It is a great initiative; it was a great forum and I look forward to the white paper following submissions.

Greenvale Primary School: funding

Mr PERTON (Doncaster) — On Tuesday, 10 June 2003, Mr Glen Moore, the school council president of the Greenvale Primary School, wrote to the member for Yuroke and Parliamentary Secretary for Education. The letter remains unanswered.

After long and in-depth discussions in relation to student welfare issues at recent school council meetings, the Greenvale school council has major concerns about the level of funding and the manner in which the funds may be allocated to schools. I quote in part:

The current system of schools being allocated existing student support personnel, such as educational psychologists, speech pathologists, social workers and visiting teachers from a cluster or network pool requires urgent review.

The school has very little control over the type of support staff allocated and even less control over the personnel themselves. With the enormous caseloads currently in place, the turnover of these staff members is extraordinary.

Our school has had three different educational psychologists over the past two years and three speech pathologists over the same time.

Coincidentally, that is the same number as departmental secretaries and directors of schools education. The quote continues:

The waiting list for referrals and assessments alone is daunting for any student support officer ...

With a caseload of 89 students at our school alone with only 1.5 days per fortnight allocated to Greenvale Primary School, it is no wonder that our recent speech pathologist has accepted an appointment to Monash Medical Centre.

We believe the most effective way to manage the needs of our [funds] is to have the full budget for student support and student welfare included in the school global budget.

The letter goes on to refer to a number of other matters. It would do the member for Yuroke, the Parliamentary Secretary for Education, great good to actually read the letter and respond to one of her — —

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

Refugees: children

Ms LOBATO (Gembrook) — I bring to the attention of the Parliament the plight of asylum seekers in our community. Recently I attended a picnic lunch for families on protection visas hosted by the Warburton Rural Action Peace Network. During their visit to this spectacular part of Victoria the families witnessed snow for the first time in their lives. Children were riding bikes and swimming — activities that they had never taken part in before. However, behind their happy dispositions on this picnic, tragic and desperate stories lie.

There are children who because of their competency in picking up English as a language are then saddled with the responsibility of translation between parents, lawyers and immigration officials. The son of one family has come to Melbourne to undergo an eye operation to save what eyesight he has left, having gone blind in one eye while in detention at Port Hedland. This family is under house arrest, which means its members cannot leave their temporary accommodation unless accompanied by an Australian citizen approved by the Department of Immigration and Multicultural and Indigenous Affairs. These approved chaperones have to undergo police checks. The children cannot even walk to school by themselves.

When I see how children in this country are treated I have to wonder how it conforms to the United Nations Convention on the Rights of the Child. Article 3 of the convention states that the best interests of the child are a primary consideration and that all steps necessary to ensure the wellbeing of a child should be taken. Under article 6 we have a responsibility to ensure to the maximum extent possible the survival and development of the child. Article 37 states that no child shall be deprived of — —

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

Taxis: multipurpose program

Dr NAPHTHINE (South-West Coast) — I condemn the Bracks Labor government for its cruel and heartless cuts to the multipurpose taxi program. These cuts will really hurt people with disabilities and the frail aged in our community. These heartless cuts will particularly hurt those who depend on this program in regional and rural Victoria, where there is no local public transport.

People with disabilities in my electorate depend on taxis and the multipurpose taxi program to travel to and from their day programs. The new cap imposed by the

uncaring Bracks Labor government is of such a limited nature that my calculations show it will be used up by many disability clients in the first two to three months of a year. What are they to do after their cap is used up? How are they to attend their day programs? Or are they to be confined to their residences? How will they visit the doctor? How will they go shopping? These people with disabilities deserve a full quality of life and full participation in the community. The Bracks Labor government's heartless cuts to the multipurpose taxi program will affect that and deny them that opportunity.

Many older people throughout Victoria, and particularly those in country Victoria, rely on this program as their vital link to the community to visit the doctor, to go shopping, to participate in community activities and to access much-needed services. Without this program they will be isolated and suffer poor health and poor quality of life. This cap is cruel, heartless and unfair, and — —

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

Eltham: sporting clubs forum

Mr HERBERT (Eltham) — On Friday, 17 October, I hosted an Eltham electorate sporting clubs forum at Greensborough Junior Football Club. The forum was attended by approximately 40 local sporting clubs, whose members enjoyed having a barbecue and discussing issues of common interest.

A highlight of the evening was an address by the Minister for Sport and Recreation in the other place. Not only were the clubs present inspired by the minister's knowledge of Melbourne's sporting strengths, but they very much appreciated the opportunity to discuss with him issues of local concern.

I thank the Greensborough Junior Football Club for the use of its excellent facilities and for the time and effort it volunteered for the function. The club is one of our successful local teams, with two of its players, Mark Lynch and Ryan Jackson, recently being awarded Australian Institute of Sport Australian Football League scholarships.

I also acknowledge the fantastic job that local sporting clubs are doing to promote sport and to help the development of thousands of young people in the Eltham electorate. It is the hard work and enthusiasm of volunteers in local sporting clubs that make Victorian sporting teams so successful. Whilst Victoria is the

sporting capital of Australia, I believe the electorate of Eltham is clearly the sporting capital of Melbourne.

Arthur Preston Residential Services

Ms MARSHALL (Forest Hill) — On Thursday, 23 October, I was honoured to have been asked to launch a new volunteer program at Arthur Preston Residential Services, which are located in East Burwood. A service run for the Wesley Mission Melbourne, Arthur Preston offers residential and support services for people with Huntington's disease. Huntington's disease is an inherited degenerative brain disorder that affects a person's physical, cognitive and emotional states. In layman's terms, whilst their minds remain intact their bodies crumble around them, causing loss not only of their ability to communicate but of the future plans they all have for their lives, family and friends.

This disease can affect people of all ages; however, symptoms usually present when a person is between the ages of 35 and 45. It was devastating to see residents in their mid-20s with the disease. The knowledge that it is inherited can be traumatic for a family, as family members are called on to provide so much support and understanding to those who are afflicted. It was here that I witnessed the incredible effort that the staff at Arthur Preston make daily, in ensuring that the residents have not only an opportunity to live as independently as possible within the constraints of their disability but that they can do so with a sense of dignity and compassion.

Acknowledged on the day for her devotion as a volunteer, Mrs Ada Davey, whose visits began over 20 years before, spoke of the deep friendship that had developed between herself and Julie Watson, relative of resident Michelle Lee.

As a part of the Bracks government's commitment to building stronger communities, the state disability plan reaffirms the rights that people with a disability have to live and participate in the community on an equal footing with other citizens — —

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

Bell Primary School: achievements

Mr LEIGHTON (Preston) — On Friday, 17 October, I had the pleasure of visiting Bell Primary School in my electorate. The purpose of the visit was twofold. Firstly, it was to speak to the junior school council regarding the Arrive Alive strategy and the reduction of speed limits at school crossings. The junior

school council did its own traffic audit and produced a coloured brochure to educate the school and surrounding community about traffic safety around schools. My congratulations go to the teacher responsible for the junior school council, Ms Leigh Black, and to the students for their work.

The second purpose of the visit was to congratulate Bell primary on receiving one of the Melbourne Water grants to primary and secondary schools for environmental projects addressing issues to protect waterways and to conserve water. Bell primary is to receive \$1300 for the installation of rainwater tanks. This project demonstrates how committed our young people are to protecting the environment and our most precious resource — water.

Bell primary was one of those schools targeted by the Kennett government for closure. I recall the community meeting at that time, where parents, teachers and the broader community decided that the school and the students' future was worth fighting for.

Earlier this year I attend its 75th anniversary celebrations. Bell primary is now a thriving school, strongly supported by its local community. It is a great — —

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

Sport and recreation: event venues

Mr ROBINSON (Mitcham) — In recent days the member for South-West Coast has been very unfairly maligned for his suggestion — very novel suggestion — that the Cox Plate be moved from Moonee Valley. I note that in recent days, indeed since at least 3.30 p.m. on Saturday, his call has been echoed by John and Wayne Hawkes and the camp that owns Lonhro, which looks forward to the day that the Cox Plate is run at Flemington, Caulfield, Rose Hill or Randwick — indeed anywhere but Moonee Valley.

The member for South-West Coast deserves full marks for thinking outside the circle, but he is selling himself short. We should not stop there. After all, it is all about getting backsides on seats. I note that the Birdsville camel races attract a good crowd, but they would attract a much bigger crowd if the event were transferred to Telstra Dome, because as we all know, thanks to the magnificent management of the Australian Football League there is no shortage of sand on the surface of Telstra Dome and the camels would be right at home.

I note as well that the Stawell Gift, a magnificent event, is drawing a very big crowd, but it is outgrowing the

facilities at Stawell. Indeed I think it would get a bigger crowd if it were drawn down to the Calder Park Thunderdome: it would give a whole new meaning to sprint car races with Nascar.

We should not confine the matter to sporting events. The Phillip Island penguin parade could be moved. It is very inclement down there, and let us face it, those penguins waddle because they are overweight. The extra swim up Port Phillip Bay would do them a load of good.

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

Dreaming of a Good Sleep

Mr STENSHOLT (Burwood) — On Sunday before last I had the immense pleasure of launching a book of stories on mothering entitled *Dreaming of a Good Sleep*. This book, supported by the Monash Arts Council, grew out of a community strengthening initiative for Ashburton, Ashwood and Chadstone, which is supported by the state government and implemented by Ahnna Lundstrom of the Inner East Community Health Service.

The stories in this anthology celebrate and acknowledge many wonderful and painful aspects of motherhood: the exhilaration and pain of giving birth; the wonderment of a newborn babe; the trauma of postnatal depression; the loneliness of sole parenting; the grief and loss in losing a child; the devastation of disability; and the love and determination that has kept women going when their strength has been spent.

The book was compiled on the basis of stories from wonderful women who generously shared their life experiences. They include Alison, Anne, Christine, Doris, Elia, Fay, Jean, Joy, Judy, Julie, Karen, Margaret, Nicki and Valerie. The book was supported by a wide range of organisations, including the Alamein Neighbourhood and Learning Centre, the Amaroo Neighbourhood Centre, the City of Boroondara, Camcare, the City of Monash, Craig Family Centre, the Department of Human Services, the Eastern Drug and Alcohol Service, Eastern Tenancy Services, the Inner East Community Health Service, the Jordanville Maternal and Child Health Service, the Network of Inner East Community Houses, Power Neighbourhood Centre and Women's Health East. It was marvellously put together, and the artwork and editing was done by Karen McKnight.

Seymour: water initiatives

Mr HARDMAN (Seymour) — I rise to inform the house about three significant water events that occurred in the Seymour region during the last fortnight. On Friday, 17 October, I had the pleasure of launching Waterbusters, a new business established by Annie Fletcher Nichols and Caroline Lodwick to make it easier for people to learn about how they can save water in their homes, gardens and businesses. Congratulations to Annie and Caroline on this great initiative. By going to the www.waterbusters.com.au web site people can find out about different products that can help them save water and money in their own homes, and also in their businesses.

On Sunday, 19 October, the Kilmore Mechanics Institute launched the Kilmore Open Gardens day with a talk on water conservation by author Alan Windust. Alan made many key points about the need to educate the public to conserve and recycle water, and he reinforced the need for governments and the community to use water responsibly and to change the way they use it. Again I congratulate Elaine Lavender and John Cleve of the Kilmore Mechanics Institute for putting on this important initiative. Both the events dovetailed well with the government's legislation and initiatives.

On Tuesday, 21 October, the Minister for Water and the Minister for Agriculture announced a further \$8 million for the upgrade of the Eildon Dam wall. There has been wide community support for this announcement, especially in the Upper Goulburn region. The community was pleased to hear that the ministers have recognised the importance of tourism, the trout industry and the leisure activities that occur on the Eildon Dam and the Goulburn River, and the benefits they provide economically to our region.

PORT SERVICES (PORT MANAGEMENT REFORM) BILL

Second reading

Debate resumed from 8 October; motion of Mr BATCHELOR (Minister for Transport).

Mr MULDER (Polwarth) — The Port Services (Port Management Reform) Bill is a further measure to the first bill reforming the port of Melbourne. This bill was drafted to implement legislative changes in response to the Russell review of the port system in Victoria.

The Liberal Party is not opposed to the bill. However, we will raise some issues, particularly in relation to the management and environmental plans for the ports throughout Victoria. The Liberal Party has consulted widely on the bill. It has been in contact with the port of Hastings, the port of Portland, the port of Geelong, P & O Australia, Toll Express, the Australian Shipowners Association, Linfox Interstate and Patrick Shipping Pty Ltd in relation to the bill. None of those organisations have indicated to us that they are concerned with the provisions in the legislation.

The Hastings Port (Holding) Corporation will be replaced by a new port body, the Port of Hastings Corporation. The new authority will take over the assets and liabilities while continuing under the present arrangements. However, the reforms will encourage the new corporation to plan for and contribute to the future development of the port by removing commercial restraints. This will enable the port to attract business, engage with the community and grow the port business. It is a positive move for the Hastings port.

Other provisions in the bill deal with replacing the Victorian Channels Authority with a new Victorian Regional Channels Authority, which will have the key role of holding Victoria's regional shipping channels on behalf of the Crown — but not the port of Melbourne, which is now serviced by the Port of Melbourne Corporation. Under previous legislation introduced into this Parliament the channels authority and the port authority were amalgamated into the one corporation.

Bringing together those two authorities was one of the driving points behind an examination of the management plans for the safety and environment of the ports. I understand that both the channels authority and the port authority had in place environmental and safety management plans. I also understand that that caused demarcation problems in relation to safety in particular, whereby if a boat or a vessel was moored, the issue of who was responsible in case of an accident involving someone getting on or off was controlled by the land-based authorities. It created some problems in relation to the environmental plans, whereby overlaps were not properly monitored and therefore did not adequately deal with the issue of appropriate environmental planning.

Indeed I was told that in one case 28 agencies attended an oil spill in the bay and all declared that they had played some role in relation to the clean-up activity. Dealing with and controlling 28 individual agencies created a great deal of difficulty for both the channels authority and the port authority. The provisions within the bill are about broadening some of the safety

management plans and also broadening out the environment plans to cover all the areas controlled by the various port managers.

I refer to some of the issues about which I have concerns — and this gets back to the port managers and their roles in bringing together the safety and environment management plans. I refer to clause 18, which inserts new part 6A into the act. Proposed section 91C states:

- (1) A port manager must ensure that —
 - (a) a safety management plan; and
 - (b) an environment management plan —

are prepared and certified in accordance with this Part of the port or part of the port that the port manager manages, superintends or controls.

There are penalties for failing to carry out and put in place the management plans. I would have thought that in this process a third-party certification body would be involved in the safety management and environment management plans and that perhaps ISO 14000 would be the standard that the environmental plan may be put and audited against. I wonder how the Australian standard auditors — and if not Standards Australia, then any of the other third-party certifying bodies — would deal with an issue whereby they and their clients were locked into a position where if they were not compliant they would be in reporting mode, and there would be a penalty attached to it.

My past experience, particularly in dealing with environment management plans and ISO 9002 service management plans — I was an auditor dealing with ISO 9002 and was awarded a fellowship by the Australian Organisation for Quality for work I had done on developing management plans — leads me to think that I would have great difficulty with the idea that part of a particular management plan entailed a penalty for the lack of a company conforming. That has not been the role of auditors in the past and I think it could play a major role in causing a breakdown in relationship between an auditing body and a client — the client in this case being the port manager.

Further in this particular section of the bill it says that:

- (2) A port manager must ensure that reasonable steps are taken to —
 - (a) implement the measures or strategies that are specified in the management plan to prevent or reduce the hazards and risks associated with the operation of the port; and

- (b) follow the processes that are set out in the management plan to involve tenants, licensees and service providers in the port with the implementation of the management plan; and
- (c) follow the procedures that are set out in the management plan for implementing, reviewing and revising the management plan.

Once again there are penalties for failure to carry out those particular tasks.

With auditing processes and management systems it is very rare that you find an organisation which is 100 per cent compliant — small issues are always raised. The idea of continually auditing a system is you identify where the failures are within a system and you put in place actions to correct them. You then go back and monitor those corrective actions and the internal auditing processes of the company to ensure that the company has a quality culture and is prepared to work towards getting as near as it can to 100 per cent compliance. However, companies never reach that 100 per cent compliance and to my knowledge it has never happened in auditing systems.

The bill details penalties of 240 penalty units in the case of a commercial trading port and 60 penalty units in the case of a local port for not complying with the implementation of those measures and strategies, but it does not give any indication of what would trigger the penalties. I would ask the question of how these penalties will be implemented and at what point the penalties will be triggered.

There are other issues in this section of the bill. Proposed section 91C(3) states:

The port manager must comply with any written direction of the Minister under section 91H.

Safety management plans and environment management plans — any plan that is going to be audited by a third party — comply with, you would imagine, a standard — in this case, most appropriately, the Australian standards on environment and safety. I just wonder how you deal with the issue of interference of a minister or bureaucrats in a business, and compliance with directions that have direct implications on how you run your business and implement management plans, both safety and environment. How does that impact if those directions are against what you have written up as your policy and procedures and what you say you will operate under? If the port manager does not comply with written directions from the minister there are penalties of, again, 240 penalty units in the case of a commercial trading port and 60 penalty units in the case of a local port.

Quality management systems and environment management systems are developed from within. They come about by bringing on board the best expertise you can in the area of, for instance, the environment, bringing on board all parties in your organisation from senior management right down to the people who operate on the floor, and working together to develop what you believe will give you the best possible outcome in a management plan. However, proposed sections in this bill allow the minister to issue written directions against an existing management plan, whether it be safety or environment. I find that quite extraordinary. I would like to see what impact this has when it is implemented.

The bill provides that the minister may cancel a management plan, may direct that a management plan cease or make significant changes or alterations. Again, within a properly constructed management system developed by an organisation which has to live with it and run it on a day-to-day basis, I cannot see how this will work with a third party auditing the process when you have ministerial interference. I believe that is a real issue in relation to this bill.

Proposed section 91D(2) states:

The safety management plan and the environment management plan for a port must be prepared and certified in accordance with this Part within 12 months after the declaration of the port under section 6 or any later date that is fixed by the Minister with respect to the port.

I am only speaking from past experience, but to my knowledge the worst thing you can do in setting up a safety management plan, an environment management plan or a management plan for a business is say it has to be completed within 12 months. Of the companies I worked with as a consultant in developing management plans, the ones which got the worst results in terms of how the systems worked for them were those that were given a time frame in which to prepare and implement those plans. If you say this has to be done within 12 months, you end up creating a system in which not enough thought is given to the areas to be covered and no real consideration is given to the fact that the resources may not be available in that period.

Port managers may go through a whole host of issues which could impact dramatically on their ability to meet a deadline.

A management system needs to be developed and refined, further developed and refined, and internally audited over and over again to make sure you have got it right. You then have to bring in the external certification body to go over it and see if it thinks it is

right. All of that process takes place before you get to a final audit and final certification process. I have some difficulty with the way this section is structured and the pressure it will place on port managers. Proposed section 91H(1) states:

The Minister may, by notice in writing to a port manager, direct that a management plan for the port must be prepared within any time fixed by the Minister other than that required by this Part.

It is not playing the game in relation to true quality outcomes and getting the best results for the ports.

The opposition does not have major issues with the legislation. I am not sure if the port managers realise the implications of ministerial intervention in the management plans they have set up and are working towards implementing. I believe if there is a significant amount of intervention by the minister it will cause enormous problems. It could trigger penalties for the port managers and basically make the bill and its provisions quite unworkable in that sense.

Environment management plans will be developed. In the past they have looked mainly at issues such as oil spills. As I mentioned before, a whole host of agencies turn up when that occurs. With the bringing together of the land-based authority and the water-based authority into one corporation we will find that these management plans are developed to deal with these issues, not just spills in the water but also issues of odour, noise, litter and a whole host of issues which impact on the environment around the port. It is important that we get this right because the reputation of our ports internationally plays a major role in the economy of the state of Victoria. To have in place good, sound environmental credentials for our ports is important.

The opposition agrees with and supports the issues in relation to safety management plans. The minister has indicated that he will be issuing directions in relation to safety management plans. We have some concerns about who will be issuing the minister with directions prior to those directions being put to the port managers.

The opposition does not have major problems with the bill overall. However, the issues of the environment and safety management plans need to be addressed and played out in a fair manner on the understanding that you cannot rush the development of a quality management system or you end up with very poor outcomes. I wish the bill a speedy passage.

Mr WALSH (Swan Hill) — This is the second part of a legislative program to reform our port system in

Victoria. The Port Services (Port Management Reform) Bill does a number of things. It consolidates the acts related to the establishment, clarification and management of Victorian ports. It establishes a new port corporation, to be called the Port of Hastings Corporation, vested with broader functions and powers as the successor to the Hastings Port Holding Corporation.

It creates a body known as the Victorian Regional Channels Authority to replace the Victorian Channels Authority. It requires all port managers to prepare and to comply with safety and environmental management plans. In some ways this bill has a feeling of *deja vu*: what is old is new and what is new is old. We are going back to some of the structures we had before the port reform of the mid-1990s.

Any debate in this house on port legislation should not go by without our emphasising the importance of the ports in Victoria. We are a trading nation, and Victoria in particular is an exporting state. Something like \$75 billion worth of trade and 40 per cent of the Australian container trade go through the ports here in Victoria. We have all seen the advertisements on television and in the trade magazines from the ports of Botany in Sydney and of Brisbane and how keen those ports are to take business away from Victoria. It is therefore important that we as Victorian legislators do everything we possibly can to ensure that our ports are as competitive as they can be and that they are kept competitive so we retain businesses and jobs in Victoria.

A lot of people talk about the impacts of globalisation, but the majority of people would understand that Victoria has always been part of a global trading regime because of its exports. I have often spoken outside this place about the port of Melbourne, and when I have I have related the story that few of those people who drive across the West Gate Bridge every day and look down to the container port of Melbourne would comprehend what goes on in that port. As I said, \$75 billion worth of exports goes out of this state through the port. As a rural member of this house I am proud to say that the greatest single user of that container port is the dairy industry. That is something the majority of users who travel across that bridge would not comprehend.

Victoria has three regional ports. Geelong and Portland are both privatised, and Hastings is about to have a change of structure. What is important in any talk about privatised ports is to go back to the recommendations of the review of ports, because it concludes that under privatisation the port management of the two regional

ports of Geelong and Portland is progressing adequately. We hear a lot from the other side of the house about the woes of privatisation and how some of the changes of the Kennett era have not delivered benefits, yet here we have one of the government's own reports saying that the privatisation of Geelong and Portland is delivering benefits to the whole state and to those communities in particular.

This bill also covers the 13 designated or local ports that we have right around our coastline. They have not only a very significant trade benefit for this state but also a very significant social and recreational benefit. Those ports have commercial fishing and also recreational fishing and all the water sports and other pastimes that go on at those places. What we have to be very careful of in any port regulation is that we do not impede the development of the business of those ports.

When speaking on the previous port bill I raised the issue of the right to port. We need to make sure that our planning provisions and our local government planners protect the integrity of our ports so we do not get urban encroachment and we do not get people starting to complain about the noise from the ports in the middle of the night when boats are coming and going and about the smells and odours from those ports and actually impeding the business that goes on in them.

As I said, this legislation separates the old channel authority to set up the Victorian Regional Channels Authority to manage the waterways for ports other than the port of Melbourne. We need always to be very careful that in separating these things out we maintain the integrity of the port of Geelong and that its access to the waterways is maintained in the future. The Geelong port has a critical role to play in the export of bulk grain and we want to make sure that it is not disadvantaged in the future.

I commend the minister and his parliamentary secretary for arranging a visit to the port of Melbourne for me and a number of my colleagues. We have all been down to the port at various times and looked from the land side of the port, but it was very interesting to get out in a boat and look at it from the other side and to have some of the port people there with us to explain the very important things that go on in our ports. Also interesting was the very good discussion we had about the issue of the deepening of the channel into Melbourne and the deepening of the channel into Geelong. As we go to bigger boats we need to ensure that we have access for those boats into the ports in Victoria. Portland is our one deepwater port at the moment, but we need make sure that those boats also

have the capacity to come into the ports of both Geelong and Melbourne.

The issue of the deepening of the Rip is also interesting. No doubt we will have further discussions in this place as that goes on, and on the myths that are spread around in the popular media that if the Rip is deepened there will be huge fluctuations in the water level in Port Phillip Bay.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Polwarth should acknowledge the Chair when he enters and leaves the chamber.

Mr WALSH — I found interesting the very detailed explanation given to us by the port people of how the deepening of the Rip would have minimal impact on the water level in Port Phillip Bay. That is something we need to bear in mind as regulators and leaders of public opinion — making sure that we get the facts out there about these sorts of issues and not stooping to populist views and, for example, running the risk of impeding our exports here in Victoria and the access of larger ships in the future.

Returning to the government's response to the *Next Wave of Port Reform in Victoria*, I refer to a paragraph under the key directions. It states:

Ports need to operate within a broad strategic framework that provides clarity of purpose, greater certainty for industry and effective integration with other key state government strategies.

I would like to comment on the whole issue of freight and how we link the freight system with our port system. It is a critical issue. In its conclusions the report states that there is a role for the Department of Infrastructure to further develop those integrated systems and ensure that we could get the synergies that we need in the future. In talking about port reform in the mid-1990s the executive summary also states:

While they benefited some shippers by reducing wharfage rates, overall costs through the port increased, as costs not controlled, particularly road-related costs, rose markedly.

The key, as the Nationals see it, to turning that around is to get competition in the freight system upstream of the ports. We have seen significant investment by Patrick as it has gone about buying some up-country road transport businesses that have container facilities in northern Victoria and southern New South Wales, and we have also seen some significant investment by Toll Transport in that area. However, the key thing that will drive this is making sure that we get the rail system working well. Any discussion on ports or exports

would not be complete if we did not integrate the rail system into that discussion.

We have had a lot of talk about intermodal transport systems. We have some great examples of that working in Victoria. We have the Wakefield trucking enterprise in Mildura, which is practising intermodal transport systems up there, but which is significantly disadvantaged by the inefficiencies in our rail system.

We have had a promise for two years now that there would be an upgrade of the rail system and the standardisation of the rail system. I think both of those are absolutely pivotal in making sure our ports are efficient into the future. The CRT Group is very keen to put in place Sprinter trains so that we can have trains that can go up country, load up and come back again with a very short turnaround period that would be equal to or better than the road transport system. We need to make sure that any discussions we have on ports also include the upstream freight systems of those ports to make sure we get the efficiencies we need to keep our export industries competitive into the future!

This bill also gives the Essential Services Commission some powers in price setting and regulation of the port. I think the concern that the Nationals would have with the ESC is that we are becoming a state run by the ESC. We have what I can only describe as a juggernaut being set up, with the ESC involved in nearly every second piece of legislation that we debate in this house. I am not sure if we actually have enough office space in Melbourne to hold all the people we are going to have to have in the ESC in the future.

I am a great believer in the private enterprise system — that government has a role to set the rules around how private enterprise goes about making a profit and creating jobs for the state but that legislators should not interfere too much in its business. Government sets the rules of racing to let people get on with their lives. To have another example of the heavy hand of government coming in to regulate prices in the form of the Essential Services Commission I believe poses a real risk that it will be an impediment to future efficiency, that it will stop competition and that there will be disadvantages down the track.

As I said earlier, we have other ports around Australia that are very keen to get our business — to take business and jobs away from Victoria. We want to make sure that the Essential Services Commission does not actually aid the port of Brisbane, the port at Botany in Sydney or any other port around Australia by having the dead hand of government being an impediment to how our ports are run and how efficient they are into

the future. Let private enterprise and competition get on with their roles.

The National Party is not opposed to this legislation. As I said, we believe that the ports of Victoria are a vital link with the rest of the world for our export and import industries. In particular our regional ports have a significant role to play not only in that trade but also in recreational and social activity. We just reinforce those issues: making sure that we deepen the channel here in Port Phillip to make sure that the ports of Geelong and Melbourne allow access to the larger ships and that we do not get hung up on the deepening of the Rip, with some of the spurious debate that is going on around that; and the caution about the role of the Essential Services Commission in the future and how the dead hand of government can actually be an impediment.

Mr CARLI (Brunswick) — It is a great pleasure to follow the member for Swan Hill, who put a strong case for the importance of the commercial ports in Victoria and the fact that Victoria is an exporting state. I think it needs to be emphasised that the amount of exports is increasing, particularly container exports, and the amount of imports is increasing, again particularly container imports. That has enormous consequences for the commercial ports and the future investments in and management and governance of these ports.

In the autumn sitting the Port Services (Port of Melbourne Reform) Act was passed. That was an important piece of legislation which established the Port of Melbourne Corporation with a much broader charter. It also indicated that the port had to be integrated effectively with the freight and logistics networks — that means rail networks in particular. Already we have seen great improvements in rail: the rail link between the port of Melbourne and South Australia has massively increased in the last couple of years, particularly with the establishment of rail into the West Swanson terminal. We now have a 1.5-kilometre train that leaves for South Australia every day and one that comes in every day as well. The future potential of rail is critical if we are to realise the work of these ports, make them effective and efficient and lessen the amount of truck traffic, particularly in the inner western suburbs.

During the debate on the Port Services (Port of Melbourne Reform) Act 2003 it was flagged that there would be a second piece of legislation — that is the current bill, the Port Services (Port Management Reform) Bill. It is a bill which continues the reforms indicated by the Russell report entitled *The Next Wave of Port Reform in Victoria* and the government response to that report, and it takes on some of the

limitations that Bill Russell saw in port reform and in getting where we have to go.

One of them was the issue of the port of Geelong. In the debate that we had in the autumn sitting it was made clear that the creation of the new Port of Melbourne Corporation and the Victorian Regional Channels Authority would not result in any unfair disadvantage to the port of Geelong. With this bill the government is honouring its commitment to Geelong and saying that it will ensure that the operators will not be affected. There will not be any ability for the port of Melbourne to impose any monopoly control or any other control that would detrimentally affect the port of Geelong.

There has been a series of consultations with the users of the port of Geelong. A number of models have been put up that would assist in these arrangements and protect the Corio channel. Specifically there have been discussions between Toll, Graincorp, Shell and Alcoa. Essentially we have come to the establishment of the Victorian Regional Channels Authority, the primary purpose of which will be to serve as the channel authority for the port of Geelong and to ensure that it has an independent board, that it has a small expert staff and that the needs of Geelong are looked after.

Part of that is also to ensure that the Essential Services Commission has a role in seeing that price rises are contained. This new model has been very much thrashed out with the various stakeholders in Geelong. It will assist the operators there, and they are very supportive of it. It also has the potential, with the support of the minister, to allow the regional authority to have a greater role and function in relation to other regional ports. That would be by direct request to the minister, but primarily the Victorian Regional Channels Authority would be looking after the Geelong side. Geelong is a critical port, and no doubt the members for Geelong will speak about the importance of the port of Geelong to the Victorian economy, so I will not dwell on that.

Another important part of this bill relates to the port of Hastings. Hastings is one of those ports that has been a good idea — and while a lot of thought is given to what could happen, generally things never get very far. It is a very specialised port for four main commodities — steel, crude oil, liquefied petroleum gas exports from the Bass Strait fields, and petroleum products — and it has been in a bit of a holding pattern throughout the 1990s.

The small Hastings Port (Holding) Corporation was put in place in 1997 in a period of privatisation during which the port of Hastings was leased. That holding

company had a very narrow charter, in that it essentially managed the lease. This bill will create the Port of Hastings Corporation with a broad charter and a mandate to manage the port for the future — that is, to start planning the future of the port and its role over the next 10 to 20 years, to best utilise its great advantage of being a natural deepwater port, and to do some of the work that needs to be done if it is to play a much larger role in commercial trade through Victoria.

The corporation will also work to ensure that transport routes are maintained and protected and that investments are aimed at ensuring that the port is better linked to the metropolitan system through rail and road, because if it is to become a more significant port it will certainly need those freight capabilities. Currently it does not have the major capabilities demanded of a major port, so it will be a huge task to do the work and engage the local community in consultation. It has to be very much a local organisation with a commitment to and a place within its community. This is an important engagement which is about creating a common vision for the port. It is an important step, and the member for Hastings will no doubt add to the discussion about the Port of Hastings Corporation.

The other major parts in this bill relate to the environmental and management plans for the ports. The Russell report pointed to a failing of the existing ports in their not identifying who was responsible for their environmental planning. A number of agencies are responsible for environmental and safety issues, but none of them has an overall planning function. Basically this bill is about developing management plans to ensure that ports have in place the environmental and safety provisions which they need and which the local community expects.

I note the comments made by the member for Polwarth, who was concerned about interference by the minister and the heavy hand of government in these plans. I do not see that in the bill. It establishes a direct line of responsibility, with the minister being ultimately accountable for ensuring that the plans are undertaken, certified and audited and that they are complied with. It is not the role of the minister to interfere in the minutiae of port management. It seems to me to be the fairly standard line of responsibility which you find in government and in public organisations and entities: it is ultimately the responsibility of the minister to ensure that things happen.

I do not share the concerns of the member for Polwarth, and I want to assure him that this is not a heavy-handed approach to environmental management. It is very much about ensuring clear lines of responsibility from

the minister down, so that at the port level it is very clear how particular issues and problems will be managed. That is a great big hole, if you like, in the current system, which Professor Bill Russell has identified. With this bill we will certainly have the ability to fix that hole and ensure that the ports are better managed so that local communities can rest assured that their environmental and safety concerns will be catered for. I wish this bill a speedy passage.

Mr COOPER (Mornington) — As the honourable member for Polwarth said in leading the debate for the opposition, the Liberal Party is certainly not opposing this bill, but there are some matters it has some concerns about, some questions it wants to raise and some arguments it wants to develop, which we hope will show the government that things need to progress a little faster than it intends doing. Regrettably I do not have a lot of time to develop those arguments, but I will try to tackle two of the issues so that the government benches and, importantly, the minister may have a better idea of what we are on about.

Firstly, as has been mentioned already by everybody who has spoken, this is the second stage of the results of the review by Professor Bill Russell of Victoria's ports. The Port Services (Port of Melbourne Reform) Bill, which we dealt with earlier this year, abolished the Melbourne Port Corporation and the Victorian Channels Authority and combined those two bodies into the Port of Melbourne Corporation. That was a move that effectively took the white line away at the edge of the wharf — I suppose you could put it in those terms — by saying that the Port of Melbourne Corporation could control the whole operation of the port, including the channels. That bill was not opposed by the Liberal Party either.

The question I raise is that having established the Port of Melbourne Corporation as a single body looking after both the port operations and the channels, why is it that there is now the establishment of a Victorian Regional Channels Authority?

From my research into this matter it can be seen that it perhaps all revolves around the port of Geelong rather than any of the other ports. It appears there has been a considerable amount of concern raised by Toll Holdings, which operates the port of Geelong, as to whether or not it will be detrimentally affected by the establishment of the Port of Melbourne Corporation. It has expressed concern that the abolition of the Victorian Channels Authority and the absorption of its functions into the Port of Melbourne Corporation will place access to the port in the hands of a competitor.

However, that concern could have been effectively allayed by a negotiated channel-access regime into Geelong, which would have fully safeguarded Toll's interests. But the government has chosen to go in a different direction and establish the Victorian Regional Channels Authority — in other words, to add a layer of bureaucracy. Having eliminated a layer of bureaucracy only a few months ago the government is now intent on establishing another layer of bureaucracy and cost.

One would have to ask why it has taken this route rather than going the other way. Does the whole matter centre around the concerns that Toll has over the possible unfair competitive influence that the Port of Melbourne Corporation may well have on the operation of the port of Geelong? This is a matter of significant concern, and I would hope the minister will be able to answer it when he sums up on this bill.

The other issue in relation to Port Phillip generally is that everybody is waiting with eager anticipation for the environment effects statement regarding the channels in Port Phillip Bay. I note that the government has a commitment towards the deepening of the channels with the proviso — the rider — that it will only do so if it is environmentally sound. It is now all hinging on the environment effects statement for Port Phillip Bay. One has to ask when we are going to see it and when a decision is going to be made. One would hope the economic benefits to and economic activity of Victoria would be put in front of any gross political concerns the government may have in regard to the deepening of the channels.

I know there are people on the conservation side who are gearing up for a big blue with the government over the deepening of the channels. The government is aware of this; one would hope that it is going to produce the environment effects statement and make a decision. As I said in the debate on the bill earlier this year, we cannot wait about because the conference shippers, and those outside the conference shipping lines as well, are very concerned about what the future is for the new generation of container ships and the port of Melbourne. It all hinges on what is going to happen with the channel deepening.

I notice that the government has been not prepared to debate this issue — to bring it up and make a definite statement. It is saying that it is in favour of the deepening of the channels but it has a very firm rider attached. That rider is obviously hooked onto the environment effects statement. When is the government going to release the environment effects statement, and when will we be able to have a good look at this issue and see whether or not this government is genuinely

committed to allowing new-generation ships to come into the port of Melbourne?

I thank the member for Brunswick for the briefing and the trip around the port. It was a very pleasant and informative occasion. The member for Brunswick was the sole representative of the Labor Party; but that was fine, because he did a very good job in making sure we were thoroughly briefed. As the member would know, it included an answer from the head of Patrick as to what will happen if the channels are not deepened. He said, 'We'll make alternative arrangements in regard to where the boxes go'. The alternative arrangements will probably include Brisbane or Sydney, and possibly Adelaide.

This must be of great concern to the government. It should be of great concern to the Minister for Manufacturing and Export, because he has responsibility for some aspects of economic activity in this state. If we see those boxes disappearing to places other than Melbourne, then the businesses that rely upon those boxes will go there as well. That is the point I want to make, but I have spoken perhaps too long about it.

I want to address the changes to the port of Hastings, and I note I have just over 2 minutes left. Hastings is in a part of Victoria that I represented up until the last election. The redistribution of boundaries removed that area from me, but I still maintain a significant interest in the port of Hastings. Division 1A of the bill sets up the Port of Hastings Corporation. It is all very well to move the deckchairs around, but action will be the proof of the pudding. The port of Hastings has been a bridesmaid for a long time, and it would appear that it is to be a bridesmaid for a heck of a lot longer, because there is no commitment by this government to the port. Here we have the best deepwater port in Victoria, but it is not living up to its capabilities and expectations. At the moment its activity as a port is very small indeed.

If we are looking at the aspirations of the people of the Mornington Peninsula and the people of Hastings itself — and that includes Crib Point, the general area around the port and the business community on the Mornington Peninsula, in particular on the eastern side — I believe they would all say to us very firmly, 'We want to see the port of Hastings developed as a major port'. Because it is a natural deepwater port it will be capable, and it is capable right now, of taking new-generation container ships.

The member for Brunswick rightly said that you have to develop all the infrastructure to go with that, but where is the commitment by the government to develop

that infrastructure? I would suggest that that commitment — to seeing Hastings reach its capabilities and the aspirations of the local community realised — is sadly lacking. It is non-existent. I urge the government to have a good look at Hastings and to remove some of the problems that it will have with its further development.

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

Mr TREZISE (Geelong) — As the member for Geelong I am pleased to be speaking in support of the Port Services (Port Management Reform) Bill. As with other legislation that goes through this house, this bill delivers on another commitment by the Bracks government to the people of Geelong about the management of their port, which is so important to the economy of Geelong.

Overall the bill will deliver Victoria a healthy, growing and robust economy that will ensure Victoria continues to prosper economically well and truly into the future. In saying that I do not have to go into the detail of how well an efficient and effective port system serves our state's economy.

As the member for Swan Hill pointed out, around \$75 billion of imports and exports come through the ports of Victoria on an annual basis. The port of Melbourne contributes around 80 per cent of the trade through our state. The importance of the port of Melbourne can be seen in statistics — which again the member for Swan Hill quoted — that demonstrate that it handles some 40 per cent of the national container trade. That is a staggering figure when you take into account the fact that all capital cities have major port facilities. At the other end of the scale Victoria has numerous local ports apart from the major commercial ports, which contribute to fishing, recreation and tourism in rural or regional coastal areas.

The bill is very important, as I said, not only to the economy of Victoria but also to my electorate of Geelong. As this house is well aware, the port of Geelong is a major transport gateway not only for Geelong but into south-western Victoria and beyond. On an annual basis some 400 ships come into and out of the port of Geelong, the major operators being Toll Holdings, trading companies like Shell, Alcoa and Vicgrain, and fertiliser companies such as Pivot.

Each year approximately 2 million tonnes of grain and about 1.3 million tonnes of woodchips are transported through the port of Geelong. Thanks to the Bracks government, the export of woodchips will slowly die

away, but I am sure the port of Geelong, being a robust port, will attract other cargo. We have the raw materials used to make fertiliser coming through Lascelles Wharf, which is very important within the port of Geelong.

In addition, through Shell more than 6 million tonnes of crude oil is shipped through the port on an annual basis.

These base product figures also highlight not only the importance of the port of Geelong to the Victorian economy but to my electorate of Geelong.

In recognising the importance of the port of Geelong, the Bracks government since its election in 1999 has contributed greatly to the infrastructure of the port. As was pointed out by the member for Swan Hill, we see and recognise the importance of the rail integration into the port authorities and our ports, and therefore we have seen the Bracks government include initiatives such as the completion of the dual gauge grain rail loop, and we have also seen \$1.5 million invested in connecting Lascelles Wharf, a key wharf in the Port of Geelong Authority, to the national rail. We have also seen the development in partnership with the City of Greater Geelong, and the total Geelong port, of a land strategic plan that will be used within the port of Geelong to develop it into the future.

This bill is another important initiative that will contribute to the overall future wellbeing of the port of Geelong. Therefore, as I said, this bill is very important not only to the port, but also to the wider community of Geelong, because through this legislation we will see the establishment of the Victorian Regional Channels Authority and the winding-up of the current Victorian Channels Authority.

As a brief diversion, in mentioning the Victorian Channels Authority, I had the pleasure of working with the VCA on numerous occasions. I would like to commend the work of people such as Ian Edwards, Tim Muir and Peter Hinksman, all captains, and Ian Scott for their contribution to the ports of Victoria over many years. As a port group we had some lively discussions with the then VCA, but I can say at all times members of the VCA conducted themselves in a very professional and well-managed manner.

This bill establishes the Victorian Regional Channels Authority, which in essence will have the management responsibility for all channels outside of the Port of Melbourne Corporation. With regard to the port of Geelong, the new VRCA will remain as the direct channel operator, but will contract out the majority of channel services to port operators. The major channel

services responsibility that the VRCA will have is shipping control. In Geelong shipping control has, over the last decade, been performed by five dedicated shipping control officers working on a 24-hour basis, 365 days a year. Those five men have admirably and professionally performed their tasks within the port of Geelong.

Importantly it will be the role and responsibility of the new VRCA to ensure that the port of Geelong is in no way disadvantaged in relation to other ports, and primarily to the Port of Melbourne Corporation. It is absolutely essential that the quality of shipping and the channel service is maintained, and is maintained in a fair and equitable way. In this role the VRCA will be closely scrutinised by not only the port operators but also the port users and the community of Geelong itself. It is a challenge that I am sure the VRCA will effectively meet in the years to come.

In underlining the importance of an effectively and fairly operated channel to a port I often quote the analogy of a former chief executive officer and chairman of the then Port of Geelong Authority, a fellow by the name of Mr Peter Morgan, one of my bosses and a person very well respected within the port industry. In quoting his wisdom Peter often pointed out that a port without a good channel is like a home without a driveway — it is totally ineffective. We can see the importance of the channel and the new VRCA. As I have said, the new VRCA will be closely scrutinised, and especially early on, but I know in working with the channel operators, the channel users, and the wider Geelong community, the VRCA will be up to the task and will contribute positively to the future operation of the port of Geelong.

Very briefly in the time that I have left, and from a port of Geelong perspective, the requirement for port operators to develop and implement a safety environment management plan is also important, and I note the points that were made by the honourable member for Polwarth in his contribution.

This is important to all ports, and in my eyes very important to the port of Geelong. When you take in the fact that something like 200 large oil tankers come into the port on an annual base, delivering 6 million tonnes of petroleum product, it is not hard to envisage a disaster of catastrophic proportions taking place. It is a minimal risk, but nonetheless it is a risk that confronts the port of Geelong and its operators on a daily basis. The port is fortunate to have personnel well trained in oil spill response, and also to have the Australian Marine Oil Spill Centre located within it.

Health and safety and environmental issues in the port need to be addressed on a continuous, improvement-type basis, and I believe this legislation will cover that. This is important and good legislation that will contribute to the future wellbeing of Victorian ports, including Geelong. I therefore wish it a speedy passage.

Ms ASHER (Brighton) — As has already been indicated, the Liberal Party does not oppose the Port Services (Port Management Reform) Bill. As has also been indicated this bill is part of a process, and I want to take that process back a little further.

Under the previous administration there was very significant reform in the 1990s in the ports area. Indeed Professor Bill Russell's report is called *The Next Wave of Port Reform in Victoria*, obviously implying that there was reform before this. There is reference to the previous government's work in this area in the second-reading speech, notwithstanding that that speech is simultaneously critical of the structures and administration set up by the previous government.

The basis for the legislation is the report prepared by Bill Russell and given to government in November 2001. He is a Labor-aligned consultant who has done many jobs for the Labor Party, and I want to make note of his comments regarding the previous government's port reforms. I refer members to page 56, which states:

... the port reforms of 1995 left the port of Melbourne with some positive strengths ...

And of course he argued for administrative change. He particularly wished to identify the 1995 port reforms as having two main strengths, saying:

... the process of downsizing and cost cutting which the Port of Melbourne Authority had pursued under corporatised management since the late 1980s was continued.

He questioned it, but he certainly listed it as a strength of port reform. He also stated:

... reduced direct charges to shippers mandated by the government had passed on economic benefits.

He continued:

The port also enjoyed the benefits of certain policies put in place in the early 1990s, prior to the port reform process

He particularly referred to the rationalisation of stevedores and the privatisation of their terminals, as well as the initiation of City Link, as key developments in port reform. But he has been critical of the structures introduced by the previous government, and I guess that

when you are being paid as a consultant, you have to recommend change.

The government issued a fulsome response to the report that was broadly in favour of the recommendations put forward by Professor Bill Russell. At page 4 of its response the government observed:

In commissioning the independent review of Victorian port reform (the review) and in responding actively to its findings, the government is clearly signalling its recognition of the critical role played by Victoria's ports in facilitating trade with the rest of the world and in underpinning the economic prosperity of the state.

The government views Victoria's ports as key strategic economic assets which need to operate at the highest levels of efficiency and effectiveness to maximise benefits for the Victorian community.

Again they are sentiments with which the opposition would agree, but as always the test is in the delivery.

The first part of this process was the Port Services (Port of Melbourne) Reform Act. This bill is the second stage, and it has a heavily administrative focus which has been pretty well covered by other members.

The bill establishes the Port of Hastings Corporation and sets out its powers, functions and transitional arrangements. It also establishes the Victorian Regional Channels Authority to replace the Victorian Channels Authority. The bill sets out its new role and describes its regulation by the Essential Services Commission and so on. The bill also transfers local port administration, which is currently covered by the Marine Act and the Port Services Act. There are 13 such ports, and it is a sensible arrangement to have all port administration covered by one bill.

My interest in this bill stems from the economic contribution to Victoria of all its ports. I note that the trade figures for the port of Melbourne for 2001–02 show that it was handling \$125 000 worth of trade every minute of every day. That is vital for the manufacturing industry and for employment in this state. The second-reading speech contains the government's estimate of the total trading volume handled by our commercial ports, being of the order of \$75 billion, including 40 per cent of Australia's container trade, which has previously been mentioned.

The Manufacturing Industry Consultative Council advises the government on where it should go with exports and trade and the like. It consistently has two messages for government. The first one is about skilling, which is clearly not covered by this bill, and the second is about exports. I note that this Labor government has reflected the federal government's

target of doubling exports by 2010. The state government does not have a specific target for 2006, but it too has embraced the commonwealth government's target of doubling our number of exports. The efficiency of our ports will be pivotal to whether the state and federal governments can achieve that laudable goal.

I have a number of concerns in relation to the bill, which I will briefly run through.

The first one — and this is also reflected in the powers and functions of the Port of Melbourne Corporation — is that the Port of Hastings Corporation, and indeed the new Victorian Regional Channels Authority, have been asked to undertake functions that I suspect may be difficult to achieve simultaneously.

Under the substituted section 17D, 'Functions', the Port of Hastings Corporation has been asked to carry out its functions in a manner that is environmentally sustainable and commercially sound. It is terrific when you can achieve both of those objectives simultaneously, but in the real world — if I can use a hackneyed expression — often these things are not compatible and the government and the new corporations of the Port of Melbourne Corporation, the Victorian Regional Channels Corporation and the Port of Hastings Corporation will have to make decisions on this. It will be interesting, given that this government has said how important the port is, to see whether its decisions will be determined by that and the economics or by other political pressures.

I also have some concerns about clause 7, which allows the minister to waive — in this case his — interest in land that the port of Melbourne can basically dispose of. There are similar provisions in relation to the port of Hastings, but I wonder why on earth a minister would want to waive his responsibilities, although the government is arguing that it is for small portions of land, and that issue needs to be flagged at this stage.

But it is in the area of the safety and environmental plans that I have some concerns. Although its objective is absolutely and utterly laudable, this government has been very heavy-handed in its use of regulation. It is my concern that this procedure, which has been set out in this bill, will be similarly bureaucratic and may not allow the ports that freedom to operate for economic growth in the efficient manner that the government stated was its objective when responding to the Russell report.

I draw the attention of members to the bureaucratic procedures, the auditing processes, the fact that the port

manager must ensure that copies of the port safety management plan and the environment management plan for the port are lodged, that certificates are attached to those plans, and that audit reports are also provided. The penalty for that not being done is 20 penalty units.

The bill provides for a very bureaucratic audit process as well as for ministerial guidelines. I note also that the minister is required to provide documents, and that the guidelines have to be published in the *Government Gazette* and made available for inspection free of charge at the office of the minister. There is, of course, no penalty if the minister does not abide by those bureaucratic procedures, but the port managers are required to do so.

It is all about intention versus delivery. I accept the government's good intentions in this area. It is when I look at the structures within the bill that I am not so sure the government will realise its objectives there. I wish it well, but this government has a strong track record of wanting to be all things to all people. I think some of the functions it has asked the various port authorities to do in this bill and the previous bill may not necessarily be compatible with each other.

I conclude by asking the same question as my friend the member for Mornington — that is, where is the environment effects statement (EES)? The government has a big decision in front of it with channel deepening. It will be interesting to hear the cabinet discussions on this, as I am sure they will leak and I am sure I will learn the position of the Minister for Manufacturing and Export on this in due course. But the key question is: where is the EES? That is the pivotal question for the government.

Ms BUCHANAN (Hastings) — I rise proudly to support the Port Services (Port Management Reform) Bill. It is good to see that it has bipartisan support, albeit in a most unusual manner.

I would like to start off by saying that the overall intent of this bill is to consolidate important amendments in the Port Services Act to give overall consistency to the establishment, classification and management of all Victorian ports and, equally as importantly, to ensure that all key stakeholders can work collaboratively on the sustainable development of all Victorian ports.

To put this bill into context, this is the second bill to be introduced into this house this year to implement the Bracks Labor government's port reform program. Many would be aware of the independent review by Professor Bill Russell — it has been quoted often

during the debate today — which commenced in 2001 and which evaluated the port reforms undertaken during the mid-1990s onwards. I want to quote from the final report, where he concluded that the 1995 port reforms:

... did not deliver widespread economic, social or environmental benefits to Victorians.

In effect he was saying that under the previous government Victorian ports did not have a sustainable focus.

I would like to give an example of how the amendments in this bill will give ports a sustainable focus by briefly speaking about the beautiful Western Port Bay and specifically the port of Hastings. The bill replaces the Victorian Channels Authority with the new Victorian Regional Channels Authority, which has as its core objective holding Victoria's regional shipping channels on behalf of the Crown, as well as ensuring that appropriate management arrangements are in place.

With respect to Hastings, the current port manager will continue with this work, but more importantly this corporation, the Victorian Regional Channels Authority, will have the ability to assist regional ports in integrated land and water management practices and plans, sustainable trade growth, and regional economic development. These things need to be progressed if we are to continue to be the leading economic state within Australia.

More importantly, this bill does much to support the implementation of a sustainable strategic focus for the port of Hastings. To put Hastings into an historical context, originally the port of Hastings was going to be sold under the previous government. Instead it established the Hastings Port (Holding) Corporation. In effect it was a landlord, with a private operator managing the port under a management agreement. As the member for Brunswick alluded to earlier, basically it managed the lease and nothing else.

It was this aspect that was mentioned in the independent review undertaken by Professor Russell. He highlighted that there have been many deficiencies with the port of Hastings that have inhibited the corporation from becoming more involved in the development of the port. I would again like to quote from his report, which states:

The port of Hastings is a significant asset to Victoria and must be accorded an appropriate management structure and be provided with the ability to take a stronger strategic role in the future planning of this port.

This bill replaces the Hastings Port (Holding) Corporation with the new Port of Hastings Corporation as its legal successor. It will certainly go all the way in giving back the port of Hastings some teeth, in terms of progressing it. The new corporation will have a broader charter to actively plan for the development of the port and engage effectively with the local community. As another member of this house pointed out earlier, it will be able to engage with the local community and with the key stakeholders for a common and sustainable vision.

I would like to talk on this key aspect a little more. Some major corporations are based at the port of Hastings — BHP Steel and Esso being the major ones, along with many direct and indirect small and medium-size businesses, which also support this. Western Port Bay is well renowned as a Ramsar site, was recently ratified at state and federal government level as the first urban UNESCO biosphere region, and has endured a long history of community debate about its future development. Western Port Bay is also renowned for being a major base for recreational and commercial fishing. Recreational boating is another major drawcard of the bay, as is its ecological value within the state. It is because of the wide diversity of its commercial and recreational use, in conjunction with its high environmental value, that I also support the greater integration and efficacy of the safety and environmental management plans that have been alluded to in the bill.

Professor Russell identified that there was not a systematic approach, and as previous members have alluded to, when there has been a call-out around any of the bays around Victoria, on occasion there has been a perceived lack of communication and coordination in relation to any clean-up of spills. On an occasion several years ago within the port of Hastings there was an oil spill from one of the factories down there into the Hastings Bight region. It was certainly a learning experience. Unfortunately a lot of the land down there was disturbed by oil infiltration into the soil, which rendered it basically useless for any land or industrial-related use until it was cleaned up — at great cost to the perpetrators.

In closing I would like to address some of the issues raised by members on the other side of the house, and in particular some of the comments made by the member for Mornington. As he said, he certainly was the responsible member for the Hastings area prior to the most recent election. I want to pick up on his comment about moving the deckchairs around in terms of the power of this legislation. It would be remiss of me not to comment on the fact that during the 1990s the former government nobbled the port of Hastings.

If we talk about deckchairs being moving around, during his government's reign it nailed the deckchairs to the floor so there was no flexibility or opportunity for the managers of the port of Hastings to progress all the economic opportunities that came their way in terms of developing that port, and also looking at the environmental issues. They were very much stymied in that respect.

The member for Mornington talked about businesses from the eastern side of the Mornington Peninsula wanting the port developed. A question I have been asked since being elected to this Parliament is why it was not done during the 1990s. It is a question I could not answer initially, but I can certainly explain to them now that it was because of the legislative knuckling the former government put the port of Hastings under that did not allow it to progress in any great state. With this legislation the corporation will have a broader strategic focus to do extensive community and commercial consultation and to look at the opportunities for attracting further sustainable business to the region.

I support the bill specifically from the perspective of the port of Hastings because it will equip the corporation so that it can strengthen its competitive position as one of the state's major trading ports. The government is committed to the port of Hastings with the introduction of this legislation, and also to other regional trading ports such as Geelong and Portland because they also will be well placed to compete and grow under the new suite of port reforms. It is in that vein that I commend the bill to the house.

Mr HONEYWOOD (Warrandyte) — In rising to briefly join the debate on the Port Services (Port Management Reform) Bill I should put this bill in brackets with the new title of the Port Window Dressing Bill, because effectively we have yet another attempt by this government to look as though it is doing something, to look as though it is putting in place a management regime, when in actual fact it is a put-off bill.

Mr Holding interjected.

Mr HONEYWOOD — I take up the interjection from the minister of 'Have you been to a port?', because he should hang his head in shame. On 4 September this year, when the Minister for Transport's good offices kindly organised a tour of Port Phillip Bay — —

Mr Holding — I have been to the port.

Mr HONEYWOOD — I am glad the minister has been to the port; but on 4 September, when a full-day

multiparty inspection for all parliamentarians was organised by one of the minister's ministerial colleagues, how many Liberal Party MPs turned up to that full-day tour and were briefed by experts from the Port of Melbourne Authority on channel issues? Six! How many turned up from the National Party? Three! How many turned up from this record-majority government? One! Only one lousy member of Parliament from the government side was interested in Port Phillip Bay and the agenda that will be put in place, yet this was advertised as the official briefing on the Port Phillip Bay situation.

It is interesting to note that despite all the government's talk about doing something it could get only one from its record majority of members of Parliament to traipse along half-heartedly to make sure the bureaucrats did not say too much to the National Party and Liberal Party representatives when they were out on the boat inspecting Port Phillip Bay. Perhaps they are not used to standing on a boat at all.

The bill looks as if it is providing some sort of independence of scope to port managers, but the sting is in the detail. All port managers will now have to comply with safety and environment management plans, but as always with this government that claims to be for openness and transparency it has the final caveat to make sure that unless what happens with port management is exactly as per its needs and aspirations it will come in and whack the port managers according to its dictates.

There is no better example than the port of Lorne in the electorate of the honourable member for Polwarth. I have a letter from a gentleman called John written to an opposition member regarding what has happened down at the port of Lorne under this government. I quote from the letter:

In the end for less than the cost of running a government car the Department of Sustainability and Environment has decided that keeping the port of Lorne open is a bad investment for the state. Many departmental staff went to New Zealand to attend a coast conference. I would say this government has lost control of the public service.

It is interesting to note that this government could not even be bothered replacing the crane at the port of Lorne that lifted the fishing boats out of the water. That has meant a vibrant fishing industry has been made defunct by this government because of its unwillingness — as the gentleman said in his letter, for the cost of a government car — to pay for a crane to be reinstated on the Lorne pier.

Then we come to the port of Portland, where the government is showing its total disregard for objectivity

when it comes to playing politics with port management. While on the one hand it is willing to close down the port of Lorne, on the other hand when there is a mate involved it is okay to give the only decent amount of money available in the current budget for a major project to the \$15 million underhand Mike Fitzpatrick overpass at the port of Portland. That is okay because it is looking after particular friends, but when it comes to being objective about other ports, such as the port of Lorne, it is okay to close that down because there is no political gain for this government.

The government has the runs on the board. Political interference in the management of ports is the catchcry of the minister at the table, the Minister for Transport, and the way he governs his administration of ports. When we come to Port Phillip Bay the deepening of the channel issues has caused so much embarrassment for the government that it is putting off not one but two reports that are well and truly overdue.

It is good that the Minister for Transport is at the table because he has been asked a number of questions about what has happened to his transport logistics strategy, which is long overdue. We are still waiting to find out what has happened to that and when the so-called strategy will be tabled. Is it a fact that he will not table it because he is worried about the political implications of channel deepening in Port Phillip Bay?

Then we come to the environment effects statement. We know how much the government jumps to the tune of Rex Hunt when it is worried about losing votes; and that is fair enough because Rex has a good constituency and speaks for the fishing industry and the amateur fisherpersons. That is great, but we predict this government will wait until after the next election. In three years we will still be here waiting for it to release its environment effects statement; or it will release some report and then turn around and say, 'We had better do another one to take us past the next election'. It will not release the transport logistics strategy either, because it does not want to make the hard decisions.

The government is worried sick about the channel deepening question — and we know why. In the meantime the Victorian Employers Chamber of Commerce and Industry continues to lobby the government and says that unless it does something sooner rather than later it will be the majority of our ships rather than the substantial minority at the moment — around 30 per cent — that will be coming into Port Phillip Bay carrying only 70 per cent of a full load of cargo because the channel is not deep enough. It is only 11 metres deep at its shallowest position and these ships require a 14-metre clearance.

We already have a situation in which up to 30 per cent of the ships coming into the bay are carrying less than optimum levels of cargo. Over the next three years this government will be quite content to watch that situation get worse before it gets better and for the port of Melbourne, which handles a majority of the exports that leave these shores, to become subservient to other ports in New South Wales and even Brisbane. We know what the government is on about. It is only worried about political expediency. We predict that in three years time the government will still be debating what to do about this channel deepening. It will be up to the opposition and the Victorian Employers Chamber of Commerce and Industry and other industry groups to shout loudly and clearly that something must be done.

When it comes to the port managers having to comply with safety and environment management plans, that is all well and good, and it would have bipartisan support if it were not for the fact that a political master will dictate the timing of the release of the reports. The opposition is not opposing this bill, but given the total lack of regard for objectivity in the management of the port of Portland and the port of Lorne — which has been closed down by this government — and given the way the Hastings proposal is being gradually dribbled out as it suits the government's agenda, at the end of the day we have very deep concerns about the impartiality that will prevail when it comes to the implementation of this bill.

Mr CRUTCHFIELD (South Barwon) — I rise to speak very briefly on the Port Services (Port Management Reform) Bill. I do not wish to repeat the comments made by other members in respect of the value of our commercial trading ports to the state and the nation. We have talked about containers and the rural sector's reliance on our commercial trading ports. The member for Swan Hill touched on the port of Geelong: he would like to call it the port of Echuca, but it is still the port of Geelong and will remain so.

This is the second in a tranche of bills in respect of port reform. It relates particularly to our regional ports of Hastings, Portland and Geelong but also to the 13 local ports — including Apollo Bay, Port Campbell et cetera. It is a sensible arrangement that brings all the ports into one management structure under one bill.

With respect to the port of Geelong, I raised an adjournment matter for the attention of the Minister for Transport on 1 May — I know I cannot quote from it — in response to comments made by the member for Box Hill during the debate on the last port reform bill, where he alluded to the negative consequences that would arise from these bills. I raised with the minister

issues in respect of pricing regimes and access to the port of Geelong for its users and, importantly, the manager, Toll. The minister's reply and subsequent press release allayed the fears of the Geelong community. I notice that not one speaker from either the opposition or government benches has alluded to any negative effects of the bill on Geelong, and I am thankful for that. None of the users — whether it be Toll, Graincorp, Shell, Alcoa or others — has expressed concerns to me. I know the member for Geelong is a past employee in that field, and those issues have not been raised with him. This bill goes a long way towards resolving those issues.

The member for Swan Hill raised some issues regarding rail. I was on the City of Greater Geelong council when it began a strategic land use plan for the port of Geelong in conjunction with the state government and the managers and users. That plan is being developed and will look at the medium and long-term benefits and opportunities of development of the port. I want to touch on a couple of things which have been completed, particularly the grain loop. That development would be welcomed by the member for Swan Hill's constituency, as it would by those of a number of other members in this place. The grain loop was completed last year. There was also a commitment of \$5.1 million for building the Lascelles Wharf rail connection, which will be completed in 2005. Finally, there was a commitment to invest \$13.5 million to build the Corio independent goods line as part of the state rail gauge standardisation program. I note the member for Swan Hill's extensive thanks to the Minister for Transport.

There has been considerable consultation with respect to Geelong, and that will continue. This bill provides for the establishment of the Geelong port users group, which will provide a forum for feedback and advice on issues to do with the management of the port of Geelong and its channels.

Dr Napthine interjected.

Mr CRUTCHFIELD — Consultation — a new word for some, I know. The consultation continues the Bracks government's theme of listening and acting. With respect to Geelong, this bill goes a long way towards ensuring that.

In respect of pricing, an issue the member for Box Hill touched on, the Essential Services Commission will oversee those arrangements and ensure there is not an unfair allocation of costs to Geelong. A regional channels authority will ensure there is no unfair treatment in respect of access for Geelong port users.

There have never been any access disputes, but if they do arise that safety mechanism should give some comfort to Toll, the users and the Geelong community.

In finishing I want to touch on the deepening of the channels. It is something I continue to support and this government continues to support. It is an issue that will have a significant effect on the future of the ports of Melbourne and Geelong. I commend the bill to the house.

Mr DELAHUNTY (Lowan) — I am proud to rise on behalf of the Lowan electorate to speak on the Port Services (Port Management Reform) Bill. The bill has many purposes, and I want to talk about a couple of them. The first is that it consolidates the laws relating to the establishment, classification and management of Victorian ports.

Dr Napthine interjected.

Mr DELAHUNTY — Yes, the Dimboola pub was burnt down. I am sure everyone across Victoria will be disappointed for the great little township of Dimboola, where Timmy Watson was born — but let's get back to the bill.

People ask me if there are any ports in the Lowan electorate. The reality is that we do not have a lot of water in the Lowan electorate, but the people at Balmoral — —

Dr Napthine interjected.

Mr DELAHUNTY — You are right — that probably is why the pub burnt down!

We are having a pretty good year this year, and the rivers and streams are filling up. At the port of Balmoral and all those other places we are getting some water in the reservoirs. Hopefully some of the lakes will be able to be used for recreation by the end of the year.

I am very fortunate to be part of the very important Economic Development Committee, which one member in this place has described as a highly recognised committee in this Parliament.

An Honourable Member — Who said that?

Mr DELAHUNTY — The member for South-West Coast said it. The Economic Development Committee conducted an inquiry into the export opportunities of Victorian rural industries. I was pleased to see that in part the committee's report highlighted the importance of ports to the Victorian economy. They have considerable economic importance, because they are

the gateways for the movement of goods in and out of this state.

The principal seaports are the ports of Melbourne, Geelong and Portland, and Toll Western Port. About 50 per cent of overseas exports go through the port of Melbourne, and most of that is agricultural exports from the dairy industry. This highlights the importance of the agriculture sector to the Victorian economy. We know that each year 11 253 000 tonnes of produce goes through the port of Melbourne, about 6 261 000 tonnes of produce goes through the Geelong port and about 2 904 000 tonnes goes through the port of Portland.

All of these are expected to grow significantly over the next 20 years. Currently about 185 vessels each year use the port of Portland, which services the Lowan electorate. This is expected to grow to 194 by 2010, 251 by 2020 and 348 by 2030. Again I highlight the importance of the port of Portland.

Interestingly the member for Swan Hill highlighted that this government — I am pleased to see the Minister for Transport sitting at the table — promised to continue the great work of standardisation of rail to service these ports. We know the importance of rail not only to the grain and wool industries but also to the timber and mineral sands industries in western Victoria. Unfortunately the government has dropped the ball in this regard. It has not put a nail into a sleeper, and it has not put a bit of rail down in relation to the standardisation of rail to assist in the transport of these large bulk commodities, whether it be mineral sands or timber, to ports such as Portland.

I highlight again that the previous government, even though I was not a member of it, was able in difficult financial times to find \$22 million to standardise the rail links to the northern parts of the Lowan electorate and importantly to link from Ararat down through Hamilton to Portland. In other words, it did not disenfranchise the western part of Victoria from the ports.

The member for South Barwon spoke about the fact that there was still work to be done at the port of Geelong. I am pleased to see that has happened because the port of Geelong is a very important port for grain producers in particular. I again say that the minister has dropped the ball in relation to standardised rail. We are seeing more and more of our large trucks and B-doubles coming on to our roads, which is causing more pressure not only on the roads that are the state's responsibility but also on the council roads, many of which are suffering because of the impact of the large transport vehicles.

Port services need to be linked up to the rail network and importantly to the road network — but that needs to be done instead of being talked about, as this government has done for the last five years. It should get on and do it — put some nails into the sleepers, put some rails down and standardise the rail network, particularly in western Victoria, to service those great ports, as I have highlighted in my short submission here tonight.

Mr BATCHELOR (Minister for Transport) — In summing up I would like to thank all members who have contributed to the debate on the Port Services (Port Management Reform) Bill — the members for Polwarth, Swan Hill, Brunswick, Mornington, Geelong, Brighton, Hastings, Warrandyte, South Barwon and Lowan. I think you can see by the geographic spread of the electorates of the members who have spoken about this bill that the ports of Victoria are highly valued and are acknowledged to play a key important role in the ongoing economic development of the state. The government thanks those members for their interest and their contribution.

The bill is essentially the second wave of port reforms under this government's agenda that stemmed from the review undertaken by Professor Bill Russell in 2001, initiated by the then Minister for Ports in the other place, the Honourable Candy Broad. This bill incorporates the second tranche of legislative reforms that were foreshadowed by the government in response to Professor Russell's excellent work. I take this opportunity to congratulate Professor Russell on his work and on the very broad acceptance it has received, by implication in this Parliament but also in the broader community, particularly from the stakeholders who are using our ports and supplying services to them. It is widely acknowledged that the work Professor Russell carried out was very seminal and important for the strategic restructuring of our ports.

This bill in particular has a second tranche. It deals with the establishment, classification and management of ports. In particular in relation to the port of Hastings, as we heard, it establishes the new Port of Hastings Corporation as the legal successor to the Hastings Port Holding Corporation. In doing that it gives that new corporation a broader charter to actively plan for the development of the port and the responsibility to engage effectively with its local community.

The bill also deals with channel management, replacing the Victorian Channels Authority with the new Victorian Regional Channels Authority, with the core objective of holding Victoria's regional shipping channels on behalf of the Crown and ensuring that

appropriate management arrangements are in place for them. This is particularly important for the regional ports and was a position strongly supported and pushed by the stakeholders at Geelong, who given its close proximity to the capital city port and not wanting to be overshadowed or play an unduly subservient role and be dominated by the central port saw the importance of strongly supporting the institutional arrangements that are being put in place by this bill.

A number of members referred in their contributions to the safety and environmental management plans. All ports now have to have in place safety and environmental plans, but the requirement and the intention of the bill is that these plans be appropriate to the scale and the nature of the particular ports and the operations.

I thank all members for their contributions, and I will touch on some of the comments made by the member for Polwarth. I can assure the member for Polwarth that the intention of these reforms, particularly the safety and environmental management plans, is to reinforce the good practices that are currently in place and to build on the existing strengths. We have port operators who clearly are operating in a safe and environmentally responsible way, and we want to continue that in the appropriate fashion.

The member for Mornington raised the issue of regional channels and thought that rather than the institutional arrangements that we are setting out here the interests of the regional ports could be best served by an access fee. The government has gone out and canvassed this particular issue, particularly in relation to the port of Geelong. The stakeholders there were very strongly in support of the separation of responsibility and of the regional channels being managed by one party as opposed to being managed by the port of Melbourne. We have therefore set up a new arrangement, with the Victorian Regional Channels Authority having the objective of servicing the shipping channels of the regional ports themselves. That represents what the regional ports want, and we are happy to put that in place.

The member for Brighton implied that some heavy-handed regulation was being put through here. I can assure the member for Brighton and other members of the house that the measures contained in this bill come from very strong consultation that has taken place; they are not based on duplication but are really meeting the existing and future needs of our ports, and in particular our regional ports.

A number of people have made references to the channel deepening. Although this bill does not deal with that, that is an important issue. The government is taking forward the concept of channel deepening. It has given in-principle support to the proposal. It needs to test whether it is technically feasible and whether it can be achieved in an environmentally sustainable way; and it will be doing that through an environmental effects statement as an appropriate way of dealing with the environmental issues that undoubtedly exist. As members from both sides of the house have commented, this project has very wide support.

It has support not just from the stakeholders immediately working at the port — the stevedores, the shipping industry and the companies that support them — but also it has wide support from the Committee for Melbourne, VECI and other lead industry groups. Anyone involved in manufacturing and primary export understands the importance of the port and the channel deepening project to their continuing success. I thank all members who have contributed to the debate and wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

EXTRACTIVE INDUSTRIES DEVELOPMENT (AMENDMENT) BILL

Second reading

**Debate resumed from 8 October; motion of
Mr BATCHELOR (Minister for Transport).**

Dr NAPHTHINE (South-West Coast) — The Extractive Industries Development (Amendment) Bill relates to the Extractive Industries Development Act of 1995. Victoria is unique in having specific legislation for its extractive industries. Controls in other states and territories are spread between mining law and planning and development law and control under local government.

It is important to set out what extractive industries are and what they relate to. I will refer to the Extractive Industries Development Act and to the definition of ‘extractive industry’:

“extractive industry” means the extraction or removal of stone from land if the primary purpose of the extraction or removal

is the sale or commercial use of the stone or the use of the stone in construction, building, road or manufacturing works and includes —

- (a) the treatment of stone or the manufacture of bricks, tiles, pottery or cement products on or adjacent to land from which the stone is extracted; and
- (b) any place, operation or class of operation declared by the Minister, by notice in the Government Gazette to be an extractive industry for the purpose of this Act.

Then it talks about what stone is, which is very relevant to what an extractive industry is:

“stone” means —

- (a) sandstone, freestone or other building stone; or
- (b) basalt, granite, limestone or rock of any kind ordinarily used for building, manufacturing, road making or construction purposes; or
- (c) quartz (other than quartz crystals); or
- (d) slate or gravel; or
- (e) clay (other than fine clay, bentonite or kaolin); or
- (ea) peat, or
- (f) sand, earth or soil; or
- (g) other similar materials ...

As I said before, Victoria has this unique situation where it has separate provisions for extractive industries as opposed to minerals. In layman’s terms, extractive industries relate to quarries and pits as opposed to mines which relate to minerals.

The other thing that the Extractive Industries Development Act provides which is important in our consideration of these matters is that the ownership of stone, which is covered by ‘extractive industries’, is retained by the landowner. Therefore the consent of the landowner is needed in order to establish an extractive industry. That landowner may be a private landowner or the Crown, whereas minerals are owned by the Crown, so there is a distinct difference between how we deal with extractive industries and hence stone and gravel and clay versus minerals.

It goes without saying that the extractive industry is important for Victoria. It is the basis for many of the construction and engineering industries, building and road-making. It is important that we have a supply of a competitively priced rock, sand, clay and gravel to produce concrete, cement, bricks, tiles, asphalt and crushed rock, which are vital in those important industries.

Victoria is fortunate to have a good supply of readily available extractive material. I am reminded when I think of Victoria’s advantage in that respect of some years ago when I was in Bangladesh in a previous role as a veterinary consultant. In Bangladesh they are so short of rock for construction and road-making that they have to use clay to make bricks, and then they break the bricks up to make crushed rock to form aggregate for the concrete gravel or road-making. So when you see what other countries have to undertake to get basic building blocks of construction engineering, we are very fortunate in Victoria to have a good supply of extractive material.

There is a competitive advantage in Melbourne that we not only have this readily available rock for construction and engineering, but many of the supplies are located close to Melbourne itself; hence it gives us an advantage in the costs of construction and building in this state and city. It is not only the cost of the supply of rock that is important. With a heavy product like this the cost of transport can add significantly to the cost of this basic building material. If there is not a readily available supply of extractive industry material within close proximity to where our major building and engineering projects are undertaken, it adds significantly to the costs of those projects and hence would be an economic disadvantage to the state.

To give some context to the importance of extractive industries in Victoria, I have some figures from a couple of years ago. I will refer to the source shortly. We produce about 20 million tonnes of hard rock products per year: about 9 million tonnes each of sand and gravel and about 2 million tonnes of clay products. The total value of these extractive industries is about \$300 million, and they employ about 1500 people across Victoria. The industry is characterised by having a few large operators but many medium-size and small operators, especially in regional and rural Victoria, where there are quarries, clay pits, sandpits and even sandstone and gypsum operations to meet local demand. About 500 quarries and pits are involved in extractive industries throughout the state.

The bill before us has its genesis in the national competition policy process and in a national competition review, to which I am indebted for much of the information I have provided about the industry. There was a national competition policy review of the Extractive Industries Development Act and regulations conducted by Peter Day Consulting Pty Ltd and published in a report dated 27 October 2001. That report went into detail in examining the act and the regulations, and it made 24 clear recommendations about what should happen to them in relation to

national competition policy principles. It is interesting that the bill relates to those recommendations, and the minister would have us believe what he said in the second-reading speech:

The government has considered the findings of the review and accepted a number of recommendations to amend the act.

That is a classic understatement by the minister, because as I said, the review made 24 distinct and clear recommendations. When one analyses the government's response to them one sees that it accepted only 11 of the 24. Six were given conditional or partial acceptance, but the government totally rejected 7 of the 24 recommendations. So the suggestion in the second-reading speech that this bill reflects the totality of that review is a misstatement and an understatement. Indeed, as I said, a number of the recommendations made by the review were rejected out of hand by the government, including abolishing work authorities and streamlining some procedures under the act and regulations.

The bill itself refers to two major changes, and I shall discuss those and then go to a couple of other issues which relate to the bill. I say from the outset that the Liberal opposition does not oppose the bill. In its consultation across the industry it has found ambivalence and apathy towards and some support for the bill, but in general I think a reasonable assessment of the reaction would be that the industry is not fussed by the bill. The two major changes relate to the consent procedures for access to Crown land to search for stone and the deletion of the requirement for quarry managers to have a quarry manager's certificate.

Clearly people involved in extractive industries are continually searching for new sources of stone to meet the demands of the community. In particular they try to ensure they are able to supply at a competitive price the quality and variation of stone required for various industry uses. If people are wanting to search for stone on private land they have to deal with the private land-holder in order to come to a private business agreement about access to the land to conduct their search, and subsequently they have to come to further arrangements if their search is successful. For example, they have to come to a private business arrangement with that private land-holder to operate a quarry or pit to access the stone. Payment for the stone is again a business arrangement between the person or persons involved in the extractive industry and the land-holder. As I said at the beginning, that reflects the fact that under our extractive industry legislation the land-holder is the owner of the stone on their land.

The changes proposed by this bill will streamline the current process, commonly described as a two-stage process, needed to search for stone on Crown land. Under the current legislation people need a search permit and consent from the minister. This bill, as a result of the competition policy review, allows this two-stage process to be streamlined into a single-stage process. It proposes the abolition of the search permit and remodels the consent process to fundamentally reflect the arrangements for searching on private land. In this case the minister responsible for the Crown land will act as the person who negotiates access to the Crown land.

However, it is important to note in that context that not all Crown land is available to search for stone. The second-reading speech makes it clear that land that is a reference area, a national park, a wilderness or state park, a marine national park, a marine sanctuary or land that is a declared an Aboriginal place or archaeological area is not available for searching for stone. Having said that, there is still a significant amount of Crown land available for searching, and it is appropriate that where stone is found in those areas it be used.

The bill looks at having consent procedures that relate to search provisions. In particular I want to refer to some of the issues in relation to the consent procedures. Clause 6 substitutes new sections 11 and 12 in the principal act, which outline the procedures for giving consent to search for stone on Crown land. The person who wishes to search for stone must apply to the minister.

It is interesting as a passing comment to note that parliamentary counsel has got used to this government's procedures and is developing terminologies appropriate to it. New section 11 says:

- (1) A person may apply to the Minister responsible for administering the Act under which particular Crown land is controlled ...

The reason it is worded that way is because under this government, the ministers responsible for particular areas of government administration change so regularly — like the departments change their names regularly — that parliamentary counsel has got smart enough to instead of referring to the minister for primary industries or the minister for conservation and environment to just refer to the minister responsible for administering the act under which the particular Crown land is controlled. That way no matter how many times the names of the minister or the department change the legislation will not have to be changed. I think it is interesting that parliamentary counsel has now worked out that this government is about changing structures,

ministers and departments more often than actually doing the job.

I wish the minister were here to respond directly, and I trust he will respond while the bill is between here and another place. New section 11 says further:

- (5) The Minister must not unreasonably withhold consent.
- (6) The Minister must consent or refuse to consent to an application within 60 days after receiving the application ...
- (7) If the Minister refuses to consent under sub-section (4), the Minister must, within 7 days after the decision to refuse, give the person proposing to carry out the search a statement in writing of the reasons for the decision.

A couple of provisions have been put in this bill requiring the minister to respond in a reasonable time frame. The problem is that there are no penalties if the minister fails to comply with these new requirements to respond to an application within 60 days or fails to give a written comment about why he or she has refused the decision within seven days. That is a real dilemma. Someone genuinely and appropriately applying for consent to search for stone on Crown land would quite rightly expect a response from the minister within 60 days. But if the minister does not respond within that time frame — if the minister defies the legislation — there is no penalty, and the person who is applying to search for stone on Crown land is left in the lurch, left up in the air.

There ought to be some provision that says that if the minister does not comply with the 60 days then either consent is automatically granted or the person who does not get the answer has the right to go to the Victorian Civil and Administrative Tribunal or to some other tribunal to get the minister to respond. Because unfortunately this government has a track record — the ministers have track records of not responding to correspondence and not doing things on time or appropriately — I can foresee a situation where someone will apply for consent to search for stone on Crown land and the application will just sit on the minister's desk for month after month while they defy the legislation. There is no penalty. No-one is saying that the minister will be fined if they fail to meet their own legislative requirements.

I trust the parliamentary secretary sitting over there is taking notes and takes this on board.

Mr Howard interjected.

Dr NAPHTHINE — No, I hope the Minister for Education Services takes it on board. You cannot have

legislation requiring the minister to comply within a certain time frame and then have no penalty if the minister does not meet their own requirements.

Mr Howard interjected.

Dr NAPHTHINE — What happened? Have a look at the act. I take up the interjection, because under the 1995 act there is automatic consent if the minister fails to make a decision within the appropriate time frame. That puts the onus on the minister to make a decision, and that is the way it should be. The parliamentary secretary ought to read the act and the legislation before he makes silly interjections that prove he does not know what he is talking about.

The situation is that we have legislation before the Parliament that says the minister must do something within 60 days and that there is no penalty or provision to deal with it if the minister fails to meet their own requirements. We have seen situations where people have been left waiting for months and months for this government to make decisions. The bill will not resolve that situation. Indeed, it will make its occurrence more likely.

I wish to refer to the other major component of the bill — that is, clause 15, which substitutes a new part 4 of the act, including new section 38. The current act states:

38. Manager must be appointed

- (1) The holder of a work authority must not carry out any extractive industry unless the person has appointed a quarry manager or a person to manage the extractive industry operation who —
 - (a) holds a quarry manager's certificate issued under section 39 ...

I am advised that Victoria is the only state that has this requirement for a quarry manager's certificate. It is a redundant and outmoded provision. We need to look at competencies rather than this certificate, which is, as I said, past its use-by date.

Clause 15 puts in a new part 4, including a new section 38, which reads:

- (1) The holder of a work authority must not carry out any extractive industry unless the person has appointed a quarry manager or a person to manage the extractive industry who is a competent person.

It goes on further in that same clause to talk about what is meant by 'competent person' with regard to their having acquired appropriate and adequate knowledge and skills through training and experience. We are

replacing a quarry manager's certificate with a competency-based system. When I meet with people who are involved in the industry, both in my own electorate and across the state, I find there is universal agreement to this situation. Although I was advised in the briefing that there are some extractive industry operators who would prefer the existing system, the ones that I have met and spoke to feel this change is appropriate.

The other provision I will draw attention to and comment on is clause 10, which inserts a new paragraph into section 22(2) of the act. While I understand the tenor of what the government is proposing, what is of interest to me and to other people is why this paragraph is being inserted, where the proposed change has come from and what its background is. In my reading of the national competition policy review and the government's response to it, the issue in clause 10 was not raised. It makes one suspicious as to why the government would go down this track.

Section 22 of the act refers to variations of work authorities and gives the minister power to vary work authorities on extractive industries for a number of reasons. Clause 10(b) proposes to insert a new reason to vary work authorities by inserting paragraph (c):

(b) after paragraph (b) insert —

“(c) if the Minister decides it is necessary for ensuring the safety of workers and the public.”

These may be laudable aims to ensure the safety of workers and the public — we all want safe workplaces, and we all want extractive industries and indeed all industries to operate in a safe environment for the sake of both workers and the public — but I wonder why this paragraph is being inserted at this time. I wonder what negotiations have taken place with Worksafe and with other bodies relevant to safety in the workplace and the safe operation of any industry.

I am concerned — and perhaps I am a little bit cynical and suspicious — that this methodology may be being used by the government at the behest of the trade union movement. I am concerned that the trade union movement may be exerting its power over this Labor government to give the minister responsible for extractive industries additional powers to use as a political weapon on behalf of the trade union movement to bash up, I suppose, the extractive industries operators.

I want an assurance from the minister, in responding at the end of the second-reading debate, that this new

paragraph in clause 10 is genuinely about ensuring the safety of workers and the public and that this is not a stalking horse — a Trojan Horse — that the trade union movement is using through the government as a political weapon against the owners and operators of extractive industries.

The owners and operators of extractive industries do a fantastic job delivering competitively priced building materials and stone for engineering, for our construction industry, for our building industry and for our road-making industry. What they do not want or need is for the trade union movement to cripple their industry with unfair demands and unfair union activity.

I am concerned that if the minister is given this additional power under the changes to section 22 he may use it at the behest of his mates in the trade union movement to attack the owners and operators of extractive industries in Victoria. I urge the minister to desist from that, to say no to his mates in the trade union movement and to reassure the house when he sums up on the second-reading speech by advising it that these changes are being made for the right reasons and will only be used to protect the safety of workers and the safety of the public.

This extractive industries bill does provide some changes to what is an important industry and to the legislative framework for that industry. I understand that while these changes are relatively minor they will provide a better approach to searching for stone on Crown land and a more appropriate way of managing industries through competency-based management rather than relying on an outmoded certificate.

I also understand that this extractive industries legislation is subject to, or it will shortly be subject to, a major review and overhaul by this government. I urge the minister, if he is planning such a review of the extractive industries legislation as a whole, not to lose that unique position we have in Victoria of a separation of the extractive industries from the mining industries, with the benefit of separate legislation for each. I also urge the minister if he is planning a wholesale review of the legislation to talk to both the industry as a whole and to individual large, medium and small operators.

As I said earlier on in this contribution, one of the characteristics of the extractive industries in Victoria is that there are many medium to small operators throughout the length and breadth of regional and rural Victoria. It is very important that those smaller operators of gravel pits, limestone quarries, clay pits and sandmining operations in far-flung regional and rural Victoria have just as much say about the changes

to this legislation as the major operators in the peak industry bodies. I urge the minister to make sure there is a fair and proper consultation process and that all of those people involved in this important industry have every opportunity to have their say about the future extractive industries legislation in the state of Victoria.

This is a good industry that involves many people who are achieving good economic benefits for Victoria. I congratulate the industry on what it has achieved in recent years. I ask it to ensure that it continues to work constructively to ensure that we do have fair and reasonable control in this industry.

Mr HOWARD (Ballarat East) — I am pleased to speak on the Extractive Industries Development (Amendment) Bill. The extractive industries in Victoria are not especially noticeable in many areas of the state, even in my own electorate; however, in and around my electorate are a range of quarries where products ranging from gravel to basalt, scoria, sand and even kaolin and clay are quarried. These extractive industries provide economic benefit to the people involved in them, and that flows on into the community. Most significantly we appreciate the extractive industries because they are vitally important to building the physical infrastructure across Victoria.

They provide important road-making materials and materials involved in concrete construction and, more broadly, in the building industry. They also provide materials used for garden supplies and other things used domestically around the house. Kaolin is slightly different. Just outside my area in the Ripon electorate there is a significant kaolin clay quarry which produces fine quality kaolin used for pottery and other purposes. These are all important industries providing useful building and ceramic materials.

The government has been keen to see that the extractive industries are appropriately supported. This bill cuts the red tape to ensure that it is easier to seek permission to operate and search for stone and extractive materials. As we have heard, the legislation responds to an analysis that has been done of how the industry fits in with national competition policy. The government has adopted many of the recommendations put forward in the report and streamlined what presently happens.

The bill removes the obligation for an extractive industry to obtain a permit to search for stone on Crown land. It takes away that step. Instead it establishes a process based on obtaining ministerial consent to search for stone on Crown land. That is one of the key changes. Clause 4 clarifies that whether it is Crown land or private land, the consent of the private owner or

the appropriate minister is required before any search for stone or extractive materials can take place.

The bill also clarifies areas which require special consent, such as public roads, or land that is owned or in the control of water authorities. There are clearly some areas where special consent is required, but generally the bill takes away the requirement for a permit from the minister so that just the one-step consent is required.

The bill preserves the Crown land areas which are unavailable to extractive industries. They include national parks, wilderness, state parks, marine sanctuaries or land declared as an Aboriginal place or of specific archaeological importance. If an application for consent comes to the minister relating to a search for rock on Crown land, the minister is required to notify the relevant Aboriginal person or body of the request so that the Aboriginal community can respond if there are issues that may be of concern to it.

The bill more succinctly clarifies the consent process which must be followed by any extractive industry operator in regard to the consent to search for rock on Crown land, and sets out the circumstances under which the minister may provide consent or suspend or curtail extractive operations under certain circumstances. The bill makes the prerogative of the minister more clear and the issue of consent more straightforward for any operator of an extractive industry. It also puts in place a right of review, which was another recommendation from the committee that looked at national competition policy relating to extractive industries. It means that holders of extractive industry licences can take issues of concern about work authorities to the Victorian Civil and Administrative Tribunal to have them reviewed. Under the bill the minister can consent, suspend or cancel licences, but if the extractive industry operator wishes, they can take the issue to VCAT to challenge it or have it clarified. The bill ensures that clear processes are put in place, that a review process is in place and that VCAT can be called upon to follow through on those processes if required.

It also changes the previous legislation. It removes the requirement of government to certify quarry managers and puts the issue of certification of quarry management back into industry control. The industry will review issues of quarry management and again that will streamline the way the industry operates. It does not require that extra level of responsibility on government, that extra level of red tape.

The bill also, in line with improving the previous legislation, improves consents relating to land where multiple land-holders are involved. Under the previous legislation if there were multiple land-holders and one happened to withdraw consent, or there was a change of ownership of the land and consent was withdrawn, then the entire work authority had to be redrawn and the work had to stop on the other areas of land where consent may have been given but which were still part of the overall extractive industry. This provision will mean that the work can continue on the other sections of land where consent is still ongoing and that it would only be in the area for which the consent is removed that the extractive industry would have to stop operating. The transfer of authorities from one extractive industry operator to another will be able to take place in a simpler manner. A new work plan will be required, but the authority should be able to be transferred over more easily.

The bill reflects the government's commitment to the national competition policy. It also reflects its strong commitment to support extractive industries in this state, recognising the important role that they play. Consultation took place before the bill was introduced, and the government is happy that this bill is very sound and will ensure a better —

The ACTING SPEAKER (Ms Lindell) — Order! The member's time has expired. It is now a convenient time to break for dinner.

Sitting suspended 6.27 p.m. until 8.02 p.m.

Mr JASPER (Murray Valley) — I am pleased to join the debate on the Extractive Industries Development (Amendment) Bill. I note that the Minister for Agriculture and the Minister for Tourism are in the house, and I welcome those two ministers. As a country member of Parliament I recognise the importance of this bill before us, but I also want to remind the Minister for Tourism of the Wangaratta Festival of Jazz, to be held in Wangaratta over the next weekend, which is an important function which has been supported by the Minister for Tourism. I was disappointed that I missed the minister last Friday, and I will talk to him about that later, but I was unaware until the day before that he was going to be in my electorate. How disappointed I was, because I like to be informed ahead.

I work closely with some ministers, and the Minister for Tourism is certainly one I have been able to seek cooperation from within the electorate; and also, of course, the Minister for Agriculture, who is playing an

important part in introducing the legislation before us this evening. As Minister for Agriculture he plays an important part by recognising the importance of quarrying and the stone industry, as it is referred to in the legislation, to the economy of the state of Victoria, and indeed country Victoria, of which the minister should be very much aware. I have indicated that in my opening comments because we should all recognise the important roles that are played by a range of industries and activities in the Victorian economy. The quarrying industry — its resource referred to in this bill as stone — is important to the economy of the state of Victoria. I repeat that because as a country member of Parliament I see the importance of this industry. But it is an industry which has difficulties. Governments often do not understand, firstly, the importance of the industry, and secondly, the difficulties faced by people involved in the quarrying industry generally.

As with most legislation, as members would be aware — including you, Acting Speaker — as a party we investigate legislation and consult interested parties, and report back to the National Party room. Interestingly, I thought the recommendation for the National Party read very well, because it was that we do not oppose this legislation. The reason for the recommendation reads:

On the surface, or indeed under the surface, it appears sensible legislation.

I thought that comment, which came from a member in another place, the Honourable Peter Hall, was interesting.

I see that the amendments, which are described in the second-reading speech, have largely arisen from a review of the act, subject to national competition policy. From reading the second-reading speech and looking at the amendments that this legislation addresses, I believe there is some conflict. The government says the changes to be implemented will make it easier for people to undertake quarrying, whether it be on Crown land or on private land. But as I see it, as indicated by the lead speaker for the Liberal Party, approximately 24 amendments were recommended in the review, but only 7 or 8 of those have been included — —

The ACTING SPEAKER (Mr Delahunty) — Order! If members want to speak they should go outside and have a meeting there.

Mr JASPER — Thank you, Acting Speaker. It is a bit difficult when two people in front of you want to carry on a conversation at the same time.

The bill is an important piece of legislation to the extractive industries. As I have indicated, the review of the act was undertaken on the basis of national competition policy. I have some queries about the amendments before us as they relate particularly to the national competition policy but also to the industry itself. I have some misgivings when I read the amendments that are contained in the legislation.

In speaking to representatives of the department on this issue it became just a little more confusing, because they indicated to me that a further review of the act was being undertaken to look at the major issues of quarrying within the state of Victoria, and that further amendments would be introduced to Parliament, which would obviously not relate to national competition policy. When National Party members have spoken to representatives within the industry, their response generally has been to support the legislation because it would be supportive of the industry generally.

I understand the objectives which are contained in the legislation, and they have been detailed in the second-reading speech. I want to indicate to the house that as a member of Parliament representing north-eastern Victoria over many years I have received representations from people in the extractive industries, and that sometimes they are confused about provisions in the Mines Act. There have been situations where there is conflict, and people who have a difficulty in quarrying believe the problem lies with the mining industry.

A little while ago a person living in the Corryong area in north-eastern Victoria brought to my attention his concerns that he was not able to secure appropriate contracts with the local municipality. He believed he was being discriminated against by the municipality on the basis that he did not have an appropriate extractive industries licence, but that the licence was related to the Mines Act as well. We undertook investigations and spoke to the mining warden at the time. He indicated the requirements of the act, but was quick to also indicate that it related to the quarrying industry rather than to regulations and the Mines Act.

He explained that the quarry must supply evidence of: landowner consent; planning consent; approval for a work plan or work authority, which includes rehabilitation of the land; a rehabilitation bond; and evidence of public liability insurance. He said that what is now the Department of Sustainability and Environment would have jurisdiction and that there would need to be an approval from the local government authority.

The situation with that person was that the matter related back to an application that would have been made under the act, which was changed in 1995, but that the person he had concerns with — another person operating a quarrying business — had pre-existing rights. He had exemptions from requirements under the 1995 act, compared to the other person seeking to operate the quarrying business. In the final analysis the response from the minister at the time indicated details of the requirements that had been provided by the department and by the mining warden.

I am reading from a letter from the Minister for Energy and Resources in the previous Parliament, Ms Candy Broad. It states:

With the introduction of the Extractive Industries Development Act 1995 (the act), small quarries such as those operated by —

the particular person —

are now required to obtain work authorities under the act.

The particular person who made the representations brought to my attention concerns about the other party. The letter continues:

... is now in the process of having work plans endorsed for both quarry sites by the department. Once the plans are endorsed ... can apply to council for a planning permit. Once a planning permit is granted then a work authority can also be granted.

This was the confusion surrounding this person being able to operate the extractive industry or quarrying operation he wanted and being able to meet the requirements of the local council. There was conflict between the particular person who made the representations to me and another person operating a quarry within that municipality.

There has been confusion in the operation of the Extractive Industries Development Act. I express some disappointment with the bill, which will amend the act and make particular changes in response to the national competition policy. That is the background to my investigation into the bill. I undertook further discussions on the provisions of the bill and to determine the importance of the legislation.

It is important to note the following comments made in the second-reading speech:

In clause 4 the new section 8 makes it an offence to search for stone without the required consents being obtained, including the owners of private and Crown land.

I understand the changes being made and that they will not require a permit and will require consent only from

the minister if it involves Crown land and from a landowner of private land. There is certainly a reduction in the requirements for quarrying operations or operations involving stone, but in reading through the bill I indicate that I had some concern because it then comes back to the minister having the say, particularly on Crown land, as to whether there can be quarrying operations undertaken on that land.

I note also a further amendment to the act so that a person can appeal to the Victorian Civil and Administrative Tribunal if there is a rejection of an application for quarry works to be undertaken on particular land. We need to understand that this includes Crown land, for which the minister would be responsible, but excludes a number of areas such as national parks, wilderness or state parks, marine national parks, marine sanctuaries or land declared as an Aboriginal archaeological area. So the minister is still all powerful when it comes to quarrying on Crown land.

As a side issue it is interesting to look back to the 1990s, when the previous government wanted to extend Parliament House. That was a big issue at the time. The government wanted to complete the buildings here which, as we all know, were built over the 40 years from 1860 to the turn of the century but were never finished. During the 1990s the government decided it would complete the building. The appropriate stone was found in a national park. It was interesting for those of us who were in the Parliament at that time. The opposition spokesperson, now the current Minister for Community Services, indicated in debate that the opposition would not approve the removal of the stone from a national park.

We all know what happened then. The Premier of the day came into the house and declared that because the opposition said it would not allow the quarrying of the appropriate stone to complement the existing building and allow it to be completed the new building was off. He said he would not proceed unless there was complete agreement across all parties within the Parliament for the quarrying to go ahead.

That is an interesting side issue, but I understand the concerns about the need to protect national parks. Perhaps there should be a particular requirement for consent from all parties before we are able to proceed. The Parliament House buildings have not been completed, and we may never see them completed because of the extensive cost that would be involved and the difficulty in getting all parties to agree — unless we were able to find a quarry from which to

extract appropriate building materials that would complement the rest of the building.

I note in clause 2 of the bill, the commencement clause — and I hope to get a response from the minister on this issue — subclause (1) says :

Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.

And then subclause (2) states:

If a provision of this Act does not come into operation before 1 December 2005, it comes into operation on that day.

I am concerned, and I would like the minister at the table, the Minister for Agriculture — I know he is not listening very well — to respond. Perhaps one of the government backbenchers may be able to respond. The member for Ballarat East may be able to relay the response to the minister so that in summing up he can provide that response. I appreciate the fact that the member for Ballarat East took the call prior to the dinner break, as I was not feeling well at that time. I am still not 100 per cent, but I am pretty close.

I hope the member for Ballarat East will relay that to the Minister for Agriculture so that when the minister is summing up he can explain why it will be such a long time before this bill will be proclaimed in its totality. Most legislation comes into effect once it is proclaimed; although there may be a short time after proclamation for a bill to come into effect.

The commencement clause has two parts. The first part says it comes into operation on a day or days to be proclaimed, but then the second part indicates that if parts of the bill have not been brought into operation prior to 1 December 2005, the total bill then comes into effect. Possibly the answer is that the government is looking to review the act in its totality and to respond to the concerns which have been expressed by many people over its operation rather than admit that the amendments are purely to meet the demands of the national competition policy; but as I read the bill those demands are not met by the amendments in the bill.

I am always a bit wary when legislation comes before the Parliament, particularly from the current government. I like to look through every bill and read each clause to see if there is some ulterior motive in the legislation. In reading through this bill I have difficulty relating it to the recommendations of a review of the act and on the basis that it is referring to national competition policy demands. Some of the provisions will give more power to the minister, who will be in a position to be able to accept or reject applications for quarrying in particular areas.

The only avenue open to a particular person wishing to operate within the industry would be an application to the Victorian Civil and Administrative Tribunal. I am also concerned about that because an enormous range of issues are brought before VCAT today. We see bill after bill introduced into the Parliament with recommendations that if there are concerns then an individual or organisation can appeal to VCAT and get a response.

It is certainly a concern to me, given the enormous demands and pressures being applied to the Victorian Civil and Administrative Tribunal, to see it taking on more responsibility for a range of issues and decisions. Here we have another bill before the Parliament where the party which does not get approval to operate as it sees fit can appeal to VCAT. The legislation causes concern in that respect.

I find it difficult to relate the bill back to national competition policy. I would be interested to hear the minister's response, and I hope we get one — although frankly, I am not sure we will. Perhaps the member for Ballarat East could respond on behalf of the Minister for Agriculture — that may be the way to go. I repeat that I would like some response from the government in relation to the commencement of this legislation. I would like the response to also indicate why all the recommendations of the review under the national competition policy were not accepted and what further action the government is taking to review the principal act in its totality.

I say in closing my comments, referring to what I said at the commencement of my contribution, that the National Party is not opposing the legislation. I have some concerns with what is happening, but I indicate the importance of this industry to Victoria, its development into the future and the economy of this state. We can see the importance of the quarrying industry in a range of developments that take place across the state of Victoria.

I trust we will get appropriate responses from the minister to the issues that have been raised, including some indication of what will be undertaken in the future in relation to quarrying. I mentioned a particular case at Corryong, where I had difficulty with a particular person. I think these changes to the act will assist in clarifying the position he found himself in, but we need to go further in looking at the principal act in its totality to ensure that the quarrying industry is effectively managed into the future so we can go forward with people being able to operate satisfactorily in the industry to the benefit of Victoria.

Ms GREEN (Yan Yean) — I am delighted to join the debate on the Extractive Industries Development (Amendment) Bill. My electorate of Yan Yean contains numerous quarries at nearby Epping and Wollert, including significant quarries at Beveridge. I can almost see the important Boral quarry from my electorate office. These quarries are significant employers of the local labour force and supply the booming construction industry across this state and, significantly, in my electorate of Yan Yean, which is in a growth corridor that is identified in Melbourne 2030. Hundreds of new homes are completed every month, and they have the benefit of being built with local quarry stone.

This industry has a very real and concrete presence in my electorate. Members who have been in this house for some time would recall that my predecessor in Yan Yean, the Minister for Police and Emergency Services, quite often made mention of the quarries and quarry owners in the electorate, but I will not be going down that path tonight.

The Minister for Energy Industries in another place recently released a media statement in which he said:

Extractive industries are the industries that build Victoria ...

Concrete, brick, gravel and tiles may not be glamorous, but they are all essential products.

This bill will ensure that companies will find it easier to search for new stone supplies, and it will provide greater transparency and accountability for the industry by enabling certain decisions relating to work authorities and plans to be reviewed by the Victorian Civil and Administrative Tribunal (VCAT). The industry will be able to set its own standards for quarry manager competency certification rather than having to apply to the government in each case, as it does at present.

Importantly this bill has been drawn up in consultation with the extractive industries. Consultation is something members hear about quite often from this government. It is something we are committed to in whatever we do, now and into the future.

The bill will cut red tape for these industries. That is important not just for those directly employed in the industries but also for the continued development of the state. As other members have noted, the bill derives from the government's response to the national competition policy review of the Extractive Industries Development Act.

The member for Murray Valley expressed some concern about the operation of the bill and the day on

which it will be proclaimed. He called on the member for Ballarat East to respond, but given that the member for Ballarat East has already made his contribution I am quite happy to allay the fears of the member for Murray Valley and advise him that the bill contains a long commencement period to give the extractive industries sufficient time to set up alternative processes for the certification of quarry managers competency prior to the revocation of the current provisions. I think that is appropriate. It shows the government is working in partnership with industry. It provides the industries with a long lead time and economic stability and allows them to continue to operate in and drive the state, as I have mentioned.

Clause 4 makes no change to the scope of the offence contained in the principal act but substitutes new section 8, which creates an offence of searching for stone on Crown land without the consent and authority required under the act. Clause 6 provides for a more realistic time period for decision making — that is, 60 days — as well as the consideration of Aboriginal interests and reviews of decisions made by VCAT.

New section 11 provides for consent to search for stone on Crown land. It sets out the processes and time lines for applications to search and requires the minister to give notice of an application to certain persons or bodies. The applicant may apply to VCAT to review a decision of the minister not to consent. New section 12 imposes special requirements where a person proposes to carry out a search for stone on particular land. The requirements apply to land owned by, vested in or managed or controlled by an authority under the Water Act or a licensee within the meaning of that act or the Melbourne Water Corporation. They also apply to land that is a public highway, road or street.

Clause 8 substitutes new section 18(2) in the act to allow the departmental head to direct the holder of a work authority to submit an application for approval of a variation of a work plan, a variation or revocation of any condition of a work plan, or the imposition of new conditions. Clause 9 inserts proposed section 19(4) into the act to allow the minister to grant work authorities in respect of land owned by more than one person if each owner has consented to the carrying out of an extractive industry on the land owned by that person.

Clause 10 inserts new section 22(2) into the act allowing the minister to vary a work authority if it is necessary for ensuring the safety of workers and the public. Unlike the member for South-West Coast, I do not see that clause as demonstrating some dark hand of union power; rather it is a commitment to the safety of workers in the industry.

In conclusion I commend the opposition and the National Party for supporting this important bill. I again refute the ridiculous assertions made by the member for South-West Coast in relation to union power. It is an old bogey. When opposition members run out of something to say they like to throw in an attack on the trade union movement. The Australian Workers Union — of which I am proud to be a member, like my grandfather before me — makes a positive contribution to this industry. It looks after its members responsibly, and in doing so it ensures worker safety and contributes to the economic good of the whole state. Ensuring the safety of workers and proper employment conditions is not inconsistent with economic growth.

In short the bill reflects the government's commitment to the principles of national competition policy. It also shows a commitment to this pivotal industry and a commitment to the economic wellbeing of the state, and I commend the bill to the house.

Mr BAILLIEU (Hawthorn) — The Extractive Industries Development (Amendment) Bill is an important bill because the extractive industries are among our most important industries, and too often can be taken for granted. The gravel, sand and stone that is used in construction every day — —

An Honourable Member — Made our cities great.

Mr BAILLIEU — Made our cities great, as the member says. The building industry depends on that extractive material and the road construction industry depends on the extractive material. It will be fascinating over the next few years to watch the government's attitude to quarrying in this state, particularly with regard to the notion of localised quarrying for particular projects. I note particularly the Pakenham bypass project, if it ever comes to fruition; the Scoresby freeway, if it ever comes to fruition; and the Geelong bypass, if it ever comes to fruition, and ponder how the government will handle the localised quarrying associated with those projects.

As the member for South-West Coast said, this bill deals essentially with two issues: in part with permits on Crown land and in part with private land-holdings. As far as private land-holdings are concerned, as the member for South-West Coast said, there are private arrangements with land-holdings, and payment in those situations is a matter of a business arrangement between the extractive industries and the land-holder. But the intention with this bill is to streamline provisions associated with the extractive industries and to that extent it is meritorious, and the opposition certainly will not be opposing the bill.

As has been previously said the two-stage process of the Crown land situation is to become a one-stage process, but I also want to focus on the private land providers. As I said, this bill is designed to streamline quarrying and extractive industries provisions. There are a lot of restrictions on quarrying activity, and that is as it should be. There should be protection for all stakeholders associated with land involved, and it is important that we get it right. But when it comes to restrictions on quarrying activity there is a range of them, and I want to refer in particular to a judgment of the Victorian Civil and Administrative Tribunal (VCAT) which was handed down on 12 June 2003.

The member involved was Jeanette G. Rickards of the planning and environment list. Point 5 at page 3 of that judgment states:

The relevant part of the covenant provides:

No quarrying operations shall be carried on on the said land hereby transferred nor shall any marl sand stone or gravel be dug or removed or allowed to be dug or removed from the said lot hereby transferred or any portion thereof except in the way of excavating for the foundation or any buildings to be erected or placed thereon for use in such building unless the said Frederick Thompson Evan Stewart Robert Bethell Walter George Hiscock and William Whydycombe Bevan consent thereto in writing and further that no building or buildings shall now or at any time hereafter be erected on the said land hereby transferred at a cost of less than seven hundred pounds without each consent in writing of aforesaid.

That is a covenant provision laid down some 80 years ago. It is an interesting restriction on the notion of quarrying, because point 6 of the judgment refers to the consequences of this covenant, and this covenant applies to a property at 16 Bethell Street, Ormond, in the City of Glen Eira. I quote:

The responsible authority further contends that excavation would be required to be carried out to enable the construction of the in-ground swimming pool and this would contravene the restrictive covenant as it would amount to the digging or removal of 'marl sand stone or gravel' without the written consent of the persons named in the covenant.

The interesting thing about that is that sadly all those persons are dead. Their consent will be difficult to achieve! The more interesting portion of that information provided by the VCAT member is that here quarrying restrictions which exist in ancient covenants are being used to prevent simple domestic residential construction in metropolitan Melbourne. Jeanette Rickards, the VCAT member, upheld the decision of Glen Eira City Council in refusing an application for a swimming pool based on quarrying covenant restrictions laid down 80 years ago in the most absurd

bureaucratic shambles in regard to the use of quarrying restrictions.

Those restrictions applied to the property of Mr Andrew Isles. Mr Isles wrote to the minister more than 12 months ago in regard to this. What did we get from the minister? We got just a reply from Malcolm Johnson, the acting manager of the south-east metropolitan office of the Department of Sustainability and Environment, who said, 'Well, you can apply', and I quote:

Councillors also indicated they would issue a permit if you lodged a complete application to vary the covenant.

The covenant applies to scores and scores of properties — in fact, hundreds and hundreds of properties in the Ormond area. The cost to Mr Isles so far has been over \$10 000 because this government will not act to fix a simple situation, which it could do simply by changing the definitional arrangement of 'swimming pools' to remove them from the extractive industries.

The nonsense that has been perpetrated by this minister is extraordinary. Some boffin somewhere down the line has decided that digging a swimming pool in a residential area in inner metropolitan Melbourne is the equivalent of an extractive industry. It is a nonsense; and the minister has been forewarned of it for more than 12 months but has done nothing about it. Members might be entitled to think that this is purely and clearly an oddity and an example of something bizarre. That is not so. As late as today the problem has reared its head in the City of Boroondara.

I quote from a letter addressed to Mr Ian Aitken, an East Kew resident, from Navjeet Kaur, the planning officer for statutory planning at the City of Boroondara. He quotes a covenant similarly applying in East Kew, and I quote in part:

... that no sand pit or quarry may be excavated or opened thereon and that no sand stone clay or earth may be dug, excavated, taken up, carried away or removed thereon save for the purpose of erecting a dwelling house or private residence and outbuildings as aforesaid ...

Indeed, Mr Aitken's situation is exactly the same as the situation of Mr Isles in Ormond — that is, that the local council has refused permission because of a judgment made by a boffin that somehow or other these covenants to do with restrictions on the quarrying and extractive industries apply to swimming pools. I am sorry to say that is not the only case in the City of Boroondara.

Today the Swimming Pool and Spa Association has drawn attention to the nonsense of this situation in a press release, and it has called for:

... hopefully a bit of commonsense to be introduced in this situation.

The minister has known about this for more than 12 months. It is complete and utter nonsense. It is simple to fix. I have raised in this house before the approach of this government to quarrying activities, in particular activities in Quarry Road, Mansfield, where a section 173 agreement was established to prevent anything but residential construction taking place on a subdivision but the government threw out the agreement and allowed quarrying next door to a residential property in complete contravention of section 173. And the minister's response? No response!

Equally at Potts Road in Frankston the minister has chosen to encourage the completion of quarrying in a green wedge area. So we have a situation where people want to stop quarrying at Burdett's quarry in Potts Road but cannot because the minister has encouraged them not to do what they wish to do down there. In Glen Eira no-one wants to quarry but no-one is allowed to do anything else; because of quarrying covenants in Mansfield the situation is that you are not meant to be quarrying but the government is saying, 'Yes, you can'; and now in Kew we have this absurd situation where a swimming pool development is regarded as a quarrying exercise.

The government needs to have a very special look at this. If the minister could take some time and spend a little effort to fix up a problem which is costing a lot of people in metropolitan Melbourne a fortune I am sure we would all be better off and the quarrying industry could focus on what it wants to do — that is, to quarry in accordance with the act and to satisfy the needs of those in the construction industry.

I am amused that the member for Ballarat East referred to kaolin as one of the subjects of this act, and I could not help but note that in section 3 of the act kaolin is specifically excluded from the foundation act. I think that, as the member for South-West Coast said, it would be good if the member clearly understood his bill.

Mr DELAHUNTY (Lowan) — My colleague the member for Murray Valley has spoken on behalf of the National Party on this, but Lowan being a large electorate, I thought it appropriate that I make a few comments about how it impacts on my electorate. As we know, the Extractive Industries Development (Amendment) Bill makes some relatively minor amendments to the Extractive Industries Development

Act. We know that, as quoted by the minister in the second-reading speech, this largely follows the review of the act under the national competition policy principles. In a lot of ways we have seen benefits coming out of that, but obviously you, Acting Speaker, raised concerns about those things too, particularly about how they impact on country Victoria.

We know that this bill has many purposes. Instead of having to get a permit and consent to search for stone on Crown land, people will now have to get only consent from the minister. It removes the requirement for government certification of a quarry manager, and I will come back to that a little bit later. Also decisions relating to work plans and authorities can be appealed at the Victorian Civil and Administrative Tribunal (VCAT). I know you, Acting Speaker, spoke about that, and I have spoken in this chamber many times about the workload that is being pushed onto VCAT and whether there will be enough resources both financially and physically to enable it to deal with these matters in an expedient way.

Obviously if we cannot get decisions made, the state of Victoria will just slow to a crawl. In the global environment we operate in, we will get run over by our competitors. The member for Hawthorn just spoke about how this is a very important industry. It has made our state great. The member for Macedon said it had made our cities great, but we must highlight again that Victoria is much bigger than Melbourne. It is not only our cities that we want to be great; we want to make sure that all our country areas are great, along with the city of Melbourne, which we take a lot of pride in.

Honourable members interjecting.

Mr DELAHUNTY — They are, and they are getting better, particularly in the seat of Lowan.

There are a few quarries in my electorate of Lowan, including Mount Drummond, Mount Napier, Moree, which is in the grand little township of Harrow, and McKenzie Creek, just south of Horsham. They play an important role. I know there were discussions between the Construction Materials Processors Association, or CMPA, and the crushed stone association, now known as the Extractive Industries Association of Victoria, and that they had joint meetings with the department. I was told the departmental people could not answer all their questions.

I highlight the fact that we in the National Party consulted widely, as the member for Murray Valley said. We also consulted with the Victorian Farmers Federation and with the operators of many quarries in

my area. They have not raised any major concerns, so we are happy not to oppose this legislation but to move forward. As we know, it replaces some of the old permit schemes, and that is to be commended. There is also further provision for work plans and work authorities under this bill.

The difficulty they had in getting full answers from the department during the briefing raised issues for the joint associations. As we know, a certificate of competency is now issued by a quarries management board, a process that has been running for about 40 years. The associations are very concerned about the change and what it could mean for them in relation to this bill. They are concerned that a lot of other legislation is overriding this very important provision, including the occupational health and safety issues.

I know you, Acting Speaker, are concerned, and I know it is referred to by the Scrutiny of Acts and Regulations Committee in *Alert Digest* No. 8. About clause 2, it says:

The committee notes the delayed commencement provision of up to 1 December 2005 and that no relevant information is provided in the explanatory memorandum or the second-reading speech for the necessity or desirability of including such provision.

It goes on in this report to say:

The committee will write to the minister seeking further advice concerning the commencement provision.

In the discussions I have had with some people in my electorate I have found that they are happy that it will take until 2005 before it kicks in, because they have major concerns about how the transition will happen. They are very keen for that to hasten slowly. It has worked well up until this stage, and it is important that the industry associations — there are two of them — work out an appropriate process. They are happy, because they asked for a two-year wait before this bill is implemented. On behalf of my electorate of Lowan I am very happy that it will take until 1 December 2005.

We know this bill covers many materials including rocks, stone, gravel and sand. All of those are important not only for the construction industry but also for the road-making industry in our country areas. I know road-making authorities such as councils and private operators have to transport these materials over large distances. This is pushing up the cost of road-making in many cases.

Councils in my area — there are seven of them — are thankful for the Roads to Recovery funding from the federal government. As I have said many times in the

four years I have been in this place, in my first couple of months every council would come to the door concerned about funding for the construction and replacement of roads. Because of things like the cost of rock, gravel and other materials, they needed more funds. The federal government came good and delivered on the Roads to Recovery funding, and we want to make sure it continues. But as you know, Acting Speaker, ever since the Roads to Recovery funding was implemented the councils have been very happy with it. I am sure that, like you, I have not had representations about a lack of funding from the federal government. Their only concern is they want to see it continue.

In the second-reading speech the minister said there is an abundance of good-quality extractive resources such as rock, sand, clay and gravel. That might be the case in some areas, but in a lot of areas of the state there is a shortage, and it has to be transported over large distances, therefore having an impact on the cost of roads. It is a bit like rail standardisation. A lot of road transport is used for those heavy materials. I am sure if we had a standardised rail network we could put a lot of this material on rail and transfer it across the state with a better cost benefit when the impact on our country roads is analysed.

From the point of view of the Lowan electorate the extractive industries are very important, as are the people involved in it. The member for Macedon spoke about making sure our cities are great; I want to make sure that our country areas are great. I know that around the cities there are quarries that are used for the construction industry, but it is like our water debate: most of the time you have to go to the country areas to get your materials, whether it be extractive industry materials like rock, sand, clay and gravel, and you also have to go to the country for your water. If you are going to take these materials from our area, we want to see some benefit. We want to get benefits like employment and wealth creation back into the regional areas of Victoria. It is like water — for every megalitre you take from country areas, you take away \$10 000 worth of economic activity, so that when the extractive industries take our resources we want to make sure that country areas get some of the benefits too.

We in the National Party will not be opposing this bill, and I, as the member for Lowan, will not be opposing it, but I want to highlight that clauses 6, 7 and 13 all relate to the provisions of the Victorian Civil and Administrative Tribunal and we must make sure that there are adequate provisions to address any appeals in a timely manner. Clause 4 substitutes a new section 8 to create an offence to search for stone on Crown or

private land without the consent of the land-holders, whether they be the minister or the private land-holders. Most people in rural areas would be extremely happy with that, because land-holders have a great deal of pride in their properties and they want to make sure that if any research or quarrying is going to happen they have an opportunity to consent.

With those few words on behalf of the electorate of Lowan, the National Party will not be opposing this legislation.

Mr CAMERON (Minister for Agriculture) — This has been a wide-ranging debate and certainly no stone has been left unturned. I thank the honourable members for South-West Coast, Ballarat East, Murray Valley, Hawthorn, Yan Yean and Lowan, who have all been rock solid in their support of this legislation. Notwithstanding that, there have been issues raised during the passage of this bill, and I will alert the minister in another place to them. I wish this bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

ELECTORAL (AMENDMENT) BILL

Second reading

Debate resumed from 9 October; motion of Mr HULLS (Attorney-General).

Independent amendments circulated by Mr INGRAM (Gippsland East) pursuant to sessional orders.

Mr McINTOSH (Kew) — This bill implements a number of matters raised by the Electoral Commissioner following the last state election, which perhaps need attention to make the Electoral Act far more workable. The Attorney-General in his second-reading speech has said that the Electoral Commissioner has identified the need for these amendments and, accordingly, the opposition will not oppose this bill on the basis that the Electoral Commissioner has identified these as necessary matters.

I want to spend some time dealing with the individual amendments. The first amendment deals with the power of the Electoral Commissioner to delegate his ability to rule on the validity of ballot papers in a recount. I have had the opportunity of speaking to the

Electoral Commissioner, Mr Colin Barry, who informs me that one of the matters he was asked to rule upon was the validity of a number of ballot papers in — as I understand it — the seat of Evelyn. He had to go out there late at night, because the act required him to personally rule on the validity of those ballot papers.

The Electoral Commissioner has said that where there is clearly no issue that will affect the outcome of a ballot it is probably not totally necessary for him to personally intervene in the ruling on ballot papers in the course of a recount. Accordingly the amendment that the Electoral Commissioner has suggested — and it makes abundant sense — is that when those ballot papers are not going to affect the result of the election, that his power be delegated to some other person.

In most cases it would be the district returning officer, but it could be someone else in the employ of the Victorian Electoral Commission (VEC). The intention is to ensure the process is speeded up, particularly in relation to a ruling which is not going to determine the outcome of an election. The Electoral Commissioner retains the obligation in the case of a recount where that ballot paper may well be important and significant in determining the outcome of the election. The Electoral Commissioner is the only person who will remain the final arbiter of that ballot paper.

The second amendment deals with empowering the Electoral Commissioner to include on the electoral rolls any elector whose enrolment details are received by the close of the roll. Currently the act requires not only that those details have to be received but that they also have to be processed by the Electoral Commissioner by the close of the electoral roll. The electoral roll closes at 8.00 p.m. seven days after the issue of the writ. The fact that the rolls will be closed is much publicised, and further changes cannot be adopted after the close of the rolls.

The most significant matter is that in many cases, as I understand it from the Electoral Commissioner, there could be thousands of details, names, changes of address and those sorts of matters that will be received in response to the advertisements widely placed around the state of Victoria in accordance with the provisions of the act. Those various details can be provided to the Electoral Commissioner in the last hour on the last day, so the VEC is going to be completely unable to process a backlog of many thousands of these applications for amendments to the electoral roll by 8.00 p.m. It would effectively mean, if changes were lodged and there was a backlog engendered by a large number of applications by 8.00 p.m., the whole system is unworkable. Most importantly it jeopardises the integrity of the roll

because the Electoral Commissioner would have to make a decision as to which applications he would process by 8.00 p.m. rather than after 8.00 p.m.

I understand that in practice the Electoral Commissioner processed many of the details received after 8.00 p.m. and included them on the roll. But this amendment makes it abundantly clear that the Electoral Commissioner will be able to process any applications received by the close of rolls after that time. I am informed by the Electoral Commissioner that the thousands of applications received up to 8.00 p.m. on the closure of the rolls only took a couple of hours to be formally processed. He says in any event it would take no more than a day to process all this information. Without this amendment there would be a substantial question over the integrity of the roll because it would essentially mean the Electoral Commissioner would have to decide which ones would be processed up until 8.00 p.m., which would actually jeopardise the integrity of the rolls. Accordingly this is a practical solution to the problem.

The third amendment deals with the Electoral Commissioner's power to make further inquiries upon receipt of answers to an objection. The objections can be made by the Electoral Commissioner or other people to the enrolment of a person on a particular roll as to their state of residency and other matters. The most important thing is the requirement under the current Electoral Act for the Electoral Commissioner to rule on that objection immediately on receipt of the answers from the person seeking to be enrolled. The Electoral Commissioner identified the fact that there can be a number of other very valid inquiries — perhaps from the police — that should be able to be taken into account. Every intention is to make the ruling as expeditiously as possible, but in some circumstances other inquiries may actually validate or assist the Electoral Commissioner to reject the application.

Accordingly this amendment removes the word 'immediate' and allows the Electoral Commissioner to make appropriate inquiries even after the receipt of the answers, again with a view to it being done as expeditiously as possible and certainly not holding up the operation of the Electoral Commissioner in conducting elections in this state.

The fourth amendment deals with the liquor ban in polling places. The law of this state, which has been the law for many years, is that it is not lawful to have as a polling place any form of licensed premises. If there is a temporary licence granted then it is illegal to sell alcohol during the hours of voting at a polling place.

A case came before the Victorian Civil and Administrative Tribunal (VCAT) involving a school that had applied for a liquor licence. At the time of the last state election the school in question was running a fete. It had applied in the normal way to have a temporary liquor licence for the sale of alcohol at the school. One can understand that the school would be keen and eager to have such a licence because it would certainly add to the enjoyment and the social activity that could be had and would add to the school's revenue-raising capacity.

An arrangement exists between the Electoral Commissioner and the liquor licensing commission under which in the lead-up to a state election at any time in the 12 months before the four-year expiry of a Parliament the practice has been to include a condition on temporary licences providing that in the event that an election is called you cannot sell alcohol if your school is a polling place. In many cases the school cannot control whether it will or will not be a polling place because this is probably locked in stone many months before an election.

The school in question in the VCAT case just happened to be holding its fete on the date of the last election. A proceeding was brought before VCAT to seek, I presume, some form of injunction to prevent the school from selling alcohol consistent with the provisions of the law as we understand it. Unfortunately VCAT ruled that the provisions were 'unenforceable' in these circumstances against the school, and I have been briefed by the government that this was the term used. Accordingly it is a belt and braces response to make it perfectly clear, which is the intention of this place, that it is unlawful to sell alcohol in the vicinity of a polling booth during election hours between 8.00 a.m. and 6.00 p.m.

There is no doubt that that may cause some tension because one can anticipate the position in 2006. We know the date of the election in November 2006. Many schools will probably take the opportunity — I would imagine because they have effectively a captive market during the course of an election — to run their school fetes on that day. No doubt many of us have experienced in our own electorates that it is part of the notion of an election that schools run sausage sizzles, have cake stalls and raise a lot of money because of the captive audience — —

Mr Cooper interjected.

Mr McINTOSH — Absolutely — and spend a lot of money there. Indeed many of the schools in my electorate have taken advantage of an election to run

such fundraising events. You can predict that many of those schools would be — —

Mr Hulls interjected.

Mr McINTOSH — No, there is no drinking; it is illegal to sell alcohol in a polling place during election hours. The Attorney-General intervened, and I was just reminding him of the law that it is illegal to sell alcohol.

The most important thing about this is that you can understand that schools may want to run their fetes on an election day because they can predict a captive audience. However, it is one of those things that you perhaps take into account, and on balance it is probably better that we stick with the existing legislation. If that law is to be changed then it should be done not on the basis of a ruling by VCAT, because that is not the intention of the legislature; but it is perhaps a matter that we can take up — whether or not in a modern society schools should be able to run fetes, have their sausage sizzles and have the opportunity to sell liquor. That is a matter for another time.

The bill also replaces an existing requirement that an elector sign or make a mark on voting where the elector is somehow incapable of signing. It is felt that this is necessary in an abundance of caution in the event that some people are physically incapable of writing; certainly in relation to the assistance they would be getting when absentee voting, for example, or in respect of the declaration of identity, where they were required to sign their name or make their mark. The Electoral Commissioner has identified a number of people who are physically incapable, and this amendment allows that to be recognised. It requires a witness to say that the person's ballot paper was marked and that they did not sign the declaration because of physical incapacity. It recognises that it would be overbearing and demeaning to somebody who is physically incapable of signing their own name or making their mark through a physical incapacity to proceed with that existing provision.

The next amendment applies the same procedures for absentee voters that are already applied to early voting. This is to take into account that we live in a modern world. It was trialled at the last state election — electoral rolls for all 88 lower house and upper house seats were put onto a laptop computer in many booths. It enabled somebody exercising their absentee vote to be given the ballot paper, and rather than having to fill out the declaration form they could be marked off the roll then and there so they did not have to go through the formality of making the declaration. It speeds up the entire process. It is designed to ensure that election

results are processed a lot more expeditiously and come out more quickly.

The change recognises that modern technology provides a facility where all the electoral rolls can be placed on a computer. When an absentee voter comes in to cast their vote in another electorate they can be marked off the electoral roll. They will be asked, 'Have you voted before?'. Details of their name and address will be required, but they will not have to sign the document to say that they have not voted. You can be marked off as having cast your vote then and there on the computer on the electoral roll. It just speeds up the process. I understand from the Electoral Commissioner that there is some identifying mark to indicate that it was marked outside the electorate as opposed to inside the electorate, a different colour as I understand it, so it is a reflection of modern technology and certainly makes substantial sense.

The next amendment deals with registered how-to-vote cards. As we all know in this house, it is unlawful to distribute within a 400-metre area around a polling place anything but registered how-to-vote cards. It does not impact upon corflutes, or other forms of wrap or signage around a polling place that is not dealt with by the how-to-vote cards. It still has to be authorised and still has to name the printer of the corflute or wrap or poster, and it is caught by a separate provision. It also cannot be misleading or deceptive.

In relation to how-to-vote cards, those cards have to be registered how-to-vote cards. If it is an individual it can be done by an independent, or it can be done through a registered political party, and those how-to-vote cards are registered. The most important thing is that they are only registered for the purpose of the election day. What occurs at prepolling places are not actually registered how-to-vote cards, they are just normal election material. In many cases they look like the ultimate how-to-vote cards, they can be printed in colour but they are not registered how-to-vote cards in prepolling stations. This amendment only deals with registered how-to-vote cards relating to polling day which are handed out by booth workers at various polling stations around the state.

The problem is that there is an anomaly or ambiguity in the act that has been identified by the Electoral Commissioner. He says it has to be made perfectly clear in relation to how-to-vote cards that it only applies on election day. Therefore the amendment is that the prohibition is within 400 metres of a polling place on election day, to make it abundantly clear that the amendment only applies in relation to election day, which certainly is the spirit and intention. It is a

belt-and-braces response but something that would seem to be appropriate.

The next amendment deals with Tabcorp Holdings Ltd, which is to be included in the cap on political donations. There is a prohibition on gaming companies — there are three of them: the casino, Tattersalls, and Tabcorp — of \$50 000, which applies not only to the corporation but to any subsidiary, holding company or related corporation and also to shareholders, which I will deal with in a moment as it is a separate amendment. For some reason Tabcorp, as a gaming company falling within the ambit of the provisions, was not set out in the original bill and therefore escaped the obligation in relation to the \$50 000 cap.

The intention of the legislation is that gaming companies cannot donate more than \$50 000 in any financial year to any political party. The consequence of any breach is that the moneys may be disgorged to buy the political party. Tabcorp was for some reason inadvertently left out of the previous bill, and it is felt appropriate by the government to introduce this amendment to make it perfectly clear that Tabcorp should be included. The indications that we have from Tabcorp is that it has no real position about the matter, so the amendment can proceed today.

The last amendment deals with the shareholders of related corporations, a related corporation being either a subsidiary or a holding company within the meaning of section 50 of the Corporations Law. In short compass it means a situation where you might have shared directors and where a person has the ability to control the affairs of the company because it controls the board of directors or a substantial shareholding which falls within the definition of the federal Corporations Law.

We can all see the reason why you would have a subsidiary, why you would have a holding company and certainly why you would have a related corporation as part of the cap — that is, because you can aggregate all the donations from those types of companies. If they are associated with one of the three gaming companies, that could be aggregated into the \$50 000, and if it exceeded the \$50 000, it would be in breach and the money would then be forfeited to the state and an application could be recovered against the company.

An unintended consequence was the effect on shareholders of a related corporation. It only applies to the shareholders of a related corporation — that is, of a subsidiary or a holding company within the meaning of the Corporations Law. That is slightly different to the meaning given in the act, but it is only about the

shareholders. Certainly the indication I have had from the Victorian Electoral Commissioner is that essentially this is unworkable in practice and would be extremely difficult and onerous. As I understand it, it was not the intention of the government to catch all these things. There was certainly a desire to ensure that holding companies, subsidiary companies and other forms of related corporations that held shares in the gaming company should be caught, but the wording in the original act is unfortunate and that cap has perhaps been diminished in its effectiveness as a direct consequence — and as a result, this amendment has come before the house.

The bill's operation refers back to September of last year, so it is a retrospective matter. The Scrutiny of Acts and Regulations Committee referred to that retrospectivity. It did not make any further comment; it just noted that matter. It is always of some concern when retrospective provisions come into operation; but again, it was not the intention of the original bill that shareholders down the line should be caught, and it is the view of the Electoral Commissioner that it makes the whole thing unworkable. Accordingly it would seem to be an appropriate amendment. I conclude by reiterating that the opposition does not oppose this legislation.

I want to touch on the amendments circulated by the member for Gippsland East. At this stage the opposition cannot see its way clear to supporting them. I only saw them just before dinner, and I have not had the opportunity of discussing them in any detail with the member for Gippsland East. I will certainly listen to his contribution on these matters, but as I understand the nature and effect of the amendments they relate to the issue of financial disclosure. They may seem like a good idea, but it was the view of this house with the passage of the former bill that financial disclosures are properly conducted by the Australian Electoral Commission.

I have been onto the Victorian Electoral Commissioner on a number of occasions. As everyone would know, I have highlighted the amount of money that the trade union movement has donated to the Australian Labor Party, and all of that information has come from publicly available web sites. The amounts making up the total of \$1.4 million that the union movement donates to this government have all come from the Australian Electoral Commission web site.

The commission requires each political party, including the ALP's Victorian division, to put up its figures, together with those from its national headquarters — and vice versa with the Liberal Party. The reality is that

it is a very effective and useful tool. If you are connected to the Internet, you can get the information straightaway, or you can go into any office of the Australian Electoral Commission to get it. The most important thing is that the information is there. We have certainly made good use of it on our side of politics, and no doubt the other side has used it too. The information is all set out, although it can be many pages long. In the case of the Australian Labor Party, as I said, the details of all its donors are there.

While the amendments may seem attractive, they appear to duplicate the existing regime. Unless the member for Gippsland East can justify why we should take on something that is already in existence with the Australian Electoral Commission, I would find it difficult to make a case to support amendments that would create duplication and further cost and be a further burden on the electoral commissioner, who certainly seems to be trying to conduct a pretty efficient and effective operation while looking at ways of modernising the system. I will conclude on that matter.

Mr RYAN (Leader of the National Party) — It is my pleasure to join the debate on the Electoral (Amendment) Bill. I am conscious of the presence in the chamber of many members of the Labor Party, including two members of the cabinet. I have no doubt that this bill raises a spectre of concern in their eyes. We have had those unfortunate articles — —

An honourable member interjected.

Mr RYAN — Indeed, the Premier as well! We have seen an unfortunate series of articles in the *Age* recently talking about the proliferation of branch stacking in the Labor Party. It has been pretty unseemly, reading about all those well-informed sources talking of vehicles turning up at preselections and disgorging people who are purportedly members of the branch but who know nothing about the issues at hand. It is the sort of thing that gives the people who read it cause for pause about the whole electoral process. We are hearing comments about disputes over the power base within the Labor Party in Victoria in particular and the difficulties that the Labor Party is experiencing in the union movement, including the struggles that are going on there. We are hearing about the power shifts that are happening and about Greg Sword — aptly named, with due respect to him — and the influence he wields in this whole process.

It is pretty ugly stuff when you see these sorts of things happening. For my own part I am just a simple country boy who came to politics because of an interest in wanting to engender the best for the electorate I

represent, and unfortunately being confronted with this sort of activity seems to happen as a matter of course. I know it is the sort of thing that people dwell on, and it worries them; people mention it to me as I roam around Victoria. So no doubt the fact that this bill is before the house causes a large measure of discomfort for many members of the Labor Party, both within and outside cabinet. Be that as it may — —

An honourable member interjected.

Mr RYAN — Yes, but I can keep going on the topic; there is plenty more. I will be interested to see what happens at upcoming Labor federal conferences and the like and how Mr Crean's fortunes play out with all the sorts of pressures that are there.

An honourable member interjected.

Mr RYAN — It does give me a lot of amusement.

An honourable member interjected.

Mr RYAN — Yes, and a lot of interest, because I see these issues as being pivotal to the interests of all Australians. When you see an abuse of the process in this way it really does give cause for pause about the electoral system. In any event, presuming that for the moment the interjections are finished and moving on to the bill, basically it does nine things.

Ms Duncan interjected.

Mr RYAN — I have been invited to make a positive comment. I think the bill in itself is positive in the sense that — —

Ms Duncan interjected.

Mr RYAN — What was it? Yes, that is a pretty good measure of it, I think.

This bill makes basically nine relatively minor amendments to the Electoral Act. The member for Kew has dealt with these in some detail but in essence they are as follows. The commissioner will be able to delegate the determination of a disputed ballot paper during recounts in cases where the number of disputed papers can make no difference to the outcome. This is a sensible provision because until now it has been the commissioner per se who has had to be involved in every instance where this situation has arisen. In a circumstance where there can be no difference to the outcome there seems no practical reason why the delegation should not occur. This is a sensible solution to the difficulty that emerged at the last election.

The next provision amends the act to make it clear that changes to the roll can be processed after the closing of the roll but only to the extent of taking into account notifications received prior to that advertised closure. Again that is self-explanatory.

The third issue is that the act presently requires the commissioner to make a determination on an objection to an enrolment immediately upon receiving an answer from the person objected to. The amendment will enable further information to be sought. The notion of informed decisions being made in these matters inevitably means that better decisions are made, so the amendment is sensible.

The next issue is that presently there is some lack of clarity regarding schools which are used as voting centres being able to supply liquor at functions on voting day. The amendment makes it clear that liquor is not to be supplied. Of course in all of this the mind boggles over some of the options that arise in relation to liquor being on the premises. I believe this amendment arose out of the fact that a wedding had been conducted at a school which was a polling booth and that complications arose because presumably no-one knew for certain what door they were supposed to go in. Probably in some instances they were a lot the worse off for wear when deciding out of which door they should exit, depending on where they had been. This amendment is intended to resolve all of that, and again it is a sensible initiative.

The next issue is that a person who is unable to write may make his or her mark, or alternatively request another person to note on the declaration that that person is unable to sign due to some form of physical incapacity. This has arisen because various interest groups involved in the representation of those who are afflicted in the ways this amendment contemplates have quite properly brought these issues forward, and the government sensibly has moved this amendment to accommodate those needs.

The next issue is that in the case of absentee voting it will now be possible to vote as in pre-poll voting if the particular voting centre is equipped with an online copy of the state roll — that is to say, that the roll can be checked and so it can be observed that the person is in fact enrolled. In other cases the usual declaration procedure will apply. This amendment arises from the availability of today's technology, and once again it is a sensible provision.

The next amendment clarifies that the prohibition on the distribution of electoral material within 400 metres of a voting centre applies only on voting day. Again, for

all the obvious reasons that is a proper amendment to make, as it clarifies a degree of uncertainty.

The next amendment updates the capping provisions on political donations from certain gaming licence holders to account for changed licensing arrangements in the Gaming and Betting Act. This has particular application to Tabcorp, and the member for Kew has explained the background to that in a way that means I do not have to go through that whole somewhat tortuous process — tortuous on my part, I should add, as opposed to on his part.

The ninth amendment makes it clear that donations by shareholders in gaming companies covered by the cap are not to be counted under the cap. This relates to the circumstance of private political donations, if and when they are declared, potentially leading to an inadvertent breaching of the cap. There was never any intention to interfere with what individuals who happen to be shareholders of the relevant gaming companies may do. This amendment makes the position clear.

Having gone through those nine relatively minor amendments, there are several other general comments I would like to make. One is that the time is coming when the government will have to address the issue of the proliferation of propaganda material which gathers around voting centres and the consequent potential for disruption, conflict and disputation to occur. For example, in the Benalla by-election in May 2000 I witnessed some very potentially nasty instances in the early hours of the morning, where we wanted to — —

Honourable members interjecting.

Mr RYAN — Before I was rudely interrupted I was going on to say that the parties collectively which were involved in that election campaign were concerned to ensure that they respectively had available to them an appropriate area where they were able to display their materials before the voters of the day. I am completely leaving aside rights and wrongs; I am completely leaving aside identification of individual parties. So for those who jump onto this as I make these opening comments, on an apparently guilty presumption that I am referring to the Labor Party, I will leave them to deal with those issues themselves.

The fact is that there is a problem, I believe, which is of a growing concern to all of us who are involved in the electoral system, where on election day there is this, to again use the expression, unseemly activity that occurs around polling booths where parties of all persuasions are engaged in trying to claim the proverbial ground around that polling booth for the purpose of advertising

their respective wares. It is akin in a sense to lining up at the Melbourne Cricket Ground to get grand final tickets. I remember being in the queue for two days and seeing people — —

Ms Asher — It must have been a long time ago if it was for Melbourne!

Mr RYAN — I was too young then; that was 1964. There was an archaic system of lining up for grand final tickets for a couple of days. It persists today, although to a lesser degree. The position that applies on polling day at our electoral booths around Victoria is no better. In this day and age it is absolutely demeaning and ridiculous. In it too is the notion of the army of personnel, all of them with every intention — again in an apolitical sense — of wanting to do the best by their respective interests, gathered around handing out how-to-vote cards and the like. The time is coming when the political system at large has to address this.

With the passage of time the National Party would be interested to see what the government wants to develop in the interests of the system operating better and in accord with the sorts of things that happen in so many other areas in today's world, but which still persist in this instance. It bears examination on the part of the government.

The other matter I wanted to mention is the amendments that have been circulated by the member for Gippsland East. I understand the nature of the stunt. I understand the politics of it and that he wants to present a position which largely is reflective of the legislation which now prevails at a federal level. If we passed legislation in the state which in each instance duplicated that at a federal level, and vice versa, we would be all weighed down by more pages of statute in both parliaments than we are currently. The practical fact is that these matters are dealt with by the federal arrangements. They are on the Web, they are on the screen, you can access them easily.

I do not think there is any need for the sorts of propositions that are being advanced by the member for Gippsland East, although I understand why in a raw political sense he brings them into the house. I have no doubt over the course of the next 24 hours or so we will have the benefit of his wisdom in a variety of forums where he will be wanting to express his point of view about these issues. It will not be in here, of course. I am sure he is not particularly interested in what is said here. We are likely to hear his interests in promoting his point of view more broadly than within the walls of this place. I give due respect to him; I understand what he sees as being the tactical benefit of doing that, and that

is fine. Much of the material is contained within the federal legislation and to be doing it all again from the perspective of the state is unnecessarily adding to an already momentous tome in the form of the legislation that we are seeking to amend by this bill.

Mr MILDENHALL (Footscray) — I am used to more of a crescendo from the National Party leader's concluding remarks.

The Bracks government listens, then acts. It has been in dialogue with the Victorian Electoral Commission to consider the practical implications and the testing of the 2002 Electoral Act, which was given a thorough workout in the election last year. Consequently a number of reasonably short-term and urgent amendments have been suggested by the Electoral Commissioner and are contained in this legislation. The house is indebted to the members for Kew and Gippsland South who have gone through the nine amendments in some detail and explained their purpose and also their policy background.

I also noted the interest shown by the Leader of the National Party in some of the more interesting enrolment activities of political parties in recent times. He noted some of the reported instances within the Labor Party at a state level. I must admit that left me incredulous. I would have thought that of all the potential numbers involved it is a skerrick of the percentage of that involved in the federal electorate of Wentworth, where it has been reported that there have been some 3500 enrolments in party and branch processes in recent times. From my very scant knowledge of any of the activities that occur in Victoria, that would leave any enthusiastic recruiter gasping in amazement at the numbers involved in Wentworth. We are not talking about Taragos here; we are talking about full suburban trainloads of people turning up to branch meetings to make up those sorts of figures.

As I thought about this legislation today I also noted the dangers and the requirements of electoral enrolment. I noted that in an article in yesterday's *Herald Sun* the former member for Berwick, Dr Dean, announced that if he had acted promptly at the time he was first notified, he still could have successfully enrolled. The article states:

Had it occurred to him to change his address then? 'I don't think I did because I thought, 'Well, who cares? It's too late now'.

He did not know about the support and friendship he was about to get from his colleagues, including the

sacking by his boss! Then there was his extraordinary comment yesterday, when he was reported as saying:

Jeff Kennett was cowardly, miserable and wrong ...

He put the knife in my back when I was face down in the mud, gasping for air.

Mateship in the Liberal Party is legendary. It certainly resonated with me. I remember that when that great Liberal, the Honourable Alan Hunt, was part of the Constitution Commission of Victoria and produced some of the work behind that groundbreaking legislation earlier in the year he was labelled a rat by the Deputy Leader of the Opposition. It caused me to think that loyalty, mateship and support within the Liberal Party is in short supply.

I do not think it is a wise move for members of the opposition to talk about any events that may or may not be occurring in the Labor Party at the moment. There are some dramatic and graphic examples that leave those instances well behind in the background.

There is a degree of unanimity around the chamber in relation to the amendments circulated by the member for Gippsland East. I have not had the opportunity of going through the amendments in any detail as they have just been provided. I am sure we will all be interested to hear the rationale for them. However, as with the other parties in the chamber, there is a sense within the government that these amendments essentially replicate commonwealth provisions which have coverage in Victoria, and they are not necessary. They are deemed to be an unnecessary duplication and therefore cannot be supported. I am sure members will be waiting to hear the explanation and rationale for the amendments as the debate continues.

As I mentioned before, the bill does nine essential things. The key aspects are probably the first two amendments. Currently on the occasion of a recount scrutineers may request that ballot papers be set aside for determination by the Victorian Electoral Commissioner. However, in the instance where the result of that particular ballot is beyond dispute and those ballot papers have no possibility of affecting the outcome, this, as the electoral commissioner remarked, makes little sense. This amendment provides for a delegation of the power to allow or disallow a ballot paper at a recount without the commissioner himself being involved. That is quite sensible. Like the other provisions in this legislation, this will streamline and make more efficient the conduct of elections.

Similarly the amendment relating to absentee voting will allow for the sorts of provisions which were

tried at the last election for early votes — where the whole of the voters roll for the state was able to be accessed for early voting — to be used for absentee voting at polling booths.

These are sensible amendments which are being made at the request of the electoral commissioner. They will uphold our fine Victorian traditions of clean elections — far cleaner than internal Liberal Party ballots, I might say, from my observation of events interstate. However, this is supported legislation and we wish it a speedy passage.

Mr INGRAM (Gippsland East) — It is with great pleasure that I rise to speak on the Electoral (Amendment) Bill 2003. The bill is a brief and broad piece of legislation but it addresses a number of issues. The bill was introduced to address some of the problems identified after the last election following the amendments introduced in 2002.

During debate on the Electoral Bill 2002 it was quite clear that the government was trying to do a number of things. I will quote from the second-reading speech of the Attorney-General. He said:

It is government policy to:

make election contests fairer through limited public funding of election campaigns; and

require full disclosure of all donations to political parties, by closing loopholes and increasing penalties.

The basic principle of public funding and disclosure legislation is to reduce the ability of private money to influence election outcomes and political decisions.

The Attorney-General went on to say that the bill introduced a range of changes contained in the commonwealth act but also brought in a few more. He said:

This bill contains the best features of the disclosure requirements in the commonwealth model but also contains a number of additional requirements with the aim of creating the most stringent system of disclosure in Australia.

What happened when the bill was debated? I have the Legislative Assembly circulation print of the Electoral Bill; I also have the 'As sent' version that was sent from this house to the other place. They show that 40 pages were gutted out of the bill. What were those pages? They were all the disclosure measures. They were things like the associated entities and the declaration of gifts. The bill kept the commonwealth model, but a number of the recommended changes to the commonwealth model were not there — they disappeared. The government got a caning for that.

Ms Asher interjected.

Mr INGRAM — Settle, petal!

An article in the *Age* in May 2002 states:

Labor promised Victoria would have the toughest disclosure laws in Australia. Not any more.

On March 20 this year Victoria's Attorney-General, Rob Hulls, introduced the Electoral Bill ...

...

'For example, it will require the Liberal Party to declare the funding base of "secret" funding organisations like the Cormack and Greenfields organisations'.

Just eight weeks later Labor has dumped this promise of unprecedented disclosure. Late on Wednesday night, Hulls, with the support of most Liberal and National Party MPs, moved amendments removing the disclosure provisions.

The decision, taken without any consultation with the Independent MPs, is another kick in the face of those who rightly expected Labor would deliver on its rhetoric to provide more openness and transparency.

I will use some examples to describe this, particularly the bit I am disappointed about. The amendments I have circulated basically reintroduce the almost 40 pages which were gutted out of the Electoral Bill 2002 — which was government policy in 1999. The government said this is what it wanted to do; it wanted to bring in the best electoral laws in this country. I thought I would give it the opportunity to have another go at it, and through my circulated amendments I have reintroduced the government's own amendments — that is, its policy in its bill.

I would describe this as a bit of an amendment to the Abbott and Costello affair — this is the Abbott and Keilor show. I will describe why I think it is absolutely essential that we introduce the associated entities provisions. An article in the *Age* of 12 November 2002 was headed 'Alleged slush fund buys house for Keilor MP's social club'. This article describes some of the associated entities some parties can set up and which are not subject to the disclosure of political donations regulations. According to the *Age* article this slush fund received \$520 000 from bingo games between 1991 and 1997. It states:

The Keilor Golf Social Club was one of several organisations associated with Mr Seitz, the Labor MP for Keilor since 1982. It is operated by Mr Seitz's nephew, Stefan Biewer, and a friend ...

The social club together with the Keilor Civic Group and the Keilor Environment and Conservation Society proved to be a gold mine for a small group of friends and relatives of Mr Seitz.

They were established out of the member's electorate office. Incidentally those organisations provided an amazing amount of money if you look at how much money they delivered. The Keilor Golf Social Club's general account returns record \$56 000 expenditure in an election year.

I refer also to the Abbott incident federally, where a slush fund was set up to politically damage the fledgling One Nation party. In a newspaper article former One Nation candidate Terry Sharples was reported as saying:

'Abbott has been lying through his teeth about me and the slush funds ...'

He said there were at least three separate anti-Hanson slush funds connected to Mr Abbott and he would release ... diary entries and telephone messages further linking Mr Abbott to the campaign against Hanson.

It was called Australians for Honest Politics. That is what I would call an associated entity if ever there were one!

What my amendments set out to do and what we need to do is get some faith back into the political system in this country. If donations are going to associated entities and those entities are then turning around and funding political campaigns, no matter what they are, the community has a right to know what those organisations are. The amendments that I have put forward are the government's own policy and are an attempt to reinstate those associated entities as part of the act.

It would be very good to get support. But what did we get? I got a fairly limp-wristed response from the minister in a letter stating basically that the commonwealth model is good enough now. Members have listened to the hypocrisy of the Leader of the National Party in criticising me. He spent nearly 2 minutes berating the fact that I might put out a press release tomorrow; that I was not serious about standing up in this Parliament and raising this issue; that it was more about creating a stunt. This is not about a stunt; this is about getting disclosure.

We all stick our hands in the pockets for the public funds. I did; I received the money at the last election. Everyone else here — the political parties and the candidates — received public funding for the election. We then have a duty as members of Parliament to respond with some transparency and decency to that. I impress on the Attorney-General that he should accept the amendments because, frankly, in his second-reading speech he was quite adamant about how important this

legislation is. He concluded the second-reading speech with the following statement:

Penalties for offences will be tougher in some cases than in the commonwealth system, following a number of recommendations by the Australian Electoral Commission.

In the second-reading speech the Attorney-General said how good this bill would be and how good the original legislation would be. Now he has turned around and said, 'No, this is okay. We will accept a second-rate, watered-down commonwealth system'. He has said, 'I ask you to consider the requirements of the commonwealth system for financial disclosure before you finalise your house amendments'. Well, sorry, I am not going to do that. I would like to continue with these amendments.

I know the amendments will probably not succeed because the Attorney-General has indicated to me that he will not support them; and it is pretty clear that the Leader of the National Party will not support them. I am still hoping the Liberal Party will support them. Its members will look at them, and I thank them for that. I hope I do get their support, because I think it is an important issue. We need to put some certainty and confidence back into the electoral system in Victoria.

Mr COOPER (Mornington) — I said during the contribution by the member for Footscray that he might be sorry for opening up the door with the comments that he was making in regard to matters internal to the Liberal Party; and he just heard the reasons I made the comment because certainly the spray was directed in the main at the Labor Party and at the member for Keilor. I was quite surprised that no point of order was taken by his colleagues to protect the member for Keilor, but obviously he has been hung out to dry by his own party.

I might say to the member for Footscray and other members of the Labor Party that if they want to look at some of the issues that have been raised by the member for Footscray tonight, and now by the member for Gippsland East, they should read last week's *Age* — if they have not already done so — because for three days their party and one of its members featured very largely on the front page regarding rotting of the system. I am not going to spend a lot of time on that, but I am going to say to the member for Footscray in particular that if he wants to throw stones, he wants to make sure that his walls, his roof, his floor and everything else are not made of glass, because certainly in this instance they are!

It is no wonder that we did not hear any defence of the member for Keilor because there was no defence of the

member for Keilor from the Labor Party members — they just allowed the member for Gippsland East to ride right over the top of him in regard to his previous activity. I do not hear anybody standing up now and defending the member for Clayton against the indefensible charge of rotting the system.

I want to do something unusual in this debate — I want to talk about the bill! I know this comes as a shock to everyone, but I want to address a couple of matters in the bill because they are important. This is an important piece of legislation, and every member in this house should have some kind of an interest in making sure that the amendments are right. I want to talk in particular about the situation of prepoll voting and the distribution of printed electoral material.

As every member in this place would recognise, we no longer in this state have an election day; we have an election fortnight because when nominations close the polling booths open. The theory behind prepoll voting is that the booths were meant to open for those people who could not get to a polling booth on election day. The reality of prepoll voting is that everybody who cannot be bothered going to a polling booth on election day says, 'I will go and I will vote before election day', and they turn up. If they happen to strike a returning officer at the prepoll booth who asks them why they are voting pre-election day they very quickly come up with the excuse such as, 'I won't be anywhere near a polling booth on election day', and they are immediately allowed to vote. That is now becoming the norm rather than the exception.

That is probably all very well, but it places an enormous amount of strain on every person who nominates for election — an enormous amount of strain — regardless of your party or regardless of whether you are an Independent or who you are. If you want to maximise your vote you have to make sure that the prepoll voting station or stations are manned by booth workers who hand out materials for you, such as how-to-vote cards. That puts an enormous strain on candidates, on the political parties and on individual candidates. It needs to be addressed by the electoral commission. That is not the way it was meant to be, nor is it the way it set out to be, but that is the way it has been allowed to develop.

I suggest that we need to get back to the way things were meant to be rather than the way they are, because prepoll voting is important for people who genuinely cannot get to a polling booth on election day, but the reality is now that probably 30 per cent of the electorate votes before election day and in most cases most of that

30 per cent could in fact attend a polling booth on election day if they had no other choice.

That brings me to an associated point — that is, the question of what is handed out to voters when they attend for pre-poll voting. Section 156 of the Electoral Act 2002 states:

A person must not during the hours of voting within 400 metres of the entrance of, or within the building used as, a voting centre —

- (a) hand out, distribute or otherwise make available; or
- (b) authorise the handing out, distribution or otherwise making available —

to any person any printed electoral material other than a registered how-to-vote card.

That is what the act says. The amendments that are being introduced by the government are to put in the words ‘on election day’, so it will read:

A person must not during the hours of voting on election day ...

What we are now seeing — —

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! Pursuant to sessional orders the time has come for me to interrupt the business of the house.

Roads: funding

Mr COOPER (Mornington) — The matter I raise is for the attention of the Minister for Transport. I call on him to take action to bring back maintenance of Victoria’s major roads to the high level of excellence that was in place during the days of the Kennett government. Even the casual observer would agree that maintenance of many major roads is not occurring and the condition of these roads has deteriorated dramatically.

The first of two examples I can cite is the Nepean Highway at Seaford, where the lack of maintenance has seen the road surface become so bad that signs have been erected warning motorists of the rough surfaces and the potential for loose material damaging cars. This part of Nepean Highway has a 70-kilometre-an-hour speed limit, but some sections have been cut back to 60 kilometres an hour because the surface is so bad. If the minister is too lazy to actually go down and have a look at this example of his mismanagement I can

supply him with photographs which were taken last week. The other example is the Frankston Freeway, near its access from Skye Road, where several large sections of the road surface have disappeared. I will also provide the minister with photographs of the mess he has created, if he wishes.

Neither of these two examples has just occurred. They have been in this shocking state for at least three months, and under a decent and competent government repair work would have been done many weeks ago. The question has to be asked: is the lack of action due to lack of money or just to gross incompetence? The motoring public deserves a lot better than it is getting from the Bracks government. The government comes out of its blocks like a rocket to put in more and more revenue-raising cameras, but essential road maintenance which reduces the probability of accidents is not being done. The highest roads priority for the Bracks government it seems is raising revenue. Maintenance and safety are coming a very bad second.

The two locations I have mentioned are in the Labor-held seats of Frankston and Carrum, but the members for those electorates have done nothing about these particular matters. Now that I have raised this matter I trust those two members might be motivated to actually do something for the electorates rather than just standing up here and talking about them.

Buses: Gembrook

Ms LOBATO (Gembrook) — I raise a matter also for the attention of the Minister for Transport concerning the lack of bus services in the far outer east area in the Gembrook electorate. I seek an assurance that the public transport needs of the residents will be carefully investigated by ensuring that the far outer east areas of my electorate are considered in the bus plan area 10. Currently the Bracks government is conducting the outer eastern public transport plan that will create a blueprint for the development of public transport for the next 20 years, and I congratulate the government on its forward thinking. It has also initiated the bus plan, but unfortunately it does not include areas most in need of public transport within my electorate.

I am constantly approached by many constituents concerning the lack of public transport, especially in the areas of Emerald and Cockatoo in the Gembrook electorate. Last week I decided to organise a public forum that looked at the needs of residents in those areas. We worked in groups to identify particular areas of concern. One of those was buses and youth and students; others were buses and senior citizens, and buses and everyday commuting. People worked in

groups and fed back to the bus representatives who were there on the evening and also a representative from the Department of Infrastructure. This type of community consultation needs to be done on a broader level to incorporate these townships of Emerald, Cockatoo and Gembrook and also those along the Warburton Highway up to Warburton East.

The Upper Yarra townships are even more geographically isolated and disadvantaged socially and through lack of infrastructure and services. The residents are less likely to own motor vehicles as a result of low-income status, and opportunities of employment and further education are diminished by the lack of public transport. People need more reliable and frequent public transport to be able to access services like Centrelink, medical services and employment agencies. Therefore I ask the Minister for Transport to ensure that these areas are included in the bus plan area 10.

Rail: Avenel crossing

Dr SYKES (Benalla) — I also address to the Minister for Transport the issue of rail crossing safety at Avenel, which is a small but growing community on the main Melbourne–Sydney railway line. Specifically my concern is the malfunctioning of the warning bells and the failure to complete the installation of boom gates — something which commenced many months ago.

I have received considerable correspondence and verbal expressions of concern from Avenel residents since being elected in November 2002. In spite of raising this issue with the minister as early as February and March this year, the problem has not yet been rectified. The current situation is summarised by a letter which I received from a concerned resident today. It states:

As a concerned resident of Avenel, I would like to draw to your attention the condition of the railway crossing in Avenel.

Having a business and residence right beside the railway line on the intersection of Owen Street and Bank Street is quite a concern as there seems to be a major problem.

Firstly, we have the problem of the bells ringing inconsistently. That is when there is no train, ringing of bells, and vice versa. This can happen for hours on end. Isn't this an accident waiting to happen? Isn't it human nature for people to become complacent? Watching from my shop I have noted quite a backlog of vehicles waiting to cross the line, with bells ringing, with no train appearing. Isn't this causing driver confusion, road rage or doing illegal U-turns? Maybe they could have been considered lucky that time, when they made a dash across the line.

Also our aged citizens, who live on the other side of the line, their mode of transport is to walk to the shops. Once again, an accident waiting to happen when they cross the railway line.

Secondly, what about our boom gates? The railways initially acknowledged a problem by installing boom gates, now after a very long period of time we are no further advanced except with boom gates installed but not working. Wouldn't the final chapter of finishing the boom gates solve all of the above problems?

In conclusion I request that the minister investigate the issue and ensure the immediate repair of the warning bells and the completion of the yet-to-be-completed boom gates.

Blackburn Road, Glen Waverley: pedestrian safety

Ms MORAND (Mount Waverley) — By coincidence I also raise a matter for the attention of and action by the Minister for Transport. The issue concerns pedestrian safety in Blackburn Road, Glen Waverley, in my electorate.

Last week I received a petition signed by over 1600 members of the community concerned about pedestrian and road safety on Blackburn Road, Glen Waverley. This petition was organised by Ann West on behalf of the traders at the Syndal shopping precinct in Blackburn Road, which is located between High Street Road and the Syndal railway overpass to the south. The petition calls for a number of traffic-related actions, including the installation of a pedestrian crossing. The traders would like to see the crossing located between High Street Road and the Syndal railway overpass.

The concerns of the signatories to the petition are related to the heavy flow of traffic along this busy shopping strip and its effect on pedestrian and road safety. As Ms West explains in her accompanying letter, there have been a number of pedestrians injured and many minor road accidents in recent months.

The action I seek from the minister, through Vicroads, is for him to consider the issues raised in the petition and to assess the feasibility and desirability of providing a pedestrian safety crossing in Blackburn Road. There is significant retail, commercial and restaurant activity in this part of Blackburn Road, and whenever I have visited this shopping strip I have found it to be very busy, with an extremely heavy traffic flow. As many members here will know, it is a major north-south arterial road linking the eastern suburbs.

Ms West's letter to me accompanying the petition states that two pedestrians have been hit while crossing Blackburn Road in the last month — one of whom

required hospitalisation. She also notes that an average of two minor car accidents occur each week when vehicles attempt to back out onto busy Blackburn Road. In addition Ms West describes how many mothers with prams and young children attempt to cross Blackburn Road from the maternal and child health centre, which is located on the western side of the road. These mothers have to do this without the benefit of a safe pedestrian crossing.

The petition has now been delivered to the Vicroads regional office. It asks for action in a number of areas related to parking and traffic management, and these issues have been referred to the City of Monash. I commend Ms West for organising this petition and for her concern regarding pedestrian and road safety issues. In conclusion I ask the minister through Vicroads to investigate the possibility of a pedestrian crossing being installed between High Street Road and the Syndal railway overpass.

Monash Freeway: signage

Mr DIXON (Nepean) — I too wish to raise a matter for the Minister for Transport — there seems to be some sort of conspiracy tonight — and in his absence the Minister for Manufacturing and Export. It is about some signage on the Monash Freeway at the South Gippsland Freeway diversion. That name — South Gippsland Freeway — has caused a confusion that I wish to address.

I ask the minister to review the confusing signage on the Monash Freeway in that area. The recently opened Hallam bypass extended the Monash Freeway — and members opposite will probably remind me that it opened early. I found out recently that the reason it opened early is that it was reduced from six lanes to four. Of course that knocked a year off the construction time, and that is why it was below budget as well — but I digress.

The Monash Freeway now extends along the new Hallam bypass towards Berwick. The former freeway went down through Lynbrook to Hastings. It was commonly known as the Monash Freeway, and there was a turn-off to the South Gippsland Highway down to Phillip Island. When it continued on to the Western Port Freeway, the Monash Freeway was a very good and quick route to the Mornington Peninsula. I often used it to access the peninsula, as do a lot of people, especially from the eastern and south-eastern suburbs. The old freeway track is now basically just a freeway exit, signed as the South Gippsland Freeway. This is brand new to drivers and totally confusing, because when people think of South Gippsland they think of

Korumburra and perhaps Phillip Island; they certainly do not think in terms of the Mornington Peninsula.

What is happening is that a lot of people continue along the Monash Freeway and end up on the Hallam bypass. They then find themselves down at Berwick and absolutely lost. I have had an unbelievable amount of complaints about this, and it is due simply to bad signage. Instead of being a negative, carping sort of person, I have come up with a solution that does not involve much money at all. I am suggesting that the three exit signs that say 'Next exit Hastings and Phillip Island' have added to them 'and Mornington Peninsula'. You do not have to mention all the towns: 'Mornington Peninsula' would make it very clear that that is the route and that that exit is the way down to the Mornington Peninsula. I think that is a very simple solution to what is a chaotic problem.

Diamond Creek East Primary School: speed zones

Ms GREEN (Yan Yean) — It should not surprise anyone that I too wish to raise an issue for the attention of the Minister for Transport. It concerns a recent, disturbing motor vehicle accident which took place outside a primary school in my home town of Diamond Creek in the electorate of Yan Yean.

The action I am seeking is for the minister to have Vicroads take the necessary steps to ensure the future safety of schoolchildren attending the Diamond East Primary School and the adjacent Diamond Valley Secondary College, and indeed the safety of the school crossing supervisor, Jenny Cuxson, and the parents and family members involved in picking up and dropping off students in the vicinity of the two schools.

Last Wednesday, 22 October, at around 2.55 p.m. — that is, shortly prior to the conclusion of the school day — a car travelling east along Main Hurstbridge Road careered into the safety mesh fence and the traffic lights at the school crossing outside the Diamond Creek East Primary School. The driver immediately departed the scene, leaving a very damaged vehicle, a mangled mesh safety fence which is no longer able to perform its function of keeping students off the road, and a traffic light knocked over to a 45 degree angle. This was the scene — with the addition of emergency vehicles — which greeted the many disturbed parents who arrived shortly afterwards to pick up their children.

Thankfully no students or parents were hurt, but of course the whole community is deeply concerned and frightened as to what might have been the result had the

collision occurred while children were departing the school and waiting to use the school crossing.

The mayor of Nillumbik, Lex De Man, and I met with the school principal, Rob Rostolis, crossing supervisor, Jenny Cuxson, and others the following morning. I commend the mayor for his commitment to saying that council officers will work with Vicroads to ensure a speedy repair and upgrade of the site. I am proud to be part of a government which has taken strong steps to improve road safety that have seen a real and significant drop in the road toll to an historic low. I look forward to the introduction of school speed zones across the state and in particular for all schools in the Yan Yean electorate.

Given that the government has been resolute in its drive to deliver improvements in road safety, I am confident that the Minister for Transport will act to ensure that Vicroads takes all steps necessary to ensure the safety of students at Diamond Creek East Primary School and Diamond Valley Secondary College following recent events.

Cobaw Forest: shooting ranges

Mr BAILLIEU (Hawthorn) — I raise a matter for the Minister for Planning to do with the Macedon Ranges planning scheme, the rural zones review and the recent approval of two shooting ranges adjacent to the Cobaw Forest. In particular I ask the minister to explain her role in the approval of these ranges and whether or not the government supports the approvals.

I refer the house to an article in the *Sunday Age* of 19 October in which the situation is fairly simply explained. Essentially two recent applications were made for shooting ranges in and adjacent to the Cobaw Forest. Both are in areas zoned environmental rural. Both applications attracted numerous objectors and were unanimously rejected by the Macedon Ranges Shire Council. In fact there were very few supporters of the applications. As I said, they refer to an environmentally sensitive area where just last weekend there was the Budburst Wine and Food Festival, run by the Macedon Ranges council. The zone is close to the Cobaw Forest and close to the Cobaw Winery, one of the wineries featured in the festival.

The applications were rejected by the council, and they then went to the Victorian Civil and Administrative Tribunal. Unguided by the government, VCAT in its wisdom chose to approve both applications, despite spirited objections from the council and other people. There was no guidance by the government of VCAT's

considerations, nor were any details extracted regarding the environmental rural zone.

The minister was made aware of the concerns of the council. It was even suggested that she was personally opposed to the applications, but she made no move to intervene. As I said, there was no guidance of or assistance provided to VCAT. The rural zones review, which has been continuing for 18 months, has been effectively disastrous, as is admitted by just about every stakeholder. At the same time we now have the reality of these shooting ranges being approved.

Shooting ranges have their place; I myself learnt to shoot at a shooting range as a teenager, and I think they can be useful things, but their location is an issue. Ranges need community support.

The ACTING SPEAKER (Mr Nardella) — Order! What action does the honourable member require of the minister?

Mr BAILLIEU — I have asked for action. I have asked the minister to explain her role in the approval of these ranges and whether or not the government supports the approvals. I want to know why the minister has done nothing.

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

Planning: Mulgrave name change

Mr ANDREWS (Mulgrave) — I too raise a matter for the attention of the Minister for Planning. I ask the minister to take action to reject the suburb name change application lodged by the Mirvac Group in relation to its residential development in Mulgrave.

Some months ago I raised concerns in the house about this suburb name-change application that seeks to have the former Australian Football League park, currently located in the middle of Mulgrave — postcoded 3170 — renamed as a new suburb, Waverley Park. At that point I called upon the minister to facilitate community consultation on the issue. The minister agreed and asked me to coordinate community feedback.

Further to the minister's request I conducted a full, personalised, direct mail community survey asking every resident in the Mulgrave suburb if they supported the renaming of the 80-hectare site or preferred the site to remain part of Mulgrave 3170. The results were quite overwhelming. Of the 6262 surveys mailed to local residents some 41.5 per cent, or 2601, were completed and returned to my electorate office. Of these some

81.6 per cent, or 2122, supported the retention of the name Mulgrave. This is a clear and unambiguous result — one that reflects the firm view of my local community.

In interpreting the results I think it is clear that local residents do not want Mulgrave split in two, especially those who live to the east of Jacksons Road, who would be effectively cut off from the rest of Mulgrave if the Mirvac application — that is, to rename its 80-hectare residential development and no other area — were approved. Mulgrave has existed in parish, shire or suburb form since 1853, and local residents support its retention. The Mirvac development should form part of Mulgrave, just as the football oval and surrounds have formed part of our local suburb for many years.

It is, however, important to note that some residents to the east of Jacksons Road support a name change, but not a name change simply to the Mirvac site — one that extends further to cover their area. Nevertheless, the Mirvac application seeks to change the name only for the 80-hectare site bounded by Wellington and Jacksons roads, the Monash Freeway and the Safeway distribution centre. Therefore the consultations I undertook on behalf of the minister tested community support for the Mirvac application and not broader or hypothetical changes that may or may not come before the minister as a relevant planning authority and the City of Monash.

In conclusion, local residents have comprehensively rejected plans to rename 80 hectares in the centre of their suburb. On that basis I ask the minister to take action to reject the application lodged by the Mirvac Group.

Schools: Sandringham speed zones

Mr THOMPSON (Sandringham) — I wish to raise a matter for the attention of the Minister for Transport. I would like him to take action to ensure that the priority of allocation for funding the Arrive Alive program is not based upon political pragmatism but rather is objectively assessed.

I also point out that some 250 casualty crashes occur outside school zones. A couple of years ago on behalf of some constituents from St Joseph's Parish Primary School, Black Rock, I raised their concerns about the inadequacy of an existing crossing and highlighted that it could be the site of a future accident. Albert Bardoel and his wife, Virginia, were keenly pursuing this matter as an important issue. The government later announced the Arrive Alive school speed zones program to reduce

speed limits outside every primary and secondary school in Victoria by November 2002.

Subsequent correspondence dated 25 August 2003 suggested that effective communication with all affected parties is a vital element to the success of the program. The letter goes on to state:

If you wish to be involved in either phase of this program at any of the schools in your electorate please contact Vicroads regional manager, Brian Negus ...

My office undertook to contact a range of local schools in the area to alert them to the process to be followed so that those schools that had priority concerns about safety could act appropriately to protect the welfare of their students.

Subsequently on 3 September my electorate officer notified Brian Negus of the interest of a number of schools within my electorate in participating in the program. We were later advised by Vicroads to send details to its office so that appropriate priority could be given to Sandringham electorate-based schools. Somewhat unusually, we were later advised by the office of the Vicroads regional manager that this issue would not be handled out of the Vicroads office but rather out of the minister's office. Concern was raised as to whether the minister was going to use a whiteboard to prioritise the development of innovation in this particular area or whether it would be based on objective criteria.

I ask the minister to take action to ensure that the priority of the allocation of funding for this very important program, which affects a number of very important schools, will be undertaken on a timely and impartial basis so that all schools in Victoria will be able to receive their funding within an appropriate time frame.

Little Athletics: Sydenham facility

Mr SEITZ (Keilor) — I raise a matter for the attention of the Minister for Sport and Recreation in another place. First of all I congratulate the minister on funding the development and improvement of the Little Athletics facility at Keilor. The action I am asking of the minister is to support his and my constituents in the Hillside, Taylors Lakes, Banchory Grove and Taylors Hill areas by establishing a future Little Athletics centre.

Sydenham has been nominated by the Bracks government as a transit city. There is fast-growing development in that area. Parents have to travel to the Keilor Little Athletics centre in that growth area. There

is a need for activities for our young people. It is of great importance that we start planning for the future needs of that development. There is no land available for an aquatic centre or Little Athletics, cricket or football facilities.

Little Athletics is beginning now. New families have moved into the area and we can see the growth. There are waiting lists in kindergartens, child-care centres and primary schools — the facility being built by the Bracks government in Gourlay Road already has enrolments for next year — so there is certainly a great need for young people at those age levels to participate in Little Athletics. I am sure the minister will look at it favourably.

I was approached by a number of different groups and individual parents who travel to the Keilor centre. While it is regarded as a fantastic and well-organised centre with a good committee, most of the people who are running that centre are from the Sydenham growth area. They would prefer to have something closer to home, particularly on the weekends and the evenings, which they could use at their own leisure even if it were not set up as formally or competitively as the Keilor centre.

It would simply provide some place where the kids could participate after school in an activity. As you know, Acting Speaker, I am familiar with that area. It does not really have even in the school grounds facilities that can be used by the community. Because it is a new growth area and because of the drought we have had, most of the ground surfaces are very hard — rock hard, in fact — so it is easy to fall over and break an ankle or bruise your knees.

We need some sort of special facilities established for the safety and benefit of our future youth as they grow up. As the sports minister is the minister responsible for the staging of the Commonwealth Games in Melbourne in 2006, the establishment of this facility would be a good example of encouragement of our young people towards sporting and outdoor activities that promote a healthy mind and a fresh approach to life.

Responses

Mr BATCHELOR (Minister for Transport) — The member for Mornington raised with me some road maintenance-specific sites that he would like Vicroads to have a look at. He made reference to locations on the Nepean Highway in Seaford, as I recall, and on the Frankston Freeway near the Skye Road entrance. He claims that there needs to be some repair work on the road network. I will ask Vicroads to have a look at

those two sites, but I can inform the member for Mornington that this government takes great pride in the work that it has done on the road network. As a former transport minister he could only concur that the government has done an excellent job, and it has brought great benefits.

He represents the local government area down in Mornington and he raised matters in the local government area in Frankston, and I presume Kingston, although I have not had the opportunity to check that, but it is interesting to compare the amount of black spot funding as a measure of the sort of commitment that this government has made to the areas to which the member for Mornington directs my attention. When he was transport minister \$751 000 was spent on black spot funding in the Mornington municipality between the years 1996 and 1999, but this government has spent \$6.561 million.

Mr Cooper — Where?

Mr BATCHELOR — He says 'Where?'. Six million dollars has been spent in his own electorate, but he does not know where. That is an indictment of the member for Mornington.

The other one to look at is the City of Frankston, which is under the member's stewardship. When he was transport minister the government spent some \$603 000. In the three years from 1999 to 2002 this government spent \$13.9 million there. That is a fantastic increase, and we are doing a great job.

What impact is that having? You need only look at the road toll, which is coming down. The member for Benambra mentioned the impressive work we are doing with our road safety strategy. I refer to the Mornington Peninsula. If we compare the nine months to 30 September this year with the nine months to 30 September 2001 or 2002 — —

Mr Cooper — On a point of order, Acting Speaker, I note that the minister is reading from a document. I ask him to table that document.

The ACTING SPEAKER (Mr Nardella) — Order! Is the minister reading from a document?

Mr BATCHELOR — I am not quoting from any document. However, I am referring to my notes. I use my eyes to do that, and that is commonly called reading.

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

Mr BATCHELOR — I was saying that between 2001 and 2003 in this small but important area on the Mornington Peninsula the road toll has come down by 6 and in the City of Frankston it has come down by 10.

So you can see, Acting Speaker, that we have a proud record of looking after the road network and providing necessary maintenance and other upgrades, but more importantly those things save lives right around Victoria. You can see from the information I have provided tonight that the work this government has done has proved of great benefit to people. It is a pity the member for Mornington does not support the terrific work we are doing.

Mr Cooper interjected.

Mr BATCHELOR — You can still hear the member for Mornington ranting and raving across the table. He does himself — —

Mr Cooper interjected.

The ACTING SPEAKER (Mr Nardella) — Order! The minister to continue, without assistance!

Mr BATCHELOR — The member for Gembrook raised with me issues following a public forum and community consultation that she undertook in her electorate. Gembrook is a growth area, and it relies on buses to provide its public transport needs. Through this consultation process the people of Gembrook have clearly indicated a strong preference for this government to continue the expansion of bus services, particularly in the outer metropolitan area. Since this government came to office in 1999 it has spent millions of dollars on new and expanded bus services and millions of dollars funding the replacement of buses and providing an expansion in both the quality and extent of the service that has not been matched by any other government in the last 50 years. It is an indication of this government's very strong commitment to improving public transport, and the top priority is to provide it in outer metropolitan areas in particular.

In terms of the way forward, right across metropolitan Melbourne and particularly in the outer metropolitan areas, the government is reviewing what the future plans and requirements of bus travel might be, and through its bus plan it will be able to prioritise and work out the needs of our community. The member for Gembrook quite rightly says that area 10 of this study is the area that concerns her electorate. She has been getting the advice of her local members, and I will ask her to pass that on to me so that we can feed it in. She has put in a very useful and constructive effort.

The member for Benalla raised with me some problems with the Avenel level crossing. There are two level crossings in the Avenel township, and both cross the broad gauge and the standard gauge at Aerodrome Road and Bank Street. He raised a number of issues relating to an upgrade. I can advise the member for Benalla that a review is currently being evaluated by Victrack, and this review will lead to determining the specifics of the design upgrade necessary for the completion of the works that have already commenced.

Victrack advises that the contractor responsible for the maintenance of the existing system checked the Bank Street crossing in response to a reported fault earlier this month, and Victrack has requested the contractor to check the system at both of the crossings in the light of the representations made by the member for Benalla. When we have that advice back from Victrack I will make it available to him. I thank him for raising the matter. Safety at level crossings is an important issue, and if there are problems with the network, we like to hear about them so that in a proactive and constructive way we can deal with the issues. I will get back to the member for Benalla in relation to that.

The member for Mount Waverley raised with me the need for a pedestrian crossing in a very busy shopping area in Blackburn Road, Glen Waverley. She specifically referred to the Syndal shopping strip. If I am correct, there is a terrific Chinese restaurant there called the New Royal Garden. It is a great place, along with all the other businesses located there. A number of incidents and accidents have happened at the intersection of Blackburn Road and High Street Road; it is a busy intersection. We will look at how we might address the issue of pedestrian safety in particular in the Syndal strip shopping centre.

As I reported to the house earlier today, the road toll for pedestrian deaths in metropolitan Melbourne on year-to-date figures is down 40 per cent on the same figures this time last year, and that is a pretty remarkable result which stems directly from our road safety initiatives and the support given by the Transport Accident Commission's Wipe Off 5 campaign. The government's decision to introduce a speed limit reduction to 50 kilometres an hour on local residential streets clearly has helped to achieve this, together with the expenditure on black spot funding of some \$240 million that has been spread right across the state. All of these initiatives have added up to make our roads safer for vulnerable road users like pedestrians, and the figures speak for their success.

We will work with the Monash City Council on the local traffic management issues to try to improve

pedestrian safety in the strip, and I will ask Vicroads to try to come up with proposals to identify whether it is possible to have a signal provided at this location.

The member for Nepean raised with me the issue of signage on the Monash Freeway following the completion of the Hallam bypass. He rightly said that the Hallam bypass was opened early and under budget. He incorrectly attributed that to a reduction in the scope; that was not the case. We expect more from the member for Nepean than saying things that are not true.

Be that as it may, apart from the untruthful part of that, the member raised an issue that I will ask Vicroads to look at — in effect, it is how motorists deal with the changed circumstances that follow the new freeway opening. In the past people who were going out of town and wanting to head down to Hastings or the Mornington Peninsula went straight ahead. It appears that for some people old habits die hard, because if you now go straight ahead at that location you end up out at Berwick, as the member for Nepean indicated. Clearly — —

An honourable member interjected.

Mr BATCHELOR — That is right; this is what happened to Robert Dean. He got terribly confused, as the former member for Hawthorn — —

An Honourable Member — He only did it once though!

Mr BATCHELOR — He did not know where Berwick was, and we suggest that he should not be out on the road network at the moment because he would be monumentally confused by the new arrangements in the electorate he never lived in.

The member for Yan Yean raised with me a problem that occurred last week in her electorate outside the Diamond Creek East Primary School. She graphically described the result of an accident that occurred there. Fortunately it was not during the busy drop-off or departure time for children. I have seen the photographs of the result of that accident, and you could only be thankful that it did not take place during those periods. It really shows why people need to slow down around our schools, and it demonstrates why this government has such a strong commitment to reducing speeds in and around schools to protect young children — the most vulnerable of our road users. The government will be working with the Nillumbik council and is planning through Vicroads and the council to have the signs as part of the Arrive Alive speed school zone program introduced in Nillumbik by April next year. Of course

that will apply to the Diamond Creek East Primary School.

This is not the first upgrade or commitment that the government has undertaken in this area. The government has recently installed a roundabout not far from the accident site at the corner of Main Hurstbridge Road and Phipps Crescent at a cost of some \$410 000. This roundabout slows down the traffic. I will ask Vicroads to look at the road setting to see if there is anything it can do to improve safety, particularly following this accident. It may be that line marking could be looked at to better control the flow of traffic. I thank the member for Yan Yean for bringing the issue to my attention so that we can use the facilities that are available to Vicroads to not only implement the Arrive Alive strategy but to make the area safe for children in the interim.

The member for Sandringham raised with me the issue of the Arrive Alive strategy and wanted to understand the objective criteria that the government used in establishing the timetable. I can assure the member for Sandringham that we have used objective criteria. We have identified that there are over 2500 schools right across the state that need to have signs placed around them. This is considerably more than the 12 schools the Liberal Party promised that that would be done for at the last state election — and none of those 12 was in the member for Sandringham's electorate. I can assure the member for Sandringham that by March of next year I will have had Vicroads address all of the schools — all of the schools — in that area.

It is important to understand that with so many schools — every primary school, every secondary school, every government school, every private school across the state — you cannot install the signs over a weekend or over a month. It will take until the end of next year for us to do that. To commence this program the government has identified where the first of these signs should be installed, and then we will work our way out to the adjoining municipalities. We are starting in those locations where the traffic volumes are greatest and working our way out. We will get to the areas of Black Rock and other parts of the member's electorate by March of next year. That is not very far away, and all the children in his electorate will get the benefit of the Bracks government notwithstanding the fact that the member for Sandringham is from the opposition.

We are not playing politics with this. We are providing this sort of support for the protection of children and for the relief and comfort of their parents, regardless of whether they come from Labor electorates or from Liberal electorates.

Mr Thompson — On a point of order, Acting Speaker, the main point of my question was to try to ascertain the reason why the program was being taken away from Vicroads administration and being taken up in the minister's office. That was an allied element to the question.

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

Mr HOLDING (Minister for Manufacturing and Export) — The members for Hawthorn and Mulgrave raised matters for the Minister for Planning. I will refer those to the minister, and she can respond to those members directly.

The member for Keilor raised a matter for the Minister for Sport and Recreation in another place. I will refer that to him, and he can respond directly to the member for Keilor.

The ACTING SPEAKER (Mr Nardella) — Order! The house now stands adjourned.

House adjourned 10.47 p.m.