

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

**Tuesday, 2 May 2006
(Extract from book 5)**

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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¹ Ind from 17 September 2004
ALP from 10 November 2005

² Ind from 7 April 2005

³ Ind Lib from 30 November 2005

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Tuesday, 2 May 2006

The PRESIDENT (Hon. M. M. Gould) took the chair at 2.02 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent on 11 April to:

**Drugs, Poisons and Controlled Substances
(Volatile Substances) (Extension of Provisions)
Act**
Infringements Act
**Interpretation of Legislation (Further
Amendment) Act**
**Justice Legislation (Miscellaneous Amendments)
Act**
**Public Sector Employment (Award Entitlements)
Act.**

QUESTIONS WITHOUT NOTICE

Gas: Portland smelter

Hon. PHILIP DAVIS (Gippsland) — I direct a question without notice to the Minister for Energy Industries. I refer the minister to reports of discussions between Alcoa, ExxonMobil and the Bracks government on the option of using gas to power Alcoa's expansion plans for its smelter at Portland. Have the minister and the Bracks government had any discussions with any party on the subject of taxpayer subsidies or any other concessions necessary to make gas a viable option to power Alcoa's expansion plans at Portland?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — May I first of all thank the member for his interest in this important area. It would be known to the member that the government sees this as such an important range of issues we have to deal with that a cabinet subcommittee has been created in order to — —

Hon. Bill Forwood — Are you on it?

Hon. T. C. THEOPHANOUS — Yes, I am. It is made up of myself, John Thwaites, the Minister for Environment in another place, and the Treasurer. It has been looking at the range of issues associated with the proposed expansion by Alcoa. I might inform the honourable member, as he would be aware, that the contractual arrangements with Alcoa end in 2014 and 2016. There are contractual arrangements whereby the

state provides power to Alcoa for its current operations in Portland. It is also the case that the Portland aluminium smelter is the largest single contributor to the state's export earnings — around 7 per cent or 8 per cent of Victoria's total export earnings is a result of that operation.

Although 2014 might seem to be relatively distant, it is actually a fairly close date for negotiations of this sort to commence. The government has begun negotiations with Alcoa from the point of view of discussing what Alcoa's issues are — whether it wishes to expand and certainly how it sees things happening in the post-2014 period. Most of the discussions, as you, President, would appreciate, are of course confidential. It is therefore difficult for me to discuss individual components of those discussions except broadly.

Of course, one of the issues that is of concern to the government is the issue of greenhouse gas emissions. Clearly aluminium users — —

Hon. D. McL. Davis — We don't want another Hazelwood.

Hon. T. C. THEOPHANOUS — I am happy to take up the interjection in relation to Hazelwood, because in fact the negotiation with Hazelwood resulted in a commitment by that company to a reduction of 34 million tonnes of CO₂ over the life of the project. We are very proud of that particular outcome.

But in relation to Alcoa, I can say to the honourable member that obviously greenhouse gas emissions are an issue, especially if Alcoa wishes to expand its operations at Portland — or anywhere else for that matter. It is an issue which will test both the government and the community. It is certainly something we are considering as a part of discussions we might be having with Alcoa. When one puts it into that kind of context — and to come to the question asked by the honourable member — obviously the use of gas as opposed to the use of coal for the production of power results in a significant saving of greenhouse gases. Consequently that option has not been taken off the table.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — I thank the minister for such a comprehensive answer, but it leads me to a supplementary question, which is: as gas is a far more expensive option than coal-fired power in Victoria, what level of taxpayer subsidies — and over what period — will be required for Alcoa to proceed with its expansion plans?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — As I said, these discussions are confidential. We are certainly not looking at taxpayer subsidies, as the member has suggested, but the questions and the issues that are progressing are confidential. Nor would I necessarily concede to the member's statement that gas is significantly more expensive than coal production. In fact the gap is narrowing all the time. If one takes into consideration the added issue of greenhouse gas abatement, then the gap becomes — —

Hon. Bill Forwood — It depends on the price you put on that.

Hon. T. C. THEOPHANOUS — Well, you can see this by simply looking at the fact that Origin has decided independently to embark on the Mortlake gas-fired base-load power station. Obviously if the economics did not work for Origin, they would not work for anyone else either.

Dandenong: transit city project

Mr SMITH (Chelsea) — My question is to the Minister for Major Projects. I refer the minister to the government's commitment to making Victoria an attractive place to work and raise a family and ask him to update the house on the most recent announcement in Dandenong that demonstrates that the government is delivering on its transit city initiatives.

Mr LENDERS (Minister for Major Projects) — I thank Mr Smith for his question. I am delighted to talk at any time about transit cities, and I am particularly delighted to talk about the project to revitalise central Dandenong. Last Wednesday the Bracks cabinet, along with all our local MPs, met in Dandenong for one of our community cabinets. As part of that the Premier took the opportunity to announce a further tranche of funding for the Dandenong transit city. This was an extra \$197 million investment into Dandenong over a 20-year period.

Hon. B. N. Atkinson interjected.

Mr LENDERS — This is in addition to the \$93 million announced last year. I take up Mr Atkinson's interjection, 'What about the private sector investment?'. Unlike those opposite who were part of that evil team led by Jeff Kennett, who in the 1999 election said to Dandenong with the same contempt that Mr McIntosh referred to Moe as a place of moccasins, 'If Dandenong returns two Liberal MPs, we'll look after it; if it does one, I don't know; and if doesn't do any, we'll ignore it', unlike the Kennett

government, whose members taunted Dandenong and treated it with disrespect, the Bracks government delivers and will be part of revitalising central Dandenong. Why do we do that?

Hon. B. N. Atkinson — I've still got ugh boots.

Mr LENDERS — I take up Mr Atkinson's interjection about people in Dandenong wearing ugh boots, and I say he should hang his head in shame!

Honourable members interjecting.

Mr LENDERS — Moving on to why we are investing in central Dandenong's infrastructure, Dandenong is at the epicentre of the south-east of Melbourne. People on this side of the house — Mr Smith, Mr Somyurek, Mr Viney, Mr Hilton and many others — know that Dandenong is an amazing place. It is at the crossroads where EastLink and CityLink meet and is the gateway to Gippsland, the part of the state with the greatest economic development. My friend Mr Theophanous often talks about the enormous potential of that great area of Gippsland. So Dandenong is incredibly importantly strategically positioned for the growth of the state.

To get the \$1 billion — I repeat, Mr Atkinson, the \$1 billion — of private sector investment we want to leverage out of the state package of \$290 million now in Dandenong, we need the two. We need to work in a partnership so that we can get that happening and kick-start central Dandenong. The interesting thing on this is that the same people we put forward as a state to successfully build Docklands, VicUrban, have now been charged with the state government and in partnership — and 'partnership' is a word that those opposite do not know the meaning of and that former Premier Jeff Kennett could never get through his lips — with the City of Greater Dandenong to take part in a shared vision. We want to rebuild and revitalise central Dandenong to position it for the social area my colleague Ms Broad is interested in, affordable housing, and the economic issues I have already alluded to. These are important areas and why we are investing.

VicUrban along with the City of Greater Dandenong will be leading on this. Now we have a shared vision of what we want this revitalised central Dandenong to look like.

Hon. B. N. Atkinson interjected.

Mr LENDERS — Mr Atkinson scoffs. In Docklands we have a ratio of private sector funding to public sector funding of 90 to 1. We are seeking a much more modest one here because we do not overpromise;

we on this side of the house set a target and we deliver. This is part of our vision to build a better Victoria. It is targeted at central Dandenong as a strategic region of the state, an area we are going to work with. I have absolute confidence that the private sector funding will follow the state funding. We have a shared vision. I am excited about central Dandenong, and I am extremely excited about our revitalising of infrastructure. I invite those opposite to join Mr Rich-Phillips and actually visit Dandenong one day and see the great potential of the south-east of this city.

Commonwealth Games: replica baton

Hon. W. A. LOVELL (North Eastern) — I direct my question without notice to the Minister for Consumer Affairs. Participants in the Commonwealth Games were offered an exclusive opportunity to purchase a custom-made full-size replica baton. The promotional flyer sent to the participants in the Queen's baton relay said that each baton would look exactly like the official baton. Many participants who purchased these replica batons have contacted me to complain about the quality of the product. I ask: what action will the minister take to ensure that customers who have purchased these inferior products from M2006 are provided with the opportunity to receive a full refund?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I am pleased to be able to say as the Minister for Consumer Affairs that I will not need to take any action in relation to this matter. In fact M2006 has already said that anyone who is in receipt of and has paid for a baton and has had an unsatisfactory experience with the baton will have a full refund. M2006 and Consumer Affairs Victoria worked very closely together in the lead-up to the Commonwealth Games to ensure that consumers — —

Hon. B. N. Atkinson — I got a toy car from the Commonwealth Games; the problem was it is a left-hand drive! How do you explain that one?

Hon. M. R. THOMSON — I am sure the member would like to hear my response. M2006 and Consumer Affairs Victoria worked very closely together in the lead-up to the Commonwealth Games to ensure that consumers had a good experience during the Commonwealth Games. I am pleased to say that that was in fact the case and that the vast majority of those who were provided with goods and services throughout the games for people who visited Victoria, as well as those who are residents of Victoria, had an exceptionally good experience.

I am certain that M2006 was also disappointed that the batons did not live up to expectations, and that is why it has taken steps to ensure that batons which are unsuitable and do not meet the requirements of those who have purchased them will in fact, on the purchaser taking it up with M2006, be entitled to a full refund.

Supplementary question

Hon. W. A. LOVELL (North Eastern) — Under section 12 of the Fair Trading Act it is an offence in connection to the promotion or advertising of a product to falsely represent that goods are of a particular standard, quality, value, grade, composition, style or model. Given that the promotional flyer states that 'each baton will look exactly like the official baton', and they do not, and given that the minister has admitted that the products are inferior, I ask: will the minister initiate action to ensure that M2006 is charged for falsely representing the standard and quality of the replica batons?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — As I have already indicated, M2006 having been made aware of the lack of quality of the batons, if people to whom that has occurred wish to seek a refund, they can take that up with M2006 and they will receive a full refund. I think this is the best possible outcome. It is one that has come from M2006 willingly and one that Consumer Affairs Victoria actively seeks from those who supply goods and services. This is a straight offer from M2006, and it certainly does not require further action from Consumer Affairs Victoria.

Rural and regional Victoria: sustainable development

Ms CARBINES (Geelong) — My question is to the Minister for Major Projects. Can the minister inform the house of how the Bracks government is getting on with the job and ensuring that provincial Victorian cities are assisted in the renewal of their towns and that future developments are sustainable, keeping Victoria one of the most livable places?

Mr LENDERS (Minister for Major Projects) — I thank Ms Carbines for her question. It actually reminded me that I went to an art exhibition on Sunday. Perhaps Mrs Coote should have come with me, because she is interested in the arts. At the exhibition there was a painting on the wall that had 40 toenails pasted to it. I thought we should collectively buy it for former Premier Jeff Kennett and give it to him to remind him of his folly.

Ms Carbines asked a question about regional Victoria and what we are doing to facilitate the renewal of some of the towns there. I have previously informed the house that one of the things that members and ministers in the Bracks government do when they are periodically in regional Victoria is talk to people who want to work in partnership with the state government. One of the areas we constantly hear about is the services that VicUrban has previously provided to facilitate projects like the Revitalising Central Dandenong project. Periodically we are asked whether as a state we can assist some of our municipalities in regional Victoria in some advanced planning work in design and sustainability. Last year the Premier and the Minister for State and Regional Development announced, as part of our regional statement, funding for VicUrban over a four-year period to establish a regional unit to assist regional municipalities.

It is interesting, because this is not something that the government has suddenly decided upon. It has responded to the regional mayors who asked for it. We responded to the messages we got. It builds on work that VicUrban has already done. I have already said to this house — and certainly Mr Bishop and Mr Drum would know — that the Tower Hill project in Swan Hill is a housing estate being facilitated by VicUrban over a long period. There are also a number of projects in Shepparton, and while Ms Lovell has not necessarily supported the projects, she will certainly be aware of the work of VicUrban in assisting the Shepparton council. There is also new work in Hamilton, and I am sure Mr Koch is aware of that. The Shire of Southern Grampians has said it would like assistance in facilitating and developing a 300-house estate. I am sure Mr Baxter and Ms Lovell are aware that the Wodonga City Council is working with VicUrban to assist in facilitating some regional projects in Wodonga.

We are absolutely determined not to treat regional Victoria like the toenails of the state as Mr Kennett did. Those opposite were silent when he spoke about the toenails.

Hon. Bill Forwood — Not me!

Mr LENDERS — Mr Forwood said he was not silent. He was far too busy doing his leader's bidding and chairing the Public Accounts and Estimates Committee and stifling debate on parliamentary supervision and all of those important things.

The important thing is that this is a new way forward. VicUrban will be working in partnership with councils. It will probably open an office in Ballarat and also do some work in Geelong as part of the Transport

Accident Commission's move. The contrast could not be starker. When the Bracks government brought the Regional Infrastructure Development Fund legislation into this house in the last session of Parliament, the first response of those opposite to a creative partnership process with regional Victoria was to reject the bill. It was only when people in regional Victoria became angry and showed how short-sighted that was that those opposite let the bill go through and it is now seen as an ideal process.

Once again this government is committed to building its infrastructure program across regional Victoria and the whole state. We can work in partnership with local councils. It is a good dialogue. The mayors support it, and I am delighted to be a part of a government that is delivering to regional Victoria.

Hazardous waste: Nowingi

Hon. B. W. BISHOP (North Western) — My question without notice is also to the Minister for Major Projects, Mr Lenders. During the environment effects statement panel hearings into the government's proposal to place a toxic waste dump in the Mallee, one of Major Projects Victoria's expert witnesses departed the hearings before his cross-examination was completed, and I ask: will the minister give an undertaking that this insulting action, which indicates the government's lack of accountability and transparency, will not occur again?

Mr LENDERS (Minister for Major Projects) — I am delighted to take responsibility for anything inside my portfolios. In response to Mr Bishop's question I think I have more than answered questions in the purview of either the Minister for Environment or the Minister for Planning. I will certainly take responsibility for being the proponent for the Nowingi long-term containment facility project. I will certainly ensure that Major Projects Victoria treats communities with respect, because that is a critical part of what any government should be doing.

In respect of this difficult project, I cannot think of what would be more respectful than on two occasions extending the time frame when the local community has said it wants more time. I cannot think what would be more respectful than putting forward 24 detailed surveys in response to the local community asking for more information. I cannot think of what would be more respectful than setting up a detailed environment effects statement process that lets matters be debated. I cannot think of what would be more respectful than my colleague the Minister for Planning in the other place, Mr Hulls, having the courtesy to let Mr David Davis

put a late submission to the Nowingi inquiry because the Liberal Party could not get along with 1700 community organisations and get its submission in by the extended deadline that had been put in place.

In response to Mr Bishop, a key requirement of any government is to be courteous and responsive to its community, particularly in difficult decision making. I think Major Projects Victoria has done that. We have sent officers into the field in Sunraysia again and again. We have responded to requests to attend meetings as they have been held. If there has been any discourtesy, we will certainly make sure that it does not happen again. I say to Mr Bishop that the greatest courtesy is for people to be listening, responding, getting the material and having these hearings. That is something the Kennett government that he was part of, which contemptuously trampled on Werribee and other areas over landfill issues, could have learnt about courtesy. If discourtesy was displayed in Mildura, that is something this government does not support or endorse. I certainly say you should look at the whole picture of the area. It has been an extensive process and one that this community can look to as a model for the way forward.

Supplementary question

Hon. B. W. BISHOP (North Western) — Given the minister's answer, which I must translate to mean he will not give us an assurance that any of Major Projects Victoria's expert witnesses will stay to be cross-examined, which he will not do, and following the debacle of yesterday — and it was a debacle — I understand that at least now the proceedings will be recorded, and I ask as a supplementary question: will the minister, as the minister responsible for the proposed toxic waste dump, ensure transcripts of all the proceedings are publicly available at no cost?

Mr LENDERS (Minister for Major Projects) — Mr Bishop is grasping at straws. If he is talking of openness and accountability, and if he listened to my main answer, he would know that there were 24 detailed reports as well as extensions of time as requested by the local community. As Mr Bishop well knows, the Minister for Planning is the responsible minister for supervising the environment effects statement process. It would be totally inappropriate if I, as the proponent of the long-term containment facility, presided over the quasi-judicial process that is dealing with the open, public hearings. That might have been how the Kennett government operated, with the proposing minister adjudicating and being judge, jury and executioner, but the Bracks government actually follows process. We have been courteous and we will

continue to be, because we believe this is a good model of government — you consult, you listen and you act.

Princes Pier: restoration

Mr SCHEFFER (Monash) — My question is for the Minister for Major Projects. Can the minister inform the house of any recent developments on Victoria's waterfront and how the Bracks government is getting on with the job of making it a better place to live and visit?

Mr LENDERS (Minister for Major Projects) — I thank Mr Scheffer for his question and his ongoing interest in rebuilding the infrastructure of this state, in getting major projects in place that deliver to the community, in having a triple bottom line in major projects and in having a pipeline so the community can plan forward as we govern for the whole state.

Mrs Coote has crossed her arms and looks bored. I suggest she change her disposition, because the example I would like to refer to Mr Scheffer is one that she and he share in their electorate — that is, Princes Pier. I know Mrs Coote has had an interest in Princes Pier, and I am delighted she is now showing some interest in my response. Princes Pier, for those who are not familiar with it, is a very old and dilapidated piece of infrastructure in Port Phillip Bay. It is one, though, that has enormous heritage value, and anybody who has relatives or friends or family who went off to World War I or World War II as Australian soldiers or who came on a boat — and I think Mr Vogels is looking interested here, as if he was on one of the boats that came to Princes Pier or Station Pier — knows it has a strong heritage value.

Mrs Coote was upping the bid there, and I guess Alan Stockdale would be embarrassed about her having no sense of financial management as she was putting up the bid, but clearly Princes Pier is an important project for us. It is important for us to get it right. It deals with the whole extension of the Beacon Cove redevelopment, and I was delighted to be able to report that Major Projects Victoria is working on a \$14 million project to re-establish Princes Pier.

Those who do not know Princes Pier will not know that a truck fell through the decking. It was unsafe. What the government is now doing, after a strong process, which involved the work of the Beacon Cove Precinct Committee — and we thank its members, along with the locals, and the City of Port Phillip for the work they have done — is restoring it. The first 196 metres of Princes Pier will be fully restored, and then beyond that we will have pylons in place.

Mrs Coote, being of artistic persuasion, will like this. I know my friend Ms Romanes is another person who is very supportive of this.

Hon. B. N. Atkinson — Did you consult the seagulls?

Mr LENDERS — I take up Mr Atkinson's inane interjection about whether we consulted the seagulls because it just shows that Mr Atkinson and his team have not learnt. Their idea of consultation is frivolous remarks like 'Did you consult the seagulls?', whereas members of this government, unlike the government Mr Atkinson was part of, take seriously our obligations to consult with the community — and by doing so we get better outcomes — rather than presuming that all wisdom resides in Spring Street. By going out to the Beacon Cove Precinct Committee, by engaging with the City of Port Phillip and Heritage Victoria, we have a better product than we would have had by just producing it straight out of Spring Street.

Mr Atkinson's inane interjection about consulting with seagulls simply shows the contempt that the Liberal Party has for consulting with communities. No wonder they do not engage with communities or get any of this consultation right, because they treat communities with contempt.

Princes Pier is part of a bigger program of rebuilding our infrastructure, getting projects done on time and on budget and delivering good value to the community. It is a project that I urge everybody to go and have a look at so they can see what can be done and how local partnerships can work in delivering good outcomes.

Whitehorse: former mayor

Hon. J. A. VOGELS (Western) — I direct my question without notice to the Minister for Local Government, Ms Broad. A senior Bracks government adviser, current councillor and former mayor of the City of Whitehorse stands accused of unscrupulous behaviour involving the nomination of dummy running mates at last November's council elections. I ask the minister: does she intend to take any action against this councillor for breaching the Local Government Act?

Ms BROAD (Minister for Local Government) — In response to the member's question, I think this once again reminds everyone on this side of the house of the opposition's attitude to local government, much as they might like to try to persuade anyone in local government who has forgotten the way they treated them the last time they were in government that they have changed their ways. The fact of the matter is that

this government, the Bracks government, has done more than the opposition ever did when it was in government to introduce reforms, to strengthen democracy and to ensure fair play in local government.

Amongst the actions that this government has taken to strengthen democracy and ensure fair play in local government are changes to the Local Government Act to ensure the councils adopt codes of conduct for councillors and other measures to enhance accountability and transparency, such as returns in terms of disclosure of election donations. This government has an excellent record when it comes to holding local government accountable while ensuring that it also treats it with respect and as an independent tier of government in its own right.

As well as that this government actually believes in the separation of powers. We think it is important that the courts are able to proceed independently from political interference. That is the reason that it is not appropriate to raise in this Parliament a matter which is currently before a magistrate, as the member has just done, and a municipal electoral tribunal, which is the proper mechanism for determining complaints about local government elections. That means it is not appropriate for the Minister for Local Government — and, I would suggest, any member of this house — to be raising matters which are currently before a magistrate. It just goes to show what members of the opposition will stoop to in terms of using the Legislative Council of this Parliament to smear people and show disregard for the courts and the magistrates who are properly appointed to consider these matters.

It would not be appropriate for me as a minister to pre-empt the findings of a magistrate. When the magistrate finds on these matters, I am sure he will inform everyone of his findings.

The PRESIDENT — Order! With respect to the question that was asked by the Honourable John Vogels of the Minister for Local Government, although he did not mention any names I note he mentioned certain matters. In the minister's response she referred to the fact that there were matters before the Magistrates Court. I remind members that under the sub judice rules of this house they are not allowed to mention any cases that are currently before the courts. I was not aware of it, but the minister's response indicated that that was the case in the way the question was framed. If the member is going to ask a supplementary question that makes reference to matters before the courts, I will rule it out of order because of the sub judice rule.

Supplementary question

Hon. J. A. VOGELS (Western) — If any candidate has openly admitted that he has paid the nomination fees for other candidates, filled out details on several candidates' nomination forms and edited candidates' nomination statements using a council computer, would that be a breach of the Local Government Act, and what action would the minister take?

The PRESIDENT — Order! With respect to the rules of the house, that is a hypothetical question. It does not meet the standards for asking ministers questions. Questions cannot raise matters that are hypothetical. That was hypothetical, and I rule it out of order.

Melbourne showgrounds: redevelopment

Ms ROMANES (Melbourne) — My question is to the Minister for Major Projects. The Royal Melbourne Show is an iconic event on Victoria's calendar. Can the minister inform the house how the Bracks government is getting on with the job of the developments in the Melbourne showgrounds project to reinvigorate the show and give it the facilities it deserves?

Mr LENDERS (Minister for Major Projects) — I thank Ms Romanes for her question. I am delighted to talk about the great project that is the Melbourne showgrounds redevelopment, which will enhance that great interface between city and country in Victoria.

This government has spent \$10 billion on infrastructure during the past four years and will spend a further \$11 billion on infrastructure over the next four years. This is more than double the rate the previous Kennett government spent on infrastructure. The Melbourne showgrounds redevelopment project is a classic example of how we govern for the whole state — whether it be as the great site in central Melbourne or whether it be as an attraction for the people from rural Victoria who have come to the showgrounds for 150 years to display their animals and wares and socialise — all the reasons people come to the show, including to have fun. People from metropolitan Melbourne have been able to participate in rural Victoria at the show.

After all that time the showgrounds were getting old and tired; the infrastructure was becoming run down big time. During that time, again unlike the Kennett government, which made a number of cruel and hollow promises to the Royal Agricultural Society but did nothing — —

An honourable member interjected.

Mr LENDERS — Correct. It did nothing. The Bracks government — —

Hon. B. N. Atkinson interjected.

Mr LENDERS — I take up Mr Atkinson's interjection. It was in government for seven long years and did nothing, yet the leader of the Liberal Party, Jeff Kennett, made promise after promise about what 'Gunna' Jeff was going to do.

I was delighted to be at the showgrounds on Sunday for a sneak preview of some of the capital works that are being done so there can be a great show in September this year. Mr Stoney will be very interested in this, because he had a lot of questions for my colleague the Minister for Commonwealth Games about trees before the Commonwealth Games. I can tell Mr Stoney that we have planted and replanted native trees and native shrubs, and in our sustainable mode we have a 300 000-litre stormwater tank which will be able to water those trees with recycled water. That tank is under the main exhibition hall.

We are also putting a hard grass down there so that we can have good use of the area, and we have revitalised one of the new Royal Agricultural Society buildings, which Mr Philip Davis has been very interested in and very critical of. But Mr Philip Davis can see that a new, smart headquarters for the RAS is being built at the showgrounds. I am sure he will be delighted to be there to see it moving along. If he goes, he will also see the new town square and the new grand pavilion. It is all happening. The showgrounds are moving along. I am sure everybody in this house will be extremely excited at being able to go there and be part of it.

We are absolutely committed to building for the whole of the state. The showgrounds are another part of country and city coming together, another example of tired facilities in need of maintenance being rebuilt. We will build the infrastructure for the state, whether it be the show, the showgrounds, the synchrotron, or the cattle underpasses that the Leader of the Opposition sometimes mocks.

Hon. Philip Davis interjected.

Mr LENDERS — They are a major project! They are a major economic project for people in Gippsland Province and for anybody who understands the farming community. They make the road safer, they get the cattle through more smoothly and they are good for amenity.

Hon. Philip Davis interjected.

Mr LENDERS — The opposition talks down major projects. The showgrounds is a good project, good for the whole state. I commend it to the house.

Whitehorse: former mayor

Hon. RICHARD DALLA-RIVA (East Yarra) — I direct my question without notice to the Minister for Consumer Affairs. I refer the minister to admissions at a municipal electoral tribunal by Mr George Droutsas, a councillor of the Whitehorse City Council and the minister's adviser, that he manipulated electoral processes — —

Ms Broad — On a point of order, President, a short while ago in the course of my answering a question I received from the opposition you made a ruling in which you referred specifically to the matter of naming a person. You advised that that would not be acceptable in the house. The member, in asking his question, has just named a person, and I draw your attention to the ruling and advice you provided to the opposition earlier and ask you to uphold that ruling.

Hon. Philip Davis — On the point of order, President, I simply indicate that the house has not yet had the benefit of hearing the honourable member's question. Until we have heard the member's question, I think it is totally inappropriate for the minister to be raising a point of order in these terms.

The PRESIDENT — Order! With respect to this matter, which I have already alluded to in relation to the previous question asked by the Honourable John Vogels, matters relating to criminal charges cannot be raised in Parliament, if a charge has actually been laid whilst — —

Hon. Bill Forwood — How do you know it has been laid?

The PRESIDENT — Order! The house has been informed that the matter is before the Magistrates Court. I have advised the house that matters that are sub judice cannot be raised. In his question to the Minister for Consumer Affairs, Mr Dalla-Riva has named the person concerned in an issue that is before the courts. I am not going to entertain questions being asked in this house that refer to matters that are before the courts. It is not to take place in this house. The member in asking the question cannot refer to the person concerned with respect to matters that are before the courts. When I hear the question I will decide whether to rule it out of order. The member should be very careful, as I warned the Honourable John Vogels,

that it meets the rules of the house and does not flout my ruling.

Hon. RICHARD DALLA-RIVA — Will the minister stand down Mr Droutsas as an adviser to her portfolio until all allegations of electoral fraud against Mr Droutsas are resolved?

The PRESIDENT — Order! With respect to the question that was asked, it is about a matter that is before the courts and the actions the minister may or may not take. As the question has been asked only because there is a matter before the courts, I am not going to allow the minister to answer it. I am going to rule it out of order.

Hon. Bill Forwood — Let him rephrase it.

The PRESIDENT — Order! I have given him the opportunity. I have told him not to flout my ruling and to be conscious of the sub judice rule. The question is out of order.

Melbourne convention centre: benefits

Ms MIKAKOS (Jika Jika) — My question is to the Minister for Major Projects, Mr Lenders. Can the minister outline to the house how the Bracks government is ensuring that Victorians get value for money in the new convention centre?

Mr LENDERS (Minister for Major Projects) — I thank Ms Mikakos for her question and her interest in value for money or best bang for your buck, which is another way you could phrase it.

I have enjoyed being involved in the convention centre project. I have had the privilege before of informing the house of some of the attributes of this project before. It is absolutely about adding value to the state and bringing in jobs and industry to make this state move forward.

The state has put more than \$300 million and the City of Melbourne has put in a further \$43 million into the project. The private sector has put \$600 million into the project. Mr Atkinson asked the rhetorical question before where the private sector money is coming from. I suggest he look to this particular project because it is a good business case. The private sector joins government investment and adds value to it. If Mr Atkinson looked, he would see by this particular model we have a great convention centre. There are 5000 seats and a state-of-the-art green rating. It leads the world. There is a further 50 000 square metres of homemaker retail space that was not there before. It brings these things into the state and adds a lot of value.

Mr Atkinson can ask the rhetorical question, but there are enormous infrastructure benefits coming from government investment in this state. The private sector has confidence in following it.

We also know — and let us not hide from this — that tourism is a great dollar spinner for this state. The average tourist who comes into this state stays for almost two weeks, one in two brings a partner and most come back for a further visit because they have tasted Victoria. They have seen the great benefits of regional Victoria and Melbourne, and they come back.

This project will create 2500 jobs and another 1000 jobs during construction. It will generate \$200 million per year out of the convention centre over a 25-year period let alone the added value that will come in from the homemaker retail space and the synergy that will be completed by that whole Yarra precinct being united from Docklands right up to Southbank.

Ms Mikakos's question is about what value for money we are getting. We are getting a lot of value for money out of it. It is part of the jigsaw puzzle of where our infrastructure spend goes, where this \$11 billion is going and how it is adding value to the state. Those opposite should not talk down the state like the parliamentary Liberal Party does on every possible occasion. They should look at some of these projects to see how the community and private sector has come along, and focus on those and talk the state up rather than down.

I would urge everybody to go down and look at the convention centre, look at the model and see what good governance can do for the state of Victoria.

Hon. Philip Davis — On a point of order, President, I refer to the rulings made in respect of the question put by my colleague the Honourable Richard Dalla-Riva. In making your rulings I believe you relied on advice from the Minister for Local Government in response to an earlier question and to her own point of order with respect to an assertion that the matter was before the Magistrates Court.

I point to the ruling in which you referred to sub judice provisions where criminal charges have been laid. I make the point that I understand that at this time no criminal charges have been laid and the matter is not before the Magistrates Court per se. It is matter for a municipal electoral tribunal, where an investigation is conducted by a magistrate into allegations which have been made with respect to the behaviour of a councillor.

I put to you as a submission, President, that you reasonably ruled on the basis of your understanding of the information provided to you by the minister, but in fact the interpretation of that information was erroneous simply because the matter is not before the court. No criminal charge has been laid. This is a matter for an investigation by the proper body established to investigate matters, which is not in fact acting as a court; it is a magistrate undertaking an investigation, in effect, as the municipal electoral tribunal. Therefore I submit that the question should be reinstated.

Ms Broad — On the point of order, President, further to the Leader of the Opposition's submission to you, I clearly indicated to the Parliament in my response to Mr Vogels that this matter was before a municipal electoral tribunal, which is headed up by a magistrate, and that that is the proper place for these matters to be determined. I have clearly advised the house that it is indeed a municipal electoral tribunal headed up by a magistrate, with the full powers of the magistrate.

Honourable members interjecting.

The PRESIDENT — Order! I ask members to stop interjecting across the chamber.

With respect to the point of order raised by the Leader of the Opposition, the comments made by the minister and my ruling with respect to sub judice, as I previously stated, the sub judice rule precludes actions where criminal charges have been laid from being referred to or debated by the house. That goes back a number of years and has been the practice of this house for some time. Based on, for want of a better description, the submission put by the Leader of the Opposition and the comments referred to by the minister that this is a matter before the Magistrates Court — —

Honourable members interjecting.

The PRESIDENT — Order! My understanding when I gave the ruling was that it was a matter before the Magistrates Court. Taking into account the comments made by the minister, I believe that the matter does not fall under the sub judice rule because it is not before a criminal court but is an investigation by a magistrate under the municipal electoral tribunal and, based on the practice of the house on sub judice, my ruling does not hold up. My understanding of what the minister said in answer to the question asked by Mr Vogels was that it was before the Magistrates Court and that there were appropriate charges before a magistrate. However, the matter is before a municipal electoral tribunal so those provisions do not apply. The

question asked by the Honourable Richard Dalla-Riva that I ruled out of order is in order and should not have been ruled out. The minister, in reply.

Hon. Philip Davis — On a point of order, President, can the member restate his question? The full question was interrupted, you gave the member the opportunity to re-ask it, and he did, so we have not had the entirety of the question. I think it would be appropriate to restate it.

The PRESIDENT — Order! Because I have reinstated the question and changed my ruling, I call on the Honourable Richard Dalla-Riva to ask his question of the Minister for Consumer Affairs.

Whitehorse: former mayor

Hon. RICHARD DALLA-RIVA (East Yarra) — My question without notice is to the Minister for Consumer Affairs. I refer the minister to admissions at a municipal electoral tribunal by George Droutsas, a councillor of the Whitehorse City Council and the minister's adviser, that he manipulated election processes at the polls in November 2005. I ask: will the minister stand down Mr Droutsas as her consumer affairs adviser until all allegations of electoral fraud against Mr Droutsas are resolved?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — In relation to allegations that may be before a tribunal, I think it is only appropriate that those allegations be heard and that there be no premature action taken until the tribunal comes down with its decision in relation to these matters. It is only then that I propose to take any action.

Supplementary question

Hon. RICHARD DALLA-RIVA (East Yarra) — I note the minister's answer and ask her if she can assure the house that no taxpayer-funded government facilities or resources are being used by Mr Droutsas in proceedings to defend these allegations in either the tribunal or the courts?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I have no doubt that in the duties he undertakes as an adviser to me he uses the resources of my office only to advise me as the Minister for Consumer Affairs.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 4714, 5386, 5418, 5534, 5536, 7522, 7885, 7927, 7931, 7934, 7942, 7967, 7969, 7973, 7976, 7984.

Hon. BILL FORWOOD (Templestowe) — I wrote to the Minister for Aged Care about question 5313, and I do not yet know whether it has been answered because no one has given me the paperwork to indicate whether it has or it has not. If I do not get it soon, I would want to ask the minister what he can do to help me out, but if I do get it, I will apologise quickly.

Mr GAVIN JENNINGS (Minister for Aged Care) — Mr Forwood has drawn to the attention of the house a very curious matter. He did write to me, and my office has followed up and contacted his office to discuss the conundrum that has been created for us all. My understanding of question 5313 is that it was asked by Mr Forwood of the Minister for Health in another place and the answer was provided in part, but subsequently — —

Hon. Bill Forwood — It was reinstated.

Mr GAVIN JENNINGS — It was reinstated. However, the papers office is not actually able to say where it has been reinstated and on what basis Mr Forwood continues to expect an answer, so as far as the Parliament is concerned, that question was not reinstated. However, as my office has indicated to — —

Hon. Bill Forwood interjected.

Mr GAVIN JENNINGS — Yes, as I have been informed it was not reinstated on the notice paper. However, my office actually saw the merit of pursuing this with the Minister for Health and has sought from the minister an answer to satisfy Mr Forwood's expectation and the intention of the Chair to reinstate that aspect of the question.

Hon. BILL FORWOOD (Templestowe) — Further on the issue before the house, on 9 February you, President, reinstated the question, and I am advised that it was in fact reinstated on the notice paper for one or two days. Somehow it fell off the notice paper thereafter. No-one quite knows how that happened, and now, as the minister has indicated, it has been put back on the notice paper again, or it will go back on today. But as it has been more than 30 days since 9 February, I just thought I might give it a hurry along. I was looking

for some explanation as to whether or not we would get an answer sometime soon.

The PRESIDENT — Order! Regarding the matter raised, the minister has given an explanation to the Honourable Bill Forwood. I have been advised that the missing question has been found and will be reinstated on the notice paper tomorrow.

MEMBERS STATEMENTS

Planning: local government

Hon. J. A. VOGELS (Western) — Yesterday we launched the Liberal Party policy on planning, which will come into effect after we win the 2006 election. The main plank is the boosting of local planning authority by reducing state intervention and giving greater weight to council policies. Having visited every council in Victoria, I find it strange that the president of the Municipal Association of Victoria, Geoff Lake, finds this policy disappointing. This is in contrast to Save Our Suburbs, which endorsed our policy.

The message I have received loudly and clearly is that local communities and councils are angry and upset that the Bracks government's part-time Minister for Planning in another place feels he can ride roughshod over local decision making. I am not speaking here just about large developments in Melbourne, but about having your privacy invaded when you suddenly find a block of flats overlooking your every movement in suburban Melbourne, which is very upsetting.

Similarly in rural Victoria it is upsetting when your lifelong dreams are snatched away by the stroke of a pen. Victorians plan for their future and where they intend to retire — which is perhaps close to their immediate family or a quiet suburban street — years in advance. They are angry when decisions are not made locally but by a government-appointed so-called smart growth committee which now decides what they can or cannot do.

The Liberal Party will return planning to local communities, so that the decisions that will affect people's lives will be decided by locals. Like all socialist governments, the Bracks government is all about control and regulation. A Liberal government, on the other hand, will have a bottom-up approach to planning. We will restore the word 'local' to local government — a true partnership.

Pramoedya Ananta Toer

Mr SCHEFFER (Monash) — Sadly the world has lost two great and influential writers: Pramoedya Ananta Toer and John Kenneth Galbraith. Indonesian novelist Pramoedya Ananta Toer will be remembered for the courage of his life as well as for his great Buru Quartet comprising *This Earth of Mankind*, *Child of All Nations*, *Footsteps* and *House of Glass*, chronicling the final decades of the Dutch East Indies and the emergence of modern Indonesia. Pramoedya's novels are concerned with the pre-eminent issues of his generation which continue to shape the contemporary world — namely, European imperialism, the impacts of cultural hegemony and the struggle for self-determination and justice.

Pramoedya was outspoken and imprisoned for many decades by the Dutch as well as by the Soekarno and Soeharto regimes for his subversive political thought. The Buru novels were composed during Pramoedya's imprisonment on the island of Buru. Prevented from having writing materials, Pramoedya composed the novels orally and spoke them to his fellow prisoners. Pramoedya's books were banned by successive governments and may still be banned in Indonesia. Pramoedya died last Sunday at the age of 81.

John Kenneth Galbraith

Mr SCHEFFER — John Kenneth Galbraith, who died yesterday, was also a great writer whose fluent prose and commonsense influenced four generations. *The Affluent Society* and *The New Industrial State* were compulsory reading for everyone during my days at university. Galbraith had the extraordinary capacity to render the complex simple and the obscure obvious. He saw the anatomy of the USA economy and society as few of us did and was uncannily able to predict its path. My favourite Galbraith maxim is: under capitalism, man exploits man; under communism, it is just the opposite.

Children: protection

Hon. ANDREA COOTE (Monash) — I condemn the Bracks government and the Minister for Children in another place, Minister Garbutt, for the neglect of vulnerable children who have been serially abused in country Victoria. There are five children in a particular family who have been abusing themselves and other children in the town. There are horror stories of systemic sexual abuse of siblings. For example, the department found:

One child, age 12, told authorities he had been abused since the age of four.

The eldest sibling has pleaded guilty to incest.

Another sibling was cautioned for possessing child pornography.

Two of the children have sexually assaulted unrelated children.

One child has tortured animals.

And one nine-year-old performed oral sex on a younger sibling.

This is absolutely disgraceful. The department staff are themselves frightened and intimidated by the mother. They have sat back and watched this disgraceful scenario unfold in front of their very eyes. The mother absolutely refuses to acknowledge that something is in fact wrong. This issue has gone to the Children's Court. The department still refuses to do anything. Under our very noses these children are abusing each other. It is an absolute disgrace.

The children should not be living together. They should be removed from this household. People within the town where the children live know exactly what is going on. It is the ultimate betrayal by our community of these vulnerable children. It has been continuing for several years, and it is time that Minister Garbutt and her department actually had the courage to stand up and do something.

Firearms: control

Hon. P. R. HALL (Gippsland) — Last week the Prime Minister made public comments suggesting the need for further restrictions on firearm ownership in Australia. I wish to put on record my firm view and that of my colleagues in The Nationals that there is no need for further controls on firearm ownership and that we reject the Prime Minister's comments. Following the Port Arthur shootings 10 years ago and the handgun shootings at Monash University in more recent years, Victoria introduced very strict controls on the ownership, use and type of firearms that can be legally used in this state. Those controls extend to both longarms and handguns. It is the view of The Nationals that it is the illegally held firearms rather than the legally held ones in our community that may present some concern and risk. We support moves to clamp down on illegally held firearms but believe that any further measures to restrict the legal ownership and use of firearms are totally unwarranted.

I also put on record my commendation of the many thousands of Victorians who legally own and use firearms in a responsible manner, whether they be

target shooters, hunters, primary producers or security and law enforcement officers.

Road safety: speed limits

Hon. J. G. HILTON (Western Port) — This week one of the local papers in my electorate had the front-page headline:

Who's listening?

120 kph smash with mates on board

The picture accompanying the article showed the results of a young driver, who had had his licence for only three months, driving at 120 kilometres per hour in a 50-kilometre-per-hour zone and losing control of the car. The police who attended the accident said that it was a miserable night and raining heavily. The 18-year-old driver and his friends were very, very lucky to survive and the article states that the police are stumped in their efforts to get through to young drivers.

Others who are not listening are members of the opposition. To denigrate the policing of speed limits as revenue raising and to promote speeding at 10 kilometres over the limit in 100-kilometre-per-hour zones is cheap populism at its absolute worst. The policy illustrates why the opposition is totally unfit for government. The poll results reported in today's *Age* should come as no surprise. The opposition does not need a new leader. It needs policies which are socially responsible rather than having policies pandering to a minority in a gubby effort to get votes.

Barmah Muster

Hon. W. A. LOVELL (North Eastern) — Last Sunday, together with Neil Repacholi, the Liberal Party candidate for Rodney, Donna Petrovich, a Liberal candidate for the Northern Victoria Region, and members of The Nationals, I was privileged to attend the annual Barmah Muster. It was disappointing that not one member of the government was there to see the annual muster. Not even Ms Broad or Ms Darveniza, who seek to represent the region, took the time to come up to Barmah and observe the annual event.

For more than 150 years cattle have been grazed in the Barmah State Forest and the annual muster has become a popular community event that attracts participants and observers from as far away as Queensland. Over five days the cattlemen muster the cattle from throughout the forest into a dry swamp area known as Goose Swamp. On Sunday the cattle were mustered from Goose Swamp and counted into a holding paddock near the cattle yards, ready to be moved into the yards and

drafted into owners lots. For over six generations the cattlemen of the Barmah region have not only used the forest to run cattle but have also cared for the forest. It is thanks to the local families that we can all enjoy the magnificent red gum forest that Barmah is today. The muster week is a uniquely Australian event that I hope will be enjoyed by future generations of Australians.

Melbourne University: Dookie graduation ceremony

Hon. W. R. BAXTER (North Eastern) — On Friday I had the pleasure of attending the graduation ceremony of the Dookie campus of the University of Melbourne. People in the audience were able to participate in and witness the graduation of a number of students with agricultural diplomas and degrees. It is always worth recording the importance of agriculture to this nation and to our economy and that we should encourage and foster young people to take agriculture as their post-secondary school education. I was very impressed by the quality of the graduates on Friday. A magnificent occasional address was given by Andrew Robb, the member for Goldstein and himself a former graduate of Dookie college. He made the point that over the years agricultural students have made their mark in all manner of occupations in this country and that agriculture has formed the skills base for many, many activities in our community. I particularly congratulate Geraldine Torpey, a daughter of a potato grower from Newlyn in your electorate, Acting President, who gave a magnificent valedictory address.

Collingwood College: concert

Ms ROMANES (Melbourne) — On 13 April I attended a wonderful concert of classical music by the students of Collingwood College, who performed in conjunction with members of the Australian Chamber Orchestra. The performance at the Collingwood town hall in front of students, parents and friends was the culmination of work by the Australian Chamber Orchestra and its artistic director, Richard Tognetti, and part of the ACO's education program in schools. The 60 students of Collingwood College who played violin, viola, cello and woodwind instruments and the students who were members of the singing and dancing groups had had the privilege of working with the professional musicians of the ACO for some weeks. This very important program enhances musical education in Victorian schools. I congratulate the teachers at Collingwood and the musicians of the Australian Chamber Orchestra for an outstanding performance as a result of their efforts.

Rail: Trawalla accident

Hon. DAVID KOCH (Western) — Last Friday's rail disaster was an accident waiting to happen. The collision of a Melbourne-bound V/Locity passenger train with a B-double truck at the Ercildoune Road level crossing near Trawalla was a result of the government failing in its duty of care to the citizens of Victoria. The train driver's family is right in blaming this government for the tragedy. Clearly if fast trains are going to be put into service the government needs to make sure that the infrastructure is in place to protect rail and road users. As has been experienced over the past 12 months, too many lives are being lost as a result of country Victoria having unprotected level crossings. At the very least all crossings along fast train routes must be properly protected with flashing lights, with other crossings displaying stop signs and carrying a penalty for failing to stop. Further protective measures should also be investigated, such as the use of red light camera technology and educating motorists on the need to be vigilant at all level crossings.

The Premier has said that all crossings along the Ballarat line had been checked before it was open to the new trains. That is of little comfort to the families of passengers who were injured or, worse, lost their lives. I support my colleagues in demanding an independent review of all rail crossings and a thorough crash investigation by the Australian Transport Safety Bureau.

Christ Church, Mitcham

Hon. H. E. BUCKINGHAM (Koonung) — On Sunday, along with Tony Robinson and Bruce Atkinson, I was pleased to attend services at Christ Church Anglican parish in Mitcham, where there was a celebration of the completion of stage 1 works on the historic weatherboard church now used as a hall and community centre. The original church was built in 1888 and it is a tribute to the parish that while a modern church is now located on the site and used for all services the old church has been maintained and is now beautifully restored to protect and promote the history of the Mitcham area. Grants for the current restoration works were provided by Heritage Victoria and the Collier Trust but a substantial amount of the funds had been raised or donated by parish members and they are to be congratulated on that.

The parish is also going through other changes. It will be merging with the parish of All Saints Nunawading later this year. The new parish of All Saints Mitcham will commence on 1 October and will be located at the Christ Church Mitcham site.

I was very impressed at how well the two parishes are already working together with both the vicar of Christ Church, Mitcham, the Reverend Grant Morrow, OAM, and the Reverend Dianne Sharrock of All Saints Nunawading speaking at the thanksgiving services on Sunday to celebrate the restoration works and thank the contributors.

I wish all members of both parishes all the best for the coming together of their congregations and congratulate all involved for the commitment to preserving this important local historical building for future generations.

Koori court: Moe

Ms MIKAKOS (Jika Jika) — Last Friday, 28 April, together with the Attorney-General in the other place, Rob Hulls, I had the honour of speaking at the opening of the fifth Koori court in Moe.

The Koori court concept has been a standout of both the Aboriginal justice agreement and the Bracks government's *A Fairer Victoria* statement. It is not all good news, however. Kooris are still overrepresented in the justice system, and this problem is particularly significant in the Gippsland region. This problem is being redressed. An independent evaluation has labelled the Koori courts concept a resounding success, with substantially reduced recidivism rates.

Labor is committed to developing partnerships of this kind with communities throughout Victoria. It is only through involving people on the ground and in the know that we will find solutions to problems that still plague our society. This is certainly true of Gippsland and the Latrobe Valley, which was economically and socially devastated by the rabid privatisation regime of the Kennett government. The Liberal Party's contempt for Moe was further evidenced by the recent moccasin comments by the member for Kew in the other place, Andrew McIntosh. The Bracks government is working with local communities to improve access to health, justice and education services in this important region.

Other justice-related initiatives include the Court Integrated Services Program later this year, as well as plans by the Gippsland Regional Aboriginal Justice Advisory Committee to set up Koori night patrols and participate in the statewide mentoring program. I also anticipate the opening of the Wulgunggo Ngalu Learning Place in Yarram to help offenders complete their community-based orders.

I would like to recognise and thank those involved in setting up and running the Moe Koori court. I wish them every success in their new venture.

Women's Suffrage Petition

Hon. C. D. HIRSH (Silvan) — I rise today to speak about a visit I made, and I am sure many other members have also made this visit, to the Public Records Office Victoria to see its wonderful exhibition on 150 years of Parliament and to look at its 80 kilometres of archives, which are absolutely fascinating.

One thing drew my attention. Staff have selected their favourite piece of memorabilia, and it is placed in an exhibition along one of the passages. I noted the Women's Suffrage Petition, which I have not seen for some years, which was an amazing effort by a handful of dedicated women who collected 30 000 signatures and presented the petition to Parliament in September 1891 to give women suffrage. Victoria was, of course, the last state to provide the vote for women.

The petition, which has been put onto calico, takes three people 3 hours to unroll. Due to the work of the wonderful volunteers there, it has been digitised.

The ACTING PRESIDENT (Ms Hadden) — Order! The member's time has expired.

Barwon Heads: sewage plant

Hon. D. McL. DAVIS (East Yarra) — I rise to draw the attention of the house to a large meeting of between 100 and 150 people at Barwon Heads last night in which there was a very serious discussion about a sewage processing plant to be built near Thirteenth Beach. My colleague in the chamber Ms Carbines was also at that meeting.

The government is pressing ahead with its plans for a public-private partnership contract to build the factory — and that is to be signed in the next few weeks. The building of the factory, which is to be just metres from the sand, is a proposal this government ought to look at very carefully and halt before the contract is signed in the next few weeks and people are forced to live with it for decades to come. The meeting passed a motion calling on the Bracks government to 'stop the signing of the public-private partnership contract and to find time for a solution that is acceptable to the community and the environment'.

The government is riding roughshod over the community in the South Barwon coast region. The reality is that last night at Barwon Heads people made

their views very clear — that the government’s Coastal Spaces policy is a joke and that you can run a factory through it. I am also concerned that the member for South Barwon in the other place, Michael Crutchfield, did not speak at the meeting last night. He should have made his views known and been prepared to stand up for his area, as is our candidate.

Ocean Grove Park Association: 10th anniversary

Ms CARBINES (Geelong) — Recently I had the pleasure of representing the Bracks government at the 10th anniversary celebrations of the Ocean Grove Park Association. This valuable community organisation, of which I am very proud to be a member, was formed 10 years ago with the aim of securing in public ownership some prime land in the centre of Ocean Grove and creating a community park.

In 1996 the former Kennett government, in its inimitable fashion, decided to purchase the land from the Uniting Church but told the Ocean Grove community that it would have to pay \$200 000 to the government if it wanted the park to be secured. This was a huge task for our community, and it is to its credit that over the next three years it managed to raise \$100 000 towards the Liberal government’s price tag.

This story has a happy ending though, courtesy of the Bracks government. One of my first duties as a new member for Geelong Province was to announce that the new Bracks government had cleared the debt and to give the land title to the Ocean Grove Park Association. Since then the Ocean Grove Park has gone from strength to strength and is an integral part of our local community. Under the leadership of Colin Atkins, the team of volunteers wonderfully manage and maintain the park as the valuable community asset that it is.

Today the Ocean Grove Park stands as testimony to the incredibly hard work of the people of Ocean Grove to achieve their longstanding vision of creating a much-loved public park in central Ocean Grove.

Member for Ferntree Gully: correspondence

Hon. RICHARD DALLA-RIVA (East Yarra) — I rise to express my support for the Liberal candidate for Ferntree Gully, Nick Wakeling. Nick Wakeling has set up a series of listening posts throughout the Ferntree Gully area to hear the frustrations of the local people. The interesting point is that these listening posts have been such a success.

How did the Labor member respond? The member for Ferntree Gully in the other place, a Labor member, Anne Eckstein, sent out an undated letter to constituents

entitled ‘Always available to assist you’ in which she said:

As your state member of Parliament, I’m always available to provide advice and assistance to you on any state government matter.

And I’m always interested —

to hear about —

... issues that you feel are important for our local area and for Victoria.

But —

she said ‘but’ —

I realise that it may be difficult for you to —

go and see her. The letter further says:

That’s why my office will be open between 9.00 a.m. and 2.00 p.m. on Saturday, 29 April 2006.

Her galling words here were:

This special office opening will give you and other local residents an opportunity ...

She said ‘This special office opening’. But it gets worse. She said that if people wanted to go and see her and raise an issue with her on the Saturday to:

... please give me a call ... to make an appointment ...

So you could not even roll up if you wanted to on the special occasion. This was a special office opening, and that just demonstrates that this Labor member is out of step and out of touch with the people of Ferntree Gully.

The ACTING PRESIDENT (Ms Hadden) — Order! The member’s time has expired.

PETITIONS

Water: fluoridation

Hon. P. R. HALL (Gippsland) presented a petition from certain citizens of Victoria praying that the Legislative Council of Victoria does not support the addition of fluoride to any Victorian water supply, including water in the Gippsland region, in view of current scientific doubts regarding its safety (258 signatures).

Laid on table.

Racial and religious tolerance: legislation

Hon R. H. BOWDEN (South Eastern),
Hon. W. R. BAXTER (North Eastern) and
Hon. DAVID KOCH (Western) presented petitions
from certain citizens of Victoria requesting that the
Racial and Religious Tolerance Act 2001 be
repealed (17, 64 and 10 signatures respectively).

Laid on table.

AUSTRALIAN CATHOLIC UNIVERSITY

Report 2005

For Hon. T. C. THEOPHANOUS (Minister for
Energy Industries), Hon. M. R. Thomson, by leave,
presented report.

Laid on table.

MELBOURNE COLLEGE OF DIVINITY

Report 2005

For Hon. T. C. THEOPHANOUS (Minister for
Energy Industries), Hon. M. R. Thomson, by leave,
presented report.

Laid on table.

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Alert Digest No. 4

Ms ARGONDIZZO (Templestowe) presented
Alert Digest No. 4 of 2006, including extract from the
proceedings and appendices.

Laid on table.

Ordered to be printed.

LEGISLATION COMMITTEE

Disability Bill

Mr VINEY (Chelsea) presented report, including
schedule of amendments recommended, minutes of
committee's consideration of bill, extract from
proceedings and transcript of committee's
consideration of bill.

Laid on table.

Ordered to be printed.

The PRESIDENT — Order! Pursuant to sessional
order 58, the report is hereby ordered to be taken into
consideration on Thursday, 4 May.

I advise the house that I have authorised the inclusion
of the transcript of proceedings of the Legislation
Committee in the weekly edition of *Hansard*.

Education and Training Reform Bill

Mr VINEY (Chelsea) presented report, including
minutes of committee's consideration of bill, extract
from proceedings and transcript of committee's
consideration of bill.

Laid on table.

Ordered to be printed.

The PRESIDENT — Order! Pursuant to sessional
order 58, the report is hereby ordered to be taken into
consideration on Thursday, 4 May.

I advise the house that I have authorised the inclusion
of the transcript of proceedings of the Legislation
Committee in the weekly edition of *Hansard*.

**PUBLIC ACCOUNTS AND ESTIMATES
COMMITTEE**

Budget outcomes 2004–05

The Clerk, pursuant to the Parliamentary
Committees Act, presented report, including
appendices, together with minutes of evidence.

Laid on table.

Ordered to be printed

Hon. BILL FORWOOD (Templestowe) (*By
leave*) — At the outset let me record my thanks to the
Leader of the Government for granting me leave to
move:

That the Council take note of the report.

As honourable members know, when reports are tabled
outside the sitting of the Parliament — and this report
was tabled last Thursday, four working days ago — an
opportunity for members to take note of them is not
provided. Therefore, by agreement with the
government we have entered into this arrangement, and
as I said, I am very pleased that the minister granted me

leave to make these few remarks. I also foreshadow that I intend to talk about the report again on Thursday.

Hon. D. McL. Davis interjected.

Hon. BILL FORWOOD — I think there might be a few of us! At the outset let me say that this is another outstanding body of work from the Public Accounts and Estimates Committee, and I want to record my gratitude to my colleagues on the committee, particularly Mr Baxter and Mr Rich-Phillips, who are here — —

Hon. D. McL. Davis — What about Mr Clark?

Hon. BILL FORWOOD — Who are here with me at the moment, and all the other members of the committee who are not here at the moment, whom I could name, including Mr Clark — —

Hon. E. G. Stoney — Name them!

Hon. BILL FORWOOD — No, I am not going to name them. They know who they are. Let me also again record our thanks to the secretariat.

This is the report that rounds out the process. As honourable members have heard me say in the past, the budget comes down and there is an estimates report into it. Eighteen months later we get the annual report cycle, and after that the final document is the report of the outcomes. These are the outcomes for the year 2004–05, and the report is coming down early in 2006, on time, as we made every attempt to get it through the cycle before the advent of the next budget, when the process starts again. As honourable members know, the budget will be presented on 30 May, and we will go straight back into estimates hearings.

I commend the report to honourable members. There is a lot of weight and a lot of importance in it. In the very short time available to me on this take-note motion I just want to highlight a couple of quick things. On page 9 the chair's introduction says:

In particular there is a need to improve transparency and accountability for the very significant supplementary funding of \$5.43 billion provided to departments and agencies in 2004–5, which Parliament had limited opportunity to scrutinise.

We hear a lot about transparency, openness and accountability from this government. I make the point that unanimously this committee has said that the Parliament had limited opportunity to scrutinise expenditure of \$5.3 billion, which was the supplementary funding process. Last time in the estimates process we made a number of

recommendations, too many of which were rejected by the government. This time we have made another attempt and have again referred to some of those issues and asked the government to look at them again.

It is important if this government is going to pay more than lip-service to its mantra that it actually take on board some of the accountability and transparency issues which I know are dear to the hearts of ministers for finance and other members of the committee. In this report there are a further 90-odd recommendations. Again they go to matters of reporting, transparency and accountability. One of the great disappointments to me in this current round has been the unwillingness of some ministers, and in particular I mention the Minister for Health in the other place, to be forthcoming about what they do. I think it is a real indictment of them as ministers if they are not prepared to be accountable to the Parliament, either directly or through the committee process. I recommend that honourable members read the words in this document about advertising — —

Hon. W. R. Baxter — Page 130.

Hon. BILL FORWOOD — Page 130. Thank you, Mr Baxter. They demonstrate that when it suits it, this government will head down the burrow and hide as quickly as it possibly can. I recommend this report to honourable members and look forward to having another crack at it in more detail on Thursday.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Australian Crime Commission — Report, 2004–05.

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Designated Access Area Order pursuant to section 18 of the act.

Crown Land (Reserves) Act 1978 — Minister's order of 15 March 2006 giving approval for the granting of a lease at Churchill Island (three papers).

Deakin University — Report, 2005.

Environment Protection Act 1970 — Order in Council of 28 March 2006 declaring the Waste Management Policy (Used Packaging Materials).

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(i) in relation to the Marine (Personal Flotation Devices and Other Safety Equipment) Regulations 2005.

La Trobe University — Report, 2005.

Monash University — Report, 2005 (two papers).

Murray-Darling Basin Commission — Report, 2004–05.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Ararat Planning Scheme — Amendment C12.

Ballarat Planning Scheme — Amendment C79.

Banyule Planning Scheme — Amendment C50.

Campaspe Planning Scheme — Amendment C38.

Hobsons Bay Planning Scheme — Amendment C57.

Greater Dandenong Planning Scheme — Amendment C66.

Kingston Planning Scheme — Amendment C45.

Manningham Planning Scheme — Amendment C49.

Maribyrnong Planning Scheme — Amendment C59.

Melton Planning Scheme — Amendment C43.

Monash Planning Scheme — Amendment C41.

Pyrenees Planning Scheme — Amendment C9.

Southern Grampians Planning Scheme — Amendment C5.

Stonnington Planning Scheme — Amendments C40 and C55.

Whittlesea Planning Scheme — Amendment C70.

Wodonga Planning Scheme — Amendment C38.

Yarra Planning Scheme — Amendment C64.

Prevention of Cruelty to Animals Act 1986 — Code of Practice for the Welfare of Amphibians in Captivity.

RMIT University — Report, 2005 (two papers).

Rural Finance Act 1988 — Treasurer's directive of 21 April 2006 to the Rural Finance Corporation.

Statutory Rules under the following Acts of Parliament:

Gambling Regulation Act 2003 — No. 38.

Geothermal Energy Resources Act 2005 — No. 37.

Mental Health Act 1986 — No. 39.

Tobacco Act 1987 — No. 40.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 16, 21 and 39.

Swinburne University of Technology — Report, 2005.

UMEE Ltd (formerly Melbourne University Private Limited) — Report, 2005.

University of Ballarat — Report, 2005 (two papers).

University of Melbourne — Report, 2005.

Victoria University — Report, 2005 (two papers).

ROAD SAFETY (DRUGS) BILL

Second reading

Ordered that second-reading speech be incorporated for Ms BROAD (Minister for Local Government) on motion of Hon. M. R. Thomson.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill makes important amendments to the Road Safety Act 1986 to support the government's Arrive Alive! strategy. It will enable enforcement of the prohibition against drug driving by allowing continued roadside drug testing to continue beyond 1 July 2006, and will include the illegal drug 3, 4-methylenedioxymethylamphetamine (otherwise known as MDMA, or ecstasy) in that roadside drug testing regime.

This bill also includes an amendment to the Road Safety Act to remove a reference to obsolete commonwealth legislation about heavy vehicle registration and permit fees.

The drug-driving problem

During 2003 and 2004, drugs other than alcohol were found in approximately 30 per cent of drivers/riders killed on Victorian roads. The results for earlier years are similar. This indicates that drug use is a factor that may contribute to approximately 100 motor vehicle accident fatalities in Victoria each year. Drug driving and resulting casualties can cost the community millions of dollars and also cause grief and distress for the victims as well as their families and friends.

The Bracks Government has led the way in initiatives to address the drug-driving problem. In 2000 legislation was introduced to allow for the detection and prosecution of people found driving while impaired by a drug. These provisions are especially effective when a driver is clearly impaired by drug use. However, use of drugs before driving can have a substantial effect on a driver's ability to drive safely and avoid risks without significant physical impairment being apparent. For that reason, when appropriate technology to allow roadside testing for drugs became available, the government introduced the roadside drug testing laws.

The roadside drug testing laws introduced into this Parliament during 2003 discouraged the practice of drug driving by the use of random testing procedures. In particular, random testing was expected to deter users of THC, which is an active ingredient in cannabis, and methylamphetamine, commonly known as speed, from driving and to prevent users of these drugs escaping detection despite the hazard they present to themselves and other road users. These illicit drugs were chosen as there was clear scientific evidence that drivers using them were at increased risk of causing accidents and

that they were the most common substances, after alcohol, found in the blood of fatally injured drivers.

Roadside drug testing results

Roadside drug testing commenced as a trial on 13 December 2004, and the trial period was subsequently extended by this Parliament by one year to 1 July 2006. This bill will allow the continuation of roadside drug testing by repealing the relevant sunset provisions.

The roadside drug testing operations have been extremely successful, revealing a much higher level of illicit drug use by drivers than had been expected. These results have shown the value in conducting roadside drug tests and have confirmed the government's concern that drug driving is a serious road safety problem.

In the first year of the trial 13 176 roadside drug tests were performed by Victoria Police. Evaluations of the results of the trial show that 2.1 per cent of those drivers drug tested at the roadside were positive and were also positive to the second screening device in the drug bus. These positive results were confirmed by laboratory analysis at the Victorian Institute of Forensic Medicine. Thus approximately 1 driver in every 46 tested was positive to methylamphetamine and/or THC. This drug use is more than four times as prevalent as the incidence of an illegal concentration of alcohol in drivers tested under the roadside breath testing program.

It is pleasing to note the high level of accuracy of the results so far obtained from the roadside drug testing program and the level of support for the program expressed through assessments undertaken by the Monash University Accident Research Centre, Victorian Institute of Forensic Medicine and the Transport Accident Commission.

An evaluation by the Monash University Accident Research Centre has found that there was no evidence that the introduction of roadside drug testing had any adverse effect on Victoria's random alcohol testing program. The random alcohol testing program will continue to be an important part of the road safety campaign and will be supported by the continuation of roadside drug testing.

Ecstasy

The devices used in roadside drug testing also detect MDMA or 'ecstasy', which is a popular drug, particularly in the 'rave' scene. MDMA is considered by scientific experts to impair driving ability. The number of drivers killed in road crashes testing positive to this drug tripled between 2002 and 2004. Moreover, MDMA is illegal in Australia, and there are no legitimate reasons for a driver to have traces of MDMA in his or her saliva or blood. This bill adds MDMA to the list of prescribed illicit drugs for which a driver may be prosecuted if detected by roadside testing devices.

Heavy vehicle registration and permit fees

The bill also reflects proposed changes to the way in which registration and permit fees for heavy vehicles are set.

Registration and permit fees for heavy vehicles in Victoria are currently capped by section 95A of the Road Safety Act 1986 at the fees set for the Australian Capital Territory under a commonwealth act, namely the Road Transport Charges (Australian Capital Territory) Act 1993. Victorian regulations apply these fees by reference to the commonwealth act.

Under a national agreement, each state and territory will in future set registration and permit fees for heavy vehicles directly rather than by referencing the commonwealth legislation. For this reason, section 95A, which limits fees by reference to the commonwealth legislation, should be repealed.

Conclusion

Over 30 per cent of driver fatalities in 2003 and 2004 had drugs other than alcohol in their system at the time of their death. Continuing roadside drug testing for methylamphetamine and cannabis, and the inclusion of MDMA, will deter users of these drugs from driving when affected by them, thereby reducing the number of road deaths and serious injuries arising from drug driving.

I commend the bill to house.

Debate adjourned for Hon. R. H. BOWDEN (South Eastern) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

VALUATION OF LAND (AMENDMENT) BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. J. M. MADDEN (Minister for Sport and Recreation) on motion of Hon. M. R. Thomson.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

I am pleased to introduce this bill, which contributes to the ongoing enhancement of Victoria's municipal valuation system.

The Valuation of Land Act establishes the process for the administration of land valuations, including those used for rating and taxing across Victoria. The Valuer-General is responsible for certification of municipal valuations, which form the basis of local government revenue collection of approximately \$1.6 billion annually.

Victoria has a world-class valuation system which provides for fair and equitable distribution of rates for property owners. The government's *Land Information Output Review 2003* recommended review of the Valuation of Land Act to improve valuation processes.

This bill represents the culmination of an extensive review and consultation process led by the Department of Sustainability and Environment (DSE) and the Valuer-General. Stakeholder views were canvassed through release of an initial discussion paper in May 2004 and a directions paper in January 2005.

At my instigation a stakeholder round table meeting was held in June 2005. Stakeholders from the Property Council of Australia, Australian Property Institute, the Municipal Association of Victoria, the Revenue Managers Association, the Municipal Group of Valuers, the Law Institute of Victoria and the Real Estate Institute of Victoria were invited to attend. The result is a bill that improves the operation of the current act in supporting valuation processes.

The bill will amend the Valuation of Land Act 1960 by:

introducing improvements to information exchange during the objection process;

improving an objector's rights to seek a review; and

strengthening the role of the Valuer-General in the objection process.

The bill does not change the basis under which municipal valuations are made but provides an enhanced valuation objection and review process. The bill will not cause any increase in site value or land tax.

I will now discuss each of these aspects of the bill in a little more detail.

Improvements to information exchange during the objection process for high-value properties

Setting a clear requirement for information exchange

The primary focus of the bill is enhancement of the objection process, which will encourage both the objector and the municipal valuer to enter into meaningful discussions. This is designed to encourage early resolution, or mediation, of valuation disputes without resort to litigation.

A key element in achieving this outcome is better exchange of information during the objection process. Information exchange between the council valuer and the objector will be mandatory only for higher value properties. The prescribed amount for high-value properties will be set by regulation following the completion of a regulatory impact statement.

The prescribed amount is likely to be of the order of \$1 million. However, the regulatory impact statement may result in a figure higher or lower. All stakeholder comments will be carefully considered as part of the regulatory impact statement.

Clarifying objection time frames

To enable the exchange of information between the ratepayer and the council valuer the bill amends time lines in the objection process. An additional two months is included in which to attempt to resolve matters prior to their progression to the tribunal for review. This means time frames have been increased from two to four months. A further five months is also provided to allow the objector to apply to the tribunal to review the matter in the event of the valuer failing to make a decision.

It should be noted that these exchange-of-information provisions only apply to objections involving 'higher value properties', whilst the four-month period for the valuer's decision and the additional five-month application period in the event of the valuer's failure to make a decision will apply to all objections.

The objection and appeal process will no longer be open ended, with an application for review to be made within nine months.

Improvements to the objector's right to seek a review

Applicants to apply directly to VCAT or the Supreme Court

The bill will provide an enhanced role for objectors in seeking review of council decisions in response to objections to valuations. Under current provisions of the Valuation of Land Act objectors are often confused and must rely on councils to lodge matters for review with the Victorian Civil and Administrative Tribunal. Some councils do not proceed in a timely manner, leading to delayed resolution of objections and impact on municipal and state government revenue. As application to the tribunal is typically at the request of a dissatisfied landowner, this is hardly an ideal situation.

The bill will change this aspect by putting objectors in control of their application to the tribunal, providing them with greater ownership of the review process. Objectors retain the right to request review by the Supreme Court instead of the tribunal if they wish.

Awarding of costs

The existing provisions do not provide the tribunal or the court with flexibility in the award of costs. This has deterred councils from appropriately defending matters, as they often have to cover the costs of a case. The amendments introduced by this bill will allow the tribunal or the court to consider a number of factors when awarding costs. These factors include openness in exchanging information during all stages of the objection and the behaviour of parties throughout proceedings.

The bill also provides the tribunal and the Supreme Court with the ability to not award costs if this is the best outcome. Again these changes have been designed to encourage parties to openly discuss a matter, share information and avoid the need for litigation.

Strengthening the role of the Valuer-General in the objection process

To improve the valuation processes of the rating authority, generally a municipal council, the bill includes changes to the role of the Valuer-General.

Valuer-General decision to allow or disallow a recommended adjustment

Although the current provisions require the Valuer-General to confirm or disallow adjustments resulting from successful objections, this provision is further clarified and simplified. The Valuer-General will make a decision about whether a specific valuation is correct. The Valuer-General must then advise the council of the decision in writing.

Valuer-General certification of supplementary valuations

The Valuer-General is currently required to certify the quality and correctness of all parts of the revaluation process, except for supplementary valuations. A supplementary valuation is undertaken when there has been a change to a property which significantly impacts upon its value, such as major renovations or recent fire damage.

To ensure that supplementary valuations meet required standards, the bill introduces a requirement that all supplementary valuations must also be certified by the Valuer-General prior to their use by an external rating authority such as a water authority or the State Revenue Office. A council is still able to use a supplementary valuation prior to its certification by the Valuer-General.

Certification of supplementary valuations by the Valuer-General will not cause any time delays or result in the loss of council revenue.

Valuer-General to be given notice of applications to VCAT/Supreme Court

When an objector applies to either the tribunal or the Supreme Court, both jurisdictions are to advise Valuer-General Victoria so that it can determine if it wishes to become a party to any matter. The Valuer-General will not join all valuation matters but will generally become involved in complex cases which relate to important or significant statewide issues.

In drafting the bill the opportunity has also been taken to make a number of minor amendments to make language more accessible and simplify complicated valuation concepts.

In conclusion, this bill provides improvement to the council valuation process which will:

- encourage mediation rather than litigation;
- provide fairer processes for awarding costs;
- strengthen the Valuer-General's role in the objection process, including the certification of supplementary valuations;
- provide councils better mechanisms to manage objections; and
- provide objectors with more control of the objection process, including the mandatory exchange of information for high-value properties.

I commend the bill to the house.

**Debate adjourned on motion of
Hon. D. McL. DAVIS (East Yarra).**

Debate adjourned until next day.

LAND (ST KILDA TRIANGLE) BILL

Second reading

**Debate resumed from 6 April; motion of
Mr GAVIN JENNINGS (Minister for Aged Care).**

Hon. D. McL. DAVIS (East Yarra) — I am keen to make a contribution on the Land (St Kilda Triangle) Bill, which points to many of the flaws in the government's current management of planning policy around our state. Issues of planning policy are increasingly coming to a head in this state as the confusion in planning policy becomes more apparent

and the government's extreme mismanagement of it becomes manifest.

I make the point that the bill deals with a very small area of land in the scheme of things but an important area of land nonetheless. The bill reserves a triangle of Crown land in St Kilda for public purposes and provides for the management of that land. It also provides for the revocation of reservations of land within that triangle, the re-reservation of that land and the reservation of other land within the triangle and other land for public purposes. The bill envisages that the City of Port Phillip will be the committee of management of the reserved land and will have powers to lease part of the reserved land. There are issues concerning long-term leases on the land that are subject to legal dispute. The bill points to many of the issues that surround government planning policy at the moment, such as a lack of clarity about what it is doing and a lack of fair treatment of councils on the one hand and, in particular, individuals on the other hand. That means that the mess that is being created with the bill — —

Hon. Andrea Coote — That is an understatement.

Hon. D. McL. DAVIS — Mrs Coote says it is an understatement, but I am looking for words to describe it. The government has simply tied itself in knots on this matter, and the opposition believes a reasoned amendment is the way to deal with this. Therefore, I move:

That all the words after 'That' be omitted with the view of inserting in their place 'this house refuses to read this bill a second time until all legal action concerning existing leases of the land in the St Kilda triangle is concluded and the property rights of existing lessees have been clarified'.

The process that has gone forward has been neither a thoughtful one nor one that enables the Parliament to consider this in an unencumbered way.

Hon. P. R. Hall — On a point of clarification, Acting President, can I just ask whether the member is moving that reasoned amendment now? If so, could copies be circulated?

Hon. D. McL. DAVIS — I am happy for it to be circulated. I understood it had been moved.

The ACTING CHAIR (Ms Hadden) — Order! Mr Davis, to continue.

Hon. D. McL. DAVIS — The issue here is that there are legal concerns afoot. As I understand it, and as I am informed, a major claim is that the lease on the Palace, which is on part of that land, was extended by

government in 1972 for a further 60 years after conditions of a 1969 Governor in Council determination were met. There are real questions about why the government is determined to push this bill forward at this time. The opposition has real concerns and, if its reasoned amendment is not supported, will oppose this bill.

The issues here are important ones because not only are matters of principle involved — potential legal rights will, in effect, be extinguished — but there are also issues of good practice that relate to how we use that public land. The major point is that this is an important section of land with significant public policy issues around it. It is centrally located and has on it the Palais Theatre and the Palace nightclub. Both of those buildings are on leases the tenure of which is disputed and the issue remains before the courts. The government claims the leases expired on 31 March this year, but as I understand it there is still debate and confusion about this point.

The opposition was advised at a briefing that the bill would not be returned for debate for a period because of the legal action. In fact it has been brought forward again now. This is bad practice in terms of the government's openness with the opposition and the Parliament, and there are real issues about how this will play out. There are also probity issues that relate to the involvement of or the delays by and activities of the Minister for Environment in the other place, John Thwaites, as the local member. I am concerned about his involvement in some of these matters.

Hon. Andrea Coote — More like lack of involvement. He has been hopeless.

Hon. D. McL. DAVIS — I mean his lack of ability to speak for fundamental property rights and speak in the interests of his area, the Albert Park electorate and this smaller section of it. I note here comments made in a report of the Scrutiny of Acts and Regulations Committee that give a very useful summary of some parts of the bill. The report states that the bill:

... provides for the closure of the road known as the Lower Esplanade and terminates all rights, easements or privileges claimed in the land (formerly the road) shown hatched on the plan ... provides the mechanism by which ...one or two designated areas of land shown —

at various points —

... will be used for the purposes of a pedestrian overpass over Jacka Boulevard.

The involvement of the City of Port Phillip is supported in principle by the opposition, but these prior issues

need to be resolved before issues of management go forward.

I know that the shadow Minister for Planning in the other place, Ted Baillieu, has been very active in ensuring that this shambolic legislation was not pushed through in the way the government intended and that he has great concerns about the extinguishment of property rights in this way.

It is my belief also that the government is using the Parliament as a lever — a wedge — in negotiations with interested parties, and that is a wrongful use of the Parliament. It is not the right way to go about things, and I am certainly very concerned that the government has taken this approach. But this is typical of the government at the moment. Its general planning strategy in Melbourne, the 2030 strategy, is increasingly seen as a very flawed one that has not been well thought through. In a sense this case points to the confusions in the government approach and the lack of clarity that certainty and predictability are critical factors in trying to develop a proper planning system.

It is interesting to note in the broader planning context that the Liberal Party released its planning policy yesterday — a planning strategy that I think has a great deal to commend it. One of the key parts of the strategy is the withdrawal of the flawed Melbourne 2030 strategy introduced by the Bracks government in 2002. Members will be familiar with my discussions in the chamber on a number of occasions of the process that transpired before the 2002 election, when there was totally inadequate consultation and analysis. The government rushed the process. It sought to crunch the matters through prior to that election and implement the strategy after the election.

The opposition has said through both the Leader of the Opposition and the Liberal planning spokesman in the other place, Robert Doyle and Ted Baillieu, that the new strategy will be established by an independent and bipartisan review. Melbourne 2030 has been used to justify projects that do not reflect what Victorian communities want. These include the Mitcham towers and other cases where things have been dealt with in a way that is far out of step with what the community desires or wants. The Mitcham towers case — and I have discussed it in the chamber on a number of occasions — was a product of Melbourne 2030 and the planning incompetence that we see at work again in this bill today. The Victorian Civil and Administrative Tribunal (VCAT) decisions with regard to the Mitcham towers were very important because they pointed to the failures and weaknesses very directly. I compliment VCAT in that case for being able to point out to the

community some of the concerns, although the decisions the tribunal was forced to make within the context of the law as it was at the time and is now were unsatisfactory decisions for the community. They were made under the existing arrangements.

The Liberal Party is determined that local communities will have a say, that there will be proper planning arrangements and that there will be a stop to the growing number of determinations that are referred to VCAT, which is forced by law to implement Melbourne 2030, whatever the community's wishes are. It is interesting that the member for Hawthorn in the other place, Ted Baillieu, has made a number of comments about the need for a full-time planning minister. That is a very good starting point. If the planning minister's attention were focused on planning rather than on a range of other matters, we would have a more coherent, thoughtful policy that was able to look at the issues around the municipalities of Melbourne, and indeed around the state.

The Bracks government has sidelined local government increasingly, and local government feels powerless before the words and the strategic statements and so forth that are part of Melbourne 2030. If we are elected, there will be a fairer system under which local government will be able to reflect its community, develop municipal strategic statements and have local policy making and decision making that will lead to better outcomes.

This house has also had discussions. I have certainly made points about the urban growth boundary and the need to deal with that more sensibly on a number of occasions. Under our policy the urban growth boundary would be retained but would include the growth corridors with growth area plans for those longstanding areas of Wyndham and the northern corridors. We would resume traditional rezoning processes for changes to the urban growth boundary to ensure greater transparency. The opposition has been very concerned about the secretiveness of a lot of the planning processes, particularly the requirement for the minister to intervene at an early stage; rather than having plans submitted and considered, he has had the power to block things, and that is a great concern. Our plan, *Metropolitan Planning — A Plan for All*, is an impressive document. I compliment the shadow minister in the other place, Ted Baillieu, and all of those concerned in developing this document. It is an impressive document. It lays out a plan, and it will deal with the confusion that surrounds government planning in this state.

I know the issues in my area. Currently my electorate of East Yarra comprises Kew, Hawthorn, Box Hill and Burwood. The Honourable Andrea Coote and I with the support of the electorate in the southern region will face many of these issues. The attempts by the government to call in projects, develop projects with huge density and override normal processes have become increasingly concerning — whether it is the decision on Kew Cottages, whether it is the decision on the Camberwell railway station or whether it is the decision the minister made recently on the project at the Tooronga end of Boroondara; all of them are greatly concerning. I know in other areas there has been a push for greater density, which has been achieved without community support. There is true scope for reform, true scope for better processes and true scope for greater ministerial attention to what is important and, hopefully, a minister who will work full time on a number of these matters.

I know the developers, owners and operators of the Palace nightclub and the Palais Theatre have been concerned about the way the government has treated them. I note the discussions in the press, and I think it is important to place on record a number of the comments that have been made publicly. In the *Herald Sun* of 24 April there is the headline 'Palace refuses to roll over'. I will quote a couple of sentences:

Plans to develop St Kilda's high-profile 'triangle site' may face yet another legal hurdle.

Operators of the Palace nightclub and Palais Theatre, who had taken supreme legal action to stop state government officials inspecting their buildings, lost a Supreme Court appeal on Friday.

But the inspection, needed to complete a tender process for development rights to the foreshore parcel of Crown land, could be further delayed.

'We are definitely considering a High Court appeal', said a spokesman for the Palace ...

I think they have every right.

Hon. Andrea Coote — What is the spokesman's name, Alan Evers-Buckland?

Hon. D. McL. DAVIS — That is correct. The article goes on:

The delay caused by another appeal could jeopardise the tender process.

This shambolic relationship between the government and developers is in effect one where the government is attempting to use the heavy hand of legislation to force developers to heel. I for one am very concerned, and I know many others are also, about the approach adopted

by the government. There are some fundamental issues of justice and property rights. Not to judge these things in a legal sense in this place, it seems that the government has got these processes quite wrong and is in effect prepared to attack a group of property owners by using the powers of the Parliament to quash their rights. It is a concern. I am not sure why the Minister for Planning in the other place, Rob Hulls, is not equally concerned in his role as Attorney-General about the process that has occurred. Ms Hadden would understand this — you would have thought that the principle that people's property rights should not be forcibly quashed would be a very important one to the Attorney-General. I am very much at a loss to understand why the government wishes to press forward in the way it seems to be. I support strongly these areas of land being put to greater public use, but there is a way to go about these processes. It is not a process that appears to have been followed here.

In that sense the opposition is very concerned about this bill. We have indicated through our reasoned amendment that we think that this house should refuse to read this bill a second time until all legal action concerning existing leases is concluded and the property rights of existing leases have been clarified. We think that is the proper way to go. This government talks about consultation and negotiation, and we think this is such a case where negotiations should have occurred in a proper manner and not with the sword of the Parliament hanging over the individuals involved.

It is a high-handed action by this government. We saw fishing licences extinguished in Gippsland some years ago, and this is the sort of approach that is being adopted with this. A clear property right is being dealt with in a cavalier fashion.

Hon. P. R. HALL (Gippsland) — It is my pleasure this afternoon to present The Nationals' view on the Land (St Kilda Triangle) Bill. From the outset I say that despite St Kilda being far from the boundaries of any of the seats held by The Nationals in the Victorian Parliament — —

Ms Carbines interjected.

Hon. P. R. HALL — Not even in my proposed new electorate. Despite St Kilda being far from any of the seats held by The Nationals we still take a keen interest in matters concerning our capital city. Moreover it is a planning decision, and matters associated with planning can set some important precedents so we need to be vigilant and careful with them. More than that, the whole issue of planning is a critical one for the areas that we represent in Victoria. I can advise the

government and other members of the house that planning in rural Victoria has become a red-hot issue in recent years, and remains so at the moment. For example, there is some current controversy relating to the planning scheme changes to create rural zones, causing much discomfort in many municipalities in country Victoria. There are also planning matters associated with wind farms, particularly the wind farm planning guidelines. That is also a matter of great controversy in parts of rural Victoria.

Planning associated with the establishment of broiler farms is another recent issue of great concern, and the planning for timber plantations is also a matter of significant community concern — or I should say the lack of planning guidelines with respect to timber plantations is of concern. Finally, but not the least, is another example of the rural community's concern about planning issues: the coastal planning matters. I am sure all members would be at least to some extent aware of these sorts of issues and therefore understand why planning matters are so important to the areas that The Nationals represent in rural and regional Victoria.

I note that one of the features of this legislation is to give the management authority the power to enter into leases for terms up to 50 years with options for renewals of up to 99 years. This is welcome from The Nationals' point of view because too often and too frequently we see leases limited to as short as a 5-year or 10-year term, or in country Victoria mostly it is a maximum of 21 years that a lease is granted on public land. That does not give investment certainty.

As the government claimed in the second-reading speech, the need for the ability to grant a lease for up to 50 years is important to create investment certainty. We absolutely agree with that but say at the same time that principle should be upheld in a greater number of such leases all around country Victoria as well because investment in country Victoria often needs that same level of certainty in the future.

It does not only apply to planning; it applies also to other rural industries. A great example I hope to talk about later today on the next bill is planning in the timber industry, where there needs to be some long-term certainty of resource availability so people can invest in that industry. They are similar arguments to providing certainty in the area of planning.

I also want to make a quick comment about the terminology used in this bill. When I see the words in the title, 'St Kilda Triangle' I wonder where it is. I was not aware of such a designated area. In *Melway* there is no designated area called St Kilda Triangle. However,

upon reading the bill, I see that the St Kilda Triangle is an area of land bounded by Jacka Boulevard, Cavell Street and the Upper Esplanade — —

Mr Scheffer interjected.

Hon. P. R. HALL — Has that been changed?

Mr Scheffer — You are right.

Hon. P. R. HALL — I do not know St Kilda as well as you do, Johan, so I was just wondering why the interjection. But according to my notes it is as I have described it.

That area of land is the venue for a few famed institutions, in particular the Palace nightclub and the Palais Theatre, and the area adjoins Luna Park, somewhere I am sure most members have visited at some point in their lives. It is an important area adjoining the foreshore in St Kilda, obviously an area that is very attractive for tourism purposes. Therefore the intention of the Port Phillip council to seek the redevelopment of that area is very appropriate. I note that consultation was undertaken by The Nationals' very diligent planning spokesperson, the member for Shepparton in the other place, Jeanette Powell. She consulted with the Port Phillip council and gained its assurance that this is something that council has been working on for some time and certainly wants to see happen in the very near future. Port Phillip council actually gave Ms Powell a run-down of what has been involved in terms of its involvement until this point and a time frame for beyond. It spoke about its involvement in the St Kilda's Edge foreshore urban design framework, which started back in 2001, through to 2003, and the developments over a period of time.

One date was 15 July 2004, when the St Kilda Foreshore Urban Design Framework plan was approved by the Minister for Planning and incorporated into the Port Phillip planning scheme. Within that urban design framework the triangle site is a key focus. This bill enables the entire triangle site to be temporarily reserved for public purposes with the City of Port Phillip being appointed as the committee of management. That allows it to be the legal body by which development can be initiated. We certainly have no objections to that.

We get to the point raised by the reasoned amendment moved by the opposition, that being not to read the bill:

a second time until all legal action concerning existing leases of the land in the St Kilda Triangle is concluded and the property rights of existing lessees have been clarified.

We have had a look at that reasoned amendment and believe it is worthy of support. The Nationals will indeed support that reasoned amendment. I note for example an article in the *Australian Financial Review* of Monday, 3 April under the heading, 'Lease row spoils party for Triangle':

Today should have been blue skies and happiness on the \$100 million St Kilda Triangle project in Melbourne.

Crown leases for the two major tenants at the site were supposed to have ended last Friday and formalised tenders should have arrived from the bidders short-listed to redevelop the site. Assessment teams should, by now, be knocking down to determine a preferred bidder.

Instead, Port Phillip council, which is running the process on behalf of the state government, conceded on Friday that deadlines had been missed because of ongoing court action by the operators of the Palais and Palace entertainment venues.

The operators claimed their leases still have years to run and are pursuing the matter in the Supreme Court.

I accept the argument put forward by the Honourable David Davis in respect of this matter — that it involves important property rights. I think it would be inappropriate for the Parliament to extinguish property rights if indeed they exist. That is a matter for the courts to decide.

So despite the fact that we support the intent of the Port Phillip council to see that site redeveloped, enhanced and improved for the people of St Kilda, the people of Port Phillip and those who visit those areas, there is an important principle here that needs to be resolved before this bill is passed by the Parliament.

That being said, I do not want to keep the house longer on this issue except to say that in general the principle of this bill is something we think is worthy of support, but then overall this issue about property rights and existing businesses that hold leases needs to be resolved first. We see that as imperative. That is why The Nationals will support the reasoned amendment and hope the government can give us some encouragement that might possibly lead us to supporting the bill. If that encouragement is not given then we probably have no choice but to reluctantly oppose the legislation.

Ms CARBINES (Geelong) — I am very pleased to support the Land (St Kilda Triangle) Bill this afternoon. I flag the government's intention not to support the reasoned amendment put forward by the opposition. The bill seeks to implement the vision of the council of the City of Port Phillip for an integral part of its foreshore — the St Kilda Triangle. It is an area bounded by three streets — Jacka Boulevard, the Lower Esplanade and Cavell Street.

St Kilda is a much-loved part of our state — it is an icon of much heritage value.

Hon. Bill Forwood — Have you ever been there?

Ms CARBINES — Part of my youth was spent there when I used to visit nightclubs and also of course the Espy, which has for a very long time been fundamental to live music in our state. It certainly retains much of that heritage today. Most Victorians look on St Kilda with much fondness as very much a vibrant part of our city precinct. It is well known to all of us as home of the Palais Theatre — I am sure most of us at some stage have been to see a show or concert there — and the Palace entertainment complex which is a nightclub these days, but I can remember going to dinner dances and presentation nights there. Certainly it was a cavernous ballroom when I last went to it. I saw it on television recently and it looks like it has changed a bit since I was last there.

St Kilda is certainly a very important and much-loved part of our city. The council of the City of Port Phillip has worked hard with a community consultation process to develop its strategy in relation to the planning for the redevelopment of the foreshore. The council has undertaken a substantial piece of strategic work to lay the foundations of the planning which is necessary for the redevelopment of the foreshore. As part of its St Kilda's Edge — Soul and Sand program the council has produced a document entitled *St Kilda Foreshore Urban Design Framework*, which can be found at the council's web site in the planning and building section. It contains reference to a number of critical icon sites, one of which is the subject of the debate today in the Legislative Council. I would like to quote from this publication in relation to its urban design framework:

Triangle site redevelopment

A reinvigorated public entertainment and cultural space including a restored Palais Theatre and a new neighbouring public plaza is being investigated.

Potential uses include a dance and music venue, cinema, galleries, a bar or nightclub, boutique hotel, reception and conference facilities, cafes and some retail.

This site offers tremendous opportunity for partnerships with the private sector.

Expressions of interest will be invited from potential developers for part or all of this vibrant site.

We all know that has already taken place.

The aim of the strategy in relation to the triangle site is to retain and enhance facilities for live music which are pretty integral to all of us in Melbourne. I was very

pleased as Parliamentary Secretary for Environment to chair the live music task force earlier in this term which looked at making recommendations to the Minister for Planning in relation to how we best retain live music and its identity particularly in our cities. I was very pleased to see all the recommendations my task force identified accepted by the former Minister for Planning in the other place, Mary Delahunty, and incorporated into state planning policies.

The site which the bill considers forms a fundamental part of the strategy of the council of the City of Port Phillip for the foreshore redevelopment. The bill attempts to sort out the spaghetti-like management which currently covers the St Kilda Triangle land. At the moment it is a mixture of permanent and temporary reserves and of unreserved Crown land. As well the City of Port Phillip manages the reserved Crown land as a committee of management.

There are several different layers of management in relation to what must be considered a reasonably small piece of land. We feel it is time to streamline the management and make sure it is covered by the one management process and lease. The unreserved Crown land is currently occupied by the Palais Theatre and the Palace under 50-year leases which we have heard already expired at the end of March this year. The bill aims to facilitate both the reservation and the management of the land under one lease with the City of Port Phillip as the committee of management. We know this bill has the support of the City of Port Phillip. We heard the Honourable Peter Hall mention that this afternoon. Importantly, the bill ensures that the heritage values of the Palais Theatre will be protected.

It is important to state in the debate that this strategy that the City of Port Phillip has undertaken has been hugely consultative, dating back five years, in relation to the urban design framework. It has come out of extensive community consultation, public workshops and a panel process. The amendment in relation to the urban design framework was approved in 2004 some two years ago. This is an important piece of work that the local council has undertaken, one which our government is pleased to support. We believe the bill before the house facilitates the vision of the City of Port Phillip for the St Kilda Triangle site.

Potential uses for the redevelopment site are many and varied, and we will all look on with interest at what transpires there in years to come as the site is redeveloped, as is proposed by both the municipality and the government. Importantly the live music, which is pretty much fundamental to the site now, will be protected and enhanced.

This government is very pleased to support the work of the City of Port Phillip in this way by facilitating the new management protocols in relation to this land and making sure there is one lease and that the City of Port Phillip will be the committee of management.

I must say it was difficult to listen to the Honourable David Davis this afternoon talk about the Liberal Party's policy on planning. If the opposition by some chance made it into government later this year, it would be interesting to hear how it would work to strengthen local government's approach to planning and give local government more power. We have heard a little bit about that from the shadow Minister for Planning in the other place and also in the press this morning. It was a little hard to listen to that hyperbole when this afternoon we heard here that the Liberal Party pretty much wants to undermine the work and the vision of the City of Port Phillip by not passing this legislation — by suggesting to this house that the legislation should be delayed, that it is not appropriate to be debating it now and that by its reasoned amendment it is seeking to delay the passage of the bill.

On the one hand Liberal members want to be out in the public arena talking about strengthening local government and implementing local government planning vision by giving more authority to local government, yet we have the City of Port Phillip working for five years to come up with a strategy to revitalise its foreshore — and we are pleased to help facilitate that through this bill this afternoon — and the Liberals want to change that, to undermine that and delay the passage of this bill. The Liberal Party is not off to a very good start with its new planning policy. It was a bit of a shambles when Mr Davis started to move the reasoned amendment and we did not have any copies in the chamber. Mr Davis, you were not very well organised. It reminded me of the last time you were not very organised in relation to planning, which probably you do not want the house to be reminded of — —

The DEPUTY PRESIDENT — Order! Through the Chair!

Ms CARBINES — It was at the end of last year, Deputy President, when we were about to debate the legislative changes to the urban growth boundary, that the opposition was not present in the chamber and the legislation went through without debate. That was another shambolic contribution by the Honourable David Davis to the planning debate in this chamber. What happened today reminded me of that, and I looked back with some amusement to the flurry of activity that took place on the other side when

Mr Davis was not in the chamber and the legislation went through without debate. I remember going up to Mr Davis and thanking him for supporting the government's legislation in that way.

He is not supporting the government's legislation today. He is opposing it by suggesting that we should delay it. He is therefore opposing the work that the City of Port Phillip has undertaken over the last five years, in consultation with its community, to develop a vision for the redevelopment of its foreshore. The consultation that has taken place has been extraordinary. We know that the community of the City of Port Phillip well supports the intentions of this bill. We are pleased as a government to support the City of Port Phillip in the implementation and facilitation of its vision.

This bill will streamline the management and lease arrangement in relation to the St Kilda triangle of land. The City of Port Phillip supports and wants that, so I am very pleased to support this bill. I wish it a speedy passage.

Hon. ANDREA COOTE (Monash) — I have much pleasure in speaking on the bill and the reasoned amendment. I have to say I have great pleasure in speaking on this bill for a number of reasons, but I have some major concerns as well, and I think the reasoned amendment moved by my colleague the Honourable David Davis outlines very succinctly the concerns that the Liberal Party has with this bill.

The subject land is within my electorate, and I have had a lot to do with the background of the area. Not everyone will automatically know where the St Kilda triangle is, as the Honourable Peter Hall said. I can understand that someone coming from the country would not know quite where it is — and certainly it is not in *Melway*. Probably people will still not quite know where it is when we talk about the streets and the surrounds. Cavell Street, the Esplanade and Jacka Boulevard may not mean much to too many people, but they will all know of the icons that are involved in this triangle. They will know about the Palais Theatre. They will know about the Palace nightclub. They will certainly know about Luna Park. They will most probably know about the Stokehouse and probably about Donovans as well. All of those restaurants, music venues and entertainment venues are located within this triangle. It is a very important precinct for Melbourne, for the City of Port Phillip and for tourism in Victoria.

I would like to very quickly put on the record some of the history of both the Palais and the Palace. The Palais Theatre is an iconic building that is located on this site and is part of the controversy concerning this bill. In

1913 the Palais de Danse was built by the Phillips brothers, the American owners of Luna Park near the amusement park, and was used initially as a dance hall. The Palais de Danse was converted into a cinema called Palais Pictures during World War 1. In 1927 the Palais was built next door to replace Palais Pictures, which had burnt down a year beforehand. The new building accommodated 3000 people. There were a lot of fires involved in this history.

In 1968 the then Palace nightclub, formerly the Palais de Danse, burnt down and was replaced by the Palace nightclub that is now on the site. The Palace continues to have live music and hosts about 20 international acts a year. There are less and less of these types of venues in Victoria as this government continues to close them down and by not giving them sufficient support, so it is vitally important that the Palace nightclub continue as a live music venue.

I know that Alan Evers-Buckland has been very involved in helping to support this, as indeed are the owners. On 15 July 2004, plans for the Palais Theatre stipulating that the development not block the vista or overshadow the foreshore were approved and gazetted by the then planning minister, Minister Delahunty in the other place. She was talking about a city edge development and foreshore plan that the City of Port Phillip was developing, so she was very mindful of the fact that the Palais itself was there and that any future building designs were to incorporate the need to have an excellent view of the foreshore from Jacka Boulevard. The problem with this bill arises because of the leases in respect of both the Palais and the Palace nightclub.

I will come back to that later in my contribution, but it is interesting to note that the Palais Theatre has hosted Bob Hope, Joan Sutherland, Louis Armstrong, the Rolling Stones, the Bolshoi Ballet and Lou Reed. In fact *Hair* was presented there, along with a number of other festivals and indeed ballets and concerts. It is a drawcard for so many people. Likewise at the Palace nightclub artists and bands such as Jim Davidson, Ern Pettifer, Sammy Lee and Bobby Gibson, the Sex Pistols, Nirvana and the Ramones have performed. It is important to understand the history and heritage of those buildings while we are considering this bill.

The City of Port Phillip had actually put a considerable amount of effort and time into looking at the foreshore and its development. The St Kilda foreshore, as I remind members of this chamber, is iconic. If you pick up tourist brochures, there it is, featured on the pages of the glossy brochures — and this government makes those on a regular basis.

The council consulted with the people of Port Phillip. The residents of the city of Port Phillip have a long and proud tradition of being involved in development. I think all of us will remember the excellent community support they demonstrated to save the Espy on the Esplanade. I think the compromise that was finally reached was far better than what was initially proposed, which would have changed the nature of that strip.

The City of Port Phillip was cognisant of the input the local people like to have into decisions about their foreshore, because not only is this segment of Victorian foreshore part of the tourist precinct for the state, it is the background and the backyard for all the people who live within the municipality of Port Phillip. The residents of the city of Port Phillip feel great ownership of the foreshore, but they also understand that they are to share this foreshore with all Victorians.

As I said, the City of Port Phillip put considerable work into the development of the St Kilda's Edge urban design framework. I would have to say that at that time it spent considerable time briefing me and other politicians, including federal politicians such as Michael Danby, the member for Melbourne Ports, and David Kemp, who at that stage was the federal Minister for the Environment and Heritage, and the member for Hawthorn in another place, Ted Baillieu, who at that stage was the shadow Minister for Planning, as he continues to be. The council really went into every possibility. I would have to put on the record my praise for and acknowledgment of the excellent work the City of Port Phillip did and continues to do in developing this plan.

The problem is that when you have a cursory look at this small bill it seems simple, but the devil in this bill is seriously in the detail, and that is a problem. The Liberal Party is basically supportive of the redevelopment and hopes the council can be guided to make the right decision about the developers who are going to develop the site. I think the impending work should be very good. I think the area needs tidying up, and there needs to be recognition of what is there. The development needs to show an understanding what the site's history is, but it also needs to show an understanding the sensitivity of the foreshore, the foreshore precinct and its use by the people of the city of Port Phillip, the people of Victoria, people from interstate and international visitors to this state.

As I said, the Liberal Party is not concerned about the redevelopment. I would like to say that I am particularly supportive of it. Because this is in my electorate and because I have understood the development and background to it, I am particularly

keen to see this redevelopment go ahead. But we cannot ignore the property rights and the leasing rights of the people who operate and run the Palais Theatre and the Palace nightclub. I believe this bill bulldozes over the rights of people who have gone into a commercial agreement in good faith. This is the concern I have about this bill and the is why we have a reasoned amendment here today.

Private operators enter a lease looking at the economics of what they have to deal with — they make budgets and they make plans. I referred earlier to the groups that perform at the Palace nightclub. They have to be booked in advance and have to work that into their own timetable — there is a lot involved. It is very easy for bureaucrats of this government to sit up in their ivory towers and say, ‘Yes, we are just going to come in and ride roughshod over the people who have leases’. These bureaucrats have never had to run a business. They have never had to worry about their own money being involved in something. They have never had to think about where wages are going to come from. They have never had to think about how they are going to plan into the future and to budget. They have absolutely no idea, and those things are absolutely what this bill is about. In fact they have not taken into consideration the people who have entered into these leases in good faith.

There is some controversy about the leases. After the Palace nightclub was burnt down in the 1960s there was some concern about whether that lease restarted its lease timetable at the time of the fire. There was an extension, and there is some controversy about the timetable, but these matters are all being dealt with in a legal sense. It is a pity about the timing of this bill, that we have to see it coming through at this time. My concerns are to make certain that the lessees are treated equally and with respect, that the enormous investment they have had in these areas continues to be recognised and that they have some surety.

In this chamber at question time today questions were raised by two of my colleagues: one by the Honourable John Vogels and the other by the Honourable Richard Dalla-Riva. Both of them raised issues regarding a staffer from Minister Thomson’s office who has been accused of rorting the system and falsifying information for the Victorian Electoral Commission. At that time the President stood up and made some very startling comments about not being able to continue because there were some impending legal issues and there could have been some concerns. She talked about this in question time. We know about the cut and thrust of question time — we know that things are said in the heat of the moment.

This bill has a impending legal situation hanging over its head too. Why on earth did this government not keep this bill in the lower house until it had enough time to resolve the legal issues, get to the bottom of the matter and sort out what was going to happen to ensure that there was certainty for the proprietors of the Palace and the Palais Theatre and certainty to enable the bill to be worked through properly? But no, we did not see that. We saw the government go ahead with this bill. It is trying to bulldoze the bill through and is stomping on these people to make certain that they are overridden and do not have any comeback. That is not the way the Liberal Party operates. It is not the way a government should operate, and this government should feel very ashamed of itself for pushing this bill through in the manner it has.

As I said, this is a relatively small bill. It looks as if it is a simple bill, but it goes to the fundamentals of what we believe is right and wrong in our community. I am very disappointed that the government did not prevent the bill seeing the light of day until the issues were adequately resolved.

In conclusion, I wish this redevelopment very well. It will enhance the St Kilda foreshore and increase tourism. It will be an added advantage for the people of the city of Port Phillip and indeed for Victorians one and all. I believe that the City of Port Phillip will be a very good manager of the land and that with the committee of management we will see the area well cared for into the future with sensitivity and understanding. Members of the committee deserve to have the proper framework put in place by the government so that they also can make plans and have surety into the future. Once again, I am disappointed that the Bracks government could not wait at least until the legal issues were settled. The project is very exciting and historic because 100 years in the future people will be looking back and saying, ‘This is what was developed at that time’.

We must also look closely at the involvement of the Deputy Premier in all this. At one stage during all the debacle that has gone on in trying to settle the matter with the City of Port Phillip he was the Minister for Planning. As the process has developed there have been three planning ministers: Minister Delahunty, who also had other portfolio responsibilities; Minister Thwaites, who also had other portfolio responsibilities; and Minister Hulls, who is the Minister for Planning now. It is a great pity — and I know that the people of the city of Port Phillip are very concerned — that their own member of Parliament, John Thwaites, did not do more to ensure that the process was gone through in a timely manner. John Thwaites has not been seen while debate

on this issue has gone on. He has been dragging the chain. He has not been able to ensure that the process has been gone through in a proper and dignified manner. The people of the city of Port Phillip and other members of the Albert Park constituency are very disappointed in the way that John Thwaites has tackled the matter. So much more could have been done. It is a great pity that it was not done. It could have been done without any of the current controversy. This is another example of sloppy legislation presented on behalf of this government.

Mr SCHEFFER (Monash) — Everyone agrees that the provisions of the bill should be supported because their purpose, which is to facilitate the development of the St Kilda foreshore, is critically important to St Kilda and to Melbourne. The rejuvenation of the foreshore is a huge initiative consisting of a number of interconnected projects, including the triangle that in itself is a \$150 million venture to be wholly developed through private investment. Investors will not be interested unless the arrangements for the long-term leasing over the area are soundly based.

Unfortunately there is disagreement over whether the passage of the bill will remove the property rights of the current lessees of the Palais Theatre and the Palace entertainment complex. This is not the purpose of the bill nor will it be its effect. The bill will not affect lease arrangements or leaseholder rights and will not pre-empt the outcome of legal proceedings. The two leases on the site expired on 31 March. The government lodged an application with the Victorian Civil and Administrative Tribunal to settle the matter of the expiry date of the leases. VCAT found in the government's favour and the recent Court of Appeal hearing in the Supreme Court regarding access to the sites also resulted in a decision in the government's favour. It is not known whether the lessees intend to appeal.

As Minister Hulls indicated in his summing up remarks in the Legislative Assembly, government would grind to a halt if legislation were delayed because legal proceedings may be under way. That is said with the greatest respect, of course, for the lessees. For St Kilda especially but also Melbourne as a whole, the St Kilda's Edge — Soul and Sand initiative is very important. The overall vision for the beach area is contained in the St Kilda foreshore urban design framework that was adopted by the Port Phillip council in 2004 after a very extensive community consultation, in the best traditions of the city.

The urban design framework and the St Kilda's Edge initiative have involved extensive community

consultation, including public workshops, a community reference panel and an exhibition process. Projects of this size in a community like Port Phillip just do not go ahead unless there is broad-based community support. The idea is that, through a community-supported rejuvenation, the St Kilda foreshore, from the eastern end of Beaconsfield Parade to the marina, will continue to be what it has been for nearly 150 years: a public beach for play and relaxation and an entertainment destination for good eating, music, cinema, the theatre and the arts; active and passive recreation; promenading; and meeting people. The Upper Esplanade gives the area a dramatic elevation that is unusual for the generally flat rim of Port Phillip Bay, affording panoramic views of land forms and activities right down to the water's edge.

The area is at the confluence of Beaconsfield Parade, Fitzroy Street, the upper and lower esplanades, Jacka Boulevard and Marine Parade — a unique system of carriageways that are a pleasure to walk along or ride on by car or tram. The inspired work of Carlo Catani, who was a member of the first St Kilda foreshore trust committee 100 years ago in 1906, is evident everywhere. At the 2001 commemoration honouring Catani's work, former mayor of Port Phillip, Julian Hill, said that Catani:

... envisaged the area in the style of a European resort, complete with a split-level esplanade and foreshore amusements, dance halls, theatres, bathing pavilions and a French-Italian style of landscape treatment, complete with palms, succulents, exotic conifers and hedges. The committee's work acted as a catalyst for private investment that secured St Kilda's position as the then pre-eminent beach resort of Melbourne. Catani's design has served us well and it is only now that we are seeking to tinker with it.

It is important for members to remind themselves of what we are dealing with here and why the renewal of the St Kilda foreshore needs to be sensitively handled. The bill relates to an area known as the St Kilda triangle that is bounded by Jacka Boulevard, Cavell Street and the Upper Esplanade. The area consists of about two and a half hectares made up of permanent and temporary reserves and unreserved Crown land. The City of Port Phillip, as a committee of management, manages the reserved Crown land, while the unreserved Crown land is occupied by the Palais and the Palace under separate 50-year leases that, as I said, expired on 31 March and will not be renewed. The objective of the bill is to designate the entire area as unalienated Crown land so that it will be unaffected by any interests of other persons and so that the Crown can freely deal with the land. When the bill is enacted, on 1 July 2007, there will be no current leases or licences on the land. The bill closes the Lower Esplanade and also deems it

to be unalienated Crown land. However, the area will continue to provide access to the Palais Theatre and whatever other facilities are sited in the precinct. The bill also provides for two areas of land to be set aside, one of which will be used for a pedestrian overpass over Jacka Boulevard. Only one area of land or none can be used for this purpose.

The bill also appoints the City of Port Phillip as the committee of management for the triangle site and empowers it to grant a lease for the land for retail, tourism, entertainment, commercial or cultural purposes. Under the provisions of the bill a lease may be granted for 50 years up to 99 years.

The Palais, opened in 1927, is one of Australia's great theatres and surely will be the architectural jewel of the triangle, unless another spectacular building takes its place, which is hard to imagine. I expect that with the rejuvenation some of the productions and audiences will be brought back from the Regent and Princess theatres, which attracted audiences away in the 1980s after they were restored.

Port Phillip council called for expressions of interest from organisations wishing to prepare development proposals. There is great local interest in the triangle development and the whole foreshore urban design framework, and the local papers have reported in detail on the progress of the consortiums that are participating in the tender process. Everyone will be interested in the detailed proposals. This is the first major rethink in 100 years of the St Kilda foreshore and it will be very exciting to see it unfold over the coming years. I wish it well. I commend the bill to the house.

The DEPUTY PRESIDENT — Order! Before I put the question on the reasoned amendment it is appropriate to refer to the fact that the reasoned amendment was not provided in advance for checking and copies were not readily available for members in the house. I ask any member putting forward a reasoned amendment in the future to help facilitate the orderly business of the house by being mindful of the proper processes in putting reasoned amendments forward.

The question before the chair is that the bill be read a second time. The Honourable David Davis has moved a reasoned amendment to omit all words after 'that' with the view of inserting other words in their place. The question is:

That the words proposed to be omitted stand part of the question.

House divided on omission (members in favour vote no):

Ayes, 21

Argondizzo, Ms	Mikakos, Ms
Broad, Ms	Mitchell, Mr (<i>Teller</i>)
Buckingham, Mrs	Pullen, Mr (<i>Teller</i>)
Carbines, Ms	Romanes, Ms
Eren, Mr	Scheffer, Mr
Hilton, Mr	Smith, Mr
Hirsh, Ms	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Thomson, Ms
McQuilten, Mr	Viney, Mr
Madden, Mr	

Noes, 20

Atkinson, Mr	Forwood, Mr
Baxter, Mr	Hadden, Ms
Bishop, Mr	Hall, Mr (<i>Teller</i>)
Bowden, Mr (<i>Teller</i>)	Koch, Mr
Brideson, Mr	Lovell, Ms
Coote, Mrs	Olexander, Mr
Dalla-Riva, Mr	Rich-Phillips, Mr
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr
Drum, Mr	Vogels, Mr

Amendment negatived.

House divided on motion:

Ayes, 21

Argondizzo, Ms	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Mrs	Pullen, Mr
Carbines, Ms	Romanes, Ms
Eren, Mr	Scheffer, Mr (<i>Teller</i>)
Hilton, Mr	Smith, Mr
Hirsh, Ms	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Thomson, Ms
McQuilten, Mr (<i>Teller</i>)	Viney, Mr
Madden, Mr	

Noes, 20

Atkinson, Mr (<i>Teller</i>)	Forwood, Mr
Baxter, Mr	Hadden, Ms
Bishop, Mr	Hall, Mr
Bowden, Mr	Koch, Mr
Brideson, Mr	Lovell, Ms
Coote, Mrs	Olexander, Mr
Dalla-Riva, Mr	Rich-Phillips, Mr
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr
Drum, Mr (<i>Teller</i>)	Vogels, Mr

Motion agreed to.

Read second time.

Third reading

Hon. J. M. MADDEN (Minister for Sport and Recreation) — By leave, I move:

That the bill be now read a third time.

I thank the respective members of the chamber for their contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

**SUSTAINABLE FORESTS (TIMBER)
(AMENDMENT) BILL**

Second reading

**Debate resumed from 6 April; motion of
Ms BROAD (Minister for Local Government).**

Hon. E. G. STONEY (Central Highlands) — I rise to speak on the Sustainable Forests (Timber) (Amendment) Bill. I say at the outset that the opposition is opposing this bill and several speakers this afternoon will explain why. In my opinion the bill should be called the Bracks government backflip bill. It is a classic example of the government not paying enough attention to the long-term interests and long-term planning for the forest industry here in Victoria. It is either that or there is a hidden agenda. As we know, without long-term planning, especially in an industry like forestry, sustainability cannot occur. Without long-term planning uncertainty will occur in any industry that relies on government and, of course, the Victorian forest industries rely very heavily on government and very heavily on the whim of the government.

I will recap the history of the bill. In 2004 Parliament passed the Sustainable Forests (Timber) Bill, and for the record the opposition also opposed that bill. We said the bill was seriously flawed. We said it was complicated, and we said that the government ran out of time for consultation, and all that has turned out to be true. The second-reading speech on the Sustainable Forests (Timber) Bill in 2004 states:

As DSE will no longer be involved in commercial timber harvesting it is necessary to transfer existing sawlog licences to VicForests.

It goes on to say:

The licences have been divided geographically into the east and west of the state.

This is the critical bit.

In the first instance licences in the east will transfer. Licences in the west will transfer subsequently.

So we come to 2006 and the Sustainable Forests (Timber) (Amendment) Bill. The second-reading speech states:

The purpose of this bill is to provide for the continued management of the remaining sawlog and pulpwood licences in the west of Victoria by the Secretary of the Department of Sustainability and Environment.

Then the government goes on to admit its error. The second-reading speech states:

Currently, the Sustainable Forests (Timber) Act 2004 provides that sawlog and pulpwood licences in the west of Victoria are to be transferred to VicForests for management by 1 July 2006 until their expiry.

What a backflip. What poorly thought out management. The 11 licences will not now transfer. So we have to ask ourselves what is behind all this and of course, it is the Otways, the Wombat State Forest and the red gum forest and before that it was the box-ironbark forest. Quite frankly, it is politics at its worst. Once again we have the forest industries being used and manipulated by the government to curry favour with the Greens, and what a skilled and cynical exercise the government has embarked on. It is an ongoing vendetta by the government against the forest industry because it sees it as an easy target and can victimise the industry to prove up its own green credentials. If one thinks back, the Otways regional forest agreement declared that the Otways were sustainable forever and logging could be carried on there in a sustainable manner forever. What happened? The government took away logging and access in the Otways and did it at exactly the same time as it was claiming to be supporting the sustainability of the industry.

I am particularly interested in the Wombat State Forest. There is no question that logging in that forest needed to be reduced some years ago, which was done, but there was room for some continued logging, and the government acknowledged that and agreed at the time that there should be continued logging in the Wombat State Forest. It made some moves with the forest which included requiring an annual quota of a sustainable figure of several thousand cubic metres, but in reality the actual figure of timber recovered from the Wombat forest, for example from January 2003 to October 2004

was only 394 cubic metres, which is only a pittance. I obtained that figure from a question on notice or from a freedom of information request — I forget which. It shows just how little timber was harvested when the government was saying that quite a substantial amount could be harvested each year.

The government arrangements for the Wombat State Forest were almost straight out of *Monty Python*. It created a forest management model and spent more than \$1 million on it. There were huge differences of opinion among the members of the groups that made up the model. There were huge differences of opinion in the community up there about what should happen, especially with forestry, which meant there was a stalemate and nothing could move forward. So lots of money was being spent, there were lots of barbecues and lots of meetings and many people were involved in consulting, but there could be no move forward on how or where to log in the Wombat even though the government was saying it could be done on a sustainable basis. In part the government was saying to the people making up the community forest management (CFM) model, 'We have to pay for this model somehow. Therefore there has to be logging as part of the process to help pay for it and to fund the CFM'.

Part of the agreement was that a local sawmill called Dwyer's, that had licences to 2008, was to receive several thousand cubic metres of Wombat forest timber each year, but that did not happen. A little later I will go into some of the figures the Dwyer's actually received. To make up the shortfall the government trucked in timber from the fire areas and from other parts of the midland forest for some years at taxpayers expense because it had a legal obligation to supply Dwyer's.

I do not think they achieved their targets or their legal obligations to Dwyer's. It was difficult for the Dwyer family. I visited the mill with my colleague the member for Benambra in the other place and other Liberal members of Parliament, and it was a sorry sight. The Dwyers were trying to do the right thing by bending over backwards to work with the government but were being thwarted at every turn on their rightful access to the resource. It became so embarrassing for the government that recently it made an offer to buy Dwyer's out, which was accepted. I feel sorry for the Dwyers, but the whole process has been a disgrace and an abrogation of responsibilities by the government. It also highlights that the community forest management model cannot work anywhere where a community is divided or where there is conflict on issues such as logging. Certainly the community and CFM members are divided on the issue of logging in that area.

I understand that in other parts of the world these models have been successful. The difference with this one is that the community was divided; with other models the communities were not divided. In fact in some overseas models those involved set about repairing a total degraded resource, so everybody was working for the same thing.

There are groups that are concerned about the Wombat State Forest. A press release of 24 February from the Multiple Use Forest Coalition, which is a coalition of people who support the wide public access and sustainable use of public forests, sums up the Wombat State Forest situation. It refers to Dwyer's mill accepting an exit package and states:

It will be interesting to see if the government tries to pretend that Dwyer's went voluntarily. The reality is that they, their contractors and DSE staff have been living with forest protests, including machinery vandalism, for a decade or more. The consequent government imposed disruption and supply uncertainty finally left them with nowhere else to go. Licence commitments remain unfulfilled. Since June last year we believe only 150 metres has been taken from the Wombat.

That is appalling. On the one hand the government is saying there is a sustainable yield of several thousand cubic metres while on the other hand last year only 150 cubic metres were taken from the Wombat. The coalition's press release says that the 2006 sustainable cut was 5000 cubic metres, and goes on to say:

This was subjected to much deliberation, community consultation and submission ... and resulted in a modest harvesting plan approved being bedded down.

It goes on to say:

... the contractor's plant still sitting in his yard. Why? Why are we induced into participating in this play-acting?

The press release goes on to give figures about the Wombat State Forest and says that the truth of the matter is that only 26 per cent of the area is notionally available for harvesting and that the bulk of the forest is therefore in parks or otherwise reserved and excluded from commercial activity. It states:

This has been the case for many years. It is, therefore, a blatant green lie to suggest that the Wombat forest is threatened with destruction by continued timber harvesting at sustainable levels.

This coalition is doing a great public service. It is quite outspoken and goes on to say in its press release:

It is a disgraceful situation that, for its needs, this regional community, with a proven ecologically robust, productive and well-protected forest at its doorstep, must go and take timber from forests elsewhere.

That is a reference both to Dwyer's having to accept timber from around the state and to the locals buying their flooring at their local hardware store from other parts of Victoria or indeed from overseas. That is a whack at the whole system. The press release goes on to talk about taxpayers subsidising the long haulage of logs from other parts of the state and mentions that this is not a sustainable way of meeting their needs. It then talks about the magnificent Wombat messmate flooring, which is now unavailable, and asks why.

I must say that when I went to Black Forest Timbers Pty Ltd some time ago and saw the beautiful timber being produced from the Wombat State Forest at that time, it was certainly some of the most beautiful flooring I had ever seen. Black Forest Timbers spent many years perfecting how to get the best out of the messmate timber, but that has all gone now because they cannot get access to the resource. The press release states:

To top it off Geoff Howard, the local ALP lower house member, was reported in the Ballarat *Courier* last Tuesday as disingenuously telling the protest rally that 'he had asked the minister to review the forest's timber licences'.

The press release goes on to say that the member for Ballarat East in the other place was ignorant of the fact that Dwyer's had been negotiating a package for some weeks and in fact there were no licences to review.

The same group wrote to the Premier regarding a range of issues. Their letter refers to the resumption of timber harvesting in the Wombat State Forest regarding the 2006 wood plan. The group moved a motion:

That the minister be advised that this meeting completely supports the DSE intention to harvest timber from the Wombat to meet licence commitments.

The letter then talks about the continuation of licences up to sustained yield, and the group moved a motion:

That the minister be advised that this meeting is of the opinion that timber production in the Wombat forest should continue at a realistic sustainable level in perpetuity, and that this be supported by equitable licensing systems.

We argue that the minuscule amount of timber harvested in recent times is disgraceful. It is our understanding that only 150 square metres has been harvested since June 2005.

My colleague the member for Benambra in the other place in his contribution released figures after he conducted a freedom of information inquiry on the amount of timber made available to Dwyer's since the financial year 2000–01. It showed conclusively that Dwyer's received less than it should have, and sometimes only half the amount. In the last financial year it received only 900 cubic metres from all sources,

and as we saw from previous correspondence of the stakeholder group, only 150 cubic metres came from the Wombat State Forest. Anything the government says about quotas being taken from the Wombat State Forest is humbug. In fact the Dwyers were starved out because the government was unable to control its CFM process and to enforce its own requirements.

I direct the attention of the house to a very comprehensive report by Mark Poynter, a consultant forester who deals in national forest resource services. It is a paper headed 'Collaborative forest management in Victoria's Wombat State Forest — Will it serve the interests of the wider community?'. I recommend that members of the house and members of the public get a copy of this paper. Mr Poynter outlined in the paper, and I think he was being very fair with, the whole CFM process and compared the success or lack of success of the model with those in other countries. He identified the huge costs involved so far. He identified the complex structure. He identified the difficulties the CFM and the community have had trying to manage diverse opinions. He identified that there was not the level of antilogging opinion that was portrayed by the noisy group earlier in the process. That is an interesting observation. He went on to say:

The government required that the Wombat CFM trial maintain existing licensed supply entitlements for local sawmills until 2008, at which time a decision about future wood production from the state forest would be made.

I have demonstrated conclusively that it did not happen. Mr Poynter also went on to talk about the failure of the CFM participants to reach consensus on harvestable areas and methods, and said:

... only the Mudlark coupe was harvested during the 2002–03 season. This indecision continued in the 2003–04 season, when no harvesting was permitted by the CFM Interim Council of Stewards despite the department threatening to restart logging under its own terms to relieve the chronic supply of problems created for the two local sawmills. These sawmills, who have DSE sawlog licence entitlements to a combined annual volume of about 5500 cubic metres, were essentially kept operational during these first two seasons by suppliers of logs from distant forests. These included fire salvage logs hauled at considerable taxpayer expense from far north-eastern Victoria, over 300 kilometres away.

He goes on to say that he obtained information that showed that:

\$152 800 of government money was spent importing 4737 m³ of sawlogs from other regions to keep the sawmills operating during the first two years of the CFM trial.

This next bit is quite pertinent, and demonstrates the point I was making earlier:

The Victorian Minister for the Environment reminded the community managers in November 2004 that the supply of fire salvage logs from north-eastern Victoria was 'not a continuing solution', and urged them to develop a harvesting plan that would enable the two remaining sawmills to be supplied from the Wombat State Forest.

That has not happened. The minister was rolled, and Dwyer's has been bought out. I do recommend that the house look at the *Management of Wombat State Forest* if members are interested in the issue of the Wombat State Forest. I think history will show that this particular document has probably summed up what has happened in the Wombat State Forest quite clearly up to this point.

I am very hesitant to quote myself, but a little bit of self-praise now and again does not hurt! In 2003 I made observations in the house along the lines that the Wombat community management process appeared to have failed to supply licensees with logs. I said I thought that they were obliged to do so, and I said:

Although it appears that overseas the community management process has been quite successful, it appears it has yet to find its feet in the Wombat forest. I fear it may never find its feet or any sort of balanced management of the Wombat forest.

And all that has come to pass.

The multiple use stakeholder group in February 2006 in a letter to the Premier talked about the future of community forest management (CFM) and put up an alternative method. It said to the Premier that the whole issue had to be urgently resolved and that the CFM process was unworkable. It talked about the inevitable intransigence on one side of the table and said the process was dysfunctional and an enormous unproductive cost. It said:

Alternative methods of responsible community engagement in public land management processes could be a major reshaping of the Friends Group process with the provision of some defined and limited decision making, properly appointed advisory committees which carry with them clear responsibilities, and a return to an exhaustive LCC-type public process for broad public land use decision making.

So the group was not just carping and criticising; it was trying to be constructive about a problem up there which the government does have to address.

It is clear that the CFM process is not working. My personal view is that governments should manage our forests and national parks — I do not believe it should be left to communities. I believe it is a government responsibility to manage our public land; it is a government responsibility to finance that managing of the public land and national parks properly, and the

government has abrogated its responsibility by handing the Wombat over to a well-meaning group which, just by its own structure, has proved to be unable to operate. That is where we are at now.

There is a long-term trend emerging. The long-term trend over the last seven years is that the Bracks government has been targeting our forest industries for political gain. It has reduced access to resources by 30 per cent; the box ironbark has gone, the Wombat has virtually gone; there have been big reductions in the East Gippsland resource, and of course the Otways have gone. And we ask ourselves: what next? I think Mr Baxter knows what will be next — it is the red gums!

Ms Lovell is nodding, and she will be contributing to this debate a little later. Of course the government is very good at it. It is saying, 'We support the red gum forest industries, of course we do.' But at the end of the day I will wager that it will succumb to the temptation of the green vote, and to the simplistic notion that red gum forests in northern Victoria can be 'saved' by locking them up.

Of course, as a few of us sitting in this chamber know, nothing is further from the truth because if the red gum forests are managed properly and thinned properly and if they are protected from wildfires, they can produce red gum timber on a sustainable basis forever.

A few of us have been up there — Ms Lovell and some of The Nationals were up there on Sunday — and again I am sure they got the same message about, firstly, the importance of grazing to keep down the grass so that there are not huge wildfires; and secondly, the fact that there needs to be a lot of thinning of the regrowth in that area.

Hon. W. R. Baxter — We certainly got that message!

Hon. E. G. STONEY — I am sure they did, Mr Baxter, and I am just hoping that the government listens, but I doubt it because — —

Hon. W. A. Lovell — But the government wasn't there, Graeme!

Hon. E. G. STONEY — No, the government was not there, and that is very interesting. At the Barmah Muster, which is an annual event, the government was not represented. It is interesting that at functions like that where government members may strike a bit of flak they seem to think it is better to keep away; and most certainly when we were in government we always fronted up: whether it was a public meeting or

something controversial members of the government fronted and we discussed what we were trying to do, and we had the courage to explain our position. This government does not do that.

Hon. W. R. Baxter — We thought the two candidates for northern region may have presented themselves!

Hon. E. G. STONEY — Yes, but you can't get a tram from Brunswick to Barmah — it is very hard to do that.

Hon. M. R. Thomson — I've spent plenty of time in the Barmah forest!

Hon. E. G. STONEY — Well then, you had better start defending the Barmah cattlemen and the Barmah timber people because they need your help, Minister.

We could see it coming — the press release of 19 April, 2005 from the minister headed 'Thwaites to boost red gum probe' states:

An inquiry into the Murray's forests may lead to the establishment of a new national park.

The state government has ordered a major expansion of an investigation into the future of Victoria's red gum forests.

This is always the form of words used as a prelude to what is coming:

Environment Minister John Thwaites will today ask the Victorian Environmental Assessment Council to begin its inquiry into the Murray River's red gum forests — a process that green groups hope will produce a new national park.

And of course we all know that eventually that will happen.

In conclusion I will touch on the fact that this bill repeals the Forests (Dunstan Agreement) Act 1987. We do not have any opposition to that, but it is interesting to note that the people at Carter Holt Harvey, who are the ones affected by the repeal of the act, were not consulted. They have told my colleagues Mr Plowman and Dr Napthine — the members for Benambra and South-West Coast in another place, the latter of whom is now the shadow minister for forestry — that Carter Holt Harvey has said it does not have any problems with it — no concerns — but that is not the point. Even in question time today the government was espousing how good it is at consulting. Mr Lenders went on and on about how good the government is and how bad we were. There was no consultation with that company directly affected by the repeal.

In conclusion, the opposition opposes the bill for three reasons: firstly, this bill is contrary to the government's own position in 2004; secondly, the non-transferral of the red gum licences pre-empt the VEAC (Victorian Environmental Assessment Council) inquiry, and clearly, in my mind — and I am sure in a lot of people's minds up that way — this puts that whole industry at grave risk; and thirdly, the non-transferral of the Wombat licences highlights the failure of the government to properly manage the forest and certainly has placed jobs at risk, as we have seen with the way it is closing down local timber industries.

For those reasons, the opposition strongly opposes the bill.

The ACTING PRESIDENT

(Hon. J. G. Hilton) — Order! I thank the member for his contribution and call the Leader of The Nationals, Mr Hall.

Hon. P. R. HALL (Gippsland) — Given The Nationals' consistent and sustained support for the timber industry over many, many years it will come as no surprise to members of the chamber that we will be opposing this legislation in the strongest possible terms. Indeed consistency has probably been a hallmark of our party in respect of these issues because we have been the only party to consistently oppose all legislation in this chamber that has resulted in a reduction in the level of timber harvesting in this state. For example, I refer to the principal act itself, the Sustainable Forests (Timber) Act, the National Park (Otways and Other Amendments) Act and the National Parks (Box-Ironbark and Other Parks) Act. They were all pieces of legislation on which The Nationals stood alone in opposition. I might add, our objection to the government's Our Forests Our Future policy was vociferous. We have raised that as a substantial issue in this Parliament on many occasions. With the comments I intend to make during my contribution, as I said, we oppose this legislation in the strongest possible terms.

This bill deals with 11 sawlog licences west of the Hume Highway in Victoria. It is important to note that they are the only sawlog licences now left in Victoria because the government has abolished the licensing system in all other parts of the state. In particular there is now no longer a licensing system in the east and north-east of the state where timber resources are predominantly harvested. The current arrangement is that VicForests enters into contractual arrangements with companies to supply sawlogs. Some of this is now done by auction; in time most of it will be done by auction. As predicted by The Nationals when we spoke on the particular pieces of legislation dealing with the

creation of VicForests, the auction system is creating terrible uncertainty within the timber industry — or I should say what is left of it — and under this government Victoria's timber industry is perilously close to collapsing. Certainly the end is nigh for the timber industry in the state's west and north.

This bill involves 11 sawlog licences, 5 of which are in the Otways. We know from the National Park (Otways and Other Amendments) Act that came through this house that all of the 5 remaining licences in the Otways will be phased out by 2008. My prediction is they will go earlier, but they have licences until 2008. Two of the 11 licences are in the Midlands forests management area, and of those the one owned by Dwyer's has already gone. The Honourable Graeme Stoney commented on that licence. Later on in my contribution I will also make some comments about the circumstances leading to the surrendering of that particular licence. The other four are red gum licences in the state's north. There is absolutely no doubt whatsoever in my mind that if this government is still in office at the conclusion of the investigation by the Victorian Environment Assessment Council (VEAC) into the river red gum area, there will be no future for those four red gum timber licences either.

That would be a great tragedy. I am sure many members took the opportunity to see the fine furniture and other items produced from river red gum in a display in Queen's Hall last year, about six or seven months ago. You could get no better timber for making quality furniture. The exhibition was something to behold. That is nearly the end of the furniture-making industry in respect of red gum in this state. If as I, the Honourable Graeme Stoney and, I am sure, others predict, the government abolishes those four timber licences, the only red gum material that will be available in this state will be from private land, and there is precious little of that resource in the hands of private land-holders.

What annoys me most about this is that it is such a sustainable industry. I, like others, have been up there and had a look at some of those river red gum forests along the Murray River in the north of this state and observed their harvesting practices. They are quite different, I might add, to the harvesting practices employed for ash timber and other hardwood timbers in my electorate of East Gippsland where they use a clear felling technique to harvest the timber. With the river red gums it is purely a selective harvesting technique that is used — that is, single trees are harvested for the utilisation of the valuable resource that the tree provides, and it is done in a sustainable way. That is why we have such a viable and important industry, but

unfortunately, as I said, if this government is still in office at the conclusion of the VEAC inquiry, I have no doubt in my mind that that will be the end of those four licences.

This bill will simply make it easier for the government to get rid of those few remaining sawlog licences that we now have in the state. Instead of VicForests taking control of those licences, as was proposed under the sustainable forests legislation, the 11 licences will now remain under the control of the Department of Sustainability and Environment. The Nationals see this as the end of timber harvesting within public forest in the state's west and north. As further pressure is transferred to the east in time to come I am sure we will see further restrictions to timber harvesting on public land in the east of this state. But, I might add — I am sure I will get protestations from government members in saying this — timber harvesting conducted in a responsible way is one of the most sound environmental practices that we can adopt in terms of management practice for the land. During the course of my contribution I am going to spell out some of the environmental benefits of having a well-managed, sustainable timber industry.

Healthy forests are good for the environment, and you can only get healthy forests if you manage them. It is a bit like managing your garden and lawn at home. With your garden there is an annual pruning job that you have to do, selectively taking out older plants and cutting back. It looks pretty awful for a period of time. It is just about that time of the year now. When gardens are cut back a lot of them look very bare and barren, but come spring or a couple of years later, as bushier plants develop and grow, the product of those sensible management practices will be observed.

It is the same with forests, except that the product of good management techniques take a little longer to come. It is not until 5, 10, 20, 50 or 100 years hence that you see the product of your efforts using good management techniques and a sensible forest management regime. Healthy young forests are exceptionally good for the environment, particularly in terms of carbon dioxide absorption.

In terms of managing our forests, one of the tools we use is fire. Fire is an absolutely excellent management tool and is essential for a lot of the ecological classes of timbers in our forests. Not so much for the river red gum in the Murray — that is probably a different management technique — but certainly in the forests of East Gippsland and central Victoria, fire is an excellent management tool. It is only in recent years that the government has started to improve its program of fuel

reduction burning. Through some sustained pressure from the public, the opposition and other political parties, finally it is getting off its backside and doing something decent in respect of fuel reduction burnings. But that is only a fraction of what is required. We need far more extensive fuel reduction programs to manage our forests properly.

We also see the necessity for good, sensible management because of the large numbers of introduced weeds in our forests. The blackberries in my electorate are absolutely rampant through much of the park and the forested area. They need to be addressed. It is also important to observe how the nature of forests in this state has changed over the years. If you read some of the history of the early settlement of Victoria you find it talks about Victoria's grassy woodlands. We do not hear much about grassy woodlands now. The whole nature of our forest ecology has changed so that it is quite densely populated forest. That is partly because we try to put out fires now. We do not use fire as a good management tool that selectively culls plants and trees that are not as strong as others. We do not end up with the strong, healthy, grassy woodlands that were described in the early history of this state.

Silviculture is another important management tool in the harvesting process. Selectively trees are taken out so that others get more light and grow bigger and better. Good use is made of that thinning process, particularly for products that go into making paper. Ultimately harvesting itself is an excellent management tool. You have got to regenerate forests, and one of the best ways is to cut them down and let them grow again.

I have said on many occasions in the house, and I want to repeat it, that The Nationals certainly are not and never have been opposed to reservations of forests in the form of national parks or other conservation areas. We are certainly not opposed to that, but we say quite strongly that you need a balance in respect to conservation and timber use. In Victoria we have some of the highest levels of ecological-class reservations of in the world, and far in excess of the minimum amounts prescribed by international environmental agencies. But we still do not currently meet our own timber needs. We continue to import product from overseas. I do not know whether the government listens when I talk about how we have a trade deficit in timber and timber products.

Today I just want to draw to the attention of government members the Department of Primary Industries document entitled *The Plantation Incentives Strategy — Direction Statement*. It is a recent publication put out by the Victorian government. On

page 12 under the heading 'Competition and opportunities' it says:

Australia's total export earning for forest products in 2004–05 was \$2.1 billion, with imports estimated at \$4.1 billion resulting in a trade deficit of approximately \$2.0 billion.

I do not know how many years my former colleagues, such as the Honourable David Evans, Mr Baxter and I have been in this place butting our heads against a brick wall in an effort to impress upon the government the fact that we have a huge problem in terms of the trade deficit in timber and timber products in this country and that we need to do more to meet our own needs. It is head-in-the-sand stuff to expect that we can lock away our own timber reserves but import timber reserves from Third World countries that have less sustainable timber practices than we do. It is just not possible for us to continue to do this year after year.

There is a significant problem that the government admits in its own recent publication. It mentions the \$4.1 billion of imports, \$2.6 billion of which is paper and paper products. That is an Australian Bureau of Agriculture and Resource Economics — ABARE — figure from 2005. We need a sustainable, viable timber industry in this state, yet legislation like this runs counter to that notion — that is, there will be a reduction in the resource available for timber harvesting. It is also likely that there will be a withdrawal of extra timber licences, and we will therefore have a greater reliance on imports. Economically that is unsound; environmentally it is also unsound.

I also want to refer government members to a report published by the Department of Sustainability and Environment, *Victoria's State of the Forest Report*, that came out late in 2005.

Hon. Richard Dalla-Riva — What was it printed on?

Hon. P. R. HALL — Good point. I am not sure, but paper products — and it is a fairly extensive report too; there is lots of it.

I will quote from the executive summary. I will not go through detailed aspects of the report, but I want to give the chamber an idea of the quantity of timber resource we have in this state and a comparison with how much of that actual resource is harvested in any one year. I am quoting from page 7:

In 2003 Victoria's total land area was approximately 22 million hectares. Of this, about 8.3 million hectares or 36 per cent was forested. Approximately 3.4 million hectares

was classified as state forest and 3.7 million hectares classified as national parks and other reserves.

I want to point out first of all that that is a fairly significant area. Of 22 million hectares of the total state of Victoria, 36 per cent — more than one-third — is actually forested. We are not counting the trees along Mont Albert Road or down St Kilda Road; we are talking about defined forests — state forests or national parks. Out of 22 million hectares, 3.7 million hectares is national park; that is about one-sixth of the state of Victoria. We say that figure is about right; that is about how much we should have in terms of conservation reserves in this state. The report goes on to say that of the 3.4 million hectares of state forest, approximately 1 million hectares are protected in conservation reserves and will not be harvested. That percentage of protected forested areas in this state is creeping up all the time. Of the remaining area approximately 740 000 hectares is available for timber harvesting.

Those figures amount to this: less than 10 per cent of the forested areas in Victoria will ever be harvested. More than 90 per cent of those forested areas are absolutely protected. Under the 80 to 100-year rotation for hardwood sawlogs that means in any one year somewhere between 0.1 and 0.2 per cent of Victoria's forested areas are harvested. I note that when you walk through one of those harvested coups they look terrible straight after harvesting, but it is only a tiny fraction of the total forested areas in this state and in 5 to 10 or 15 years you would not know the difference when the new growth is regenerated. We need to put it into the context of the amount of forested areas in this state — 36 per cent. The amount that is actually available for potential timber harvesting is less than 10 per cent. The amount that is actually harvested in any one year is around one tenth of 1 per cent. It is a very small amount indeed.

I note on the point about volumes and what we do in terms of export deficit that an article which appeared in the business section the *Age* yesterday, 1 May 2006, under the heading 'Illegal wood floods into Australia' states:

The amount of illegally logged timber products imported into Australia is the equivalent of the annual sawlog production of Victoria and Tasmania, a forestry seminar has been told.

...

Australia each year imported more than \$400 million worth of illegally logged timber products.

We are happy to accept imports of illegally logged timber from overseas countries yet at the same time we lock away more and more of that resource available for

timber harvesting in this state. As I said before, we cannot just turn a blind eye to these problems; we need to address them.

One of the ways in which people believe we can address these problems is by the greater use of timber plantations. We say that as well; from The Nationals' point of view plantations need to be encouraged. We also say the amount of public land we have should be better harvested, but plantations need to be encouraged as a future source of our timber. In respect of this matter I had a close read of the government's document to which I referred earlier — that is, *The Plantation Incentives Strategy — Direction Statement*. Some of the statistics I will use are drawn directly from that document.

Victoria has approximately 400 000 hectares of timber plantations, the vast majority of which are on private land; 56 per cent are softwood plantations and 44 per cent are hardwood. Organisations like Australian Paper need to be encouraged. I welcome the \$500 million expansion it has currently announced and is embarking on to produce a greater volume of paper pulp in Australia and reduce our reliance on imported paper and paper products — a commodity I mentioned before that has a total value of something like \$2.6 billion per year. How is that going to be achieved? This government will not give the company access to any further native forests resource, so it is going to have to plant hardwood trees, predominantly blue gums. I know Australian Paper is looking to plant 20 000 hectares of new timber plantations over the next 10 years or so.

I am sure Mr Vogels will talk about some of the plantation issues in the Western District. Indeed only recently I went to Colac Otway shire and spoke to the council about some of the plantation issues associated with its municipality and others in the Western District. The expansion of plantations is causing a lot of community concern; we need to address that. Essentially the concern is generated because of changed land use. Farms, which were previously used for dairy, grazing or cropping, are being purchased by investment companies for the purpose of timber plantations.

The changed land use certainly has economic, social and environmental impacts. Those impacts can sometimes be positive but they also can be negative; we need to look at a balance between them. Some of those impacts include an increase in land values; in some cases that is a positive. If you are a retiring cocky and you want to sell your farm, you are looking for the best price you can possibly get for it. But if you are the dairy farmer next door looking to expand your operations, then high land prices have a significant impact on your

ability to increase the size of your farm and its production.

Plantations lead to a loss of population. When you see a farming family moving out of an area, more often than not if a plantation takes its place, there is not an ongoing residence associated with the management of that plantation. Consequently there is concern that the increase in plantations leads to a loss of population. It also leads to a loss of employment opportunities. Dairy farming, for example, is far more labour intensive than farming trees. There is reduced wealth generation in the local area. Instead of a dairy farmer, for example, producing a product which is sold to the local dairy cooperative and the money reinvested back in the local community, what we often see is that plantations are owned by people other than local residents and consequently the profits arising from those plantations are not spent in the local area.

We are also aware that timber plantations pose significant environmental challenges as well. If an area has extensive monocultures, it can have an impact. I refer particularly to softwood plantations in parts of East Gippsland. There are concerns that pine trees are springing up in native forests because of the spread of the seed of those trees. Monocultures can in themselves be an environmental problem. We see the plantations potentially have an impact on water catchment areas. There can be an associated increase in fire risk in previously cleared land becoming forested land and close to where people are living. In terms of environmental impacts plantations lead to an increase in carbon dioxide absorption. That is a positive environmental impact of a plantation.

There are many communities in the Western District and increasingly in my electorate in eastern parts of South Gippsland where there is a cumulative effect of social change which is quite significant. That needs to be considered when the plantation industry is expanding. By that I mean with less population, employment opportunity and money to go around there is going to be a cumulative social impact in terms of people not having a close neighbour anymore or of a reduced number of children attending the local school. A population loss may flow on and put pressure on existing local businesses. There is a cumulative effect of that social change. The plantation incentives strategy direction statement put out by the government does not really address those issues. It is deficient in that respect.

In terms of this particular problem, on 19 April this year — just since the last sitting week of Parliament — I went to a presentation put on by Department of Primary Industries and Gippsland Private Forestry in

Leongatha. I heard presentations from Gippsland Private Forestry and also from Dr Jacki Schirmer, who was working for the Bureau of Rural Sciences, which funded a project that looked at the socioeconomic impacts of plantation forestry. It was a very good presentation which looked at a couple of case studies, one in Western Australia and one in New South Wales. We could learn something from those instances about the socioeconomic impact of those land-use changes. I do not know if they would necessarily apply to the different regions in Victoria, but it was a useful starting point. It is something that even the presenter admitted needs far more work in looking at the whole approach to increasing plantations and going some way towards meeting our timber needs in this country.

What needs to be done? I am going to put forward a couple of suggestions as to what can be done to assist in the increase in plantations. One of the things that is a particular impediment to the expansion of plantations in this country is the government's current native vegetation clearing regulations. Investment companies looking to plant timber plantations must, as a starting point, purchase cleared land because they do not otherwise get a permit to clear land to put down plantations. The current native vegetation regulations do not permit any clearing of land for the purpose of establishing a plantation, yet I could point to many paddocks in my electorate in Gippsland that might be partially forested or have plants of a lesser ecological standard than a good forest that has grown on land that has rightfully been cleared and replanted to bring about a better environmental outcome.

I say that a good healthy forest of 1000 hectares is far better than a lowly paddock, almost degraded with vegetation, only a portion of which might be forested. We are seeing this as one of the inhibiting factors affecting plantation growth. One of the pressures is having to use good quality agricultural land for the purposes of plantations because this government is obstinate about its native vegetation regulations and will not allow any clearing at all, even if it is for the very worthwhile purpose of establishing a timber plantation.

The other thing that needs to be said about this is that we need to look at the cumulative impact of timber plantations. Predominantly, if you are looking at a block under 40 hectares, you do not need a planning permit to establish a timber plantation. I am not suggesting that should change, but what I am suggesting is that there should be an opportunity for local government or planning departments to look at the cumulative impact of a large number of small allotments that have perhaps been used for the purposes

of creating timber plantation. I think the whole planning area relating to timber plantations also needs to be looked at.

Having made those general comments, I want to go back to the bill specifically. As I said, the bill looks at the control of 11 timber licences. With the one we spoke about before, Dwyer's, gone, there are now only 10. I want to make a couple of quick comments about Dwyer's. The Honourable Graeme Stoney has covered that pretty well in his comments, but I note, for example, a press release of Wednesday, 8 March, by the Victorian Association of Forest Industries. It commented on both the exit of Dwyer's Sawmill from the Wombat forest and the community forest management strategy — which the Honourable Graeme Stoney also spoke about. It says in the press release:

On Monday, 6 March, environment minister John Thwaites announced that the state government had bought out the last remaining sawlog licence in Wombat forest. Jim Dwyer and his family accepted the government's exit package.

What that means — and it says it in the press release — is the loss of yet another viable family business and 10 rural jobs. Why was the sawmill forced to close? It was forced to close because it had a contract to have something in the order of 4900 cubic metres of timber per year allocated to it, but under the community forest management strategy it simply was not delivered. That experiment in the management of that forest failed miserably and has led to the death of another good rural industry employing 10 people. It is another sad nail in the coffin for the timber industry in the once great and famous Wombat forest in central Victoria.

The Victorian Association of Forest Industries also wrote to various government ministers about the bill on 22 March of this year. I have a copy of the letter that was written by Patricia Caswell, the chief executive officer of the Victorian Association of Forest Industries (VAFI). This letter is addressed to the Honourable John Thwaites, MP, and I note there are copies to the Premier, the Treasurer and the Minister for Agriculture. The letter makes some very came salient points in respect of the specific legislation we have before us today, and I quote:

VAFI is concerned that these decisions leave the industry increasingly vulnerable to further reductions in resource and activity. In light of this, VAFI is seeking assurances for resource security for the future of the industry, especially in terms of the following issues ...

The letter goes on to talk about a number of issues. It further says:

Whilst VAFI and our western Victorian members understand some of the advantages and the continuity of DSE

management as opposed to VicForests, we are concerned that there has been no government commitment to the future of these licences once they have expired, leaving the industry, communities, jobs and economic value at risk.

Consequently, we seek your government's commitment to the renewal of licences in order to guarantee the sustainable timber resource for native forest industries in western Victoria as a matter of urgency and would welcome the inclusion of such a commitment in amendment 3 to the bill.

We also seek your commitment to the maintenance of the current volume of resource available for supply to the industry in the western region beyond the expiration of current licences.

In respect to the Wombat State Forest — and I have had similar representations on this matter from the Daylesford and District Historical Society — the association's letter condemns the community forest management experiment as an absolute failure and says:

We seek your assurance that such flawed policies and procedures established as the basis for forest industries will not be used again.

With respect to the Otways it says:

We assume the government will comply with its declared policies and commitments to continuing operations in the Otways until the expiration of licences in 2008 and seek your assurance that this is the case.

With respect to the red gum licences it says:

The VEAC investigation has given rise to ongoing concerns about the future of the red gum industry in Victoria.

VAFI is seeking your assurance that the industry has a long-term future.

Hear, hear! This letter about this bill was written on 22 March of this year. I rang Tricia Caswell today to see if she had had a reply. The answer — no. Of course not. Genuine concerns raised by the peak body representing the timber industry in Victoria, the Victorian Association of Forest Industries, and the government has not even had the courtesy to reply before the bill is to be debated and passed on the government numbers through this chamber today, and I think that is appalling.

I want to round off my comments there. They are the issues I want to raise in respect to this bill. I still think the government has got it in for the timber industry. I made the comment when I started my speech that I think the timber industry in Victoria is perilously close to collapsing, and if this government continues to stay in office beyond the next election, then certainly the timber industry in the west and north of the state is gone and the pressure in the east will be immense. I see

a future of great uncertainty continuing in this industry. Ultimately I believe it will collapse so long as Labor remains in office. This bill is shameful in that it gives no guarantees for the ongoing use of timber resources in the west or the north of the state, and for those reasons The Nationals strongly oppose it.

Ms CARBINES (Geelong) — As a member of the Bracks government and as Parliamentary Secretary for Environment, I am proud indeed of our record across the state in forest management. I have been very pleased on many occasions in this chamber to speak about the Bracks government's policy initiatives in relation to forest management and indeed to be lead speaker on many of our bills in this chamber.

In 2002 we released our visionary Our Forests Our Future policy, which sought to place forestry in Victoria on a sustainable footing. We had undertaken a very serious analysis of the timber industry across the state and the sustainable availability of timber resources. What we found was a complete mismatch in relation to the operation of the timber industry and the availability of resource.

We found that the management of our forest resources and the allocation of areas for logging was unsustainable, and that indeed if we continued with the practice that had been undertaken by the former Kennett government, we would have — —

Hon. E. G. Stoney — President, I draw your attention to the state of the house.

Quorum formed.

Ms CARBINES — Before I was interrupted, I was speaking about our visionary policy Our Forests, Our Future and saying that our government has worked very hard to make sure that forestry in our state has been placed on a sustainable footing, and that the practices that took place before were clearly not sustainable. If they had been allowed to continue, the forestry industry in this state would in time have been non-existent.

We acted to reduce logging across the state by 30 per cent. We see this very much as a win-win situation. It is clearly a win for the environment, but also a win for the timber industry, because it has given the timber industry a secure future. We matched that commitment with \$80 million worth of funding — a funding package which was released by the former Minister for Environment.

Members will have heard me speak many times in relation to our election commitment regarding the Otways: it was our commitment to create the Great

Otway National Park and end logging in the Otways by 2008. We felt very strongly that this was reflective of community views across the south-west. It was advocated by local government, tourism bodies, environment groups, water authorities and, most importantly, by the community in the south-west. We took this policy to the 2002 election and Victorians resoundingly endorsed the Bracks government at that time. We have certainly fulfilled our commitment in creating the Great Otway National Park. We are determined to end logging by 2008 upon the expiry of the licences which are still in the Otways.

We immediately reduced logging in the first year by 25 per cent by buying back the Calco Timbers licence. In this term we have passed legislation in relation to the creation of the Great Otway National Park. I was certainly very proud to contribute to that debate, as it is an issue that I have taken a very keen interest in over the last 10 years. I was very proud to be able to speak in support of the government's legislation.

In 2004 we passed legislation in this place to create VicForests. I clearly remember the debate that took place — the opposition parties were firmly opposed to the creation of VicForests, and basically ran a scare campaign about how it spelt the end of the timber industry as we knew it. They certainly made out that the timber industry had no future in this state. Nothing could have been further from the truth, because, as I have said before, we have put the timber industry on a sustainable footing and therefore guaranteed its future. That is something that neither the Liberal Party nor The Nationals still understand. When I listen to their contributions in this place, they still do not get it. It does not surprise me that they do not understand the need to place the timber industry on a sustainable footing.

The bill that we passed in 2004 in relation to the setting up of VicForests partly provided for the transfer of the management of sawlog and pulpwood licences in western Victoria from the Secretary to the Department of Sustainability and Environment (DSE) to VicForests by 1 July this year. The amendment in the bill which is before us today repeals that provision and provides for the 11 licences to remain with the Secretary to the Department of Sustainability and Environment until they expire. There are five licences in the Otways; four in the river red gum part of the state, in the north, and until recently there were two in the Wombat State Forest.

Why are we doing this? Why are we amending the legislation that we passed two years ago? It is because we believe we need to give certainty to the licensees that are currently in place — there are 11 licences

which we have talked about. We need to allow time for the government to consider and respond to two major policy initiatives of the Bracks government — indeed, commitments we made to the Victorian people. Those commitments were to undertake an investigation which we gave to the Victorian Environmental Assessment Council into the riverine red gum forests along the Murray Valley. We have also recently bought out the last licence in the Wombat State Forest. We are giving the community forest management model an opportunity to determine the future of the management of the Wombat State Forest, so it is important that the government has flexibility in relation to the outcomes of these two important visionary initiatives. We feel, therefore, that the licences should properly stay within the realm of the Department of Sustainability and Environment until the outcomes of those investigations are known and clarified.

Importantly, this bill has the support of the licensees. They were consulted on the management of their licences and consider it sensible that their licences remain under the management of the Department of Sustainability and Environment and are happy for them not to be transferred to VicForests. So the government is acting in the interests and with the support of the licensees. This is a fairly straightforward bill that provides security for the licensees until the expiration of their licences, which will be over the next four years. The bill has the support also of VicForests and the Department of Primary Industries.

Often when I stand to debate these matters, members of the opposition yell out, ‘Have you been there?’, ‘What would you know about it?’ and all that sort of thing. I have to say that during my term as Parliamentary Secretary for Environment I have visited all these places.

Hon. J. A. Vogels interjected.

Ms CARBINES — I live in Geelong, Mr Vogels. The Otways are at my back door and I have visited them many, many times. I am probably closer to them than you are. I have certainly enjoyed many pleasurable hours in the Otways and am very proud of the government’s creation of the Great Otway National Park. I was very proud to join the Premier and the Minister for Environment in December at the launch of the Great Otway National Park. It was certainly an historic day. We were joined by many members of the wider south-west community in support of the creation of that park.

There are still issues about the Otways. Some people want to see the remaining licence expire sooner than

2008. In the last week I met with a group of people who are advocating that the Murnane licence should expire prior to 2008. In fact they handed me a petition with more than 400 signatures about ending logging in the Aire River area. Some people want to see logging in the Otways end earlier; others, like the current licensee, Mr Murnane, would be hoping that the government is not re-elected at the end of this year so that he may continue his operations. The people of Victoria will judge that later this year.

I was very pleased to take a group of my fellow government MPs to the Wombat State Forest and meet with some of the people involved with the community forest management. I was really impressed with their commitment to the process. People who had been virtually opponents in the past were working together to try to devise a strategy for the future management of the Wombat State Forest.

I have been proud to visit the river red gum territory with the Mallee Catchment Management Authority. Last year I was there when the minister released some flows of water which the Murray irrigators had donated to give the river red gums a drink. In the absence of overflows from the Murray the river red gums were in a pretty sad and sorry state. I commend the irrigators on involving themselves in that program, by which they donated some of their excess water to mimic the flows that follow the Murray flooding and so allowed the river red gums to have a really good drink. I enjoyed my time up there very much.

As Mr Hall said, there are issues about plantations. I visited communities that are concerned about the expanse of blue gum plantations in the south-west. I spent an afternoon with the Lake Bolac community whose members are concerned about the impact of blue gum plantations on the Fiery Creek catchment and particularly the reduction of water for Lake Bolac. I met with people who are keen to see the Cobboboonee State Forest created a national park. I am aware that there are remaining issues about forest management in the south-west.

The bill is all about looking after the security of the licences that remain in the south-west. As I said, the government is keeping the management of those licences with the Department of Sustainability and Environment and not transferring them to VicForests. That makes sense. It gives security of management to the licensees, so that they know that for the remaining years of their licences they will continue as they have in the past. The bill gives the government the flexibility to respond to the outcome of some of its policy initiatives, most notably the Victorian Environment Assessment

Council investigation into the future management of the river red gum territory and the community forest management in the Wombat State Forest.

As I said, importantly, the bill has the support of the licensees. The government has consulted them and they are very happy for their licences to remain under the management of the Department of Sustainability and Environment. I commend the bill to the house.

Hon. J. A. VOGELS (Western) — I rise to make some comments on the Sustainable Forests (Timber) (Amendment) Bill. It is interesting to hear the previous speaker saying by implication that she does not believe that VicForests can be trusted with the management of the licences and so their management will stay in the hands of the Department of Sustainability and Environment. It is also interesting to listen to the Minister for Environment — I am sure it is an issue all members will be talking about in the run-up to the next election — saying, ‘I visit the Otways, therefore I know all about the Otways’, and, ‘I’ve visited Lake Bolac once in my life, so I know all about Lake Bolac and Fiery Creek’. Hopefully the people who will represent Western Victoria Region after the next election will come from western Victoria. It is interesting to note that the no. 1 and no. 2 candidates on the Labor Party ticket come from Preston and Brunswick. They are supposed to be able to represent the people of Lake Bolac, Casterton et cetera, but they would not have a clue, and hopefully that message will get through before the next election.

The main purpose of the amendment to the act is to provide that transfer of certain licences to management by VicForests does not occur. Why does the government not trust VicForests with the management of those licences? Two years ago members were debating the Sustainable Forests (Timber) Bill and we were told that, if they had not been transferred before, by July 2006 all forestry licences would be transferred from the Department of Sustainability and Environment to the newly created VicForests. What has changed? The opposition opposed the bill in 2004, clearly stating that we did not consider that a good move. Now two years later the government has worked out it is not a good move and will not transfer the licences.

As other members have said, there are 11 licences: 5 in the Otways, which will expire in 2008 and will not be renewed; 4 in the red gum forests, which are now subject to a Victorian Environment Assessment Council investigation; and 2 in the Wombat State Forest. As members are aware, the 5 licences in the Otways will not be transferred because of the creation of a national park. The government considered the

previous regional forest agreements to be not sustainable, and they were torn up. I believe that the regional forest agreements, especially in the Otways, were perfectly sustainable. However, wishing to get preferences from the Greens at the election in 2000, the government made it an election issue and said it would create the Great Otway National Park. It had nothing to do with good science or the environment; it was just straight out political expediency.

I believe it is hypocritical for Victorians, who use thousands of cubic metres of timber each year, to say, ‘We want to use timber, but we don’t want to use our own timber; we are going to import it’. As the Honourable Peter Hall said, we import about \$4 billion worth of wood products and timber, mainly from Asia. We all know that the environmental practices up there — or down there, whatever people like to say — in the countries where this timber is harvested would be insignificant or infinitesimal compared to what we do in Victoria.

I regularly use Austar to look at programs on the Discovery Channel’s science channel, and I have learnt of the destruction that occurs when the forests in Asia and the Amazon Valley or wherever are cleared. It is absolutely enormous. Fires burn for six months of the year, trees are logged illegally and when the rains come the landscape is completely destroyed. The topsoil is washed down the rivers and some of the affected country will probably never recover. Yet here, where we could sustainably manage our forests if we decided to and really wanted to, we say, ‘No, let’s bury our heads in the sand. What we don’t see, we don’t want to know about. Don’t tell us about that’. We basically want to lock up our own forests and timber industry and import timber. I think that is absolutely indefensible.

We now see timber companies planning both hardwood and softwood plantations for future timber use, which is leading to another set of problems that have been mentioned. Prime agricultural land is being planted out to tens of thousands of hectares of timber, leading to socioeconomic change for many rural communities. In the area I come from lots of blue gums are going in. Because we are having dry seasons there is a huge concern, especially in areas around Lake Bolac and north of the Hamilton Highway where these plantations are going in. We are having dry winters, and when we do get some good rainfalls there is no run-off, as it gets soaked up completely by the blue gum plantations. Over the last seven or eight years basically not a trickle of water has run into Lake Bolac from Fiery Creek, which Ms Carbines mentioned, and the lake is going dry.

It is interesting when I am driving to Melbourne from Warrnambool and I through to Foxhow on the road between Lake Gnarpit and Lake Corangamite, which I can remember being called the creeping lake in the 1960s. Water flows between the two lakes through a culvert or channel under the road. Lake Gnarpit is completely dry — there is no water in it at all. When you drive on the road near Lake Corangamite, which is supposed to be the biggest lake in Victoria, you cannot see water anymore, just a dry lake bed. It is starting to look like — what is that lake in South Australia?

Hon. E. G. Stoney — Lake Eyre.

Hon. J. A. VOGELS — Lake Eyre. We are getting less and less run-off. The blue gum plantations also have a socioeconomic effect on the local communities. Where previously a farmer milked cows and lived with his wife and kids, who went to school, there is now an empty house with an area of blue gums surrounding it. In the future when the trees are harvested et cetera that will create problems with road damage. All those things need to be taken into consideration.

It is interesting to hear what is said by the perennial Greens candidate down in south-west Victoria, Gillian Blair. She is dead against logging the Otways and has stood for I do not know how many elections now, saying that there should be no logging — absolutely nil — in the Otways. She is now out there saying that there should be no blue gum and hardwood plantations. She does not want them either. I do not know where the timber we use each and every day is supposed to come from. Perhaps she is going to wave a magic wand. Obviously it will come from overseas — and we can bury our heads in the sand, as I said before, and not see it.

The proposal to not transfer red gum licences to VicForests up along the Murray has also been mentioned. The Victorian Environmental Assessment Council (VEAC) is conducting an inquiry at the moment, and I think the proposal pre-empts that inquiry. The government is basically saying that the inquiry is a farce. At the end of the day VEAC will say there is to be no more timber harvesting in the red gum areas along the Murray Valley. I believe its report is due to be completed by 1 February 2008. The same can be said for the Wombat State Forest.

I believe it is irresponsible for Victoria not to have a manageable and sustainable forest industry for timber harvesting. We heard Mr Hall quote the figures. Victoria has 8.4 million hectares of native forests. As he said, only 10 per cent, or 800 000 hectares, is available for harvesting, which means that 90 per cent has

already been locked up and will never be touched. If good management practice for timber harvesting is, let us say, that an area is harvested once every 100 years, then under that principle we could be harvesting 8000 hectares a year. But we are harvesting only 0.010 per cent of that, so it is ludicrous to say that we are in danger of overharvesting our forests.

Being a farmer I recently planted at home a plantation of about 5 acres, or 2 hectares, of native species trees. I direct-seeded them. I would say those trees have been in for five years, and in many cases they would already be 15 to 20 feet high and growing quickly. If cutting down a tree meant there would be one less tree forever in Victoria, I would be the first to say, 'Let's stop cutting; no more trees'. But we all know that trees regrow.

Victorian wood production and processing generates direct employment for 19 500 people and accounts for a net value of production of \$3 billion per annum. There are direct payments to the government of about \$800 million in taxes. The industry as a whole delivers employment for 39 200 people and an output of over \$6 billion, including indirect benefits. This is a very significant industry, particularly in rural and regional Victoria. As has been said, Australia imports wood and forest products to the value of over \$4 billion a year. We should hang our heads in shame, as there is no reason for those imports.

In conclusion, the Liberal Party opposes the bill and supports an environmentally sustainable timber industry in Victoria, but no-one in the industry believes that the Bracks government does. Before each election all previous commitments are torn up to ensure it is nice and cosy with the greenies in suburbia. The Liberal Party opposes this bill.

Sitting suspended 6.31 p.m. until 8.04 p.m.

Hon. RICHARD DALLA-RIVA (East Yarra) — I am pleased to make my contribution on the Sustainable Forests (Timber) (Amendment) Bill. In doing so I declare my interest in a number of plots of pine plantation in Tasmania; I have been very proud to hold them over the past five years.

Having said that, it is important to record that the Liberal opposition is opposing this bill. I listened to the contributions made by members on this side of the house including the Honourable Graeme Stoney who made a detailed and impassioned plea for the retention of some of the licences that are about to be ripped from the industry. We also heard from the Honourable Peter Hall, who raised a number of specific issues around the

percentage of forests in Victoria. I draw member's attention to the interesting fact that, as Mr Hall mentioned, only 0.1 per cent to 0.2 per cent of forested areas is harvested in any one year, yet the Labor Party would like to paint a picture of the Liberal Party being pro-loggers and being prepared to strip out forests left, right and centre.

In recent years this government has been quite fraudulent in the way it represents country Victoria. Members would recall the photographs taken in the high country which misrepresented the high country to the broader community and to people in Melbourne in particular as a boggy, mushy pond which reflected the damage cattle were doing there. As it turned out it was a photo that misrepresented — —

Hon. W. R. Baxter — It was caught out.

Hon. RICHARD DALLA-RIVA — It was caught out and it was surprising that it was not taken to court, but that is for another day. The reality is that this government is more intent on spin, rhetoric and glossy brochures than it is about having something of substance, and this bill is a part of that.

The bill amends the Sustainable Forests (Timber) Act which was enacted in 2004, and covers 11 licences. For the record 5 licences are for the Otways which is now the Great Otway National Park, 2 licences are for the Wombat State Forest and another 4 licences are still subject to investigation by the Victorian Environmental Assessment Council. It is in relation to those four licences in particular that the government has been caught out because, as we know, VEAC is still investigating the validity of the licences and whether the application of same should be considered for further harvesting.

If we look at this government's record on how it deals with forestry, it would like to lock away every bit of available forest and every available bit of natural land and say that not even human beings can go there. The reality is that to maintain some of the forests you need some harvesting. The fact remains that if we do not undertake some level of harvesting, then when a bushfire comes through it destroys the area because there has been no allowance for the removal of undergrowth that has built up, not just over tens of years but under this government over 20, 30, 40 or 50 years.

At the beginning of every sitting of the Parliament we acknowledge the traditional owners of the land. Even they accepted that part of their land clearing strategy needed to allow for fire. That was part of their land

management, to allow for easy access and to ensure there were places which could be used for hunting and also as a part of their culture.

We seem to have the view that because it is a forest it needs to be locked away and these woods will never need to be used again. The fact is that there is a demand for hardwood. For the record, having been on a political exchange program in Vietnam, I can say that one of the most stark things I observed was the massive growth in factories, in particular the huge number of factories producing furniture.

There was one factory that produced something like 80 containers of furniture a day — that is a lot of wood. Where do they get the wood from? They do not get it from some plantation like those we have in Australia, they go out and rape the land and the surrounding areas of Asia so that we in Melbourne and Victoria can enjoy the comforts of some wood-based furniture. It is ludicrous that this bill stops any capacity for logging in areas where such timbers are necessary and used for furniture, housing or whatever, yet there is one factory in one country that can produce something like 80 containers of furniture a day. Is that about saving the environment?

This government is taking a narrow focus and has one prospect in mind: ensuring that it maintains its green vote. I will put that in some context. After the next election there will without question be Greens in this chamber. What the government is trying to do is introduce amendments so that it can paint itself this green colour so that it can be seen as part of the Greens and therefore deserving of the Greens preferences. I say to any Greens candidate or anyone who is proposing to come into this place that they need to take a broader and more global approach to the way we deal with wood and the use of wood in our community.

We cannot put our heads in the sand, as it were, and expect that other countries can strip out their native forests yet believe it cannot happen in Victoria. We have heard debate from Mr Hall and Mr Stoney which made it clear that on the evidence only a small amount of forest is used. I will not go through the figures they presented, but of forested areas only 0.1 or 0.2 per cent is ever harvested. They are not stripped out completely, and that they are is the other misapprehension the government wants to perpetuate. It is a regimented approach. The harvesters understand that they cannot completely destroy the area because they need to ensure that there is regrowth for later on. The four licences are essentially for the red gum forests, which is a commodity-type timber that is used in some of the more expensive furniture. When that is locked away the

red gum will be stripped from elsewhere, whether the Labor government likes it or not.

The bill is flawed because it is designed to prevent the transfer of the 11 timber harvesting licences to VicForests from the Department of Sustainability and Environment. The Liberal Party sees this as a backward step, given that Parliament passed the Sustainable Forests (Timber) Act in 2004. I do not think the government knows what it is on about. How it regards the environment is evident when you realise that the only speaker for the Labor government on that bill was Ms Carbinis, the Parliamentary Secretary for Environment, and her reward for standing up for the environment was to be placed in an unwinnable third spot position. That is the reality of where this government stands. It will put people into various seats not on any notion other than their mateship within the union movement. The opposition will oppose the bill.

Hon. W. R. BAXTER (North Eastern) — I want to join Mr Dalla-Riva, his colleagues and my leader, Mr Hall, in opposing this legislation, because the Labor government has a sorry record indeed of dealing with the timber industry in Victoria. It has turned timber into a political football and used it unmercifully for political advantage and gain. It has shown time and again that it cannot be trusted when it comes to issues in the timber industry.

We all remember the famous regional forest agreements that were negotiated at great length and in great detail and were signed off by the Premier of this state and the Prime Minister of the nation. The timber industry, the sawmillers and country communities that relied on the employment and income that is generated by sawmills, and the contractors and loggers they employed thought at long last that perhaps they did have some certainty in the industry, that they did know where they were going, that they did have some security of supply and that they could plan accordingly — and more importantly they could invest accordingly with some certainty that they would get a return on that investment.

Of course we soon saw how shallow and worthless those regional forest agreements were, because the Premier of this state simply tore them up, in particular the one pertaining to the Otways. It is a disgrace that the head of a government who so solemnly enters into a contractual arrangement such as that could be prepared then to simply disregard it because in his view the political dictates of the day required him to make a very shallow political decision. There is nothing this government can say to the timber industry now that the

timber industry can be confident will be honoured and delivered. That is a great shame and a disgrace.

It seems to me that we have in the timber industry a graphic example of public policy failure. In our democracy in general public policy making is largely successful. There is a lot of argy-bargy and arguments and toing-and-froing and people putting their view, but at the end of the day the community usually ends up with a public policy which is widely accepted — if not always entirely agreed with — to be in the best interests of the community in the longer term.

It seems to me that in terms of forest industries and how we maintain and husband the forest reserves of this state we have had a dismal failure in public policy making because people have not come, and Labor governments in particular have not come, to the negotiating table in good faith. They have been able to come along and make statements that on the surface have appeared to have some merit but, when it has suited them, walk away from those statements.

The government has allowed a lot of misinformation to be circulated in the community, such as photographs in newspapers of recently logged coups. As Mr Hall and others have acknowledged, to the uninitiated and ill informed a photograph in a metropolitan newspaper of a freshly logged coup appears to show graphically that some raping and pillaging is going on. As we all know, nothing could be further from the truth. The recovery rate of Australian forest species through regeneration is extraordinary.

I say to people, 'If you want an example of that, go up to the Red Robin mine in West Kiewa'. That area which was extensively harvested — logged — some 20 years ago. Now it is a beautiful pristine forest with absolutely no indication — no sign whatsoever — that resource was taken out of there, yet the resource that was taken out of the West Kiewa certainly underpinned the economy of Mount Beauty in particular and the north-east generally. It provided scantling and other timber for thousands of homes in the state of Victoria, to say nothing of the high-value furniture that was also produced from that logging. Yet the government is saying, 'We are going to stop all that wealth production in the state of Victoria; we are going to undermine the employment that it generates'. It is saying it will decimate country towns in our forest areas, as it has certainly done in north-eastern Victoria, in the Mitta Valley, in the Kiewa Valley, in Gippsland and in the box-ironbark forest areas of central Victoria.

This has all been done in the face, as Mr Hall so graphically illustrated to the chamber earlier tonight, of

an extraordinary deficit in our balance of trade in terms of timber exports and imports. We never see this addressed by members of the government. It has been raised by members of the opposition in this house for as long as I can remember, including by the Honourable David Evans, a former member for North-Eastern Province, who was something of a specialist in this area and who constantly drew attention to the fact that we were importing huge quantities of timber, much of it from South-East Asian countries whose environmental controls are much more lax than ours are, but that is never addressed by members of the government.

Tonight Ms Carbines, in responding on behalf of the government, completely ignored that issue. She did not respond to Mr Hall at all. She had no answer to it, apparently. The government obviously believes we are going to take our timber out of thin air in the future, or that we are prepared to continue to import it from countries that could not care less what they are doing to the environment. It is time this government addressed the situation that it is causing in other countries because of its absolute refusal to manage forests in this state, to harvest them in a sustainable and well-managed fashion and enable this renewable resource to be there for the benefit of all the community.

It fascinates me. We have all this emphasis — and rightly so — on recycling, cutting down on waste and so on, and yet here we have an industry that is self-perpetuating, renewable, if properly managed, and able to provide great wealth to the community at large, and yet for some reason — obviously a search for green votes from people in some of the suburbs who are not as well informed as they might be — they are prepared to destroy an industry which has a very good record indeed.

I find it absolutely depressing that I am part of a community that is not prepared to take decisions based on the facts; that is prepared to take decisions based on emotion and misinformation and perceptions that are often gained through watching coverage on television or in the newspapers that is slanted, out of context or simply untrue. That is why I say I think we have had a failure in public policy making in this state when it comes to our forest industries.

I want particularly to talk about the red gum forests in northern Victoria, much of which are in the province that I have the honour to represent. The red gum forests of Barmah and Millewa and right along the rivers — the Murray, the Goulburn, the Ovens and the other tributaries — really and truly built the wealth of this state, and in many respects they built Melbourne. There

are still red gum blocks in Bourke Street under the tar and bitumen in front of this building.

Some 10 million railway sleepers in this state are red gum. We have been harvesting timber out of the Barmah State Forest now for 140 years. Now if we have been taking timber out for 140 years, and if taking a tree is as damaging as members of the government would have us believe from their speeches before dinner tonight, how is it that the Barmah forest has never been in better condition in my lifetime than it is now?

I have lived alongside the Barmah forest for the entirety of my life and I say to you that it is in the best condition that I have ever known it. I was out there on Sunday, as was Ms Lovell, and I had a good look at it not only on Sunday but about a month ago when I went in Gowers Gate. I went right through Thistle Bed and up past the Cherry Tree Yards and right to the Gulf. I can say again quite confidently that the Barmah forest is in the best condition I have ever known it to be in.

Yet the government says that we are going to stop logging in the Barmah forest, that we are going to cast aside that tremendous resource; we are going to disregard the wealth that that timber resource has brought to this state. And we are going to deny the communities of Picola, Barmah, Echuca, Nathalia, Koondrook and Barham their lifeblood, because that is what this is all about.

That is why this bill is before the house tonight — because this government wants to send a message to Victorian Environmental Assessment Council (VEAC), which is currently undertaking an inquiry into the future of the red gum forests along the Murray River, that this government believes timber harvesting should cease, and that that ought to be the recommendation of VEAC.

I say to the President and to the house: I think that is shameful. This government holds VEAC up as some sort of independent body, and I hope it is. We know, of course, that the government disregards VEAC when it suits it, as we saw in the Otways before the last election, when it completely subsumed what VEAC might have been doing and brought in a policy decision to turn the Otways into a national park.

I suspect that that is exactly what the government is setting the scene for on this occasion; that before 25 November 2006 we will see this government come out with a policy decision that, if re-elected, it will declare Barmah forest a national park. What a sham; what a disgrace! Why has the government got VEAC

running around up there now? Why is it putting all the people — timber millers, graziers, beekeepers, recreational people and so on — to all the bother of putting submissions in to VEAC if it is not genuine about it?

The fact that we have this legislation in here tonight is proof positive that the government is not serious about it; that in fact it is setting the scene to turn the Barmah forest into a national park and to prohibit logging in the red gum forests along the Murray River. I think that is terrible and a disgrace, and the government stands condemned.

Finally, having been with the muster people and the graziers on Sunday — not only the graziers but the hundreds if not thousands of people who were camped there: young people, families with their horses, most of them probably from Melbourne — it was clear to me that they were enjoying that tremendous Australian heritage that is the Barmah forest, and this government wants to destroy it. This government wants to deny those people the chance to enjoy the Australian heritage.

I have just been fortunate enough to be in the United States of America in the mid-western states, and one of the things that impressed me was the way the Americans, in Dodge City, for example, and the Alamo in San Antonio, have been able to capture the essence of the American Wild West history and turn it into a tremendously positive influence for their communities and their tourist industry.

That is exactly what we have the potential to do in the Barmah forest. It is exactly the same potential we had in the high country before this government pushed the graziers out. I say to government members that if they push the graziers out of Barmah, they will destroy the tremendous opportunity that Victorians have to capture the unique history of the cattlemen in the Barmah forest. It has a proud history, a productive history, and people are attracted to it, as we saw on Sunday. I could not count the number of tents, campfires, horses, horse floats and young people, teenagers, who were responding so magnificently to our heritage.

Hon. W. A. LOVELL (North Eastern) — I rise to speak on the Sustainable Forests (Timber) (Amendment) Bill. The main purpose of this bill is to amend the Sustainable Forests (Timber) Act 2004 to prevent the transfer of 11 timber harvesting licences to VicForests from the Department of Sustainability and Environment.

I will outline the history of this legislation. In 2004 the Bracks government introduced the Sustainable Forests (Timber) Act, which provides for the transfer of all timber licences in Victoria from the Department of Sustainability and Environment (DSE) to the newly created authority known as VicForests. It provides that all licences would be transferred by 1 July 2006. The government pushed this legislation through the Parliament even though the Liberal Party and The Nationals opposed it. Now, as we approach the final deadline for the transfer of these licences, the government has introduced this amendment, which provides that 11 licences will not be transferred from DSE to VicForests.

The 11 licences that are the subject of this legislation include 5 licences for the harvesting of timber in the Otways. These licences were due to expire in 2008 and will not be renewed due to the creation of the Great Otway National Park. Those 5 licences that are not being transferred to VicForests have already been dealt with in the legislation that created the Great Otway National Park. The other 6 licences include 2 licences for the harvesting of timber in the Wombat forest and 4 licences for the harvesting of timber in the riverine red gum forest. Including those 6 licences in this legislation is effectively consigning them to death row, because it sends a clear message that the government considers those licences to be separate from all other active timber harvesting licences in Victoria.

The Liberal Party opposes this legislation, not only because it sends the message that these licences are considered to be different in some way to all other active timber harvesting licences, but also because the riverine red gum forests are currently the subject of a Victorian Environmental Assessment Council investigation, and this legislation pre-empts the outcome of that inquiry. It is my opinion that if VEAC is to conduct an independent inquiry into the riverine red gum forests and deliver an independent report on that inquiry, there should be no change to government policy during the inquiry stage. The status quo at the beginning of the inquiry should remain for the period of the inquiry. The status quo at the beginning of the VEAC inquiry into the riverine red gum forest was that all active licences would be transferred to VicForests by 1 July 2006. This legislation preventing the transfer of the red gum licences is sending a clear message to VEAC that the government has an opinion on the future of timber harvesting in the riverine red gum forest, and it is clear that the government's opinion is that it does not see a future for the harvesting of timber in the red gum forest.

Mid-last year I organised for several of my Liberal colleagues a tour through the area that is the subject of the VEAC inquiry. The Liberal Party met with and listened to the concerns of those communities. We met with local government authorities, recreational groups, representatives of the Yorta Yorta, the Goulburn Valley Environment Group and the timber harvesters. Unfortunately representatives of the Victorian National Parks Association were unable to meet us during the trip, but we did meet with them later in Parliament House. During the trip we also visited several businesses that were producing high-quality products from the timber harvested from the red gum forests. These included magnificent furniture pieces and floorboards. We also toured a veneer plant. We listened to their concerns about the future of their industries. We also listened to local government concerns about the impact on the local economy and the possible loss of jobs if the harvesting of timber within the red gum forests did not continue. We listened to the proposals of the indigenous and environment groups. Both sides of this debate have a right to put their arguments forward. Even though we may not agree with one side or the other, as members of Parliament we must listen to all sides of the debate. Unfortunately that is not the practice of the Bracks government; it does not want to listen to anyone who does not agree with it.

I am about to organise another tour through the VEAC region for members of the Liberal Party who were not able to join us last year. I would be happy to extend an invitation to members of the government to join us on the tour and learn more about the riverine red gum forest and the timber industry. If government members are uncomfortable about joining the Liberal Party, I would be happy to organise a separate tour for them. I will even provide maps of how to get to the area, because it is a long way from Melbourne, and I know government members do not think that Victoria extends past Tullamarine. We were reminded of this for several weeks just recently when the government had a sign across the Tullamarine Freeway just before its end which read 'Farewell from Victoria'. That sign was at the end of the Tullamarine Freeway, a road that leads on to Sunbury and connects to the Hume Highway and the Northern Highway, which leads into northern Victoria where the riverine red gum forests are. The Bracks government chose — —

Mr Lenders interjected.

Hon. W. A. LOVELL — No, Mr Lenders, it was not on the off-ramp that went to the airport, it was across the Tullamarine Freeway. It may have been appropriate on the off-ramp to the airport, but this was across the Tullamarine Freeway, a road that continues

on to Sunbury and northern Victoria. Certainly the government showed country Victoria what it thought of it with that sign which read 'Farwell from Victoria'.

Last year we were fortunate enough to have the communities from the riverine red gum forest come down and display in Queen's Hall some of the products they produce from timber. I certainly hope some members of the Labor Party took time to look at the products that come out of the riverine red gum forests and see the high-quality products made from that wood. There is a future for that industry, and I hope many of government members, including Mr Mitchell, who does spend some time in country Victoria because he lives on the edge of it, and especially the members who will seek to represent the Northern Region, the Minister for Local Government, Ms Broad, and Ms Darveniza, took the time to have a look at some of the product. Certainly I would encourage both Ms Broad and Ms Darveniza to join us on the tour of the riverine red gum area and acquaint themselves with the area, the industry and the economic benefits that it provides to our region, including employment in country Victoria. This bill pre-empts the VEAC inquiry into riverine red gum forests. By not transferring the red gum licences the government has clearly stated its position that it does not see a future for the harvesting of red gum timber in Victoria. I oppose this legislation.

House divided on motion:

Ayes, 21

Argondizzo, Ms	Mitchell, Mr
Broad, Ms	Olexander, Mr
Buckingham, Mrs (<i>Teller</i>)	Pullen, Mr
Carbines, Ms (<i>Teller</i>)	Romanes, Ms
Eren, Mr	Scheffer, Mr
Hilton, Mr	Smith, Mr
Hirsh, Ms	Somyurek, Mr
Lenders, Mr	Theophanous, Mr
McQuilten, Mr	Thomson, Ms
Madden, Mr	Viney, Mr
Mikakos, Ms	

Noes, 18

Atkinson, Mr	Forwood, Mr
Baxter, Mr (<i>Teller</i>)	Hadden, Ms
Bowden, Mr (<i>Teller</i>)	Hall, Mr
Brideson, Mr	Koch, Mr
Coote, Mrs	Lovell, Ms
Dalla-Riva, Mr	Rich-Phillips, Mr
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr
Drum, Mr	Vogels, Mr

Motion agreed to.

Read second time.

Third Reading

Ms BROAD (Minister for Local Government) —
By leave, I move:

That the bill be now read a third time.

In so doing I thank all members for their contributions.

The PRESIDENT — Order! The question is:

That the bill be now read a third time and that the bill do pass.

House divided on question:*Ayes, 22*

Argondizzo, Ms	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Mrs	Olexander, Mr
Carbines, Ms	Pullen, Mr
Eren, Mr	Romanes, Ms
Hilton, Mr (<i>Teller</i>)	Scheffer, Mr
Hirsh, Ms (<i>Teller</i>)	Smith, Mr
Jennings, Mr	Somyurek, Mr
Lenders, Mr	Theophanous, Mr
McQuilten, Mr	Thomson, Ms
Madden, Mr	Viney, Mr

Noes, 19

Atkinson, Mr	Forwood, Mr
Baxter, Mr	Hadden, Ms
Bishop, Mr	Hall, Mr
Bowden, Mr	Koch, Mr
Brideson, Mr (<i>Teller</i>)	Lovell, Ms
Coote, Mrs	Rich-Phillips, Mr
Dalla-Riva, Mr (<i>Teller</i>)	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	Vogels, Mr
Drum, Mr	

Question agreed to.

Read third time.

Remaining stages

Passed remaining stages.

**DRUGS, POISONS AND CONTROLLED
SUBSTANCES (PROHIBITION OF
DISPLAY AND SALE OF COCAINE KITS)
BILL**

Second reading

**Debate resumed from 6 April; motion of
Mr GAVIN JENNINGS (Minister for Aged Care).**

Hon. D. McL. DAVIS (East Yarra) — I am pleased to rise to make a contribution to the debate on the Drugs, Poisons and Controlled Substances (Prohibition

of Display and Sale of Cocaine Kits) Bill. The Liberal Party supports this bill, the President will be pleased to hear. Strangely it prohibits the sale of cocaine kits. I do not think there are many people in this chamber who support the sale of cocaine kits. I would be very interested to hear which members of Parliament support the sale of cocaine kits.

Mr Smith — God, you are silly!

Hon. D. McL. DAVIS — Do you disagree with that? I do not think you, Mr Smith, support the sale of cocaine kits, do you?

Mr Smith — How do you know?

Hon. D. McL. DAVIS — I am asking you the question. Perhaps you would like to respond.

The PRESIDENT — Order! Through the Chair, Mr Davis.

Hon. D. McL. DAVIS — Through the Chair, Mr Smith clearly has a strong view about this issue, and I am very interested to hear it. I am interested to hear particularly if he supports the sale of cocaine kits. He is now running for the South Eastern Metropolitan Region —

The PRESIDENT — Order! On the bill, Mr Davis.

Mr Smith interjected.

The PRESIDENT — Order! Mr Smith!

Hon. D. McL. DAVIS — I pick up the interjection of Mr Smith who is now running for the South Eastern Metropolitan Region and who is determined, I understand, to make a contribution to the debate on this bill. He seems very strongly determined, and I am not sure whether he supports or is opposed to the sale of cocaine kits, but I am interested to hear through the Chair what his actual view is.

Honourable members interjecting.

The PRESIDENT — Order! Interjections are unruly.

Hon. D. McL. DAVIS — And disorderly. I might for the benefit of Mr Smith and some other members of the chamber make a contribution that explains the bill to them. Some of the major provisions of the bill prohibit the sale of razor blades, tubes, mirrors, scoops and glass bottles in combination for the purpose of taking cocaine. It also makes it an offence to display cocaine kits in retail outlets and provides for a penalty of 60 penalty units for an individual and 300 penalty

units for a body corporate. It creates the offence of selling a cocaine kit with the same penalties. It grants the police certain powers to seize and retain cocaine kits. I am curious as to how often that will be used. It deals with the forfeiture of cocaine kits.

The Liberal Party supports this bill. We think it is sensible and constructive. The objectives and purposes are to provide for a prohibition on the display and sale of cocaine kits and to amend the act to provide for a variety of offences committed by bodies corporate. It defines a cocaine kit in a very specific way. It makes it an offence to display a cocaine kit in a retail outlet, makes it an offence to sell a cocaine kit and provides for the seizure of cocaine kits. It deals with the retention and return of seized cocaine kits and gives certain powers to the Magistrates Court. It provides for the forfeiture and destruction of seized cocaine kits.

Hon. J. H. Eren — On a point of order, President, I think the member is slurrishly reading from his notes.

The PRESIDENT — Order! There is no point of order.

Hon. D. McL. DAVIS — I note also this is a very serious matter, and I do not think it is helpful for a member from Geelong Province to make light of it.

Mr Smith interjected.

Hon. D. McL. DAVIS — For Mr Smith, through the Chair, it is l-i-g-h-t. I think it is a concern that Mr Eren might make light of the matter like this because this is a serious — —

An honourable member interjected.

Hon. D. McL. DAVIS — L-i-g-h-t.

Mr Somyurek — As opposed to?

Hon. D. McL. DAVIS — The advertising term, l-i-t-e.

The PRESIDENT — Order! I remind members it is disorderly to interject.

Hon. D. McL. DAVIS — And there is no question of the importance of this bill. The Liberal Party thinks that the minister has taken the right step in introducing this bill.

Hon. T. C. Theophanous interjected.

Hon. D. McL. DAVIS — This bill, for Mr Theophanous's benefit — and he may wish to pick up a copy from the table — is the Drugs, Poisons and

Controlled Substances (Prohibition of Display and Sale of Cocaine Kits) Bill. I think the community, as well as the Liberal Party and the other parties, will support this bill quite strongly. I am interested that the Labor Party appears not to have provided any broader solutions to these problems, and I am not sure that simple prohibition on its own is a sufficient response to the problems we face in the community with the taking of these drugs. It is important for the minister to think a little more broadly. I am concerned that a broader solution has not been provided, but given the scope of the bill and what it seeks to do, I am pleased to offer the Liberal Party's support for it and to indicate that this is a constructive and sensible contribution.

Hon. D. K. DRUM (North Western) — The Nationals will move an amendment during the committee stage. We believe that, whilst the bill is a move in the right direction, it does not go quite far enough. In the event that the amendment is lost The Nationals will support the bill.

Quite simply the purpose of the bill is to effectively ban the display and sale of cocaine kits. One might think it is a rather benign piece of legislation when you think that we are going to do the absolute obvious and make it illegal for anybody to market, display — to put up in a window or on a cabinet — or provide the opportunity for drug users to effectively acquire in the one stop the ready-made tools with which to go away and break the law. Quite rightly the government has said it is going to make it illegal for anybody to display and sell a cocaine kit.

What we cannot understand is why the government would not go that extra step and make it illegal to possess a cocaine kit for sale. It seems incredible that the government is saying it is okay to have 10, 20 or 100 cocaine kits underneath the counter and if someone were to walk in and say, 'I will have a \$30 packet of cigarettes', which is the code, they could give that person a packet of cigarettes and also give them a cocaine kit and that effectively would not be breaking the law. They would pay \$30 for their cigarettes and get a cocaine kit for free. That is a ridiculous situation, so The Nationals will move an amendment to take it a little bit further by simply inserting in clause 1 after the word 'kits' the words 'and the possession for sale of cocaine kits'. That would mean that not only displaying and selling cocaine kits but also having them on your person or on your property for the express purpose of selling them to somebody else would be an offence. The Nationals believe that is a commonsense approach to the issue. We cannot see any reason why the government would not want to support the amendment. The Nationals will move in the committee stage.

Hon. P. R. Hall — The government should support that; it makes sense.

Hon. D. K. DRUM — I am hoping Mr Hall is right. I am hoping the government will look at it and realise it is a commonsense approach to a real problem. We are going to hear speakers in this house, as happened in the other house, talk about the evils of cocaine and some of the other drugs that afflict our society, and yet here is an opportunity to do something significant in the fight against the display, sale and possession of kits. As the previous speaker said, the kits are made up of items that on their own are relatively harmless — a tube, a mirror, a scoop and a razor blade. I am not sure how these items are used to prepare cocaine for use.

Hon. A. P. Olexander — Watch telly.

Hon. D. K. DRUM — I have seen a bit of telly, but I still would not know what to do. It is a situation where a whole range of relatively harmless products quite obviously have only one express use when they are put together in a kit — that is, to enable people to ingest cocaine. Cocaine use has a debilitating impact on society and on people of all ages who have fallen victim to the addictive nature of this drug.

Whilst society has a range of objectives through various programs and projects to help alleviate the problems associated with drug use, there is still an enormous area for improvement. The state government has a bit to answer for in relation to the way it refuses to truly back the peak body on drug and alcohol abuse. The Victorian Alcohol and Drug Association (VAADA) operates on an absolute skeleton staff. It has severe restrictions on all the programs it runs. Its preventive programs are virtually negligible.

VAADA is forced to react once the horse has bolted. Everybody rings the association when there is an issue in their household. People ring the association when there is an issue in their community. They ring if there is an issue in their school associated with drugs. We expect VAADA to have done all the research. We expect it to have all the data associated with drugs and alcohol use. We expect the association to be up to date with all of the latest knowledge, trends and information on the new drugs that are hitting the streets.

We expect VAADA to be able to do everything for everybody when it comes to substance abuse. But are we prepared to fund VAADA? No, we are not. We fund it with a paltry amount that effectively means it has maybe one or two full-time employees — three at the absolute most — and some are part time. It is an absolute disgrace that this government does not play a

stronger role with our peak alcohol and drugs body. When you think about the money that is generated by the alcohol industry and the money that is coming through to the government in a whole range of areas, you realise that it would not hurt it to put a little bit more back into the prevention of substance abuse.

Hon. P. R. Hall — And the cost of treatment of abuse.

Hon. D. K. DRUM — Mr Hall makes the point that if we do nothing and let the problem fester, we are going to be forced to cover the cost of doing nothing and the cost of treatment of abuse, including the physical abuse that takes place when men — it is mainly men — go home in a state that is conducive to violence. We have a whole range of people losing their jobs and leaving their families without substantial incomes. There is a spiralling effect. Quite simply VAADA will be able to very clearly demonstrate that more money put in at that preventive end will have a significantly better result at the coalface when it comes to people being able to get off some of these drugs or not go there in the first place.

Whilst we think this piece of legislation needs to be supported, we would also like to think that the government would see the commonsense in the amendment and take the extra step.

The government says that this bill is going to prohibit the display and sale of certain items. When those items put together into a kit can quite obviously be used for only one purpose — the ingestion of an illicit drug — why on earth would the government not go that extra step and make the possession of those items in itself an offence in the same way as their sale and/or display for sale?

No matter whether these cocaine kits are sold from a tobacco store, a speciality store, a novelty store or whatever, I think it is incumbent upon the government to look at this problem and to not just do a bit of window-dressing, but to take a stronger stance and make a stronger statement in its fight against illicit drugs. We need to do a lot more work in all of these areas. There are some newer drugs on the market. We are simply not doing enough to fight against some of the traditional drugs such as alcohol and marijuana. We need to look at ways we can do more as a Parliament. We are the ones that have the ability to make a difference, and for us to be introducing into this house bills that do nothing more than window-dress and build a corral around the issue without actually taking a firmer stance is negligent and irresponsible.

We hope the government will look at the proposed amendment and go that extra step. In conclusion I would just like to refer to the first proposed amendment, which seeks to insert after the word 'kits' in clause 1, line 6, the words 'and the possession for sale of cocaine kits'. With that comment, I would now like to close my contribution to the debate.

Hon. C. D. HIRSH (Silvan) — I rise to speak on this bill, which I find to be a commendable bill and a good thing that the government is doing. Its purpose is to prohibit the display and sale of these so-called cocaine kits, which I am not overly familiar with but which are listed as having a mirror and a straw through which the cocaine is sniffed into the nose — this, by the way, destroys the tissues of the nose. To prohibit the display and sale of these kits makes this legislation very commendable. It is not a large piece of legislation, but it is very important.

There is a shop in Malvern which has paraphernalia in its window for drug takers to buy. The shop absolutely disgusts me. It is in an area where there are a lot of schoolchildren and teenagers. I find it pretty offensive that the shop sells things for people to use to ingest marijuana. It also sells cocaine kits and other such paraphernalia. I will be pleased to see at least the cocaine kits removed from display.

When rearing a teenage granddaughter for the last five or six years, I have found the whole issue of drugs to be an interesting and frightening one. When my own children were teenagers it was not such a problem. Certainly there was a bit of difficulty with alcohol, and there is still great difficulty with alcohol among teenagers. There is the whole issue of sweet drinks that taste like soft drinks and appeal to the palates of teenagers. Teenagers like sugar and sweet things. Milk-based alcoholic drinks are also sold. I am a bit of a wowsler, but I think all those things should be completely banned. However, that is not the case. Commercial issues appear to prevail in such things, and if a government tried to ban the lot of them, it would find opposition from a range of people.

However, to ban the sale of cocaine kits is a very good start in attempting to control drug use, particularly among young people. If mature adults involve themselves with these things, then that is their problem. If adults want to destroy themselves — if they are in their 40s or 50s — you cannot do a lot about it. But we should not allow teenagers to be able to purchase any sort of drug of addiction such as cocaine. They should certainly not be available for purchase. I am very pleased that they are not going to be and that this bill makes provision for that ban. As I said, I would like to

see the banning of a range of other products for young people, in particular sweet alcoholic drinks with a vodka base whose alcohol you cannot taste, and milk-based alcoholic drinks, which are readily available and are either purchased by under-aged people for themselves or are purchased for under-aged people by their older friends.

The initiative of banning cocaine kits is part of an important government approach to prevent drug abuse in Victoria. Together with prevention and education initiatives and drug treatment services it is forming a major part of a coordinated response designed to reduce the harms associated with drug abuse in this state. I note that the first part of Mr Drum's proposed amendment suggests that, as well as banning the sale and display of cocaine kits, the use of cocaine kits should also be banned.

Hon. D. K. Drum — No, it is possession!

Hon. C. D. HIRSH — The possession of cocaine kits takes it even further. However, if you try to ban something, teenagers are probably going to try to get it from somewhere.

Hon. D. K. Drum — What?

Hon. C. D. HIRSH — A teenager will often attempt to do something that is wrong or illegal to simply buck the system. It is often part of the teenager developmental process — they have to go out and try to buck the system. This is what leads to under-age drinking and the smoking of marijuana and cigarettes. They do it because it is wrong.

Hon. D. K. Drum — Smoking is not illegal.

Hon. C. D. HIRSH — Some of it is not illegal, but it is still bad for them and it is still wrong. Some of them will also do it if it is illegal.

Hon. D. K. Drum — What are you saying?

Hon. C. D. HIRSH — I am saying that some kids will do illegal things simply because they need to buck the system. Therefore to ban the display and sale of the kits is to make them a lot less available for kids. The less those things are available, the less kids are going to know about them and buy them. We cannot ban the sale of cigarettes — although I would not mind doing that — but we certainly ban the display and advertising of cigarettes and tobacco. One of the reasons for doing so is to discourage people from buying them. Hopefully the fact that ads are not available and that they are not on display in shops means that kids are less likely to get

into smoking cigarettes — which, whilst not illegal, is also bad for them.

Going back to the government's work on drug services generally, cocaine use is dangerous and can cause a range of serious medical conditions — just as a little point from myself, Mr Drum, as can smoking, of course. Deaths have been known to occur. The selling of the kits actually promotes the use of drugs of dependence — that is, cocaine and other amphetamine-type substances. I refer to some of those also. The use of other stimulant-type drugs — the amphetamines such as ecstasy and methamphetamine, known as ICE — is also dangerous, particularly with young people involving themselves in the use of a range of drugs. The use of cocaine followed with something like a sedative or marijuana as users come down from taking those drugs can also be very dangerous and can lead to a range of mentally unstable conditions, one of them being depression.

The bill is very important. I do not see any point in putting in the bill a ban on possession because young people who have bought one of the kits are doing it because it is trendy or popular or the thing to do. A bill banning the display and sale of the kits is a very good piece of legislation and I strongly support the passage of the bill.

Hon. C. A. STRONG (Higinbotham) — This particular piece of legislation is an absolute joke — it is a farce. We are faced with a major problem. A press clipping from 2003, a long time ago, says that Victoria's drug habit costs \$854 million — Victoria's drug habit costs us \$2.31 million a day. Not only that, it also means that our ambulance and hospital emergency services become overloaded as people with drug habits come in. It means that people with legitimate health problems — a heart attack or some sort of respiratory problem — are bumped to the bottom of the queue for ambulances while the ambulance officers deal with people with a drug habit.

What is the government's solution? It is to ban razor blades and mirrors! Isn't this absolutely unbelievable? Isn't this a wonderful piece of legislation? It costs Victoria \$2.3 million a day and people who have a legitimate health problem cannot get into ambulances or hospitals, cannot get proper health insurance and cannot be looked after because of all the drug addicts running through the system — and this government is going to ban razor blades and mirrors. What a joke! What an absolute farce this government is!

I was amazed to hear the Honourable John Eren, a man in this chamber for whom I have some respect,

heckling, demeaning and trying to bring down the shadow minister when he was talking about the issue. What does Mr Eren think? Does he believe that drug dependency is appropriate? I must say that I was amazed to hear — —

Hon. J. H. Eren interjected.

The ACTING PRESIDENT

(Hon. R. H. Bowden) — Order! Mr Strong, through the Chair. Mr Eren, no interruptions!

Hon. C. A. STRONG — I refer to the minister's second-reading speech. I do not know how a bill that runs to six pages has a second-reading speech that runs to five pages. This is spin gone out of control. The first two pages of the second-reading speech are about all the things this government has done to deal with the drug problem. Well, it has done absolutely nothing to deal with the drug problem — except attempt to ban razor blades and mirrors! What a joke! We hear about spin and smoke and mirrors. Now we have razor blades and mirrors.

The minister went through paragraph after paragraph of the usual hyperbole of what the Bracks government has done to solve the problem which, as everybody knows, has got significantly worse since 2003. Nobody who knows anything about what is happening in the real world does not know that drugs are a major problem. They are costing our economy and society and the families who are left with the problems and with great stress and turmoil, and they are overloading our ambulance and hospital systems.

As well as that, they are having a major impact on the law and order in our state. Where are the current murders and underworld killings coming from? They are coming from the money generated by the drug trade. Where is the police corruption coming from? It is coming from the money generated by the drug trade. So, as I have said on many occasions in this house, this drug trade is a major problem in our society that the government has failed to face up to. After two pages of second-reading spin, the government has come up with a solution to ban cocaine kits. What does it say? It says:

Cocaine kits vary in their contents and packaging. Typically, they contain some of the following items —

listen to this; this is heavy stuff — this is one of the major problems facing our society today: cocaine kits, which we are going to ban, contain —

a small metal tube, a razor blade, a small scoop, a small glass bottle and a mirror.

These items are normally packaged together in a wallet and they can be sold either jointly or separately, and the government is going to ban that. This is the Bracks government's response to the major problem of drug addiction, with all the associated problems of police corruption et cetera.

Mr Somyurek interjected.

Hon. C. A. STRONG — You may well not like what I am saying, but it is the truth. The fact of the matter is that this is an absolute farce, if this is your solution.

I refer to the bill and proposed division 1, where the government defines cocaine kits, which it is going to ban. Listen to this; this is stuff that gets to the heart of the drug problem in Victoria. This is stuff that really gets to the heart of the problem. It states:

What is a cocaine kit?

A cocaine kit —

consists of —

two or more of the following items packaged —

together —

... a razor blade;

... a tube;

... a mirror;

... a scoop;

... a glass bottle ...

Any two of those things is a cocaine kit! And what is the government going to do? It is going to confiscate those from shops that have them. If you have a razor blade and a mirror in the window of your shop, they will be confiscated, and you will be taken to court and fined 60 penalty units. This is the response of the Bracks government to the drug problem in Victoria. What an absolute farce. It should hang its head in shame. While the opposition does not in any way oppose this piece of legislation, it seeks to say that it is an absolute joke!

Honourable members interjecting.

Hon. C. A. STRONG — It is an absolute joke that this is the government's response to the drug problem — a drug problem which is costing Victoria over \$3 million a day, which is bankrupting Victorian families and which is overloading our health and ambulance systems. The government's response is to

ban razor blades and mirrors. Its members should hang their heads in shame.

Honourable members interjecting.

Hon. C. A. STRONG — The Minister for Aged Care may well laugh and think this is funny, but I do not think it is — and believe me, I do not think the people of Victoria think it is funny that the government's response to this problem is to ban razor blades and mirrors. It needs to spend some real money. It needs to clean up the police force. It needs to clean up police corruption. It needs to deal with the whole drug problem, which is corrupting, undermining and corroding our society and our police force. It needs to do something real, not introduce this rubbish of banning razor blades and mirrors. It is a farce, and the government should be ashamed of it.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

The CHAIR — Order! Mr Drum, to move his amendment 1, which is a test for his amendments 4 and 12.

Hon. D. K. DRUM (North Western) — I move:

1. Clause 1, line 6, after "kits" insert "and the possession for sale of cocaine kits".

Clause 1 will test amendments 2 to 12. The intention of the amendment is simply to insert, at clause 1, line 6, after the word 'kits', the words 'and the possession for sale of cocaine kits'.

Effectively this bill is quite clearly making it illegal for anybody to display and sell a cocaine kit, which is defined in the bill. What we are saying is: why would you enable, through this legislation, a retailer with potentially 100 cocaine kits in little pouches underneath the counter to sell them at some stage and not get caught or even enable them to give away those kits with an expensive packet of cigarettes or to give a free cocaine kit to someone who comes in and pays \$10 for a postcard and not break the law?

The bill will effectively create a situation where it will be perfectly legal for somebody to gather up 10, 50 or 100 cocaine kits and have them on stand-by, and where, providing they do not display them and do not get

caught selling them, they will not be breaking the law. It seems to be quite a strange situation. The government has chosen to go halfway through this process and not the full 9 yards. We are simply adding that extra aspect to the bill and would like the minister's consideration.

Mr GAVIN JENNINGS (Minister for Aged Care) — I have good news for Mr Drum. Whilst I am not agreeing with the amendment on behalf of the government, I have good news for Mr Drum that can be achieved in 9 yards — it can be achieved by him coming over here and joining me at the table and looking at the act that this amending bill will be inserted into. The substance of Mr Drum's amendment is to try to prevent and make a crime the holding of cocaine kits — possessing them in the name of selling them.

Hon. D. K. Drum — Certainly.

Mr GAVIN JENNINGS — In the definition of 'sell', which is in the substantive act:

"sell" means sell, whether by —

- (a) wholesale or retail or otherwise, barter, exchange, deal in, agree to sell, offer or expose for sale, keep or have in possession for sale —

there is the phrase —

send forward, deliver or receive for or for the purpose of sale or in the course of sale ...

Hon. Andrea Coote — The performance we are going through is highly unorthodox.

Mr GAVIN JENNINGS — The good news for the chamber is that Mr Drum has seen with his own eyes as I have read from the substantive act, which this amending bill is inserted in, which sets out the definition of 'sell'.

Hon. Andrea Coote — On a point of order — —

Mr GAVIN JENNINGS — It is done, Andrea.

Hon. Andrea Coote — On a point of order, Chair, I want some clarification on some procedures. We have just seen a quite extraordinary exercise happen here. I would like some clarification on whether it is your expectation that we will see it happen again in the future, where a minister at the table calls across someone — in this case Mr Drum from The Nationals — to go through a bill. This seems to be fairly unorthodox. Could you give me some clarification of whether this is a procedure for the Council to follow?

The CHAIR — Order! I do not see anything out of order in allowing the minister to share the volume containing the principal act with the mover of the amendment so as to clarify a point. If that is a way to do it then I am sure it is not out of order for this chamber to be flexible and to allow it to happen. We have occasions when someone — usually from the government — joins the minister at the table to provide information as a point of clarification. I do not have a problem if it expedites an understanding of the point the minister is making to Mr Drum.

Mr GAVIN JENNINGS — My intention was not to be dismissive of or disrespectful to the Parliament. It was offered in the spirit of goodwill in order to address the issue Mr Drum raised and to show in black and white that the law in the state of Victoria, which this bill will amend, allows for the circumstance that Mr Drum wants to account for. I was making a goodwill gesture. It was not supposed to be discourteous to the chamber. It was to provide for the speediest resolution and justification of the government's position for not accepting the amendment but accepting the substantive point made by Mr Drum.

Hon. D. K. DRUM (North Western) — It makes it extremely clear to see it in black and white in the bill. The point we were attempting to cover in the amendment is covered under the definition of the word 'sell', so we are happy with the minister's response and thank him for his flexibility. I am happy for amendment 1 be a test for amendments 2 to 12.

The CHAIR — Order! So you wish to proceed with your amendment?

Hon. D. K. DRUM — It is done.

The CHAIR — Are you withdrawing your amendment?

Hon. D. K. DRUM — I am happy to withdraw it.

The CHAIR — I am just trying to clarify it. Thank you.

Clause agreed to; clauses 2 to 4 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Mr GAVIN JENNINGS (Minister for Aged Care) — I move:

That the bill be now read a third time.

I thank all members for their contributions, even the voluble ones, and indeed for the goodwill that permeated the committee stage of the bill.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

**DRUGS, POISONS AND CONTROLLED
SUBSTANCES (AGED CARE SERVICES)
BILL**

Second reading

**Debate resumed from 6 April; motion of
Mr GAVIN JENNINGS (Minister for Aged Care).**

Hon. ANDREA COOTE (Monash) — I have a great deal of pleasure in speaking on this bill. In fact it is the only bill I have ever seen presented to this house by the Minister for Aged Care so it is actually quite an historic evening tonight — —

Mr Gavin Jennings — What about supported residential services?

Hon. ANDREA COOTE — Supported residential services — I mean on aged care in particular. This is quite an historic event. I do not think the debate is going to be quite as vocal as it was on the last bill.

At the outset I say that the Liberal Party will be supporting the bill. It is about time some bills came from the Minister for Aged Care, because aged care will be an ongoing issue into the future in this state. It is going to be of concern to a large and increasing number of people. Each and every one of us in this chamber will be affected, as will people we know. Neighbours, friends and loved ones are all going to need some sort of care in the future. Many areas could be more closely looked at, and I think this is a good start. I hope the minister will bring in several more pieces of legislation for us to debate in this chamber.

This bill amends the 1981 act to reflect the changes in the aged care sector, and I would like to clarify what we are dealing with here. One of the issues in the aged care sector is the complexity: the duplication of names and the confusion that surrounds a lot of the names and institutions. The industry started as a cottage industry and has grown exponentially over the last 10 or 15 years, and we have seen some huge changes. We

saw huge changes brought in by the federal government in 1997 with accreditation for the industry. It made certain that standards were improved and built upon so we could all feel we had safety within the aged care sector.

I acknowledge the excellent work the aged care sector has done in embracing accreditation. There have been concerns and certainly there is a lot of paperwork. There is a lot of pressure and many challenges in instigating accreditation and the ongoing accreditation process, but I know the new federal Minister for Ageing, Santo Santoro, is looking into the issue of additional paperwork and trying to implement methodologies to make some differences. As an example, the federal government is looking at giving nursing staff and aged care staff in high-care residential areas — and in fact right throughout the sector — computer technology including, for example, BlackBerrys and hand-held computers so they can put information straight onto the computer system, which would alleviate a lot of the paperwork. I know Senator Santoro has invited the aged care sector to give its recommendations about how paperwork could be reduced.

I would like to clarify some of the issues about the definition of an aged care centre, ageing in place, high-care and low-care hostels and so forth because that is how we must debate this bill. We have to be very clear what we are speaking about because there is a lot of confusing and conflicting terminology in the sector.

In the past low-care facilities, or hostels and high-care residential facilities, or nursing homes, tended to be separate organisations. In 1997 the Howard federal government introduced its Ageing in Place policy. Since then it has become common to have high-care and low-care facilities co-located.

I shall expand upon that slightly. Many people who enter a low-care facility would like to stay within that facility as their care needs increase. In many instances people enter a low-care facility because they have incontinence problems, have had a stroke or have had a fall and need additional assistance. If they then have a series of strokes and need significant high-level care, they are able to stay in the same facility. This sounds straightforward and easy, and that is what the bill does by trying to fix the technical aspects involved in that process. In the past the dispensing of drugs in low-care and high-care facilities has been different, and importantly this bill will ensure there is continuity in the system.

As a consequence of this trend under the Ageing in Place policy some 9500 Victorian high-care residents live in mixed facilities — that is, hostels that have high-care residents. This legislation enables those residents to be protected in relation to drug administration. All of us in this chamber are pleased to know that there will be security in drug administration and that members of our ageing population can feel confident they will be well looked after.

The main purposes of the bill are:

- (a) to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for the administration of drugs of dependence, Schedule 9 poisons, Schedule 8 poisons and Schedule 4 poisons to certain residents in aged care services; and
- (b) to amend the Nurses Act 1993 to create an offence of directing or inciting unprofessional conduct.

Part of the concern with the bill goes to engaging with the Nurses Board to produce guidelines and to ensure that the guidelines give proper directions to the people working in the aged care sector so that there can be clarity and people are secure in knowing what they are doing. There have been some anomalies in this industry, such as the Webster packs. Those who do not know what a Webster pack is will know when I describe it. When you are prescribed a course of antibiotics you go to a pharmacist who gives you a plastic pack from which you pop out a pill or pills each day so that there is a definite number of pills you have to take. This provides security, particularly for older people who live by themselves and who perhaps may be a little forgetful so that they can administer these drugs themselves at home.

To date an issue of contention in aged care facilities has been who should dispense the Webster packs. It would seem very simple, but if a Webster pack were to be in the wrong hands or the medication were administered at the wrong time or administered too frequently by different people coming on duty at different times there could be cause for concern. That the bill provides guidelines for dispensing these pills or drugs within the aged care sector is to be commended. It is desirable that the majority of us in the community can use medications more easily and effectively. Webster packs are easy, but we must be certain about how they are used. I am pleased that the government is making certain who is responsible for who will dispense them. However, I have not seen the guidelines as yet, and I am not certain whether they have been produced. I am told by the aged care sector that the guidelines are in the pipeline, but it is a pity they have not been produced in time for debate on the bill. I will be looking at the

guidelines with interest, as indeed will those in the sector. I have spoken with people in the sector and they are pleased that the Nurses Board is working on the guidelines.

Concern was expressed by the sector about the bill not clarifying what 'manage' actually means. They would like to have had a better definition to make quite certain that everyone knows exactly what is happening. Some segments of the aged care sector are concerned that division 2 nurses will be discriminated against. This is something to be cognisant of and watch with interest to ensure that does not happen. I encourage the minister to make certain that that is scrutinised from time to time.

Some segments of the aged care sector are concerned that personal care workers will not be able to be managed by division 2 nurses and that administration will be smothered if that is the case. There are concerns around division 2 nurses that still need some clarification, but on the whole all of the peak organisations I have spoken to, and many of the individual aged care facilities I have spoken to, support the bill. The Liberal Party wants to ensure there is security in the sector, which the bill goes a long way towards achieving. I am therefore pleased to support the bill.

Hon. D. K. DRUM (North Western) — The Nationals will not be opposing the Drugs, Poisons and Controlled Substances (Aged Care Services) Bill. The main purposes of the bill are:

- (a) to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for the administration of drugs of dependence, Schedule 9 poisons, Schedule 8 poisons and it Schedule 4 poisons to certain residents in aged care services; and
- (b) to amend the Nurses Act 1993 to create an offence of directing or inciting unprofessional conduct.

As Mrs Coote mentioned, there is a whole range of aged care facilities. Those which have traditionally offered low-level care are generally called hostels, and those which cater for residents with higher needs are called nursing homes. In 1997 the federal government introduced the Ageing in Place policy, which has resulted in all aged care facilities providing a mix of care needs. People who enter a particular low-care facility may be independent and able to look after themselves. Initially they may need only some assistance in getting around, require medical assistance or need help with showering and going to the toilet, but over time, particularly after a stroke or other ailment, their needs can increase vastly on a daily basis.

We now tend to refer to all aged care facilities as just that. We understand that within each of those facilities people will require a range of needs. The regulations that are currently in place tend to pertain only to certain facilities and this legislation will pick up all of the others. Therefore those that are commonwealth owned and run and operated will have the protection that is afforded to them by the state regulation, and that will certainly offer a wide range of comfort to the many elderly people in aged care facilities.

There are currently 819 aged care facilities around the state. They are providing care for some 41 000 residents. Of those, 23 000 to 24 000 residents have what we would classify as high-care needs. As we have identified, about 14 000 to 15 000 of those are in what we would previously have called nursing homes, but some 9500 are in hostels, so it goes to show that there is a well established mix of low-care and high-care needs in all of our aged care facilities.

We are finding that the barriers and classifications of aged care facilities are well and truly starting to break down, and in future we will not be able to accurately refer to aged care facilities as offering specific needs because they will have to offer a mix of services through a range of diverse employees. That is another aspect of the bill — that those institutions that were offering high-care needs probably needed an extremely high percentage of division 1 nurses, because they are the ones who had the expertise in delivering the medication and possibly the injections. But now, because of the changed mix, we will find that our aged care facilities will need more of a mix in employees that will reflect the ratios within the facility.

The bill very clearly sets out the various categories of nurses, and it states that division 1, 3 and 4 nurses will be able to manage the administration of medication to high-care residents. That provision needs to be clearly pointed out. As it stands currently the division 1 nurses simply have to administer the medication to the aged care residents, and that is quite a change. Nurses will have the ability, after clearly setting out the processes under which they will operate, to delegate some of those responsibilities and procedures that historically they have undertaken themselves. While the wording looks quite simple, it is moving away from nurses having to actually administer the drugs and medication to now managing that administration, and in some cases delegating those tasks to non-nursing staff.

There will have to be some very strong and clear guidelines drafted by the Nurses Board of Victoria to assist with the procedural framework in the delegation of those tasks. These guidelines will have to play an

important role in ensuring that the change we are implementing in the legislation will make it all come together.

It has been pointed out to The Nationals in our consultation with this sector that the Australian Nursing Federation (ANF) was concerned about the watering down of the requirement that division 1 nurses actually administer the medication now, and the federation pointed out that there had been a lack of consultation with it in relation to these guidelines.

It is interesting that the Minister for Aged Care, who is in the house now, wrote a letter to the ANF, and we have seen the results of that letter. In his letter he pointed out that there were two possible scenarios in that regard: the first was if division 1 nurses no longer have to administer the drugs. He thought that one of the scenarios was that nurses would continue to administer the drugs to high-care residents.

The second scenario was that possibly he would allow some residents to self-medicate, but there was never any intention in the minister's correspondence with the Australian Nursing Federation that it would have the ability to delegate to other non-nursing staff.

It is interesting that the minister would be so careless in his correspondence with the nurses federation. He clearly pointed out that there were two scenarios, but the scenario the government has gone with was not mentioned in any correspondence with the nurses federation — the delegation to non-nurses; and the ANF has some real concerns over the watering down of the work that it does.

Surprisingly, though, the nurses federation was quite happy to welcome the extra responsibility to be given to it in that this new amendment to the Nurses Act would create an offence should a nurse — —

Business interrupted pursuant to sessional orders.

Mr GAVIN JENNINGS (Minister for Aged Care) — I move:

That the sitting be continued.

House divided on motion:

Ayes, 22

Argondizzo, Ms	Mikakos, Ms
Broad, Ms	Mitchell, Mr (<i>Teller</i>)
Buckingham, Mrs	Olexander, Mr
Carbines, Ms	Pullen, Mr
Eren, Mr (<i>Teller</i>)	Romanes, Ms
Hilton, Mr	Scheffer, Mr
Hirsh, Ms	Smith, Mr
Jennings, Mr	Somyurek, Mr

Lenders, Mr
McQuilten, Mr
Madden, Mr

Theophanous, Mr
Thomson, Ms
Viney, Mr

Noes, 18

Atkinson, Mr
Baxter, Mr
Bishop, Mr
Bowden, Mr
Brideson, Mr
Coote, Mrs
Dalla-Riva, Mr
Davis, Mr D. McL (*Teller*).
Davis, Mr P. R.

Drum, Mr
Forwood, Mr
Hadden, Ms
Koch, Mr (*Teller*)
Lovell, Ms
Rich-Phillips, Mr
Stoney, Mr
Strong, Mr
Vogels, Mr

Motion agreed to.

Debate resumed.

Hon. D. K. DRUM (North Western) — It has been pointed out that the Australian Nursing Federation was not consulted by the minister during the preparation of this legislation. It has also been pointed out by the ANF that neither of the two scenarios put forward by the minister, the two potential pathways that this bill was to go down, have been followed. We have the situation of nurses following a set of regulations that are yet to be put in place. The sector is effectively telling us that whether this is a good bill or not will be in the detail of the regulations. It will not be until we actually see the regulations in relation to the guidelines framework that we will see what it looks like, and only after this bill is passed will we be able to truly judge whether this is going to be the safeguard we hope it will be for many of our aged and infirm elderly citizens. Nevertheless, hopefully the nurses will have a clear and totally pristine pathway which they must follow. The guidelines framework has to be absolutely clear so that the nurses who follow the guidelines can be exonerated should any negative issues concerning somebody's health arise.

A very important aspect of the bill will see those guidelines delivered, and we will certainly have a good look at the way they operate on behalf of the nurses. We applaud the fact that this legislation is going to capture some of the aged care facilities that are currently not captured by the regulations dealing with the administration of medication. We think this broader approach will offer a better outcome for the vast array of people in aged care facilities. The fact that we are going to be bringing the commonwealth-administered and commonwealth-funded aged care facilities into line with those that are operated and funded by the state is going to be another positive outcome of this legislation. I certainly think that the scope of the guidelines adhering to that administering of the medication is going to be interesting when it comes about.

I also think that the introduction of the new offence into the Nurses Act of 1993 is also very clear. It talks about the new offence for any nurse who directs or incites unprofessional behaviour. I think we all have such tremendous respect for our nurses and the nursing fraternity that we feel abhorrence at the thought that any of our nurses would in fact engage in unprofessional behaviour, but certainly the nurses federation acknowledges that it welcomes this aspect of the legislation and it is not put off by the fines and penalties for this type of crime. Hopefully we will never get the opportunity to see that provision used.

The work that the vast majority of the nurses do needs to be applauded continually. It takes a certain type of person with a heart of gold to work in the aged care industry. The needs are exceptionally taxing on many of the workers. I am sure we all go in and visit our aged care facilities regularly; it is just fantastic to see the dedication of many of the staff — nurses and non-nurses — and how they apply themselves to the job of making those last years of the aged far more comfortable, enjoyable, rewarding and fulfilling in a range of different facilities throughout the state.

The Australian Nursing Federation in its correspondence with the minister said it was hoping to have the opportunity to meet with the minister and to have more input into the legislation. Effectively it has stated that it did not get an opportunity to see the draft bill and amendments that have been put forward. It was not therefore able to comment on the proposed changes to the act. It was not able to make any substantial representation to the government until the bill had already been read a second time. There were some concerns that our major nursing peak body was not able to have input into a bill that is largely going to affect the way it does its job in many aged care facilities around the state. It was also concerned that the consultation process was not opened up to the scrutiny that it believed it probably should have been open to.

The bill will bring all of the prospective nurses working in a mixed environment with the division 1s right through to division 4s. Division 2 nurses, by the way, are not qualified to administer the medication to high-care patients, although some division 2 nurses are able to undertake that further training and gain the qualifications that they need to take on board those extra responsibilities. It is simply a matter of the qualifications. The division 2 nurses are not able to deliver some medications whereas division 1s, division 3s and division 4s are able to do that work.

I must congratulate the member for Lowan in the other house for the consultative process that he put in place.

Mr Delahunty was able to sit down and talk with the Victorian branch of the Australian Nursing Federation. He also spoke to representatives of the Australian Medical Association and Edgarley Home in Casterton. He spoke to people from the Sunnyside Lutheran Retirement Village at Horsham, the Eventide Lutheran Rest Home in Hamilton and the Aged Care Association of Victoria.

I was also able to go out and talk to people at many of the aged care facilities in and around Bendigo, such as Strathaven, which offers a range of services at Strathfield, and the Spring Gully retirement village as well. They were in favour of the amendments that have been put forward in this bill, and they think it will create greater flexibility in the care of their patients to have these medicines administered by staff other than nurses, provided that the nurses follow the strict guidelines and that those guidelines are enacted in the regulations that are yet to come before the house.

Once the framework is put in place and the guidelines are followed then they think it is going to enable them to provide a better way of caring for their clients and residents than is currently the case. So the industry seems to be supporting what the government is putting forward in this legislation. That is the main reason why The Nationals have chosen to not oppose this legislation.

Many other opportunities are coming before the Parliament to help with this type of legislation. We spoke last year about which nurses were able to deal with injections, and we spoke last year about the ability of division 2 nurses to perform certain tasks. We spoke also about division 1 nurses being able to work as division 2 nurses during breaks in their training.

The legislation before the house will create greater flexibility within the system and better outcomes. We are facing something of a crisis, especially in rural and regional Victoria, where we are not always going to be able to have doctors performing the tasks that historically they have performed, and we will have to put more emphasis on the work that division 1 nurses and medical practitioner nurses do. As well, we are going to have greater responsibilities put onto people other than general practitioners just so we can get by in our normal day-to-day lives.

Debate adjourned on motion of Mr SCHEFFER (Monash).

Debate adjourned until next day.

ABORIGINAL HERITAGE BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr GAVIN JENNINGS (Minister for Aboriginal Affairs).

ADJOURNMENT

Mr LENDERS (Minister for Finance) — I move:

That the house do now adjourn.

Historic plane: preservation

Hon. ANDREA COOTE (Monash) — My adjournment matter tonight is for the Minister for the Arts in another place. This is a quite extraordinary story. I had a phone call from a man the other day, but I was not able to speak to him. I asked if I could speak to him a little later, and he said he could not speak to me later because he was in a plane and was about to take off. I asked if I could ring him when he got back. He said he was an agricultural pilot and was out spraying crickets. I spoke to him that night. The story he had to tell is extraordinary and very interesting. I urge the minister to do something about this.

This man, Mr Gordon Wilson, has been flying for a long time and knew of a rumour about a plane going into a lake in the Western District. He flies his plane out of Colac, and he had known for a long time that a plane had gone into a lake not far from Colac but had never been able to find it. Because the water levels are low this year, when he was flying to spray the crickets he came across the plane. The plane itself has the most extraordinary story. I would like to tell the house about it because it is a vital part of Victoria's history. The aircraft crash landed on 23 October 1950. The pilot was trainee Vance Drummond and the flight had departed from Point Cook. The aircraft had been submerged from that time until approximately 12 months ago, when Mr Wilson came across it.

Vance Drummond went on to have a distinguished career in the Royal Australian Air Force. Some of his history is as follows: he was shot down and parachuted to safety on 1 December 1951 while flying a Meteor jet in Korea, was taken prisoner and held for 18 months until his release in September 1953. When he returned to Australia he was chosen as one of the first RAAF officers to operate the new Sabre jets as front-line fighters. On 16 May 1956 Vance received the US Air Medal, for which he had been recommended in 1951.

He returned to flying duties in December 1961 and was posted back to Williamstown as a flight commander. Subsequently he was given the leadership of the Black Diamonds aerobatic team. In January 1965 it was announced in the New Year's honours list that Vance had been awarded the Air Force Cross. In 1956 Vance was working very hard. He had a very distinguished career.

I want to ask: will the minister please direct the Museum of Victoria to recover and preserve this important piece of Victoria's history?

Victorian Farmers Federation: horticultural conference

Hon. B. W. BISHOP (North Western) — My adjournment issue tonight is directed to the Minister for Water in the other place. The issue I raise is to invite Minister Thwaites to Mildura to attend the annual conference of the Victorian Farmers Federation horticultural group, which will be held in Mildura on 21 June. I am sure the VFF would be delighted if he could open the conference. I am advised the minister was invited and has declined. I am told one of the reasons is that he was not prepared to face a rally protesting the government's toxic waste dump. Whilst I personally believe he should face the music, the Save the Food Bowl Alliance has said that, if the minister could come, it would be great and there would not be a rally. It would like the opportunity to meet with him if he comes.

The VFF horticultural conference should be a must for the minister, as I am sure the debate will include the economic sustainability study of our horticultural region, which has recommended a seven-point plan that addresses the immediate and longer term issues that face our growers. The document is a good one, but it needs to have the next step taken. It would be most beneficial to have the minister there while these important issues are discussed.

Further to that are issues on water. I make the point that water issues pertain directly to Sunraysia, where each of the irrigation districts are pump districts where water is lifted from the river and then distributed to our horticulturists. It would be great to have the minister at the conference to discuss the breakdown of the input of the customer service advisory committees into what is in effect their own destinies. Call them what you will, these customer services advisory committees — or water service committees as they are known in other water districts; in fact I believe that is a better name — should be able to have an influence on what happens in

the area, because at the end of the day they are responsible for the bills.

The offer is there for the minister, and it is a fair dinkum one. He should come up to the VFF horticultural conference. There will not be any toxic dump rally if the minister is prepared to meet with the Mildura Rural City Council and the Save the Food Bowl Alliance, take part in the debate during the conference and avail himself of a real opportunity to have a decent look around the area to get a fair understanding of all the issues.

I believe the minister can do it. I remember when he was in Mildura last at a water forum he was with Warren Truss, the federal minister, and Karlene Maywald, the South Australian Minister for the Murray. I thought he did well. The action I request from the minister is that he attend the VFF horticultural conference in Mildura on 21 June, as he would be most welcome.

Dental services: Western Province

Hon. DAVID KOCH (Western) — My adjournment matter is for the Minister for Health in another place. It concerns the ongoing and growing waiting times for dental patients to receive treatment across Victoria, particularly in western Victoria. Concerned residents continue to frequently contact my office expressing their dismay that they have to wait 48 months or more for dental treatment or are forced to travel hundreds of kilometres to receive urgent care. I recently had a very distressed constituent in my office because she could not get her 19-year-old son into a dentist. Her son was in severe pain, so she took him to a doctor who was only able to suggest he take painkillers and try to see a dentist as soon as possible. The best she could do was to put him on an emergency waiting list in a private dental clinic. No mother needs to be put under this stress.

According to recently released government figures, public patients in the Barwon region continually suffer long waiting times, with people in Portland waiting 66 months — I repeat, 66 months — for general dental care, the longest waiting time of any community in the state. While the average waiting time in the Barwon region is over 36 months, Warrnambool has a waiting list of 55 months, Corio 40 months and Hamilton 37 months.

Patients in the Grampians region are hardly better off, with average waiting times of 26 months. In Ballarat the waiting time is 53 months and in Horsham it is 49 months. How this government can justify

squandering over \$80 million on frivolous self-promotion yet let thousands of Victorians wait in ever-growing queues for dental treatment beggars belief. Surely this government could allocate a portion of its massive \$331 million budget surplus to alleviating the long wait Victorians are forced to endure before they are treated. This government continues to blame the federal government for patients having to wait so long to see a public dentist instead of finding solutions to this growing dental crisis. If this government injected more funding into engaging additional dentists and supporting more training facilities, Victorians would have more timely access to dental care.

This is not about initiatives and proposed programs, it is about securing dental practitioners in regional Victoria to undertake long-awaited dental procedures. The minister has admitted she recognises the government needs to do more to reduce waiting lists, but Victorians are still waiting. My request is: will the minister commit to providing dental services immediately to regional Victorians in order to relieve these chronic waiting lists?

Water: Colbinabbin pipeline

Hon. D. K. DRUM (North Western) — Campaspe irrigators this year will be receiving less than 40 per cent of their water allocation. The water will come out of Lake Eppalock and flow down the Campaspe River. Hopefully it will get to the Campaspe irrigators in the Elmore-Rochester area. Bendigo, which also draws some of its water from Lake Eppalock, has spent the last seven to eight months on stage 4A water restrictions.

Coliban Water has just let a \$100 000 consultancy to determine the viability of a proposed pipeline from the Waranga channel across to Rochester weir with a view of securing out of the Goulburn system enough water to meet the needs of Campaspe irrigators and therefore alter the balance of the water taken out of Lake Eppalock, possibly to be used in Bendigo. State members of Parliament in the Bendigo region have been very quick to support this Waranga pipeline option. On the surface it seems to be a good option.

However, in recent weeks a much better option has come to light — that is, a proposal to take water from the Colbinabbin channel, straight out of the Waranga Basin, and pump it over the Mount Camel Range straight into Lake Eppalock. The Colbinabbin pipeline, when compared to the Waranga pipeline, which is happily much lower on the system, seems to have come up trumps in nearly every area.

The Waranga pipeline would have to deliver water to the Campaspe irrigators at the time of peak irrigation use, when the system would already be loaded and the irrigation systems already stressed. That is when we would need to deliver additional water through the extra pipeline.

The Colbinabbin pipeline would be able to pump the water into Lake Eppalock when the systems were effectively getting ready to shut down. It would be much easier to purchase both temporary and permanent water for this Colbinabbin pipeline system. It would also provide the opportunity for flood assistance. In times of heavy rainfall we would be able to put water into Lake Eppalock. This would also help return recreational uses to Lake Eppalock.

I call on the Minister for Water in the other place to conduct his own comparison of the benefits of the two pipelines so that when the report of the consultants is presented to him he will be in a much better position to make an astute judgment and not just follow the lead of the two local members of Parliament.

Responses

Mr LENDERS (Minister for Finance) — The Minister for the Arts in the other place had a request directed to her from Mrs Coote regarding crickets and Vance Drummond and his work. I will certainly forward that on to the minister for her attention.

The Minister for Water in the other place had two matters directed to him — one from Mr Bishop regarding an invitation to attend the Victorian Farmers Federation horticultural conference in Sunraysia, and one from Mr Drum regarding the drawing of water from various catchments in the Bendigo region. I will pass those matters on to the Minister for Water for his attention and response.

Mr Koch raised an issue for the Minister for Health in the other place regarding dental services. I will pass that on to her for her attention.

Motion agreed to.

House adjourned 10.32 p.m.