

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE ASSEMBLY
FIFTY-FIFTH PARLIAMENT
FIRST SESSION**

Wednesday, 7 September 2005

(extract from Book 3)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

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JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

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Standing Orders Committee — The Speaker, Ms Campbell, Mr Dixon, Mr Helper, Mr Loney, Mr Plowman and Mrs Powell.

Joint committees

Drugs and Crime Prevention Committee — (*Assembly*): Mr Cooper, Ms Marshall, Mr Maxfield, Dr Sykes and Mr Wells. (*Council*): The Honourable S. M. Nguyen and Mr Scheffer.

Economic Development Committee — (*Assembly*): Mr Delahunty, Mr Jenkins, Ms Morand and Mr Robinson. (*Council*): The Honourables B. N. Atkinson and R. H. Bowden, and Mr Pullen.

Education and Training Committee — (*Assembly*): Ms Eckstein, Mr Herbert, Mr Kotsiras, Ms Munt and Mr Perton. (*Council*): The Honourables H. E. Buckingham and P. R. Hall.

Environment and Natural Resources Committee — (*Assembly*): Ms Duncan, Ms Lindell and Mr Seitz. (*Council*): The Honourables Andrea Coote, D. K. Drum, J. G. Hilton and W. A. Lovell.

Family and Community Development Committee — (*Assembly*): Ms McTaggart, Ms Neville, Mrs Powell, Mrs Shardey and Mr Wilson. (*Council*): The Honourable D. McL. Davis and Mr Smith.

House Committee — (*Assembly*): The Speaker (*ex officio*), Mr Cooper, Mr Leighton, Mr Lockwood, Mr Maughan, Mr Savage and Mr Smith. (*Council*): The President (*ex officio*), the Honourables B. N. Atkinson and Andrew Brideson, Ms Hadden and the Honourables J. M. McQuilten and S. M. Nguyen.

Law Reform Committee — (*Assembly*): Ms Beard, Ms Beattie, Mr Hudson, Mr Lupton and Mr Maughan. (*Council*): The Honourable Richard Dalla-Riva, Ms Hadden and the Honourables J. G. Hilton and David Koch.

Library Committee — (*Assembly*): The Speaker, Mr Carli, Mrs Powell, Mr Seitz and Mr Thompson. (*Council*): The President, Ms Argondizzo and the Honourables Richard Dalla-Riva, Kaye Darveniza and C. A. Strong.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Mr Baillieu, Ms Buchanan, Mr Dixon, Mr Nardella and Mr Smith. (*Council*): Ms Argondizzo and Mr Somyurek.

Public Accounts and Estimates Committee — (*Assembly*): Ms Campbell, Mr Clark, Ms Green and Mr Merlino. (*Council*): The Honourables W. R. Baxter, Bill Forwood and G. K. Rich-Phillips, Ms Romanes and Mr Somyurek.

Road Safety Committee — (*Assembly*): Mr Harkness, Mr Langdon, Mr Mulder and Mr Trezise. (*Council*): The Honourables B. W. Bishop, J. H. Eren and E. G. Stoney.

Rural and Regional Services and Development Committee — (*Assembly*): Mr Crutchfield, Mr Hardman, Mr Ingram, Dr Napthine and Mr Walsh. (*Council*): The Honourables J. M. McQuilten and R. G. Mitchell.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Ms D'Ambrosio, Mr Jasper, Mr Leighton, Mr Lockwood, Mr McIntosh, Mr Perera and Mr Thompson. (*Council*): Ms Argondizzo and the Honourable Andrew Brideson.

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Deputy Speaker: Mr P. J. LONEY

Acting Speakers: Ms Barker, Ms Campbell, Mr Cooper, Mr Delahunty, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Lindell, Mr Nardella, Mr Plowman, Mr Savage, Mr Seitz, Mr Smith and Mr Thompson

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The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

Mr R. K. B. DOYLE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. P. N. HONEYWOOD

Leader of The Nationals:

Mr P. J. RYAN

Deputy Leader of The Nationals:

Mr P. L. WALSH

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| Hudson, Mr Robert John | Bentleigh | ALP | Sykes, Dr William Everett | Benalla | Nats |
| Hulls, Mr Rob Justin | Niddrie | ALP | Thompson, Mr Murray Hamilton Ross | Sandringham | LP |
| Ingram, Mr Craig | Gippsland East | Ind | Thwaites, Mr Johnstone William | Albert Park | ALP |
| Jasper, Mr Kenneth Stephen | Murray Valley | Nats | Trezise, Mr Ian Douglas | Geelong | ALP |
| Jenkins, Mr Brendan James | Morwell | ALP | Walsh, Mr Peter Lindsay | Swan Hill | Nats |
| Kosky, Ms Lynne Janice | Altona | ALP | Wells, Mr Kimberley Arthur | Scoresby | LP |
| Kotsiras, Mr Nicholas | Bulleen | LP | Wilson, Mr Dale Lester | Narre Warren South | ALP |
| Langdon, Mr Craig Anthony Cuffe | Ivanhoe | ALP | Wynne, Mr Richard William | Richmond | ALP |

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Wednesday, 7 September 2005

The SPEAKER (Hon. Judy Maddigan) took the chair at 9.32 a.m. and read the prayer.

BUSINESS OF THE HOUSE**Notices of motion: removal**

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 177 to 190 and 331 to 336 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Schools: religious instruction

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned to ensure the continuation of religious instruction in Victorian government schools draws out to the house that under the Bracks Labor government review of education and training legislation the future of religious instruction in Victorian schools is in question and risks becoming subject to the discretion of local school councils.

The petitioners therefore request that the Legislative Assembly of Victoria take steps to ensure that there is no change to legislation and the Victorian government schools reference guide that would diminish the status of religious instruction in Victorian government schools and, in addition, urge the government to provide additional funding for chaplaincy services in Victorian government schools.

The petition of citizens of Victoria [is] concerned to ensure the continuation of religious education in Victorian schools and to provide additional funding for school chaplains.

By Mr SMITH (Bass) (220 signatures)
Mr CARLI (Brunswick) (15 signatures)
Mr INGRAM (Gippsland East) (72 signatures)
Mr SAVAGE (Mildura) (142 signatures)

Racial and religious tolerance: legislation

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws the attention of the house to the decision of the Victorian Civil and Administrative Tribunal in the complaint against Catch the Fire Ministries by the Islamic Council of Victoria, dated 17 December 2004. The decision has highlighted serious flaws in the Racial and Religious Tolerance Act 2001

which restrict the basic rights of freedom of religious discussion.

The petitioners therefore request that the Legislative Assembly of Victoria remove the references to religious vilification in the Racial and Religious Tolerance Act 2001 to allow unencumbered discussion and freedom of speech regarding religion and theology.

By Dr SYKES (Benalla) (75 signatures)

Preschools: accessibility

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house that preschool education in Victoria needs urgent reform to ensure every Victorian child can access high-quality preschool education.

The petitioners therefore request that the Legislative Assembly of Victoria recognise that preschool is the critical first step of education and move responsibility for preschools to the Department of Education and Training.

By Mr HERBERT (Eltham) (441 signatures)
Mr INGRAM (Gippsland East) (16 signatures)

Wellington: administration

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house our dissatisfaction with the Shire of Wellington regarding the operation, management and the accountability to the local community. The petitioners therefore request that the Legislative Assembly of Victoria review:

- (a) the operation of the council with particular reference to the planning department and the communications policies of the council; and
- (b) the present lack of wards for council elections to ensure that local issues are adequately addressed and that council is responsible and accountable to the local community.

By Mr INGRAM (Gippsland East) (120 signatures)

Central Gippsland Health Service: future

To the Legislative Assembly of Victoria:

The petition of the residents of Gippsland draws to the attention of the house a petition as follows.

The petitioners therefore request [of] the Legislative Assembly of Victoria:

1. The Sale community be given back our voice in the control of the Sale hospital by reinstating the former board of management and removing the administrator.
2. That Minister Pike deliver on her promise to not downgrade services at the Sale hospital and return any services removed since the administrator's appointment.

3. That Premier Bracks directly and immediately intervene into the recent and proposed changes at the Sale hospital.

By Mr INGRAM (Gippsland South) (6067 signatures)

Schools: religious instruction

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned to ensure the continuation of religious education in Victorian schools draws out to the house that under the Bracks Labor government review of education legislation the future of religious education in Victorian schools is in question, and the petitioners therefore request that the Legislative Assembly of Victoria take steps to ensure that there is no change to legislation which would diminish the status of religious education in Victorian schools and, on the contrary, require the government to provide additional funding for chaplaincy services in Victorian state schools.

The petition of citizens of Victoria [is] concerned to ensure the continuation of religious education in Victorian schools.

By Mr WELLS (Scoresby) (20 signatures)

Tabled.

Ordered that petitions presented by honourable member for Gippsland East be considered next day on motion of Mr INGRAM (Gippsland East).

Ordered that petition presented by honourable member for Benalla be considered next day on motion of Dr SYKES (Benalla).

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

DOCUMENTS

Tabled by Clerk:

Statutory Rules under the following Acts:

Fisheries Act 1995 — S.R. No. 103.

Forests Act 1958 — S.R. No. 102.

Intellectually Disabled Persons' Services Act 1986 — S.R. No. 105.

Magistrates' Court Act 1989 — S.R. No. 104.

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No. 102.

MEMBERS STATEMENTS

Craig Mottram

Mr LONEY (Lara) — With only 189 days to go until the Melbourne Commonwealth Games it is an appropriate time to acknowledge the recent achievements of one of the athletes who will carry the hopes of Australia onto the Melbourne Cricket Ground track. Geelong athlete Craig Mottram grabbed the attention of the world and put himself firmly in the elite category of middle distance athletes when he took the 5000 metres bronze medal at the Helsinki world championships in athletics a little over two weeks ago. Mottram finished behind Kenya's Benjamin Limo and Ethiopia's Sileshi Sihene to become Australia's first medallist in the 5000 metres at either world championships or Olympic Games.

He did so in a class field that included Kenya's defending champion, Eliud Kipchoge, and Algeria's Ali Saidi-Seif, who he overtook in a home straight sprint. The enormity of Mottram's achievement is illustrated by the fact that he is the first non-African runner to win a medal in the 5000 metres since 1987. In the lead-up to his great performance in Helsinki, Mottram won the Central Park 10-kilometre race in New York, a 5000-metre race in Seville, a 3000 metres in Ireland and a 1500 metres in Gothenburg. He beat the legendary John Walker's Oceania mile record in his final preparation race in Oslo. With the whole of Geelong, and I am sure Australia, cheering him on in Melbourne Craig Mottram will be — —

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

Eastern treatment plant: upgrade

Mr DIXON (Nepean) — The Environment Protection Authority's recent decision to grant a two-year delay to Melbourne Water's upgrade of the eastern treatment plant is another kick in the guts for the Mornington Peninsula. What makes this worse is the delay was announced on the same day the Bracks government announced a \$300 million upgrade of sewers in a host of Labor-held seats in Melbourne's northern suburbs. The Bracks government continues to treat the Mornington Peninsula with contempt. It looks for any reason to delay the upgrading of the eastern treatment plant. It is happy for half of Melbourne's sewerage to be dumped on our doorstep. In addition, it is happy for the peninsula to take all the environmental risks associated with channel deepening.

I am asking two questions of the Bracks government: why does it not scrap its crazy \$70 million plan to extend the outfall pipe and put that money towards the upgrade of the eastern treatment plant to class A? Why does the eastern treatment plant upgrade have to rely on the Latrobe Valley pipeline feasibility study? That upgrade should take place regardless. Although I welcome the current works at the eastern treatment plant to negate the effects of ammonia in the effluent, ammonia is only part of the problem. We have to live with the brown stain that spreads along our ocean coastline. We suffer the stink when the onshore winds are blowing, and we can see the total demolition of all sea life within 100 metres of the outfall. The Liberal Party has announced that if it is elected next year the eastern treatment plant will be immediately upgraded to class A, the outfall pipeline will not be extended and the Gunnamatta outfall will be closed by 2015.

Werribee Islamic College: achievements

Ms GILLETT (Tarnet) — This morning I pay tribute to the pupils, staff and teachers of the Werribee Islamic College. I have had a close association with the college over the last nine years and know it to be one of the finest schools in my electorate, both academically and socially. The school demonstrates the warmth and support of a home, along with a good, strong work ethic of academic excellence. How must the school community have felt about a recent unsubstantiated article in the *Age* that made all manner of far-fetched claims about the school? How must they have felt about the ridiculous notions put forward by the federal Minister for Education, Science and Training, Brendan Nelson, regarding Australian values, which those in the Islamic college hold dear? How must they have felt about the ignorant remarks of the federal member for Mackellar, Bronwyn Bishop, about the hijab?

We know how the Equal Opportunity Commission Victoria responded to Ms Bishop's remarks. The commission's chief executive officer said that apart from the issue of religious freedom, such a ban would simply be against the law. She went on to say:

Importantly, this recommendation is completely out of step with this country's values, where respect for differing religious beliefs is a deeply held value for most people in the community.

As citizens of a secular country, with no official religion, Australians value religious freedom. We believe that people are entitled to hold and practice their beliefs as long as they do not break the law.

All I can say is I agree wholeheartedly with her remarks. I wish the parents and the pupils of the college well.

Ballroom Blitz Gala Dance Event

Mrs POWELL (Shepparton) — On Saturday, 3 September, I attended the Ballroom Blitz Gala Dance Event charity fundraiser in the Visy Centre in Shepparton with my husband, Ian. Funds raised went to Camp Quality. About \$16 000 was raised, with more expected when further donations are counted. I congratulate the neighbourhood renewal steering committee co-chair Mr Camuran Albanoi for raising \$10 000. I also congratulate Goulburn Valley Community Health Service for supporting this worthy event through its Kids in Cars Supporting Kids with Cancer project, which raised \$14 637 last year for Camp Quality. Particular thanks go to Sandra Walker, the chief executive officer, and Lisa Pierce.

About 500 people watched 12 local identities dancing with more experienced ballroom dancers including Jeremy and Amanda Garner. The dancers trained for 10 weeks to compete in four styles of dancing in a *Dancing with the Stars* style and raised funds themselves. I congratulate Excel Dance Centres Dancesports coach, Peter Garner, for also organising the Australian Dancesports first Shepparton competition in conjunction with the Ballroom Blitz charity event. Eighty sponsors supported the event. I was honoured to be one of the celebrity judges, as well as a sponsor.

The celebrity dancers were: Maureen Downe, Dale Wright, Joanne Atkinson, Justin Mohammed, Robin Sharp, Vicki Jardim, Bec Pierce, Kelly Lehman, Camuran Albanoi, Louisa Giankos, Andrew Fox and David Wood. The best female celebrity dancer was Joanne Atkinson and the best male celebrity dancer was Senior Constable Robin Sharp. I thank everyone involved for raising so much money for such a worthy cause and for giving everyone at the event such great entertainment.

Rail: Ballarat line

Mr HOWARD (Ballarat East) — Normally I use this time to talk positively about great community events that happen in my electorate, but this morning I wish to comment on the negative activities of the opposition and in particular the member for Polwarth. He is the shadow Minister for Transport and he continually attempts to mislead the people of my electorate and talk down outstanding government projects. I quote from a recent editorial in the *Ballarat Courier* headed 'Point scoring will achieve nothing down the track'. It states:

The constant carping of the state opposition about disruptions to the Ballarat line during the development of the fast rail project achieves little.

How does any government undertake such a massive project without there being disruptions?

The track has had to be upgraded, a new signalling system installed, crossings improved and bridges built.

It can be argued that it is taking too long and that the cost has blown out beyond what was expected.

But there can be no turning back on this project and the essential thing is that it is completed in a way that delivers —

a great project for the people of Ballarat. It finishes by saying:

... progress it is. Trying to score cheap political points at every twist and turn of the development in the way the state opposition appears to be does nothing to ease those frustrations and is lamentable to say the least.

Fuel: prices

Dr NAPTHINE (South-West Coast) — I wish to bring to the attention of the house the very real impact of soaring petrol prices on all Victorians, especially those in rural and regional Victoria.

Mr Maxfield — So we need an ungraded rail!

The SPEAKER — Order! The member for Narracan!

Dr NAPTHINE — Petrol prices are now reaching 139.9 cents per litre in the city and up to 150 cents in country Victoria. This has an enormous impact on country Victorian families who need their car to take the kids to school or catch a school bus, to go shopping, visit health services, participate in community activities and indeed carry on their normal life activities. Country people do not have access to public transport alternatives. Most goods brought to rural and regional Victoria come by road and any increase in petrol costs increases the price of goods and services. Fuel costs also play a big part in the input cost to businesses and farms. The massive increase in the cost of petrol increases the cost of production shaving profitability.

The biggest winner from the taxes on petrol price increases is the state government. The federal excise is capped at 38 cents a litre. But the GST, which goes to the states and territories, increases every time the petrol price goes up. I call on the state and territory governments to cap the GST on petrol prices in order to keep the prices affordable for ordinary Victorians. I understand the main reason for petrol price increases is world oil prices, but the states and territories are getting windfall gains through GST on increasing petrol prices.

It is time the states and territories gave some of that back to ordinary motorists across Victoria, especially in country Victoria.

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

Country Women's Association

Ms DUNCAN (Macedon) — Last Wednesday I had the pleasure of attending the Central Highlands group of the Country Women's Association (CWA). I spoke at its August conference and it was a great pleasure to catch up with members and hear about the activities they are organising. They are a great group of women and I thank the president, Margaret Sumpton, and secretary, Val Jordan, for their warm welcome.

The Country Women's Association is in fact one of the largest women's organisations in Australia. It has a total membership across the states and territories of 44 000 members. The CWA aims to improve the conditions for country women and children and tries to make life better for women and their families, especially those in rural and remote parts of Australia and indeed Victoria. It is a self-funded, non-party-political group. Its opinion is sought. It has input into many areas of government policy and works well with all governments across Australia. It is an organisation based on friendship and self-development opportunities for women of all races, religions and political beliefs.

The CWA is an organisation where women from rural and urban areas can meet as one. It is unique in the sense that it does not have charitable status. It is not essentially a service club, nor is it only a philanthropic organisation. It supports numerous charitable causes, particularly as they concern women and children. Those of us who attend the show will welcome their attendance there again.

Sandringham and District Memorial Hospital: car parking fees

Mr THOMPSON (Sandringham) — I draw to the attention of the house the impact of the failure of the Bracks government to properly fund the Sandringham hospital. A constituent has drawn to my attention her desperation over the lack of ability for visitors to park outside her home since parking fees were imposed at the hospital. She notes that she is nearly 83 years old and severely disabled. Because of her fragile health circumstances she requires regular visits from doctors, physiotherapists, an occupational therapist, a podiatrist, hairdresser and grocery deliverer.

However, because there is so much congestion in the street from parked cars, her necessary support workers are obliged to park some considerable distance away. Although her unit is at the rear of the block of units, she is required to keep the driveway clear in the event that she may need emergency treatment. No parking is permitted in the immediate vicinity in front of the other local shops. A few weeks ago a car parked across her driveway, completely blocking access to her property.

This lady wants to stay in her own home for as long as possible. She urges the government and Bayside Health to reconsider the imposition of the parking fees at the Sandringham and District Memorial Hospital to avert the problems that confront her and those people who wish to provide support for her as part of an essential support network for a lady who wishes to remain in her own home.

Be a Man campaign

Mr ANDREWS (Mulgrave) — Last Thursday I was pleased to represent the Premier and the government at an important event at Federation Square. The event was the launch of the Be a Man prostate cancer awareness campaign sponsored by the Australian Pensioners Insurance Agency and the Prostate Cancer Foundation of Australia. The campaign hopes to raise awareness in the community, especially among men of all ages and not just the over 40s or 50s, about the risks associated with prostate cancer and the fact that tragedy is completely avoidable. The launch was an important opportunity to promote a conversation about these issues, because they are important issues for many men and their families and friends each and every year.

Around 2600 Australian men die from prostate cancer each year, with 10 000 new cases of prostate cancer diagnosed annually. The economic, social and personal costs of this cancer are enormous, yet only 30 per cent of men over 40 have been tested. The good news is if the cancer is detected in its early stages 90 per cent of sufferers survive with treatment. This fact alone underscores the importance of regular testing and greater awareness about prostate cancer and indeed other men's health issues as mainstream health issues.

The launch was supported by a number of celebrities, including Brian Dawe, Mike Brady, Sally Cockburn, Luke Darcy, Jo Silvagni, Angry Anderson and Tim Watson, among others. Importantly, survivors like the federal member for Lilley, Wayne Swan, attended, and he shared his personal story. Each gave freely of their time to support this worthy cause and should be congratulated. The Australian Pensioners Insurance

Agency, especially general manager, Mr Kevin Pattison, should be congratulated for its \$2 million sponsorship of this important program.

Australian Football League: Victorian teams

Mr SAVAGE (Mildura) — One of the great tragedies of Aussie Rules football, which was once owned by Victoria, is that it is now called the Australian Football League. We owned this until 1990 and we have now sold out our heritage. This should be a Victorian competition. As a consequence we have only two Victorian sides left in the competition for this year's premiership — Geelong and St Kilda.

In the last eight years who has won premierships? It was Port Adelaide in 2004, Brisbane in 2003, 2002 and 2001, then Essendon and the Kangaroos, and then Adelaide in 1997 and 1998. I have to declare a pecuniary interest — I follow St Kilda. I am now sick of the Croweaters telling me that they were going to demolish St Kilda — prior to last weekend.

Adelaide, Port Adelaide, West Coast and Sydney are all foreign teams. I am now sure the majority of Victorians do not want to see the premiership stolen from us again, and I am sure the Premier and the member for Polwarth agree with me on this. The Saints have waited for 39 years and Geelong since 1963. What about we get rid of the interstate teams and have a session this year with just Geelong and St Kilda!

Essex Heights Primary School: RoboCup

Ms MORAND (Mount Waverley) — Yes, go Saints!

It was a pleasure to visit Essex Heights Primary School on Monday to hear of the school's outstanding success over the weekend at the 2005 RoboCup Junior Australian Open competition held at the University of New South Wales. Essex Heights recently won the primary state championships at the Victorian competition in the dance category and sent their team to compete at the national championships. Teams from all over Australia, both from the private and public sectors, participated in the event. The Essex Heights team was the only Victorian state primary school to compete and was placed third in a very competitive field of entries. This is an outstanding result and I take the opportunity to congratulate the five students in the team.

The students who made up the team were Christopher Austin, Sharon Lin, Udit Thakur, John McLachlan and Sarah Spivak. What is really impressive is that the students ranged in age from 9 to 11. Mrs Janne Hayes and Jennifer Austin acted as team mentors. I was able

to see a DVD of the presentation, which showed what a fantastic entry the students put together. The competition required the children to select or write their own piece of music and then design, build and program one or more robots that move in synchronisation with their music. The children designed two robots that had independently moving arms, legs and waists, and they were programmed by computer software. The children involved obviously had a fantastic experience in participating in this event and should be very proud of their achievements. Well done, Essex Heights Primary.

Wind energy: Wonthaggi

Mr SMITH (Bass) — The first of the six big, ugly wind towers that were forced on the people of Wonthaggi against the wishes of the council and the people, and against the advice of local environmentalists, has been erected. Just imagine driving down the Bass Highway to Inverloch or Wonthaggi and coming around the corner at Kilcunda, where you used to look down along one of Victoria's best views of the coast. Now you are going to be confronted with six of these monsters on the coastline. You will be able to see them from just 10 kilometres away and then all the way through.

The previous failed Labor Minister for Planning, the Minister for the Arts, started this disgrace, only to be supported by the current planning minister. I can only say that this government will pay for their disgraceful misuse of their positions. These monsters will stand as a monument and a constant, daily reminder to everyone in the Bass Coast shire that the Bracks government does not really care about them. There are a large number of Labor voters who are now coming to my office saying that they will never again vote for Labor because of the monsters that have been thrust on them. I can say to you now that these people will vote against Labor in a very huge way. You have made a big mistake!

Bayswater Football Club: premiership

Mr LOCKWOOD (Bayswater) — There is great news for Bayswater! Bayswater Football Club won the premiership last Sunday. In a game full of tension, Bayswater defeated Doncaster East 8.12.60 to 7.13.55 in the Eastern Football League's third division grand final.

An honourable member — How did the seconds go?

Mr LOCKWOOD — The seconds did not get there. The game was played at Tormore Oval in Boronia, in the electorate of Bayswater. It was a great

day out with a good crowd, which was very much involved on behalf of the respective teams.

Bayswater went out to an early 4-goal lead, which Doncaster East pegged back to a 2-goal margin at half-time. Doncaster East took the lead in the third quarter, but the Waters showed plenty of ticker, got themselves back in the lead and held on to the final siren. The goal kickers were Michael Sankey and Gabe Williams, with 3 each, and Simon Denton, with 2. Best on ground was Simon Denton. The team was ably lead by captain Ben Williams and fabulously coached by playing coach Marc Hardy. The boys got to the grand final the hard way, going down to Doncaster in the major semifinal by 8 points but defeating Coldstream in the preliminary final to earn a rematch in the grand final. The rematch proved worth the effort with a famous victory.

Credit goes to Donny East for a great game. Of course it was a disappointment for them, but the close result speaks volumes for the competitive nature of the grand final. A successful club is a well-managed one, and credit must go to the committee, led by president John Heenan, secretary Greg Walker and treasurer Cheryl De Paul. Needless to say, celebrations went late into the night at headquarters, the Bayswater Football Club rooms at Bayswater Oval. Bayswater is the best ground in the outer east, one that both the footy club and the cricket club call home. It is also home to a number of premierships trophies and legendary deeds.

Rotary: Horsham

Mr DELAHUNTY (Lowan) — I bring to the attention of the Parliament a fantastic community project called Rotary House. To mark the 75th anniversary of the Rotary Club of Horsham, it was decided to construct a purpose built, five-bedroom, motel-style facility to provide short-term accommodation for the families and friends of patients at the Horsham hospital who live outside the city. Of the 10 000 inpatients seen annually by the Wimmera Health Care Group, over 43 per cent come from outside a 50-kilometre radius of Horsham, some from interstate and overseas.

Three years ago the Horsham Rotary Club and the Horsham East Rotary Club, working with the Wimmera Health Care Group, established a Rotary House committee, chaired by John Evans, to plan, fundraise and construct Rotary House. In October 2002 the Rotary clubs launched the project at a gala dinner. Service clubs, church groups and many organisations and businesses around the Wimmera and southern Mallee attended and pledged nearly \$80 000 to

kick-start the project. Since then in excess of \$312 000 in cash has been raised, land has been donated, and tradespeople, suppliers and businesses have donated labour, materials, fittings and furnishings to the project.

A recent independent valuation of \$600 000 was put on Rotary House. Next Wednesday, 14 September, Rotary House will officially be opened by Victoria's Governor, John Landy, and handed over to the Wimmera Health Care Group, which will have the ongoing management of Rotary House. Rotary House is a fitting memorial to the first 75 years of Rotary in Horsham and will maintain a Rotary presence in the region for many years to come.

Schools: Diamond Valley kids conference

Ms GREEN (Yan Yean) — Yesterday I had the privilege of attending the formal celebrations to conclude the Diamond Valley school cluster kids conference. Students from eight schools in the cluster have participated in three-day forums over the last two terms to develop school improvement projects. Teams identified school improvements, planned their implementation and studied the results of their improvements.

I, along with proud parents and staff, was able to view the school project story boards and see these fantastic students present their work. Diamond Creek Primary School undertook a project on improving student leadership on the school council. Doreen Primary School had a project on personal organisation in the classroom, which resulted in getting even the principal to clean up his desk, and the adoption of a pet reptile for the school. Arthurs Creek Primary School worked on a fantastic project to create an outdoor learning environment, including introducing chickens to the school.

Diamond Creek East Primary School worked on developing student leadership and introducing peer mediation. Diamond Valley College decided to make better use of class time, something I know my year 9 son will look on in fear. Panton Hill Primary School worked on a project creating a school garden. St Andrews Primary School is creating a school band for the first time. Wattle Glen Primary School is developing a peace garden. These fantastic students are the leaders of the future. Well done, Diamond Valley kids conference.

Members: unparliamentary and offensive remarks

Mr PLOWMAN (Benambra) — In 1968 a ruling by Chairman Reid stated that depending upon the manner in which the term is used, it is not unparliamentary to use the expression 'that is a lie' but that it is an entirely different matter to say a member is a 'liar'. This ruling has effectively governed the use of the term 'lie' as opposed to the term 'liar' in the Parliament for the past 37 years. It clearly differentiates between an imputation of an improper motive to a member, which would be deemed unparliamentary, and that of dishonesty.

It is worth recording what an *Age* editorial of 5 September reports British Prime Minister Tony Blair as saying in respect of the recently released code of conduct of the British Parliament:

We are all here to serve, and we must serve honestly and in the interests of those who gave us our positions of trust.

The recent spate of name-calling, in which the Speaker allowed the unabated use of the words 'lie', 'lied' and 'liar', resulted from the very questionable statement made by the Minister for Police and Emergency Services and an earlier the admission by the Minister for Tourism that he had misled the Parliament. The editorial opinion in the *Age* of 5 September also states:

In less cynical times a minister would have offered to resign in such situations, but now sanctions are few and modern political practice too rarely rewards integrity.

On the same day Sally Morrell was reported in the *Herald Sun* as saying:

I would have thought that nowhere was it more important to name a liar than in Parliament itself, the heart of our democracy.

Narre Warren South electorate: government initiatives

Mr WILSON (Narre Warren South) — I rise to note the Leader of the Opposition's recent tour of the Bracks Labor government's achievements in the city of Casey. To reach the Narre Warren South electorate the Leader of the Opposition no doubt would have travelled down the Hallam bypass, delivered earlier by the Bracks government and widely applauded. He would have travelled along Clyde Road, Berwick, where an \$8.9 million road duplication project is under way, and he would have passed the Berwick railway station, with its upgraded car park.

In Berwick he visited the new Casey Hospital, which has 229 beds and was the first new public hospital built

in the state for more than 20 years. He also visited the Chisholm Institute of TAFE Berwick campus, where the Minister for Education and Training recently opened a new building and refurbished nursing and aged care training facilities. While in this area he would have passed Kambrya College, one of the six new schools built in my electorate since 1999.

Many of the roads he travelled on shared the \$332 million spent by the Bracks government on roads in the city of Casey since being elected, although he missed out on seeing the upgraded section of the Narre Warren-Cranbourne Road and the grade separation, one of the most popular road upgrades in the region. He also visited the Casey Fields sporting complex, where he noted how far-sighted the project is, stating that, 'The young people of Casey are going to have a top-level sports facility'. The facility is not only for the young people, but for all residents of the city of Casey. The government is well aware of the importance of the project, having committed more than \$500 000 to it. It would appear that these achievements are what make Casey, once the forgotten city, a city with many achievements.

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

Antonio Park Primary School: achievements

Mr ROBINSON (Mitcham) — I congratulate a number of students from Antonio Park Primary School, a great state school in the Mitcham electorate, for their recent performance at the national tournament of minds competition. The school's language literature group, consisting of Dylan Raath, Abigail Gedge, Nikel Panou, Guy Tiffany, Christine Woodruff, Bethany Anderson and James Mistarz presented 'Make a Haiku', which won a category in the competition. The school will now perform at the state finals on 11 September. At the same time the school's social sciences team, consisting of Shea Courtney, Rachael Gedge, Ruby Haddon Bolger, Jordann West, Kimberly Thek, Jono Griffiths and Alicia Skorupski, who presented 'Making a world of difference', were awarded honours. The pupils were ably assisted by teachers Belinda Hunniford, Peta Hamlett, Lauren Emmerson and Bronwyn Wickett. Congratulations to all of them for their hard work.

At the same school, grade 4 pupils recently participated in the World Vision 40-hour Famine and a number of grade 4 classes chose to give up something for the day. They chose to give up using chairs and tables and raised enough money to feed a family of six children for six months, a fantastic effort.

Consumer affairs: TPG Internet

Mr LEIGHTON (Preston) — Earlier this year in the house I raised concerns about TPG, an Internet service provider (ISP). I warned that TPG provided crook contracts and lousy service. I pointed out that connections were slow and dropped out and consumers could be charged for services after contracts were cancelled. I am pleased to have received advice from the Minister for Consumer Affairs that following several consumer complaints her department is investigating TPG's contracts. I am now very concerned to learn that TPG is sacking its Australian employees and sending jobs overseas. An online article in *ZDNet Australia* on 10 August 2005 entitled 'TPG sheds staff to Asia' states:

Total Peripherals Group (TPG), one of the nation's largest Internet service providers, is in the process of outsourcing its call centre operations to the Philippines.

The move is expected to displace 103 technical support jobs in total ...

In addition up to 65 employees at TPG's customer service section are slated to be replaced in the near future, sources said.

I would urge consumers looking for an ISP to not only do themselves a favour by choosing a more reliable ISP but also do the right thing by our country by choosing a company committed to maintaining jobs in Australia. I thank the *Melbourne Observer* for its important role in drawing concerns about TPG to public attention.

Craigieburn Secondary College: Watercare

Ms BEATTIE (Yuroke) — Last week I had the pleasure of joining a group of students from Craigieburn Secondary College on site at Merri Creek where they have been working on an ecology project. The Bracks government recently announced \$150 000 in funding for the Melbourne Water Young Watercare grants. I have now seen at first hand the fantastic difference this money is making both to the local environment and to the education opportunities of young students. The passion and enthusiasm I witnessed at Aitken Creek as students spoke to me about their ideas on improving water quality, and as they shared with me their deep knowledge regarding the impact on local aquatic and plant life was a clear indication that grants such as this are having a direct impact at the grassroots level and are of great benefit to local communities. The value of the work of these young student volunteers is making a significant difference and they are clearly very proud of their contribution.

I congratulate the teaching staff and in particular the science faculty at Craigieburn Secondary College for their commitment to sharing the wonders of science with our young people. I am proud to be a member of the Bracks Labor government which continues to make the education of Victorian students its no. 1 priority. I was simply amazed by the knowledge these young people had of their local environment.

MATTER OF PUBLIC IMPORTANCE

Education: standards

The DEPUTY SPEAKER — Order! The Speaker has accepted the following matter of public of importance (MPI) submitted by the member for Altona:

That this house congratulates the Bracks government for its commitment to improving education standards in Victoria, including the introduction of plain English school report cards, which will allow parents to have a clearer understanding of the progress and performance of their child against statewide standards.

Mr CAMERON (Minister for Agriculture) — I desire to move, by leave:

That so much of standing orders be suspended so as to allow the member for Yuroke — —

Mr Perton — On a point of order, Speaker, there is no change of business — —

The DEPUTY SPEAKER — Order! I will take the point of order in a moment, once we find out what the minister is proposing.

Mr Perton — He can't move a motion — —

The DEPUTY SPEAKER — Order! I will take the point of order after we hear what the minister is proposing.

Mr CAMERON — I desire to move, by leave:

That so much of standing orders be suspended so as to allow the member for Yuroke to move that the matter of public importance submitted in the name of the member for Altona be taken by the Chair.

Leave refused.

Mr Perton — On a point of order, Deputy Speaker, the minister is not in the chamber — —

The DEPUTY SPEAKER — Order! I was about to call the member for Altona.

As the member for Altona is not in the house, I refer to the ruling made by Speaker Maddigan on 25 May this

year that when a member submits a matter of public importance, it is for that member to lead the MPI discussion. Should the proposing member not be in the house to take the call, the MPI will not be able to proceed and the next item of business will be called on. Therefore as the member is not here to take the call, the next item of business is to be called.

STATEMENTS ON REPORTS

Family and Community Development Committee: development of body image among young people

Ms NEVILLE (Bellarine) — I am pleased to speak again on the Family and Community Development Committee's report on body image development among young people. It is also very timely, as this week is National Body Image Week. When you read the report that has been produced by the committee, one of the things that is evident is that this is one of the most important issues affecting young people. If the trends that were reported to the committee are any indication, the issue will continue to grow and affect even younger children than it does now. Anorexia nervosa is the third most chronic illness among adolescent girls in Australia. On top of that, many other young women are on the edge. They slip through the system because they are able to mask their behaviour. The report identifies a number of risk factors and influences that lead to body image issues and eating disorders.

Dieting is one of the greatest risk factors in developing the disorder. Sixty-eight per cent of 15-year-old girls are on a diet, and 8 per cent of them are severely dieting. They might be using laxatives or other forms of severe mechanisms to diet. There is evidence in the report which suggests that younger girls understand the concept of dieting. In a study of primary school girls between the ages of five and seven, the report found that:

Basically girls as young as five years of age knew about the potential social consequences of weight — both negative in terms of being teased and positive in terms of being more liked if you were a normal weight or a thinner figure ...

Some of the other influences in terms of the way that young people see their bodies are the media, peers and the family. This is a very complex issue. As a community we know that on one side we are currently struggling with the issue of obesity amongst our young people.

This has become one of the major focuses in terms of health promotion at this time. We have also recently heard a lot of debate about the sorts of foods being sold in our school canteens. The evidence presented to the committee suggests that there is a very fine line when we are dealing with health promotion and talking about health and wellbeing, and promoting a view that thin is good and the ideal is about thinness rather than being overweight. Yet people may be surprised to learn that some of the new research coming out of America at the moment suggests that people who are thin and inactive are more unhealthy than those who are overweight yet active. This then poses a major challenge for governments and community organisations when we are looking at our health promotion messages which deal with weight and healthiness.

Another concern identified in the report is our lack of understanding about the impact of this issue on boys. This is not just an issue affecting young women. The reality is that one in four children diagnosed with anorexia nervosa are male and 62 per cent of males are dissatisfied with their bodies. In some ways there is an even greater concern about boys because as a community we have little understanding of and place little focus on boys. In fact we struggled as a committee to get evidence about the impact of this issue on boys. Then there is the contradiction where on the one hand boys want to lose weight, and on the other, boys talk about bulking up; these two things do not go very well together.

This report is just a start. This is a major issue and one that the community needs to continue to pursue. That is why the report has recommended that further work, further treatment investigations and further research needs to be undertaken. This is the issue for our young people and we must work together with them to turn it around.

Road Safety Committee: country road toll

Mr WALSH (Swan Hill) — I would like to make some comments on the Road Safety Committee's report on its inquiry into country road tolls. There are three issues in particular that I wish to highlight out of that report. The first is the issue of class C roads and particularly recommendations 14 and 20. I will read into *Hansard* the comments made in the foreword by the chair of the committee:

In Victoria generally, road infrastructure is not at world's best practice standards and in the country the situation is worse. The fatality rate per population in country Victoria is three-and-a-half times that of metropolitan Melbourne, and twice the state average. Infrastructure improvements,

particularly in category C roads would, in the committee's view, go a long way to reducing the road toll in the country.

I have raised the issue of category C roads in my electorate several times with the Minister for Transport. A particular road is Wycheproof Road which has been the bane of people living in that area since I went to school and the school buses used the narrow bitumen road there. We would be particularly pleased if increased resources to class C roads were included in the government responses to the committee's recommendations.

Another issue is that of native vegetation, particularly recommendations 23 and 25 which talk about the fact that human safety should take precedence over native vegetation. We have seen many examples on country roads where the shires are not allowed to lop or cut down trees close to roads, and this puts people in danger. I would urge the government to accept the recommendations made by this committee that municipalities be able to apply minimum clear zones along roads where native vegetation can be taken out without incurring penalties to the shire.

The last issue I would like to talk about is pre-driver training, particularly recommendations 15, 16 and 17 and, more importantly, the minority report put in by a member for North West Province in another place, the Honourable Barry Bishop. He, along with a lot of other members of Parliament from north-west Victoria, has been a great champion of pre-licence driver training and, in particular, of the North West Driver Education Centre in Charlton. It is interesting that he got his committee to call up this driving school to see what goes on there. I hope that opened a few people's eyes as to the positive outcome of pre-licence training.

I would like to quote from part of the minority report that talks about the economic impact of pre-licence training:

When we look at the economic impact of pre-driver education at North West Driver Education Centre, the potential savings to government and society are significant. A cost-benefit analysis would suggest that the current pre-driver education at Charlton provides savings of at least \$1.9 million and up to \$3.2 million.

The driving school has been trying to get funding from the state government to assist its operations for a number of years. It had \$30 000 per year from the Victorian government, but the Treasurer, in his wisdom, stopped that a number of years ago. So the Charlton driving school, which has provided an excellent service in pre-licence training — one of the things recommended in this report — has had to go to the private sector to seek assistance. Fortunately a

number of months ago *A Current Affair* highlighted the deficiency in funding for the Charlton driver centre. It was very fortunate that because of that program the Anastasiou family of businesspeople in Melbourne came forward and donated \$30 000 to keep the driver education centre going for this year.

In its response to the committee's report on the country road toll I urge the government — I implore it — to make sure that it provides funding to the Charlton driver education service and other driver education services around Victoria to make sure we have —

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

Education and Training Committee: pre-service teacher training

Mr HERBERT (Eltham) — I rise to continue my contribution on the committee's report on the inquiry into the suitability of pre-service teacher training in Victoria, entitled *Step up, Step in and Step out*. I am very pleased to note that the government has recently responded to this report, and I will talk about that in a short while.

After extensive consultation with Victorian and Australian stakeholders, and looking at international best practice models, the committee found that Victoria needs to step up the quality, standards and accountability mechanisms in teacher education systems. We need teachers to step into institutions both to enhance their own qualifications and to share their knowledge and skills with teacher educators and pre-service teachers. And we also need teacher educators in universities to step out into schools to develop an understanding and appreciation of the realities of teaching and learning in the 21st century classroom.

Education is quite different from what it was when I taught some 10 years ago and even from how it has been over the last five or six years. The committee found that while some teacher education institutes are changing and adapting courses to involve stronger partnerships and greater participation with schools, others are far too slow to change and are far too removed from the great innovations that are happening in schools in Victoria.

Since completing the report the committee has received substantial feedback. In particular we had support from the deans of education, who, whilst critical of some aspects of the report, expressed their support for most of the committee's recommendations. I am sure they

will be absolutely delighted to learn that the government has also expressed support for most of those recommendations. I hope this support from the deans of education translates into proactive action to introduce desperately required mechanisms into some of our teaching institutions. They need to work far more in partnership with employing authorities and local schools. They also need to ensure that their own education facilities are resourced appropriately so that they can fulfil this vital role required by the community.

The government responded to the report last week. I notice that the member for Doncaster is in the chamber. This all-party committee report had the support of all parties in this chamber. I thank the member for Doncaster for his input into this report. He helped ensure that it was accepted and that teacher training is treated as a non-political issue for the betterment of education in Victoria, students and young teachers entering our classrooms.

As I said, the government responded last Thursday and accepted most of the recommendations. I should point out there are some issues around the number of practical days in schools that need to be worked out. The committee recommended 130 days, but the government has indicated it needs to speak with the commonwealth government as there are funding implications for it. There is currently a House of Representatives committee inquiry into teacher education and the Ministerial Council on Education, Employment, Training and Youth Affairs is also looking into aspects of it. I look forward to those inquiries contributing to how many practical days young teachers should spend in schools.

Having said that, there is a great optimism in schools around my electorate and throughout Victoria that these changes accepted by the government will flow through into having far better qualified teachers. Young people who are IT savvy and know how to use information technology in the curriculum can improve what is happening in our schools for the benefit of the next generation of young people.

I quote from the *Age* of 6 September which made the point about the need to get young professionals into teaching to bring the skills of the work force into the teaching work force. The *Age* article entitled 'Experts to step to head of the class' by David Rood reports that Victoria will step up efforts to get high academic achievers and professionals in front of the classrooms in an overhaul of the way teachers are trained.

**Public Accounts and Estimates Committee:
budget outcomes 2003–04**

Ms ASHER (Brighton) — I wish to speak on the Public Accounts and Estimates Committee report on the 2003–04 budget outcomes, which is a particularly useful report compiled by a Labor-dominated committee, as you would expect given the numbers in this place. It is a report that provides much information for the opposition. I refer the house to documentation that starts on page 214 and relates to the regional fast rail project, which is the major project started by this government that probably has caused the most community comment. In a previous contribution I referred to a chart on page 214 which analyses planned versus actual expenditure. I have also outlined the committee's commentary on that.

One of the shortcomings of this particular committee is that it seems to accept the government's revised schedules and timetables rather than the government's original schedules and timetables. As we all know, the fast rail commitment was originally costed at \$80 million in Labor's 1999 election statement and we have seen at this stage a \$670 million blowout. However, it is the time frame that is the subject of commentary by the committee that I wish to comment on as well.

Exhibit 10.6, headed 'Department of Infrastructure status report for fast rail projects, 30 October 2004', has in column 3 a series of what it calls original completion dates. Ballarat is 29 June 2005; Bendigo is 28 October 2004; Geelong is 19 February 2005 and the Latrobe corridor is 19 April 2004. The committee then goes on to list what it calls the revised completion dates in the fourth column described as 'new completion dates negotiated with the contractors'. They are: Ballarat, October 2005; Bendigo, December 2005; Geelong, June 2005; and Latrobe, December 2005. However, these are not the original completion dates, albeit the dates indicate the project is way off schedule. The committee's claim at page 215 that:

These dates have been revised in line with the need to sequence the works effectively to achieve the government's 2005 completion date and effectively use the available resources of V/Line, Freight Australia and the contractors.

That claim is a very silly claim because the schedule has been altered to cater for the government's inability to deliver this and many other major projects on time and on budget. I draw the committee's attention to an article that appeared in the *Ararat Advertiser* of 21 March 2000:

Premier Steve Bracks said yesterday —

this is 2000 —

high speed links between Melbourne and major Victorian country towns would be completed in the state government's current term of office.

I am more than happy to place on the public record that this committee needs to revise its classification of what an original completion date was in the light of the Premier's clarification of this. I refer to a quote from the Premier which states:

We're pursuing this over our first four years ...

That is a quote of 21 March 2000 from the *Ararat Advertiser*.

Similarly it was reported in the *Herald Sun* of 20 March 2000 in an article entitled 'Faster trains needed':

Premier Steve Bracks said the plan would be implemented within his first term.

While I appreciate the Public Accounts and Estimates Committee is drawing attention to the government's inexplicable tardiness and incompetence in relation to the so-called fast rail project, the data it provided at page 215 is not complete data. I am pleased to have added to the committee's knowledge of how late this project actually is. The fact is this project is an enormous embarrassment to the government. It is an embarrassment in terms of delay; it is an embarrassment in terms of cost blow-out, and I am pleased the committee has had some degree of honesty in drawing this to the attention of the house.

**Family and Community Development
Committee: development of body image among
young people**

Ms MUNT (Mordialloc) — I want to speak today on the Family and Community Development Committee report on the development of body image among young people. I congratulate the Minister for Employment and Youth for focusing on this issue and putting this brief together. I congratulate the members of the committee whom I know have worked hard on the report and have had many hearings, many of which have been fairly gruelling. The committee comprised the chair, Mr Bob Smith, a member for Chelsea Province in the other place; the deputy chair, the member for Shepparton; the Honourable David Davis, a member for East Yarra Province in the other place; the member for Evelyn; the member for Bellarine; the member for Caulfield; and the member for Narre Warren South.

I have read the report, and I think they have put together an excellent document. I am not certain if it is an all-party report, although I assume they are all-party recommendations. It is a very good report, and I hope it helps us to move forward in the treatment of eating disorders among young people. The official rate is that 1 in a 100 young people suffer from eating disorders. I believe it is a low estimate and I think the figure might be higher than the official estimates. A lot of eating disorders are hidden or come under the radar and you never know about them. Young people with eating disorders are fairly proficient at hiding them and keeping them away from medical practitioners.

It national body image and eating disorders awareness week, so it is a fitting time to speak about this issue. Evidence in the report shows that one in four children diagnosed with anorexia are male. It is the third most chronic illness in adolescent girls and I know it has a very high death rate. Sixty-two per cent of males are dissatisfied with their bodies. The greatest risk factor for developing an eating disorder is dieting; another is excessive sport and exercise.

I have some personal knowledge of eating disorders and have been amazed at the number of people who come to talk to me, because they know I have some knowledge. They talk about their sisters, their mothers, themselves when they were young, their children or the people down the street who suffer from eating disorders. The disease strikes most commonly in adolescence, particularly in females, and can completely disrupt education, social life and development. More than that, it can be a fatal illness. I have seen young people in hospitals who are really like living skeletons. The treatment of this disorder is problematic. There is not enough knowledge about it. Some young people struggle for years and it absolutely ruins their lives. It strikes at a most difficult time of their development.

The committee refers to some success by the Karolinska Institute in treating young people with eating disorders and seems to have been fairly impressed with its methods. If that is true, we should have those methods here to help, because there are too few resources, too few places to go and they are too scattered. Many people are doing a lot of work, but it really all needs to come together. I would like to congratulate the Butterfly Foundation and the Bronte Foundation for all their work and put in a heartfelt plea on behalf of the families of young people suffering from this disorder that these support systems be put in place to help young people come through this and live happy and productive lives. Even if they recover, very often there are ongoing physical consequences such as

osteoporosis and, as I said, interruptions to their education. The prevalence of this disease and the deep problems it causes lead me to commend the committee on its report and hope that we get some action.

Road Safety Committee: country road toll

Mr MAUGHAN (Rodney) — I wish to make some comments on the Road Safety Committee's report and its inquiry into the country road toll. As indicated in the preamble to the report — —

Dr Napthine — On a point of order, Deputy Speaker, far be it from me to interrupt the call, but the member for Kew stood at the same time as the member for Rodney. The Nationals have already had one call on this debate, and I suggest that the call should have gone to the member for Kew.

The DEPUTY SPEAKER — Order! I thank the member for South-West Coast. Because of the disruption to the order of business, no order was indicated to the Chair. I was advised that the member for Rodney was to speak, and I proceeded on that basis. If I have done so mistakenly, I apologise to the opposition. Unfortunately I have called the member for Rodney.

Mr MAUGHAN — Thank you, Deputy Speaker. If it would help the situation, I am prepared to yield to the member for Kew on the basis that I get the next call on this side.

Dr Napthine — I do not think there will be any more.

The DEPUTY SPEAKER — Order! The member for South-West Coast has identified the problem correctly.

Mr MAUGHAN — I will keep going. Thank you, Deputy Speaker, and I apologise to the member for Kew if I have taken his spot.

The country road toll is a very important issue, and the committee's report clearly identified the problem. We have done a great job in Victoria in reducing the road toll with speed limits, drink-driving legislation and booze buses, and letting people know that if they speed or drink and drive they are likely to be caught and the penalties are going to hurt. That has certainly reduced the road toll, and the chair's foreword to the report indicates that the road toll certainly has fallen progressively over the years, and we can take some pride in that. But the decline has been less in country Victoria than in the metropolitan area — hence the

inquiry into the country road toll. The chair's foreword to the report states:

In Victoria generally, road infrastructure is not at world's best practice standards, and in the country the situation is worse. The fatality rate per population in country Victoria is three and a half times that of metropolitan Melbourne and twice the state average.

This puts into context that we have much more serious problems in country Victoria. The committee has done some really good work in trying to identify what those problems are, and I want to concentrate on two of those areas. One is the influence of roadside vegetation on road crashes and fatalities. The committee in its report said the removal of trees from roadsides would be one way to minimise the problem of people running into trees, which is a major cause of death in country Victoria. Two-thirds of all objects struck were trees. Even on arterial roads trees can be a major hazard for drivers.

The committee found that minimising the number of trees was not always feasible because of compliance with the requirements of the Planning and Environment Act and the implementation of the native vegetation management plan. I suggest the committee has put its finger right on it, because it points out that it considers the safety of road users should always take precedence over the conservation of native vegetation. That is part of the problem — we put too much emphasis on conserving trees, when some of them need to be removed.

I want to highlight a problem that occurred in my area recently when a road transport operator's truck — a high one, but within the height limits — knocked down a bough from a tree and very nearly caused a fatality. For various reasons — funding being one and complying with native vegetation legislation being another — there are a lot of overhanging trees which municipalities and VicRoads are not able to trim. That is a major problem.

Another problem is driver education. My colleague in the upper house the Honourable Barry Bishop in his minority report puts a very compelling argument as to why we should give far more emphasis to training young people and to driver education. It is a good report. I particularly commend the minority report and the emphasis on driver education.

The DEPUTY SPEAKER — Order! The honourable member's time has expired. The time for consideration of committee reports has concluded.

RADIATION BILL

Second reading

Debate resumed from 11 August; motion of Ms PIKE (Minister for Health).

Government amendments circulated by Ms PIKE (Minister for Health) pursuant to standing orders.

Mrs SHARDEY (Caulfield) — I rise to speak on the Radiation Bill, a bill which the opposition does not oppose. I recognise that the government's circulated amendments to this bill are very minor in nature. They recognise the fact that reference to the Dental Practice Act was left out on three occasions in the bill. Therefore, those amendments are acceptable.

Ms Pike interjected.

Mrs SHARDEY — There is no need for an apology — these things happen.

The purpose of this bill is to protect the health and safety of persons and the environment from the harmful effects of radiation. This is a very complex piece of legislation in that the subject matter is complex. It is just as well we have experts to advise government and opposition — and everyone else for that matter — on this subject because while it is of major importance to the community it is also very complex. The bill follows the 2001 *National Directory for Radiation Protection*, agreed to by the Australian Health Ministers Advisory Council. I will be referring to that document quite a bit in my contribution. It also follows the discussion paper on radiation safety produced by the Department of Human Services in 2003.

The main provisions of this bill replace sections 108AA to 108AK of the Health Act 1958 by creating a new piece of legislation. I will discuss the creation of this new act later. The changes are broadly consistent with the old provisions in the Health Act but meet current agreed national and international directions in the practice of radiation safety. These directions are detailed in the national directory agreed to by all Australian governments. I would now like to refer to that document.

The *National Directory for Radiation Protection* has two purposes. The first is to provide an agreed framework for radiation safety including both ionising and non-ionising radiation, which I will discuss later. The second purpose is to provide clear regulatory statements to be adopted by both the commonwealth and the states and territories. The Australian Health Ministers Advisory Council endorsed the directory in

1999 as a means of achieving uniformity in radiation protection practices between jurisdictions. It was agreed that the national directory would be prepared by the Radiation Health Committee for approval, that the process would include full consultation with stakeholders, and that the regulatory elements would be adopted by each jurisdiction as soon as possible using existing regulatory frameworks.

A variety of agencies with legal responsibility for aspects of regulation safety are to be involved in measures to progress national uniformity. They include mines and occupational health and safety and transport agencies in many jurisdictions. Importantly, the national directory was supported by recommendations of the national competition policy review of radiation protection legislation in May 2001. The national directory was approved by the Radiation Health Committee in May 2004 and endorsed by the Australian Health Ministers Advisory Council, subject to a cost-benefit analysis, in July 2004.

The national directory is in three parts. Part A sets out the agreed overall framework for radiation protection in Australia. States are expected to adopt these principles in reviewing their legislation. Victoria is the first cab off the rank in relation to this, and I will be talking further about part A because I think it is most important. Part B contains the uniform regulatory elements to be adopted by the states and territories. Part C contains guidance that will assist regulators to adopt consistent approaches.

I would now like to turn to part A and discuss some elements of it because I think it is most important. As I said, part A sets out the general principles and regulatory frameworks. The first is the objective of radiation protection legislation. It states:

Legislation must include the objective of protecting the health and safety of people and the environment from the harmful effects of ionising and non-ionising radiation.

The 'principles for regulatory frameworks' state:

A 'responsible person' is to be primarily responsible for radiation protection and safety. Nevertheless, regulators also need to establish and enforce standards through a system of regulation. Responsible persons are required to make notifications, or gain approvals and authorisations from regulators, before conducting a practice. These authorisations include registrations, licences and accreditation.

We can see that in the bill.

The regulatory frameworks in each Australian jurisdiction must follow the principles and requirements —

which are set out in this document —

to ensure that the objective of the legislation is met:

- (a) radiation protection principles including justification of practices to ensure that benefits outweigh the detriment, limitation of radiation doses ... to individuals from all practices, and optimisation of protection and safety so that individual doses, the number of people exposed and the likelihood of exposure are all kept as low as reasonably achievable, economic and social factors being taken into account.
- (b) management requirements to provide for responsible persons to establish a safety culture, establish quality assurance programs, reduce the probability of human error leading to accidents, make appropriate training and information available to staff, allocate sufficient resources to enable safety and security of radiation sources over their lifetime (including disposal), and provide the qualified expertise necessary to observe the requirements.
- (c) technical requirements, such as shielding design and interlocks as necessary, to ensure that radiation sources remain within control, and that they are secure from theft or damage ...
- (d) processes for verification of safety and security, which involve safety assessments to identify and determine the magnitude of radiation exposures during normal operation and accidents, and to assess the provisions for protection, safety and security ...

There are two more elements to these principles. Risk management principles include a broader evaluation of risk assessment and take into account not only scientific data but also the social and economic considerations. Finally, there are intervention actions for accidental or abnormal exposure situations requiring protective action to reduce or avert radiation exposures and their likelihood. It sets out the powers and functions to be conferred by legislation in establishing a regulatory authority which is effectively independent of and accountable to a minister of the Crown and, through the minister, to the Parliament, which is occurring. Legislation must bind the Crown and provide the following powers and functions of the authority, and I will just mention some of them.

It must advise the minister on radiation protection nuclear safety matters; set standards for radiation protection; assess application for authorisations; grant, refuse, vary, revoke or suspend authorisations; grant exemptions from regulatory requirements; ensure a system of periodic inspections; enforce compliance with regulatory requirements; require safety assessments; maintain a register of radiation sources; require notification of radiation incidents to an authority; investigate radiation incidents; and prepare annual reports. The document also refers to the requirement for an advisory body. Legislation should provide for the establishment of an advisory body to

provide the authority and the minister with policy and technical advice on radiation protection and nuclear safety matters.

This document also calls for the review of legislation every 10 years, which is a very sensible approach. It refers to practices which are specified and to which legislation applies — and there is a long list. There are references to categories of authorisations, refusals to grant authorisations, and suspensions, variations or cancellations of authorisations. All of this is in the bill. It also refers to annual reports, saying that the annual report of an authority is a necessary part of the accountability and transparency of its operations and should address a number of elements, which it sets out.

Part C of the document, as I said earlier, contains guidelines that will assist regulators to adopt consistent approaches. I will refer to just one of the elements in this which most people would understand, and that relates to patient discharge recommendations. The authority should advise hospitals and clinics treating patients with radioactive substances to establish procedures for their discharge consistent with the provisions of a radiation protection series, and it names a particular protection series. They are documents which are published by the Australian Radiation Protection and Nuclear Safety Agency to promote practices that protect human health and the environment from the possible harmful effects of radiation.

The document I have in relation to this series points out that there are four categories of publications in this series. They relate to radiation protection standards, codes of practice, recommendations to provide guidance on fundamental principles of radiation protection, and safety guides. All publications of this series are informed by public comment during drafting. Radiation protection standards and codes of practice which may serve a regulatory function are subject to a process of regulatory review. That is quite important.

In December 2003, prior to the approval of the national directory in 2004, a discussion paper was published in Victoria entitled *Review of Victorian Radiation Legislation*. The discussion paper notes that Victorians have benefited greatly from the use of radiation for many decades, in particular in its diagnostic and therapeutic uses in health care. I must admit that not having a medical background I consulted my husband, who knows a lot more about this topic than I do. He talked very simply so that I could understand some of what this is about. I have attended hospitals and had scans done, so I have had practical experience in relation to this. We are now talking about the use of all scans, particularly for cancer, and including scans of the

bones and myocardial scans through the injection of radioactive isotopes, which help in diagnostic issues to do with the heart. One therapeutic use is brachy-therapy, which involves the local placement of radioactive material into tumour sites. We are all familiar with radiotherapy in particular in the treatment of cancer in places like the Peter MacCallum hospital.

Experimentally some very interesting things are happening in this area. I am not sure if I can describe it as a scientist would, but I will as I understand it. Scientists are attaching radioactive particles that act as tiny bombs, if you like, which are carried by antibodies or some chemical to tumour cells. The antibody sticks onto the cancer cell and the radioactive particle then explodes like a bomb and destroys it. This is new technology, and it is very interesting. Advances in biochemical, medical and other research has been greatly aided by the use of radiation. Industrial and other uses of radiation have contributed to the safety and quality of life for the community. One area of industry, for example, is about ensuring the integrity of concrete, which is a non-ionising use, as I understand it.

Radiation involves hazards, especially if used inappropriately or unnecessarily. I would like to briefly quote from the foreword of the Victorian discussion paper:

The radiation safety provisions of the Health Act 1958, together with the Health (Radiation Safety) Regulations 1994 and the Health (Medical Radiation and Technologists) Regulations 1997, have provided a sound framework for radiation safety in Victoria.

However, at that time it was thought very timely to review this legislation. The discussion paper was to provide an opportunity for practitioners and professional associations to comment, which, of course, they were able to do. I would like to comment a little further on the discussion paper because I think it is something of importance to us. I recognise that in 1998 the then state government also commenced a review of the Health Act by releasing a discussion paper and it raised a number of questions about the areas regulated in relation to this topic. The submissions to that review are incorporated in the Victorian discussion paper.

This discussion paper does make the case for a regulatory approach to radiation and talks about the advantages of this regulatory approach, being that it provides greater assurance to the public that the use of radiation and radioactive substances and the associated activities have met stringent quality controls in production, service delivery and waste disposal, leading to higher public confidence in occupational and consumer health and safety as well as environmental

protection based on the imposition of strict exposure levels, the minimisation of misinformation, the minimisation of fraudulent or opportunistic behaviour and the minimisation of the effects of externalities. The document says:

In a nutshell, the regulation of radiation protection activities through legislation protects the health and safety of people and the environment by placing safety controls on any activity involving radiation equipment or radioactive substances.

There was one disadvantage of the regulatory approach recognised by the Victorian discussion paper, and that was in relation to possible costs, but the document does finally say, by way of summary, that:

the potentially serious consequences from a single or cumulative effect of radiation exposure, the uncertainty of the outcome and the possibility of latent effects that may only manifest sometime after exposure means that, on balance, a regulatory approach to achieve radiation protection objectives will yield a net public benefit ...

The document refers to national uniformity and national directory standards, from which I have already quoted quite substantially. It talks about different types of radiation, non-ionising and ionising. Ionising radiation is used in the diagnosis and treatment of illness and the measurement of various product specifications in industry. Earlier I mentioned this in relation to concrete, but another example is the thickness of paper in a paper-rolling mill, which is interesting. Ionising radiation is also used in ensuring the integrity of such things as welds in steel pipes and aircraft wings and labelling chemicals in research. Non-ionising radiation is used in many areas — for instance, lasers used for medical, cosmetic, industrial and research applications, radiofrequency equipment and ultraviolet lamps. In fact the area of non-ionising radiation covers a huge field, even perhaps natural light, so in that sense this bill is very broad, and the only concerns that have been raised have been in connection with the fact that this bill could cover almost anything given its breadth.

The last area I would like to look at in relation to the discussion paper is the legislative framework. Page 24 asks the question, ‘Should radiation safety be regulated by a separate act?’, which, of course, is what has occurred. It lists the arguments for this:

Most of the provisions regulating radiation safety in Victoria have been grouped in the Health Act ... However, the subject matter has sufficient significance and complexity to warrant dedicated legislation. In addition to the diverse uses of radiation, the subject matter is technical and complex in nature —

as we have already said —

and requires specific expertise for its safe use, control and regulation. There are a number of specialised international bodies dedicated to ensuring the safe use of radiation through the development of recommendations, standards, protocols and commonly accepted practices. The complexity of the area is reflected at commonwealth and state levels in Australia, with specialised bodies advising ministers responsible for health, science and environment portfolios on radiation issues.

Every other jurisdiction in Australia has separate radiation safety legislation. Separate legislation for radiation safety will make it administratively easier to implement the national directory and any updates to the directory that are made from time to time.

I think that really helps us to understand why this bill is the way it is.

I will return to the bill in more detail. The bill defines ‘radiation source’ as radioactive material, radiation apparatus or a sealed source apparatus. The bill deals with ionising and non-ionising radiation, as I have said. In this sense the bill is very broad, as I have noted, and broader than the current approach. This broad approach means that the Secretary of the Department of Human Services has the capacity to regulate all radiation sources, which is an issue that has been raised. The provisions apply to health, medical research and industrial applications of radiation where they involve the use or manipulation of radiation sources, and I have given numerous examples of that.

A licensing and regulation regime is to be set up under this bill. Relevant machinery to implement this regulation is contained in the bill, including enforcement provisions in part 7. Users and prescribed radiation sources — that is, machines, devices et cetera — are licensed, with inspection and testing mechanisms. A management licence is also available for those who conduct the radiation practice specified by that licence.

‘Radiation facility’ is defined as well. It is a facility that is prescribed by the regulations to be a radiation facility. It should be noted that this does not include a facility described in the Nuclear Activities (Prohibitions) Act 1983. That is separate. A radiation protection principle is established in part 2. This principle guides the implementation of the act and the secretary’s activities. The current Radiation Advisory Committee is to be retained but is to be reconstituted. Compensation and the recovery of costs in clause 132 are provided for in the event of environmental or other damage.

The bill brings strong licence provisions for medical radiation technologists, which include diagnostic and therapeutic radiographers and nuclear medicine technologists. These were not required to hold an

operator licence under the Health Act so that is a great expansion.

A facility construction licence is also created, with the requirement that certain information be given to the secretary. This is intended to apply to larger facilities. Under this bill the secretary has the power to declare that certain materials and apparatus are not radiation sources where they are satisfied that the devices or the apparatus does not pose a significant risk to the safety of any person or the environment.

The bill includes disclosure information to a long list of other agencies, including health registration boards, the Environment Protection Authority, WorkCover and others — of course, including the dental board, which was left out.

The bill is divided into 12 parts. I will not go through all those parts, but it makes for a fairly long piece of legislation. One of the key issues in relation to this legislation is that it consolidates and makes systematic the conduct of regulation of radiation practice. However, the bill also — and I think this is important to note — expands the powers of the Secretary of the Department of Human Services, and some activities that involve low-level radiation may be regulated much more heavily under this bill. This may be judged good or bad on a case-by-case basis.

The consolidation of radiation regulation also involves industrial uses and may lead to more intrusive regulation in that particular area and, one would then hope, not costs. It is unclear as to whether it will lead to higher costs.

At this point I must raise a concern expressed by the Scrutiny of Acts and Regulations Committee (SARC) in relation to the legislation. The bill contains a number of offences of criminal liability based on negligence. They relate to abandonment of radiation source in clause 21; clause 22 relates to causing a person to receive a higher radiation dose than prescribed; and clause 23 relates to the causing of serious harm to the environment. SARC states in *Alert Digest* no. 10:

The committee notes that sections 21, 22 and 23 —

as I have referred to —

will permit an indictable offence to be proven against a person on the basis of negligence.

The committee notes that in the ordinary course the prosecution is required to prove intent as an element of the offence. Intent is made out as an element where the person knew or was reckless to the consequences of his actions. The proof of negligence is a lower threshold test for the

prosecution to meet in proving the necessary elements of the offence.

The committee also notes the strict liability offence provided in section 115 concerning tampering with radiation source seals without a reasonable excuse.

The committee accepts that the subject matter of the sections and the licensing regime introduced by the act with its clear objective to protect health and safety ... make these decisions justifiable or necessary.

However, the committee raised the question as to whether the lower threshold to prove the offence is necessary or desirable and said it was a matter for Parliament to determine. We should note its concern and should be monitoring this to see what effect it has.

One other issue has been raised in relation to this legislation. Some correspondence that was received notes that on page 5 the legislation defines non-ionising radiation very broadly as electromagnetic radiation of a wavelength of greater than 100 nanometres. This apparently means that, depending on the content of the regulation, any electromagnetic radiation — including visual light, sound waves at the speech frequency or music from musical instruments, or even heat from domestic heaters, lawnmowers or other such slower mechanical devices — could in theory be regulated by the legislation, as they all produce non-ionising electromagnetic radiation. One would imagine that this would not happen and I am sure that commonsense will prevail, but it is a matter that should be mentioned in the context of this legislation.

In relation to consultation on this bill, a large number of health and professional bodies were consulted. No dissent or concerns were raised by health groups or business groups. I suppose the only issue is that there are now very broad powers under this legislation. We hope those powers are not abused — we assume that they will not be — and it is the safety of the community which is being put first.

Mr DELAHUNTY (Lowan) — I rise on behalf of The Nationals to speak on this important legislation for our community, the Radiation Bill. I compliment the member for Caulfield on her presentation. It is a very difficult topic and she did a great job covering it. I will cover a few other things that she did not cover.

We know that the purpose of this legislation is to provide a regulatory regime consistent with the national directions to protect the health and safety of persons and the environment from the harmful effects of radiation. We know that this bill is based on the national directory for radiation protection developed by the national Radiation Health Committee of the

Australian Radiation Protection and Nuclear Safety Agency. We know also that the bill is consistent with the recommendations of the national competition policy review of the radiation protection legislation which was completed in 2001.

The Nationals will not be opposing this legislation because the use of ionising radiation for medical, dental, industrial or research purposes is widespread among the modern community we live in today. Some examples of this are the diagnosis and treatment of illness; the measurement of various product specifications in the industry — for example, the thickness of paper at a paper rolling mill; and ensuring the integrity of such things as welds, steel pipes and also aircraft wings. Many of us occasionally fly and it is important that flying is safe. There is also the non-ionising radiation which is used for many other areas — for example, lasers for medical, cosmetic, industrial and research application; radiofrequency equipment used for plastic welding; and ultraviolet lamps used for the curing of paints and in the tanning industry. The Nationals know that when it is used appropriately radiation is of great benefit to society, but if it is used inappropriately, it can pose significant hazards.

This bill — and that is why we are not opposing it — creates new radiation protection legislation that will provide a regulatory regime which is consistent with the national directions in order to protect people and the environment from the harmful effects of ionising and non-ionising radiation. In researching this we looked at ionising radiation from things such as X-rays and radiation from uranium — some of which can cause a real cancer — and also at non-ionising radiation from things such as mobile phones, power lines, infrared lights and lasers.

As I said, the bill is based on the national directory for radiation protection developed by the national Radiation Health Committee. This was agreed to by health ministers from all the states and territories. The new radiation protection legislation we are debating proposes to repeal sections 108AA and 108AK of the Health Act of 1958, the one we are operating under today.

The bill is also consistent with the recommendations of the national competition policy, but importantly part 4 deals with licensing activities such as management and use. I am informed that this will involve four authorities. One will be a use licence, which will be implemented on 1 September 2007. It is interesting to note that regulations are being developed in the lead-up to that, so it is important that we still operate under the

current legislation. There will also be an approved tester's licence, which will be for technicians and others. I was informed at the departmental briefing that these are new positions. The third will be a management licence for those who conduct the practices. We have been informed that all appliances have to be registered. It is interesting to note that even trucking companies which transport radioactive material have to be registered. The fourth authority is a facility construction licence.

If people are not happy with the decisions, they will have access to reviews through the department. They will not go to the Victorian Civil and Administrative Tribunal, which is the mechanism for most appeals in Victoria. In the briefing we were told — I think the second-reading speech also covers it — that VCAT does not feel it has the skills to deal with such matters. On my understanding, if anyone wants to appeal a decision they will have to go to the Supreme Court.

It is interesting to note that approximately 5100 people will need an operators licence. Dentists and dental hygienists make up about 48 per cent of that number; vets, about 13 per cent; radiologists, about 6 per cent; and cardiologists, about 1 per cent. There are many others who will be involved with it.

I note that the Minister for Health is at the table. In researching this I got some information from the department about radioactive waste disposal. I was pleased to get this information, which says:

Many low-level radioactive wastes are short lived and quickly become exempted from the radiation controls within the Health Act. Such wastes cease to be legally radioactive and can be disposed of via normal waste streams.

Non-exempted wastes are unsuitable for disposal via this method —

we would all have to agree with that —

and are stored until future arrangements permit their disposal.

Many such wastes are disposed of via commercial arrangement back to the original manufacturer or to dedicated disposal facilities overseas.

We are sending it overseas. We are wondering how long — —

Ms Pike — We have been doing it for years.

Mr DELAHUNTY — We have been doing it for years, but it is interesting to see how much longer we can do that. It goes on:

DHS has an historical accumulation of low and intermediate level wastes that have been collected over at least 20 years in circumstances where public safety needed to be assured.

These wastes are securely stored in a purpose-built facility located in Melbourne.

Radiation users have been and may continue to be required to store materials within their business premises.

Acting Speaker — it is pleasing that you are in the chair at the moment — as you know we have a problem across Victoria with the storage of this radioactive material. The philosophy within the department, and it has been a philosophy of governments of all ilks, is that it takes a cradle-to-grave approach. The manufacturer who develops this material and the consumers out there who use it are the types of people who have the responsibility to dispose of it in an appropriate manner.

We in The Nationals are very concerned with the proposed development of a toxic waste dump at Hattah-Nowingi. We need the Minister for Health to guarantee the people in the north-west of Victoria that in the event of its development this toxic waste dump at Hattah-Nowingi will not under any circumstances be a host site for the storage of radioactive material. The minister is at the table; we look forward to her comments and to her giving the people of country Victoria that reassurance.

It was interesting to research the concerns of the people in the Sunraysia area. The Save the Food Bowl Alliance estimates that there will be a \$40.4 million economic loss to the Sunraysia's agricultural and tourism industries if this site is put up there. I quote from a media release:

Save the Food Bowl Alliance chairman Peter Crisp was responding to verbal presentations by Major Projects Victoria consultants on the yet-to-be-released economic impact study, or McKinna report.

The press release talks about a reduction in output from agriculture and tourism of \$40.4 million per annum, the loss of value adding of \$17 million, the loss of income of \$6.9 million and a net loss of jobs in the first year of 282.

Not only are there concerns about toxic waste, but a lot of people up there are also worried because Australia does not have a facility for the disposal of radioactive material so that this site could also be used to dispose of radioactive material. I am sure that you, Acting Speaker, as the member for Mildura, would also be concerned and would be looking for the same reassurance from the Minister for Health, that the proposed toxic waste site at Hattah-Nowingi will not

under any circumstances be a host site for the storage of radioactive material.

Before going back to the bill in detail I should first of all say what radiation sources are. I refer to the research done by the member for Caulfield and again congratulate her on that. I received the following briefing note entitled 'What are radiation sources?'. It states:

A radiation source is defined as:

radioactive material (which includes a sealed source);

a radiation apparatus (which is defined as both ionising radiation apparatus and non-ionising radiation apparatus); and

a sealed source apparatus.

...

Sealed sources are used in industrial gauges that measure thickness and density in the manufacture of many products.

Industrial uses of radiation provide safer construction and are used to monitor quality in many manufactured goods. For example:

iridium is used to X-ray steel in the construction, mining, petroleum and gas sectors

americium is used to determine the thickness of everything from paper to plastics

farmers use it to determine soil moisture

...

Cobalt is used to sterilise surgical instruments and feminine hygiene products.

Medical uses of radioactive material are [an] essential part of the diagnosis and treatment of many health conditions.

They are some of the sources of radiation in Victoria. The flow chart that was provided to me by the department — I will not go through it — refers to radiation sources, and I have talked about that. Then it leads on to radiation apparatus; radioactive material, such as uranium, thorium et cetera; and also sealed source apparatus, and I have covered that before. It then leads on to sealed sources as well as ionising radiation apparatus, examples of which are X-ray machines, CT (computerised tomography) scanners, baggage X-rays — even the airports can have ionising radiation sources — and also, as I have talked about before, equipment to check welds and pipes. Examples of non-ionising radiation apparatus are high-powered lasers typically used in surgical procedures, induction heaters used to melt metals in industry, solariums and industrial microwaves used for the drying of timber, so there are many things which involve radiation.

In relation to this bill, no doubt there are many questions asked by the people out there, such as ‘Why do I need to hold a licence?’. The current Health Act 1958 and the Health (Radiation Safety) Regulations 1994 require:

... that a person must not operate or use any ionising radiation apparatus unless the person holds an operator licence within the Department of Human Services.

Many operators, a list too extensive to mention here, would have to hold a licence. There is also the question of personal monitoring. It is often asked, ‘Is personal monitoring required?’. The Health (Radiation Safety) Regulations 1994 state:

... a person ... must wear an approved personal monitoring device at any time when that person is likely to be exposed to radiation in excess of one millisievert in any one year.

I have been in hospital X-ray departments and seen staff wearing equipment and I have wondered what it was all about. Now I understand in more detail that they wear this equipment to monitor the radiation they are receiving as a human being. For their own personal safety they do not want to be exposed to excess radiation. Who can provide personal monitoring? The current answer to that in the regulations is:

Personal monitors can only be provided by an approved supplier.

The suppliers are listed in the information given to me in this paper. Another question is, ‘Am I entitled to an exemption?’. The regulations state:

Certain occupations may be exempt from personal monitoring. It must be shown, however, that over a certain period of time no radiation doses have been recorded by wearers.

So there are some exemptions, but it is important to remember that the regulations state:

An exemption is granted on the basis that work practices, equipment type and location remain the same. If any of these variables change personal monitoring will have to be used again to determine if any radiation dose will be recorded under these changed conditions.

There is no doubt that people who are involved in this industry do need to wear personal monitors in most cases to protect themselves and others nearby. While considering the bill I looked at the newly established Radiation Advisory Committee. I asked for details of the current advisory committee and I was given a list of nine members, including the secretary. According to the information I have been given, these committee members were appointed by the minister for a three-year term and the term expired on 31 May 2005. The chairman at that time was Professor Brian Tress.

I am not sure whether any of the positions have changed, but my understanding from the research they have done is that they have done a very good job advising successive ministers for health on radiation matters. We underestimate the importance of having people with expertise to advise us as parliamentarians and ministers, no doubt in particular the Minister for Health, on this matter because radiation is a growing industry with a growing need for protection from its increasing use in the community. I am sure the Minister for Health appreciates the great support and advice given to her by the Radiation Advisory Committee.

I will finish by saying that we were briefed yesterday about the amendments to the bill which the minister circulated this morning. It is amazing that this happens, because when I spoke about the number of people involved in the use of radiation, the dental industry represented about 40 per cent. Yet in clause 44 on page 34, clause 60 on page 46 and in another couple of places within the bill the dental practice board was omitted.

Ms Pike — In three places. It was a clerical error.

Mr DELAHUNTY — In three places the board was omitted. Yes, it was a clerical error, and at least it was picked up before it could go through the house. Of any boards to omit, that is the biggest, and we are pleased to see it has been picked up at this early stage and put back into the legislation. We support that.

I will not go through the various other things, but obviously The Nationals have looked through the *National Directory for Radiation Protection*. We note that in August 1999 the Australian Health Ministers Conference agreed that upon consideration and approval of the provisions of that directory:

... the regulatory elements of the directory shall be adopted in each jurisdiction as soon as possible, using existing commonwealth-state-territory regulatory frameworks.

The ministers recognised that a variety of agencies had legislated responsibility for aspects of radiation safety including mines, occupational health and safety and transport agencies.

We know the government brought forward a review of the Victorian radiation safety legislation in its discussion paper in December 2003 and many parts in it were very informative to me personally and also to The Nationals. It covers things like licences and the various registrations of organisations and people that are required to be licensed. These include medical practitioners, dentists, veterinary surgeons, chiropractors, borehole loggers and radiation apparatus

testers. A lot of work has been done by department officers, and we congratulate them on that.

I note the concerns raised by the Scrutiny of Acts and Regulations Committee which suggested it is a quantum leap in relation to its being an offence where negligence can cause serious harm to the environment or to a person. *Alert Digest* No. 10 states:

The committee notes that sections 21, 22 and 23 will permit an indictable offence to be proven against a person on the basis of negligence. The committee notes that in the ordinary course the prosecution is required to prove intent as an element of the offence. Intent is made out as an element where the person knew or was reckless to the consequence of his actions.

It should say 'his or her', but it says 'his' actions.

The proof of negligence is a lower threshold test for the prosecution to meet in proving the necessary elements of the offence.

With those few words The Nationals will not oppose the legislation.

Mr ANDREWS (Mulgrave) — I am pleased to rise and make a brief contribution to the Radiation Bill 2005. Firstly, we acknowledge and thank the members for Caulfield and Lowan for their support of this important bill.

The bill before the house creates a new legislative framework to deal with issues of radiation protection. It is important to note that that protection relates not simply to individual members of the Victorian community but also relates to our natural environment. This is important distinction to draw at the outset. The changes before the house today follow — as the members for Caulfield and Lowan said — a national process — namely, the formation of the national directory for radiation protection. This process was an outcome of the Australian Health Ministers Advisory Council and culminated in 2001 with the formation of the national directory and an agreement that each state and territory jurisdiction would make changes to state law so as to put in place a national framework for the regulation of these important matters.

The bill before the house removes radiation-related provisions from the Health Act 1958. I note that act is under review at the moment. There has been a public process in relation to that with discussion papers and the like. It is a testament to the commitment of this government to make sure proper and appropriate legislative frameworks are in place to deal with emerging challenges posed by a changing world. These arrangements remove radiation-related provisions from the Health Act 1958 and put those provisions and more

into a stand-alone radiation bill. That has merit of itself in relation to the consistency and utility of a single legislative instrument and framework. It is of particular benefit and worth because of the complex, complicated and particularly sensitive issues to do with radiation, its use and a proper framework to regulate these important areas.

The key feature of this new framework is the creation of a licensing system. New management and other licenses will come into place and add to existing arrangements for the registration of radiation sources. It is important to note that as things stand at the moment, sources need to be registered. These new arrangements will mean that all health practitioners who use radiation sources will need to remain registered with their respective health registration boards. On from that they will need to be licensed under provisions laid out in this bill. All medical and allied health specialists who use radiation sources will need to remain registered and become licensed. That is an important move forward as well.

In relation to licensing issues, I will give one example as to how these new provisions will enhance efficiency of the system and lead to a better and more comprehensive management of risk. As it stands at the moment a firm or a business enterprise that operates and has in its possession 20 or 30 radiation sources — that is, pieces of equipment or other devices — would need 20 or 30 separate registrations. I am advised they will be able to be issued with one single management licence. That is a better way forward in regulating practice and the way in which these devices and sources are managed.

New arrangements also regulate construction standards and controls over the construction facilities that will house radiation sources. These matters are not currently regulated. There are obvious benefits that flow from ensuring that buildings and other facilities are appropriate for their intended use. There are also security issues around some of these issues which are picked up by this new legislative framework.

There are new arrangements in relation to all users of radiation sources and the need for those to be licensed. A number of practitioners — namely, medical radiation technologists — do not need to be licensed in relation to their provision of certain services. They are currently registered by the Medical Radiation Technologists Board. Putting these practitioners under the scope of a single act is consistent with the way other health professionals are regulated. It puts them on an even footing, and that is part of a nationally consistent process in a broader sense. Further, these new

arrangements strengthen a whole range of offence provisions as outlined in the bill, particularly in relation to elevating those provisions to the standards prescribed in various pieces of occupational health and safety law. That is important as well for those people who work in and around these facilities.

There are also new provisions being put in place for a more accountable and transparent regulatory framework and process. That is important as well in terms of giving the community greater certainty and a clear understanding of the way decisions are made and why they are made, as well as the background to and basis of those decisions. For example, a declaration made by the Secretary of the Department of Human Services saying that a particular apparatus is not a radiation source must be tabled in this place and can be disallowed. That is an important element of a more transparent arrangement and more transparent process to enable the community to be better informed on why decisions have been made.

Also in relation to the need for a more accountable framework, exemptions granted by the Secretary of the Department of Human Services will need to be published in the *Government Gazette*. These are sensitive and important issues, and the new framework is part of a national process that provides for a more open and transparent structure in which people can have greater confidence. Other members have spoken about how radiation sources are defined, and I will go into a little bit of detail on that. They include diagnostic X-ray machines, CT scanners, baggage X-ray machines at airports and other places, as the member for Lowan noted, industrial X-ray machines and — and this comes as news to some people — X-raying pipes and all sorts of other concrete joins and welding. There are all sorts of other diagnostic procedures relating not necessarily to medical care but to quality insurance processes. A real breadth of equipment is caught in the scope of this bill and the improved regulatory framework.

These pieces of equipment and apparatus emit ionising radiation, which I am advised is potentially harmful to human tissue, as opposed to the non-ionising radiation that might be emitted from a microwave or from a whole range of other devices. These new arrangements put in place a licensing regime to replace the source registration system. They better define radiation sources, practices and facilities, and they establish processes of review and the public disclosure of decision-making and other determinations made by the Secretary of the Department of Human Services. They upgrade the emergency powers and processes involved in dealing with radiation safety incidents. They also deal with security issues in and around radiation

sources. All of this is part of the national regulatory regime. We are pleased to have been part of the development of that regime, and we are pleased to make these complementary changes to give effect to that regime. These are, as I said, sensitive and important issues, and this new framework will result in a more efficient system that is better placed to meet the challenges of the future, not the least of which will be advances in technology and clinical practice.

I will briefly pick up one point. The member for Lowan raised questions in relation to radioactive waste. As I am advised, the process is a national one. We have been involved in that as a way of finding solutions to radioactive waste issues. A secret list was developed by the federal government, which became public during the federal election campaign last year. At that point the federal government was scared and panicky and made some commitments about taking radioactive waste offshore. Since that time, away from the heat of a 40-day campaign, a site was selected in the Northern Territory. The member for Lowan asked about the proposed long-term containment facility, which is currently part of an environment effects statement examination in the north of the state. I am advised there has never been any discussion about it. Nor is there any intention within the scope of that project — it is simply not envisaged — to have any radioactive waste there. This is the advice I have.

I hope that addresses the concerns raised by the member for Lowan, who I think is rather mischievously seeking to cause a bit of community concern. It is completely outside the scope of that particular project, which is under thorough examination through the environment effects statement process. If the member for Lowan is concerned about the storage of radioactive waste, he need do no more than speak to his colleagues in Canberra. I am pleased to support the amendments and the bill, and I commend them to the house.

Debate adjourned on motion of Mr HONEYWOOD (Warrandyte).

Debate adjourned until later this day.

SUSTAINABILITY VICTORIA BILL

Second reading

Debate resumed from 11 August; motion of Mr THWAITES (Minister for Environment).

Mr HONEYWOOD (Warrandyte) — I rise today to represent the opposition in the debate on the Sustainability Victoria Bill before the house. In doing

so I note that the government is claiming that much of what is stated in this legislation arose from a ministerial statement that included a framework document in April 2005 which was released concurrently with the ministerial statement.

We know that this government has had some problems with ministerial statements and also with matters of public importance, because there is now a habit of ministers not even turning up to speak on such statements and matters of public importance. That was highlighted today by the Minister for Education and Training, who was missing in action when she was meant to be starting a discussion on a major matter of public importance about key government initiative in education. However, the photo opportunity took precedence over debate in Parliament.

We are told that this legislation has been informed by the ministerial statement. During the course of this debate today let us do some digging and delve into the rhetoric versus the reality.

The bill establishes a new body, Sustainability Victoria, which will supposedly adopt a holistic approach to environmental sustainability initiatives. In practice this new statutory authority involves a merger of the Sustainable Energy Authority Victoria, which currently advises businesses and households on sustainability initiatives, and EcoRecycle Victoria, a separate authority which is involved in collecting landfill levies from local government and business and promoting waste recycling and other forms of sustainable environmental initiatives. Technically the bill will repeal the Sustainable Energy Authority Victoria Act 1990, which established SEAV; amend the Environment Protection Act 1970 to repeal the provisions relating to EcoRecycle Victoria; and consequently amend other acts.

The mission of this new authority was supposedly set out in the government's environmental sustainability framework document of April this year, *Our Environment, Our Future*, which was released concurrently with that ministerial statement. Apart from adopting the functions of SEAV and EcoRecycle, we are told Sustainability Victoria will have a role in providing technical advice and policy support on water resource issues for households and businesses. This role is particularly related to the 5-star energy rating requirement for new homes, which involves the installation of rainwater tanks and/or solar hot water services. Policy advice provision on third-pipe grey water is also an anticipated responsibility of the merged authority.

There will be some key issues associated with governance and issues relating to staffing in bringing the two bodies into one. We can only hope this will be a merger of equals, rather than a takeover. One takeover that comes to mind that the government promised would be a merger is the demise of the old Urban Land Authority. It did great work for and on behalf of first home buyers in the outlying suburbs of Melbourne, in the main. It was taken over by the Docklands Authority for elite housing in the Docklands. That is a case of a failed merger which became a takeover by the Docklands Authority of a longstanding separate organisation that had done good work for first home buyers.

We hope this will be a merger of two equals. When you look at the budgets of the two organisations, you see that they are similar. SEAV's budget is currently around \$20.4 million, a large part of which goes in grants to businesses and organisations for sustainable energy alternatives. EcoRecycle Victoria has a similar budget of around \$18.2 million, most of which is derived from local government landfill levies. It keeps on increasing, as does every other tax and charge under this government.

I will dwell on the efficiency of the two bodies, because when we talk about two separate bodies coming into one, we like to know what we are getting for our money. The staffing of EcoRecycle is a cause of some concern to local government, because it has a very large, top-heavy office function. The board includes a number of favoured Labor Party friends. I think Rob Jolly gets a guernsey there, along with a few other things he gets paid for by the taxpayer under this government. He will go down in the history of Victoria as the worst Treasurer we have ever had, but he is there, no doubt advising on the financial arrangements of EcoRecycle.

Quite apart from the board members, there are at least 34 well-paid staff members, mainly in the head office. That is as far as we can work out since, as we know, the government likes to camouflage staffing arrangements. We as an opposition have received strong pieces of feedback when we have gone out and consulted with the community, as we do, rather than sitting in our ivory towers like the minister at the table, the Attorney-General. We went out and consulted and discovered — —

Mr Hulls — Why don't you come up and see me sometime?

Mr HONEYWOOD — I would not be able to get past the security guard, the public relations experts and

any number of ministerial advisers who are supposedly giving the Attorney-General memorandums which he does not read. Just like the Minister for Police and Emergency Services, he does not bother to read past the first two paragraphs.

We have a situation in which there is a top-heavy head office function. Having consulted with local government the key feedback we have got is that this is ratepayers money and that people who are doing it hard in the suburbs are paying increased imposts to the state government by way of a supposed landfill levy, with the government creaming some off the top for head office staffing arrangements, including 34 well-paid pen pushers who work at its behest to make it look good. How do we know a large part of the job of EcoRecycle Victoria is to make the state government look good? We need only turn to the EcoRecycle Victoria 2003–04 annual report. Pages 36, 37, 38, 39, 40 and 41 are about sponsorships.

We now know how the Minister for Environment gets photo opportunities every Sunday evening for the television news: there are any number of \$5000 or \$2000 grants made to selected councils. There were \$2000 grants to the Murtoa Progress Association and to the Hepburn Shire Council and so on. A lot of Labor Party electorates feature in the plastic-bag-free towns initiative. How many times do we see the Minister for Photo Opportunities — the Minister for Environment — having his photo taken? I understand his latest embrace was with the Commonwealth Games galah on the front steps of Parliament at 1.15 p.m. today, which is the third time that he has done that. We find in page after page of the report examples of ratepayer-funded handouts to favourite organisations to provide the minister with his Sunday night photo opportunity.

It is good to see EcoRecycle Victoria doing the right thing by the government. No doubt it is a worthy initiative to have so-called plastic-bag-free towns. We would like to think it is about more than public relations photo opportunities; we hope it is a genuine initiative. There are some good grants included in these four pages of handouts. Who could deny the importance of the Banksia Environmental Foundation receiving a small grant of \$5000 for some genuine community-based awards. Many grants are just the usual flummery we expect from a government looking after its mates in various Labor Party electorates. There are other grants for the Waste Management Association of Australia (Victoria Branch) and to RMIT for some worthwhile sponsorships. The concerns are about EcoRecycle Victoria because of the top-heavy bureaucracy at head office and because of what the

range of grants will achieve for eco-recycling initiatives.

Quite separately from this the government has a so-called zero waste policy. It was elected on a promise to reduce green waste going to landfill by 80 per cent. Unfortunately six years into its term in government we find that the vast majority of green waste goes to landfill and that there has been very little concentrated effort on reducing green waste. This is a major embarrassment for the government, and we know that the so-called Towards Zero Waste strategy has been delayed by at least two and a half years. We have another working party appointed to look at it early this year. That is the third working party in a row on this so-called Towards Zero Waste strategy. Again taxpayers have been promised a great deal and have had to dig into their pockets to pay for these so-called environmental issues, but there is very little to show for it on the ground in terms of improvements in the targets it promised when elected to government.

Quite apart from green waste going to landfill, members are very well aware of the toxic waste fiasco and of the roving brief the government has to find an easy target — that is, a susceptible community that is as far away from Melbourne as possible so that the Melbourne-based media gallery can not home in on what is being done to that community. The very lunacy — quite apart from the cost to industry of sending truckload after truckload up the Calder Highway on a daily basis through country town after country town all the way to Nowingi — includes the embarrassment in not being able to find a suitable Labor electorate anywhere near Melbourne that would take the toxic waste that Melbourne generates.

We wonder what EcoRecycle Victoria has done in terms of providing objectivity and so-called professional advice when it comes to the key area of waste management, which is supposed to be its brief and the reason for its involvement. We hope this Towards Zero Waste strategy will see the light of day. I might add that it is very hard to find much meaningful written content in the annual report of EcoRecycle Victoria because it is full of photos of the Minister for Environment. That is not unusual, because the government is all about spin, as we know, and there is not much policy on the ground.

That is part of our concern about EcoRecycle Victoria. Of course another concern is the roll of Sustainable Energy Authority Victoria. We can see that with this merger the role of the Department of Sustainability and Environment and the newly merged body will be duplicated, as we often see with this government's

service delivery. Both the department and Sustainability Victoria will be charged with responsibility for researching and developing sustainability issues and implementing sustainability policies. We hope there is some mechanism by which the department can talk to Sustainability Victoria and vice versa so there is not too much duplication of effort in research and development. We hope this is not another addition to the sort of spaghetti junction which the opposition highlighted in the law and order portfolio. Will the overseeing role of Sustainability Victoria be effective at the end of the day?

For example, we have found that the Port Phillip and Western Port Catchment Management Authority, which is supposed to be charged with a similar overseeing responsibility when it comes to the health of the Yarra and Maribyrnong rivers, has no focus on those two rivers. We found any number of pollutants going into both rivers. The catchment management authority does not seem to be doing anything about it, so will this new Sustainability Victoria authority just print glossy reports and not actually get involved in any staffing situation on the ground to make sure the right thing is done with sustainability out in the field?

Talking about the right thing being done out in the field brings me to the government's announcement yesterday of the 25-year extension to the worst polluting electricity generating plant in Australia and maybe in the developed world. This is ironic, because if the power station had remained in the ownership of the old State Electricity Commission of Victoria, the plan would have been to shut it down, but this government, in its new-found support for privatisation, has embraced it. The Minister for Energy Industries in the other place has fully embraced International Power Hazelwood and has given it very much what it wanted. Where is the role for the Sustainability Energy Authority, soon to be called Sustainability Victoria.

Mr Hulls — Where are you on Hazelwood?

Mr HONEYWOOD — I take up the interjection of the minister. If he bothers to read page 5 of the *Age* today, he will see quoted my view on Hazelwood. It is a total embarrassment for this government, because it has invented yet another jingoistic word — 'deed'. Do we remember some years ago former Premier John Cain talking about something being not a promise but a pledge? This is a deed. This deed is meant to have a legalistic definition, but when you look at what is involved in fact sheet 1, which is the only thing we have to go by and which is printed by the Department of Infrastructure, what do we find? We find that the deed is so broad you could drive a truck through it. That

is my quote in the *Herald Sun* if the minister wants to look at the *Herald Sun* as well. It involves just voluntary — not mandatory but voluntary — regulatory issues. It is up to the Hazelwood power station owners to do their own monitoring, and nobody else seems to be charged with any responsibility to audit that or to follow up on that.

Can you imagine in your electorate, Acting Speaker, what would happen if we left it to the toxic waste containment facility to do its own monitoring of its environmental performance and nobody else bothered to look at it? That is what is involved in the so-called deed insofar as what has come to light to date about the 25-year gift extension to Hazelwood power station's licence. Any number of other issues about this so-called deed are so questionable and so wide open for interpretation or misinterpretation that, as I said, you could drive a truck through it.

We have no idea what the role of the Sustainable Energy Authority Victoria has been other than to provide grants to again make this Minister for Environment look good when he is announcing the latest wind farm or the latest so-called renewable energy building or initiative. This is a key area of concern, because we have the Premier out there in the marketplace saying that Victoria can and will take an extra million people by the year 2030 when Hazelwood's extension is going to supposedly be up for renewal yet again.

That raises the key question: how does this government propose to cut emissions, given its proposed emission cuts per annum at Hazelwood and considering that energy demands in Victoria are expected to increase by 2 per cent per annum, with an additional 620 000 households involving an additional million people by 2030? Currently less than 5 per cent of our electricity is generated from renewable resources, although Victoria has an abundance of renewable energy resources. I refer to page 16 of SEAV's annual report. I am pleased the Minister for Education and Training has come into the chamber 2 hours late for her matter of public importance.

Ms Kosky — I was doing the Premier's reading challenge.

Mr HONEYWOOD — I take up the interjection. I am glad that the Minister for Education and Training was involved in the Premier's reading challenge; clearly it took her too long to read, because she is 2 hours late for her matter of public importance. That will go down in the annals of parliamentary history.

Page 16 of the SEAV annual report shows we have a difficult situation here with an abundance of renewable energy resources, but only 100 megawatts of renewable energy generation capacity having been actually installed. Again we have all these wonderful announcements but very little added to the actual ongoing full-time grid when it comes to being able to rely on some of these renewable energy resources when the grid is extended. That means that we are a long way short of meeting the government's set target of 10 per cent of electricity consumption coming from renewable resources by 2010. Is this feasible, given that we have a problem with, for example, the wind farms being announced all over Victoria producing 1000 megawatts of energy by the proposed 2006 deadline and when we have only 100 megawatts of renewable energy generation capacity installed to date?

As we know, it is a conundrum for any developed country to be able to come up with the right approach to both ensuring it has world best practice waste management recycling and world best practice sustainable energy. Yesterday's announcement does not bode well for this government's performance when it comes to the reality of renewable energy as something it believes in rather than something it just talks about.

Another difficulty the opposition would have — even though it is supporting the merger of these two authorities into one — is about the SEAV losing its focus when trying to meet those very ambitious targets for renewable energy sources. Will the SEAV be diluted? Will it be put off its targets because it will be part of this greater quango, this greater government authority that has other missions and other roles?

I will come to water resources for a moment, a supposedly new area for this authority. I was up at Yarrowonga recently. The amount of housing that is being built in the outlying areas of Yarrowonga, to name one example, is incredible. I am sure in your own electorate, Acting Speaker, with Iluka Resources and so on, there are situations where housing is taking off. What is the ultimate irony when it comes to this government? This is a socialist government, supposedly caring for those most impoverished and most challenged by economic situations, but when it comes to building their first home, or their dream home, the aspiration of so many Australian families — invariably in the outlying suburbs of Melbourne or in a provincial town — what do the very people who need the most support find when they try to get on the mortgage trail?

If they can get past the record high stamp duty that this government imposes on the purchase of a new home, and if they can get past all the other cost imposts this

government puts on them, they then find that they are the ones being singled out to do the right thing for the environment. They are the ones expected to do more than anybody else, because nowadays they have to install either a rainwater tank in the backyard or a solar hot-water service. Last time I checked a solar hot-water service cost around \$1800 compared to, for example, a Rheem electric hot-water service, at \$900. It is a double cost just in that solar hot-water initiative alone. Whilst we support the concept of involving everybody in these types of environmental issues on the ground and out in the field, it is ironic that it is the young families, often first home buyers, who are doing it the hardest when it comes to having more required of them than others in terms of environmental management initiatives.

Quite apart from that, we have the dubious arrangement over the water resources responsibility of this new authority — the third pipe system. I understand a lot of local councils have got concerns about its implementation. I would rather see this government focus attention on the Gunnamatta sewage outfall, one of the world's worst practice sewage outfalls. We heard much from the government yesterday in question time about the initiative in Gippsland in terms of what they call the Gippsland water factory. They could not quite establish between the two ministers during the dorothy dixer answers yesterday whether it was 400 jobs or 100 jobs, but what we find is that after six and a half years of this government being in power 45 per cent of Melbourne's sewage is hardly treated at all. It is being class C treated rather than class A treated, being put straight off the beach at Gunnamatta, and this government is turning a blind eye to it. It does not intend to do anything about this. It is an indictment of its record when it comes to grey water and its potential usage.

I will not even go into the Werribee situation because you would be well aware, Acting Speaker, of the red tape that has bogged down the Werribee initiative to the extent that Richard Pratt and Frank Costa have walked away from that project after all the hoopla and photo opportunities. This was going to be the boldest initiative in Australia, we were told, for the reuse of water for grey water recycling and for vegetable farmers to reuse in the Werribee area, but it was put in the too-hard basket. The two entrepreneurs the government stood with at media opportunities have walked away, not to come back to this project. Again, there is the rhetoric and the reality. The Minister for Education and Training, who is at the table, is the member for Altona and would be well aware of some of these issues at Werribee that have gone missing in action. Good luck to Sustainability Victoria when it comes to this new function of water resources.

I would like to focus on some of the guidelines that the merged authority will be required to follow. The guidelines are interesting, to say the least, and I would like to highlight particularly clause 4(b) in the bill. Clause 4 headed 'Principles' states:

It is the intention of Parliament that in the administration of this Act the following are to be considered as guiding principles —

...

- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation ...

You could turn the tables on this government very easily with the Nowingi toxic waste dump. The government is proceeding posthaste with dumping all of Melbourne's toxic waste on a rural community 5 hours drive up the Calder Highway from Melbourne. Is the government going to use this as a guiding principle for that? You can bet your life it will not, because the reality is that the scientific evidence coming forward on Nowingi is such that no government would build a toxic waste dump there, so this guiding principle is not worth the paper it is written on. When it comes to selected projects this government intends to go ahead despite the flawed environment effects procedure, which it has admitted itself is a flawed process.

The government appointed a working party to overhaul the environmental effects process that applies to every environmental project in Victoria. That working party spent 18 months worth of taxpayers money deliberating, and the report sat on the minister's desk for two years. I could not get it. I had to go to the Victorian Civil and Administrative Tribunal and use volunteer lawyers to try to extract that working party report out of this secretive government, because it did not like what its working party was saying to it about the changes that were required to be made to its environmental effects process, which the then Minister for Planning, now the Minister for Environment, said was less than adequate when he inherited it.

To the extent that those guiding principles exist, will they be referred to? Will this new board, made up as we know of the usual Labor Party friends — hopefully not entirely but certainly in the main — which will have a very large head office staff be required to abide by those principles or are they just guiding principles there to dress up this legislation? Is this just more window-dressing?

You would like to think that instead of just creating more authorities, or in this case merging two into one, there would be some efficiencies gained. You would like to think that instead of wasting the usual amount of money on large head office bureaucratic functions the government would put some of the savings gained from amalgamating two organisations into one into more money for genuine environmental initiatives out in the field, be it in eco-recycling and waste management or sustainable energy options and alternatives. However, this government, captive to its union mates, has given a commitment, a pledge, a promise, as we heard in the legislation briefing, that not one job will be lost.

No doubt there will be two separate finance departments and a doubling of all the usual head office functions. Instead of two going into one and getting some efficiencies, every job will be retained. The head office looks after itself and yet another top-heavy bureaucracy is created without any focus on gaining efficiencies from the taxpayer dollar going into it. Some \$40 million has been allocated for the merged entity but efficiencies will not be focused on genuine environmental field work. That is a shame, although we support the bill.

Ms LINDELL (Carrum) — It gives me pleasure to speak this afternoon on the Sustainability Victoria Bill. In the bill we see an amalgamation of Sustainable Energy Authority Victoria (SEAV) and EcoRecycle Victoria into a new organisation, Sustainability Victoria.

Before I talk about the new organisation I would like to put on the record some of the outcomes achieved by EcoRecycle Victoria and the SEAV as separate organisations. In Victoria 53 per cent of all waste generated is now recovered for recycling — up from 26 per cent 10 years ago. Some 95 per cent of Victorian households now have access to kerbside recycling. That is the best participation rate of any state in Australia. If we look at commercial and industrial waste, 61 per cent is being diverted from landfill. In 2003–04, 60 per cent of construction and demolition waste was diverted from landfill.

Just this year we have seen a green power awareness campaign from the SEAV. It has increased consumer awareness by 21 per cent to 61 per cent, and increased the number of green power customers in Victoria by 20 per cent. The introduction of the five star standard for new buildings will see an abatement of greenhouse gases by over 2 million tonnes of carbon dioxide in the next 10 years. Training has been provided to 900 builders and 700 green plumbers, and 1300 energy

raters have been accredited to support the building industry.

I would like to congratulate both of those organisations on some very good results as individual organisations. However, we know that sustainability needs a holistic approach. The revamping and amalgamation of these organisations into Sustainability Victoria will set a new and much more coordinated course. It will help to achieve two of the three directions set out in *Our Environment Our Future — Victoria's Environmental Sustainability Framework*, which was released in April. Direction 2 of this document says we need to use our resources more efficiently and direction 3 is to reduce our everyday environmental impacts. As well as taking on the functions of the SEAV and EcoRecycle Victoria, Sustainability Victoria will be responsible for sustaining Victoria's water resources in relation to households and businesses to ensure that it achieves the key message of *Our Environment Our Future* — that is, that we must make sustainability a part of everything we do if we are to maximise our economic growth, maintain our quality of life and protect our unique environment.

I would like to talk a little bit about an inquiry the Environment and Natural Resources Committee completed in June 2005 and tabled in Parliament. This all-party committee of this Parliament inquired into sustainable communities. Of the 72 recommendations in its report there were 18 specific recommendations for Sustainability Victoria. I would like to discuss them as I go through my contribution.

The first of the recommendations the committee made in relation to Sustainability Victoria concerned the environmental impacts of households and the lack of up-to-date data on energy consumption and greenhouse gas emissions from the residential sector. We recommended that Sustainability Victoria collect and publish data on energy consumption and greenhouse gas emissions every three years, and that it collect and publish data on total water consumption by households, and water use by household activity and by sector also every three years. This way government and the community would have up-to-date data to hand on which they could then make policy decisions.

Another recommendation in relation to Sustainability Victoria was that it take a lead role in providing advice to government and the community on environmental education and behaviour change, and that it carry out community attitude surveys. If these are done on a regular basis, we can put together longitudinal attitude information to track the community's broad interest in and attitude towards environmental behaviour.

Other recommendations revolve around waste reduction. A very significant one was that, in conjunction with the Environment Protection Authority, Sustainability Victoria develop an integrated product policy to ensure a reversal of the upward trend in waste production. We recommended Sustainability Victoria look at doing some work around encouraging the recycled organics industry. It should also assess and report on the relative merits of various waste management technologies, including incineration with energy recovery and alternative waste technologies. We asked Sustainability Victoria to partner with local government authorities to encourage household composting. We asked it to redevelop the Waste Wise schools program, and to look at issues around container deposit legislation and advise government on the appropriateness of that or similar legislation.

With regard to water, we recommended that Sustainability Victoria look at whether houses for sale or rent meet minimum water efficiency standards. In relation to increasing our energy-efficient households, we asked that it benchmark the five star program against international best practice. It seems that while five star may lead Australia in energy efficiency, it does not lead the world. In fact, compared to the regulations in this respect in many European countries the five star program is actually quite poor.

We would like Sustainability Victoria to look at minimum performance standards for appliance manufacturers and importers; to facilitate the introduction of a revolving fund to promote sustainable consumption; to investigate a system of compulsory disclosure of energy efficiency on sale or lease of residential property; and we would like much more information for consumers on the financial and environmental performance of household renewable energy technologies including solar hot water services and photovoltaic systems. We would particularly like Sustainability Victoria to provide support to community groups to plan the development of renewable technologies, especially in rural and regional settings which do not have access to the electricity grid or natural gas.

There is a lot of work for Sustainability Victoria. I am very pleased to see that the Sustainable Energy Authority Victoria and EcoRecycle Victoria will be one organisation. It means people will only need to go to one place to get advice on issues relating to sustainability. It also brings together expertise and knowledge from across the government on environmental sustainability which will improve the ability to provide programs. It provides an integrated

approach to address all aspects of natural resource use and reuse. I commend the bill to the house.

Mr KOTSIRAS (Bulleen) — It is a pleasure to stand and briefly speak on this bill, which establishes a new body as a result of a merger of the Sustainable Energy Authority Victoria and EcoRecycle Victoria. The responsibilities of those two organisations were very important. The objective of SEAV was to accelerate progress towards a sustainable energy future by bringing together the best available knowledge and expertise to stimulate innovation and provide Victorians with greater access to choice in how they can take action to significantly improve energy sustainability. The objectives of EcoRecycle included planning for the management of solid industrial waste across the entire state through the development and implementation of a solid industrial waste management plan and facilitating the achievement of best practice in waste management and waste reduction objectives set out in Victorian legislation and government policies. They are worthy objectives and ones that I support. But it seems the government has done very little, being full of rhetoric when it comes to waste management.

If we look specifically at e-waste, we see that in 2004 the government paid \$38 236 to a consultant to advise on what to do with e-waste. The government realised that after five years it had no policy pertaining to e-waste. A representative from the Environment Protection Authority, EcoRecycle and the department were on the panel. They managed to come up with a consultant who was given some time to investigate and report. The report was printed in March 2004 which is over 18 months ago. Unfortunately, the government has done very little since.

The findings of the report were interesting. The government initially refused to release the report. It did not do so until I requested a copy of it under freedom of information. A few months later I received a copy and surprisingly it also appeared on the web page. The report found, and I quote from page 34:

Victoria's e-waste recycling industry is currently in an immature state of development. The industry suffers due to the following profile:

small industry ...

low profit margins ...

lower cost management alternatives (i.e. landfill disposal);

uncertainties in supply ...

incomplete and uncoordinated access to material sources; and

conflicting expectations regarding roles and responsibilities ...

The Victorian government failed to show any leadership. The report outlines what the role of the government should be. I quote again from page 34:

The Victorian government, through Multimedia Victoria and other relevant agencies, is well placed to support the efforts of the commonwealth ... Key roles that can be taken are as follows:

increased participation in the development of a national approach to e-waste recycling;

identification and development of appropriate regulatory and policy mechanisms that would facilitate development within Victoria in a manner consistent with the national approach to e-waste recycling;

implementation of targeted programs to consolidate existing activities in the non-profit sector —

and working together with industry.

Unfortunately, as I said, it has taken 18 months and nothing has happened since. On 27 June 2005 the Minister for Environment launched a new Victorian first recycling scheme that will result in household and business computers being recycled. It was a good photo shoot. The government spent between \$50 000 and \$80 000 with the City of Boroondara, but nothing has been achieved. There is no vision or policy for the entire state. It was a one-off gimmick with the minister attending to have his photo taken, but nothing has happened since. The government paid over \$30 000 for the research. Unfortunately, it has sat on this paper for 18 months and very little has been achieved since that time. I urge the minister and the government to take e-waste seriously and come up with a policy.

The government should either come up with its own policy or accept the consultant's recommendations. It cannot sit on its hands for months and say it is too difficult and do nothing at all. Rather than talk about waste, I urge the minister to look at e-waste. It is very important. Something must be done by this government now rather than in 10 years time.

Debate adjourned on motion of Mr JASPER (Murray Valley).

Debate adjourned until later this day.

RADIATION BILL

Second reading

Debate resumed from earlier this day; motion of Ms PIKE (Minister for Health).

Mr HELPER (Ripon) — It gives me a great deal of pleasure to make a presentation in support of the Radiation Bill. The purpose of the bill is to bring a regulatory and supervisory regime to radiation sources in the state of Victoria by updating various acts — the Health Act 1958, the Dangerous Goods Act 1985, the Environment Protection Act 1970 and the Magistrates' Court Act 1989, and of course the Nuclear Activities (Prohibitions) Act 1983 and the Road Transport (Dangerous Goods) Act 1995. The legislation arises from a national framework for treating and dealing with these matters and is very much consistent with the recommendations of the national competition policy review of the radiation protection legislation, which was completed in 2001.

At the outset of my presentation I would like to express my appreciation of the opposition parties, which are supporting this legislation — or as they would phrase it, not opposing it. But in this house I guess you either support it or you do not, and in that sense I congratulate the opposition parties for in this instance at least displaying commonsense and supporting the government's initiative in bringing this legislation forward. As I said, this bill is consistent with the national framework. I think it is fair to say that the engagement of other state governments and the national government in bringing together this standardised framework is very welcome, and the other parties to the standardised framework also deserve our thanks and congratulations.

If I may I will go to the details of the legislation. Part 3 defines the role of the Secretary of the Department of Human Services in relation to these regulatory matters. Part 4 creates the offences of causing another person to receive a higher radiation dose than is prescribed and causing serious harm to the environment. That is a fundamental component of the proposed legislation, and it is self-explanatory in its importance. Part 5 of the legislation establishes a framework for approving testers and for defining the role that the Secretary of the Department of Human Services will play in that approval process. Those testers will have a responsibility, which is set out in the legislation, to set safety standards and set up the necessary monitoring and testing regime.

It should be noted that the legislation also brings with it a sense of certainty by combining the various acts that I mentioned before and updating them to provide overall business competitiveness for the Victorian economy. That component of the legislation, while being subservient to its public health and safety components, nevertheless should not be underestimated. I am sure the business community that

is associated with this industry will very much welcome the bipartisan approach this Parliament is taking to this regulatory streamlining.

If I may just summarise, the important components of the legislation will combine a range of functions and amend a range of functions in various acts; bring about a regulatory regime for the purpose of enhancing public safety and environmental safety; and provide a sense of certainty and a sense of commonality in Victoria vis-a-vis other states. I am sure that is welcomed by all. I commend the bill to the house.

Ms GILLETT (Tarneit) — It is a pleasure to be able to make a small contribution on the Radiation Bill before the house. The purpose of the bill is most important: it is to protect the health and safety of people and the environment from the effects of harmful radiation. The bill is designed to regulate all the elements of the practices that involve radiation sources. They include the medical, industrial, research and mining sectors.

The bill addresses the public, occupational and environmental aspects of radiation practices and provides, as has been said, a cohesive framework of controls consistent with national and international requirements for the best health and environmental protection possible in our community. The bill will regulate all uses of radiation, whether they occur in or outside a workplace. Can I say at the outset that this is a most substantial piece of legislation that has required a great deal of work. It is incredibly comprehensive in its approach to this area.

The differences between the provisions in the bill and the existing provisions relating to radiation in the Health Act 1958 need to be explained. There are a range of differences that we know will result in the improved regulation of radiation practices. Firstly, the bill creates a regulatory framework that has definitions and a licensing regime that are consistent with the national directory for radiation protection. It will also facilitate greater national consistency in the regulation of radiation practice.

Secondly, the bill provides for management licences, which will subsume the previous process for registering sources of radiation. This will result in the more holistic management and regulation of radiation practice. For example, if a firm currently possesses 20 radiation sources, the new system will replace 20 instruments of registration with a management licence that addresses the firm's radiation practices in total.

Thirdly, the bill regulates the construction of radiation facilities, which currently — and frighteningly — is not regulated. A facility construction licence will need to be held prior to a radiation facility being constructed. This will allow for major facilities to be assessed prior to construction to ensure appropriate safeguards are built into them. Fourthly, all users of radiation sources will need to be licensed. The current legislation exempts medical radiation technologists who are registered by the Medical Radiation Technologists Board. Requiring medical radiation technologists to be licensed is consistent with the regulation of other health practitioners who use radiation sources in their work. Fifthly, the bill has broader emergency powers that enable appropriate responses to be made to emergencies that relate to radiation. Sixthly, some of the offences have higher penalties which are consistent with the penalties used in occupational health and safety legislation and environment protection legislation.

Finally, the bill has a more accountable and transparent regulatory process. For instance, all secretarial declarations that apparatus or materials are not radiation sources must be tabled in Parliament, where they are subject to be disallowed by either house of this Parliament. Additionally, all exemptions that are granted by the secretary under the act will need to be published in the *Government Gazette*, and licensing decisions are subject to internal review within the Department of Human Services. Licensing decisions, except for those relating to radiation facilities, are reviewable by the Victorian Civil and Administrative Tribunal (VCAT). I think the house will agree that the Radiation Bill definitely makes Victoria a great place to live, work and raise a family, and I commend it to the house.

Mr HERBERT (Eltham) — I am pleased to speak on this important legislation which will help cement a far more thorough, national regulatory environment for the use of radiation and on the radiation industry in this state and country. As many speakers have said before, this legislation is clearly in line with the national directory for radiation protection and meets Victoria's national commitments to ensure that legislative arrangements are put in place that are consistent with other states and that best practice is operating around the country in industry, hospitals and engineering.

Importantly, when you look at the legislation you see it is not overly complex, but it draws down on the essential elements needed for the operation of an effective radiation regulatory compliance regime. It basically puts in place a system that will protect both

people and the environment from poor uses of radiation by industry and in medical and recreational purposes.

The purpose of the bill is fairly simple. It is to protect the health and safety of people and the environment from the harmful effects of radiation. It is designed to regulate all practices that involve radiation sources — for example, in medical, industrial, research and mining sectors et cetera. This legislation substantially upgrades the regulations we have had in place in line with current community expectations. It is important to regulate radiation not just in cancer therapy but in industry. The synchrotron essentially uses radiation, which must be regulated, as does aircraft production. A company in my electorate uses radiation for the fine degrees of tolerance needed in aircraft production.

However, the main difference between this bill and the previous legislation is that it puts the legislation in line with national regulatory arrangements. It provides for management licences, which will subsume the previous process of registering sources. In the past a firm might have had 20 radiation sources. The new system will replace those 20 instruments of registration with a management licence that addresses the firm's total radiation practice. That is a great innovation for many of the multiple providers.

The legislation will regulate the construction of radiation facilities, which are not currently regulated. This will allow for major facilities to be assessed prior to construction to ensure that appropriate safeguards are built into the facilities. All uses of radiation sources will need to be licensed. It also puts in place broader emergency powers that will enable appropriate responses to emergencies relating to radiation, and a series of other important things.

I want to point out one thing, though. Radiation and the regulation of it is important. For me one of the important uses of radiation is in the cure of cancer. For instance, every year the Peter MacCallum hospital has 80 000 radiation therapy sessions, and it cures literally hundreds of thousands of people. A year ago my mother was one of them when she had breast cancer. We need to ensure that this industry — and particularly medicine — thrives, and that it is controlled in an appropriate way for the safety of the environment and the people it serves.

Debate adjourned on motion of Mr LANGDON (Ivanhoe)

Debate adjourned until later this day.

DEFAMATION BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Introduction

The Defamation Bill represents a historic milestone for defamation law in Victoria. Currently, defamation law in Victoria is partly governed by the Wrongs Act but mainly governed by the common law. While the provisions in the Wrongs Act mainly relate to criminal defamation, certain obsolete civil defamation provisions in that act will be repealed. Following the enactment of this bill Victoria will have, for the first time, a new self-contained act which consolidates and simplifies the substantive law of civil defamation while providing for the continued development of the common law in this area.

The Defamation Bill is based on model defamation provisions that were developed nationally through the Standing Committee of Attorneys-General (SCAG). This followed extensive consultation with legal practitioners, media groups, journalist associations, free speech groups, academics and members of the judiciary in all jurisdictions over a two-year period. Uniformity in defamation law has been an elusive goal for over 20 years. This will no longer be the case from 1 January 2006, when the model defamation provisions are enacted by states and territories, ensuring that for the first time defamation law is uniform across the country. Further, these model provisions will be underpinned by an intergovernmental agreement which will ensure the ongoing uniformity of the provisions.

The development of model defamation provisions reflected in the Defamation Bill has been driven by the rapid growth of technology, particularly in the world of media, cross-border communications and the advent of the Internet. With this explosion in technological development there has been a related need for greater uniformity in regulation across jurisdictions. The model defamation provisions also seek to reduce the current complexity and attendant costs involved with cross-border litigation and to discourage ‘forum shopping’ by both defendants and plaintiffs.

Key features of the bill

It is important to note the Defamation Bill is not intended to completely replace or codify the common law in relation to civil defamation in Victoria or in any other jurisdiction. In developing the model defamation

provisions, state and territory attorneys-general have sought to focus on the substantive areas of defamation law where uniformity is crucial. The Defamation Bill will continue to allow the common law to operate except to the extent that the bill expressly or by necessary implication provides otherwise.

The Defamation Bill also does not deal with the law of criminal defamation. Given the rarity of criminal defamation actions in states and territories, the reform of criminal defamation is a matter left to the discretion of each jurisdiction. However, it is anticipated that the law of criminal defamation in Victoria will also be reviewed in light of the optional model criminal defamation provisions that have been developed by the joint state and territory Parliamentary Counsel’s Committee.

The key features of the Defamation Bill are as follows:

General principles in defamation

Cause of action in defamation

For the purposes of considerably simplifying actions in defamation, the Defamation Bill abolishes the traditional distinction between an action in libel and an action in slander. While the Defamation Bill does not seek to define the term ‘defamation’ and operates by reference to the common law, it provides that a person has a single cause of action for defamation in relation to the publication of defamatory matter, regardless of whether it has one or more defamatory imputations carried in it. Accordingly, a plaintiff will no longer have to prove ‘special damages’ or actual loss where the defamatory matter is in a transient form (i.e., slander).

Ability of corporations to sue for defamation

The Defamation Bill amends the common law in Victoria by prohibiting corporate entities from suing for defamation. This is consistent with the legal position currently operating in NSW and is aimed at refocusing defamation law towards restoring the reputation of individuals. Further, the amendment addresses in part a worrying trend of well-resourced corporations misusing their economic power by initiating defamation actions to silence public debate or criticism.

However, the government recognises that certain corporate entities should be able to sue for defamation, particularly those that do not necessarily possess the resources that larger companies can call on to protect their business reputations. Accordingly, the Defamation Bill allows ‘not for profit’ companies and small businesses to sue for defamation. The bill focuses on protecting genuine small businesses particularly where

there is likely to be a strong connection between the identity of the individual(s) and that of the company. As a result, an exempt corporation is determined by whether or not it employs fewer than the full-time equivalent of 10 persons and also by ensuring that the corporation is not related to another corporation. The 'related corporation' element borrows from the same concept which exists under the commonwealth Corporations Act 2001. This bill continues to preserve the common-law prohibition on the ability of central or local government agencies to bring defamation actions.

Resolution of civil disputes without litigation

Offer of amends process and apologies

The Defamation Bill seeks to encourage alternative dispute resolution by establishing a voluntary offer of amends settlement process between a publisher and an aggrieved person. While this process is designed to aid in the speedy resolution of defamation complaints, parties remain free to utilise other settlement processes that already exist under legislation governing civil procedure and the rules of the courts. If an aggrieved person has accepted an offer of amends by a publisher, then in the event of a dispute either party is allowed to apply to the relevant court for a determination of those terms and enforce compliance.

Under the bill, an apology does not constitute an admission of fault or liability and evidence of an apology made by or on behalf of a person is not admissible in any civil proceedings as evidence of the fault or liability of that person. These measures are designed at getting to the heart of a defamation action, which is the prompt resolution and restoration of the damage caused to a person's reputation, as opposed to fostering a long, drawn-out and costly dispute.

Litigation of civil disputes

Judges and juries in civil proceedings

The Defamation Bill allows either a plaintiff or defendant to choose whether proceedings ought to be determined by judge alone or by judge and jury, unless a court orders otherwise. The bill reflects the generally accepted view that juries have a role in defamation proceedings, as they are selected from a cross-section of the community and are more likely than a judge to be in touch with the feelings and language of the ordinary person.

The Defamation Bill does, however, alter the position in Victoria by delineating the role of the judge and the jury in defamation proceedings. The key change in this respect is that while a jury will determine whether the

defendant has published a defamatory matter and, if so, whether any defence has been established, the determination of the award of damages and any related question is solely a matter for the judge.

Defences

The overarching principle that underlies the availability of defences under the Defamation Bill is that these are additional to defences or other exclusions of liability that already exist under legislation or the common law and are not intended to supersede or limit the operation of those defences or exclusions of liability in any way. However, the provisions do signal important policy changes for certain jurisdictions.

The first change is the national adoption of the defence of justification. This reflects the existing common law position in Victoria that 'truth alone' is a complete defence to an action in defamation. At common law it has been recognised that truthful statements define a person's reputation rather than damage it. In the words of Street ACJ in *Rofe v. Smith's Newspapers Ltd* (1924) 25 SR NSW 4:

The presumption is that, by telling the truth about a man, his reputation is not lowered beyond its proper level but is merely brought down to it ...

While 'truth alone' has been the position at common law in Victoria, South Australia, Western Australia and the Northern Territory, jurisdictions such as New South Wales, Queensland, Tasmania and the Australian Capital Territory have an added statutory element that a statement be 'true and in the public interest' or 'true and for the public benefit', before the defence applies. The public interest element was designed to protect the privacy of individuals in the public sphere. This policy is inconsistent with the purpose of defamation law which protects reputation. The adoption of 'truth alone' as a defence reflects an agreement at the national level that privacy concerns do not belong in the realm of defamation law.

The Defamation Bill adopts and continues to provide absolute privilege in relation to proceedings, publications and submissions related to Parliament and parliamentary bodies, proceedings of the courts and tribunals and qualified privilege to various publications and proceedings of central and local government bodies as already provided for under existing Victorian legislation.

Damages

Damages for non-economic loss

Consistent with the policy of capping general damages for personal injury claims as part of the tort law reforms implemented across jurisdictions in 2002 and 2003, the Defamation Bill caps damages awarded for non-economic loss in defamation actions at \$250 000. This cap is to be adjusted annually based on an indexation formula. The value of the current cap is based on a general survey on the range of damages awarded in jurisdictions and is designed to provide an approximate median value for consistency across jurisdictions.

However, under the bill, the courts will still retain the power to order aggravated damages for non-economic loss that may go over and above the statutory cap where the relevant court is satisfied that the circumstances of the publication of the defamatory matter warrant such an award. Courts will continue to be able to award full recovery of all economic loss.

Abolition of exemplary and punitive damages

The bill also amends the common law in Victoria by removing a plaintiff's ability to be awarded exemplary and punitive damages. Reviews undertaken on defamation law by both the New South Wales task force on defamation law reform and the Western Australian Law Reform Committee recommended the removal of these heads of damages as these damages are more akin to criminal punishment and are not seen as consistent with the purpose of defamation law. The principles of awarding damages in defamation proceedings generally support compensation and restoration of loss of reputation as opposed to the punishment of a defendant and possibly providing a 'windfall' to a plaintiff. The continued ability of the courts to award aggravated damages to a plaintiff where the conduct of the defendant has been either unreasonable, or unjustified, or lacking in good faith, negates the need for exemplary or punitive damages.

Limitation period on defamation actions

The model bill amends the common law in Victoria by reducing the limitation period for defamation actions from six years to one year. This amendment follows empirical research referred to by the New South Wales Law Reform Commission in its 1995 report on defamation law which showed that 80 per cent of defamation actions were commenced within six months of the date of publication and only 8 per cent of proceedings commenced more than 12 months from the date of publication. However, as there may be

circumstances where it was not reasonable for a plaintiff to be able to commence an action within the one-year limit, the bill provides for a court to extend the limitation period up to a maximum of three years. This measure is consistent with the current limitation period in the Limitation of Actions Act 1958 for personal injury claims and the new limitation period for defamation will be inserted into the Limitation of Actions Act 1958.

Conclusion

The model defamation provisions upon which the Defamation Bill is based represents a significant achievement by the states and territories to put aside longstanding jurisdictional differences to achieve the objective of uniformity in these important areas of the law. Unfortunately, despite these significant achievements, the commonwealth government continues to threaten to act unilaterally and enact a national defamation law. Far from simplifying the law of defamation in Australia, the enactment of commonwealth defamation legislation would add an extra layer of complexity particularly as the commonwealth laws are unlikely to cover the field. The model laws reflect a sensible and pragmatic approach to the simplification of defamation law and aim to balance the policy objectives of protecting the reputation of individuals without unduly impacting on freedom of expression.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Wednesday, 21 September.

Sitting suspended 1.00 p.m. until 2.02 p.m.

QUESTIONS WITHOUT NOTICE

Whistleblowers: protection

Mr DOYLE (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services, who is also the Minister for Corrections, and I ask: will the minister guarantee that the prison guard whistleblower is immediately relocated to protect his safety as the whistleblower wishes — and as the Ombudsman has already recommended — now his identity, address and status have been completely compromised?

Mr HOLDING (Minister for Police and Emergency Services) — I thank the Leader of the Opposition for

his question. I am not in the business of micromanaging the arrangements in relation to whistleblowers. I want to make it absolutely clear —

Honourable members interjecting.

The SPEAKER — Order! The minister, to continue.

Mr Baillieu interjected.

The SPEAKER — Order! The member for Hawthorn!

Mr HOLDING — I am certain that this whistleblower will continue to be managed in a way which is in accordance with the legislative responsibilities.

Royal Children's Hospital: neuroscience centre

Mr LANGDON (Ivanhoe) — My question is to the Premier. Can the Premier advise the house of the action the government has taken to improve services for children with cancer?

Mr BRACKS (Premier) — I thank the member for Ivanhoe for his question. I was pleased, with the Minister for Health and others, to be at the Royal Children's Hospital today to open a new children's neuroscience centre. That is a direct result of the commitment that this government has made with the commonwealth government and with other groups and organisations in the community for a new cancer centre — for the rebuilding of the cancer centre — and for the \$19.3 million which is going into that facility. In order that the cancer centre can go ahead, the relocation of the paediatric neurosciences centre had to occur. I am very pleased that the first stage of the redevelopment of the Royal Children's Hospital has occurred and that the \$5 million neurosciences ward was opened today.

I want to pay tribute to several organisations that were involved. One in particular is an organisation called Brainwave Australia. It started off in Victoria, but it has now spread to the rest of the country. It was started by Jo and Geoff Cox — both of whom were here today — whose son had a brain tumour when he was six years old and recurring when he was nine years old. Brainwave really began with the Cox family at that time and has since grown into an organisation which operates right across Australia. I want to congratulate that organisation for contributing \$2 million towards this \$5 million children's neurosciences centre.

This centre — and I would encourage all members of Parliament to inspect it on the eight floor of the Royal Children's Hospital — has state-of-the-art facilities. It provides opportunities for parents to stay overnight and be accommodated close to their children once they are in care, a retreat for parents as well which has been funded by a contribution from Yarra Trams, which put in \$127 000 towards the parents' retreat as part of the Good Friday appeal. There is a playroom for young children and a teenage entertainment centre. It has facilities which allow parents to be with their children during the recovery process; all the evidence shows that recovery happens in a quicker and better way if parents are involved as well as family members and friends.

I was very pleased to be there to see the first stage of this development opened and look forward to the rest of the development — an amount of \$19.3 million for the children's cancer ward in the future — just as I look forward to the complete redevelopment of the Royal Children's Hospital with 326 beds, committed to by this government and one of the biggest hospital projects that Australia will ever see.

I finish by noting that the ward will be known as the Rats of Tobruk ward in honour of that contribution made by the Rats of Tobruk and recognising the 60-year anniversary of the end of World War II. We had both state and federal organisations of the Rats of Tobruk there and their contribution will be to support the development of this neurosciences centre along with Brainwave, Yarra Trams, the commonwealth government and this government.

I have to say that the Royal Children's Hospital has never looked as good in the neurosciences area; we now have facilities which match the great traditions of those who work in that facility.

Fuel: prices

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Given the spiralling increases in petrol prices and the consequent windfall gains in goods and services tax revenue for the state government, I ask: will the government commit to returning those windfall gains to motorists to help reduce the financial impact on Victorian families and businesses?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. I inform him that in relation to taxes on petrol, the biggest tax take on petrol is 37 cents a litre, which is the excise taken by the federal government.

Honourable members interjecting.

The SPEAKER — Order! The member for Scoresby!

Mr BRACKS — Every litre of petrol that is sold attracts 37 cents — —

Honourable members interjecting.

The SPEAKER — Order! The member for Bass!

Mr BRACKS — I do not think it is any secret; it has been widely canvassed. I know that the Leader of The Nationals would also know the reason for the price increase, because we have a system which has parity pricing against the rest of the world. As the rest of the world moves up with pricing, so do the petrol prices here in Victoria. The goods and service tax referred to by the Leader of The Nationals is GST on the wholesale price of petrol; GST is on overall consumption.

I inform the Leader of The Nationals about this. The GST is on total consumption. It is on petrol, but it is on other goods as well, so if people spend more on petrol and less on other goods, the total GST take is much the same. These are not my words, Speaker; these are the words of the Prime Minister answering that very question on the Neil Mitchell program. The Leader of The Nationals is brave in the state Parliament, his federal colleagues are wimps and it is out of sync with what the Prime Minister is saying.

Schools: reading challenge

Mr HERBERT (Eltham) — My question is to the Minister for Education and Training. I refer the minister to the government's commitment to the improvement in the reading of young Victorians, and I ask: will the minister report to the house on recent successes that demonstrate how the government is meeting this commitment?

Ms KOSKY (Minister for Education and Training) — There is very good news in education. I thank the member for Eltham for his question. This morning I joined the Premier in meeting with students who participated in the Premier's reading challenge around Victoria. We are actually concerned about literacy in this state and it would be good if the opposition was too.

This morning, along with the Premier, we met with a large number of school students who had taken part in the Premier's reading challenge and who met the high levels of participation within their schools. In February

2005 the Premier put his challenge to students in Victorian schools between years 3 and 9 to read at least 12 books over a period of six months. It has been an outstanding success. More than 126 000 — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition!

Ms KOSKY — More than 126 000 students from over 1300 — —

The SPEAKER — Order! If the member for Burwood wishes to have an extensive conversation with another member, I suggest that he go outside the house. I ask the Leader of the Opposition to be quiet as well.

Ms KOSKY — There were schools from the electorate of the Leader of the Opposition in attendance this morning. I am sure they would appreciate it if he paid due respect to their efforts and participation. It has been an absolutely outstanding success.

More than 126 000 students across the state from over 1300 government and non-government schools participated in the reading challenge. Nearly 60 000 of those students met the challenge — that is, they read 12 books or more within that six-month period. This has meant more than a million books have been read by the students over the last six months. It has been an incredible success. Students have embraced the opportunity to be part of the reading challenge. As I said this morning, it is not only the Premier's reading challenge but students understand that the Premier himself has been closely and personally involved. When I go to schools they actually talk about Bracks books rather than the Premier's reading challenge.

This morning a number of principals came up to both the Premier and me to say what a fantastic idea it was. The principal of Doncaster Primary School came to the Premier this morning and said it was a wonderful idea. The principals from Balwyn Primary School and Donald Primary School said the Premier's reading challenge had been an outstanding success in their schools. I know also that the Premier has had more letters about this issue than he has had on any other issue across government. Students have been reading books and writing letters to the Premier to thank him for participating. Those who met the challenge will receive a certificate from the Premier acknowledging their efforts.

Next year's challenge will increase and escalate to 15 books being required to be read over six months. It

will also have an expanded list of 2000 titles, so there will be more opportunity to read more and to expand the reading opportunities. I want to acknowledge the work the *Sunday Age* has done in relation to the Premier's reading challenge.

Honourable members interjecting.

Ms KOSKY — It is a shame the opposition is not interested in the work of the *Sunday Age*. It has promoted the Premier's reading challenge over the entire six months and has done an extraordinary job in promoting the great practices that have occurred within all our schools, government and non-government, with children reading. I want to congratulate the ambassadors — —

Mr Plowman — On a point of order, Speaker, the minister has spoken for much more than 4 minutes and I ask you to ask her to conclude her answer.

The SPEAKER — Order! The minister has spoken for just on 4 minutes and I ask her to conclude her answer shortly.

Ms KOSKY — In conclusion, I want to acknowledge the terrific work of the 14 ambassadors, both authors and illustrators, who have written books for our students. They have been ambassadors in our schools, worked with students, embraced the program and put a lot of additional time into the program. They include household names such as Paul Jennings, Elizabeth Honey, Phil Kettle, Meme McDonald, Felice Arena, and Danny Katz. They were all part of this reading challenge.

It has been a terrific program and we will definitely be repeating it next year. I congratulate all the students who took on the Premier's reading challenge and improved their own literacy and that of the state of Victoria.

Police: ethical standards department

Mr WELLS (Scoresby) — My question is to the Minister for Police and Emergency Services. I refer the minister to his feeble attempts to stamp out police corruption in this state and I ask: will the minister explain why today the Chief Commissioner of Police will approve the ethical standards department being downgraded with the commander, the superintendent and a number of inspectors being replaced by much more junior detective senior constables?

Mr HOLDING (Minister for Police and Emergency Services) — With respect to management issues in relation to the law enforcement assistance program

(LEAP), the ethical standards department has an enhanced operation as a consequence of the decisions the government has taken, firstly, to establish the commissioner for law enforcement and data security. As an interim measure all matters relating to LEAP and LEAP security will be carefully monitored and handled by the ethical standards department, and that is something the government is very pleased about.

On the question of more general police resourcing, which in a sense was the question asked by the member for Scoresby, this government is very pleased that this year we have given Victoria Police its biggest budget in Victorian history — \$1.5 billion — and recruited — —

Mr Wells — On a point of order, Speaker — —

Mr Cooper interjected.

The SPEAKER — Order! The member for Mornington will not interrupt when the member for Scoresby is making a point of order.

Mr Wells — On a point of order, Speaker, on the issue of relevance, the matter clearly referred to the downgrading of the ethical standards department (ESD) and I ask you to bring the police minister back to that part of the question, the downgrading of the ESD.

The SPEAKER — Order! In relation to the point of order, while the minister is entitled to make some broad comments in passing he is required to address his comments to the question asked.

Mr HOLDING — The government accepts responsibility for the resourcing of Victoria Police, and therefore matters relating to the budget provided to Victoria Police by the government this year and in previous years are relevant, and of course the \$1.5 billion budget that we have given is very important. We have also ensured Victoria Police has the numbers so it can carry out its duties across the state. We recall that the previous government promised 1000 police but cut 800. We have promised 1400 additional police and they have been recruited.

Mr Wells — On a further point of order, Speaker, on the issue of relevance, the question related to the downgrading of the ethical standards department (ESD) and to date the minister still has not uttered any words about ESD being downgraded.

The SPEAKER — Order! The minister has concluded his answer.

Children: services

Mr LANGUILLER (Derrimut) — My question is to the Minister for Children. I refer the minister to the government's commitment to make Victoria a great place to raise a family. I ask the minister to detail to the house recent government announcements that will ensure easier access to child care, kindergartens and other early years services for Victorian children and families.

Ms GARBUTT (Minister for Children) — I thank the member for Derrimut for his question and for his continued support and advocacy for children. This government is putting Victoria's children's front and centre across the government agenda. Every family wants the very best for their child and wants them to have the very best possible start in life, and this government is making that possible. We are bringing services together so families do not have to traipse around the suburbs or across town to get the services they need for their children. We are doing something to confront the long waiting list for child care because the commonwealth government refuses to fund it adequately, refuses to plan it and sees it as just another business venture, just like bakeries or butchers, and leaves it to market forces to locate services. That ignores the needs of families and children. We are doing something very positive about that.

Last week I announced the beginning of this year's share of the \$16 million funds in new money that is going towards children's hubs throughout Victoria. These services bring together a lot of early years services under the one roof. It could be child care, kindergarten services, maternal and child health, playgroups or early intervention — whatever the services are that are relevant to the local community and that need to be brought together. It brings services together but as well brings families and communities together. We are certainly doing our bit. In fact, we are doing more than our bit because the funding of child care is supposedly a commonwealth responsibility.

Last week with the Deputy Premier I announced the first cab off the rank, the first successful submission in this year's funding round for children's hubs. It was a \$500 000 grant to the City of Port Phillip for the Elwood neighbourhood family centre. It is a terrific initiative and will bring together a number of services across those early years and become a real centre for that community. There will be more services to follow. In all, there will be \$7 million of new money this year to build children's services throughout Victoria, and these are services which are very popular and very well subscribed. This is in addition to over \$100 million of

new money in this year's budget for services for Victoria's children. This government sees children as our future, not just as a commodity or a market force, as the Liberal Party sees them.

Frankston: Bayside entertainment centre

Mr BAILLIEU (Hawthorn) — My question is to the Premier. I refer to promises by the former Minister for Planning, the member for Northcote, that an additional 800 000 people and \$88 million in sales per annum would be attracted to Frankston as a result of the development of the Bayside entertainment centre, and I ask: will the government be offering assistance to tenants of the Bayside entertainment centre, who have been forced to close their doors because of the false promises of the former minister?

Mr BRACKS (Premier) — I thank the shadow Minister for Planning for his question. In this house we can all be very proud of what is happening in Frankston in relation to the strong growth in the economy and the important new services which have been provided. In no small part that is to do with the very excellent member for Frankston, who is actually having a conversation and not listening to what I am saying!

Honourable members interjecting.

Mr BRACKS — That is unparliamentary! I can say to the shadow planning minister that we are committed to growing the whole state, and Frankston is a part of Victoria which is growing well and is doing better under our government than it has previously. We look forward to that growth happening even further in the future.

Schools: student welfare

Ms GILLETT (Tarneit) — My question is to the Minister for Education Services. I refer the minister to the government's commitment to making Victoria a great place to raise a family and ask the minister to detail to the house recent government initiatives that are ensuring Victoria's schools provide the best possible environment for all children to achieve their full potential.

Ms ALLAN (Minister for Education Services) — I thank the member for Tarneit for her question. As this house well knows, the Bracks government governs for all Victorians, and we certainly care for the wellbeing of all Victorian children. I am pleased to announce to the house today that the final stage of the Bracks government's \$49.5 million primary welfare officer initiative has been rolled out across Victorian government schools. This has been a terrific initiative,

whereby we are better able to assist students across 450 Victorian government primary schools, which will be receiving the benefits from these new primary welfare officers. These officers help children facing a variety of personal, social and family issues, which come up at different stages of young people's lives. Not only that, but this initiative builds on other achievements and initiatives by the Bracks government during its first term in office, when we reinstated those important secondary welfare officers.

The reason why we had to introduce these welfare officers back into secondary schools was that the previous government cruelly sacked them, abolishing them in our secondary schools. Not only did it close schools and sack teachers, it sacked these vital supports. That is why principals right across Victoria are supporting our primary welfare officer initiative.

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

The SPEAKER — Order! As I understand it the minister was explaining to the house why certain actions were being taken and giving the history of that. However, that does not give her the opportunity to attack the opposition.

Ms ALLAN — I can understand why the opposition is embarrassed about its dark past, but principals across the state are supporting our primary welfare officer initiative. Sadly the opposition does not support it, but we do. We are looking at putting these important staff back into Victorian government schools, but it does not stop there. Not only have we introduced welfare officers into primary schools, but we have reinstated them into secondary schools. We have also strengthened the support for children and young people through the reinstatement of school nurses to our secondary schools. Their numbers were also slashed by the previous government, but we have reinstated them, and they are providing great support to students in Victorian schools.

Let us have a look at some of the results we are seeing from this investment in our primary welfare officers. Participating schools to date have told us that they are already seeing improvements in student attendance as a result of this initiative. Others are telling us that student learning has improved as a result of students feeling safe and happy at school. Importantly it has been reported to us by those schools involved that instances of bullying have been reduced.

These are important outcomes in supporting students in Victorian government schools and are another example of the way the Bracks government's record investment — our record \$5.2 billion additional investment in Victorian education — into Victorian schools is making a real difference for Victorian students. We are certainly committed to ensuring that all students, all young people, get the best possible start to life. That is why we are supporting the primary welfare officers and helping make Victoria a great place to live and raise a family.

Hazardous waste: Nowingi

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to a recent report by government-hired consultants indicating that if a toxic waste dump is built at Hattah-Nowingi it will result in annual economic losses to the region of the order of \$60 million and 232 job losses, and I ask: is this the government's plan to make the Sunraysia region a great place to live and work and raise a family?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. As he would be aware, this matter is going through an extensive environment effects statement (EES) process through which all these matters will be examined, explored and assessed. All these concerns can be submitted to the EES for consideration. The government has said consistently that the long-term containment facilities and the location at Nowingi relies on a satisfactory outcome from the EES.

Economy: performance

Mr SEITZ (Keilor) — My question without notice is directed to the Treasurer. I refer the Treasurer to the government commitment to drive the Victorian economy, and I ask the Treasurer to inform the house of any recent economic data that demonstrates the success of the government's policy to deliver on that commitment.

Mr BRUMBY (Treasurer) — I thank the member for Keilor for his question. I am pleased to advise the house that yesterday there was some more great economic news released for the states and some excellent news — some very positive news, some fantastic news — for the state of Victoria. Today the Australian Bureau of Statistics (ABS) released its national accounts data as it does every quarter. What that data shows is that for the quarter just past, the June quarter 2005, the state with the highest level of growth of any state or territory in Australia was Victoria.

Honourable members interjecting.

Mr BRUMBY — There was quarterly growth of 2.4 per cent, and that means for the year as a whole a growth in state final demand of 4.8 per cent. That 4.8 per cent growth over the year compares with a national growth rate of 4.3 per cent. That means in the June quarter we are leading Australia. Other recent economic data which has been released by the ABS also shows we are leading Australia. If you look at the recent building approvals data, you see that in the last three months we have clocked up \$4.5 billion worth of building approvals. That is a record high figure for Victoria. Coincidentally it is \$1 billion higher than New South Wales; it is the highest of any state in Australia.

If you look at first home buyers coming back into the market, you see that the state which is leading Australia again is Victoria. We have got more first home buyers coming back into the market than any other state in Australia. If you look at business investment over the last year, you see that growth in business investment in Victoria was 16.5 per cent — again above the national figure of 15.3 per cent. This is great news for Victoria. As we announced yesterday, it comes on top of the \$400 million Hazelwood decision, the \$698 million for Australian Paper, the \$290 million for the Anzon oil discovery in the Gippsland Basin — in aggregate \$1.4 billion worth of new investment. That is a great story for our state.

There are a number of key ingredients as to why this is so. There is the state's policy of investing very strongly in infrastructure — \$20 billion over the next five years. We have doubled spending compared with the Kennett government. With our policy on taxation we have cut payroll tax, we have cut WorkCover premiums and we have cut the top rate of land tax. When we were elected we inherited from the Kennett government tax levels above the average for Australia. We are now down below the average, and that competitiveness is dragging investment into our state. Land tax — —

Mr Doyle interjected.

Mr BRUMBY — The Leader of the Opposition — —

Mr Thwaites — There you go. We are below the average.

Mr Doyle interjected.

The SPEAKER — Order! The Deputy Premier and the Leader of the Opposition!

Mr BRUMBY — Speaker, I am not allowed to refer to the opposition, I know that, but if I were to talk — —

An honourable member — That hasn't stopped you in the past.

Mr BRUMBY — If I were to talk about miserable people who hate good news, I would be talking about the opposition. Jesse Martin took 328 days to sail around the world, and that is how long we have been waiting for the opposition's policy.

NATIONAL PARKS (OTWAYS AND OTHER AMENDMENTS) BILL

Second reading

Debate resumed from 16 June; motion of Mr THWAITES (Minister for Environment).

Mr HONEYWOOD (Warrandyte) — The opposition will not be opposing the creation of this national park — —

Honourable members interjecting.

The SPEAKER — Order! Without the assistance of the member for South Barwon and the Minister for Environment.

Mr HONEYWOOD — The opposition is not opposing the creation of this national park, notwithstanding that the process used by this government goes against every tenet of proper environmental assessment in the history of national park creation in Victoria.

The Minister for Environment is today making one of his rare appearances in the chamber — he was out giving a hug to the latest galah photo opportunity just prior to question time.

We have to recall that the Land Conservation Council, which has now been succeeded by the Victorian Environmental Assessment Council (VEAC), was put in place by successive governments to ensure that an objective procedure was followed and the Victorian community was made aware of the need for a proper national estate in terms of different national parks being created to protect various types of landscapes across the estate. The Land Conservation Council, succeeded today by VEAC, was supposed to inform the government of the day before the government announced a national park.

In this case a blatantly opportunistic approach was taken by the government. It went out there and declared in the middle of an election campaign, 'Do not worry about this, we are going to set up a national park, and we will worry about the detail later'. VEAC was given a brief only after the election. It was 18 months or so after the election before VEAC could come up with draft and the final proposals.

Mr Thwaites — You wanted it to be faster.

Mr HONEYWOOD — If the minister is going to yell across the table, he needs to accept that there has always been a bipartisan process in Victoria, one which was put in place to examine the need for a national park rather than rushing around and making a half-baked political announcement without following through on any of the boundaries and without any initial research being done into resourcing, without ensuring that adequate funding would be provided for weed and vermin control, without ensuring that users groups' entitlements were respected and understood.

In the full cacophony of Crown land descriptors we now have a new descriptor. On top of flora and fauna reserves, on top of Crown land reserves, state forests, state and national parks we now have this mysterious beast called a forest park. It is something the minister invented along the way.

Mr Thwaites interjected.

Mr HONEYWOOD — We have an interjection across the table from the minister that VEAC proposed it. How could VEAC have possibly come up with this when the minister told VEAC what it had to do? He announced the national park and what was going to happen before poor old VEAC even had a chance to look at the issue. At the end of the day we have a flawed process. Notwithstanding that, the opposition is not opposing the legislation.

The SPEAKER — Order! I am sorry to interrupt the Deputy Leader of the Opposition, but there is a lot of strange noise coming from his microphone. Perhaps if he stood back a little bit it might be a bit easier.

Mr HONEYWOOD — I thought it was a strange noise coming from the minister across the table.

Mr Holding interjected.

Mr HONEYWOOD — The micro-minister opposite should mind his p's and q's.

The forest park is an interesting creation of this government. We are not quite sure what it is — the

government is not quite sure what it is. They claim they are quite content for four-wheel-drivers to drive through it all over the place. They are quite content for people to collect firewood from it. They are quite content for any number of user groups to supposedly use it. They are not quite sure what it will mean.

The local member, the member for Polwarth, has done a great job of taking the questions up to the media and the government and asking what this forest park means. The minister has permitted five extant logging licences to continue in that forest park until 2008. This is a strange thing indeed coming from a minister who is supposedly here today to announce the creation of a national park — he is not quite sure what the forest park means. Is the forest park a halfway house before the entire area becomes a national park or is it just a convenient device for the minister to try to be all things to all people?

At the end of the day there are any number of issues to do with the lack of resourcing, with what it means for abutting private landowners, with what it means for user groups and local conservation groups. At the end of the day much of the information that has come to the fore on this has been reliant on the groups I have just mentioned which stand to be affected. Let us look at some of them. The Otway Ranges Environment Network — one of the volunteer groups — has strongly advocated to the minister the need for a final resolution and clarity on the logging issue. To date they do not feel satisfied that the minister has given those commitments, particularly pertaining, as I said, to the forest park. Separately we have a situation where the abutting private landowners feel absolutely let down by the Department of Sustainability and Environment in terms of the information flow and the clarity of their futures.

One of the key issues for the abutting landowners concerns the waterway areas. Some of them are subject to leaseholds at the moment. Some of the abutting private landowners have been told that those leases have been unilaterally cancelled. Others have been told that their leases will be able to be maintained. Still others have been told there will be a 100-metre buffer zone on their freehold land between the creek area and the area of their private land they are allowed to use. This is a result of the government not doing its homework first, of the government not providing clarity for local community groups, be they conservation groups or private landowners, and not ensuring that it is transparent about the process involved. One of the key questions I would like the Minister for Environment to answer if he bothers to respond today — he rarely does because he rarely comes in for debates — is what is the

situation pertaining to these waterway areas in terms of the leasehold land and these proposed 100-metre buffer zones on privately owned land? We are yet to get any clarity on that.

Equally, what is the situation when it comes to the future of some of these townships? Whilst a \$13 million package was put forward to buy out logging licences and to supposedly ensure retraining for jobs, many of the townships in this area are suffering. This is so particularly in the area beyond Cape Otway. This government always talks about the area from Anglesea to Cape Otway. It does not recognise the fact that beyond Cape Otway it is at least a 2-hour drive from Melbourne, so it is the first area to suffer in terms of the government's much-vaunted ecotourism proposals to replace logging when petrol prices rise. Business is not booming beyond Cape Otway.

For example, McDuff's Bakehouse, which was opened with much fanfare and was meant to be one of these ecotourism destinations, has closed down. The fauna park at Lavers Hill has closed, so except for the patrons staying at the cottages, there is no fauna park there anymore. The minister is probably not aware of this, because he just flies down for his photo opportunity on the Otway Fly and does not bother to check out the empty shops and the facilities that have closed since he made the announcement. What is the minister going to do to assist these townships which he claimed ecotourists would flock to support? Instead there is closure after closure.

We know that Parks Victoria has lost the respect of rural people in terms of any number of issues, but particularly given its reputation as the neighbour from hell across the fence line. It is one thing for this government to create new parks. The Liberal Party has supported every national park that has been created in the state's history, and the minister cannot deny that. Having said that, it behoves this government to do better than the Australian Bureau of Statistics evidence shows. Even with the additional money in the state budget for park management, which the minister had to be dragged kicking and screaming to provide, we find that, according to the ABS figures, Victoria still is the lowest funding state in Australia per hectare and per person for park management.

Those latest available figures show that we spend less than half the amount New South Wales does per hectare on park management. What an indictment it is of this government's claim to protect the environment when per hectare we spend less than half on protecting our parks system.

Mr Thwaites — It is a lot more than you ever did!

Mr HONEYWOOD — The minister can carry on about previous governments all he likes. Evidence has been provided that shows that in real dollar terms the previous government provided — —

Mr Thwaites interjected.

The SPEAKER — Order! The Minister for Environment!

Mr HONEYWOOD — It provided more than this government does, because whilst the minister has created more parks and put more hectares into the park estate, he has not in real terms put in the additional dollars required on a per hectare or per person basis. He knows it, and he has been embarrassed by it. He was brought late to the well when it came to providing additional guaranteed funding for park management in the Great Otway National Park.

We hope there will be additional rangers on the ground in different workstations. We do not want to see more evidence of this government's increasing habit of centralising ranger employee numbers in one location across an enormous park area, and we do not want to find that it is impossible to have rangers accessing various areas of this park. It is a very unusual park, and the minister would have to accept that the boundaries are not entirely contiguous. There are various reaches running in a north-south/east-west direction, and there are geographic fingers branching out as well. It is not an easy park to manage at the best of times in terms of ensuring there are sufficient contractors for weed and vermin control and a sufficient penetration of ranger staff to manage the park properly while meeting the concerns of abutting landowners about the government being the neighbour from hell across the fence line. It needs to ensure that the management of the park is world's best practice. The record of this government to date is not good in that area.

Residents of the abutting townships and landowners have raised a number of issues. Volunteer conservation groups have brought issues to the attention of the opposition, particularly in terms of the lack of definition the minister has provided so far on the forest park. The opposition is concerned about the forest park. In a second-reading speech of 14 pages, how much detail was devoted to the forest park? Let us be frank. There is a 102 000 hectare national park and a 39 000 hectare forest park, which is almost half the size. Two paragraphs is all we got in the second-reading speech. In the actual bill itself only 3½ of the 44 pages mention the forest park. Why is that? All power is being vested

in the secretary of the minister's own department. He will decide what goes on in the forest park at his pleasure. That has to be of concern. We do not know what is going to go on in the 39 000 hectares, almost half the area of the national park.

Separately from that there is an interesting situation with the land that will be vested in the protected water catchment areas. I request that the minister take this on board and get back to the house on it. Maybe while the bill is between houses this can be resolved. In clauses 17B and 17C of the National Parks Act, which is being amended by this bill, we find that the authority that will be involved in protecting and managing these water catchment areas is Melbourne Water. It is specifically mentioned, yet when we checked on this we discovered that Melbourne Water has no jurisdiction over this area. It involves Wannon Water and Barwon Water.

We do not know whether this is just a typographical error. It should not be, because this bill has been sitting in Parliament for four months. So inept is this minister when it comes to having any clout around the cabinet table that this has been sitting here for four months, being second-read on 14 June. We normally debate legislation two weeks after it comes in. This bill has been sitting on the notice paper for four months, yet we find that the minister cannot even get the right water authority in the bill; that Melbourne Water has nothing to do with this area and in fact it is Wannon Water and Barwon Water.

Mr Thwaites interjected.

Mr HONEYWOOD — The minister is inviting the opposition to vote against the bill because of his typographical errors! How serious is he about managing his portfolio when he wants the opposition to vote against the bill? He is calling on us to vote against the legislation, when we have already explained we are not opposing the legislation, because he cannot even understand which water authority is meant to be protecting these so-called protected water catchments.

Mr Thwaites interjected.

Mr HONEYWOOD — The minister should not embarrass himself. He will have to come back to Parliament and may have to amend his legislation because of his ineptitude in this regard. That is another area of concern.

Concern was also expressed from the four-wheel-drive association, which the minister claims is a legitimate user group in the forest park, in terms of what

commitments have been provided to date as to what trails can be used. I am sure all organisations, be they conservation organisations or user groups such as the four-wheel-drive association, would like to know from the minister with some clarity where they are allowed to go and where they are not allowed to go. That is all the opposition asks for: it wants some clarity as to which tracks and trails will be permitted to be used. Otherwise this unfortunate behaviour tends to occur where user groups use the fact that there is a lack of signage and lack of clarity of detail in terms of their access rights.

Quite apart from that we have the issue of collection of firewood. Again I invite the Minister for Environment to inform the Parliament about how the collection of firewood will work, particularly as it pertains to the forest park areas. Of course it is not working in other areas — we know that full well — where collection of firewood is supposedly allowed. Again it is a clarity issue. There is a need for local communities to be informed of where they can go, where they cannot go, and what areas they need to be careful of in terms of environmental protection.

It is the role of the opposition to put forward some of the issues that have been raised by the local member, the honourable member for Polwarth, who has done an outstanding job in ensuring that all the views of his electorate have been brought to the table. I pay tribute to him for bringing forward a balanced perspective to this debate when all we have had from the government members opposite is a cheer squad, without them looking at any of the detail that has been involved.

I have already mentioned the designated water supply catchment areas and the unfortunate problem there of Melbourne Water not being the responsible water authority, as the minister would like us to believe. Quite separate to that, we are to have, finally, a definition of the boundary of the Great Ocean Road. We are not sure how that will work. It is meant to be a major project. We would like to know whether the budget provided for that will be sufficient, how long it will take to do the survey work, what time frame is envisaged, and what will be involved in terms of impacts on abutting local communities if that survey work actually affects the local businesses or local residents.

Again we have changes to the leasing arrangements of the Cape Otway Lighthouse Reserve, and the opposition supports that in the interests of, hopefully, providing some clarity as to what the lessees can and cannot do with the lighthouse reserve in terms of the impact on the natural environment as distinct from the built environment. The bill also provides for minor

administrative amendments to the Port Campbell National Park. The opposition supports these, because they are a commonsense approach to changes involving who has control of the various facilities in that national park.

There is also the addition of 3500 hectares for the Dandenong Ranges, Kinglake and Yarra Ranges national parks, and indeed the Warrandyte state park in my electorate. While the previous government added to the Warrandyte state park by a third, this government has increased it by about 10 per cent, so it still has a way to go in terms of meeting the previous government's expansion of that state park. I might add that at the time we expanded the Warrandyte state park we actually provided a designated additional budget, which is something new for this government to deal with — that is, providing additional financial resources designated for a new area.

In addition small areas will be added to the Aire, Mitchell and Wonnangatta heritage river reserves. Amendments to the Fisheries Act 1995 will be made to permit existing commercial eel licences to continue, and we support that, again in the interests of providing clarity for people involved in legitimate activity in that area. However, the bill will require that any access licence, aquaculture licence or general permit cannot authorise commercial fishing in parks in that area unless there was an entitlement prior to 7 March 2005, so at least those who had commitments provided to them prior to that date will be protected and will be subject to stringent environmental requirements, we hope.

The funding that has gone with this package has been a matter of some controversy. The \$14 million that was made available to supposedly enable the transition from logging and provide workers with assistance for jobs lost is of course one-off money; it will not continue into the future. It is money that, once it has been spent, is gone for all time. What follow-up work is being done by the government to ensure those who are left behind in those local communities are taken care of and provided with other opportunities in a meaningful way? As I have already detailed, we have a problem where, according to the feedback that has been provided, small businesses are closing down rather than opening up.

In making this announcement the government ripped up the west regional forestry agreement (RFA). That raises the whole issue of due process and of the government making a decision on the run rather than actually working it through, informing the community and taking the community with it — or taking parts of the community with it, in this case.

It was not until May 2004 that the Victorian Environmental Assessment Council released the Angahook-Otway investigation draft proposal document. That was an attempt to provide the environmental justification for the government's decision making on the run during the 2002 election campaign. Apart from the \$14 million, the government was then embarrassed into making further funding announcements along the way when it realised this decision making on the run had not entirely worked. So \$7 million was provided for so-called ecotourism initiatives, separate from the \$14 million transition-from-logging package. Now of course there has been some controversy about the application of that ecotourism money, and ecotourism operators on the ground are worried about the viability of some of the businesses the government is touting as the answer to the local community's woes.

Finally, the government was embarrassed into providing in this year's budget an amount of \$13 million as a new budget amount, supposedly to manage these new parks. We welcome that. We welcome the fact that the government finally caved in to our requests because I can well recall, as will the member for Polwarth, that at the VEAC briefing that was provided to the opposition on the draft proposal document I asked why VEAC would not make any recommendations as to what resources were required to ensure both the forest park and the national park were managed on a world-class basis. We do not know even today what proportion of funding will be devoted to the separate parks.

The answer from the VEAC was that it was not its role: it had no responsibility or power to make recommendations on how parks that it recommended the creation of would be managed. That is a very important policy issue that differentiates the government from the opposition, because we believe that if the VEAC is to do its job properly and if it is to be the independent assessment body of what parks should be added to our national estate in Victoria, then the VEAC should have a role and a right to recommend resources that are appropriate for the needs of those new parks, be they marine parks or land-based parks.

As I said, the creation of these two parks will involve a whole new category of forest park. I have raised the relevant concerns and the lack of emphasis in both the minister's second-reading speech and indeed in the legislation's 44 pages, where only 3 pages are devoted to the forest park and what is involved there.

There are a number of concerns that the various groups and organisations have brought forward regarding this.

One of the other concerns that I should put on the record is that, in response to public concern regarding the inadequacy of park management in the new forests and national parks, the Victorian Environmental Assessment Council recommended that an advisory committee be established to provide an appropriate voice for the community during the preparation, implementation and ongoing capacity of park authorities. It believes that the creation of a public committee will appeal to many concerned public members in that area. Moreover, it will provide an independent watchdog that can consistently monitor the performance of park authorities, particularly in the areas of weed and vermin control, fence maintenance and facility construction to deal with the predicted increase in visitors to the parks.

Of course we know that there was strong public opposition to any further construction of facilities in the national park to accommodate greater demand in tourism. Thus the VEAC concluded that any recommendation it made would most likely not get up in the face of public opposition, but it did not believe any new accommodation development should occur in the national park.

The concern here is that we find time and time again that this government does not deliver on its promise to be open and transparent and to provide committees of management. We found with the Yarra River only last year that the five separate community-based river advisory committees which had been in existence for the Werribee River, the Yarra River, the Maribyrnong River, Dandenong Creek and Port Phillip Bay and which had survived both Labor and Liberal governments and done a great job in bringing together the various government authorities around the table — be it the Department of Sustainability and Environment, Parks Victoria or Melbourne Water — were made up of volunteers who were doing a great job in being honest brokers for the community of Victoria about the environmental health of these five rivers.

What did the government do? It did not like the issues that were being raised by these community-based committees that had survived both the Cain and Kennett governments and it unilaterally sacked them and put all their roles under the great big overarching body called the Port Phillip and Westernport Catchment Management Authority. This has done absolutely nothing to ensure the environmental health of those rivers and that is why we have had problems in the Maribyrnong and the Yarra of late.

Equally we see here with these wonderful new parks — the forest park and the national park — that we have no

signing off, no proposal from this government to have a bona fide committee of management. It is an indictment of this government's so-called commitment to community consultation and so-called willingness to bring the people of Victoria along with it that in almost every flora and fauna reserve, state park, national park where the opportunity has arisen to actually reappoint a committee of management or appoint a new committee of management, this government has refused to do so.

Why is that so? One reason is that any number of management plans have been prepared for our parks systems, both under the previous government and under this government, and this government does not want to be held to account for the implementation or lack of implementation of those management plans. I call on the minister to give some commitment for once that this government, elected on a promise of being open and transparent and on a promise of ensuring local input — be it from conservation groups, private landowners or legitimate user groups — will give local groups an ongoing role. What is wrong with that, except for the embarrassment they might cause the government in terms of the lack of implementation of management plans and, in this case, the lack of implementation of the VEAC recommendations in the final document?

The minister, who has now left the chamber to perform his latest media stunt, should take on board the commitment of the opposition to ensuring that committees of management or even advisory committees should have a role to play. They should not be sacked as occurred with the five river advisory committees last year. They should not just be not reappointed as has occurred in any number of parks. This is an issue that needs to be taken on board.

Mr JASPER (Murray Valley) — The Nationals acknowledge the investigation undertaken by the Victorian Environmental Assessment Council into the Angahook-Otway issue, the final report that was prepared and released in the latter part of last year and the legislation that is now before the house as a result of that investigation.

The Nationals have a number of great concerns with the legislation that has been brought before the house. From the outset I indicate that when I spoke on behalf of The Nationals on the National Parks (Point Nepean) Bill I indicated our concerns with the extension of national parks across Victoria. Having been in Parliament since 1976 and having seen the maps in the late 1970s and early 1980s I would have never believed that the government could extend national parks to such an extent across Victoria and that there would be such a

strong connection with New South Wales national parks.

The Nationals have assessed the legislation on national parks, and we have supported some of the legislation that has extended them. But I also indicated in the contribution I made on the National Parks (Point Nepean) Bill our concerns about the lack of funding being provided by the government to appropriately manage the establishment of these huge national parks across country Victoria. In highlighting the Alpine National Park, which has an area of 660 000 hectares, I referred to the extensive fires in 2003 and to a number of reports that clearly indicated that those disastrous fires were a result of a lack of appropriate management by the government. We saw tens of thousands of hectares of parks and private land being burnt and individuals being badly affected.

So we have great concerns when we see these proposals to extend and develop the Otway National Park. We recognise the proposal in the legislation to extend the national park to over 100 000 hectares, which is an increase of approximately 60 000 hectares, as well as to create a new forest park to cover nearly 40 000 hectares. That is a new category as far as reservations are concerned, and we have some real concerns about that being included in the legislation. There is also reference to some areas around Melbourne being reserved for parks and conservation, and they include heritage river areas.

I want to quote one paragraph of what the minister said in his second-reading speech in talking about the extension of this national park. He said that the Bracks government is intending to:

... phase out timber harvesting in the native forests of the Otway Ranges and, instead, to recognise that their sustainable future lies with their tourism value.

I suggest to the house that there is no way we can replace the timber industry in the Otways with tourism. I also suggest to the house that there should be what I would call a three-way partnership — and there needs to be balance. We can look at the extension and the use of national parks and say, 'Okay, there is certainly an important part to be played by tourism, and appropriate national parks are certainly important', but there should also be appropriate areas that are able to be utilised by the timber industry within the state of Victoria. What we have seen is large numbers of timber industry operators in the Otway Ranges being removed and paid out fairly extensively by the government. There is not, I guess, huge opposition from some of these operators. But we are down to about two, I think, within the

timber industry in that area, which is to be phased out by 2008.

We have argued that there are sufficient national parks within the state of Victoria and that if there are to be further extensions, consideration could be given to some areas being reserved for the timber industry generally. As I said, we understand that this legislation will make changes which will remove further park land from the timber industry and see the demise of the industry in that area — unless timber plantations can be developed on private land, probably taking over viable dairy farms in their establishment.

The other issue which is of great importance to The Nationals is the lack of commitment by the government to the better management of national parks. We have seen that already in north-eastern Victoria, not only in the Alpine National Park but in the Box-Ironbark National Park, which is in a large area of my electorate of Murray Valley. We see that the Boosey and Broken creeks are being fenced off from normal usage by the local farming community. We now see the growth of noxious weeds and feral animals in the park, with the farming community having a limited access to control the areas along those creeks that are now fenced off, which are in close proximity to land which is normally farmed. So The Nationals have great concerns about many parts of the legislation.

As we normally do, and as other parties and members of Parliament do, we have been and we will be seeking advice from organisations and individuals about the legislation and about the impact the extension of the park will have on western Victoria and the whole state of Victoria. We have had responses from the Victorian Farmers Federation. The VFF has indicated its strong concerns about the implementation of this bill. I want to quote one or two paragraphs from a letter the Honourable Peter Hall, a member for Gippsland Province in another place, received from Simon Price, executive manager, policy, of the Victorian Farmers Federation. He said:

We have just been advised that farmers with river frontage grazing licences within the greater Otways region have been informed they will be required to surrender their licences by 2008. We are concerned this puts farmers who use this land in an unworkable situation with no discussions being held about fencing or ongoing management concerns ... The cost of replacing fences after regular flood events also adds to the impracticality of fencing along river and creek frontages in the greater Otways region.

That is one concern that has been expressed by the farming community in the Otways. The letter states further:

The VFF is also concerned about the management of these areas of land if the farmers are no longer responsible for controlling pests and weeds. The government's record regarding pest and weed management and fuel reduction on public land has generally been poor.

I mentioned that in an earlier part of my contribution. Another part of this letter which needs to be put on the record says:

The VFF strongly supports a management approach for public land which includes sustainable use of our natural resources. We believe that activities such as timber harvesting and firewood collection can be part of a sustainable approach to managing public land. Tourism, while important to rural communities, tends to be seasonal and does not provide the same level of sound employment opportunities as industries such as timber harvesting can provide.

As a clear indication of the attitude of the Victorian Farmers Federation, Simon Price said:

It is for these reasons the VFF cannot support the bill.

That comes from a very responsible organisation that represents the farming community. I believe that its concerns should be taken into account and that the government should recognise that if it is going to extend these national parks it needs to provide appropriate funding support to make sure they operate effectively. What we seek is a balance in the management of these areas so that we can have tourism and national parks — and there are certainly areas that we need to retain as heritage areas and, importantly, as national parks — as well as a sustainable timber industry, which the timber communities are very concerned about at present.

I also want to quote from a publication by the Timber Council of Australia called *TrunkLines*. I refer to a letter from Chris Wagner, who is the editor, and I will quote some of the paragraphs from it. He said:

... the decision to axe more than 200 jobs from the Otway forests looks to me like just so much bad blood, and the timber communities in Victoria are once again in the firing line.

Further on he said:

Is this a win for the environment or simply a victory for city folk who own a lot of very expensive holiday houses on the Great Ocean Road (including a few members of cabinet)?

Well, one thing is certain, Steve Bracks is not making many friends in rural Victoria.

The letter goes on to say:

The announcement came just one day after ... 500 cattlemen trod a path to state Parliament to protest against the government's decision to ban grazing in the Alpine National Park.

Again, that was an absolutely disastrous decision by the government which showed a lack of understanding of the important part played by mountain cattlemen over many years — approximately 150 years in the high country — by people who feel a great responsibility for and a great recognition of the importance of alpine parks and our heritage areas. Chris Wagner goes on to say:

Let's be honest, Steve, you are putting the importance on city-dwelling dog walkers over the livelihood of our rural communities.

Steve Lawson, the Otways region president of TCA —

Timber Council of Australia —

said the government has declared war on timber communities and lost the goodwill of the local people.

That is a quote from the organisation responsible to the timber industry.

Mr Crutchfield — It's all in the past!

Mr JASPER — The member says it is all in the past. If that is in the past, what is going to happen in the future?

Honourable members interjecting.

Mr JASPER — What was that again?

The ACTING SPEAKER (Ms Barker) — Order! Members will have their chance to contribute to the debate.

Mr JASPER — If the interjections are loud enough and responsible, I will respond to them. I will respond to any interjection that comes forward. I will do it quite adequately if they do it appropriately and I can hear it. If members put it up nice and loud, I will be able to respond to it loud and clear.

The ACTING SPEAKER (Ms Barker) — Order! The member should not encourage interjections.

Mr JASPER — I shall be interested to hear the members' contributions later. I am entitled to put that view and I have done so.

Mr Crutchfield interjected.

Mr JASPER — I think the member has an indication of where we stand. I will quote from the *Herald Sun* of 3 January what the minister said:

Our aim is to make sure the Otways hinterland can establish itself as a thriving, long-term tourist destination, making the most of its amazing natural features ...

I agree that there are amazing natural features down there and the area can be developed, but it needs to be done in partnership. We need to have a balance between what areas are for national parks, for heritage areas, for tourism and for visitors to the areas. But it must not be forgotten that we need employment there. Tourism, as indicated in the letter referred to earlier, is a seasonal thing and we need to have employment on a continuing basis. I am sure the member for that area, who will speak on this bill shortly, will indicate the disastrous effect that this proposal has had on the timber industry and employment in that part of the state. Tourism cannot take over all that employment. I know that from experience, particularly in north-eastern Victoria, and from the changes that have been made in certain areas.

I want to refer to firewood collection which has also been mentioned by other members during this debate. We have seen it quite clearly in north-eastern Victoria where, it has been said, firewood collection would still be available. When I speak to people who would normally collect wood for domestic stoves and fires in my electorate, they tell me they cannot get access to those areas to collect appropriate firewood. If they have to collect it, the area allocated to them is 40 or 50 kilometres away, not close to where they live. That issue needs to be looked at responsibly. Recently one of my constituents asked someone in the department where they could collect firewood because it was very difficult for them to get access to an appropriate area. The response from the person in the department was, 'Why don't you connect to natural gas?'. That would have been fine. A lot of areas in my electorate of Murray Valley are connected to natural gas, contrary to what the Minister for State and Regional Development has been saying, but there are certainly some areas that do not have natural gas. It was a stupid and ridiculous statement to make to a person who relied on firewood and was not able to get appropriate access to collect it.

In the box-ironbark area we have had implementation of various stages for designation. We have had the national parks area and the state forests, and now we have this new one to be declared in the Otways, putting restrictions on what people can do. There are some declared areas in which they can collect firewood or take animals, but they are restricted areas. In my electorate around Eldorado, for instance, people are allowed to utilise the area within 100 metres of the creek. As it is only 100 metres from the stream, it is very restrictive. Camping, which has been allowed in the past, is now restricted for many people. Restrictions are being placed on areas which are declared as national parks, restrictions which should really be overlooked.

I refer to a letter from Peter Ellard, the vice-president of the Bush Users Group in Castlemaine:

Just how far does the Victorian National Parks Association's greed extend? The Victorian Environmental Assessment Council's recommendations for a huge Otways-Angahook national park certainly does not bode well for those who will lose their livelihoods or find them severely restricted.

...

The current park system is underfunded, poorly managed and under-resourced. Local people are disfranchised and at risk of bushfires but the VNPA has no regard for the damage and heartbreak they impose upon Victorians.

Those sorts of comments are being made by people who are genuinely interested in country Victoria and national parks and the development of appropriate areas within the state, but they are saying that if we declare and extend these national parks we need some balance in how they are managed. We need balance in the area so that we can have tourism and accessible national park areas, and to make sure that industry is protected. As I said, we have seen the changes in relation to the mountain cattlemen and the lack of recognition of the important part they have played in the Alpine National Park, with the government unilaterally taking action because it has the numbers in both houses to be able to force through this type of legislation.

I indicate in closing that from The Nationals' point of view and from the information I have put forward on behalf of the party, it will not be supporting the legislation because it has great concern with some parts of it. We acknowledge that some areas within the bill are important, such as extending national parks and looking after heritage areas, but we believe it goes far too far. Extending this area will not be to the benefit of Victorians as the minister indicated, and certainly employment and the development of a variety of industries that have had support from the timber industries and others will no longer take place. We do not see any future for them there and they will not be able to rely on tourism; there is absolutely no doubt about that. The restrictions being placed on these areas need to be reviewed. For those reasons The Nationals will not be supporting the legislation.

Ms LINDELL (Carrum) — I will begin my contribution this afternoon with a quote from an article in the Otway Ranges Environment Network newsletter no. 12 of August 2005. I will preface the quote by saying that I thought it was a bit harsh when I first read it. The article is headed 'Where to from here for the Otways':

However, the greatest threat to the Otway forests continues to be the political parties that haven't supported the expanded

Otway National Park and continue to support indefinite woodchipping and clearfell logging in the Otways under the west regional forest agreement. The state and federal Liberal Party have so far refused to formally acknowledge that the Victorian ALP state government was elected with a mandate to end Otways native forest logging by 2008.

Even though I thought it was a bit harsh, today I realise the network was absolutely right. There is no commitment. There never is commitment from The Nationals for a national park. Heaven forbid! There would not be one national park bill that has ever been debated in this house that The Nationals have felt they could support. In this debate the Liberal Party has a foot on either side of the barbed wire. It says, 'We support it but we do not. We support it but we have these concerns'. It is trying to say the government is doing these backroom deals and it is trying to convince environment groups that it would do it a bit differently.

Mr Mulder — Have you ever lived in the Western District?

Ms LINDELL — Yes, I have lived in the Western District. The problem that the —

The ACTING SPEAKER (Ms Barker) — Order! The member for Polwarth will have an opportunity.

Ms LINDELL — The problem that the member for Polwarth has is that this issue was a key commitment in the government's 2002 election policy. It was a very clear and pronounced decision of the Bracks government to say it would establish the Great Otway National Park and create a new future for the Otways. This was absolutely clear. No-one could have missed that statement in the 2002 state election policy.

Of course this bill builds on the Bracks government's quite amazing and growing list of environmental protection: the creation of our 13 national parks and 11 marine sanctuaries; the expansion of the box-ironbark parks; the creation of the Point Nepean National Park; and the cessation of cattle grazing in the Alpine National Park.

I will take one step sideways and say to the member for Murray Valley that this government has no disrespect for the mountain cattlemen. There is no disrespect whatsoever. I certainly acknowledge their great contribution to this state. What I object to is the environmental damage that their cattle do in the headlands country of our major rivers. My problem is not the mountain cattlemen but their cattle.

The National Parks (Otways and Other Amendments) Bill which we are debating today will protect all that is special about the Otways. No-one in this house could

disagree and debate the very special nature of the Otways. The Otways has the most significant scenery, waterfalls, rainforests and a magnificent coastline. It is so spectacular. It has unique flora and fauna. I suppose the great shame for all Victorians is that we have not proclaimed a Great Otway National Park before now — 2005. This bill will ensure that all logging and woodchipping in the native forest will cease by 2008. We should acknowledge that it was reduced by 25 per cent in 2003.

There is a \$7 million tourism initiative. The member for Warrandyte made a great fuss of his claims that there is no additional funding or poor funding for national parks and that Victoria trails the rest of Australia, which is absolute tripe as usual. There is a commitment of \$20 million for the Otways — \$7 million of that is a tourism initiative that will see the Cape Otway lighthouse and surrounding reserves as part of the park. The bill allows a new lease to be granted to allow the continued tourism use, and from the view of a person who has actually been down there and stayed at the lighthouse can I say to everyone in this chamber, 'It is an experience to be had; it is a glorious spot'. It is great that we can continue with the highest protection possible and balance uses in these areas. As the member for Murray Valley so earnestly wants us to do, we can balance the use of national parks with the protection of what is so very special about them.

The state budget allocated \$13.1 million over four years to the new Great Otway National Park and Otway Forest Park. This will see the employment of 17 new staff and \$3.4 million annually will be provided to the park on an ongoing basis. The state budget also allocated \$19.3 million over four years and \$4.5 million ongoing for additional weed and pest management right across the park estate. There is also nearly \$50 million over six years for asset replacement and repair. Priority in the Great Otway National Park includes the boardwalk at Mates Rest, barbecue facilities at Sheoak picnic area and a lookout at Aireys Inlet. I note also in the newsletter from the Otways Ranges Environment Network that there is a major redevelopment at Triplet Falls, with a creation of a new track and sections of elevated walkway to the waterfall.

Can I put on the record my disgust at the most shameful destruction of that wonderful area resulting from the 'No park' campaign. There is an upgrade of short walk opportunities at Erskine Falls, Beauchamp Falls, Hopetoun Falls and Stevensons Falls. There will be construction of a walking and bike-riding track to link the township of Forrest to Lake Elizabeth. There is a development of mountain bike trails in the forests of the Otways, construction of a new walking track to Little

Aire Falls and a feasibility study into the economic opportunities for the township of Forrest, as well as completion of the final two stages of the Great Ocean Walk. That list of projects is coming from the \$7 million Otway nature-based tourism program that was announced in January.

There is no doubt that this government has a huge commitment to the protection of Victoria's nature reserve; to extend our national park system with the creation of the Great Otway National Park is one of those historical moments that we should all really stand back and in many ways be very thankful to be part of a government that has the courage to take these steps, and to acknowledge the work of many years from the environment groups — certainly the Otway Ranges Environment Network. As the member for Carrum, I have consistently received information, their newsletters and always in a very professional, committed and non-partisan way pushed its cause for the protection of the Otways. I acknowledge the work of the Victorian Environmental Assessment Council, which on behalf of the Victorian community put amazing effort into its reports and tried to walk through the maze of those very avid supporters and hostile non-supporters of national parks when they are proposed. VEAC does an amazing job. Its final report given to government on the Otways was a fabulous document. I wish this bill the speediest of passages through both houses and I certainly wish a great future ahead for the Otways.

Mr MULDER (Polwarth) — This will be interesting. Do you want me to start off with 'What about the Otways?'. I am more than happy to do that given my last rally. What about the Otways? On that note I will make some comments in relation to the legislation before the house, the National Parks (Otways and other Amendments) Bill.

Naturally I am very passionate about that part of the world because it is my electorate and in some ways I am somewhat disappointed with the content of the legislation that has come before the house. It is not that I am against national parks. I thought it was a great opportunity to create a great national park in the Otways. I thought it was a great opportunity to allow people into that region and to enjoy that region for recreational purposes. The Otways have enormous potential in terms of bringing tourists into that region and boosting the economy, but I also thought there was still a great opportunity to remain having a strong and vibrant timber industry. The timber industry over a number of years recognised that the Otways had been overlogged and continued to take cutbacks to try and get the logging quota back to a sustainable level.

We know very well that prior to the announcement of the Great Otway National Park, the Premier on behalf of the government announced that the department would undertake a study on the parts of the state that were being logged that were sustainable and those parts that were not sustainable. He gave a gilt-edged commitment and a promise that if any part of the state where logging was occurring was proved to be sustainable, he and his government would support those timber communities. That is what he said. I was here when we had timber processors, timber workers, log truck drivers visiting the Parliament, talking to the Premier, talking to the responsible minister and getting this commitment right up to the day that the announcement was made.

The member for Carrum, in her contribution today, said no-one could have missed that statement in relation to the creation of the Great Otway National Park. Nobody could have missed that statement from the Premier and the government in relation to their commitment to support any timber industry that was sustainable across the state. They were lied to. That is what made me so angry about the way this whole process was handled from day one. There was always the opportunity for us to have a good national park in the Otways, a good timber industry and a good tourism industry. The strength of that entire region has never been its reliance on the timber, dairy, beef or any other industry; it has been its diversity. I am very concerned to see one component of it taken out of the equation for no reason at all other than a handful of Greens preferences.

What we have seen is not the end of it. The flow-on effect of those licences being taken out of the Otways has been that those companies are moving out into viable agricultural land, particularly in the Simpson area. They are buying up land that has been cleared and land that has been used by those communities for dairy farming for many years and are starting to plant plantation timber to get resource security into the future.

I put it on the record that I will not oppose the legislation and we are not opposed to the legislation. I also acknowledge that the government got a mandate at the last election to take this legislation through the Parliament. But I also put it on the record that when the Liberal Party returns to government in Victoria, if any of this legislation has impacted negatively on my community, I as a local member will certainly push to amend it in order to get the best outcome I can possibly get for my community.

As I said, this whole process was handled as it was as a result of a lie. If it had gone through a proper

consultation process and if the government had stuck to its word, we would have had an outcome that everybody could have lived with. We do not have that. The community of Colac and the community of the Otways are not happy with the way this legislation has been handled. They are not happy with the consultation process, and as their local member I put those comments on the record.

There are real problems with the legislation. Not only has there been a massive expansion of the Otway National Park — from 40 000 hectares to 102 000 hectares — but there is also this new category of park, the Otway Forest Park, covering some 30 000 hectares, in which some recreational use will supposedly be allowed. We are not sure exactly what that recreational use will be. We know why this new category has been created — that is, to shut logging out of the Otways altogether. We got what we knew we were going to get — our Otways national park. It was agreed, and we understood, that there would be no logging in national parks, and that was acceptable. However, the only reason why this new category of forest park has been introduced, and the only reason the legislation is structured in the way it is, is to ensure the government can get rid of the licences.

I know the majority of those companies have taken their money — taxpayers money. The loggers have taken the money, the processors have taken the money and the contractors have taken the money, and they have walked. There is no way known that those particular operators, contractors and other people who worked in the industry will hand the money back and come back on board. Nonetheless I put it to the house that the reason why this category of park has been introduced is to do away with the timber industry holus bolus. It has been handled in such an underhanded manner that the people of the region, like those right across the state, are now starting to lose faith in the government. It gives communities one line, then it lies to them and does the opposite. In the second-reading speech the minister stated:

It —

the Otway Forest Park —

will provide for recreation, including some activities not normally permitted in a national park, and minor resource uses ...

The bill states that the land is reserved for the purposes of:

... providing opportunities for informal recreation associated with the enjoyment of natural surroundings ...

What does that mean? This is new lingo. When you do not want to tell people what your real objectives are and what you are going to do, you dress it up with these sorts of newfangled weasel words, as we call them, which the government has become so renowned for.

A large number of people in my electorate, who between them share a wealth of expertise and knowledge of the area, made over 700 submissions to the Victorian Environmental Assessment Council investigation and heavily involved themselves in the consultation process. In addition over 1000 people turned out at public meetings in Apollo Bay, and they included people who use four-wheel-drives and people who want to walk their dogs and ride their horses. They will now be watching very carefully to see how this government deals with the expectation that their recreational activities will not be curtailed. As I said, they have no guarantees. When they look at the minister's comments on these matters, how on earth could they have any surety that they will not be negatively impacted upon?

As I said, the 10 minutes I have been given to contribute to this debate as a local member is a shame and a disgrace. There are so many issues I would like to cover, including the control of noxious weeds such as ragwort and blackberries. I have been to a number of private properties that adjoin the national park where the landowners are sick and tired of the government not controlling noxious weeds such as ragwort and blackberries that are rolling over the park boundaries onto their properties. The government has no intention of doing anything more. Up until this point in time the resources the government has provided for the upkeep of the national park in the Otways have not been anything near the amount required. The national park will grow from 40 000 square hectares to over 100 000 square hectares. Where will the money come from?

A lot of the limited amount of money that has been put in is being creamed off for activities such as surveying. Surveyors are working in the Otways at the moment, trying to determine the boundaries. That has caused a lot of angst among private landowners, who believe the Surveyor-General's department has been heavy handed. Once again this money was supposed to be put aside for the operation of the national park, but it is being used for these types of activities. It makes you ask how much will be left to manage the park.

The tragic bushfires went through the area in 1983. We get fires such as those every 25 to 35 years. If this park is not managed and operated properly, another bushfire will go through the area. It will be devastating, it will

ruin communities and it will greatly impact on the natural beauty of the area. We saw what happened in the north in relation to bushfires when the government failed to look after its area of responsibility, and I can see the same thing happening in my part of the state, because this park will not be resourced or managed properly. On that note, I repeat that I will not oppose the bill.

Mr CRUTCHFIELD (South Barwon) — It is with particular pleasure that I rise to speak on the National Parks (Otways and Other Amendments) Bill. Like the member for Polwarth I have an emotional attachment to this area. My parents and grandparents were brought up outside Colac and my electorate abuts that area — the gateway to the Otways. The contribution from the member for Polwarth contained a number of anomalies. The most frightening were his comments about putting on the public record parts of this legislation he would rescind. That raises concerns about what he means. He has not said which parts of the legislation he is talking about, but I can only go on some of the comments he has put on the record in the *Colac Herald*. On 18 August 2003 the *Colac Herald* reports that:

Member for Polwarth Terry Mulder has pledged the Liberal Party's support for the Otways timber industry at the next state election.

That means the opposition will support the timber industry in the Otways. The report further states:

Mr Mulder said the state government's decision to shut the Otways and create an expanded national park could be reversed.

I can only speculate on what he is talking about in terms of rescinding parts of the legislation. Is he talking about rescinding national parks legislation?

Mr Wynne — Is it on the public record?

Mr CRUTCHFIELD — Yes, it is on the public record. Is he talking about rescinding the forest part of the legislation? It flies in the face of the Deputy Leader of the Opposition's contribution when he indicated his support for the bill.

Mr Wynne — There is a split.

Mr CRUTCHFIELD — Yes, there is a split. Clearly the member for Polwarth has been rolled. We have known for a long time about the member's opposition to a national park, and his opposition to the reduction of clear-fell logging in the Otways. He is a supporter of that. Our 2002 election policy outlined our intention to declare a Great Otway National Park and to reduce clear-fell logging by some 25 per cent. We did

that with Calco Timbers and Otways Hardwoods accepting a very generous contribution from the government to remove their licences, but Murnane's refused to do that. Murnane's has been on the record saying that the Liberal Party will support it at the next election to ensure that logging continues. Unfortunately, the member for Polwarth has led them down the garden path. Firstly, the Liberal Party will not get in at the next election, and secondly, clear-fell logging will not continue. I will remind my constituents of the member for Polwarth's view. There is a clear split in the Liberal Party.

I am again reminded about this consistent confusion with a report in the *Colac Herald* with the headline 'Liberal confusion over National Park'. It certainly appears from the comments of the very first two speakers for the Liberal Party that they have diametrically opposed views about the future of this legislation. The member for Polwarth is indicating he will rescind parts of the legislation.

Mr Mulder interjected.

Mr CRUTCHFIELD — You did say 'rescind'; we will look at the *Hansard*. The Deputy Leader of the Opposition talked about an adequate level of resourcing. Members would have received the Otway Ranges Environment Network (OREN) newsletter yesterday — I hope every member in this place received it. I quote from the newsletter:

There was also a lot of criticism by anti-national park/pro-logging groups saying the state government would never make resources available to manage a new Otway National Park.

We have heard that here today. It goes on:

The state government has addressed these concerns before it formally announced the new national park.

OREN congratulates the government on its allocation of resources, not only its commitment made during the 2002 election campaign of \$14 million over four years, which was used to pay out some of the licences, but also for some infrastructure issues that were referred to by a previous speaker. I note that on 26 July the Premier was in the electorate of Polwarth opening the first stage of the old Beechy line rail trail. That is another example, and I am sure members could quote numerous examples of additional resources both for infrastructure from a public point of view and infrastructure from a private point of view. The private sector has jumped onto the back of this government's initiative with significant investments to make this an environmental icon for Australia. I have been to the Cinque Terre National Park in Italy where there is a

great ocean walk, beautiful beaches and mountainous areas. The Otways are very similar to the Cinque Terre and equally as marketable with its international tourist icons such as the Twelve Apostles and the Great Ocean Road. The Great Otway National Park fits into all these scenes, along with the marine national parks.

I want to refer again to the OREN newsletter. It thanks all those who supported the campaign to end clear-fell logging in the Otways and who supported the creation of a new expanded Great Otway National Park. I want to acknowledge Simon Birrell, whose energies from the mid-1990s led to the incorporation of OREN in 1996 and a formalising of the campaign to end clear-fell logging. In the 1980s, prior to Simon and OREN, Joan Linbos, from the Geelong Environment Council, and Trevor Prescott, from Field Nats, were regular contributors in terms of establishing a national park in that area. I thank them for their lobbying.

During the late 1990s OREN began its campaign in earnest both from a direct action campaign but as importantly with a very intellectual and energetic lobbying campaign. They began to lobby councils of which the City of Greater Geelong was one. I was a councillor at the time. They even lobbied the opposition. I know the Deputy Leader of the Opposition pretended to be sympathetic. He obviously has the numbers: he has rolled the member for Polwarth, because the opposition supports the national park. They focused on councils such as Surf Coast, Warrnambool and the City of Greater Geelong, which all supported their campaign to remove clear-fell logging from the Otways. There was a unanimity of political views on the City of Greater Geelong, with Liberal and Labor people supporting this. That thankfully seems to be echoed today.

It is not surprising that The Nationals oppose the bill, because they do not know the difference between a variegated fairy wren and a wedge-tailed eagle. If you moved them, you would shoot them!

On 6 November 2002 the Premier and the Minister for Environment made the historic announcement at Triplet Falls in the Otways. It was universally supported and all Geelong members of Parliament were there. I have fond memories of that election campaign. I have memories of Roger Hardley handing out pamphlets and monsterring the Greens because they had not given their preferences to me in South Barwon — confusingly so. OREN was there in an unapologetically partisan way. OREN had given the Liberal Party the opportunity of supporting the park, but when it refused to support a national park they campaigned accordingly. I was the beneficiary of that, and I thank them.

Finally, I want to thank a few other people from OREN. I have never experienced such raw emotion as that felt at the announcement on 10 June this year by the Premier and Minister Thwaites — and a number of local members were present. It was tinged with happiness to a certain extent. There were grown men and women who were crying. I know there is emotion on both sides of this debate, but on this occasion there was a lot of emotion by supporters of this park. It was a magnificent victory for OREN. I cannot mention everyone but I should thank Simon Birrell, Roger Hardley, Greg Hocking and Gerard Mullally. Their efforts will ensure that generations to come will enjoy the Great Ocean Road, the Twelve Apostles, the marine parks, the beaches and the Great Otway National Park. Well done!

Dr SYKES (Benalla) — I rise to speak on the National Parks (Otways and Other Amendments) Bill. I oppose the bill on the basis of two fundamental concerns. The first is the issue of resourcing, and the second is the comprehension of the need for a managed access approach rather than what is at times a lock-the-gate-and-throw-away-the-key approach. Other speakers have already focused on the issue of the park being expanded from 40 000 to 100 000 hectares. I know there have been announcements about money being put in there to resource it, but from previous experience with the management of national parks either the money that is going in is insufficient or it is not being well and wisely spent by the management. It could be either of those or a combination.

The government seems to have an ongoing problem in understanding the magnitude of the inputs required to manage large tracts of land. I am aware that the government has made some moves in relation to trying to involve other groups in the management. Memorandums of understanding have been established with the four-wheel-drive club of Victoria, the Australian Deer Association (ADA) and the Sporting Shooters Association of Australia (SSAA), but a lot of those agreements and memorandums of understanding have really only been committed to in principle. We are yet to see a lot of on-the-ground activity and evidence that those groups' inputs are going to have a significant impact on the management of the parks.

If we look at the SSAA, which has been attempting to work with this government, I note that in correspondence to the Minister for Environment on 6 June the association expressed some major concerns about the proposals in relation to the expanded Otway National Park. Their starting comment is:

We express our serious and urgent concern at several aspects of this report ...

They specify in paragraph (e) that the recommendations regarding land categorisation will:

Eliminate all vermin and feral animal hunting (control) from the Otway public lands —

and —

Eliminate all deer hunting from all but the new forest park areas ...

What are we going to do about the control of those feral animals if the legislation prevents that control? We know that if you do not impose control, then foxes, wild dogs, hares, pigs and deer will breed and create great havoc and damage to the very environment we are attempting to protect.

The SSAA also notes:

with concern that although a broad spectrum of recreational and other users were represented on the community reference group, (which liaised closely with the VEAC —

the Victorian Environmental Assessment Council —

during preparation of the report), hunting interests were not represented.

So what is going on? We are talking about engagement of interest groups and supposedly involving them in assisting the management of the parks, but when it comes to consultation the hunting groups are not involved and there is no provision for the management of vermin and feral animal hunting.

The ADA is also trying to work with the government and ensure a balanced approach to the control of deer in national parks and state forests. It has attempted with this government to ensure that the deer hunting is conducted in such a manner as to be safe and to protect the interests of adjoining land-holders and other users of the parks. It had to do this work — and it worked with local police and myself — because of problems with some rogue deer hunters in north-east Victoria, particularly in the Tolmie and Wood Point areas and the Buckland and Buffalo river valley areas. The ADA, the police and I managed to convince the Minister for Environment to assign 10 officers to ensure compliance by existing deer hunters with the prevailing legislation; a political commitment was made to 10 positions. Those positions were then more or less filled, after a lot of ongoing pressure from the ADA, but guess what? After 12 months the money has run out and the program is being abandoned.

The government must appreciate that in relation to the Otway National Park and any other national park the management of weeds and vermin is ongoing. This has also been highlighted recently with the approach to wild dogs. There have been announcements made by the Minister for Environment highlighting the commitment of the government to wild dog control. There has been some commitment there, but it has been made after a lot of effort by many concerned adjoining land-holders. Last week I attended a meeting of the Cheshunt Wild Dog Destruction League, which has a successful program operating both in the Cheshunt area and the nearby Mansfield area. It is successful because there is a good working relationship between the managers of the public land and the adjoining private land-holders.

The critical thing is a long-term commitment and a team approach. At this stage I am not convinced that there is a long-term commitment by the government because, as I have said, in relation to deer control the money was put on the table briefly, but as soon as the heat had gone out of the argument the money disappeared. There was a similar knee-jerk response in relation to the government's commitment to increasing funding for pest and wild animal control in parks. There have been several announcements recently about money going to the Department of Sustainability and Environment (DSE), but where has it come from? The government has pulled that money out of the management of weeds and pest animals on private land.

It has ripped the heart out of the Department of Primary Industries front-line staff, who have been working with private land-holders and on adjoining Crown land to manage weeds and pest animals on private land. Money has been ripped out and moved across to DSE. It is often not new money that is going in there; it is money that is being shifted from one source to another. The overall objective of Victoria's being a great place in which to live and raise a family and an environmentally friendly place is not being achieved because half the state is being forsaken to meet the political commitment to put money into national parks.

Similarly a lot of noise was made about money going into the recovery of the 1 million hectares of country that was burnt in the bushfires, but a lot of that money was not spent and was instead repackaged. It was a classic smoke and mirrors routine of giving a political commitment but not delivering the money. I see that clause 5 of the bill provides for access by adjoining land-holders to national parks. I presume that is about being able to retrieve animals should they stray and doing some weed and pest animal control. I say to the government that if it is fair dinkum about that and if it is

going to look at some control there, then it should make sure that we have around all our national parks, and in particular this new one, a significant buffer zone where weeds and pest animals are controlled. If the government wants to involve adjoining land-holders, it should ensure that they are provided with adequate resources. It should do it as part of a good neighbour policy rather than the neighbour from hell approach that is being taken at the moment. The government could kick in, say, the cost of the chemicals and the hire of the spray outfits and let the land-holders work alongside it. Work together, and you will be amazed at the results!

Let us not have a repeat of what came after the bushfires. When push came to shove the money committed to the rehabilitation of the land damaged by both the fires and the fire-control activities was totally insufficient for the land-holders, and they were basically told to whistle Dixie. If we are going to be creating these wonderful national parks and ensuring that they are in pristine condition, then there has to be a recognition of the need for adequate funding and for a political commitment. We also need to look at adequate funding for research, because it is recognised that you cannot continue to use existing technologies such as spraying and, in the case of wild dogs, trapping. When we need to continue to search out other opportunities to control these animals and weeds, why is the government allowing the Keith Turnbull Research Institute at Frankston to fall into disrepair? It is not able to carry out ongoing research into weeds because it no longer meets the biosecurity criteria required to conduct research on vectors and biological control.

From the point of view of The Nationals the government's dream of having wonderful national parks is at this stage not being matched by a commitment and a practical approach to ensure adequate resourcing of the proposed park and the existing parks. I challenge the government to get fair dinkum and come on board with a managed approach to this and other national parks and to ensure that there is adequate resourcing to achieve that.

Ms NEVILLE (Bellarine) — I am very pleased to have the opportunity to offer my full and unconditional support to the National Parks (Otways and Other Amendments) Bill. This is a very good day for Victoria. I would like to acknowledge the representatives from the Otway Ranges Environment Network (OREN), who are here in the gallery and who deserve congratulations on this bill being in the house today. For many years they have argued for the need to protect the Otways, and their efforts have been absolutely instrumental in achieving the establishment of the Great Otway National Park.

Since being elected in 2002 I have been amazed by how often we see those opposite hedging their bets. We have had different views from different shadow ministers, and we saw it here today. They have given conditional support: 'We support it, but we do not like the process'. Even more clearly today we heard the member for Polwarth — I think I wrote it down fairly accurately as he was saying it — suggest that if this legislation had any negative outcomes for his community he would be pushing to amend it.

Mr Crutchfield — 'Rescind'?

Ms NEVILLE — No, he said 'amend'. But 'amend' includes a pretty broad range of options. You can pretty much rip out the intention of legislation by amending it. We have also heard a lot of concerns being raised about the concept of the Otway Forest Park, and I am wondering whether what we are seeing here is a way out for the Liberals. If they did, amazingly, win the next election, there would be questions about whether they would extend the licences in the Otway Forest Park beyond 2008. On top of that we have also had regular comments from the federal member, Stewart McArthur, opposing the establishment of the national park. We probably do not need to worry too much about The Nationals, because they probably will not be in a position to do much after the next election. I think all Victorians need to be concerned about this strategy of the Liberal members to hedge their bets and not fully or unconditionally support the establishment of the Great Otway National Park.

As the member for South Barwon said, during the 2002 election the government made a commitment to Victorians and the residents of the Geelong region that it would establish this park and forever protect the Otways for our children. This bill realises that commitment. Despite the comments of the shadow Minister for Environment, this bill is the result of extensive community consultation. It was a mandate from the election and through the Victorian Environmental Assessment Council process Victorians from across the area had an opportunity to comment. Overwhelmingly people support the outcomes in this bill.

For me there is no doubt that this decision has been one of the most important in securing Victoria's future. There is no doubt that what we are establishing here today will prove to be one of Australia's greatest national parks, and certainly one of the best assets in the Geelong region. Everyone who has travelled through the region, whether travelling down the Great Ocean Road, visiting the Otway Fly, going through the rainforest or doing the walks, is absolutely blown away

by the beauty and uniqueness of the area. I do not think you would see many people visit the area and see the areas that have been logged and not wonder how on earth anyone could do that and how anyone could allow it to occur.

In establishing the Great Otway National Park the government has clearly backed its decision with resources. Despite claims from the opposition, significant commitments have been made to ensure that we are able to manage the park in an ongoing way. In the last budget \$13.1 million was allocated to support the establishment and ongoing management of this park. Additional staff will be employed to manage the park. We have also seen \$7 million in tourism initiatives. These initiatives will be good for the whole region, not just for that particular area. Nick Hunt, the chief executive of the Tourism Alliance Victoria was quoted in the *Geelong News* as saying:

As far as the Geelong environment goes, it will be building on the strengths of not just the Otways but Geelong and the Bellarine region as well.

I know the residents of Bellarine, who were aware of this commitment during the election, are absolutely supportive of the outcomes achieved through this bill. I am proud to be a member of a government which has ensured the future of this extraordinary natural asset.

Why would we do this? What sums up why this is so important? I want to refer to some comments Simon Birrell made in the *Bellarine Echo* back in June of this year. He called this a gift to the children of the future. Roger Hardley said it was a victory for commonsense. We have not heard much of that today, but it is a victory for commonsense. As I said before, everyone who has visited the area and witnessed the effects of logging has been astounded that it has been allowed to occur — everyone of any age, right across the spectrum. I remember the postcards that were distributed prior to the last election. We had a picture on one side showing the beauty of the Otways and on the other side a picture showing the areas of the Otways that have been logged. There was a stark contrast.

I remember a good friend of my son — a seven-year-old boy — saw the postcard and said, ‘Who would want to do that? Why would you not be supporting that?’. That summed it up. At that time we were able to say very clearly that we knew who was going to continue to do that — the Liberal Party. They were very clear on record that they would continue to do that. It is unfortunate that even though they are offering their support today we still need to be concerned about whether members opposite will maintain that position after the next election.

In concluding I would like to cite the words of Mr Hardley, a representative of OREN, in the *Geelong Advertiser* when the announcement was made in June. He said:

This is really a day for those who campaigned for the Otways ...

This is really a day for the thousands of people who supported our campaign through the years.

Today is also their day. They fought the fight, they won the argument and they convinced us that this was the right thing to do. Unquestionably it was the right thing to do. I would like to reiterate the thanks expressed by the member for South Barwon. Many people were involved in this campaign but today I would like to particularly acknowledge Roger Hardley, Simon Birrell, Greg Hocking and Gerard Mullaly, and all of many thousands who have been referred to. This will be one of the most important legacies of this government and I am proud to be able to stand up and support the bill today. I commend it to the house.

Mr DIXON (Nepean) — I wish to relate my comments today to the aspects of the bill relating to the Port Campbell National Park, the Cape Otway Lighthouse Reserve and the \$7 million ecotourism initiative which is part of the Great Otway National Park initiative.

There was going to be a visitors information centre in the Port Campbell National Park. There is a park interpretive centre in a magnificent building which is beautifully located with car parking and a tunnel under the road across to the Twelve Apostles. It was originally going to be a visitors information centre as well with tourist information, but the Department of Sustainability and Environment, with its pathological hatred of anything remotely resembling human activity in its parks, said there would be no visitors information centre there, that it would only be a park interpretive centre. That is fine and it is a very impressive building. However, it doubles as a very expensive toilet block. It is my understanding that on a number of occasions, especially last summer, they ran out of water at the toilet block. Thousands of international visitors arrive at Port Campbell National Park and go to what they think is a tourist information centre but all they get is a nice interpretation of the park. They cannot buy a drink or any food, they cannot get any tourist information, they do not know what is further down the track —

Mr Cooper — Welcome to Victoria!

Mr DIXON — Yes. This is the pre-eminent tourism destination in Victoria, but they do not even get a

dunny that works, excuse my French. This highfalutin legislation for great new national parks is fantastic, but you cannot have a national park unless you are going to fund things and have the information services there, unless you are going to provide food and drink. You need to encourage people to come back and you can only do that if they leave after having had a positive experience.

The Port Campbell visitors centre is the best example I know of this government's half-hearted approach to national parks. I will talk about that a bit later. Because there were going to be no tourism services or food and drink kiosk facilities at this park interpretive centre, the government promised that it would build a visitor information centre somewhere. Three years later there is no sign of it — no plans, no discussion, no public consultation, absolutely no sign of it. If anything is needed in that area for those thousands of international visitors, it is a proper tourist information centre so people will continue past Port Campbell down to Warrnambool and right down to Nelson. It is a magnificent coastline with great inland areas to visit, but there is no tourist information because of the attitude of this government.

The Cape Otway Lighthouse Reserve is also part of this bill. I was shocked to see the Third World facilities at the site when I visited it this year. The actual lighthouse and outbuildings are well maintained and it is a great place to stay — I have stayed there before. The last time I was there was probably seven or eight years ago and when I turned up this year there was absolutely no change to the entrance to the lighthouse reserve. There is a set of six portable toilets for the thousands of international visitors who go down that way — six portable toilets sitting there in the gravel.

The car park is not made, and the entrance is just an old work hut that was there seven years ago and is still sitting there. It is only paying lip-service to the real facilities we need to have for visitors to our national parks so they will come back again and talk to others and say they ought to go there as not only are the scenery and environment spectacular but you can get something to eat and drink, there is a toilet block and it is a worthwhile experience. But nothing at all has been done in that area while this government has been in power.

The third issue I raise is the \$7 million ecotourism initiative which was meant to cover some of the timber and lobbying industry losses from that area. That was a good initiative. It is good to see any money going into tourism and \$7 million is a fair amount of money. Unfortunately hundreds of thousands of dollars of that

money has been spent on identifying projects where that money might be spent. That \$7 million is being eroded quite quickly. In the end after that process a nice glossy brochure came out and a number of good tourism initiatives were identified as worthwhile for receiving funding. I was there in April and May of this year and at that stage only one of those initiatives had actually been approved. I would hope more have been approved and something is happening on the ground. They were scattered and minor. They were worthwhile, but they were not worthy of a \$7 million spend. There were little bits here and there: a track, a bridge, an interpretive sign — just bits and pieces.

The vast majority of recommendations that came out of that consultation as to where to spend that \$7 million were that money needs to be spent on a feasibility study to further explore this or that option or this or that project. Other than the handful of minor projects that are going to happen, hundreds of thousands or even millions of dollars are going to be spent on more planning and consultation. In the end nothing will actually get off the ground. If that amount of money has been spent just on the consultations, the identifying and further planning of projects, in the end there will be nothing left to spend on any worthwhile project. If you have a tourism project you have to have something that is worthwhile which will increase the numbers and yield. The numbers are in fact fantastic; what we want to increase is the yield. We want people to stay and have a diversity of things to do so they will stay longer. The money is being wasted on all this consultation and planning and there will be nothing actually on the ground out of this \$7 million. Basically it has just gone down the creek.

I am a positive person. I do not want to be a negative member of the opposition, so I have a suggestion on where that money ought to be spent. It is not too late to spend whatever money has not been allocated. Let us scrap all the further planning, consultation and looking into the mirror and let us have a major project that will make a major difference to the ecotourism there. This is something that has come from the tourism operators and associations. When they are asked what major tourism project they would like some money spent on, they answer the upgrade to Turtons Track. It is a magnificent track. In dry weather you can take a car down there, although you certainly cannot take a hire car there because it is a gravel road. The scenery is magnificent and it is a side of the Otways and the Great Ocean Road that many people just do not see because of the condition of the road. It would take a lot of pressure off the Great Ocean Road because it is an inland road.

People could go one way down the Great Ocean Road and back the other way inland. When I was down there it had been raining so the track was closed. I could not go down and see it and that is exactly the sort of problem facing us. It would bring more people to the Otways; it would take some of the pressure off the Great Ocean Road with the huge numbers going down there; it would provide something new and more diverse to the tourist experience. Any money that has not been allocated of that \$7 million should go into that very worthwhile project. The locals, the local tourism association and operators want it and it is going to do the most cumulative good to tourism in the Otways.

There are politics to this decision. I have already pointed out two examples of facilities at national parks where money is not being spent on things that enhance the visitor experience. It is just another notch to the Greens. The Greens are a very surface, shallow organisation. They say that is great and they will give their preferences to the Labor Party. They do not ask the hard questions such as how much money is going to be spent? What is the recurrent funding? What are the plans? What are the real things that are going to happen? What environmental management plans are there for the national park? Greens never ask those sorts of questions. It is just a buy-off to keep them quiet on channel deepening and they have certainly been very quiet there. Call me a conspiracy theorist, but I think I am right. Wait until you see Channel 7 news tonight and see the damage.

Mr LONEY (Lara) — I am very pleased and proud to participate in the debate on this piece of legislation. It is a very significant piece of legislation for the Otways, my region, for the state and indeed for Australia. This bill will protect the Otway forests, as the minister said in the second-reading speech, in three major ways: by implementing a key government policy to create a greatly expanded national park in the Otway Ranges to be called the Great Otway National Park; by establishing the basis for creating the Otway Forest Park; and by ensuring the end of sawlog and pulpwood harvesting in the Otway forests. These are three things of great significance, and I certainly stand here today as a very proud member for the region in which the Great Otway National Park will be formed.

As I said, the primary purpose of this bill is to create the Great Otway National Park under the National Parks Act. This is a wonderful area. It is a great piece of Victoria and one that fortunately, like many people from my area and beyond, I spend a great deal of time in. The importance and attractions of this area cannot be overestimated. This new park will incorporate the existing Otway National Park and the Angahook-Lorne,

Carlisle and Melba Gully state parks, as well as other state forest and Crown land. The new national park will cover more than 100 000 hectares, an increase in park area of more than 60 000 hectares, and will implement the park recommended by the Victorian Environmental Assessment Council (VEAC) in its final report on the Angahook-Otway investigation.

This new national park will be complemented by the Otway Forest Park, another significant park established by this government. This was recommended again by VEAC and will cover some 40 000 hectares. These things result directly from the decision of the Bracks government to phase out timber harvesting in the native forests of the Otway Ranges and instead to recognise that their sustainable future lies with their tourism value. That is a key principle to what is occurring here.

The bill deals with a number of things, but I wish to focus on the particular aspects of the bill relating to the new national park. As the minister said in the second-reading speech, there are a number of key features implemented in this bill. The first is protecting the water supply catchments. That is a very important feature of this and one that has been the subject of great debate over many years in our region, with views expressed that the water supply catchment areas of the Otways should be protected from logging, harvesting and other uses. This is vital to Geelong, the community I represent, and to the Otway communities themselves, many of which swell to many times their normal populations over the summer months. There is a requirement to access and harvest water of the highest standard for their communities.

Also, for the first time this bill defines the Great Ocean Road and the other arterial roads, as the minister said. The importance of this is that it is for the first time properly designating what is and has become one of the world's great ocean drives. Up until this stage it has not been properly defined. I heard the member for South Barwon talking about other similar types of drives, but I might say the Great Ocean Road drive is certainly on a par with the Pacific coast drive in California and Ireland's Ring of Kerry. Both have spectacular scenery, and the Otways road loses nothing in comparison to them. I might say that I prefer it. But it is not just the ocean drive but the drives on the inland roads that are fantastic. I wonder if there is a more spectacular road in Australia than Turtons Track. That is a magnificent piece of road. You can also go up Wild Dog Road and through the surrounding area. These areas have spectacular scenery; they offer spectacular drives and sights of great foliage in temperate rainforest areas, which will now become protected for the future of this state and this country.

Another feature of this bill is that it protects the Cape Otway lighthouse. It is a great piece of Australia's heritage, built in 1848 to mark the narrow western entrance to Bass Strait. This is part of a stretch of water where, as many people understand, there have been many shipwrecks. In fact it has become known in recent years as the shipwreck coast. I might say that many of those wrecks were documented by the former Apollo Bay mayor, the late Jack Loney. I hasten to add that Jack was not related to me. But Jack documented at great length the shipwrecks of that area. That is another important piece of our heritage, and the Cape Otway lighthouse is part of that.

Establishing the Otway Forest Park is another important piece of this legislation. It creates a 40 000 hectare forest park for recreational use, allowing certain community recreation and resource uses not generally allowed in a national park. Just to spell them out, these include walking dogs, horseriding, trail-bike riding, four-wheel-driving, camping, deer hunting — which has been mentioned by those on the other side — and low-intensity harvesting for community firewood needs and other purposes. Commercial use of the park will be given a lower priority than it has been given in the past, and timber harvesting for sawlogs and pulpwood will be permitted only until the current licences expire in 2008.

This is a piece of legislation that has immense significance to my region, to the state and to the country. It delivers on the promises made in the 2002 election campaign in the A New Future for the Otways policy, so many aspects of which have been delivered. Early reduction in logging has been delivered through a 25 per cent reduction, and all of it is to cease by 2008. I listened carefully to the member for Polwarth when he was speaking, and I am pretty sure he was indicating that if the opposition gets back into power there will be a return of logging in the Otways. What a policy to have! It shows the attitude to national parks of members on the other side of this house.

I might say again that I think The Nationals simply do not understand the national parks concept. In some way or another they have opposed every single national park measure that we have brought into this place. Their approach to the environment reminds me of that old army adage: if it doesn't move, paint it; if it moves, shoot it. That seems to reflect their environment policy.

This is a great piece of legislation and it does many, many things. It will provide an investment in nature-based tourism to generate employment opportunities throughout this region. That is already starting to be delivered. If I had more time, I would go

through that in great detail, and maybe other members will do so. But I wish to say that many people and organisations have participated in making the Great Otway National Park concept a reality, from local councils, retail traders groups, tourism groups, walking groups, park users and many others who lobbied for this for a particular time.

Without wishing to single anyone out, the Otway Ranges Environment Network brought together many of those people and was, if you like, the spearhead of that campaign. Particularly because of the conversations that I had with OREN, I mention the lobbying of Simon Birrell and Roger Hartley, whose persistence in lobbying was absolutely unbounded; they had great enthusiasm and were great lobbyists. I also indicate that in the early days when this side of the house was in opposition, Chris Tippler did an enormous amount of work. Those people should be recognised for that. That leaves out a lot of people, but I thank them all. I am sure that as they see this legislation passing through the house they will feel a great sense of personal achievement. It is indeed a great day for all of them.

Mr WALSH (Swan Hill) — It was interesting to listen to the contribution of the member for Lara and his criticism of The Nationals. When he was talking about the views of different parties, I assumed he was a member of the party that was going to spend \$90 000 to paint some trees blue. Was there a project to paint some trees blue somewhere? Talk about some interesting ideas! What about the \$400 000 tree at the aquatic centre? A mistake was made in designing the changes to the aquatic centre for the Commonwealth Games, so the government will spend \$400 000 changing the plans so that it can protect one tree! I do not think members of the government necessarily have a mortgage on commonsense when it comes to what we might do in regard to the environment.

The Nationals oppose this legislation, and we oppose the formation of this new national park. We do not do that because we are against the Otways or because we are against protecting the environment. The reason we oppose this legislation is that we have had a litany of underfunded national parks for years and years. Although there is a budget allocation for this national park and there are some initiatives to do some things into the future to improve it for tourism, which are welcomed by both sides of the house, there are a lot of national parks that are underfunded at the moment. We oppose the establishment of new national parks until existing national parks have sufficient funding to be managed well into the future.

It has been said in this house before — and no doubt it will be said a lot of times in the future to the people who actually border national parks or border Crown land — that Parks Victoria in these instances is a neighbour from hell. Parks Victoria does not have the resources to manage that land well. That is not meant as a criticism at all of Parks Victoria or the very good staff they have; it is a criticism of the government not making budget allocations, not making the resources available and not making the policy decisions to provide sufficient resources so that it can manage those parks well. There are examples all across Victoria of Parks Victoria not being given sufficient funding to stop the pest plants and pest animals from not only from invading those parks and putting at risk their biodiversity but also spreading out into private land and creating a huge problem for the land-holders who adjoin those parks.

In my electorate cactus is running out of control. I am going to speak about it tomorrow in my members statement. It is out of control on Crown land, and it is spreading to private land. We have an issue with Cape tulip. We have Paterson's curse everywhere in the national parks and on Crown land in my area. With rabbits and foxes we have the situation now where the department will not allow the use of liver baits. It is insisting that the Landcare groups in those areas use Foxoff, which is not working because it is not as effective. We are finding that Landcare groups are saying that they are not going to be involved in those programs anymore because they are not allowed to use the resources that will actually lead to the control of foxes into the future. So the reason we are opposed to this bill is on a matter of principle, not because we are against the Otways or against national parks.

The other issue we have a major concern with is how this park was actually brought into place. A Victorian Environmental Assessment Council study was started, and the park was going through that VEAC process. Then in a leap of political bravery the Premier announced a policy decision before the last election that this would be a national park, which effectively made the VEAC process redundant. So there is now a lack of faith in the VEAC process because it was circumvented by the Premier making an announcement before the VEAC study was announced.

This is a particular concern to the people in my electorate. The people of the red gum forests along the Murray River are currently engaged in a VEAC process that will decide whether that area could potentially be locked up into a national park. They have some real concerns. They are going to enter that process in good faith, put a lot of resources into it and make

submissions. They are constantly taking people for tours through the red gum forests and the furniture industry up there to show them what goes on. They are very cynical that they are going to all this effort when in some ways the government has probably already made up its mind about what it may do into the future. They have an excellent tour there that they call 'From forest to furniture', which takes 2 or 3 hours.

Quite a few members of the government backbench have been on that tour. They have made very supportive noises about how great the things they do are. But then they say, 'But it is our latte-sipping comrades in Melbourne who are against this'. You cannot have it both ways. You cannot have backbenchers going up there and making noises supportive of the industry and the great work they are doing in making sure the forest is sustainable and then blaming their city cousins, saying that they do not have the power when they come back to Melbourne to make a real decision: 'We support you and we love you, but our city cousins will not let us actually help you in the end'.

That leads me to the Barmah Forest, which was also part of that study. The cattlemen have been in that forest for something like 150 years and have worked very hard to make sure it is sustainable, because you do not stay there for 150 years if you do not look after it. I have heard some comments about what members on the government benches say when they are up in the country and their change of mind when they come back to the city. In some ways the same could be said of members of the Liberal Party when they go up there. Various members of the Liberal Party have visited the Barmah Forest and talked to the cattlemen up there and have been very supportive, but, as we have seen from the voting record in this house, every time a new national park is proposed the Liberal Party votes in support of it.

In a few years we will face a quandary if we find that as a result of the Victorian Environment Assessment Council study the government takes a political leap and says that it will make the red gum forest a national park. Where will the Liberal Party sit when there is a vote on that bill, because some of their country members have made significant promises to the cattlemen up there about what they will do to protect their rights to enter that forest? It appears that when they come back here they vote for national parks, irrespective of the promises they have made to country people.

This issue of process was a major concern to the mountain cattlemen. The mountain cattlemen had a process in place. A backbench committee was formed,

and the mountain cattlemen put a lot of effort into showing people around the high country and showing them what a great job they did up there. However, when we were up there a number of months ago and met with Jack Hicks, he explained to us the expense to which the mountain cattlemen had gone to hire a helicopter to fly the backbench committee around, because they were led to believe that if they put the effort in, put the submissions in, and put up good arguments, they had a chance of being able to retain access to the high country for their cattle.

They went to all that trouble and put all that effort into lobbying the government backbenchers — but, lo and behold, what happened? The announcement came out that they were being put out. Those who actually went back and read the policy documents saw that this was something the government had planned when it was elected in 1999, but it went through the charade of engaging the local people, having the consultation process, burning up their resources, making sure they thought they might get somewhere, just to keep them quiet. In the end it did what it was going to do anyhow.

We have been through the box-ironbark forest issue and the fact that no-one can get firewood anymore. When setting up the box-ironbark forest the government said it knew that people could not get firewood, but made a commitment that it would put something in place. It said it would set up a program to get natural gas out into the country. This was fantastic. It said it would put in \$70 million to have natural gas supplied to the country.

Mr Maughan interjected.

Mr WALSH — As the member for Rodney has said, no towns in northern Victoria have been connected to natural gas. We are not against parks as a matter of principle. What we are against is the fact that the government does not fund the existing parks well enough to make sure they are a good neighbour. At the moment they are a harbour for weeds and pest animals. As I said before, it is not a criticism of the staff of Parks Victoria — they do a very good job. It is a criticism of the government in not giving them the resources to do a good job of managing our parks.

Mr TREZISE (Geelong) — I, like my colleagues from Geelong, also have great pride and pleasure in speaking in support of this legislation, the National Parks (Otways and Other Amendments) Bill. Because this legislation will in effect create the Great Otway National Park, I say with great pride and pleasure that it is in my eyes the crowning glory of the Bracks government's long list of magnificent achievements in

its creation and protection of Victorian national and state parks. No former Victorian state government could boast about such a list of achievements to protect national parks in Victoria. Like my colleagues from Geelong who have previously spoken, from the outset, and before I make any further comments on this legislation, I would like to also commend and congratulate a number of environmental organisations which have been at the forefront of the creation of the expanded national parks.

Firstly, the Otway Ranges Environment Network has been a driving force in both the protection of and the elimination of logging in the Otways. With the fear of missing out a few people, I would like to particularly commend Simon Birrell and Roger Hardley and their team on their work on behalf of OREN over many years. I can assure this house that in people like Simon Birrell, OREN has very strong, persuasive and persistent lobbyists.

I remember at one stage — it was probably early 2000 — Simon was coming in to see me at least fortnightly. Thankfully it was not more often because he lived in Melbourne and had to come down to Geelong to meet with me. But I must admit that although I always liked talking to Simon, at that stage there was not much I could say to him, so I always felt under a bit of pressure when I met with him. One day he came into my office full of beans and said that he had some great news for me, that he had moved just around the corner from my office and so would be able to come to see me more often! I met that with great enthusiasm. But in all seriousness, I fully commend Simon Birrell, Roger Hardley and the team at OREN for all the work they have done over many years — and I mean many years.

Another organisation I would like to mention — and I may forget some organisations — is the Geelong Environment Council led admirably by Joan Lindros. The GEC also played a pivotal role in the protection of the Otways over many years. There are numerous other individuals and organisations with whom I have worked over the last few years on this legislation and the cessation of logging.

I will never forget the day my youngest daughter and I met with a group of people, including OREN and local accommodation operators, who took us on a tour of logging coupes in the Otways. We visited one clear-felled area just off Mount Sabine Road, and it was literally like a moonscape. We were wandering through a cool rainforest one minute and then entered a moonscape, which was just hectares of dirt, stark sunlight and one or two tree stumps. That delivered

home to me a very powerful message. I also remember the blistering heat and dust in that bare area. On the way home my daughter absolutely — —

Mr Maughan interjected.

Mr TREZISE — I have been there a number of times since. On the way home my daughter questioned the fate of the koalas, the parrots, the wombats and the other wildlife, and asked me a very pertinent question: what was I going to do about it? She was then eight years old.

In turning to the legislation before us today, the primary purpose of this legislation is to create an expanded Otway National Park. The new park will incorporate the current Otway National Park, and the Angahook-Lorne, Carlisle and Melba Gully state parks. The Great Otway National Park will cover more than a massive 100 000 hectares — more than doubling the current national park. In addition the park will be complemented by the Otway Forest Park, covering another 40 000 hectares. As a result of the creation of the parks the Bracks government will be able to fulfil its other key objective for the protection of the Otways — that is, of course, the phasing out of logging of native forests by 2008. By putting together the Great Otway National Park and the cessation of logging, we have as a result a new beginning and a very healthy future for the Otway Ranges.

In creating a massive national park like the Great Otway National Park, it is essential that funding is available for its upkeep. I note the opposition from The Nationals to this bill due to, in their eyes, an apparent lack of funding. It is therefore important to note that in the May 2005 budget more than \$13 million was allocated for the employment of additional forestry staff for this work, and that there will be a further \$3.4 million ongoing funding for land management in the park. In addition, early this year — I think it was in January — \$7 million was allocated to tourism in the Otway Ranges. This funding of course recognises the future of the Otway Ranges and will ensure that future opportunities and employment sit with ecotourism and not logging.

The funding will be used to fund proactive and practical tourism projects based in the Otways. These include upgrades and redevelopments to areas like Triplet Falls, walkways to various waterfalls including Erskine, Beauchamp, Hopetoun, Stevensons and Little Aire; the creation of a walking track from Forrest to Lake Elizabeth — and I can say from first-hand experience that Lake Elizabeth is a great place to spend an Easter camping with your family; the further development of

bike trails; and last but not least, the completion of the Great Ocean Walk, a project that will be most welcome to a lot of people.

Importantly for communities in Geelong, Colac, Lorne, Warrnambool the Surf Coast, the parks will include important parts of numerous water supply catchments. The protection of these catchments through their incorporation into the parks will ensure a quality water supply for those communities I have mentioned. The legislation also provides a great future for icons like the Cape Otway lighthouse and the Cape Otway cemetery. The Cape Otway lighthouse is a magnificent relic of our shipping history along the southern coast, and I welcome the new lease arrangements that have been put in place.

In conclusion, my family and I have spent many hours, days and weekends along the Great Ocean Road and in the Otways. I honestly cannot think of a better way to spend a weekend than going down along the Great Ocean Road and through the Otways. Their sheer magnificence, beauty and tranquillity could not be surpassed anywhere in the world. It has taken the Bracks government's commitment to the Otways through the creation of the park and the cessation of logging to ensure its future.

I commend the Premier, Minister Thwaites and his predecessor, Minister Garbutt, for their commitment to and work in protecting the Otways. I also take the opportunity to commend my fellow Geelong member of Parliament, Ms Elaine Carbines in the other place, for her work as a parliamentary secretary over a number of years. This is great legislation. It will ensure the future of the Otway Ranges for generations to come, and I commend the bill to the house.

Mr MAUGHAN (Rodney) — Let me say right from the start, in response to some of the accusations from members on the government side, that The Nationals are certainly not opposed to national parks. On the contrary, we certainly want national parks — —

Mr Nardella interjected.

Mr MAUGHAN — We are opposed to just locking up more and more land so that you get more land but you do not manage it properly. If the member for Melton read our policy, he would see that it says we will support the creation of national parks provided an equivalent area of land is taken out of some of our existing areas. The park that we are talking about is in a magnificent part of Victoria. There is no question about that, and I personally have no difficulty at all with that magnificent part of Victoria being put into a national

park. I agree with members who have spoken previously about how magnificent the Otways and the Great Ocean Road are.

I have to say that whenever we have overseas visitors one of the things we love to do is take them from Echuca down the Black Spur, across to Cardinia Reservoir, along the Mornington Peninsula, across the bay on the ferry, along the Great Ocean Road through the Otways, on to Ballarat and then back to Melbourne. We usually do that in two days and show them a magnificent part of Victoria. I know the Otways and I know the Great Ocean Road and the Twelve Apostles — or the 11 or the 8 or whatever it is we have there now! — and I believe it all should be preserved.

However, our objection is to the lack of resources this government has provided over a long period of time to look after the land it already has under its control in order to deal with pest plants and animals. Right now this government, while talking about more resources going into looking after national parks, is on the other hand making redundant and then redeploying pest plant and animal officers around the state. Already they are unable to cope with foxes, for example. I was in Kyabram only last week meeting with a group of people who call themselves Dad's Army. They are members of a field and game club and they go out shooting foxes because this government is letting foxes run rampant. They do not seem to care about the damage — —

Mr Cooper — Even in the city.

Mr MAUGHAN — Even in the city, as the member for Mornington said. We have more and more foxes, and the government talks about baiting without really having a practical understanding that baiting alone is not enough to control foxes. You need shooting as an option. I advocate, as I did last week, the reintroduction of the bounty. The two together, a \$10 bounty on foxes and judicious baiting, will reduce the number of foxes. Just in the Kyabram area that I visited last week Dad's Army shot about 4000 foxes in the final year in which the bounty was in force. The following year, when the bounty was taken off and spotlight shooters were not going out as much, the number came down to about 3000. Last year it was about 2000, and this year it is even lower, because people are just not going out to get the foxes.

Mr Cooper — They do not care about foxes.

Mr MAUGHAN — We need the government to encourage people to go out, because it involves time and cost. As the member for Mornington said, the

government really does not care about the damage that foxes are doing.

Mr Nardella interjected.

Mr MAUGHAN — The member for Melton should come up and have a look at the damage they are doing to sheep in my area. Farmers are having a rough enough time anyway without having to deal with foxes that in many cases are coming from Crown land and national parks.

Mr Nardella — And private properties too!

Mr MAUGHAN — Yes, in some cases that is right. But why do you not do something about it? The same is true with weeds. Twenty years ago Paterson's curse was north of the Murray River. It has come further and further south, and it is now this side of the Great Dividing Range. It is certainly south of Heathcote, which is in my electorate. This government is doing absolutely nothing about it.

Mr Nardella — You had seven years!

The ACTING SPEAKER (Mr Smith) — Order! The member for Mornington and the member for Melton!

Mr Cooper — I didn't say a word!

The ACTING SPEAKER (Mr Smith) — Order! Both of you!

Mr MAUGHAN — The member for Melton said we had seven years. Let me remind him that under the previous Labor government weeds were rampant in this state. Because of that neglect of weeds over many, many years the coalition government had an enormous amount to do under very difficult circumstances in order to increase funding, which it did, to make significant inroads into the weed problem.

The member for Geelong and the member for Bellarine waxed lyrical about logging and talked about showing their children and others the devastation they talked about. 'Moonscape' was a word the member for Geelong used to describe places where there had been logging. That was quite perceptive. I suggest that they take a photograph of those same areas five years later. They talked about the birds and the animals. They did not explain to their children that during the logging those birds and animals move off to the adjoining areas and there is not a net loss like there was in the north-east. The member for Richmond might well laugh, but that is what actually happens. Because of the mismanagement of this government, when the fires

really got out of control in the north-east it incinerated millions of individual examples of the very types of fauna and other things we are trying to protect. From memory there was 1.2 million hectares of forest destroyed.

Mr Nardella interjected.

Mr MAUGHAN — No, we would have made sure that there were adequate fire breaks and that the department was well-enough equipped to be able to act quickly to control fires, rather than sitting on our hands and fiddling around for three weeks until the fire got out of control.

Mr Nardella — It was not the department's fault.

Mr MAUGHAN — It is the fault of the department. The member for Melton makes a lot of noise. He should tell me about Wilsons Promontory and say it was not the fault of the department. There are many of those examples. People in the — —

Mr Nardella — It was the weather.

Mr MAUGHAN — The weather? How silly can you get! Let me tell the member for Melton that there are 60 000 volunteers who staff the Country Fire Authority brigades — it is a great organisation — and who risk their lives to fight fires. They are getting sick and tired of having to go out and do that very risky work because the department has not done its job over the years with controlled burning and actually controlling fires.

Let me also speak briefly about logging. Government members have said it is a great thing that we have reduced the amount of logging and stopped logging in some areas. I think that is absolutely ridiculous, because we could have the best of both worlds if the government would only open its eyes and have an objective look rather than being shackled by its ideology. You can selectively log forests. We had a very good policy in this state until recently. You can log forests and let them regenerate. You have the benefit of a timber industry and a renewable resource. You are creating employment and young forests that regenerate. You are reducing the carbon dioxide, because young forests take up far more CO₂ than mature forests. If it is well controlled and managed — as it was — it is a win-win situation.

Mr Cooper — Joan Kirner recognised that.

Mr MAUGHAN — Joan Kirner did recognise that. I pay tribute to Joan Kirner not only for that but also for establishing Landcare groups. They have been a great

innovation and have been taken up by people in country Victoria. But they are getting a bit tired of doing all this work voluntarily and then finding the government is not pulling its weight in providing sufficient resources to control the weeds. I am not going to go through all of them.

Mr Cooper — The government is more worried about votes than anything else.

Mr MAUGHAN — The government is more concerned about votes and looking after the greenies and the preferences in the Melbourne metropolitan area. I think we need some commonsense in our natural resource management policy. We in The Nationals believe in a commonsense approach to looking after our natural resources. We have great natural resources which are renewable. We should not have this ideological approach of it being bad to use any of our forest for timber. We should provide more resources to manage the resource properly.

To conclude, in this case I am very concerned about the process. The government essentially made a decision that it was going to lock up this land in a national park before the Victorian Environmental Assessment Council had the opportunity to really investigate it. VEAC was then essentially locked into making the recommendation the government wanted. That is a very bad precedent, because people in northern Victoria now believe exactly the same sort of thing is happening with the red gum forests, that we are going through the charade of an inquiry as we did with the mountain cattlemen. Those people made their submissions, but at the end of the day they were kicked out of the alpine areas as the government always intended. It is our belief that people who use the Barmah State Forest will also be excluded from the forest because that is what this government wants to do.

Mr WYNNE (Richmond) — I rise to support the National Parks (Otways and Other Amendments) Bill. The issue of national parks is important not only to electorates like mine but also to the wider Victorian community. The bill will give legislative effect to our historic 2002 election commitment to create the Great Otway National Park. As members are aware, it was guided by the recommendations of the Victorian Environmental Assessment Council.

This magnificent new national park stretches from Anglesea to Cape Otway and will cover more than 100 000 hectares, more than doubling the size of the current national park area. The park represents a significantly diverse range of terrain and vegetation, from the rugged coastlines and towering ancient

rainforest to the drier inland slopes and heathlands. This is a very diverse area and one that has now been secured not only for ourselves, but for future generations. It will be unquestionably one of Australia's great national parks. However, creating this world-class sanctuary was not easy. This has been the result of an extraordinary struggle over many years and in that respect, in following my colleagues from the Geelong region who so proudly stood here today, it is no surprise to either side of the house that in part the overwhelming victory that the Labor Party had at the last election was in no small way due to the commitment that this government made to the Otway national park. It was a pleasure for me to hear the contributions from all of my colleagues from the Geelong region and they rightly stand here proudly in support of this historic piece of legislation.

The only thing you can say is that it is always clear where The Nationals stand. You have to give them credit. The member for Rodney has made it very clear where members of The Nationals stand — they oppose it. They oppose the national park and they oppose this legislation. At least they come here with a clear, unambiguous position — that they oppose it. That is fine. They have that position and we respect that fact. At least they have a position. As for the Liberal Party, it is absolutely all over the shop. Since we announced our policy in 2002 the Liberal Party has traversed the full spectrum of opinions. Firstly, it opposed our policy direction with a disastrous idea of woodchipping the native forests of the Otways. I know that the member for Doncaster — a decent sort of a fellow and a person with whom I have jostled over the years — could not have possibly supported in all conscience that proposition. Then, the Liberals, after losing all of their Geelong members, endorsed the national park.

The Deputy Leader of the Liberals in the Legislative Council, the Honourable Andrea Coote, is a very good person with whom I have had cause to deal on other matters. We did some excellent work on street prostitution, as the honourable member for Mornington would know. Sadly, another opportunity was lost by the Liberal Party to enact some decent reform for the most vulnerable of women in the area that Mrs Coote represents. In 2003 she welcomed the new park and said it would be of great benefit to Victoria. A week after Mrs Coote endorsed the government's position, she was slapped down by the Leader of the Opposition in this house, who told the *Geelong Advertiser* that there was no change to the position and that the Liberal Party wanted to continue logging the Otways for as long as possible. We had one position in the upper house from the deputy leader and another position in

the lower house from the Leader of the Opposition. It is all right to have it both ways, but at the end of the day people make a judgment about parties that stand for nothing.

Just last year — and I had the opportunity to listen to his contribution on the bill — the member for Polwarth told the people of Colac that the national park decision was an absolute disgrace. In the house today the member for Bellarine in his contribution indicated, as I understand it, that the member for Polwarth was intimating that there would be some suggestion of a recision by the Liberal Party of that decision. The member for Doncaster looks at me quizzically, but if he looks at *Daily Hansard* he will find that the member for Polwarth has yet again reflected the vacillating position of the Liberal Party on this quite critical decision of the government to enshrine in legislation the Great Otway National Park. The Liberal Party is all over the shop on this issue. At least we understand the stance taken by members of The Nationals. They oppose it outright. That is fine. We understand that and the position of The Nationals will be on the public record in relation to that.

It is important that we recognise in this debate that this historic decision of the government has come as a result of an extraordinary effort by the community. This effort has been made over many years by committed environmentalists — people who deeply care about the environment and national parks. They are people who have fought for many years to see this decision being enshrined in legislation. I had the opportunity to meet with some of those environmental groups, and the Otway Ranges Environmental Network was certainly one of those groups which played a key coordinating role — a key campaigning role — over a number of years to bring to the public's attention the critical need for intervention in the Otways, and I want to pay due respect to the network. As the member for South Barwon indicated in his contribution, the OREN group had always operated in a bipartisan way and sought the support of all sides of the political spectrum to achieve its basic goal in the Otways.

Sadly, as the member for South Barwon indicated, the Liberal Party essentially rebuffed this proposition, to its great detriment. We saw the electoral outcome of that. In my dealings with representatives of the Otway Ranges Environment Network I particularly acknowledge Roger Hardley, who is a person of great integrity and who provided freely of his time to educate me about the importance of the Great Otway National Park not only to the region or the state of Victoria but as a national icon. I acknowledge Roger and OREN's work for bringing to the attention of Parliament and the public the critical need to protect this area.

So much of what happens in this Parliament is generated by that sort of community action and community commitment. Today is a cause for celebration not just for groups such as OREN but for the broader community of Victoria, who have an interest in these national parks and in ensuring that we have areas that will regrow over time so we will be able to look at this extraordinary sweep of land into the future. The land will be held in public ownership and will not be viciously logged. That was the proposition of the flim-flam Liberal Party, which is not sure where it is on this issue. Whether it is the member for Polwarth, the Leader of the Opposition or the Deputy Leader of the Opposition in the other place, they are all over the shop on this issue. This is a great piece of legislation, and I commend it to the house.

Mr INGRAM (Gippsland East) — In rising to speak on the National Parks (Otways and Other Amendments) Bill I say it at the outset that mine will be a selfish contribution, because I will refer to the national parks in my electorate. I point to the back-of-the-envelope figures on the size and area of the national parks in my Gippsland East electorate, which are spectacular. I believe there are about 800 000 hectares of national parks, or about 8000 square kilometres. We could easily fit the electorates of the entire front bench of the government inside my national parks. When we create a new national park unfortunately there is an impact, and that is always felt in my electorate, because the resources allocated to the existing national parks are spread thinner and thinner.

I acknowledge that the Minister for Environment has made a commitment to increase the funding for national parks, which is good, but it still falls well short of what is required. In the last budget the government made a strong commitment to increase funding to national parks. It came as a real surprise to me when I received at my office a draft of the budget for this year. I chased this down every burrow, because I have a lot of concerned park staff in my electorate. The surprising thing that came out of this was the reduced budget for this year, despite the fact we have had a massive increase in park funding. For my electorate of Gippsland East the 2002–03 budget was \$420 555 for asset maintenance, planning and strategy and discretionary funds for use by park staff. These included things like cleaning toilets in national parks, grading roads, maintaining walking tracks and so on. What is it this year? They have knocked off a bit over \$120 000 from the budget. I have said a number of times, ‘Hang on a second, where is the money for my 800 000 hectares of national parks? Where is the money so we can get the tourist benefits that we are

promised every time a national park bill is presented to this place?’.

My national parks are very important to me, to my electorate and to the people I represent. We are continually told when areas of land are protected that we will get the benefit from tourism, yet we see in this year’s increased budget a decline in the allocation over previous years. It is not only East Gippsland that is affected, because there is a \$60 000 decline in the budget allocation for the Alpine district and a \$40 000 decline in West Gippsland. There is even a decline in funding for Wilsons Promontory, with a \$10 000 decrease. There has been a significant reduction in funding across the region. I have a graph which demonstrates the decline in funding. I have been trying to work with my park staff and the government to get that addressed. Whenever we put this argument we wonder where the money has gone. It has gone to the Otways, because there is a commitment to fund the new national park; and it has gone to the north-east, because a commitment has been made to deal with the impact of alpine grazing. People do not seem to know that the licensees affected in the alpine grazing decision were in East Gippsland, in the north-east, but that is beside the point.

It is incredibly important that there are sufficient funds when national parks are created, because we cannot keep shifting resources from one area of the state to another. The Minister for Tourism, who is at the table, knows how important tourism is to my area. Around the Gippsland Lakes infrastructure maintenance is incredibly important. You cannot reduce the maintenance for jetties and park infrastructure around the lakes, because if you do you will have to find more money in the future. We need that commitment.

The other reason I will oppose the legislation involves the process. I have no problem with the fact that some of the areas around the Otways are spectacular and worthy of what the government is trying to do. The issue is that during the last election campaign a decision was made about the process, but it created enormous insecurity and uncertainty within the timber industry in my area and undermined investment in the industry. It was not a pretty campaign to be dealing with in Gippsland, because most of the industry players had been knocked around by the Our Forest Our Future reductions, and the impact on their businesses was significant. We then went through an election campaign where the regional forest agreement (RFA) was torn up.

The government had signed it and had given the industry a commitment to continue the process, but because of the political outcome it said that the RFA no

longer existed, that it was no longer applicable and that it would tear it apart. At the time industry had real concerns about the process. We have not seen a statement from the government that says, 'We need to invest and give you the security and certainty in those areas that remain available for timber harvesting and we support the RFAs that remain'. Until that occurs we will see real challenges in the businesses that are there, and they will not reinvest in Victoria.

I refer to companies like Neville Smith Timber Industries, one of the good performers in the industry. It is a top-end player which has invested significant funds in areas such as Heyfield in value adding, with products such as staircases, componentry for furniture and other things. Companies like that have invested their money not in Victoria but in Tasmania, because they believe there is a stronger commitment to the industry there. A lot of that has come out of what happened at the last election. I suppose that is a selfish thing, but you have to go through the right process. You have to go through the negotiations with the industry. The ambushing of companies in the middle of an election really undermines the investment available. Particularly given the 800 000 hectares of national parks in my electorate, the money has to be there to manage it.

There must not be a reduction in budget and maintenance. We need significant millions of dollars invested in real tourism infrastructure so that people can come into those national parks, understand the beauty and the value that are there and visit places like the Croajingolong National Park and the Snowy River National Park. The walking tracks should be put in there to make sure that people can enjoy them and understand their value. Until that happens local communities like Cann River, which have been gutted by the reductions in the timber industry, will not support the national parks. It is a constant debate within our communities. Too many local people within electorates like mine see national parks, which I might add are one of our great assets, as liabilities not assets. That is something which is a real — —

Mr Delahunty — It's a shame.

Mr INGRAM — It is a shame. I see those spectacular areas that have been set aside in East Gippsland as great assets for our region. They are important for the future of Gippsland East. That money should be invested to ensure that people can enjoy those areas; not all of them — I agree that some of the wilderness areas should be isolated and have limited access — but the best areas where we have to have that good quality access so that people can enjoy them into

the future. My national parks are as important as any others in this state.

Mr Cooper — On a point of order, Acting Speaker, I did not want to interrupt the member during his very interesting address, but he quoted from a document during his address and I would ask him if he would table it for the benefit of the house.

Mr INGRAM — I am happy to do that.

The ACTING SPEAKER (Mr Smith) — Order! Thank you.

Mr LUPTON (Pahran) — In the National Parks (Otways and Other Amendments) Bill the Bracks government is implementing one of its key election commitments made in the 2002 election and in particular in our forest policy document entitled *Forests and National Parks*, in which the Labor Party promised to create a new future for the Otways. This legislation will create and protect for all time the Great Otway National Park and will also set up the Otway Forest Park, along with funding, in order to manage and protect the new parks that are created and encourage and establish new ecotourism in the Otway area. The importance of this new national park cannot be overestimated. The public in Victoria have embraced the concept of this Great Otway National Park in a very significant way, and it is something that is overwhelmingly supported by the broad Victorian community.

The process that has led to the establishment of the park under this legislation was created by the Bracks government in referring the matter of the future of the Otways forest and national park areas to the Victorian Environmental Assessment Council for recommendations and report. It is as a result of the recommendations of that body that the government has drawn up this legislation and has accepted that the very important economic and environmental area around the Otways should be protected for all time for the benefit of the Victorian people, the wider Australian community and the ever-increasing number of visitors from around the world who come to Victoria and head down to the Great Ocean Road and the Otway Ranges area to see some of the most beautiful natural environment that can be seen anywhere in the world. It is undoubtedly a treasure for the Victorian people but is in fact a global treasure and is something that definitely needs protection. I am very pleased to be part of a government that is giving this world-class area the protection for the future that it richly deserves.

The new Great Otway National Park will cover an area of approximately 103 000 hectares. There will also be an Otway Forest Park of approximately 39 000 hectares created as a result of this legislation. It is also important that along with the protection of the natural environment there is funding and management for new Otways tourism initiatives and the setting up and support of ecotourism in this area, which is really the economic future for a lot of communities down in that region and is very well supported by the communities.

Part of this legislation deals with the further reduction and phasing out of logging and woodchipping in native forests. The government undertook to reduce woodchipping and logging in the Otways by 25 per cent in 2003 through the surrender process of major sawlog licences. As promised by this government, logging and woodchipping in native forests will be concluded by 2008, and after that there will be a prohibition on any future licences.

As I have indicated, the Great Otway National Park will clearly be one of Victoria's and also one of Australia's great national parks. It is a very special area. I know from the many times that I have spent in the Otways, bushwalking with my family, that it is a marvellous area, covering things like the incredible Great Ocean Road coastline, beautiful hilly areas near the coast and heathland further inland. It contains some of the most beautiful waterfalls and fern areas in Australia, and a lot of those areas will be given improved access and better protection through the effects of this legislation, because not only is the government protecting those areas but it is also putting funding in place for improvements to walking tracks to a number of very important waterfalls in the area like Triplet Falls and Little Aire Falls.

Those sorts of things are going to be of great benefit in making sure that more people can get access to and enjoy those areas of our national parks but in a way that does not adversely affect the environmental condition of those areas. That is important. We want to encourage people to go to these areas and learn about them, enjoy them and find out some of the lesser known facts about some of our native areas. I was interested to find out many years ago on one of my earlier bushwalking trips in the Otways area that there is a native animal called the giant black carnivorous Otway snail native to that particular area. Those sorts of things exist down in these areas, and people ought to know about them. When you talk to schoolchildren about those rather unusual things that are found down in these sorts of areas, their interest is provoked. It means that more people are likely to be interested in going down there to see these things for themselves, which is very important

because our national parks need to be used by people in an appropriate and environmentally sensitive manner.

The Bracks government has a wonderful track record on national parks. Not only is it creating this marvellous Great Otway National Park, but it has created world-first marine parks — the first time any government in the world has protected its marine environments in the way that the Bracks Labor government has done. The expansion of box-ironbark parks and reserve systems, and the creation of the Point Nepean National Park, were very important steps taken against the opposition of the Liberal Party.

We have stopped cattle grazing in the Alpine National Park, and as a member of the alpine grazing task force that advised the Minister for Environment I was very pleased to be part of that decision which has given protection to the great Alpine National Park. These are great steps forward. It is all about making sure that our environmental treasures are protected for this and future generations and that people are able to use and enjoy our natural environment in the future, to get greater access to it and greater enjoyment out of it, because it is there to be used by everyone in an environmentally sensitive way.

I should not conclude my comments without saying something about the appalling position of the Liberals on this issue. They have been all over the place on the issue of the Otways and the national park. Ever since the Premier announced our election commitment in 2002 to protect the Otways, the Liberal Party has not known what to do. When it has talked to logging and country groups it has said it opposes this legislation, but when talking to groups that are more interested in the environment it has tried to say it supports this legislation. It does not know where it stands on these issues about environmental protection.

The public of Victoria needs to know, and it appreciates that the Bracks Labor government is determined to protect our natural environment for future generations, and to do it in a way that encourages growth and economic opportunities through ecotourism and other initiatives in the areas that are being protected. That is the way to ensure that our environment is protected for future generations and that economic growth and prosperity in all of the regional areas that are affected by national parks are maintained for the future. I commend this bill to the house.

Mr DELAHUNTY (Lowan) — I am pleased to rise as a member of The Nationals and a representative of the Lowan electorate to speak on the National Parks (Otways and Other Amendments) Bill. This bill is

about creating a greatly expanded national park in the Otway Ranges. As we know, the new park will be approximately 100 000 hectares — an increase of 60 000 hectares on the current park. The bill adds more than 3500 hectares to other parks and conservation areas, mostly around Melbourne.

I would like to say right from the start that as a member representing a fair bit of western Victoria I am strongly supportive of the national parks in my electorate, particularly those in the Grampians and the Little Desert. There are also many smaller ones around the state. They are a very important part of our area but they are not being maintained by this government. The member for Geelong spoke about his experience of seeing cleared land. Does he not know how the timber industry works? It is a renewable resource. It is a bit like harvesting a crop of wheat — you clear the land, and six months later you see it growing again. It is not quite the same with timber but it is important to remember that it is a renewable resource. Neville Smith Industries flew us over the national parks and a lot of the timber industry areas in Gippsland. That highlighted to me the importance of this industry and how it operates. A lot of that area was burnt and we could see how it had grown back. It is a very important resource for Victoria.

I heard the member for Richmond talk about national parks. He spoke about the protection of national parks. He was not talking about the protection of national parks — those coupes are not even in national parks. I do not think he really understands what goes on in country Victoria. I do not think he has even been to country Victoria. The member for Prahran spoke about the importance of national parks. We would all have to agree with that, but he never mentioned the maintenance of national parks. He made no mention of infrastructure to support national parks. He spoke about feeling a great deal of pride about removing the heritage of Victoria — he was one of the ones who killed off the mountain cattlemen here in Victoria. He has a lot to be ashamed of rather than to be proud of.

The Nationals are opposed to this bill, and I am proud to support that opposition. We have argued in the past that Victoria has sufficient areas of national parks. Many other speakers have highlighted the enormous amount of Victoria that is in national parks. There are also other conservation areas. We are concerned about the further loss of natural resources, in this case timber resources. I will come back to that in a few minutes. It is interesting that even though the government has stopped the harvesting of timber resources it has allowed a commercial eel licence to operate in this new

national park. Is that not a contradiction of what the government is on about?

Generally we are not supporting this. I am pleased to be opposing this bill because the government has shown since it has been in power that it is incapable of properly managing national parks and other areas of Crown land right across Victoria. The Department of Sustainability and Environment and Parks Victoria are often referred to as the neighbours from hell. Private land-holders have a responsibility to control weeds and vermin, but the department is not doing its part on behalf of the government.

The members for Murray Valley, Swan Hill and Rodney explained some of the other reasons The Nationals are opposing this. The member for Murray Valley highlighted the issue of firewood. Many areas of country Victoria are not hooked up to natural gas and people rely on timber for heating and cooking. People in Jeparit, Rainbow and other towns have to travel up to 100 kilometres to get some of this renewable resource called timber for energy. I highlight this because I had a visit from Brad Miles who is president of the Dimboola-Antwerp Landcare group.

About 30 land-holders in that area now have to travel further to get bait to control vermin on their properties because of concerns about the maintenance of national parks and because of the withdrawal of services from rural and regional Victoria such as baiting for vermin whether it be rabbits or foxes. A fellow from Apsley had to travel 1.5 hours to Horsham to get bait. He came in on a Friday. There are only two people approved to distribute bait in a large centre like Horsham, and one of them was on holidays and the other was away on sick leave at short notice. He wasted 1.5 hours driving there and 1.5 hours going home and was not able to get the bait.

Last Thursday I attended the formation of a Timber Communities Australia (TCA) branch in Hamilton. Kersten Gentle was there — a great lady. They elected Dane Carrozzi as their president. Another 9 or 10 people were elected to form a Timber Communities Australia branch in the Hamilton community. There were people there from the timber industry, the spraying industry, the fencing contractors and many others who are involved in the timber industry. Many of these people are the wage earners I am sure this Labor government is supposed to be concerned about. I congratulate TCA and all those who attended — 70 to 80 people were there from places like Penola and Horsham.

It has never been more important to establish a TCA branch in western Victoria. Look at what the government has done since it has been in power — it has taken away thousands of jobs in country Victoria, mainly those of timber industry workers. There have been timber industry cutbacks and the abolition of timber licences. The government is imposing draconian, bureaucratic red tape. There is no commonsense on the part of this Labor government. It is locking up massive areas of public land when it cannot maintain the land it is responsible for, and it is denying many Victorians use of this land. Worse than that, we in country Victoria are not getting any return for that — although we may get a slow train to Ballarat one day. The government shows no commonsense.

This government is acting out of selfish political motives. It wants to be seen as green friendly to urban voters while slowly choking country Victoria, particularly country timber industry workers. The Nationals recognise the importance of the timber industry to rural economies and the need to provide the industry with a secure future. We support the establishment of things like the blue gum industry. As we know, Australia has a \$1.8 billion to \$3 billion trade deficit in timber and timber products. Are we really being environmentally sensitive and responsible when we are forcing companies to go offshore to Indonesia, South America and other poorly managed forests around the world? This government has a lot to be ashamed of in what it is doing to other areas around the world.

I know others want to speak so, with those few words, I will be opposing this legislation for the reasons I have highlighted.

Debate adjourned on motion of Ms GILLETT (Tarneit).

Debate adjourned until later this day.

SUSTAINABILITY VICTORIA BILL

Second reading

Debate resumed from earlier this day; motion of Mr THWAITES (Minister for Environment).

Mr Nardella interjected.

Mr JASPER (Murray Valley) — I will ignore the interjections from the member for Melton, as his comments are not usually worth listening to. He uses interjections to make sure others cannot hear what a member is saying.

In speaking on behalf of The Nationals in relation to the Sustainability Victoria Bill, this bill creates a new authority called Sustainability Victoria by merging the Sustainable Energy Authority Victoria with EcoRecycle Victoria. The authority will be set up with seven to nine members who will be appointed by the minister. Some will be reflective of particular positions but others will be appointed directly by the minister because of their particular expertise. It will adopt the functions of the two previous bodies, as well as playing a role in sustaining Victoria's water resources. I will refer to that in more detail as I make my contribution.

I will support some of the comments the minister made in his second-reading speech but will obviously be critical of some of his other comments and some issues he may not have included in the second-reading speech and may have been worth including. He said that not only would the authority look at sustainability for Victoria but it would also play a role in sustaining Victoria's water resources in relation to households and businesses. I will talk about that a little later.

In the second-reading speech the minister talked about the challenges of the future; world climate records reveal the planet is heating up and global warming has become a reality. He talked in general terms about those sorts of issues as they relate to the continent and Victoria. He referred to the vision for Victoria in relation to the environmental sustainability framework for Victoria. He talked about bringing together the two authorities under the Sustainability Victoria Bill.

The minister referred to some of the papers that have been presented by the government and the comprehensive water policy, Our Water Our Future. I could not help but notice some of his comments when he said Melbourne households now use an average 19 per cent less water than in the 1990s. I support the thrust of the government's activities particularly in Our Water Our Future because people are more aware —

Honourable members interjecting.

The ACTING SPEAKER (Mr Ingram) — Order! The members for Kew, Bass and Mornington!

Mr JASPER — I want to refer to that because of the importance of water. Because of the policy the government has put in place there is greater recognition of the importance of water in metropolitan Melbourne and the larger country centres. People are suddenly aware of the importance of water and that there should be more conservation. There has been a reduction in water consumption in metropolitan Melbourne, which

is very worthwhile. We have seen that in country Victoria for many years.

In my electorate of Murray Valley, going back to the late 1970s and early 1980s when the irrigation season was in full flight, you would see farmers irrigating not only their own properties but the roads. There was not so much control over water. There has been an enormous change. Most members of the farming community now are very much aware of the importance of water. There is laser grading, recycling of water and increasing prices for water. That has been an issue of great concern. I applaud again the movements, particularly those in the latter part of the 1990s, in conserving water and seeking to reduce the usage of water generally across the state. That has been quite successful.

I want to raise the policies the government has in place for subsidising people who are conservation minded. One of them is the subsidy for the installation of water tanks. The difficulty I have there is that the subsidy is only available for those on a reticulated water supply system. If someone lives outside a city or town and does not have reticulated water, they cannot access the subsidy. I have made representations to the Minister for Water. His most recent response was that the government supports the subsidy for those on reticulated water because they are not as water conscious as those who live outside these areas, who are more responsible and aware of the need for water conservation and so they do not need to get that subsidy.

That is a totally wrong interpretation. As far as I am concerned anybody in Victoria who wishes to install a water tank, whether they are on a reticulated water supply system or outside in the country where it is more important that they conserve the water, should be able to get the subsidy. I am still pressing for that and I hope the minister takes note of my comments.

The minister also commented in the second-reading speech on the agreement to boost the flow of water down the Snowy River from 6 per cent to 28 per cent. I personally am totally opposed to the extension of that flow of water down the Snowy River. The Acting Speaker will be very much aware of the investigation that has taken place in relation to increasing the water delivery down the Snowy River. An investigating committee indicated that the most that could and should be put down is up to 15 per cent. The government indicated in the second-reading speech that it should go to 28 per cent.

I have been extremely critical of the fact that during the recent dry seasons we have seen water diverted down the Snowy River. There should be continuing supplies through the Murray system and into the irrigation systems. The purpose of the Snowy Mountains scheme was to direct water down through the Murray River Basin to deliver an increased supply of water for irrigation purposes. I am certainly not opposed to increasing some water down the Snowy River, but generally as a policy I am opposed to getting that up to the suggested delivery of 28 per cent.

The minister talked about 50 per cent of waste being recycled and diverted away from landfill compared to 26 per cent 10 years ago. He indicated that Victoria leads the world in recycling newspapers. In my earlier days in Rutherglen in the 1970s I was in the Apex club. We instigated a program of recycling paper. We did a huge amount of work in collecting paper in the township and surrounding areas. Now it has become bigger and more important and that should be highlighted. I am interested that the minister highlighted that issue. Recycling newspapers has been occurring for a long time but it needs to be extended.

The minister talked in the second-reading speech of the merging and replacing of two existing state government agencies, the Sustainable Energy Authority Victoria, which was established by the Sustainable Energy Authority Victoria Act 1990, and EcoRecycle which was established by the Environment Protection (Amendment) Act 1996.

I believe EcoRecycle Victoria has been an absolutely excellent organisation. It has established the importance of recycling in Victoria. It is important for us to know what is going on with recycling. I wish to mention Cr Don Chambers, who lives at Rutherglen and who is a very strong supporter of EcoRecycle. He was on the board for a number of years and strongly pushed recycling. Throughout north-eastern Victoria he undertook a strong stance in encouraging councils and other organisations such as schools and service organisations to be involved in recycling. He worked to have the three Rutherglen schools recognise the importance of it and established recycling within those school communities. A great program has been extended.

Since its establishment in 1996 EcoRecycle has been one of the great success stories across Victoria. As can be seen in its annual report, EcoRecycle has provided extensive funding across Victoria for many years. That funding for a range of recycling projects has led to extremely successful projects. The 2003–04 report highlights the importance of the EcoRecycle

organisation and the work it has done in making sure that people are very much aware of the importance of and the success of recycling programs.

The concern I have is about the responsibilities that have been put on municipalities. Whilst funding has been provided to municipalities to assist them in their recycling programs, a lot of the responsibility is being put back onto councils for them to implement recycling programs. Some funding has been provided by EcoRecycle Victoria and support has been provided through council funding, but often that cost has been passed on to the ratepayers so there has been a cost not only for the normal collection of rubbish but also for the collection of recycling materials. It is a very successful program, which I think will go on to bigger and better things.

I want to again mention Don Chambers, because since he was not reappointed to a position on EcoRecycle Victoria he has continued his support of recycling and has been involved in other organisations such as the Keep Australia Beautiful Council, of which he is chairman at present. He is taking a leading role in making sure that municipalities, towns and cities are involved in the Keep Australia Beautiful program. His task is not easy, because many of the towns that have been involved in the past have found they really cannot continue to support the activities which are taking place. Those activities are usually run by volunteers who are finding some difficulty in energising their communities into nominating their cities and towns for the various awards through the Keep Australia Beautiful program.

Don Chambers and the organisation have reawakened the community, which is further considering keeping the towns and cities involved in the Keep Australia Beautiful program. I hope that trend continues because it is a program that encourages the towns and cities to look at beautification and recycling of all the various materials, and has become an important part of the activities of towns. I would support their encouragement through the Keep Australia Beautiful program. It is important to recognise that that should occur through this new Sustainability Victoria organisation so there is not only continued encouragement of the two organisations that have been brought together but also continued support for the Keep Australia Beautiful program.

I want to mention one other issue that was referred to in the minister's second-reading speech. In one part he said:

Environmental bodies around the world today recognise this process 'internalising environmental externalities' as crucial to reducing emissions and waste and boosting sustainability.

This three-word analogy — internalising environmental externalities — is apparently being used worldwide. I will mention it again because it is worth mentioning and putting on the record. I ask the minister to give me a full explanation of those three words, to tell me exactly what they mean. We need to get down to plain English and make it easy. I think what he is really saying is that people should be looking at what is happening outside internally with the environmental activities — —

Mr Nardella — Outside internally?

Mr JASPER — Yes. Perhaps the member for Melton could get up and explain it. This is precisely what is in the minister's second-reading speech. I ask for a clear explanation from the minister of what exactly is meant by 'internalising environmental externalities'. I am sure the house would appreciate an explanation.

Mr Nardella interjected.

Mr JASPER — I do not think the member for Melton would understand it anyway, so I do not think he could explain it.

Honourable members interjecting.

Mr JASPER — He probably cannot pronounce those words anyway, as the member for Rodney said.

Whilst the National Party will not be opposing the legislation, we believe it is important to look at the issues that have been raised in the second-reading speech and in the legislation, but I think the comments made by the minister are really going to extremes. Some of the issues that I have covered in relation to sustainability and recycling are tremendously important, but we need to get back to basics so that people understand what they can do to assist in the general economy and how they can make the towns and cities in which they live more sustainable and protect the environment and society.

The National Party supports the legislation. I again stress to the minister my concerns about water issues, in particular irrigation. The importance of irrigation should not be underestimated. Whilst we want to get efficiency in the use of water, we need to recognise that the wealth that is created through agriculture in Victoria is often achieved through irrigated areas, which yield the greatest production, and that needs to be protected at all costs.

We also need to understand that whilst we may encourage people to be economical in their use of water — and I confirm my support for the actions that have been taken by the minister in seeking to make people more aware of the importance of water conservation — if the government is going to introduce a program, it needs to be taken right across the board so as to ensure that if something like a subsidy is available, it is made available to everybody.

I highlighted the issue of the water subsidy scheme, which is absolute discrimination against one section of the community. It is important to those people who live out in the remote areas of country Victoria that do not have a reticulated water supply system available to them, that they be able to conserve water and that they be encouraged by the government to do so. In fact, that is the sort of line the minister has taken in his second-reading speech and all the speeches, presentations and ministerial statements he has made to Parliament when he has highlighted the importance of water and of being mindful of conservation issues in everything we do.

So far as the future is concerned, some of the fears for the future and the difficulties we face with global warming may be exaggerated. I am inclined to think some of the scientists who have put detail down into where we are going with global warming may be exaggerating somewhat. I highlight my view by referring to what is happening in the high country and the alpine resorts in Victoria. I close my contribution by saying that the alpine resorts this year have had huge volumes of snow, and I think we will see either downhill or cross-country skiing continue to be enjoyed in those areas for some time, which is important for Victoria.

Mr NARDELLA (Melton) — I support the Sustainability Victoria Bill that is before the house. I am going to surprise people because I am going to be critical of The Nationals even though its members are supporting this bill. One of the key statements by the honourable member for Murray Valley was that he and his party opposed the sustainability decision by this government, made in conjunction with the honourable member for Gippsland East and the New South Wales government when the Honourable Bob Carr was Premier, to increase the flow of water down the Snowy River to 28 per cent. His view and The Nationals view is that that is wrong and that it should not occur. Members of The Nationals are making the point absolutely clear to the Parliament that they are ecological vandals. They continue to be ecological vandals, as evidenced by the statement that was made 10 minutes ago.

I caution The Nationals to do a bit of reading, especially with regard to sustainability in Australia. I refer to a really important book by Jared Diamond, *Collapse — How Societies Decide to Survive or Fail*. There is a chapter within that very thick book — like The Nationals, it is thick — that The Nationals should read. If they read the chapter that talks about Australia, about the soil, about the environment and about a comparison of Australia with other parts of the world, they would understand that the troglodyte views that they espouse continually within this chamber of Parliament are absolutely wrong.

Mr Jasper — That's your opinion, not ours!

Mr NARDELLA — That is absolutely my opinion. Let me say this to the honourable member for Murray Valley: it is also the consistent opinion of the rest of the voters of Victoria. The Nationals vote has plummeted from 7.4 per cent in 1982 to around 2 to 2.5 per cent at the 2002 election. So it is not just my view, it is also the view of the voters out there in Victoria. Let me give you another prediction with regard to sustainability: after the next state election The Nationals are going to lose their party status. That is the prediction of the honourable member for Melton!

In the minute that follows I will talk about the things we are doing and why this bill is so important. We have taken the leadership with regard to sustainability in water, with regard to sustainability in electricity, as demonstrated by the decision on Hazelwood yesterday, and with regard to helping the people that Labor is there to help — for example, by extending the reticulated gas system throughout Victoria after the vandals in the Liberal Party and The Nationals sold off the Gas and Fuel Corporation. They should be apologising to those country people that they are supposed to represent.

This bill is extremely important, because it shows we are continuing to show leadership, not only in the Victorian sense but also nationally. How are we doing that? Through a 5-star energy rating for houses; through the report of the Outer Suburban/Interface Services and Development Committee, which I chair, on building new communities; through the Environment and Natural Resources Committee's sustainable communities report; and through the recycled water projects in my electorate, with assistance from the honourable member for Yuroke, when she was the honourable member for Tullamarine — —

Ms Beattie — After the Libs had stuffed the water up.

Mr NARDELLA — Absolutely, after the Libs had stuffed the water up! We are making sure that the decisions we make now about our environment and our great state are the correct decisions so that generations to come are not left with the destruction of the laissez faire, free-market approach, where anything goes. In the seven long, dark years of the Kennett government that was the system that was put in place, and that is certainly the system that we on this side of the house reject. On that basis I — like The Nationals and the Liberal Party — support the bill before the house.

Mr THOMPSON (Sandringham) — At the outset I would like to run through a number of key achievements of the Liberal Party in relation to the environment in Victoria. The starting point would be the establishment of the former Land Conservation Council in 1970, which led to successive waves of reviews across Victoria that saw a system of national parks, state parks, forests and reserves classified across the state. The Liberal Party also established the former Environment Conservation Council, which embarked on a review that saw an extensive system of marine parks and sanctuaries established in the state of Victoria.

It was notable in this chamber, and I draw attention to the fact, that in considering the recommendations of the Environment Conservation Council the Labor Party buckled at the knees when it came to the Cape Howe marine park, which as the member for Gippsland East would know became labelled as Cape Why. An effective outcome was negotiated that protected the interests of the people involved in fisheries and resource management, including those with a keen understanding of the issues affecting the reefs in that part of eastern Victoria. The same was true of Ricketts Point, despite the irony of the Labor Party omitting it as a marine sanctuary at the outset and later using it as a place for launching its network of marine parks and sanctuaries.

The second area I would like to comment on is the establishment under the Environment Protection Act of the Environment Protection Authority. It was indisputably a world-leading legislative initiative that had as its objective the drawing together of 25 pieces of legislation dealing with the control of land, air, water and noise pollution under one act and one regulatory body. The EPA act was drafted to include key issues such as the precautionary principle, the protection of intergenerational equity, the polluter-pays principle and the protection of biodiversity.

Mr Jasper — What year was it established?

Mr THOMPSON — This act was established, to take on board the recommendation of the member for Murray Valley, in 1970 by a Liberal government under the leadership of Henry Bolte and Rupert Hamer, and Bill Borthwick, the then Minister for Conservation, played a significant role in the development and operation of that legislation.

Then there was the establishment of the Trust for Nature, which has seen significant tracts of land put under covenants to preserve biodiversity within the state, and that has had a number of accompanying benefits. Then there was the abolition of scallop dredging in Port Phillip Bay, which according to anecdotal evidence led to an improvement in the biodiversity of the bay floor and to the development of seagrass fields and breeding grounds. That was an initiative of the Kennett government. At the same time there was the cessation of the pumping of treated sewage into Mordialloc Creek, which is understood to have made an improvement in the water quality off Mordialloc and Parkdale and in Beaumaris Bay.

Then there is the unprecedented commitment by the Liberal Party to beach renourishment. The Labor government has omitted to include this as a line item in successive budgets. It was only in the last week or so that the Labor Party accepted the strong advocacy of the local Sandringham community, the Black Rock and Sandringham Conservation Association, local councillors and me as the member for Sandringham and adopted a beach renourishment solution for the protection and stabilisation of the cliff face in the area of Royal Avenue north of the Red Bluff rather than concreting the foreshore.

There have been other initiatives at the federal level, including the ban on international whaling, a Liberal Party initiative; the Antarctic Treaty Bill of 1960, to which the Liberal government was a signatory; and the abolition of sand mining on Fraser Island and other matters. So the Liberal Party comes to the debate on sustainability principles with a strong and demonstrable record of achievement.

The bill before the house will establish a new body, Sustainability Victoria, which will apparently adopt a holistic approach to environmental sustainability initiatives. In practice this new body involves a merger of the Sustainable Energy Authority, the authority that advises business and households on sustainable energy initiatives, and EcoRecycle Victoria, the authority that currently collects landfill levies from local government and promotes waste recycling.

Technically the bill repeals the Sustainable Energy Authority Victoria Act and amends the Environment Protection Act to repeal the provisions relating to EcoRecycle Victoria and consequently amend other acts. The shadow minister, the member for Warrandyte, has already amplified some of these issues, and in broad principle the Liberal Party supports the bill.

However, as has been noted, there are a number of anomalies in relation to the objectives of the government. One relates to the development of livable cities and towns. In terms of some of these redevelopment proposals in the Sandringham Village, Ian Armstrong, a local resident, has pointed out in relation to a development in Melrose Street the establishment of what he refers to as unsellable dog boxes. There are no key environmental features attached to that particular development. It is meant to be close to transport, but it does not have environmentally friendly methods of sewage disposal and does not make good use of natural light and other features.

In relation to making good use of public transport, the Sandringham line has had a record number of cancellations for successive months through the failure of the government to train drivers — at a time when people and governments are looking to save energy through the efficient use of public transport. There is, after six years in office, a failure on the part of the Bracks government to develop a reliable transport system for commuters from Sandringham. Then there is the issue of wind energy in environmentally friendly areas. Country coastal communities have expressed their angst at the planning decisions made by the government over the location of wind farm sites. That will be reflected in the next election, no doubt.

A good motto — ‘think globally, act locally’ — has followed the environment debate over the last few decades. It is important that we as members of Parliament and as residents of communities throughout Victoria, along with all Victorians, take responsibility for the appropriate treatment of waste, the recycling of paper, the possible recycling of water, the use, where appropriate, of water storage tanks, and minimising the wastage of that valuable resource, water. It is also important that the Parliament of Victoria sets a good example in this field. I lament the fact that there is no consistent approach, as applies in other offices around the world with a keen interest in the environment, to a repository for batteries. Every member in this chamber carries a battery with them. I am not sure whether when their batteries expire they put them into a recycling bin or a bin that is destined for landfill, which in turn might involve the pollution of aquifers and ground water in

Victoria in decades to come. That is one practical example.

There is another practical example. Recently I requested the establishment of a vegetable garden in the gardens of Parliament House to set an example of best practice. After World War II there was a focus on the development of environmentally sustainable principles that included the cultivation of backyard vegetables and fruit. I am sure there could have been a good kitchen garden in the Parliament of Victoria. Regrettably the government has not seen its way clear to lead by example. There has been some reference to its being a heritage garden. I suggest the relocation of the chookhouse and the planting of a heritage vegetable garden consistent with those gardens that are reflective of Ripponlea and the other great households of Melbourne.

I have had some input from students in relation to a sustainable environment, and I understand from one constituent, Ryan Bolger, that we are about to witness one of the greatest changes humanity has ever seen. The world will soon enter a new age, the age of nanotechnology. Nanotechnology uses microscopic machines to build products from the atomic level. By harnessing the power of nanotechnology people will be able to deconstruct waste down to its atomic make-up. They will then be able to use the atoms from the waste to construct new products. Nothing will ever be wasted because any product no longer needed will be deconstructed and then reconstructed into a product that we need.

Another student had a more practical approach in contemporary terms. The observation of this young student was the destruction of the urban environment, with many large trees being pulled down to cater for land development. That is where there needs to be a stronger focus on improving and maintaining the wonderful existing urban amenity that we have retained in many of the green spaces of Melbourne. Matthew Palamara, a year 10 student, is concerned about this issue.

Mr WALSH (Swan Hill) — I listened with interest to the contribution from the member for Melton and he did not answer the specific question which the member for Murray Valley asked him, which was to explain to us what internalising environmental externalities meant. I assume that it is beyond his capability to do that. He also went on quite significantly — —

Mr Nardella interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member for Melton has had his chance. He will cease interjecting.

Mr WALSH — The member was proud of a lot of the things the Bracks government has achieved and he mentioned you, Acting Speaker, and what has been done in East Gippsland, and the fact that he was proud of that and that you should be proud of it too. I pose the rhetorical question: are you still proud of some of the things the Bracks government is now doing to country Victoria, you having been one of the people who put them into government. It is a sad state that we cannot pick and choose the good and the bad of what people do when we support them, so it would be interesting to know if you are proud of some of the things the Bracks government is now doing to country Victoria.

The Sustainability Victoria Bill is interesting in some ways. The second-reading speech reads more like a ministerial statement than a second-reading speech. Eight of the 14 pages are effectively a ministerial statement of self-praise from the government for what it is trying to do. The last few pages talk about the bill itself. My understanding of the process in this house under the Westminster system is that the second-reading speech is supposed to talk about the bill and set the tone of the bill. If there is a discrepancy between the bill and how someone interprets it, you go back to the second-reading speech to understand what the intent of the bill was. But when we have a second-reading speech like this, which is effectively a ministerial statement which does not talk about the bill, I wonder how we are going to interpret it in the future and what should happen if there is some debate about what the bill meant.

The Nationals support the concept of rationalising some of the structures that manage issues in Victoria — in this case the issues of recycling and sustainability — because there are far too many authorities managing different parts of this state. I will come back to that a bit later.

One of the clauses in the bill to which I take great exception is clause 4 in part 1 where it talks about principles. It says:

- (b) if there are threats of serious or irreversible environmental damage —

and I emphasise the word ‘threats’ —

lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

Today, when we have some very good science and the resources to analyse things, it would be bitterly disappointing if, based on some perceived threat, we made some huge leap of faith and did some of the things people believe should be done. A classic example of that is the Living Murray process that is going on at the moment as part of the national water initiative.

Not that long ago the Wentworth group was formed with Professor Cullen as one of its principals, along with quite a few other CSIRO scientists. When the Wentworth group was first formed a lot of people thought that because it was focusing on the Murray River and the Darling Basin — and Wentworth is located at the junction of the Darling and Murray rivers — there must have been some sort of logic to calling it the Wentworth group. But it became known to us not long afterwards as the Wentworth group, for the principal reason that this group of scientists had got together for dinner at the Wentworth Hotel in Sydney and decided there to form the group and do the things it has since done. The logic behind the name was that the group had had dinner at the Wentworth pub; it was nothing to do with the river or anything important like that.

However, the group came up with some very ambitious targets of what it wanted to do to return water to the Murray River, based on its perception of some of the things that needed to be done, which have subsequently proved to be not necessarily accurate. Under this bill, and under clause 4(b), the Wentworth group’s ambitious targets, which were based on its perception of what was wrong with the Murray River and the Murray–Darling Basin, could have resulted in 1500 gigalitres of water — or 1.5 million megalitres of water — being taken out of productive agriculture and put down the river, based on what it believed should happen but which has proved not to be necessary.

We have now moved on to the icon site process, which has some planned outcomes for the river rather than just tipping a lot of water down the river as the Wentworth group would have had us do at the time. We would have had a situation arise where 1.5 million megalitres would have been put back down the river without any evidence and no discussion about the social or economic impact on the communities that are affected by that river. I have some serious concerns with that clause of the bill that in the future can leave us with a situation where a particularly strong lobby group has a particular view on what should happen to the environment and there will not necessarily be analytical work done to make sure that we have a good outcome for that.

The other thing I would like to say is that this bill is taking two authorities and turning them into one. I think this is a good idea, but the concern I have is that one of the purposes of this new Sustainability Victoria is the promotion of an environmentally sustainable use of water. In itself this is a very good purpose, but we have a vast number of organisations in Victoria which are currently engaged in managing our water resources and making sure that we do it better in the future: rural water authorities; catchment management authorities (CMAs) and the resources that have been put into them to manage this sort of process; local government, which is involved through the provisions of the Planning Act in the management of water; the Department of Sustainability and Environment and all its employees; what is left of the Department of Primary Industries after the current minister has finished with it and made sure it has run down and the resources are shifted to DSE; the Environment Protection Authority, which has a role in the sustainable management of water and how things go on; urban and non-metropolitan water authorities; and the catchment council, which has an overseeing role over some of the things that the CMAs do.

There are a vast number of groups that are already involved in making sure we manage our water resources more sustainably. I do not believe we need another authority with its oar in the water trying to make sure we do it better. If anything, I believe there is the opportunity to rationalise more of these authorities so that we get money spent on the ground. It is interesting that a lot of these authorities are now having meetings between themselves to work out what they do and who does what. That is a waste of precious taxpayer resources. If there was some rationalisation and a defining of responsibilities, we would get better outcomes.

The last thing I would like to touch on briefly is the issue of recycling. I think everyone has embraced that well. The regional waste management groups have actually done a very good job of promoting that. Recently there was a field day in Swan Hill and a lot of recycled products were on display. There was one particular group called Repeat Products. Some of the products it manufactures out of recycled plastic were very good. One particular product we took notice of was manufactured park benches which were made out of recycled plastic. It is durable, does not need painting, does not rot and is very hard to vandalise. I was fortunate enough to open that display. My colleague in the other place the Honourable Barry Bishop was there.

When I opened the display I suggested that Mr Bishop could actually buy one of these recycled park benches

and place it in Steggall Park. At the time Mr Bishop was taken aback, but he has since warmed to the idea. I believe he will buy one of these park benches made out of recycled plastic and donate it to the council to put it at Steggall Park. Steggall Park is a park in Swan Hill which was named to honour the services of the previous member for Swan Hill who represented that area so well for 20 years.

Sitting suspended 6.31 p.m. until 8.02 p.m.

Mr WILSON (Narre Warren South) — I rise today to speak on the Sustainability Victoria Bill. Sustainability is the linchpin of current society and without our sustainability increasing our future would be bleak. All Victorians need to adopt ‘sustainability’ as their catchcry and put into practice the behaviours that will become the way of life for generations to come. In relation to water sustainability, I note a report by the Allen Consulting Group to the Australian Greenhouse Office titled *Climate Change — Risk and Vulnerability* released in March of this year where the CSIRO identified a number of possible outcomes on climate change.

The first was the possible reduction in average rainfall and run-off in the southern and much of the eastern parts of Australia, with rainfall increases in the tropical north but a potential 20 per cent reduction in rainfall in south-western Australia and a possible 20 per cent reduction in the run-off to the Murray–Darling Basin. Any reduction in rainfall would have huge implications for not only those on the land, but for all of us as the recent droughts have shown. As the saying goes, we must reduce, recycle, reuse. I have recently installed two water tanks and also have a solar water system.

Dr Sykes — Did you get a subsidy?

Mr WILSON — No, I did not. I did not apply. While these may only be small measures, if we make an effort to reduce our environmental footprint collectively, it will have a marked effect on our precious environment. I had one great pleasure last week in attending the awards for the Rubbish-free Lunch Challenge, a joint initiative of EcoRecycle Victoria and the Department of Education and Training which encourages schools to enhance student understanding of how daily activities impact on the environment and the small steps everyone can take to reduce this impact.

Victorian schools, I am told, produce an average of 33 tonnes of rubbish each year with a major source of this litter and rubbish coming from school canteens and from processed food packaging. The Rubbish-free

Lunch Challenge targets lunch rubbish and offers a curricula-based solution to preventing rubbish and promoting healthy eating in schools. I had great pleasure in congratulating Fountain Gate Primary School which was a runner-up in the primary school advanced category. As an aside I also congratulated the Fountain Gate Primary School principal, Stephen Wigney, on his appointment as the principal of the new Centre Road primary school to be opened at the start of the next school year. It was the second award presented to a primary school in my electorate last week, as the Courtenay Gardens Primary School received a national literacy and numeracy week award.

Another interesting program that promotes sustainability is the Towards Zero Waste strategy. Despite the increase in recycling over the last 10 years, Victorians are still generating more waste and sending more significant amounts to landfill; over half of our solid waste goes to landfill. Two-thirds of this waste is generated by industry costing businesses millions and millions of dollars in lost opportunities to preserve worthwhile resources. Our challenge is to put sustainability into action and create a future where waste generation is greatly reduced, resources are used more efficiently and waste disposal at landfill is used as a last resort. From 23 to 30 October is Zero Waste Week which celebrates Victoria's commitment to sustainability by showcasing the achievements of business, students, government and our local communities and how to avoid and reduce waste.

The Sustainable Household Challenge endeavours to encourage all Victorian households to live in a more sustainable manner. Simple measures including the taking of 4-minute showers — something many of my children can never understand — choosing energy-efficient appliances, composting, avoiding the use of plastic bags by using recyclable ones for shopping and turning off lights and appliances when you do not need them benefit not only the environment but also the hip pocket. These innovative programs go a long way in promoting the value of sustainability to all Victorians; we need to realise the effect that our behaviour in this area has on the environment. The flow-on effect of environmental sustainability is of benefit to us all. The more efficient use of resources and natural resources has both financial and health benefits. A clean and safe Victoria must be the goal of all Victorians.

I am very pleased that this government has done so much to promote green energy with wind, solar, hydro and biomass generation as significant energy generators in the future to reduce our reliance on brown coal generators. Naturally the contribution of this

government to more efficient, less-polluting brown coal electricity generation technology is extremely important in reducing greenhouse gas emissions in our state.

The member for Murray Valley asked earlier about the phrase 'internalising environmental externalities' — a phrase which certainly created some interesting energy. I did a little bit of research: under those three words consumers would need to pay for the total cost of products including such things as the final recycling of the product when they purchase the product. Schemes like this are already in place, and I note that one of the companies I own shares in, Sims Metal, operates a recycling facility in England that deals with fridges and computers. I understand that EcoRecycle Victoria is supporting the television industry in Australia by developing a take-back scheme so that when your television is no longer required there will be a recycling point to return it to, and the operators will then take out and dispose of chemicals, glass, plastic and other things.

The member for Sandringham quoted another example of mobile phones. Under the internalised environmental externalities process the disposal of the batteries in our mobile phones, which are full of heavy metals, will be paid for when you purchase the phone. The recycling of those heavy metals is already paid for, so it is much easier to develop.

The establishment of a one-stop sustainability shop is a fantastic initiative of the Bracks government. Education and information form the basis of any behavioural change. The ability to access advice and information, such as I accessed on solar power, at all levels of our community will assist all Victorians in their quest for sustainability and for a guaranteed future for their children's children's children.

Debate adjourned on motion of Mr MERLINO (Monbulk).

Debate adjourned until later this day.

PIPELINES BILL

Second reading

Debate resumed from 11 August; motion of Mr CAMERON (Minister for Agriculture).

Mr CLARK (Box Hill) — This is a bill that rewrites and re-enacts the law relating to pipelines and replaces the Pipelines Act 1967, which, as the year of the act indicates, has served Victoria now for many years. The bill comes about as a result of a lengthy

process and dates back to the period of the previous government and the conduct of a review under the national competition policy of the Pipelines Act 1967 that was conducted by Alex Dobes and submitted to the Department of Natural Resources and Environment in February 1997. The government response to that review was released by the current government in July 2002. Without going into the detail of that response it contains a mixture of acceptance and rejection of various recommendations. In the meantime, in March 2002 the government issued a discussion paper seeking comments on the objectives and purposes of regulating the pipeline industry and other specific issues. That was followed by a proposal paper that was issued in 2003 and, finally, by an exposure draft of a bill that was issued in 2005. Now, of course, we have the bill before us.

As far as the opposition can see from its perspective, the process that has been followed in conducting the review and the deliberations has been thorough and well conducted, albeit somewhat protracted. On behalf of the opposition I thank the officers of the Department of Primary Industries who provided us with a comprehensive briefing and followed up with answers to some questions that were taken on notice. They also provided us with a most useful flowchart showing how the various procedures under the bill will operate. On behalf of the opposition I would also like to thank the various parties that provided submissions and feedback to the opposition, including the Victorian Farmers Federation, various gas and petroleum companies and the Australian Petroleum Production and Exploration Association.

The bill is not one that the opposition opposes. It is one on which we believe there is general agreement and which is a worthwhile continuation of the regulation of pipelines in Victoria, which generally speaking has served the state well for many years. There are some issues and concerns about particular matters that I will raise during the debate.

The bill has a somewhat more extended coverage of the types of pipelines it regulates than the Pipelines Act 1967. In particular I refer to clause 9 of the bill, which says:

This Act applies to:

- (a) a pipeline for the conveyance of petroleum, oxygen, carbon dioxide, hydrogen, nitrogen, compressed air, sulphuric acid or methanal through the pipeline; and
- (b) any pipeline declared under section 11 to be a pipeline to which this Act applies.

I will come back later to make some remarks about the exclusive and inclusive powers in the bill. This coverage of the bill is in contrast to the Pipelines Act 1967, which applied primarily and exclusively to the conveyance by pipeline of hydrocarbons.

The bill has a range of procedures within it, including procedures that apply prior to the awarding of the licence and procedures to be followed after the awarding of the licence. Prior to the awarding of a licence there is a regime for the preparation of a consultation plan, pre-licence survey access to the land, notice of the proposed corridors for the pipeline to landowners, application and notice to landowners, ministers and agencies, and various inputs into the decision on the licence application, potentially including a pipelines panel report, an environment effects statement and native title procedures.

Following that there is a decision made by the minister on whether or not to grant the licence application, which needs to be made 28 days from the last of the various inputs. Following that there are procedures for the compulsory acquisition of private land, for Crown authority for access to Crown land, for an environmental management plan, for a safety management plan and procedures for altering the route of the pipeline, as well as requirements for a rehabilitation bond and insurance. Later on in the process there are rehabilitation obligations and provisions relating to compensation for damage. Before the pipeline can actually convey a product there needs to be a consent to operate.

All of that is conceptually sound. However, there are some particular issues that need to be raised about the operation of various aspects of the implementation of the bill and its administration. At the outset it should be remarked that the Pipelines Act 1967 takes up some 55 pages in its printed form and the bill before the house runs to some 127 pages, so there has been more than a doubling of the length of the legislation in the course of this re-enactment. We have to hope that the additional length contains added value rather than just added verbiage.

The successful operation of the act is dependent on regulations and guidelines that are still to be made or issued. The departmental officers made clear to us that a regulatory impact statement needs to be issued and that policies on matters such as delegated decision making still need to be developed alongside administrative arrangements and guidelines for pro forma documents. We certainly have to hope that all of those things are done well in order for the bill to operate successfully when enacted.

I referred earlier to the coverage of the type of pipelines to which the bill will apply. I referred to the fact that in addition to the regulation of pipelines according to the various substances they convey there is a power for the minister to declare that the act is to apply to other sorts of pipelines. The question then becomes: what sort of additional pipelines may the minister wish to cover in future? That is not made clear. Water pipelines — including possibly pipelines for the conveyance of geothermal water — or sewerage pipelines are about the only additional sorts that come to mind.

There is also a provision contained in clause 12 for the minister to declare that the act does not apply to certain pipelines or proposed pipelines. By virtue of clause 10 the act is also not to apply to a pipeline specified in schedule 1. When one looks at schedule 1 of the bill one sees a series of exclusions which basically cover gas pipelines that are distribution rather than transmission pipelines and a number of other pipelines. Paragraph (c) of item 2 of schedule 1 contains anomalous wording. It talks about the act not applying to:

a pipeline entirely on land the freehold of which is owned or leased by a licensee and which is controlled by that licensee ...

On my reading that clause has the consequence that a person needs to apply for a licence and become a licensee under the act in order for the act not to apply to that party's pipeline, which seems a bit incongruous.

Paragraph (f) of item 2 specifies that the act will not apply to:

a pipeline for water supply, drainage or sewerage (not including a pipeline for the conveyance of geothermal water within the meaning of the Geothermal Energy Resources Act 2005).

The exclusion in paragraph (f) of pipelines for water supply, drainage and sewerage appears to be a belt-and-braces provision, because pipelines for water supply, drainage and sewerage are not covered by the primary coverage provision of the bill in clause 9. To that extent the exclusion of geothermal water from the excluded pipelines is a bit anomalous and leaves geothermal water in limbo, neither covered nor not covered. As I said earlier, I think that means that for a geothermal water pipeline to be covered it needs to be declared by the minister under clause 11. These are some bureaucratic complexities and possibly drafting anomalies in the bill that perhaps could benefit from some attention.

Another issue that has been raised with the opposition, and which we raised during the course of the briefing,

is the issue of access to temporary working width along easements. Temporary working width can be required along easements where the width that is needed for constructing a pipeline is greater than the width that is needed once the pipeline has been completed. It was put to the opposition that it may be difficult to compulsorily acquire the temporary working width that may be required if agreement with the landowner concerned cannot be negotiated. The concern that was raised with us was whether or not the Land Acquisition and Compensation Act provisions ought to be applied with respect to pipelines.

The response that the opposition has received from officers about that is that part 9 of the Land Acquisition and Compensation Act 1986 provides a process for the temporary occupation of land for the purpose of undertaking activities on land that is being compulsorily acquired. Section 47 of the act makes clear that compensation is payable to the landowner for such temporary occupation and that where the minister consents to compulsory acquisition of easements under the bill, the bill provides that the Land Acquisition and Compensation Act applies to that compulsory acquisition except for certain divisions that relate to pre-acquisition procedural requirements. The officers tell us that it is the government's view that the temporary occupation processes under the Land Acquisition and Compensation Act are available to pipeline licensees which have compulsorily acquired easements, as they say is the case now under the 1967 act. Clearly the advice that has been given to the opposition by officers is that this issue is not a concern. Let us hope that advice is correct.

Some other provisions that are worth referring to briefly include clause 66 which relates to applications to alter authorised routes in the case of minor alterations. That provides that a licensee may apply to the minister to make an alteration to the route of a pipeline in writing, but that an application may only be made under this provision if the alteration will not affect the rights or interests of any other person. That restriction seems to make the scope of the operation of that clause very narrow indeed, because if there is any effect on a right or interest of another person clause 66 cannot be invoked, however minor or insignificant the effect on the rights or, even more importantly, the interests of another person may be. I raise the issue of whether the clause might have been inadvertently drafted unduly narrowly.

I also refer to clause 123(4) of the bill which provides a procedure for the minister to:

approve access ... to the pipeline easement for the construction and operation of another pipeline or of an electric line or other facility if the Minister is satisfied that —

- (a) the licensee does not intend to construct an additional pipeline on the easement in the foreseeable future ...

The concern that has been raised with the opposition is that the ‘foreseeable future’ is a fairly open-ended term and its application may be uncertain. The response that has been provided to us by officers of the department is that this was an issue that has been raised in consultation with industry, that the scope is intended to be broad and flexible and that no suitable alternative tests have been put forward. Nonetheless this may prove to be a point of undesirable ambiguity where the rights of an incumbent easement-holder may depend on what view is formed about what may or may not be intended in the foreseeable future.

The Victorian Farmers Federation has written to the opposition generally supporting the bill but noting the fact that under clause 17(1) regulations are to be prepared covering the specific information to be included in consultation plans for landowners and hoping that the minister will make a commitment to involve the VFF in the development of those regulations. I would certainly hope whoever speaks on behalf of the government in this debate will indicate whether or not the government is prepared to make that commitment to involve the VFF in the development of those regulations. The VFF has also questioned whether the time frame for notification about entry into land that is provided in clause 22(1)(b) is adequate. That provides that:

A proponent ... may apply to the Minister for consent to enter land if —

...

- (b) the proponent has been unable to obtain the agreement of an owner or occupier ... within 14 days after notice of intention to enter the land ...

The VFF has made the point that mail can be somewhat slower in rural areas than it is in other places and it may take nearly a week for mail to reach some rural properties. The VFF believes the remaining time might be extremely short, particularly if the landowner is away from their mailing address when the notification was sent. It therefore suggests the appropriate time frame should be 21 days. Again, that is something I hope the government will respond to in the course of this debate.

Other issues that the opposition has raised include whether or not there is adequate security of tenure provided to owners of pipelines when they have only

been given a licence to construct a pipeline rather than an easement or lease in circumstances where the government might sell or otherwise alienate the Crown land across which the pipeline has been constructed. The response that has been given to the opposition is that the standard form of authority that is given by the government in practice to pipeline operators provides an obligation on the Crown to give them a reservation in the nature of an easement over Crown land should the land be alienated and that that therefore provides protection to the pipeline operator. As long as the government continues to do that in practice, hopefully it will avoid the concern which the opposition has raised.

The final issue that I will mention is that the opposition questioned whether or not the operation of the bill, particularly clause 51, meant that the minister, defined as the ‘Crown land minister’, could effectively veto a pipeline crossing Crown land. The response provided to the opposition on that point in effect confirms that that is the case; certainly that the minister cannot grant a pipeline licence on or under land covered by the National Parks Act 1975 unless the Crown land minister has consented to the pipeline crossing that land. That therefore puts considerable onus on the minister under the bill to ensure that his or her colleague the Crown land minister deals fairly and reasonably with proposals for pipelines for which the consent of the Crown land minister is required.

Before I conclude I should refer to one additional and potentially significant issue and that is the provisions relating to third-party access. They are set out in clause 122 of the bill and they provide the minister with a very sweeping power to make directions to a pipeline operator to allow third parties to send their products along the pipeline. That provision is based on section 17 of the Pipelines Act 1967.

In the 1997 national competition review, to which I referred earlier, a recommendation was made that these access provisions be removed from the act and that this should instead be governed by the national third-party access code in relation to gas pipelines. In the government’s proposal paper of 2003 the continuation of these third-party access provisions was said to arise from what was referred to as a 1997 national competition council review. I am not sure whether that is a misdescribed reference to the national competition policy review conducted by Mr Dobes. If it is, then, as I have referred, that review recommended removal of the third-party access regimes rather than their continuation, as the proposal paper of 2003 implies. The government’s response to the national competition policy review was to say that for non-gas pipelines it

believed it was important to strengthen the third-party access rights.

It can be said in favour of what the government is doing that the provisions in the 1967 act have been there for some time and they do not seem to have created major difficulty. On the other hand, third-party access issues have become far more contentious and have been sought to be used far more in recent times than they perhaps were in the past. The powers set out in clause 122 of the bill are very sweeping in terms of the rights given to the minister to order pipeline operators to provide access to their pipeline to other parties. Certainly the proposed section does not apply to sending gas through a pipeline if the Gas Pipelines Access (Victoria) Act 1998 applies in relation to third-party access to that pipeline. However, with that exception the access provisions in the bill can apply to any pipeline to which the bill will apply.

I fear that should these provisions be tested, should somebody seek to obtain contested access to a pipeline, that could prove to be a source of considerable difficulty and contention with the minister having to adjudicate hotly contested rights. We know that in other contexts there are quite extensive third-party access regime rules, not only in relation to gas pipelines but, as we have seen, in relation to rail lines with legislation recently before the house and the powers which in other circumstances might be vested in the Essential Services Commission. I very much flag a concern as to whether, if parties seek to make use of the third-party access provisions in the bill, they will be tested and found wanting.

Subject to those points, as I indicated at the outset, the opposition believes this bill to be, broadly speaking, a continuation and re-enactment — hopefully with improvements — of the law which has served Victoria well for many years. On that basis, the opposition does not oppose the bill.

Mr JASPER (Murray Valley) — I am pleased to make a contribution on this bill on behalf of The Nationals. I indicate that I will be making some general comments in relation to the legislation and referring particularly to some of the pipeline extensions that have taken place within my electorate of Murray Valley.

The Pipelines Bill is a rewrite of the Pipelines Act 1967 and applies primarily to major gas and petroleum pipelines. Schedule 1 of the bill lists the pipelines which are excluded. Safety during construction and operation is to be overseen by Energy Safe Victoria, the bill for which was recently passed by the Parliament. The bill provides for a single licence to construct and

operate, which I think is a welcome change. It establishes a pre-licence process, which requires a documented consultation plan. Construction and operation requires a safety management plan and an environmental management plan. Pipelines cannot traverse wilderness areas and can traverse national parks only with the consent of the minister. The compulsory acquisition of private land generally follows the processes set out in the Land Acquisition and Compensation Act 1986, and some criticism of that act has been expressed to us in The Nationals. Consultation and negotiation for a period of six months is required by this legislation. The rehabilitation bonds and compensation provisions are pretty much standard as far as that is concerned.

As is our normal process, The Nationals have undertaken investigations into the legislation and consulted with a range of organisations. This work has been particularly undertaken by a member for Gippsland Province in another place, the Honourable Peter Hall.

I want to go back in history a little because the first experience I had with pipelines in Victoria was in the late 1970s when they were extending the natural gas pipeline from Melbourne to Wodonga. Jim Balfour was the Minister of Minerals and Energy at that time. We had a particular problem with a constituent of mine whose property the pipeline was going through. The minister said not to worry, the government did not have any problems in straightening out compensation and particular issues people might raise and that he would come up and meet with the constituents and sort it out immediately. When the session finished he arranged with me to come up and meet with these people who lived north of Wangaratta in the Springhurst area. They had had difficulty with the installation of this pipeline. They believed there had been loss of stock and that with blasting through rock in the area there had been building movements.

I left Mr Balfour to have discussions with these people and he came out and said they were the only people between Melbourne and Wodonga the government had not been able to make appropriate compensation arrangements with so the matter would have to go to court. That is what happened — they went to court and sorted out the problem. That was my experience in pipelines and the installation of pipelines in my electorate of Murray Valley using the 1967 Pipelines Act. Just for the record, Jim Balfour was a very fine member of Parliament representing the seat of Narracan. He worked hard. He was a great person to talk to and, as I said, he told me not to worry, that he would come out and fix it up. He said the government

would provide appropriate compensation, but in the end the case had to go to court.

In relation to pipelines, it is worth putting on the record that the Treasurer and Minister for State and Regional Development has regularly come into the house, particularly during this and the last session, and talked about the extension of pipelines and the \$70 million provided for extensions to country Victoria and the outlying suburbs of Melbourne. Quite frankly I applaud those extensions, but he says this is the greatest ever extension of pipelines and that we have not had any pipeline extensions since the 1970s. I continue to remind the minister that we had a \$100 million extension of the gas pipeline in the 1990s. The pipeline at Chiltern was extended through my electorate of Murray Valley covering areas such as Rutherglen, Yarrowonga, Cobram, Numurkah and towns across the Murray River.

We went through a difficult process in the 1990s in seeking to negotiate with the Gas and Fuel Corporation for the \$100 million extension of the gas pipeline down through the Murray Valley electorate. I have mentioned this in the Parliament in the past but the difficulty was they had to have a uniform charge. There was a uniform charge, as there was for electricity, and this prevented the Gas and Fuel Corporation from looking at it as a reasonable project.

I had extensive correspondence with the Gas and Fuel Corporation over a number of years. It extended the years for the depreciation of the assets from 10 years to 25 years. I said it should go to 50 years to make it a reasonable proposition. The minister at the time, and a brother to the current member for Benambra, introduced legislation which allowed for changes to the charges. There could be a charge involved for the capital works and he also removed the uniform charge for gas. That was a catalyst to encourage the Gas and Fuel Corporation to undertake this extension.

The extension took place over a number of years. I have to tell two stories because it is important to put them on the record. The first extension from Chiltern went to the township of Howlong in New South Wales. The pipeline went underground to the edge of the Murray River, was hooked up to the Howlong bridge and then went underground to the township of Howlong. I asked the contractors and the Gas and Fuel Corporation why they went underground right to the edge of the Murray River and hooked up to the 100-year-old, now replaced, Howlong bridge. The reply was the Yorta Yorta tribe had a claim at that time for the Murray River waters, the area under the river and the area above it. They were not game to take it under the river by boring

because they might have been up for a large claim. I said it was ridiculous to hook it to the Howlong bridge which could fall over at any time. The response was not to worry because the pipeline would hold it up.

When the gas pipeline was extended to Rutherglen there was an official opening and a dinner at one of the famous restaurants there, the Tuilleries, and there were speeches. I was asked to respond. The chairman said that it was a great thing for the member for Murray Valley, and they had been back through their records to find the first time that I had written to the Gas and Fuel Corporation to extend the natural gas pipelines through the electorate and provide us with an alternative form of energy. They found I had been making representations for 12 years. It was an outstanding result.

I want to make sure the minister understands that it is not just now that we are getting extensions since the 1970s. In the 1990s we had a \$100 million project going through Murray Valley electorate and indeed covering towns in New South Wales. The disappointing fact was that the township of Nathalia, which was included in the program, was not connected. I say it in the house here that it was disappointing that the Gas and Fuel Corporation was sold off. Under the privatised arrangements the supply of gas into country Victoria stopped for the time being. It was not seen as a viable proposition to extend the pipeline to Nathalia. We are still pressing for that, because we believe it was a commitment that had been given and also to service the small township of Katunga, Katunga Primary School and Katunga South Primary School. I am still pressing to get action in that area. That has been my experience in relation to pipelines and the importance of having appropriate legislation for the installation of pipelines whether it be for gas supply or petroleum. It should be adequately and appropriately controlled through legislation.

It is worth mentioning that the landowner affected at Springhurst in the late 1970s was in fact affected again when the rollout of the coaxial cable occurred between Sydney and Melbourne. That was a horrific experience. What was not appropriate in the extension and installation of the coaxial cables was there was not enough consultation with landowners before the cable was put through various properties. There was not appropriate compensation or reclamation for the land where the cable was installed. I had extensive representations from this particular landowner at Springhurst on the basis there was inappropriate access to his property.

I made representations to the electricity ombudsman and to the federal minister at the time. I believed there

had been inappropriate activity by the installation authority, which did not take into account the requirements of the particular owner of the property. It was not only one owner; I had a number of representations on that basis. There needs to be more appropriate and stringent legislation to control the installation of coaxial cables, which is apparently controlled at a federal level, to ensure there is protection for landowners. That is the issue at stake. In fact there has been an indication from the federal government that there will be legislation or regulations which will provide more appropriate protection for landowners when cable or pipelines go through their property.

The Nationals believe the legislation before the house appears to have appropriate controls which will provide measures to protect landowners when a line goes through their property. There is a six-month lead time and there have to be appropriate negotiations and discussions with landowners before the pipeline is extended through a particular property. That consultation is critically important in order to have the support of landowners. There is appropriate protection for them.

We have had some representations from a range of organisations. I want to mention one particularly, SP AusNet, which is a member of the Singapore Power group. SP AusNet responded to the Honourable Peter Hall in another place and mentioned a number of areas of concern in the legislation. Its letter says:

After a review of the Pipelines Bill, the following comments are offered:

The new bill strives to achieve fair outcomes between pipeline proponent and landowners impacted by pipeline developments on their land.

It points out a number of clauses with which it has some concerns. It is disappointing that the appropriate responsible minister is not in the chamber. I now see changes in the way legislation is being debated in this house which I have not seen in the past. I should add that in the past most ministers responsible for legislation would be in the house when their bill was being debated, and they would take note of the comments and concerns and see that they responded to them. It is unfortunate that we do not see that very often in the house at present. That issue should be taken on board by governments of all political persuasions.

Mr Howard interjected.

Mr JASPER — Do not talk about the opposition or other members: the government of the day has a responsibility to make sure that the minister or someone responsible within the governing party is in the

chamber to respond. I note that we have representatives from the department here, and hopefully they will take on board these issues and see that the minister responds.

The letter from SP AusNet refers to clause 104 and states:

Need to define the context of 'extra expense' — is it for the life cycle of the pipe or during its construction?

It also mentions clause 114:

States the minister may serve a notice on the licensee at any time imposing requirements in respect of the pipeline. We would desire that the pipeline owner (licensee) should understand the 'justifications' of such request and be able to 'challenge' the request.

It goes on to mention clause 120, saying that:

... construction of a building within 3 metres from a point on the surface of the land directly above part of the pipeline —

should be an area of review. It mentions concerns about clauses 126 and 133 and then particularly clause 140, saying that it:

... refers to 'rehabilitation bond' but no indication about determination of quantum, how it is held, how does it cover for 'future value' of works —

to be undertaken. They are the issues outlined in the letter, which is signed by the managing director, Nino Ficca. I think those issues should be taken up by the minister and reviewed.

I note also the comments by the member for Box Hill and the response the opposition has received from the Victorian Farmers Federation (VFF). I shall reiterate some of the concerns it expressed. I will also quote two paragraphs from a letter which was signed by the president of the VFF, Simon Ramsay, and sent to the Honourable Peter Hall in another place:

The Victorian Farmers Federation, Australian Pipelines Association and the Department of Primary Industries have worked together to produce guidelines to respond to landowner issues. The changes to the legislation reflect the consultation principles outlined in the guidelines and are fully supported by the VFF.

That is a very supportive comment. The letter also mentions the difficulties in relation to the regulations and the need to ensure that they are appropriate to the legislation and provide appropriate protection for those involved in the installation of pipelines on properties and the contractors as well. The VFF's letter goes on to say:

The inclusion of clear compensation and payment provisions in section 151 to cover losses experienced by landowners as a

result of a pipeline development and access to the land is also strongly supported by the VFF.

I strongly support those views. There needs to be appropriate protection and appropriate consultation, where required, for the landowners. The VFF's letter also states:

The legislation also imposes a six-month time period for negotiations.

Of course it strongly supports that. The member for Box Hill also mentioned the other area which the VFF raised — that is, clause 22(1)(b), which requires 14 days notification to be provided. The suggestion from the VFF is that the period should be extended to 21 days on the basis that it gives a more appropriate time for representations to be received by landowners and for them to respond, recognising that they may be away. It therefore may take some time for mail to come through to them, so there could be a delay before there is an appropriate assessment of the information provided by the contractor. Finally, Simon Ramsay says:

VFF now calls for a similar review of the Land Acquisition and Compensation Act to ensure that the responses of all Victorian legislation to the acquisition of interests in private land are aligned.

I think it is critically important on that particular issue that we have not only consultation with and a lead time for the landowners involved but a recognition that they are very protective of the land they own and their rights. Some concerns were expressed to me by landowners which needed to be addressed, and I believe they are addressed by this legislation. It is important to ensure there are appropriate discussions with landowners and appropriate compensation, where applicable, as well as rehabilitation of the land.

We have also seen problems occur when a pipeline or a coaxial cable has been put through an area where changes have been made to a creek or a spring that has affected the ability to provide appropriate water at the right time. It is essential that we have consultation with landowners and recognise the responsibilities that contractors have to landowners in order to achieve an appropriate result wherever these pipelines are being installed.

As far as The Nationals are concerned we support this legislation because it brings together issues which have been of concern in the past. I hope we can get an appropriate balance between contractors, landowners and the government in order to ensure that the installation of pipelines, whether they be gas or petroleum pipelines, occurs in a way that services the

state. I also hope there is appropriate recognition of the people involved in the industry, the farming community and others whose properties the pipelines are going through and that an effort is made to ensure that they are all protected appropriately and that there is appropriate compensation and appropriate rehabilitation of their land.

Mr HOWARD (Ballarat East) — I am certainly pleased to speak on this Pipelines Bill. I was also pleased to hear the member for Murray Valley say he believes this is a good bill. As we have heard it is a bill that aims to streamline the previous Pipelines Act of 1967 to ensure that we get the balance right and that we provide streamlining and greater certainty for the proponents of gas and petroleum pipeline projects. We also need to ensure that consultation takes place with land-holders and that safety and environmental measures are all fully taken into account in these proposals.

Why is this bill important? A number of people across Victoria would initially think this seems to be of minor importance. However, this will be important in times of crisis. The people of South Australia would have known last year, following the Moomba gas plant explosion, how important it was that they were able to access gas from Victoria. That accident happened in a timely manner only in the sense that the pipeline from Victoria across to South Australia had been completed so they could access that gas at the time.

We know that back in 1998, with the disastrous Longford gas plant explosion, there was no alternative gas supply in place to service industry and residences. There was a great loss to industry and a great inconvenience to many other gas users because there was no alternative pipeline in place to access gas from other states or other sources.

As the member for Ballarat East I know the people from Creswick will, however, appreciate the value of this kind of legislation, as will residents in something like 33 other communities across Victoria which are now about to benefit from the Bracks government's allocation of \$70 million to extend gas pipelines into country Victoria. At the moment the residents of Creswick are seeing a major gas pipeline being put into the ground, starting from Ballarat. I have been very pleased to watch that work going on over the last three months. The pipeline between Ballarat and Creswick is now about two-thirds complete. Reticulation pipes are going into the ground around Creswick, and more than two-thirds of those pipes are now in place. The residents of Creswick are starting to get excited at the thought that, by next winter, many of them will be

connected to natural gas. They will appreciate the savings and the convenience that natural gas will provide for them in their daily lives.

It has been estimated that the community of Creswick will in fact save many millions of dollars each year because they will not be spending money on other sources of heat — liquefied petroleum gas and other sources of energy. That money will be returned to the community in a range of other ways. This is a fantastic opportunity for the people of Creswick, as it will be for many other communities around Victoria, such as Woodend, the Macedon Ranges, as well as others in my region and other areas right across to Gippsland.

Pipelines are very important. It is important that we will be able to extend gas and petroleum pipelines across this state in the years to come. It is important that the appropriate arrangements are put in place, that they are streamlined and take account of issues of planning and the commissioning and decommissioning of pipelines. The entire process needs to be looked at in a streamlined and timely way that sets in place the balance between proponents and land-holders and ensures that there can be certainty in regard to those developments. I am very pleased to support this legislation and trust that it will have a speedy passage.

Mr DONNELLAN (Narre Warren North) — It is with pleasure I rise today to talk about the government's Pipelines Bill. As a young boy I spent many hours skating on pipelines and maybe when I reach my midlife crisis I might do so again in the future. In June 2000 the government put forward a ministerial statement which committed it to reviewing the 1967 act. At the same time it also took note of various recommendations of the national competition policy review, which also looked into it. I understand the consultation process has been incredibly extensive. An issues paper was put forward in 2002, a proposals paper in 2003, and I believe an exposure draft was released in May this year. It is a hallmark of this government that the consultation has been extensive and the public has been very happy with the outcome.

The importance of having good practice within this bill is essential when you look at the fact that we have had over a \$1 billion worth of investments in the last five years in pipeline infrastructure. The legislation delivers greater certainty and efficiency to pipeline operators so they can actually seek funding with a greater degree of certainty. It provides one integrated licence authorisation process for the construction and operation of the pipeline. It provides key time lines for a number of key decisions, including limits on the time that

people can bargain in good faith — I think that is about six months.

The legislation promotes an approach of identifying and minimising potential environmental and safety risks. It is subject to the Environmental Effects Act 1978, and for the first time there will be no pipelines through wilderness or reference areas. There will also be a requirement for rigorous safety and environmental management plans enforced by Energy Safe Victoria, with occupational safety still overseen by the Victorian WorkCover Authority. Most importantly, the legislation also ensures the proper rehabilitation of affected land, and I think there is also a requirement on the organisations building the pipelines to actually put forward rehabilitation bonds. I commend the bill to the house. I note that there was support from the Victorian Farmers Federation and other organisations.

Ms D'AMBROSIO (Mill Park) — I am also pleased to join in supporting the Pipelines Bill. The bill focuses on creating a very balanced approach to the management and access of land for the future development of gas pipelines in particular. On the matter of land access agreements between pipeline developers and land-holders, the bill mandates a compulsory minimum of six months consultation or negotiating period before any developer or prospective developer can access the alternative process of compulsory acquisition of an easement. The focus of the bill is on encouraging agreement to be reached between land-holders and prospective developers.

Land-holder rights are very important in any pipeline development and, to that end, the bill provides reasonable protection for land-holders and occupiers. Briefly, as I have already mentioned, they are mandatory consultation processes prior to licence applications that need to be made by a developer. The consultation plan produced by a developer needs to be undertaken.

It must show how consultation is to occur with a land-holder or occupier. Information about the proposed development must also be provided to stakeholders at this preliminary stage. Importantly, the consultation plan must receive approval of the minister before any survey work can commence. Secondly, the respective developer must provide notice to any affected landowner or occupier for a proposed pipeline corridor. Then at the next stage an application for licence can be made, with the prospective developer needing to notify affected stakeholders of such, who in turn have the opportunity to make a submission on an application. Where private land is the subject of a prospective pipeline development, good faith

negotiations must occur for no fewer than six months. Only then and without any agreement being reached can the developer make application to compulsorily acquire any easement for the construction of a pipeline.

The bill fulfils a commitment made by the government in 2000 to review the Pipelines Act of 1967. There have been very extensive and thorough consultations to get to the point the bill is at. The security of gas supply, of course, is fundamental to the economic health of Victoria — for example, \$1 billion has been spent on gas pipeline infrastructure in Victoria in the past five years. As I said, the contents of the bill have been subject to very extensive consultations. The bill does not leave behind the need to provide greater certainty and efficiencies for pipeline developers. Every Victorian is a stakeholder in how our gas pipeline infrastructure is managed. Every home, every street, every hospital, every school and every business — be it small or large — is a stakeholder, and for this reason the bill has achieved a remarkable outcome of gaining very broad support, because it has a very balanced approach to the management of pipeline infrastructure in Victoria.

In terms of other features of the bill, it is important that the certainty that is provided to prospective developers includes fixed and clear time lines for each stage of the proposed pipeline development — for example, the minister must deliberate on a licence application within 28 days of the last specified event which triggers the countdown. Decisions regarding licences and permission to allow compulsory easement acquisition rest specifically with the minister; there is no ability to delegate this authority. On other matters, where delegation is possible, those matters are made explicitly clear for developers. I certainly commend the bill to the house.

Mr LANGUILLER (Derrimut) — I am pleased to rise in support of the Pipelines Bill. This bill repeals the Pipelines Act 1967 and replaces it with more modern and efficient processes for dealing with all aspects of the planning and development and use of major pipeline infrastructure. It provides proponents with a more certain and efficient approval process, while also requiring early and ongoing consultation with effective landowners and occupiers. It ensures the effective management of safety and environmental impacts over the life of a pipeline, including appropriate rehabilitation of affected land. It also provides for effective inspection and enforcement powers.

The development of pipeline infrastructure is important for many industries and communities that depend on gas for power. Equally it is important that the

construction and operation of pipelines occurs in an efficient and safe manner and that environmental and land issues are addressed. With this in mind the government proposes to establish a more modern, flexible and effective legislative framework for the development and management of pipeline infrastructure. Victoria needs a modern legislative framework to underpin effective pipeline infrastructure development that delivers the following benefits: flexibility for the future; process efficiencies; fair community processes; and the integration of environmental, planning, safety and social aspects.

I wish to make a very succinct remark in relation to the comment by the member for Box Hill with respect to third-party access. It is my understanding that gas pipelines have their own regimes and they are not covered under this legislation. It is also my understanding that under the previous act in relation to third-party disputes, in the absence of parties being able to come to an understanding and arrangement the minister would then have the powers and it would be in that jurisdiction that the minister would have to intervene. It is my understanding that from previous times, going back to 1967 when the first act was enacted, no minister has had to intervene. In other words, all disputes were resolved between the parties. In conclusion, I understand that gas pipelines have a separate regime and are not covered under this act. I commend the bill to the house.

Mr PERERA (Cranbourne) — I have great pleasure in supporting the Pipelines Bill, which is supported by both sides of the house. There is an increasing gas production and demand for natural gas across Victoria with major gas pipelines now connecting Victoria, New South Wales, South Australia and Tasmania. There has been over \$3.5 billion in gas infrastructure constructed onshore and offshore in the past five years, including the eastern gas pipeline to Sydney, the Tasmanian pipeline, and the SEA Gas pipeline, which was completed just in time to supply emergency gas from Victoria to South Australia. The developments have brought diversity of supply, giving gas security to Victoria. As we know, this bill is about transmission pipelines. However, without the construction of transmission pipelines, supply of gas to regional areas is not possible. As the demand for gas grows and new arrangements come into place, a new regulatory framework for better management is naturally warranted.

This bill rewrites the major part of the 1967 Pipelines Act, which has become outdated and does not provide efficient modern processes for the planning and development of this important infrastructure. This bill,

which relates to major gas pipelines, is the product of a period of consultation which began over three years ago and included meetings with interested stakeholders, particularly from the industry; the release of an issue paper in March 2002; a proposal paper in June 2003; and an exposure draft of the bill for public comment in May 2005. It has gone through an extensive consultation process. This is a testimony of the operation style of the Bracks government — it listens and then acts.

The Pipelines Bill aims to provide an efficient modern process for dealing with all aspects of pipeline companies and current community expectations for establishing and operating pipelines. It delivers greater certainty and efficiency to pipeline proponents so that they can access finance and minimise costs. It provides for a single licence for the construction and indefinite operation of a pipeline. This curtails the administrative process. The bill provides incentives for proponents to reach agreements with land-holders on access to land, rehabilitation and compensation by mandating good-faith consultation and negotiation with land-holders for a minimum period of six months before switching on to the compulsory acquisition process. This is exactly what business needs — certainty, efficiency, good-faith negotiations and cutting down the red tape. The bill mandates that pipeline proponents prepare and have approved rigorous safety and environmental management plans.

This is an excellent piece of legislation that will facilitate the development of pipelines through an effective, efficient and flexible regulatory framework that includes a sound consultative process, and protect the public from environmental, health and safety risks. Through this bill for the first time pipelines will be banned from wilderness and reference areas which have the highest conservation values. The objective of the bill is to put a modern regulatory framework in place to promote ongoing investment in Victoria's important pipeline infrastructure, increase the safety of the community and establish environmental security. This bill meets these objectives and I commend it to the house.

Mr SEITZ (Keilor) — This bill replaces the Pipelines Bill of 1967, which had a very chequered start with the discovery of natural gas and the pipeline bringing natural gas down to Melbourne, when the Bolte and Hamer governments put a royalty tax on the easement for the pipeline. Then there were long protracted court cases in the Federal Court which ruled against the state government. It was the Cain government that had to pay the unexpected big bill and return the money to the oil companies that won the case

against paying the royalties on the pipeline easement. Therefore with the expansion by the Bracks government of the natural gas pipelines throughout Victoria we welcome this modern legislation, which enables the owners of the land, the operators of the pipelines and the contractors to access and work on the sites at an early stage and do what they have to do without any conflict arising.

The bill describes how to obtain conflict resolution, and for those reasons I commend it, and I also commend the minister for the work that went into the lengthy consultation process that gave everybody the opportunity of input. I am pleased to see the house supporting this bill.

Ms BUCHANAN (Hastings) — It gives me great pleasure to contribute briefly to the debate in support of the Pipelines Bill. The intent is clear. It will reflect not only best practice standards for pipeline companies but also meet community expectations for establishing and operating pipelines, which is of particular relevance to residents and businesses in the Hastings electorate. The Port of Hastings Corporation is now reviewing the use of port-related land in the region and it may be that there will be new pipelines coming into the port of Hastings. This bill gives the Port of Hastings Corporation a good framework against which to benchmark such feasibility studies.

Not only is gas good, but it is going to be great for the Hastings electorate because we have townships being linked into the extension of natural gas in the areas of Balnarring, Balnarring Beach, Somers and Merricks which will give a \$9 million economic boost to the area as well as creating 10 jobs per annum for at least the next 20 years. On that point I certainly and wholly commend the bill to the house.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Pipelines Bill and notify the house that the Liberal opposition is not opposing this bill. This bill rewrites the provisions with regard to the laying of major pipelines across Victoria which are essential for the continued economic growth and development of Victoria. The Liberal Party understands that there has been significant consultation with the community, particularly the farming community, through the Victorian Farmers Federation. Although the VFF had a number of comments to make, in general it is not opposing this legislation and neither is the Liberal Party.

In my electorate as the local member I have had the experience of being able to work towards and achieve an extension of the natural gas pipeline under the

previous government to Portland and Hamilton. They were both great achievements under the previous government due to the work of local members and that has been good for those communities. We have also seen some concern in the community when recently there was a pipeline taking gas from the Otway Basin from Port Campbell to South Australia. Farmers had concerns, when the pipeline went through their property, in relation to the regimes for access and compensation. The honourable member for Gippsland East would be aware of those issues. I congratulate him and the Buchan Cavemen for their excellent win in the grand final at the weekend against Omeo, giving the Buchan Cavemen back-to-back premierships. Members should try saying that when they have had a few drinks!

Mr Ingram — I think I did!

Dr NAPHTHINE — Issues have been raised at various stages by landowners when pipelines have gone through their community. Most landowners recognise that there are benefits from having gas pipelines or other major conduits throughout the state, but there does need to be a fair and reasonable access regime. This legislation seems to get the balance reasonably right. I have sent this legislation to a number of my constituent landowners who are affected by the South Australia–Victoria pipeline. They have looked at it and do not have any specific objections to this legislation.

A number of speakers have raised the issue of the government's natural gas rollout. Very briefly I will bring to the attention of the government a couple of issues with regard to the natural gas rollout in my electorate. In Koroit most of the township is serviced by natural gas which was installed some years ago. However, due to some problems at the time the main street in Koroit, Commercial Street, was not serviced with natural gas like the rest of the town. It has recently been announced, after strong representations by the member for South-West Coast, that natural gas would be put into Commercial Street. However, there are several households at the western end of that street which have been told that the gas will go only part of the way up Commercial Street, Koroit, and they will be left in the lurch once again.

I have met with representatives of SP AusNet and have discussed with them the needs of those households, and they have advised me that they are negotiating further with the occupiers of those residences to see whether the gas pipeline can be extended the full length of Commercial Street. I urge SP AusNet and the government to make sure that that logical extension is completed so that the whole of Commercial Street and all its residents are appropriately connected to gas.

The situation in Port Fairy is another problem that is going to arise. We have just seen the initial maps of where the gas rollout will take place in Port Fairy. I am surprised, and many residents of Port Fairy will be surprised, that there are large sections of the township itself that will not be included in the gas rollout. That includes all the areas to the north and east of Hughes Avenue — that is, along the extension of Griffiths Street from Connolly Street, Manifold Street, Ruffle Court, Rutledge Court, Lydiard Court, Hanley Court, Beach Street, and Castwood Court. Down the other end of Griffiths Street there will be a large area not connected, from Battery Lane, Rogers Place and Woodard Place, and there will be an area around Atkinson Street and Victoria Street not connected.

There will be areas right along Ocean Drive, Steven Street, Anna Catherine Drive, Reardon Street, Brophy Street, Powling Street, Crowe Street, McKasker Court, Stawell Street, Millers Crescent, J. Baden Powell Drive, Baxter Street and Paton Street behind the hospital and Lagoon Road. Large areas of Port Fairy which have been promised natural gas are going to be duded on natural gas. I again urge the government and SP AusNet to have another look at this situation, rethink it and make sure that all areas of the township of Port Fairy are included in this natural gas rollout.

Finally, I would urge the government to also consider rolling out gas across the Hopkins River in Warrnambool to cover the new and growing area to the east of the Hopkins River where there are many houses and significant development. There were problems previously with taking the gas pipeline across the old bridge which was causing some concerns, but there is a new bridge there and a new platform in which the gas pipeline can be taken across the Hopkins River to service the area east of the river.

In conclusion, we do not oppose the Pipelines Bill but I would urge the government to rethink the natural gas rollout with respect to making sure the entirety of the commercial strip of Koroit and all the township of Port Fairy is included in the rollout and that the rollout is extended to include the areas of east Warrnambool and east of the Hopkins River.

Mr BAILLIEU (Hawthorn) — I just wanted to quickly speak on the Pipelines Bill and note the objectives in clause 3. I understand this is a re-enactment and deals with the provision of significant infrastructure in Victoria. The objective in clause 3(b) is:

to create an effective, efficient and flexible regulatory system for the construction and operation of pipelines.

Indeed this is the construction and operation of significant infrastructure.

I note that part 4 is the pre-licence process and part 5 is the pipeline licence process. Division 5 in part 5 is the amendment of conditions to the licence and division 8 is the transfer, surrender and cancellation of licences.

Part 6 deals with the access to land for pipelines and includes division 1, which is headed 'Authorities over public land' and division 2, 'Purchase or acquisition of easements'. Part 8 deals with the operation of the pipeline and contains division 2 headed 'Safety and environment requirements' and division 4, 'Third party access'. Part 9 deals with management plans and contains division 2, 'Safety management plans' and division 3, 'Environment management plans'. Part 10 deals with rehabilitation, compensation and insurance.

I simply want to note that the government has an extensive array of regulatory controls for pipelines as it did for geothermal infrastructure which it dealt with earlier this year. Again, I simply want to note the contrast between this bill and the Geothermal Energy Resources Bill and the complete lack of legislation and regulation of the wind farm industry, which is currently ad hoc, doing extraordinary damage to landscapes and dividing communities.

Mr CAMERON (Minister for Agriculture) — On behalf of the government I thank the honourable members for Box Hill, Murray Valley, Ballarat East, Narre Warren North, Mill Park, Derrimut, Cranbourne, Keilor, Hastings, South-West Coast and Hawthorn for their contributions. I thank the Liberal Party and The Nationals for their support of this bill, which has very broad support. The bill is a great credit to the Minister for Energy Industries in the other place, who is also the Minister for Resources. I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

RADIATION BILL

Second reading

Debate resumed from earlier this day; motion of Ms PIKE (Minister for Health).

Motion agreed to.

Read second time.

Consideration in detail

Clause 1

Ms LINDELL (Carrum) — As I am probably the only registered medical radiation technologist in the Parliament of Victoria, I would like to take this opportunity to make some brief comments on clause 1. The view that all medical radiation technologists who are registered with the technologists board will now be licensed is consistent with the regulation of all other health practitioners who use radiation sources. As a radiographer for 20 years I fully understand all the occupational health and safety issues around the safe use of radiation sources and the extreme care that radiographers, nucleographers and radiotherapists need to use in their daily occupation for themselves and for their patients — particularly very young patients and those who may be pregnant.

It is exceptionally important that the highest standards be maintained. As I say I have my current registration, and it beggars belief that after my length of time in Parliament, which I hope will continue, I could go back into a job as a radiographer. That is not really acceptable in this day and age. Requiring me, even though I am registered, to go and license myself is eminently sensible, and I commend clause 1 of the bill to the house.

Mr LEIGHTON (Preston) — I also want to speak on clause 1. The purpose of this bill is to protect the health and safety of persons and the environment from the harmful effects of radiation, and it does this by taking the existing provisions out of the Health Act 1958 and putting them into a dedicated radiation act. By doing so we will have a much more formalised, structured and in many ways tougher act than we have currently. In particular the bill requires any person who conducts a radiation practice to hold a management licence and any person who uses a radiation source to hold a use licence. That applies in both the health sector and in industry, and it applies to a range of health professionals, even though they hold their own registration with various health boards.

The fact that in Victoria we have over 5000 radiation sources shows how silly it was in the 1980s for some councils to try and declare themselves nuclear free, especially when you look at the activities this bill is going to regulate. For that matter we on our side of the house have to question the three mines policy, because I do not see how you can be half-pregnant. The growing need in China for various energy sources,

including uranium, demonstrates that it is time for us as a country to revisit that and look seriously at the opportunities that are opening up there. I would like to see this debate go a lot further than is possible with this bill tonight.

Mr CAMERON (Minister for Agriculture) — Clause 1 sets out the purpose of the bill, and the government thanks honourable members for their contributions.

Clause agreed to.

Clause 2

Mr BAILLIEU (Hawthorn) — I invite the Minister for Agriculture to clarify why it is that only proposed sections 1, 2 and 146 come into operation on the day of royal assent, whereas the remaining divisions — the bulk of the act — are delayed until 1 September 2007.

Dr NAPHTHINE (South-West Coast) — I reiterate the question asked by the member for Hawthorn. It seems rather extraordinary that you can have an act containing 116 pages and 147 clauses yet the commencement specifies that only proposed sections 1, 2 and 146 — three of the 147 clauses — come into effect on the day that the bill receives royal assent. The remaining provisions of what is said to be a bill that really improves radiation safety do not come into effect until September 2007, which is two years from now. The question legitimately raised by the member for Hawthorn is why there is this substantial delay of two years in implementing legislation to improve radiation safety that is supported by both sides of the house.

Mr CAMERON (Minister for Agriculture) — My advice is that the old regulations will remain in force, which effectively extends them, until such time as the new regulations can be put in place.

Mr BAILLIEU (Hawthorn) — I think what the minister said goes without saying, but the question is what is the need for the delay. Obviously existing regulations stay in place. If it is a question of a regulatory impact statement process then we are seeking an explanation for the need for two years.

Mr CAMERON (Minister for Agriculture) — I refer to and repeat my earlier answer.

Clause agreed to; clauses 3 to 43 agreed to.

Clause 44

Mr CAMERON (Minister for Agriculture) — I move:

1. Clause 44, page 34, after line 20 insert —

“() a registered dental care provider within the meaning of the **Dental Practice Act 1999** — the Dental Practice Board established under Part 6 of that Act;”.

Dr NAPHTHINE (South-West Coast) — I seek an explanation as to why the amendment is proposed to this legislation.

Mr CAMERON (Minister for Agriculture) — The reason as is evident from the amendment is that the Dental Practice Board of Victoria was missed during the drafting process.

Amendment agreed to; amended clause agreed to; clauses 45 to 59 agreed to.

Clause 60

Mr CAMERON (Minister for Agriculture) — I move:

2. Clause 60, page 46, after line 16 insert —

“() a registered dental care provider within the meaning of the **Dental Practice Act 1999** — the Dental Practice Board established under Part 6 of that Act;”.

Dr NAPHTHINE (South-West Coast) — I understand this amendment is being moved because the government forgot that dentists can use radiography equipment.

Mr Andrews interjected.

Dr NAPHTHINE — The Parliamentary Secretary for Health admits the government forgot there was a dental practice board in Victoria, so now we have to have the legislation corrected by these amendments. We only hope in these 116 pages other amendments are not necessary.

Mr Andrews interjected.

Dr NAPHTHINE — We do not have confidence in the parliamentary secretary, the minister or the government. We clearly have another admission of an oversight, an admission of a mistake and sloppy drafting and work by the government, the Minister for Health and the parliamentary secretary.

Amendment agreed to; amended clause agreed to; clauses 61 to 135 agreed to.

Clause 136

Mr CAMERON (Minister for Agriculture) — I move:

3. Clause 136, page 98, after line 16 insert —

“() the Dental Practice Board established under Part 6 of the **Dental Practice Act 1999**;”.

Amendment agreed to; amended clause agreed to; clauses 137 to 147 agreed to; schedule agreed to.

Mr CAMERON (Minister for Agriculture) — On behalf of the government I thank members for their support, including the enthusiastic support of the opposition.

Bill agreed to with amendments.

Remaining stages

Passed remaining stages.

SUSTAINABILITY VICTORIA BILL

Second reading

Debate resumed from earlier this day; motion of Mr THWAITES (Minister for Environment).

Mr MERLINO (Monbulk) — I am pleased to rise in support of the Sustainability Victoria Bill, which provides for the establishment of a new statutory authority, Sustainability Victoria. This new body incorporates and replaces two existing authorities, Sustainable Energy Authority Victoria and EcoRecycle Victoria. It will mean a greater whole-of-government approach to sustainability.

Over the last six years the Bracks government has made great progress towards achieving sustainability. We have reduced logging by 31 per cent, increased flows to the Snowy River, achieved an historic program of creating national parks, and we are debating one of those great national parks at the moment. We have established 13 marine national parks and Melbourne 2030. The protection of the green wedge legislation will ensure the livability of Melbourne as we have 1 million extra Victorians over the next 20 to 30 years. The government has introduced 5-star energy and water standards for new homes. There has been a significant reduction in water consumption, a permanent change in people's attitudes and, in a sense, metropolitan Melbourne has caught up with rural and regional Victoria about the sensibility of water issues. This commitment can also be seen at the local level, whether

it is through local Landcare groups like the Thomsons Road fire guard in Montrose or friends groups such as the Friends of Glenfern Valley Bushland in my area.

The Sustainable Energy Authority Victoria and EcoRecycle Victoria have both played a key role in achieving many successes. They include Victoria recycling 53 per cent of waste in 2003–04 compared to 23 per cent in 1993–94; 95 per cent of Victorians have access to kerbside recycling; and, importantly, we are seeing a significant reduction in the cost of kerbside recycling. The Waste Wise program has been implemented in 860 schools. Energy efficiency savings of 2.1 billion megajoules, equivalent to removing 172 000 cars off our roads, has been achieved through initiatives such as the 10 000 rebates for solar hot-water systems, high efficiency gas and photovoltaic systems.

Why is the change necessary? The environmental challenges facing the citizens of this world are immense. All jurisdictions should do their level best to tackle them. Unfortunately, the emu head-in-the-sand approach of the federal government which refused to sign the Kyoto protocol reflects poorly on this nation. We have a duty in Victoria to take the lead on environmental issues. In the last 10 years carbon dioxide levels in the atmosphere have risen by as much as they did in the previous 10 000 years. The five hottest planetary years ever recorded have occurred since 1998. These are extraordinary and frightening statistics. Despite our efforts in Victoria over the last six years and the achievements I have mentioned we have much to be concerned about in our own backyard. Only one-quarter of our rivers are healthy. Our land is becoming less and less productive through the scourge of salinity, and energy production in Victoria is the most greenhouse gas intensive of anywhere in Australia.

The Environment Protection Authority has concluded that Victorians are among the most intensive users of natural resources in the world. We need a strong, united, coordinated and whole-of-government approach to this most important of tasks. Sustainability Victoria will have the energy role of the Sustainable Energy Authority Victoria and the waste role of EcoRecycle Victoria. Importantly it will add to this the role of ensuring the sustainability of our water resources. It has a much wider framework for addressing environmental issues, whether they occur on land, in the air or in water. It will provide a one-stop shop for individuals, communities and businesses. There will be one authority, one place to go for the public and one great source of expertise and skills in this area. Its task is to work towards the goals outlined in *Our Environment*,

Our Future — Victoria's Environmental Sustainability Framework.

In regard to that framework, I would like to refer to water. Strategic direction 2 is about using our resources more efficiently. Specifically there is a target to increase waste-water reuse in Melbourne to 20 per cent by 2010. Waste water is a major issue. Septic tanks, blocked and leaking sewers, sewer overflows and illegal connections put nutrients and pathogens into our rivers, our waterways and our soils. A local example comes from the Dandenongs. I have mentioned to this house before that we discharge 12.7 megalitres of waste water into the Dandenongs environment each day. There are 16 000 septic tanks, many of them not properly maintained. These failing tanks discharge waste into the environment, releasing nutrients that cause dieback in vegetation — as well as other nutrients — into our waterways.

I am involved in a task force that has been set up to tackle this problem and outline a strategy to achieve a sustainable outcome. We will look at things like the backlog sewer program, alternative systems that provide for waste-water reuse and the better management of our septic tanks. I am sure that Sustainability Victoria will play an active role in addressing this issue in the near future.

The name 'Sustainability Victoria', as opposed to something like 'Environment Victoria', is important, because the concept incorporates not only environmental but also economic and social considerations. Each area — the environmental, the economic and the social — is intertwined with and related to the others. It is false economy to have economic growth at the cost of destroying the environment. At a social level the community is affected if you have a factory polluting one of our rivers, because people's ability to use that river for recreation, fishing or swimming is taken away. Eventually the environmental cost to the government, to the private sector and to the community at large of tackling that damage becomes huge. I attended a briefing earlier today where some comments were made about the Yarra River. There was a stark chart that showed the level of E. coli bacteria in our river. It reached a peak in the late 1970s, and then there was a decision to cut industrial access to our rivers, after which you could see this massive drop in E. coli levels, which really highlights that point.

The goal of sustainability seeks to tackle this vicious cycle by ensuring that new developments do not occur at the cost of future generations and that unsustainable activities are reduced and eliminated.

Mr COOPER (Mornington) — I am pleased that the member for Monbulk mentioned water in his speech, because it is the area of sustainability that I wanted to concentrate on. I note that the minister in his second-reading speech talks about what he calls the comprehensive environmental sustainability framework for Victoria that has been released by the government. He went on to say that the framework and accompanying statement set out three crucial tasks, the second being that we must use our resources more efficiently, as the member for Monbulk has already stated. The minister then went on to say that the comprehensive water policy, *Our Water Our Future*, had been released:

... including 110 new initiatives for water conservation and \$320 million to ensure clean and sustainable water supplies for Victoria.

I note as well that an article in today's *Herald Sun* headed 'Nursery water ban war' states:

In the first major opposition to Melbourne's water-saving regime, the state's peak horticultural industry group is campaigning to end bans on watering lawns during droughts.

'Its proposals would imperil Melbourne's water supplies', water minister John Thwaites said yesterday.

This is all very interesting reading for me, because it is a subject that has got to be close to the heart of every member in this house. Indeed, it is a subject that should be close to the hearts of everybody in this state, because we are in the middle of a drought — a drought that seemingly has no end; it certainly has no end in sight and is one that we should all be very concerned about.

I now look at this bill and say, 'What does it do?' because the Sustainability Victoria Bill actually does nothing to boost sustainability. What it does is set up another bureaucracy, and that means there are going to be more public servants on the public payroll, using more resources and creating more talk and more spin on the issue of sustainability. But is something going to come out of this? That is the question that needs to be posed to the government. Is this going to be another spinfest or are we actually going to get something out of it?

Let me say right from the word go in my contribution to debate on this bill that the government's track record on delivering is just appalling. It talks the talk but does not walk the walk, not just on sustainability but on so many things that have been raised time and again by members in this house in regard to when the government is going to deliver. Whether it is natural gas to country towns or fast rail or whatever, it just does not seem to happen. All we get is the spin and the talk. I

am reminded of the famous announcement of the redevelopment of the Spencer Street Railway Station — 13 times it was announced, and it still has not happened.

I want to get on to water and water harvesting, an issue that I raised in this house only a few weeks ago. I want to do it in the context of what has been said by the minister in the second-reading speech and what he has been quoted as having said in the *Herald Sun* today — that is, that the proposals of Melbourne's horticultural industry would imperil Melbourne's water supplies. The minister said in his speech, he is saying it in the papers today and no doubt he will say in the future that we have a major problem with water supplies in this state. That major problem did not just occur yesterday or today; it has been there for a long time. It has certainly been there for the entire time of this government's time in office, and we have to ask what has the government done about it other than saying, 'Gee, I wish it would rain'?

What is the government's policy on water, and what is its policy on the harvesting of water? So much water falls onto the roofs and grounds of this state, yet virtually all of it ends up flowing down drains, into creeks, out into the bay and is lost as a resource. I remind the house again of something that I was told only a few weeks ago. When the government took office and started to fiddle around with the plans for Federation Square — and we remember what a disaster that turned out to be — it decided it would make some alterations. One of the things scrapped was the water harvesting. The government took it out of the plan because it was going to save them \$300 000.

The proposal in the original design was that all the water that falls on Federation Square was to be harvested and used for the flushing of toilets and watering of gardens around Federation Square, but that was just tossed aside. Now this government, which may have saved \$300 000, preaches that water saving is very important for the rest of the community.

What about the water harvesting for the flushing of toilets and other work around Spencer Street Railway Station? Is there any water harvesting in the plans for Spencer Street station? The house knows that there are not. When it rains in Melbourne, that gigantic roof structure at the station would capture a lot of water, but I assume that water ends up in the Yarra River and out in Port Phillip Bay. What a disgrace! The government's reaction to that is to turn away, ignore it and hope nobody comments on it.

A few weeks ago in this house I raised a matter for the attention of the Minister for Education Services, who has just walked into the house — that is, the huge amount of water that falls on school roofs could be harvested for use in watering school grounds and ovals, flushing school toilets and other activities around schools. A gigantic amount of fresh, potable water is used by our schools for those purposes when it could be used for other essential purposes. I suggested to the government that for a small, one-off amount of money to each suitable school, which would be the vast majority in the state, that water could be harvested and used by those schools.

I raised the issue about a month ago but have not even had the courtesy of a response from the Minister for Education Services. I raised it in the adjournment debate, and all I got from the minister at the table was, 'I will refer the matter to the minister'. But it has obviously just gone off into the ether, and nothing is going to come back to me or to those people who are very interested in this sort of practical sustainability initiative that would save this state a gigantic amount of potable water. I put it to the government again in this debate, because it is absolutely relevant to the words of the minister in the *Herald Sun* today and the words in his second-reading speech.

It would be very nice if the minister in charge of this bill was able to stand and say, 'There is a good suggestion, there is a suggestion that is good for this state and we will put it into operation'. I am saying to the government and the minister: put the politics to one side on this. Put aside the situation where if a suggestion comes from the opposition it is deemed to be no good and therefore the government will not do anything about it. Put that to one side and have a look at what it would do for the water storages and water supply situation in this state if we harvested all the water on major government buildings and particularly on government schools. It would save millions of litres per year, and surely that is good for the state. I want more than weasel words in second-reading speeches, I want action out of this government. This is an area where the government can act and it can act now. Do not leave it. We are in the drought now, let us do something about it before it is too late for the water storages of Victoria.

Ms ECKSTEIN (Ferntree Gully) — I too am pleased to make a contribution in support of the Sustainability Victoria Bill. The bill establishes Sustainability Victoria, which incorporates the Sustainable Energy Authority Victoria and EcoRecycle Victoria. Those organisations have done an excellent job in this area, but Sustainability Victoria will have a

broader role. It will also be charged with improving sustainable water use by business and the community. It will need to take account of and factor in global impacts of policies and approaches. It will take a holistic and integrated approach to sustainability issues in Victoria. In fact, Sustainability Victoria will become a one-stop shop on sustainability issues for Victorian businesses and the community. The new structure will also lead to cost efficiencies and be a more effective way of dealing with these issues.

Sustainability is one of the biggest challenges facing our society in coming decades. It requires a huge attitudinal and behavioural shift from every member of our community. We can no longer expect our natural resources to be limitless. We cannot expect that they will just be there for us to use forever and a day without running out or being so degraded that they are no longer of any use to us. We cannot continue to ignore the impacts of our individual actions on our wider communities and ultimately on the global environment. Whether it is the amount of rubbish we generate and how we dispose of it, the amount of power and water we use or the amount of greenhouse gases we directly or indirectly cause to be released into the atmosphere, we all impact on the kind of world we and future generations will have to live in. The behaviour of each one of us has an impact on the future for us all. The dangers to our lifestyle, to our economy and to the future of the planet will be considerable if we do not address these sustainability issues and change our practices, both individually and collectively.

It is salutary to reflect on some of the impacts unsustainable behaviour is having on the environment. Global warming and climate change are on our doorstep. Extreme weather events and the human tragedy that generally accompanies them are likely to become more frequent. In recent days we have seen the tragedy unfolding in New Orleans and surrounding areas and the enormity of the task facing rescue workers and emergency services in dealing with that event. I would like to think that in this country and this state we could provide a more coordinated response.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Rail: Wodonga line

Mr PLOWMAN (Benambra) — The matter I wish to raise is for the attention of the Minister for Transport. It concerns the vital issue of the relocation of the Sydney–Melbourne railway line from the centre of Wodonga. Today in the *Border Mail* an advertisement in respect of the Wodonga rail bypass sought tenders for the relocation of water, sewerage, trade waste and recycled water mains, together with electrical and communications conduits and gas mains, at two sites on the relocated railway route — at the Lincoln Causeway between Albury and Wodonga, and at Melrose Drive, where the railway is reconnected to the Melbourne line. This relocation of services will give clear access to the bypass corridor.

The Wodonga community — from the mayor and councillors to the man in the street — has shown enormous support for this project by way of a petition with close on 20 000 signatures, which is now before the clerks of this Parliament, and yet nobody as yet knows what the government's position is on the project. I ask the minister to advise the community of Wodonga what the time frame is for the start of this project and for its completion.

Both Pacific National and the Australian Rail Track Corporation have shown their full support for this project and have indicated that they will be major beneficiaries of it. The federal funding is secure, and the Wodonga council has this as its no. 1 priority. The Wodonga chamber of commerce sees this project as essential for the future of Wodonga. This leaves only the state government to make its commitment clear, so I ask the minister to indicate to the Wodonga community when this project will start and to also advise what is the proposed completion date. I might not see this project completed while I am a member of Parliament, but I would be devastated not to see its completion in my lifetime. Therefore, I hope this government will now initiate this project, as it is essential for this fast-growing community. It is the responsibility of the government to get this project off the ground and to see its completion.

After 30 years of waiting, this community can wait no longer. The future development of the city relies on this project, and the Bracks government has the responsibility not to let this fast-growing country community down. Nothing is more essential for the city of Wodonga than the completion of this railway line relocation.

Victorian Civil and Administrative Tribunal: Geelong hearings

Mr LONEY (Lara) — I wish to raise a matter for the consideration of the Minister for Planning. The matter relates to the possibility of having regular sittings of the Victorian Civil and Administrative Tribunal planning division held in Geelong. The action I am seeking is that the Minister for Planning support this and take it up with the chair of VCAT, Justice Stuart Morris, with a view to its earliest possible implementation.

I have had representations on this matter from Cr Barbara Abley, who is concerned that Geelong residents, and indeed those from the south-west of Victoria generally, are disadvantaged by the fact that planning tribunal hearings for the region are not scheduled to be heard in Geelong as a matter of course. Local residents are required to attend hearings in Melbourne, involving them in significantly more travel and lost time than would be the case if these hearings were to be held locally. As Cr Abley has put it, many residents of the City of Greater Geelong and local government areas in the south-west of Victoria find it extremely difficult to make the trek to Melbourne for VCAT hearings. However, they are quite used to coming to Geelong, because many Barwon regional offices are located in our city. It would be to their benefit and convenience to have regular hearings scheduled for Geelong.

Many planning decisions are the subject of significant interest in the locality they affect. The opportunity for proponents, objectors and other interested parties to attend and observe hearings in the local area would, I believe, enhance the planning process in our community. Cr Abley advises me that she has raised the issue informally with Justice Morris and that he said there did not appear to be any impediment to this occurring, as hearings to determine guardianship matters and other such matters have been held in Geelong for many years and have become part of the VCAT hearing schedule.

I wish to see the same occur for hearings in the planning division. I ask that the Minister for Planning support this proposition, which I believe to be eminently sensible and beneficial to my community, and that he take up the matter up with Justice Morris as soon as possible.

Kyabram: youth services

Mr MAUGHAN (Rodney) — I wish to raise a matter for the attention of the Minister for Community

Services concerning funding for one-to-one youth-specific counselling and support in the shire of Campaspe. Until very recently counsellors were based at the Kyabram community learning centre (KCLC) and were available to serve the whole of the municipality. In passing I just want to say what a great organisation the KCLC is and what a wide range of programs and activities it provides for the whole community. It really is a community centre made up of dedicated community members focused on servicing the needs of the community. It is led by the chief executive officer, Pam Whipp, and a terrific team. I want to acknowledge the contribution they make to the life of Kyabram and the surrounding area. They have told me that one of the most pressing needs is for youth one-to-one counselling and support.

KCLC receives funding for family support including counselling, but this only applies if there is a parent or guardian involved. Many young people under 18 years of age live independently and do not fit that criterion, but they need one-to-one counselling and support. Therefore they miss out on this very important service. The Shire of Campaspe originally received funding from the Office of Youth when it was part of the Department of Human Services. It received \$38 000 a year for that service. It subcontracted to the Kyabram hospital to deliver those services. That provided two part-time youth workers, and some of their time was spent on one-to-one counselling.

Funding now comes through the Department for Victorian Communities, and it is focused on youth participation and engagement in the community. The guidelines do not accommodate one-to-one counselling. There is a clearly established need for one-to-one counselling in the Kyabram area. The previous flexibility has been lost, and the KCLC, Kyabram hospital and the shire are seeking a source of funding that will provide youth support and flexibility for one-to-one counselling.

I am seeking the minister's assistance to identify a source of funding. It might be within the portfolio of the Minister for Employment and Youth Affairs, with whom I have also raised this matter. I ask the minister to acknowledge that there is a gap in these services and that there is a need for this service, and to advise where the KCLC or the shire should apply for funding to keep this vital service of counselling to young people in the Kyabram area operative.

Children: Pakenham estate services

Ms LOBATO (Gembrook) — I raise a matter for the Minister for Community Services, who is also the

Minister for Children. The action I seek is for the minister to consider the infrastructure needs of families living in and around the rapidly growing area of Pakenham by considering the council's current application for children's hub funding.

The application made by the Shire of Cardinia is for funding to create a children's hub within the Lakeside estate in Pakenham. Lakeside currently has an abundance of children but unfortunately has no children's facilities. Families must access the services provided at other locations such as Officer and Beaconsfield, which obviously places a huge strain on those existing services.

The Lakeside estate is, I believe, a very successful housing development, except for its environmental limitations. As far as the provision of services goes, developers and the council now understand the importance of providing service and infrastructure at the early stages of housing development and the benefits to the community that this forward planning provides. The council's intention is to develop a centre to be known as the Lakeside Children's Centre. It will consist of a double unit kindergarten, an occasional care unit, two play areas, two program rooms to be used by community groups, two consulting rooms that will be used by outreach services, a maternal and child health suite, and other required space. The application is for capital funding for the children's centre of \$250 000 and for start-up funding for the kindergarten of \$250 000.

The proposed children's centre will be based on the successful model of the Beaconsfield community complex, which is providing numerous beneficial functions for the rapidly growing population in the area. The Bracks government proudly contributed \$750 000 to the Beaconsfield complex including \$250 000 in children's hub money.

The population of the growth corridor is increasing at an extraordinary rate, and all levels of government need to ensure that infrastructure and services are provided to meet the needs of families throughout the south-east growth corridor. In closing I would like to stress the importance of this application and ask that the minister consider it favourably.

Lorne: pier reconstruction

Mr MULDER (Polwarth) — The matter I raise is for the Minister for Environment and concerns the reconstruction works to be carried out on Lorne pier. Given that work may not commence until January 2006, I ask that the Minister for Environment urgently

meet with the key stakeholders — namely, representatives from his department, the Great Ocean Road Coast Committee of Management, the Lorne Pier Advisory Committee, the Lorne Business and Traders Association and the Lorne Community Association — with a view to agreeing to delay the commencement of work until late February 2006.

I know the minister is familiar with the Lorne pier area. His participation in the Lorne Pier to Pub swim has been well covered in the media. He will therefore be well aware of the enormous crowds of people who attend this event. His colleague the Minister for Tourism will also be well aware of the number of tourists who flock to Lorne over the summer period, as will the Premier and the Minister for Sport and Recreation in the other place, who jointly announced that the World Lifesaving Championships are to be held in Lorne in February 2006.

With all this in mind I am somewhat incredulous that the decision to proceed with the restoration works on the Lorne pier over the summer period has apparently met with little opposition from the aforementioned ministers. The local community is stunned, the local traders are outraged and when the tourists arrive over the summer things will not be as they expect. There is also a statement from the Department of Sustainability and Environment that these works will not be completed prior to the lifesaving championships in 2006.

The Premier, in his announcement in May 2002, touted these championships as a major international sporting event with nearly 6000 athletes and officials descending on Geelong and Lorne in February 2006. What sort of impression will these visitors take back with them? I would suggest they will have an impression of an incompetent government that could not get its act together to ensure these works were completed within the three and a half years since the initial announcement.

Of course there will also be the disruption to the local community and the financial impact on businesses. The Lorne pier has always been a focal point for recreational fishing, dining or just a walk in the afternoon. Now there is a real prospect of trucks carrying concrete and other materials along Lorne's beachfront, together with the noise and associated dust from demolition works, right through the summer. That is not the most appealing scenario to contemplate.

There are also concerns that due to the government's budget shortfall modifications may have been made to this project — for example, the removal of the lower

landing for mooring boats. Should this be the case, there is the potential to cause a serious safety issue. Advice provided by the local community suggested that the funding would not be sufficient, but this advice was ignored, leaving the door open for further modification to the agreed design. The view most strongly being conveyed to me is that this project should proceed within a more appropriate time frame and that extra funding should be provided to avoid further modifications.

At the Lorne pier are the pier restaurant and the fish cooperative; across the road is the Pacific Hotel; and motels and a number of apartments are situated right along that Mountjoy Parade area. The work will have a devastating impact on people who book into that area and those who use that part of the Lorne foreshore. I ask the minister to intervene in the process.

Consumer affairs: telemarketing

Mr LEIGHTON (Preston) — I wish to raise, through the Minister for Manufacturing and Export, for the attention of the Minister for Consumer Affairs in another place the issue of telemarketing. I am calling on the minister to take action to ensure a do-not-contact telemarketing register is established. I believe it needs to be a national register, through the cooperation of state and federal governments. Victoria and New South Wales are cooperating, but the commonwealth is dragging its feet.

On 1 July 2004 the then federal Minister for Communications, Daryl Williams, said in a press release:

The Howard government has been working with industry and other stakeholders to develop an effective solution to nuisance telemarketing practices. Any do-not-call register established by the government would protect consumers from nuisance calls without limiting legitimate business practices.

But in fact the federal government has done nothing. At one meeting the federal parliamentary secretary to the Treasurer, Chris Pearce, denied there was any federal government commitment — pretty obviously contradicting the assurance given by Daryl Williams.

As a result of this the private sector is charging consumers for what should be a right to refuse unsolicited sales calls. For instance, a brochure entitled 'Are you sick and tired of uninvited telemarketing? Unwanted direct mail? Unwanted email marketing?' is being distributed by Do Not Contact Register of Australia Pty Ltd. I have had a look at that brochure. There is nothing particularly untoward about it, other than that it charges consumers for the privilege of

having companies notified not to call them. This is filling the vacuum created by the federal government.

Two weeks ago I received a telephone call from a finance company wanting to sell credit. It took me four requests to have the caller agree to have his supervisor take me off the list. Last week I received a pre-recorded message on my message bank inviting me to call a premium number. Fortunately, I heard and deleted this message before my kids got to it. And a few weeks ago I received a call from a call centre in India trying to flog a tax avoidance scheme. These calls are clearly getting out of control. I am big and ugly enough to tell these callers to sod off, but not so some of the older people I represent as a member of Parliament. Elderly folk are more vulnerable to calls from snake oil salesmen and those who take a more persistent or harassing approach.

The federal privacy commissioner has recommended that the federal government explore options for establishing a national do-not-contact register. I welcome the work of the Victorian Minister for Consumer Affairs and her vigorous pursuit of the federal government, and I urge her to keep chasing the federal government to establish a national do-not-contact register.

Central Gippsland Health Service: future

Mr INGRAM (Gippsland East) — I direct a matter to the attention of the Minister for Health. I ask her to address the concerns of the community around Sale in East Gippsland about the Central Gippsland Health Service. Members of this place will know that the board of that health service was sacked. There is an enormous amount of community concern about the potential impact on the services that that health service provides.

Today I presented to the Parliament a petition bearing 6067 signatures which raises a number of issues. I have also received many calls from people in my electorate who use the Central Gippsland Health Service. The petition asks the minister to take into consideration and address certain issues. It requests the minister to investigate the circumstances surrounding the dismissal of the board; as a matter of urgency, to reappoint a community-based board; and to ensure the community interests in relation to the hospital are upheld.

The petitioners also want reinstatement of the services at the hospital that were provided by the Central Gippsland Health Service as of 16 November 2004. They also want to make sure there is no further reduction of services. The services they recognise are specialist medicine, surgery, paediatrics, obstetrics and gynaecology. They want to make sure those services

have their own dedicated ward and specially trained nurses working as part of the specialty team, and also that the existing junior medical infrastructure is maintained and specialist succession planning is implemented.

I would strongly urge the minister to take up this issue and make sure the concerns that have been raised by the community are addressed. Members could ask why this issue is being addressed by me, because the Central Gippsland Health Service is in Sale. There is some concern in the community about the lack of representation by the Leader of The Nationals on this issue, because he has some history with the currently appointed administrator. That matter was raised in Parliament a number of years ago by the Deputy Premier, who accused the then member for Gippsland South — who is now the Leader of The Nationals — of interfering and trying to appoint to the position of chief executive officer his own preferred candidate, who at the time had not been short-listed by the board and the Department of Human Services, and of putting pressure on them. That is why I raise the issue in this place.

The ACTING SPEAKER (Ms Barker) — Order! The member's time has expired.

Daylesford Secondary College: facilities

Mr HOWARD (Ballarat East) — I wish to raise a matter for the attention of the Minister for Education Services, and in doing so I ask her to take action to support Daylesford Secondary College and the broader Daylesford and Hepburn Springs community by providing funding via the Community Facilities Fund for the extension and redevelopment of an existing gymnasium and theatre facility at Daylesford Secondary College.

I have been pleased to work with many Daylesford community members, perhaps most particularly Sam Camilleri, for the last two years or more. In that time it has been pleasing to see many members of the Daylesford–Hepburn Springs community and the Hepburn shire come on board and say, 'Yes, we need not only to redevelop the existing gymnasium facility but to build a larger facility beside it that will meet the needs of the young people in the Daylesford area and also provide greater opportunities for other members of the community to use such a facility'.

It is very pleasing that I was able to gain support through the Community Support Fund for this project ahead of the last election. The council has now committed funding, and the community group led by Allan Wolf-Tasker has been raising funds towards this

project and gaining a great deal of community support in doing so. The total community contribution that has been put together already for this project is \$1.22 million.

I therefore ask the Minister for Education Services to match that with another \$1.22 million to enable this dream to become a reality. As I said, this would provide an extension of the existing joint-use facility at Daylesford Secondary College. The extension will comprise a two-court multipurpose recreation and sports centre, new male and female change rooms, toilets, a lobby, a kiosk and an administration area, and it will clearly meet the needs of not only young people but the broader community. It is something that the Daylesford community is now getting increasingly excited about receiving.

If they were to get this additional \$1.22 million from the state government, they would be very excited indeed. I am very hopeful that the minister will be able to support this project. I would like to commend people like Sam Camilleri, who has driven this project for many years, Daylesford Secondary College principal Heather McIntyre, Allan Wolf-Tasker, Cr Max O'Shea and the many others who have worked on this project.

Planning: Mount Martha quarry

Mr COOPER (Mornington) — I seek action from the Minister for Planning to ensure that the Mornington Peninsula Shire Council stops its ongoing campaign to sell off the old Mount Martha quarry for residential or commercial development.

On 12 March 2002 the council unanimously resolved to sell off the Mount Martha quarry for high-rise residential development. It should be noted that this decision was unanimous and included the support of local ward councillor at the time, Judith Graley, who, with her colleagues, was intent on raising \$10 million from the sale. There was immediate concern in the local community about this council proposal, and the resulting uproar led to a review panel being appointed by the previous Minister for Planning. That panel recommended that the council abandon its planning amendment but the council has refused to agree to that, and has stated that it intends to pursue its original objective of selling the site for development.

The local community has now become aware that a report by consultants appointed by the council, Biosis Research Pty Ltd, on the potential impacts on biodiversity of development of this site has been rejected by the council. The report was completed in August 2004 but has been sat on by council officers

since that time. After considerable pressure was applied by some people in the community, the council reluctantly released the report in August this year. Reading that report reveals that the reason it was rejected was because it failed to tell the council what it wanted to hear. These consultants have delivered a professional, honest view and for that they are now having their work publicly described as unprofessional by some council officers. Biosis Research has stated that the proposed development would have serious adverse environmental impacts on the site, the Mount Martha foreshore and the National Trust-classified landscape, and on Mount Martha generally.

It goes on to state that the loss of the site would significantly undermine the purpose and intent of the Mornington Peninsula and Western Port Biosphere Reserve and that the proposed residential development is not ecologically sustainable. The rejection of this report by the Mornington Peninsula Shire Council and its calling on the consultants to change their statements border on the scandalous and demand strong action from the minister to ensure that the importance of this magnificent environmental asset is not sacrificed by a council that is seemingly hell-bent on putting its financial objectives ahead of the best long-term interests of the entire community.

I urge the minister to read the report by Biosis Research so that he can understand the importance of this unique site. The Mornington Peninsula Shire Council must not be allowed to ignore the environmental impacts that will occur if it is permitted to have its way on this issue.

Buses: Yan Yean electorate

Ms GREEN (Yan Yean) — I wish to raise a matter for the Minister for Transport. It concerns the need for improved bus services in the growing outer suburbs of my electorate of Yan Yean. The Plenty growth corridor is one of the growth corridors defined by Melbourne 2030, the Bracks government's blueprint for our great city. The city of Whittlesea currently has a population of 130 000 and is expected to reach its capacity of 240 000 residents by 2030. That rate of growth presents many challenges to provide infrastructure to serve these residents.

I, along with local residents, have been pleased to welcome not one but two stages to extend the Northern Hospital, including \$25.8 million for 64 new beds, the building of new classrooms at Epping Primary School and Meadow Glen Primary School, and a new \$10 million P-9 school at Mill Park Lakes. The state government has invested strongly in road infrastructure, with some \$29 million being spent on the duplication of

Cooper Street, \$13 million on the extension of Edgars Road, the almost completed Craigieburn bypass, and \$32 million on the duplication of Plenty Road, on which work will begin soon.

On the issue of public transport over the last two to three years, the Bracks government has ensured that there has been significant service growth service to these suburbs. In a first for Melbourne, the South Morang trainlink service connects residents in Epping and South Morang to each train service from Epping to the city. For example, Mill Park Lakes, an estate which is only about four years old, has three bus services connecting the local community to health services, educational facilities, work and, importantly, leisure. Mill Park Lakes residents can catch a bus to see a movie at Epping, Greensborough, Northland or the city.

The government needs to continue this growth in local bus services both to service the growing suburbs of Epping and South Morang and to provide greater frequency on existing routes. In recent discussions between the Minister for Planning and Cr Sam Alessi, the mayor of Whittlesea, the mayor advised the minister that 64 per cent of trips by locals were to work in the local area. This is a credit to the council in growing local jobs in the area. This indicates to me that any extension to local bus services would be welcomed — —

The ACTING SPEAKER (Ms Barker) — Order! Would the member ask for action or repeat her request for action? I did not hear her ask for action.

Ms GREEN — My request was for action on the need to improve bus services in the growing outer suburbs of the electorate of Yan Yean. This indicates that any extension to local bus services would be welcomed and well used by locals, assist in alleviating congestion and also provide a cheaper way for residents to get to work in the current climate of rapidly increasing petrol prices. Families and young people also need and deserve extra services to assist them to access sport and leisure in the evenings and on weekends. In this year's state budget \$10 million was allocated for the extension of bus services in the outer suburbs. I am certainly putting my hand up on behalf of the growing communities for a share of these funds. I urge the Minister for Transport to allocate some of these funds to the growing suburbs in the Yan Yean electorate to ensure that these neighbourhoods are even better places in which to live and raise a family.

Responses

Ms PIKE (Minister for Health) — The member for Gippsland East has raised some concerns with me

regarding the Central Gippsland Health Service. I want to take the opportunity to address three main issues that he raised. Firstly, he has again asked me to reiterate the circumstances surrounding the dismissal of the board of management at the Central Gippsland Health Service. Briefly, because in fact on 9 November last year I made a statement to this house regarding this matter, the circumstances surrounding the dismissal of the board are very complex, but in short since 2001 there had been significant deterioration in the financial position of the Central Gippsland Health Service. The Department of Human Services had to provide \$8.2 million in additional funding over and above the allocated budget appropriation for the service — just to keep its head above water and to make sure that it did not expose itself to unacceptable levels of informal excesses, to quote the words of the bank, which wrote to the Central Gippsland Health Service in those terms.

The board and the service had been put on the department's Close Watch program, which signifies that intensive scrutiny was being undertaken of the board, and the board was required to adopt a financial turnaround plan. In spite of all that, in October 2004 the service was overdrawn by \$1.0378 million, so an immediate financial injection had to be given to the service. I was certainly extremely concerned about the financial position of the service.

Coupled with that, the Ombudsman had received information from a whistleblower concerning management at the service, and at the Ombudsman's request the Department of Human Services instigated an investigation. That report was provided to the Ombudsman and is subject to whistleblower protection legislation and cannot be released publicly. But in the course of that investigation other matters did come to light which were referred to the police. They included evidence about payments made to the board president for overseas travel, on the authorisation of the chief executive officer (CEO) and without the knowledge of the rest of the board, and information about inappropriate directions given by the president of the board to the CEO regarding human resources management issues.

All those matters came together, and, as Minister for Health, I have an absolute duty to ensure that our health services are managed appropriately so that they can deliver services to their communities. The only ground that I need to have to dismiss any board is that I have lost confidence in its capacity to govern the organisation. Clearly the evidence was absolutely overwhelming that there were many reasons why the Minister for Health did not have confidence in this board to govern this service. Therefore an administrator

was appointed, and subsequently a community advisory committee was appointed as well, which goes to the second point raised by the member about the reinstatement of a locally elected board of management. In fact a locally elected board of management is still appointed by the Minister for Health, so my responsibility goes to the appointment of the board when it is finally reinstated.

Let me reassure the member that it is my absolute intention to reinstate the board of management at the Central Gippsland Health Service. As an interim step a community advisory committee has been appointed. There was a public process for the appointment of that community advisory committee, and my advice is that it is there and available as a conduit from the community to work with the community and with the administrator to make sure that everybody is engaged in what is happening at the health service.

The last matter that was raised was that of the actual health services that are being provided at the Central Gippsland Health Service. Again, I am very pleased to remind the member that because of the enormous and growing contributions to the budget of the Central Gippsland Health Service, which is now \$32.5 million per annum, and the excellent financial management of the administrator, the unaudited and as yet not presented figures to this Parliament show in fact a very significant turnaround in the financial position of the service.

In fact, rather than a reduction in services, as the member said, there has been an increase in services to the community. A number of plans are under way to reconfigure services, which would see a net increase in the number of beds available for the community.

I would like to reassure the member, and through the member his constituents, that I am taking a very keen interest in and am briefed regularly on what is happening at Central Gippsland Health Service. I am absolutely and fundamentally committed to ensuring that the people of Sale and the surrounding communities have access to appropriate health services. I have confidence that the administrator shares that objective. He is working very hard with his team and with the community advisory group to ensure that any reconfiguration of services is in the best interests of the community, and he is seeking to serve those health needs in the best possible way.

There are no plans at all to reduce services. There are only plans to increase services — to grow them and to add more. People who say they are being reduced are not acting in the best interests of the community.

Certain members of the community are seeking to make mischief. For reasons that are not necessarily known to me they are seeking to paint a picture of service reduction. That is very unfair and unkind, particularly to vulnerable members of the community who are very dependent on those services and who are very susceptible to the fearmongering occurring in the community. I urge those people to think again about what interests are being served by that kind of mischief making and fearmongering. Certainly it is not caring behaviour. It is very unkind behaviour and most unjust, and a lot of the things that are being said are quite untrue.

Again I thank the member for raising this issue. I want to reiterate that all the actions taken to date and the actions that are happening now have been and are being done with the full intention of enhancing services for the community. And it is my absolute intention that there will be a locally elected board as soon as possible.

Mr HAERMEYER (Minister for Manufacturing and Export) — The member for Benambra raised a matter for the Minister for Transport calling for the relocation of the railway line in Wodonga, and I will draw that to the attention of the minister.

The member for Lara raised a matter for the attention of the Minister for Planning seeking the holding of regional sittings of the planning division of the Victorian Civil and Administrative Tribunal in Geelong, and I will draw that to his attention.

The member for Rodney asked the Minister for Community Services to give assurances about one-to-one funding for counselling support in the Shire of Campaspe, and I will draw that to the attention of the minister.

The member for Gembrook raised a matter for the Minister for Children, seeking adequate services for children within Pakenham, particularly on the Lakeside estate. The member for Gembrook is always pretty much on top of what is going on in her electorate, and I will certainly make sure that is drawn to the attention of the minister.

The member for Polwarth raised a matter for the Minister for Environment regarding reconstruction work on the Lorne pier. I look forward to the member for Polwarth also participating in the Pier to Pub swim next year. I will certainly raise that for the attention of the Minister for Environment.

The member for Preston raised a matter for the Minister for Consumer Affairs in the other place. The member for Preston was calling for the establishment of a

national do-not-contact register in terms of telemarketing. He has once again raised what seems to be a classic case in the federal government where Chris Pearce and Daryl Williams do not seem to see eye to eye, just as the Prime Minister and the Treasurer do not seem to see eye to eye, so there is clearly a case in the federal government where one hand does not know what the other hand is doing. I will certainly raise that with the Minister for Consumer Affairs.

The member for Ballarat East has raised a matter for the Minister for Education Services seeking the provision of funding for a gymnasium and theatre facility for Daylesford Secondary College. He particularly paid tribute to Allan Wolf-Tasker who has worked with the local community there to raise \$1.22 million towards that project. He is requesting the state government pick up an equivalent amount towards that. Certainly a great deal of credit goes to the member for Ballarat East and also to Allan Wolf-Tasker and the local community in raising that amount of money for this service. I will draw that to the attention of the Minister for Education Services.

Mr Cooper interjected.

Mr HAERMEYER — The member for Mornington, who is being rather voluble at the moment — —

Mr Cooper — I am here!

Mr HAERMEYER — I have noticed!

The member for Mornington raised a matter for the attention of the Minister for Planning. He is calling on the minister to stop the Mornington Peninsula council selling off some land in Mount Martha — the Mount Martha quarry — for residential development. I will raise that for the attention of the relevant minister.

The member for Yan Yean, who I have to say has to be the equal-best member to have ever represented that electorate, raised a matter for the attention of the Minister for Transport. She has been seeking improved bus services for the outer suburbs of the Plenty growth corridor. As someone who has some association with that area, having been a resident and also an elected representative, I know that is a rapidly growing area. She has called on those services to be provided. The Plenty corridor is one of the fastest growing areas, not just in Melbourne but anywhere in Australia, and there is a requirement for bus services to enable people to pick up a lot of the employment that is also growing in that region. I will make sure that is drawn to the attention of the Minister for Transport.

The ACTING SPEAKER (Ms Barker) — Order!
The house is now adjourned.

House adjourned 10.44 p.m.