PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Wednesday, 14 September 2005

(extract from Book 4)

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By authority of the Victorian Government Printer

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Hirsh, Hon. Carolyn Dorothy	Silvan	Ind	Vogels, Hon. John Adrian	Western	LP

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WEDNESDAY, 14 SEPTEMBER 2005

Wednesday, 14 September 2005

The PRESIDENT (Hon. M. M. Gould) took the chair at 9.33 a.m. and read the prayer.

PETITION

Hazardous waste: Nowingi

Hon. B. W. BISHOP (North Western) presented petition from certain citizens of Victoria requesting that the Victorian government abandon its proposal to place a toxic waste facility in the Mildura area (24 signatures).

Laid on table.

PAPERS

Laid on table by Clerk:

Auditor-General — Report on Franchising Melbourne's train and tram system, September 2005.

Australian Catholic University — Report 2004

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Venue and Project Orders, pursuant to section 18 of the Act (four papers).

MEMBERS STATEMENTS

Lakes Entrance: dredging

Hon. PHILIP DAVIS (Gippsland) — I wish to bring the attention of the house again to the pressing problem of sand accretion at Lakes Entrance. Members may be aware that since the 1880s there has been a permanent man-made entrance at Lakes Entrance. At the time that entrance was created the world authority, as it would seem, on coastal and marine engineering was Sir John Coode. That name is probably better known in some parts of Melbourne than elsewhere. In the 1880s he travelled to Australia from England to give advice on various coastal and marine engineering issues, one of which was the creation of the permanent entrance at Lakes Entrance. The consequence of that has been, quite frankly, detrimental to the Gippsland Lakes over that period of time, because it has turned what was a freshwater estuarine system into what is now a saltwater system.

Of course that has brought about significant environmental changes and the whole ecological basis of the Gippsland Lakes has been seriously and adversely affected. The reality is that there is no going back; once that major change was effected that will continue. The problem now is that the sand accretion that is occurring both inside and outside of the entrance is of such a significant scale that the government must take urgent action to repair that inundation of sand. I am — —

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

Premier's Women's Summit

Ms CARBINES (Geelong) — Last Friday I was delighted to attend the annual Premier's Victorian women's summit which was held in my electorate of Geelong. The focus for the day was 'Ageing with financial security', with over 150 women from across the state in attendance. Keynote speakers included Dr Siobhan Austen, co-director of the women's economic policy analysis unit at Curtin University, and Susan Ryan, AO, president of the Australian Institute of Superannuation Trustees. Dr Austen's research paper, 'Paving the way for older women', examined issues surrounding older women in the work force and found that encouraging women to gain higher levels of education contributed to the ability of women to engage and re-engage with the paid work force, and that it is essential for their financial security and independence.

It is vital that policy across all levels of government is directed at ensuring that education and training is accessible and affordable for all women at all stages in their lives. Women attending the summit participated in round table discussions sharing their experiences and expertise and it gave them an opportunity to directly contribute to our government's policy formation. Debate was lively, humorous and had a good dose of realism. Women on my table were keen to engage on topics which are so relevant to their lives. I would like to congratulate the Minister for Women's Affairs in the other place, the Honourable Mary Delahunty, and the Premier for their commitment to Victoria's women — —

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

Wimmera Uniting Care: services

Hon. DAVID KOCH (Western) — Wimmera Uniting Care in Horsham has been providing a large range of support services to families across the Wimmera for nearly 25 years by helping those in need with counselling, housing, foster care, disability and psychiatric services through family, children and youth programs. This agency also runs a number of other

programs across the Wimmera and Mallee to help families affected by the drought. This includes the Rural Financial Counselling Service and the special purpose student assistance fund introduced to help children in affected areas to participate in school activities and the Take a Break program. This program gives drought-affected families a four night, all expenses-paid holiday to either Halls Gap or Portland during school holidays and has been very successful in helping families reconnect. Wimmera Uniting Care also runs Australia's only regional disability arts festival. The Awakenings Festival will celebrate its 10th anniversary from 15 to 23 October where people of all abilities will travel to Horsham from around Australia to participate in a melting pot of performances and activities organised for the festival. My congratulations go to chief executive Peter Brown and his untiring team of dedicated staff and volunteers at Wimmera Uniting Care. Their commitment in easing the burden of so many in the Wimmera, especially those enduring this challenging period of extended hardship caused by the ongoing low rainfall — —

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

Children: Koori court

Ms MIKAKOS (Jika Jika) — Last Friday, 9 September I had the great pleasure of participating in the launch of Australia's first children's Koori court. Also in attendance were my parliamentary colleagues the Attorney-General, the Honourable Rob Hulls; the Minister for Children, the Honourable Sherryl Garbutt; and the Minister for Aboriginal Affairs, Mr Jennings. The establishment of the children's Koori court delivers on key objectives of the Victorian Aboriginal justice agreement to reduce the overrepresentation of indigenous children and young people in the criminal justice system. Most importantly, it was developed from the ground up in true partnership with the Koori community.

The new court, which is a division of the Children's Court, follows the success of the four adult Koori courts located in Shepparton, Broadmeadows, Warrnambool and Mildura. As with the adult Koori courts, Aboriginal elders and respected persons play an integral role in the operation of the court, and I take this opportunity to congratulate the newly appointed Aboriginal elders and respected persons for the children's Koori court: Pamela Pederson, Patricia Ockwell, Janice Muir, Georgina Williams, Kevin Coombs, Helga Lehtinen and John Gorrie. I understand that additional appointments will be made prior to the first sitting of the court. I take this opportunity to thank all members of the reference group and the countless others who contributed to the establishment of the court for their commitment and dedication to this important project. I wish the children's Koori court team good luck for their first sitting on Thursday, 6 October 2005.

Simon Turner

Hon. E. G. STONEY (Central Highlands) — The longstanding president of the Mountain Cattlemen's Association of Victoria (MCAV), Simon Turner, has retired from the position and the position of president is now held by Doug Treasure. Simon is described in today's *Weekly Times* as 'a fighter for the high country'. Simon led the MCAV well for six years; he was the public face of an organisation that always prided itself on the ethical way it conducted its campaigns.

The mountain cattlemen have always conducted themselves with dignity and integrity. They have treated their political and conservation opponents with respect, but this has not always been reciprocated, especially by the Bracks government. Simon Turner has often observed that the mountain cattlemen have always told the truth, and this traditional way of doing business goes right back to the founder of the Mountain Cattlemen's Association of Victoria, Jack Treasure, and others such as Jim Commins. Over his period in office Simon Turner represented the cattlemen in a measured and thoughtful way, and he did the high country proud. As a life member of the MCAV, I pay tribute to Simon Turner and his wife, Rowena. I thank them for the work they did with the association and for the valuable contribution they have made to the debate about the multiple use of public land in Victoria.

EastLink: opposition policy

Mr VINEY (Chelsea) — During the adjournment debate last night I raised the prospect of Liberal Party proposals and policies to privatise and outsource the running of public hospitals, as exposed by recent press club statements by Senator Minchin and Tony Abbott. In today's media the Liberal Party is overpromising — that is, saying it will abolish tolls on the Scoresby freeway and will not cut teachers, nurses and hospitals. I am starting to wonder whether there is a link between the secret plan of the Liberal Party to privatise our public hospitals — to outsource their management and administration — as part of its funding operation to buy votes in relation to the Scoresby freeway tolls promise. Alternatively perhaps Mr Doyle and the Liberal Party are simply not telling the truth, simply not coming clean about how on earth they will fund all the promises they are making, such as their promise to remove tolls on the

Scoresby freeway. Perhaps they may have to come clean about what schools they will close and how many teachers and nurses they will sack to fund these promises to buy some votes in a few seats in the eastern suburbs.

Fuel: prices

Hon. R. H. BOWDEN (South Eastern) — Many of my constituents are very concerned about the rising cost of both petrol and diesel — —

Mr Smith — Name one!

Hon. R. H. BOWDEN — I will name myself; I am concerned about it, and on behalf of my constituents I am concerned that the rising cost of petrol and diesel is of great concern to those in rural and regional seats. The state government should give some consideration at this early time in preparing for the next state budget to measures it could take to alleviate problems on and improve the efficiency of Victoria's roads. I believe the Monash Freeway is a candidate for a considerable investment to improve its efficiency to make sure that the people who depend on it for regular access to and from the city can have a better transit situation. There is no question that the Monash Freeway is inefficient. It has been under-resourced for a long time, and according to the information that comes to me the state government does not have any focused idea about how to improve the traffic flow on the Monash. I am also concerned about the Western Port Highway and the actions of the City of Casey, which is unwisely putting extra obstacles on the highway. I ask the government to be conscious of the impact of rising petrol prices and the need to — —

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

Tertiary education and training: training awards

Hon. H. E. BUCKINGHAM (Koonung) — On Monday, 15 August, the Minister for Education and Training in the other place, Lynne Kosky, presented the 2005 Victorian training awards. I am delighted to congratulate Box Hill Institute of TAFE on being awarded for the second year in a row the Coles Myer training provider of the year award for a large training institution. It is also a great achievement that the apprentice of the year, Amber Sarda, is a student at Box Hill Institute of TAFE. Amber is an apprentice mechanic working for Porsche Australia. She is in her third year of automotive studies at the institute. She is shortly to spend a week at Porsche in Germany learning to build a racing car from scratch. I congratulate Amber on her achievement, and I am sure she is assured of success in her future.

Box Hill Institute is at the forefront of innovation in TAFE training and the award is a great public recognition of the work of the council, the chief executive officer, John Maddock, and all the staff of the institute. These awards are a chance to recognise excellence within the training sector. The government is committed to continuing the excellent services and courses available to Victorian students in the TAFE sector.

Buses: Telebus service

Hon. A. P. OLEXANDER (Silvan) — This morning I would like to congratulate Invicta Buses, Volgren and the Victorian disabilities access network for a wonderful initiative just introduced in the outer east of Melbourne known as the Telebus service. The Telebus is an on-call bus service specifically designed for people with disabilities, those who use trolleys and those who must travel with prams. The Telebuses have floors that lower and ramps that fold out to allow wheelchair users direct access to the services. It is envisaged that more than 500 000 customers will utilise the service in the outer east each year. Some drivers will need to deal with more than 200 calls per day for access to the service. Invicta has used its own initiative in cooperation with Volgren to introduce this. Margaret Stevens of the Victorian disabilities access network, who has been a long-time campaigner for greater access to public transport services for disabled people, has understandably welcomed the initiative. She believes it will have wider implications than just transport — it will mean that a lot of those people who are currently isolated in their homes will have better access to the community, to vital services and to socialise with other people. It is a great private — —

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

Premier's Women's Summit

Ms ROMANES (Melbourne) — Last Friday I joined the women gathered in Geelong for the sixth annual Premier's Women's Summit. The topic 'Ageing with financial security' proved to be most interesting and apposite for the women attending, whatever their age group. Janet Wood, who chairs the Minister for Aged Care's seniors advisory council, did a brilliant job as chair for the day. The speakers highlighted the need to start early in saving for retirement and how even small amounts can compound into a useful

superannuation fund to enhance security and quality of life in retirement. We heard how women end up with far less super than men for reasons of lower earnings while in the work force, broken career paths due to time out of the work force to have children or care for elderly parents and growing casual employment.

However, we were reminded that while only about 40 per cent of women today have access to superannuation, the figure was around 5 per cent before 1992 when a federal Labor government introduced compulsory superannuation for employees, so there has been considerable progress. A timely reminder coming from the summit in Geelong was that the majority of women will still depend on the aged pension for income in old age, so it is critically important to maintain the value of the pension for older citizens. The Premier took the opportunity to announce 20 new financial literacy seminars across the state for older women to boost their financial skills and help secure their futures.

Bridges: rural and regional funding

Hon. P. R. HALL (Gippsland) — Today I call on the government to provide greater assistance to local government for the maintenance of important community infrastructure. I cite for example a situation in the shire of East Gippsland where council was recently forced to make a decision to close the Calulu bridge. The Calulu bridge crosses the Mitchell River about 15 kilometres upstream from Bairnsdale. It provides an important link between a number of small communities, particularly the Wy Yung community north of Bairnsdale and the Lindenow township. It is particularly important for the vegetable growing industry as on 2003–04 figures the Mitchell Valley produced vegetables with a farm gate value of $31.2 million. This bridge is also an important social link for taking children to school and kindergarten and enabling people to access services.

The bridge is required to be replaced at a cost of something like $1.6 million and the council does not immediately have the funds to do the job. We in The Nationals claim this government has a capacity to provide more funding, particularly if you look at the windfall gains it is getting from the GST on petrol prices — for every 10 cents a litre the price of petrol rises, this government gets a $35 million windfall. It is well within the financial capacity of the Bracks government to provide more money for local government for the maintenance of this community infrastructure. I urge the Minister for Transport in another place, Peter Batchelor, to go into bat for rural councils in Victoria and ensure they have a fund to replace bridges.

Commonwealth Games: community participation

Hon. S. M. NGUYEN (Melbourne West) — Last Friday and Saturday I joined with Brimbank City Council at the media launch of the Commonwealth Games programs to be held in West Sunshine. A community festival was launched to encourage the community to get involved in the Melbourne games which will be held next year. The City of Brimbank has sponsored Nigeria, and on the day the Nigerian consul-general was there with some of the gold medallists — Olympians from the west who spent time at the launch to promote the games.

Many ethnic communities were involved in dancing, cultural groups and food stalls, and a lot of community members got together to participate in the launch. I saw the positive way in which the community is getting ready. It is great that Brimbank City Council is sponsoring a country like Nigeria.

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

International Monetary Fund

Mr SMITH (Chelsea) — I wish to express my concern at hearing this morning of the views and advice of the International Monetary Fund when commenting on the economy of this country. I have as much confidence in the IMF as did the late B. A. Santamaria. I think it is odd that the IMF, invited to this country by the federal Treasury to comment on the performance of the Australian economy, would only talk to those interests that were brought to its attention by the federal Treasury. Why would it not talk to, say, the Australian Council of Trade Unions? It makes it hard for me to have any confidence in its views.

I agree that the Australian economy is performing at a level most countries would envy. However, it is obvious to me that a principal reason for this performance is a strong union movement, and the IMF would have been much better advised to broaden the scope of advice to it.

FAIR TRADING (TELEPHONE MARKETING) BILL

Introduction and first reading

Hon. P. R. HALL (Gippsland), by leave, introduced a bill to amend the Fair Trading Act 1999 to further regulate telephone marketing.

Read first time.

Hon. P. R. HALL (Gippsland) — By leave, I move:

That the bill be now read a second time.

According to surveys commissioned by the federal privacy commissioner in 2001 and 2004, more than 60 per cent of Australians are 'angry and annoyed' or 'concerned' with uninvited telephone marketing calls. These calls are particularly annoying when a call is received around the family evening meal time and when young children are being put to bed.

In Victoria the hours in which telephone marketing (or telemarketing) can take place is regulated by the Fair Trading Act 1999.

Currently telemarketing is not allowed at any time on a public holiday, but is legal between 9.00 a.m. and 5.00 p.m. on a Saturday and Sunday and between 9.00 a.m. and 8.00 p.m. from Monday to Friday. The intention of this bill is to restrict telemarketing phone calls to between 9.00 a.m. and 5.00 p.m. on every day of the week except public holidays. Telemarketing will continue to be prohibited on public holidays.

This will mean an end to unwanted calls during the time most families will be sitting down to an evening meal and preparing children for bed. There is strong anecdotal evidence that this is the period of time during which telephone marketing calls are most frequent and most annoying. It will also reduce the anxiety experienced by many older people living alone when the phone rings after dark.

The Nationals acknowledge that the best means of addressing unwanted telephone marketing calls is for the states and federal government to agree to establish a national 'Do not contact' register.

This would need to be supported by federal and state legislation to ensure that it would be an offence for telemarketers to call a person listed on the national 'Do not contact' register.

The Nationals also acknowledge the efforts by the Australian Direct Marketing Association (ADMA) to establish a 'Do not call' register. This has limited success given the register is used only by members of the ADMA. Anecdotal evidence suggests that many of the unwanted calls in the early evening originate from countries other than Australia.

Until such time as there is agreement between the states and the federal government to put in place a system where consumers can opt out of receiving telemarketing calls, The Nationals believe the vast majority of Victorians would support limitations put on the hours of telemarketing.

This bill amends section 67C of the Fair Trading Act 1999 to limit the hours of telephone marketing to between 9.00 a.m. and 5.00 p.m. on all days except public holidays. Telephone marketing will continue to be illegal on public holidays.

This amendment to the act will be of great benefit to all Victorian families in that it will restore prime 'family time' in the early evenings, and give older Victorians greater peace of mind.

I commend the bill to the house.

Debate adjourned on motion of Ms MIKAKOS (Jika Jika).

Debate adjourned until Wednesday, 28 September.

SERIOUS OFFENDERS MONITORING BILL

Second reading

Debate resumed from 7 September; motion of Hon. RICHARD DALLA-RIVA (East Yarra).

Ms MIKAKOS (Jika Jika) — I rise today to speak and oppose the private members bill introduced into this house by the Honourable Richard Dalla-Riva. I say at the outset that the reasons the government will be opposing the Serious Offenders Monitoring Bill are simple. The bill proposed by the opposition contains numerous fundamental errors, inconsistencies and flaws which make it completely unworkable.

Before I elaborate why the bill is fundamentally flawed, I indicate to the house that the government will be pleased to give some of its allocated time to the Independent member, Ms Hirsh, so she can make a contribution in relation to this private members bill.

The government takes the view that this bill is fundamentally flawed. Numerous errors are littered throughout the bill, and I will in the time allotted to me

elaborate further about those particular errors. The introduction of this bill by Mr Dalla-Riva is entirely in keeping with his long tradition of monumental stuff-ups while he has been opposition spokesperson for corrections.

I note in particular a media release of 13 January 2004 when the current Leader of the Opposition in the other place, Mr Doyle, on ABC radio corrected his shadow corrections spokesperson when it came to the case of two men found guilty of killing police officers who he claimed should have been moved out of Barwon Prison. There has been a litany of other stuff-ups made by Mr Dalla-Riva during his time as the corrections spokesperson relating to recidivism rates, to claims he made about escaped prisoners who had in fact been apprehended, to prison bed numbers which he got wrong and a whole range of other matters.

Perhaps I am being too hard on Mr Dalla-Riva. I know we have to be sympathetic to his current plight. We know he has been very busy visiting the homes of Liberal members in the eastern metropolitan region boring them to tears with his press clippings.

Hon. E. G. Stoney — On a point of order, Acting President, the member's comments have nothing to do with the bill. They are a personal attack on Mr Dalla-Riva, who is not here, and I ask you to direct her back to the bill.

Ms MIKAKOS — On the point of order, Acting President, I am the lead speaker for the government on this private member's bill. It will be a wide-ranging debate I am sure; I will be giving my very detailed explanation of the flaws of the bill very shortly.

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! There is no point of order. Ms Mikakos is the lead speaker and she is entitled to make comments, but I advise her not to reflect on or make disparaging remarks about another member. I urge her to get on with the bill.

Ms MIKAKOS — I am appreciative of the fact that when Mr Dalla-Riva spoke on the government's legislation introducing the Serious Sex Offenders Monitoring Bill he indicated his support for the government's legislation. I note he said at that time:

> The overall process under which they are applied —

he was talking about extended supervision orders —

> is appropriate.

I agree with him. Perhaps I am being a bit unfair and harsh because I know this bill is actually the brainchild of the shadow Attorney-General in the other place and I should be laying the blame for the very poor drafting and policy on his shoulders. We know the opposition generally is a bit distracted at the moment; its members are engaged in some very bitter preselections and are preoccupied with digging themselves out of the hole they have created — the Scoresby no-tolls policy. I know members of the opposition have been very busy on their hands and knees removing the no-tolls stickers off the bumper bars of their cars. I had a look at the cars in the car park this morning. I could not find a single vehicle which still had on it a sticker saying no tolls for the Scoresby.

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! I remind Ms Mikakos that she has strayed drastically from the bill and I urge her to return to it.

Ms MIKAKOS — I will come to the bill. It is important that the Victorian community understands the context in which the opposition has brought this bill to the house. I find it particularly galling that in the second-reading speech introduced by Mr Dalla-Riva he talked about the sacred task of government being to protect its citizens. This is from a party that when in government promised 1000 extra police officers but instead slashed police numbers by 800. Unlike the Liberal Party, the Bracks government is committed to community safety. We regard community safety as one of our priorities.

Hon. Richard Dalla-Riva — Acting President, I draw your attention to the state of the house.

Quorum formed.

Ms MIKAKOS — A quorum call is certainly not going to help Mr Dalla-Riva, although I am very pleased that I have more people here to listen to my contribution to this debate.

As I was saying, community safety is a priority of the Bracks government, as are health, education and many other things. It is important that we remind the opposition that it was this government that has put in place record spending in this year's budget for the police. We have engaged in the largest-ever police station construction program, committing to building or renovating up 136 police stations at a cost of over $280 million. We are on track to delivering 1400 extra police by the end of this term of government. We have provided extra resources to assist in fighting organised crime. We are toughening the asset confiscation powers and providing new technology resources for police stings, new vessels for our water police, new equipment

and extra staff for the police forensic science laboratories, and a host of other initiatives.

The result of all this additional commitment to resources, powers and police staffing is a reduction in the Victorian crime rate. This year we have seen a 7.8 per cent drop in the crime rate per 100 000 head of population. This is in fact the lowest level since 1993 and there has been a massive drop of 21.5 per cent in the crime rate since 2000–01. Unlike the rhetoric we heard in Mr Dalla-Riva's second-reading speech, where he claimed that the Liberal Party is committed to making Victoria a safer state, the Bracks government is getting on with the job of delivering to Victorians and making our homes and streets safer for all.

The bill seeks to repeal some groundbreaking legislation that the Bracks government introduced earlier this year — legislation that put in place the toughest regime in Australia for dealing with sexual offenders. The Bracks government is very concerned with the proper management of child-sex offenders after their release from prison. Victoria is leading the way in Australia with the passage through this Parliament of the Serious Sex Offenders Monitoring Act 2005. The government's legislation targets sex offenders because of the special vulnerability of their victims, the impact on the victims and the higher rates of recidivism compared with other serious offences. I will speak about recidivism later because that is a very important issue.

There are very few crimes which elicit a more emotive response than sexual offences against children. Such offences violate trust and cause significant psychological trauma, and the effects of such crimes are felt by the victims and their families for many years after the offence is committed. It is horrifying to realise that even today many of these crimes go unreported. Children may feel that they do not want to report a crime because they are afraid of being punished or blamed, or they may not have anyone to tell or because of their youth they may not even realise that what is occurring to them is in fact a crime. Therefore the onus must not be on children to have the courage or understanding to report these crimes. It is up to every adult in our community to be vigilant and reduce the opportunities for child-sex offenders to violate the rights of children.

It is interesting to look at the research on child-sex offenders. Clearly with the vast majority of them the offending occurs in a context in which the offender knows the child. It might be a family situation or through friends or a sporting or other such organisation. That is the typical scenario rather than one of a stranger taking advantage of a child who is completely unknown to them. This means that as a community we all need to be vigilant about these situations, not just in relation to children outside their home, but also within the family itself. Because of children's particular vulnerability and the insidious nature of child-sex offences, we have afforded children special protection under the law and have singled out child-sex offenders for special treatment under the government's legislation which has already come into law in this state.

We have to remember constantly while we are debating this bill that we are talking about offenders who have served their time in prison and who have been punished by the community for their heinous crimes and are returning to the community. That is why we have singled out this particular category of offenders for ongoing monitoring and supervision in this way. In our legislation we have enabled tough conditions to be imposed on offenders after the completion of their prison sentences and parole periods to enable the courts to determine how long measures such as electronic bracelets and curfews and so on should be used.

Also, we must remember that the government's legislation built upon the previous Sex Offenders Registration Act 2004 which put in place a register for child-sex offenders and other types of offenders as well that would require them to report to police any changes in their address, their name or their employment. Together that total package of legislative reforms introduced the toughest regime in Australia for the ongoing monitoring and supervision of child-sex offenders. By contrast what we have before the house today is a bill that is poorly thought out and riddled with errors. It simply does not make any suggestions as to how we can further protect our most vulnerable community members, our children.

I note that in the second-reading speech and also the media release put out last Wednesday, 7 September, by the member for Kew in another place, Andrew McIntosh, the stated purpose of this bill is to repeal the Serious Sex Offenders Monitoring Act and to introduce what the opposition says is a comprehensive system of extended supervision orders that would monitor offenders convicted serious offences defined in the Sentencing Act 1991 as including murder, rape, arson, kidnapping and armed robbery, a sexual offence against children as well as interstate parolees subject to the Parole Orders (Transfer) Act 1983.

What the bill purports to do is provide for a similar regime to that established under the government's legislation, in that it provides for extended post-sentence supervision in the community of certain

offenders. As with the government's legislation, an extended supervision order would be made by the County or Supreme court for a period of up to 15 years; there would be an application process similar to that outlined in the government's legislation, accompanied by at least one clinical assessment report outlining the offender's risk of reoffending and so on. However, the regime put in place by this bill has a number of significant departures from the government's legislation, and it is these that I want to highlight to the house in explaining that the bill is unworkable and will result in fewer people being subject to extended supervision orders than is currently the case under the government's legislation.

I want to stress here that the rhetoric in the opposition's second-reading speech and media release do not match the drafting it has put in place in the bill. I also note that in the second-reading speech the opposition also indicated that if elected it would extend the extended supervision orders to apply to what it calls 'sophisticated organised crimes' — it does not explain exactly what types of offences it is talking about — and also to commercial drug trafficking. But the opposition has not bothered to put those into the bill itself. It obviously thinks getting elected to government is a remote possibility and it has not bothered to put that in its bill. Perhaps it found the drafting exercise too difficult and decided not to proceed down that path. It is curious that the opposition is making election policy through a second-reading speech and has not bothered to put it in the bill itself.

In terms of the scope of offenders covered by the bill — and this is the key problem with the bill as I see it — it is important to remember that the government's legislation applies to offenders who are serving a custodial sentence for sex offences committed against children and similar sex-related offences. In contrast the opposition has decided to go beyond that and extended the provision to apply to a broader range of offenders. However, the bill does not achieve its intended effect. Clause 5 of the bill, which talks about an application for an extended supervision order to be made in relation to an eligible offender, refers back to the definition of an eligible offender in clause 4. The key limbs of that definition, which I talked about before, are those who have a custodial sentence for a serious offence under section 3 of the Sentencing Act — a parolee or someone serving a custodial sentence for a child-sex offence — or the long list of child-sex offences in the schedule to the bill, which is similar to the government's legislation.

Members will note that the three prongs to that definition actually have a cumulative effect: they all use the word 'and' not 'or'. In order to meet the definition of an 'eligible offender' a person must satisfy all of the criteria in the three paragraphs of the definition of 'eligible offender'. As I indicated before, this appears to be contrary to the intended operation of the bill as stated in the second-reading speech and the media release, because it would require all three prongs of that definition to be met. As a result, if this definition was adopted and this bill was passed into law the outcome would be that there would be far fewer people who could be the subject of an extended supervision order. Rather than widening the pool of offenders the opposition is in fact narrowing the pool of offenders who could be subject to an extended supervision order. I assume this was not the opposition's intention; it is just another demonstration of incompetent drafting.

In relation to the issue of who applies for the extended supervision order, the opposition has departed significantly from the government's legislation in this respect. Under the government's legislation the applicant for an extended supervision order is in fact the Secretary of the Department of Justice. However, the bill proposes to make the Director of Public Prosecutions the applicant of an extended supervision order under clause 5 of the bill. Members would know that the role of the DPP is a critical one in Victoria's criminal justice system, and particularly the DPP's function is to prosecute criminal charges. Making extended supervision orders would appear to be an inappropriate role for the DPP because an extended supervision order does not form part of the criminal sentencing process. It is not intended to punish an offender. Rather, an extended supervision order is intended to protect the community from the risk that certain offenders will reoffend in the future. As such the issues to be considered by a court regarding an extended supervision order relate to future risk of reoffending, so the consideration of such issues falls outside the scope of the DPP's traditional criminal prosecutorial functions.

Incredibly, there are even further errors in the bill in this respect. I note the opposition has shifted the role of applicant to the DPP under clause 5. The bill, however, inadvertently refers to the secretary rather than the DPP in several clauses, so the opposition does not even have its change in policy correct; it has obviously just cut and pasted from the government's legislation in drafting its own bill — for example, clause 1(2)(b), which is part of the purpose and outline clause, refers to an extended supervision order being made upon application by the secretary. Clause 10(3) requires an offender who is subject to an extended supervision order application and who obtains an independent assessment report to serve a copy upon the secretary.

Clause 11(3)(a) requires the court to have regard to any assessment reports filed by the secretary in determining an offender's likelihood of reoffending. That is in contrast to clauses 5 and 6 of the bill, which envisage that the DPP as the applicant would file the assessment report. Also, clause 11(4) empowers the secretary to file with a court a notice of intention to dispute an assessment report or other medical report. So we are not clear about which it is to be. Is it the secretary, or is it the DPP? Is the opposition having a bet each way? It is all very confusing, and there is even more confusion to come in the bill. A similar issue arises in relation to the process for the review of an extended supervision order under the bill. The bill proposes that the DPP would be the applicant for periodic review of an extended supervision order under clause 21(2), but requires a review application by an offender to be served on the secretary in clause 22(2).

Further, the requirements for the service of documents in clause 45 of the bill do not provide for the service on the Director of Public Prosecutions but rather on the secretary. The proposed process for the making and determination of extended supervision order applications and of reviews is likely to be impractical and confusing under this bill. It is very confusing. I am not sure if the opposition is trying to merge the roles of the Secretary of the Department of Justice and the DPP, but clearly it has not put into practice its rhetoric in its drafting of this bill.

I am sorry to say that there are further errors in the bill. In his media release the member for Kew in the other place, Mr McIntosh, talked about an exchange of information between Victoria Police, the Department of Justice, the DPP and the Adult Parole Board. He seemed to suggest that the type of situation that occurred with a child-sex offender who came from Western Australia and then ended up in Sunbury just could not occur under the opposition's private members bill. However, if you look at clause 43 of the bill you will see that it allows the Adult Parole Board to divulge or communicate to these other agencies certain information, and allows for the information to go both ways. However, clause 43 does not compel the exchange of such information. Again we are seeing the rhetoric by the opposition and its bill not matching. In fact its broad-ranging claim that a situation such as the one where the offender ended up in Sunbury could not occur under its legislation is a lot of hot air, because the bill does not compel such information.

We also note that the apparent intention of the bill is to expand the range of offenders who may be subject to an extended supervision order to include a range of serious offenders rather than its being limited to offenders who pose a risk of sexually offending against children. I have already pointed out that the bill does not match at all the stated intention in the second-reading speech. However, the clinical assessment report that must be filed with an extended supervision order application and the tests that must be applied by the court in deciding whether to make an extended supervision order are confined to an offender's risk of sexually reoffending against children. In that regard the contents of the assessment report and the tests to be applied by the court under the bill reflect the existing provisions in the government legislation. In other words, the opposition is suggesting that an extended supervision order should be extended to other serious offences but that these should be assessed on the basis of whether an offender is at risk of sexually reoffending against children. For example, the opposition is proposing a situation where the test for making an extended supervision order for an armed robber would be whether they were at risk of reoffending against children. It is a particularly interesting idea and is clearly an indication of the opposition doing a bit of cutting and pasting of different clauses from the government legislation without thinking through the consequences of what it has replicated in its bill.

There are many other errors in the bill. I have worked out that they average out to about an error a page over the 40 or so pages of the bill. Under clause 8(2) of the bill an assessment report must state the medical expert's assessment that the offender will commit another relevant offence if released into the community without an extended supervision order being made. As I explained earlier, the term 'relevant offence' covers only child-sex offences and related offences. That is the definition in clause 3 of the bill, which links to the schedule. However, the matters that must be addressed in an assessment report under clause 8(1) of the bill are focused on the offender's sexual offending — for example, the offender's propensity to commit relevant offences in the future, the pattern and progression of sexual offending to date and efforts made by the offender to address the cause of his or her sexual offending. Again it is difficult to see how this could possibly apply to other serious offences — such as murder, kidnapping and so on — that the opposition has attempted to include in the scope of this legislation.

Under clause 11 of the bill, which sets out the test the court must apply in deciding whether to make an extended supervision order, the court can only make an order if it is satisfied that the offender is likely to commit a relevant offence if released into the community at the end of his or her sentence without an order being made. I note again that 'relevant offence' covers only child-sex offences and certain related

sexual offences. While the bill attempts to expand the scope of offenders covered by the scheme, incredibly the test the court must apply remains unchanged from the test in the legislation that the government introduced earlier this year. While imitation may be the sincerest form of flattery, the opposition should really examine its bills more closely before presenting them to this house. It is not clear what kind of evidence could possibly be presented to the court to establish that, for example, an arsonist with no history of sex offending is likely to commit sexual offences against children if they are not subject to an extended supervision order.

The government's legislation appropriately invests the functions of supervising offenders on extended supervision orders in the Secretary of the Department of Justice and the Adult Parole Board. This bill proposes a radical shift in roles and functions, not just in relation to the DPP but also in the case of the Adult Parole Board, and removes the supervisory functions of the Secretary of the Department of Justice, as is provided for in the government's legislation. The proposed supervision regime the opposition is seeking to put in place would be extremely difficult to implement in practice. In this regard the traditional supervisory role of the Adult Parole Board has been focused on making determinations as to the conditions to which offenders should be subject as part of their parole orders. The board is given similar functions under the government's legislation in relation to offenders on extended supervision orders.

I find it incredible that the opposition is not aware that the board is not established or resourced to undertake the direct supervisory role of offenders on a day-to-day basis. Rather, this role is currently undertaken by community corrections staff, as delegated by the Secretary of the Department of Justice, in relation to both parolees and offenders on extended supervision orders under the government's legislation. The board could require an offender to report to the secretary or community corrections staff under the core conditions of an extended supervision order, and these core conditions include requirements to report to or receive visits from the board or other nominated persons.

However, the bill removes a number of ancillary powers that were contained in the government's legislation which facilitate the supervision of offenders on extended supervision orders by the secretary or community corrections staff. In particular, the bill does not contain any power equivalent to the broad power in section 16(1) of the government's legislation for the secretary to give instructions or directions that are necessary to ensure the effective and efficient implementation of the order.

Unlike the government's legislation, the bill does not contain any consequential amendments to the Corrections Act that would require the secretary to provide the Department of Justice staff and other assistance to the board to assist it in supervising offenders subject to extended supervision orders, nor does it specify that community corrections staff provided to the board for this purpose are subject to the directions of the board. It appears that the opposition is suggesting that members of the Adult Parole Board — who, by the way, do an excellent job — be requested to undertake direct supervision of those subject to extended supervision orders on a day-to-day basis. Clearly this would be usurping the role of the community corrections staff. The regime the opposition is seeking to put in place is unworkable.

The conclusion that we have to draw from all of these errors and changes and the confusion about the roles of the DPP, the secretary of the department and the Adult Parole Board, is that this is a cobbled-together policy made on the run, and it is an indictment on the opposition that it has brought such an unworkable and ineffective bill to this house. It demonstrates a clear lack of attention to detail and the importance the opposition gives to law and order issues more generally and the protection of the most vulnerable members of our community.

By contrast the government has sought to assure Victorians that we have the toughest regime for supervising child-sex offenders and it has listened to the concerns of the community in this respect. We were one of the first jurisdictions to introduce a register of sex offenders in accordance with the national scheme, and we went beyond the requirements of the national scheme in Victoria in that we allowed the courts to opt to put serious sex offenders against adult victims on the register, and the registration of child-sex offenders is automatic because it is mandated under our legislation. Victoria's registration and monitoring scheme of sex offenders was established through the Sex Offenders Registration Act 2004 and the Serious Sex Offenders Monitoring Act. Together those two pieces of legislation put in a very good workable regime that is supported by the community and actually delivers the goods in terms of a regime that is properly balanced and understands the clear roles of different agencies within the criminal justice system.

The government is concerned about risks to children and the community more generally, when convicted child-sex offenders are discharged back into the community at the conclusion of their prison sentence. The community is rightly concerned about the evidence that some paedophiles are likely to reoffend again and

again throughout their lifetime and that they are likely to have many victims. In this respect it is important that I refer to some of the research which clearly indicates the propensity to recidivism of child-sex offenders. I should point out that when I was reviewing the literature and the research on these matters there was a considerable amount of research that has been done on recidivism rates amongst child-sex offenders.

However, there did not seem to have been the same amount of research — at least I could not locate it — in relation to recidivism of other types of offenders. That is an important point because the opposition has based its legislation on the premise that in some way it is possible to predict the risk of reoffending amongst a wide cohort of offenders. I would be interested to know the research on which the opposition has based its policy and its bill where it is seeking to extend the supervision order regime to a broader range of category offenders.

I draw the attention of house to an Australian criminology paper published in February 2001 by Stephen Smallbone and Richard Wortley entitled *Child Sexual Abuse — Offender Characteristics and Modus Operandi*. In this paper the authors said:

> Almost two-thirds (62.9 per cent) of the offenders —

these are the offenders that they studied in their paper —

> had at least one previous conviction, and this was almost twice as likely to have been for non-sexual offences (40.6 per cent) than for sexual offences (22.2 per cent). Of the 199 offenders with previous convictions, 82.2 per cent had first been convicted of a non-sexual offence.

It goes on to talk in more detail about the propensity of child-sex offenders to locate their child victims through a friend's home, through organised activities such as sporting associations and scouts and through babysitting and those types of activities. That comes back to the point I was making earlier: that, regretfully, it is within the home and through relationships between offenders and victims that these types of offences occur, rather than amongst strangers. The research clearly shows that there has been demonstrated a higher propensity for child-sex offenders to reoffend. That is why we have sought to put in place our legislation to deal with these types of offenders: to protect the community and, most importantly, to protect children. There is a greater understanding that victims of child-sex offenders and their families experience damaging and painful consequences of these terrible crimes for many years. We have put in place a system of active monitoring of high-risk child-sex offenders after the completion of their time in prison. I want to also point out that our regime did put in place a number of safeguards, and I note that these safeguards have been replicated in the opposition's bill. It is also important that we have appropriate checks and balances in these pieces of legislation to cover rights of appeal, legal representation and so on.

In conclusion I say that the government's legislation has made a difference. It protects our children and makes our community a safer place. I reiterate that our government has insured that Victoria has the toughest regime in Australia for dealing with child-sex offenders. The legislation was targeted at child-sex offenders because of the special vulnerability of their victims, the impact on the victim and the high recidivism rates compared to other serious offences. The bill before the house in no way improves community safety. In fact, as I have outlined to the house, it reduces community safety by restricting not broadening the number of offenders who could be subject to an extended supervision order. It is a bill that is clearly half-baked. It is ridden with errors, and the government will oppose it for that reason.

Hon. W. R. BAXTER (North Eastern) — I think it really demeans the Parliament when the lead speaker for the government commences her speech with a personal attack on Mr Dalla-Riva and his bringing this important topic to the house. It is the height of hypocrisy for the member to allege preselection difficulties within the opposition when we all know what happens in the Labor Party when it comes to preselection. Presumably that is why two-thirds of the Labor backbench was missing from the prayer this morning — because there were some preselection shenanigans going on in what we used to call the smoke-filled corridors of this building. I do not think a serious debate like this should be approached in that manner.

I agree that having got that off her chest, so to speak, through a couple of points of order, Ms Mikakos proceeded into a somewhat clinical examination of the bill before the house. In the process she identified a number of deficiencies with the legislation. I have also identified most of those deficiencies — she might have included a few that are not on my list. In fact, after the second-reading speech for this bill was given last week I drew Mr Dalla-Riva's attention to the fact that I considered clause 4, in its cumulative effect rather a singular effect, was not going to achieve what he was intending. I understand that in committee Mr Dalla-Riva will move an amendment which will cure that defect.

So far as the other deficiencies identified by Ms Mikakos are concerned, they are all of a technical nature and do not affect the substance of Mr Dalla-Riva's intentions at all. If this government had acted as openly and helpfully as governments have in the past, it would have allowed this bill to be drawn by parliamentary counsel in the first instance. Those technical defects would not have occurred had that been the case. I can remember back in the days of the Hamer government, for example, when Mr John Finemore was parliamentary counsel. That government allowed the opposition and the third party to have private members bills drawn by parliamentary counsel's office. Mr Finemore and his staff were most helpful in assisting the workings of the Parliament and the opposition parties and the proper functioning and operation of democracy. I recall subsequent parliamentary counsel, Ms Rowena Armstrong for example, being made available by the government of the day to assist opposition parties whether they were Labor, Liberal or National to draw private members bills.

It is this Bracks government, which refuses to make the resources of the parliamentary counsel's office available to the opposition, that perhaps leads to inevitable technical defects with private members bills. I think the government should look at itself before its members launch into long tirades about technical defects in legislation. As I have already alluded, the principal defect is about to be cured by an amendment to be moved, as I understand it, by Mr Dalla-Riva in the committee stage.

There is no doubt that Mr Dalla-Riva and his colleagues are reacting, as they should, to community concerns about repeat offenders. It goes without saying that there is a great deal of concern out there in the community about that. The government itself responded to that concern and that pressure by bringing in the Serious Sex Offenders Monitoring Act earlier this year. It might have done that, I suppose, in response to pressure arising from the impending release of the notorious person known as Mr Baldy. Nevertheless, the government reacted to that community advocacy. I think that is to its credit. I think the bill the government brought in was quite laudable, and the Parliament obviously thought so because it was passed in a bipartisan way. However, I think the opposition is going on to ask the next question: why not other offences? Why limit it only to sexual offences involving children? That is a valid question. It is a question being asked in the community quite a lot; I certainly get it in the streets of towns in my electorate.

This bill is an attempt to support and extend the principle that was established in the Serious Sex Offenders Monitoring Act and to say if it is good enough for those sorts of offences, why not extend it to other very serious offences? That is a pretty valid argument. I suppose the reservation I have is that we have to be very careful to maintain balance in all of this. We have to make sure that we as a Parliament are acting responsibly, that we are not simply dancing to the tune of extremist elements in the community or loud lobby groups or front page exercises in scaremongering and the like run by the *Herald Sun* in particular. The *Herald Sun* has a somewhat notorious reputation for beating up these sorts of things and alleging that somehow or other the justice system is failing and people are being inadequately punished or that having served their sentence — done their time so to speak — they should be kept on a very tight leash thereafter. It seems to me that in a liberal society where we want to protect and preserve our freedoms there is a grave danger of going overboard if we allow ourselves to be unduly influenced by the tabloid press or the rantings and ravings of a minority in the community who have some sort of vigilante attitude and believe they ought to be able to administer justice according to their views and beliefs and their innate fears and concerns rather than having a properly structured justice system.

I am not suggesting for one moment that the bill before the house today is dancing to that tune at all. I do not think it is. The bill before the house is attended by a large number of safeguards. They are the very same safeguards as were in the government's bill so I am not alleging that this bill is opening the floodgates, so to speak. However, what I am saying is that we as a community and as a Parliament have to be especially careful that we are not allowing ourselves to be boxed into a blind alley.

I have often wondered in this job whether we are delegates or representatives. If we are delegates, we are here to do the bidding of those who shout the loudest in our constituencies — those who, by dint of activity and noise, get the headlines and generate the most traffic through our electorate offices. I have never thought myself to be a delegate. It is one of the reasons, in a somewhat tangential way, I seldom table petitions in this Parliament. I certainly do not ever table a petition if it is on a subject with which I disagree, because I do not consider myself a delegate. I consider myself a representative and as a representative I think one has to weigh up all the arguments and come to a conclusion and a response of what is best for the bulk of the community in the long term, not what might satisfy the baying hounds in the short term.

The danger in these sorts of debates is that the Parliament degenerates into a situation where it is responding to the baying hounds rather than taking a more long-term and responsible view. But, as I have said, I do not think this legislation does that. Some of the rhetoric may, but the bill itself does not do so — and that is another danger. We have to make sure that the rhetoric out there in the community is not encouraging the baying hounds.

I have been through the bill and am satisfied that it preserves the freedom I have spoken about. It protects against the activities of antisocial elements in the community. It provides for an extended supervision order to be brought in, but it is only in very restricted cases. Clause 11(1) of the bill says that:

> A court —

it has to be a superior court, it cannot be the Magistrates Court —

> may only make an extended supervision order in respect of an offender if it is satisfied, to a high degree of probability, that the offender is likely to commit a relevant offence if released in the community on completion of the service of any custodial sentence that he or she is serving …

It requires that only a court, and a superior court at that — and then only on the basis of a high degree of probability — can make an extended supervision order (ESO). I am prepared to take comfort in that safeguard. Therefore this legislation is acceptable in that it will only enable ESOs to be made in cases where there is a high degree of probability. I believe that will give some comfort to the community at large. It also puts some pressure on those who are completing their sentences to realise that they can, if they are not careful and are not law abiding, be subject to ongoing supervision. When one looks at the provisions of that supervision, which, as I read them, are identical to those in the government's own act, it can be seen that they would be quite onerous to anyone. Whether you commit another crime or not, the mere fact that you have an ESO is going to make life somewhat difficult for anyone. Therefore there is a deterrent element as well.

On behalf of The Nationals I indicate that the party supports the opposition in its attempts to extend the concept of ESOs to other offences in addition to serious sexual offences against children. We believe the principle has been established by the government's own legislation and that there is a case that can be made out for having that sort of principle and system available for a wider range of offences. We acknowledge that this bill has some technical defects but, as I pointed out, those defects can be cured quite easily and could be cured this very day in the committee stage of this house, so that is not of grave concern to me.

The opposition is to be commended for the work it has put in in bringing this to the Parliament. It is another part of the armoury to make our community safer. There is no doubt that there is a lot of concern out in the community that our society is becoming less safe, so therefore we have to do what we can to ensure that those feelings within the community are mollified and ameliorated, and I think this bill can go some way to doing that.

Hon. B. N. ATKINSON (Koonung) — I, like other members on this side of the house, am somewhat disappointed at the government's response to this proposed legislation and encouraged by the response of The Nationals. What needs to be understood in the context of this debate is that the opposition's attempts to progress concepts and legal positions that might be accepted by the Parliament in the interests of the community are frustrated time and again by the resourcing provided by government. The reality is, as Mr Baxter said — —

Hon. J. M. McQuilten interjected.

Hon. B. N. ATKINSON — As a matter of fact there is a distinct contrast between the actions of the last government and those of this government. The resources of the opposition parties have been dramatically reduced by this government. Staffing resources have been cut and indeed access to parliamentary counsel is no longer available in the drafting of private members bills. That ought to be a process concern to all members of this place, especially the Independents. I understand one Independent is to contribute to the debate on this matter today. She might reflect on whether or not it is appropriate that she has, as an Independent, perhaps even less resources than a political party available to her if she wishes to proceed with a private member's bill in this place or to pursue issues of concern to her. This is a very grave matter for all of us.

I hear what Ms Mikakos says about the legislation. I would characterise much of it as nitpicking. Certainly she has drawn attention to a number of inconsistencies and, as has been indicated by the Honourable Bill Baxter, the opposition has a series of amendments to address some of the concerns she has raised, particularly those concerns that affect clause 4 and which would define which offenders might well be covered by this proposed legislation. One of the key issues that she raised will be addressed by that.

It would have been much better for this debate had the government been prepared to engage in the principles that are ensconced in this proposed legislation and been prepared to look at what the opposition said when we debated the Serious Sex Offenders Monitoring Bill and subsequently in public forums. It has not been alone in making those comments but has had considerable support from people in the legal fraternity and in the community generally about the legislation not going far enough and that there was a need for this Parliament to consider monitoring procedures which would provide a greater measure of community safety in a wider range of offences.

One of the problems with the previous legislation that this Parliament dealt with is that in many ways it was a knee-jerk reaction to newspaper headlines, which is so characteristic of the way this government operates. There was some adverse publicity in that case — the Mr Baldy release from jail — and the government thought, 'We must have something that we can put in place from a public relations point of view to counter this issue'. It came up with its legislation.

It is true that that legislation dealt with that problem to a reasonable extent, and indeed the initiative received opposition support. But at the time the shadow Attorney-General in another place and Mr Dalla-Riva both flagged that from the opposition's viewpoint the legislation clearly did not go far enough and that there were other people who had committed offences — heinous and sickening crimes — in this community who really ought to be monitored once they left prison because it was in the community's interests to ensure that those people did not have a propensity to reoffend.

The opposition was very clear in its position. I notice that Ms Mikakos used the word 'rhetoric' a number of times in her contribution. The opposition did not engage in rhetoric. The opposition engaged in a very clear and consistent debate of what was an imperative in terms of community safety.

Whilst the government might argue that its current regime meets community needs, there are many people in the community who clearly do not think it does. I share Mr Baxter's view in that I have a real concern about community responses at this time to some offenders who are released back into the community because the community does not believe there is a sufficient process in place to ensure that they do not reoffend and that there is not a continuing risk to the community, and particularly to those who are most vulnerable in our community.

There is the prospect of vigilantism. I notice a number of radio announcers have been pursuing particular offenders and trying to out where they live. The consequences of that are horrific. If they pick the wrong house or the wrong street — indeed there have already been question marks about some of the areas that they have suggested an offender might be residing — then the consequences to an innocent person could be catastrophic. It is all because people clearly do not have the level of confidence in the system that the government suggests.

The legislation tries to address a number of issues and seeks to make for a safer Victoria and for greater community confidence. It seeks to move away from community hysteria about offenders who are released, and it seeks to try to establish a better regime of community protection. One thing the system does not do at this point, and about which I have some concerns, is that the rehabilitation process within our prisons fails much of the community, indeed many offenders, and therefore the propensity for people to come back into the community as damaged individuals and to reoffend is a real concern for the community and something we ought to be addressing.

The government might well have argued the principles of the legislation rather than pedantics. This government has shown great arrogance by suggesting that the legislation has all these inconsistencies in it when it knows — and Ms Mikakos would particularly know — that parliamentary counsel was not allowed to support the drafting of the legislation. It is ridiculous for the government to try to frustrate an important debate on critical issues of real concern to the community by taking this pedantic nitpicking approach.

The principles enshrined in this proposed legislation are important and ought be pursued by this Parliament. They could well have been pursued if the government had taken a more constructive position, like The Nationals, in saying, 'Okay, the principles of this legislation are important' — and I would hope the Independent member for Silvan also takes the position of The Nationals. The government should have recognised that this proposed legislation contains important principles and that the inconsistencies suggested by Ms Mikakos could well be dealt with in the committee stage of the bill.

As I have said, the opposition has some amendments. Once we tabled the proposed legislation parliamentary counsel was then able to say, particularly after discussions with The Nationals, that there were some changes that it could effect to the legislation to ensure

its workability, which is in contrast to its characterisation by the lead government speaker.

The fact is that this bill is important and should be given due consideration by the house. It will establish an effective process; it will give the community greater confidence in terms of the process; and it will extend an effective extended supervision order system, which has been identified by the government in previous legislation, to include a wider range of offences. Some offences could well still be classified by the community as heinous and sickening crimes but at the moment are ignored by this government, despite the fact that some of those people might well be reoffenders.

I wonder what government members might think about the prospects of Julian Knight's release and the hysteria that might accompany that at some future point. In jail Julian Knight has shown certain behaviours which would suggest that there is very little remorse, and very little rehabilitation and progress towards a successful re-entry to the community — by the man who killed people in the Hoddle Street shootings. Are we to wait until such time as an individual like Julian Knight, or someone else, is released from prison before we start to readdress the consistency and capacity of our legislative framework to guarantee a level of community safety that the community wants and that we as lawmakers owe to the community? This proposed legislation would deal with Julian Knight and a range of people who would cause great alarm in the community were they to be released under the current regime of parole and the inadequate supervision of their behaviour once they are released back into the community.

I was surprised at the arguments advanced by Ms Mikakos about the suitability of the Director of Public Prosecutions to seek these extended supervision orders as distinct from the secretary of the department who currently is charged with that responsibility. The Director of Public Prosecutions is the advocate of the community who establishes whether there is evidence to suggest that the community's interests ought to be protected by the appeal against a conviction or the decision of a court which, from his viewpoint as a community advocate, is not considered to be in the interests of the community — in other words, if a sentence is issued to a particular individual by a court, then it is the Director of Public Prosecutions who launches an appeal if he believes that sentence is inadequate for the protection of the community in respect of those offences.

The Secretary of the Department of Justice does not have that role. He has an administrative role. In terms of this proposed legislation regarding extended supervision orders, the opposition has highlighted what is an important principle and has indicated the appropriate process that ought to be taken going forward with these supervision orders. Whether it covers the government's existing legislation or new legislation as proposed here, it would take us further and extend the range of offences that might well be covered by extended supervision orders for certain individuals. It is appropriate. It occurs to me that we ought to be thankful that Mr Baldy consented to the orders being established in his case because the Secretary of the Department of Justice had failed to make a decision for over three months and had run out of time in a legal sense to seek the imposition of those orders without consent by Mr Baldy himself. The Director of Public Prosecutions is in a better and more appropriate position to pursue those sorts of issues.

This proposed legislation is important, and the house should give it fair and due consideration. We should move away from some of the pedantic arguments offered by Ms Mikakos, who on the occasion of this bill coming before the house had 1 hour to speak instead of the customary 15 minutes. She has rejoiced in that and has given us a run through of the technical aspects of the proposed legislation. The issues she raises could well have been addressed and can still be addressed through amendments, and I believe that is the appropriate way to go.

The government should come on board with this one and except the principles that have been enunciated by the Liberal Party in terms of this proposed legislation, as indeed The Nationals have, and pursue amendments in those areas where it believes the legislation could be made more effective. I commend the bill to the house and ask members to give it fair consideration because it is an important bill and one the community is concerned about. The community is looking for effective protection — —

The ACTING PRESIDENT (Hon. R. H. Bowden) — Order! The member's time has expired. Before I call the next speaker, could Mr Baxter assist the chamber by indicating whether The Nationals will require any further time in this debate?

Hon. W. R. BAXTER (North Eastern) — On the matter of the allocation of speaking time, I advise that The Nationals will not be using any more of its allocated time. We ask the Chair to reallocate that time at its discretion.

Opposition amendment circulated by Hon. B. N. ATKINSON (Koonung) pursuant to sessional orders.

Hon. C. D. HIRSH (Silvan) — I decided to investigate this private members bill introduced by the opposition because on the last occasion a private members bill was before the house I did not know what was going on and abstained from voting. On that occasion I had not been given a briefing by either the government or the opposition, and I must say that on this bill I have also not been given a briefing by anyone. I have made it my business to investigate the bill using my own resources.

Hon. Andrew Brideson — Did you request a briefing?

Hon. C. D. HIRSH — I was not offered a briefing.

Hon. Andrew Brideson — You did not request one?

Hon. C. D. HIRSH — I did not because once I got to the bill I discovered I could understand it myself.

Hon. Andrew Brideson — Had you requested a briefing, you would have been given one.

The ACTING PRESIDENT (Hon. R. H. Bowden) — Order! Mr Brideson should direct his comments through the Chair.

Hon. C. D. HIRSH — I would have requested a briefing the previous time, but I did not even know it was happening. This time I made it my business to find out, and I have found out.

I started off with the second-reading speech. When I came to a serious spelling error I wondered if I should keep reading or whether I should immediately hand it back. I have made a range of corrections to the second-reading speech, and I am happy to produce this corrected copy for interested members. As a former teacher, I found it an interesting exercise. There were a series of punctuation and typing errors, but when I came to the spelling error I really wondered whether I should go on since there seems to be a principle established of only reading material that is correct. Mr Atkinson expressed concern about access to parliamentary counsel, and I have to say this also concerns me. If I decided I wished to bring in a private members bill, the lack of access to parliamentary counsel in the preparation of that bill would cause me concern, as I am sure it would to the other Independent member. That matter should be followed up and access to parliamentary counsel should be provided to any member of this chamber who wishes to prepare a private members bill.

I am very concerned about the principles of this legislation, not the 'principals', as the second-reading speech has it. The speech seems to be talking about school principals rather than a series of principles. I saw the need for extended supervision orders when they were brought in. I supported the legislation because child-sex offenders tend to be recidivist. Often they prey on children they know and tend to keep on doing it. It is a fairly well-researched issue, and the literature indicates it is a fairly common factor among that group of offenders. I supported the extended supervision order legislation, but the principle generally of keeping a person punished beyond the sentence the court has imposed worries me greatly. It worried me when the government bill came in, but because of the particular situation then and because it was confined to that group of offenders who are known to be recidivists, I felt able to support it.

Whilst Ms Mikakos went through a lot of the technical errors in it, I am more concerned about the principle of the opposition bill and extended supervision orders being expanded to cover a whole range of criminal behaviour. The expansion is basically limited to very serious criminal behaviour, like rape, armed robbery, kidnapping and murder, all of which are hideous, heinous crimes, but if you go through the literature, the evidence for recidivism by perpetrators of those crimes is not as strong as it is for child-sex offenders. You cannot say for sure that recidivism will take place among those who commit some of these crimes, and to extend the bill to this range of crimes is problematic.

I am also concerned about the fact that the second-reading speech flags a couple of additional crimes that will also have extended supervision orders attached to them. The crime of drug trafficking, which is an appalling crime, is one of them, and there is one other crime that would be flagged if the opposition came into government.

Mr Atkinson or Mr Baxter mentioned the concept of extremism, vigilante groups and so on. I am very concerned that if in the future a government came into power that contained a number of extremist thinkers this business of extended supervision orders could be expanded even further. That is the thing that worries me. The principle was established with the so-called Mr Baldy legislation — the child-sex offender legislation — but having had the principle established, if we perhaps take it further we could end up with half the population wearing ankle bracelets. That really worries me.

Therefore I am not going to support the legislation. I thought a bit about not supporting the earlier bill, but because of the particular situation and because, as I said, of the known recidivism of that group I supported it. I do not believe you can in all conscience support this legislation when the research and the evidence do not show the level of recidivism and when the principle is expanded of continuing a sentence that a court has imposed. It is a breach of separation of powers, and I believe the earlier legislation is too. It is concerning to any Parliament that this is occurring. I do not believe we as a Parliament have a role in sentencing or in determining the length of sentences. That should be up to the courts.

I enjoyed Mrs Coote's advertisement in the Stonnington newspaper this week about this bill. Next week, perhaps, it might be useful for Mrs Coote to tell the paper, 'Sorry, it got beaten'.

Hon. Andrea Coote — I do not think so. We have not had the vote yet.

Hon. C. D. HIRSH — We will see. We have not had the vote.

Hon. Andrea Coote — But I am glad you are reading it as a constituent of mine.

Hon. C. D. HIRSH — I am a constituent. It was a very interesting advertisement. I thought, 'Goodness me. I have a conviction. I hope I do not end up with an ankle bracelet!'. I certainly would not like to. On that frivolous note, I will conclude.

Hon. W. A. LOVELL (North Eastern) — In beginning my speech I would like to make a short response to the government's attitude towards the Serious Offenders Monitoring Bill, particularly the remarks made by Ms Mikakos. It is disappointing that rather than treating the bill in the serious manner that it should be treated the government has chosen to nitpick and mock it. This is a very serious issue, and it is something the community feels very strongly about. When we are debating legislation that deals with such serious crimes I suggest the government could have taken the bill a lot more seriously.

We in the Liberal Party acknowledge that we do not have the resources that the government has available to it in drafting legislation. The government has almost 170 000 public servants available. I also note, as the Honourable Bruce Atkinson did, that the Liberal Party was not afforded the assistance of parliamentary counsel in drafting this private members bill. However, even with all the resources and experts available to the government, it has still presented legislation to this house that contains technical errors or spelling mistakes. The government should acknowledge that it is not perfect either, and it has a lot more resources at its fingertips than the opposition. If the government really cared about the concerns and safety of Victorians it would have offered these resources to the opposition and assisted it in correcting any technical errors that may exist in the bill rather than just nitpicking and mocking it. If the government really cared about safety in Victoria it would be supporting the bill.

The bill would repeal the government's Serious Sex Offenders Monitoring Act 2005, which was introduced in an attempt to protect the community against recidivist child-sex offenders. That legislation did not go far enough towards community protection, because it failed to recognise that dangerous recidivists are not confined just to paedophiles. This bill will expand the range of offences where extended supervision orders can be made. To the list of child-sex offences listed in the current schedule this bill would add all serious offences under the Sentencing Act 1991, including murder, rape, arson causing death, armed robbery, kidnapping and child offences. It would also include interstate parolees who have been relocated to Victoria under the Parole Orders (Transfer) Act 1983. The bill in no way diminishes the current schedule list of 41 child-sex offences.

The bill will confer responsibility for applying for an extended supervision order onto the Director of Public Prosecutions. The Liberal Party believes the DPP is the most appropriate person to make this application. The DPP is independent; his office prosecutes most of the serious crimes; and he appears for the state of Victoria on sentences of convicted criminals. Currently an application for an extended service order is made by the Secretary of the Department of Justice. The secretary is an administrator and not an advocate, so the DPP would be a more appropriate person to apply for these orders. The secretary had an unexplained three-month delay in bringing forward the application for an extended supervision order in the Mr Baldy case, and that delay could have caused the application to fail, but for the prisoner's consent to bring that order out of time. The possibility of Mr Baldy having escaped placement on an extended supervision order was quite real.

The bill also ensures that an indecent assault involving a child under 16 will be included as a serious sex offence under the Sentencing Act 1991. This will give judges the option to sentence this type of sex offender to an indefinite sentence. That is an appropriate inclusion in the bill.

Under this bill a breach of an extended supervision order will be dealt with by the County or Supreme court and not by the Magistrates Court, as it currently is, and bail will only be available where an offender can show just cause. Legislation will ensure that all departments, including the Department of Justice, Victoria Police, the Adult Parole Board, the Office of Public Prosecutions and Corrections Victoria, must exchange information to ensure agencies are aware of the conditions of the extended supervision order. This would have ensured that the Sunbury police were notified that the Western Australian paedophile Charles Alan Smith, who systematically abused young boys over two decades, had been relocated to their community. That was something about which the Sunbury police should have been notified.

Hon. Andrea Coote — Scandalous!

Hon. W. A. LOVELL — It was scandalous, as Mrs Coote says, that they were not notified and that the people of Sunbury were not aware of the possibility of this recidivist offender committing offences in their community was imminent. The police should have been notified, but not necessarily the whole community. We do not want to be scaremongering, but the police should have been made aware to keep an eye on this person while he was in their community.

The bill has come about as a result of the Liberal Party's concerns that the government's legislation passed earlier this year did not provide the level of protection that Victorian communities deserve or expect. The Liberal Party has been listening to the community, which has been demanding for some time that this Parliament implement laws that will properly protect people and reduce the level of recidivism in Victoria. Speakers for the Liberals expressed their concern during debate on the original bill, saying that it did not go far enough in providing protection to the people of Victoria against repeat offenders. The Liberal Party remains concerned that the act does not provide the level of protection that should be afforded to all Victorians and has therefore introduced this bill to expand the range of offenders covered under that act.

These offenders include some that have recently hit the headlines in this state, such as Dane Sweetman who is due to be released from the Fulham prison in Gippsland. Mr Sweetman's crimes are quite horrendous. This article from the *Herald Sun* of Saturday, 10 September 2005, describes some of his crimes. It states:

> Sweetman's hate-filled jail diaries said he wanted to kill drug users, doctors, teachers, police, priests, pornographers and homosexuals.
>
> He boasted that the day after his 1989 release he firebombed a synagogue. The next day he attacked a man at a Thornbury halfway house, believing he was gay.
>
> He bragged of launching a brutal attack on a woman in Fitzroy because she had an Asian boyfriend.
>
> Sweetman's freedom ended when he and Martin Darren Bayston attacked the English-born Mr Noble at the Hitler birthday celebrations at a Pascoe Vale South house.
>
> Things got out of hand when Mr Noble said that they didn't make women like Sweetman's girlfriend in England, and asked if he could borrow her for the night.
>
> Sweetman, on bail over the Thornbury assault, responded by embedding an axe in Mr Noble's head.
>
> …
>
> Bayston then got a boning knife from the kitchen and stabbed Mr Noble 18 times.
>
> His body was left in the backyard until morning when his legs were severed and the remains stuffed in a car boot and dumped near the Yarra River at Kew.

This person is about to be released on parole, and his parole will expire in 2010, so there will be a short period when he will be under some sort of community supervision. However, under the bill before the house today an extended supervision order would have allowed him to be supervised for up to 15 years in the community. The community demands and deserves that sort of protection.

Another person is Charles Alan Smith, whom I have already mentioned. He has been relocated to Victoria and under this bill he would have been on an extended supervision order and the police in Sunbury would have been aware that he was in their community and able to keep a close eye on his activities to ensure the safety of residents.

I am sure we all know about Mr Baldy. He is out there in the community now. The press has been able to track him down on several occasions, but, of course, we nearly missed placing an extended supervision order on him because the secretary of the department failed to lodge the application in time. At least, with Mr Baldy's agreement, he is now covered by an extended supervision order.

There is Peter Vaitos, known as the silver gun rapist, who was convicted of 10 rapes, 1 attempted rape, 1 count of buggery with violence, 3 aggravated burglaries, 1 assault and 31 counts of burglary and handling stolen property. Obviously he is a recidivist — 10 rapes, not just 1 rape. He was given a sentence of 28 years with a minimum of 25 years, but because of his good behaviour in jail, his jail term was reduced by

a third to 19 years and he can walk free at the end of that time. Under this bill he would have been placed on an extended supervision order and he would have been monitored for a further 15 years once he returned to the community, thus providing a level of protection which people not only deserve but demand. This bill presents a unique opportunity for this Parliament to protect the law-abiding citizens of Victoria from predictable danger in the form of recidivist offenders.

It is possible for recidivist offenders to be recognised for their behaviour and to be placed on extended supervision orders that will allow the police the opportunity to monitor them once they return to the community to ensure they do not go back to their old ways and commit more crimes of the sort they had been convicted of and jailed for — and they are heinous and quite serious crimes. As I said, the crimes include murder, rape, arson causing death, armed robbery, kidnapping and child offences. These are not crimes that the community takes lightly. The community treats them with a great deal of concern.

Members of the Victorian community are concerned about their safety. The level of crimes against the person has increased by 11 per cent, and they are now at the highest level they have been since the Bracks government came to power in 1999. In some of the local government areas in my province crimes against the person rose by over 100 per cent in the past year. The Bracks government promised to provide additional police resources to the Victoria Police to fight crime, but the fulfilment of that promise has not been forthcoming. We have seen only 230 out of the 600 promised police assigned to any police station in Victoria. We are waiting for the government to provide the further 370 police over the next 12 months. I certainly hope some of those additional police resources will come to my area of the state to assist our already hardworking police officers to ensure the safety of all Victorians.

As I said, this bill will present an opportunity for this Parliament to protect law-abiding citizens from predictable danger in the form of recidivist offenders The government should acknowledge this as an opportunity for it to provide some good legislation. I invite government members to provide that level of protection to Victorian citizens by voting with the Liberal Party in support of this important piece of legislation. I commend the bill to the house.

Mr VINEY (Chelsea) — I rise in opposition to the bill before the house and, taking up what Ms Lovell said in concluding her contribution, advise her that not only I but the government will be opposing this legislation. I am grateful to Ms Lovell for her contribution because she exposed what this bill is all about. This bill introduced by Mr Dalla-Riva is not about protecting Victorians, it is about getting votes. It is not about putting forward legislation that will do anything to protect Victorians, it is about the *Herald Sun*, because she quoted at length from the *Herald Sun.* That is what this bill is about. It is about presenting a case to the *Herald Sun* so that the opposition can get some support. My understanding is that members of the Liberal Party are already advertising the provisions of this bill in local newspapers as being the Liberal Party's policy. Having had the experience of almost six years in government and as a parliamentary secretary, I can say that this bill would never come before Parliament if the Liberal Party won government. The opposition would never put this bill forward if it were in government. It is a sham. This bill is purely about politics. It is purely about trying to make a grab for votes.

Hon. Andrea Coote — You don't believe it.

Mr VINEY — There is absolutely no way that any government would propose legislation such as this. Some opposition members have had experience in government. They know full well that a government deals with a range of competing issues, and that the most important thing in government is to make sure you have a balanced, reasonable and decent approach to the management and administration of the state. This bill meets none of those criteria, because it is purely about politics. It is purely about presenting a case to the public that makes the opposition look tough on crime. It is not about community safety. We know that if the Liberal Party had genuine concern about community safety it would not have sacked 1000 coppers when it was last in government. We know its record on community safety was appalling when it was in government, because it not only allowed the numbers in the police force to collapse but also presided over an absolute demolition of the morale of the force. We on this side of the house can be sure that if the Liberal Party were ever in government it would not introduce this legislation. It certainly would not introduce the legislation with all the flaws it has. Mr Dalla-Riva has done to this bill what he did to WIN Support Services — completely stuffed it up. What we know is that if the opposition were in government it would not introduce this bill. This bill is actually just a grab for votes.

Ms Lovell talked about specific cases and quoted articles from the *Herald Sun* — and she clearly confused a serial offender with a recidivist. She did not make that distinction because she does not understand

the difference. She quoted the case of a person who was convicted of serial offences. I do not know the particular case, but presumably the person was charged, found guilty and sentenced. I would imagine that if he was convicted of the offences she described — 10 rapes and 1 attempted rape, from memory — the person would have received a pretty significant sentence. The system we have and have had in the law for many, many years is that people are sentenced for crimes they have committed, and if it is a serious crime that they receive a significant sentence. At the end or towards the end of that sentence there is a parole period. The purpose of the parole period — one would hope that in sentencing there is some approach towards rehabilitation — is to test a person's rehabilitation. The parole board can put in place a number of very significant supervision requirements when a person is on parole. That is the process that we have.

There is already in a sense under the parole system in this state — and it occurs throughout the country — a system of supervision orders. The government put in place earlier this year a law that related specifically to serious child-sex offenders, because research has demonstrated that serious child-sex offenders are likely to commit those offences again and are certainly more likely to commit those sorts of offences again than offenders in any other category. The opposition has not put forward any research or any evidence to suggest that people who commit other serious offences are likely to commit the same sorts of serious offences again. Apart from the fact that the bill is flawed, the basis upon which the bill has been presented to this house has no substance. There is no research basis. The opposition has presented no evidence that people who commit other offences are likely to be recidivists.

As I said, the system we have in place tries to ensure that when a serious offence is committed a significant sentence is applied, and the parole board is able to put in place supervision arrangements for a portion of that significant sentence upon the person's release. That system has run pretty well for many years in our justice system, but the government took the view that in the case of serious child-sex offenders there was a sound reason, based on research, facts and experience, to put in place the capacity to have extended supervision orders. The government did so with a series of requirements to meet certain tests under our justice system in this state. What we have before the house today is a bill that has not been based on any of that. What Ms Lovell exposed is that the opposition's bill is in fact based on articles in the *Herald Sun*. Its bill is actually based on appealing to voters on the basis of, 'We're tougher than them on crime'.

But the evidence is to the contrary, because when we came to government we put additional resources into the police force to make sure we put in place the first basic tenet of community safety — that is, that when someone commits an offence they get caught. When the opposition was in government the police force was not able to exercise anything like a capacity to actually go out and catch crooks in the first place. That is what took place when the opposition was in government. The fundamental principle of community safety has to be to put in place a decent and reasonable level of security through our police force.

With the Liberals' promise on the Scoresby freeway they will have to go back to those things again. They will have to go back to cutting coppers and to getting rid of teachers and nurses, as I said earlier today in my 90-second statement. That is what they will have to do. Any amount of chest beating by Mr Dalla-Riva and his colleagues opposite about them being tougher than us on crime is an absolute furphy. They have no basis upon which to make that claim because in government they oversaw a decline in police force numbers. The opposition has put forward a bill that has no basis in research and no basis in substance.

In his contribution Mr Atkinson criticised Ms Mikakos for, as he said, being pedantic about the bill. Ms Mikakos put forward a series of flaws that exist within the bill before the house — significant flaws — and Mr Atkinson's amendment which he circulated fixes only one of the serious flaws that Ms Mikakos identified. I hardly think that with legislature it is appropriate for a member to be criticising another as being pedantic when the member — in this case Ms Mikakos — was pointing out serious flaws in the proposed law. This measure is proposed to be law in this state — and it is full of errors. The only way to fix these errors is not by bringing in house amendments, but to withdraw and redraft the whole thing. It is so deeply flawed. I appreciated the contribution of Ms Mikakos in demonstrating that.

What do we have before the house today? Politics. That was demonstrated absolutely clearly when all of the research for and substance of Ms Lovell's contribution was from the *Herald Sun*. What this government has done with community safety is very significant. Not only have we put in place additional resources to the police force, but we have just about rebuilt every single police station in the state. In fact it is pretty hard when driving around the state to not see one that has either been completely renovated or rebuilt.

Hon. C. D. Hirsh — Even Cressy.

Mr VINEY — There you go; as Ms Hirsh points out, even at Cressy. We have also put in place a whole range of community support systems through community support programs. These are things that were completely ignored by the Kennett government. We have put in place a range of programs and support services that provide support to communities under stress. From all of the research we know that it is usually in communities that are under stress where crime is not only generated but is committed. That is where a significant amount of crime takes place. As part of its community safety program this government has put in place significant support to communities under stress, as well as the additional resources for policing and the additional capital expenditure on police facilities. We have also put in place reforms of the legal system, such as reforms to sentencing and further options for the courts in sentencing, extraordinary initiatives such as the drug courts, and Koori courts. These are things that a decent and reasonable government does to make sure there is a fair and reasonable justice system and that it enhances community safety. None of those things were done by the other side when it was in government. It saw police resources, just as it saw teachers and nurses, as an opportunity to slash and burn and cut. I suspect that with the direction it was going in it might have even considered privatising hospitals and education, and it might have even started to consider privatising community safety and public security.

What we have before us today is a bill entirely based on the political agenda of the opposition and the chest beating of Mr Dalla-Riva. That is the substance of what is before the house. It is a bill that is not only deeply flawed and full of errors, which can only be fixed by its withdrawal, but is also in essence philosophically flawed. It has no basis in research. There is no evidence, and the opposition has presented no evidence, that the offenders referred to in the bill have a significant likelihood of reoffending. They have presented no evidence to that effect. The government recognised the research on serious child-sex offenders and their reoffending and so has put in place balanced and reasonable legislation to protect the community in that area.

This bill is all about politics. It is not about protecting the community; it is about getting votes in marginal seats and about Mr Dalla-Riva trying to beat his chest so that he advances his own position in the Liberal Party and presumably shores up his preselection prospects. I suggest that the house needs to reject this bill significantly.

Hon. ANDREA COOTE (Monash) — The essence of this bill shows that the Liberal Party is listening to the community. Unlike the Labor Party, the Liberal Party is actually listening to the community and reflecting what the community's attitude to law and crimes is. Ms Mikakos in her contribution seemed to be totally preoccupied with the mistakes in this bill. I acknowledge the amendment circulated by Mr Atkinson, which goes a long way to addressing the issues that she raised.

I would like to point out that the Labor Party in government has 167 000 public servants, and that it is putting them on at a rapid rate. Let us just go back a little and look at all of the legislation that has come through here which has been absolutely appallingly drafted and which has to be fixed up. Let us go all the way back to the drafting of the changes to this upper house. We can recall how appalling that was, as a mistake was nearly made that would have changed the whole constitution forever. In fact if it was not for the member for Box Hill in another place, Mr Robert Clark, picking it up, we would have seen some profound problems within this state's constitution. So the government can talk about mistakes, but in comparison the mistakes in this bill are minor. A bill that passed through this place recently, the House Contracts Guarantee (Amendment) Bill, went to the lower house with a whole range of spelling mistakes. Obviously Mr Holding, the Minister for Spelling, had not had a close look at it. It went through the lower house, still with spelling mistakes intact, and was sent here. In her contribution Ms Hirsh said that she had seen the spelling mistakes in this bill and had alerted Mr Dalla-Riva to them. It might be a jolly good idea to look at all of the government's legislation for spelling mistakes, because I believe members would not be disappointed — there would be many mistakes.

Mr Viney's contribution was absolutely fascinating. Mr Viney makes a contribution in this slot every week — it is something I think the whole chamber looks forward to hearing — and we see a number of trends coming through every time. We get exactly the same speech every week. Mr Viney tops and tails it — he gets the heading right, he uses the same speech in the middle and he follows up at the end. That is how he does it. We just go through the whole thing.

An honourable member — And raise a family!

Hon. ANDREA COOTE — And raise a family — precisely. Besides 'raise a family', there is 'leading the way and 'a fairer Victoria' — all of the rhetoric. Mr Viney strings it together in a speech and he presents it every Wednesday. We look forward to hearing more

of the same every week and that is what tends to happen. What Mr Viney did today was to criticise my colleague Ms Lovell for talking about the *Herald Sun*, but I remind Mr Viney about the legislation that the government brought in earlier this year about child-sex offenders. I would have to say that all members as well as the community welcomed the legislation. I believe we all feel the same way about child-sex offenders and that everybody in this chamber and the other place and in the wider community was pleased to see that legislation introduced here. We believe it did not go far enough and hence this bill today.

We need to have a closer look at what pre-empted this. It was a reaction to the *Herald Sun* and the Mr Baldy situation. The government brought in what has colloquially become known as the Mr Baldy bill. That description is there in perpetuity and is how we must remember the way the last bill came into being. Mr Viney criticised Ms Lovell for saying that it was the politics and not the substance and that she had concentrated upon the *Herald Sun* article. I have some evidence here — research undertaken by the Australian Institute of Criminology. I believe all members would acknowledge that this institute produces some excellent reports and is very generous in sending us copies on a regular basis. This report by Denise Lievore was from May 2004 entitled *Recidivism of Sexual Assault Offenders — Rates, Risk Factors and Treatment Efficacy.* This report is prepared for the Office for the Status of Women by the Australian Institute of Criminology. I am sure Mr Viney will be hastening to see me after this contribution to get a copy of this to make certain he can read it from cover to cover to demonstrate that the opposition has built this bill on research. In this report, in the executive summary — I will not go through all the details, but I encourage everyone to have a closer look at this — it states:

> There have been few systematic evaluations of treatment programs and no definitive results regarding treatment efficacy.

It further states:

> The current research included a small-scale study of Victorian police data pertaining to persons apprehended for sexual assault in 2001 … The data revealed that 14 per cent of alleged offenders had previously been apprehended for sexual offences … that 35 per cent of the sample had been processed for multiple sexual offences.

I believe this should weigh in as enough of a warning bell within our community for the opposition to bring in this bill; to have a closer look at it and take it seriously, not just for the politics, as Mr Viney says, but as a very serious concern for our community. As we have said in this chamber before, this government is particularly occupied and preoccupied with spin. Although we have heard government members today talk about the lack of detail in this bill and about their concerns with accuracy and lack of research, today at 9.30 a.m. the government's Attorney-General, Rob Hulls, released a community consultation paper on a victims' charter for Victoria at a forum on women and the justice system in the Melbourne town hall supper room. Why doesn't Mr Hulls just come to Parliament for this debate? He does not need to concoct another spin. He does not need to go out there to say how fabulous the government is. I invite the Attorney-General to work with us and give us a better opportunity of introducing proper legislation and to give us proper assistance in developing a bill that is going to be reflective of what he is trying to use as spin at the town hall. He believes his own spin as members can see today.

The issue is that under the current law criminals who have committed murder, rape, arson, kidnapping or armed robbery can leave jail untracked, even if it is believed they are likely to reoffend. This bill gives the authority to monitor serious criminals by electronic tagging, strict curfews and constant supervision. It is not about statistics: this bill is about saving lives and reducing fear for people in Victoria. We all understand the hideousness of any crime dealing with children. I believe it touches all of us as a community. These crimes are totally and utterly unacceptable and I think all members of the community are very concerned about this.

I would say, however, that we need to have a closer look at other crimes. I would like to give two examples of crimes that have affected people in my area. I bring to the attention of the chamber the silver gun rapist. His name is Peter Vaitos and over 17 years ago he committed some serious crimes — intimidation, sexual harassment and rape, leading to murder. I would like to quote from the *Herald Sun* because I think it gets the essence of this right and shows exactly the fear and intimidation that these women experienced in their contact with the silver gun rapist. An article of 2 June 2001 by Geoff Wilkinson talks about 'Maree' who called the *Herald Sun* after it had been revealed that Vaitos had been questioned by the sexual crime squad detectives over an alleged stalking. He said:

> Three teenage girls and two pregnant women were among his victims during a 15-month reign of terror in Melbourne's eastern and south-eastern suburbs during 1978–79.

I remind the chamber it is intended that this man will be let loose very shortly, and I think that should ring warning bells for all of us here. Many people in the chamber today have children, wives, friends, family or neighbours who should all be concerned about this.

The article goes on to say:

> He was charged with 16 rapes and convicted of 10, as well as attempted rape, buggery with violence, aggravated burglary, assault, burglary and handling stolen goods.

He was 53 in 2001, and was released after serving a 17-year sentence. Maree is quoted in the article as saying:

> 'I can't adequately describe how evil he was. He had the ability to horrify you just by standing there.'
>
> 'You look into his eyes and you're looking at evil.'

The article goes on to say:

> Police told her they had traced her through a 'rape list' found in his possession.
>
> 'The police told me I probably wouldn't have survived. They thought his next victim would be dead,' she said.

Maree also wrote a letter to the *Herald Sun*. In it she said:

> It is 22 years since 'this man' (I refuse to personalise him by using his name) victimised me and many other innocent people. At no time were our civil liberties considered by this man. In fact, quite the opposite. He set out quite deliberately to remove them.
>
> …
>
> I'm not suggesting a lynch mob mentality. But if a person has been convicted of a particular type of behaviour and begins demonstrating that behaviour again, the public has a right to know.
>
> If people are aware of the type of dangerous behaviour he is capable of and the direction that behaviour may lead, I believe more people will come forward when it happens to them.

We should all try to think about what it would be like to be intimidated, interrogated, watched and called on the phone the way this victim was.

In this community we tend to spend an inordinate amount of time looking at offenders and at the programs that should be put in place for them. It is incumbent upon us to put up the very best programs to help these offenders. However, it is also absolutely vital that we look at what happens to these offenders when they come out, and it is imperative for us as law-makers to make certain that our community is safe. It is very difficult to know what offenders may do when they get out, so it is imperative that we monitor and check them. In the long term by monitoring and checking we may indeed come out with proper research on what patterns develop and what happens so that we can make appropriate laws and make sure we have in place appropriate education and training programs for these people. We are not to know what will happen in the future, and we thereby just use guesswork. It is important that we put into place procedures that may help us to make certain that the Victorian community can feel safe.

Anyone in this place understands that violence against the community is unacceptable. It is a great pity that this government did not go far enough, and it is an extraordinarily sad day when we find government members criticising the bill that has been put up in good faith in response to community research. We have listened to the community, and that is reflected in this bill. Sadly this reflects upon the government. It believes its own rhetoric — it believes the spin it has put out — and has become arrogant and distant from the community. The Liberal Party has not become arrogant and distant from the community. We are out there listening to the community — listening to the women affected or intimidated by rapists and murderers. This should not be dismissed as a political stunt, as Mr Viney suggested; this is very real. The community is concerned and worried.

As I said, the Liberal Party has been genuinely looking at these issues. I encourage the government to have a closer look at this. I also call on the government again to give us greater support in drafting legislation so that we do not have the minor problems we have with this bill. However, I also have to say they should have a closer look at their own bills. This is totally unacceptable, and Parliament is being dumbed down by the government's attitude to all these bills. The Liberal Party is reflecting the community. This bill gives the community security and confidence. I commend the bill to this house.

Hon. KAYE DARVENIZA (Melbourne West) — I am delighted to rise and speak in opposition to this private members bill introduced by Mr Dalla-Riva. I guess I should not be surprised that the Liberal Party would bring a bill that is so flawed, that contains so many errors, into the Parliament and expect to gather support for it. It must be quite embarrassing for members of the opposition — even Mr Dalla-Riva — to have to stand up and support this bill which is so flawed in so many ways. This indicates that this is quite clearly an attempt to grab some publicity, to grab a bit of the limelight.

An honourable member interjected.

Hon. KAYE DARVENIZA — As my parliamentary colleague points out, it is a stunt. It is a stunt which has gone badly wrong. The speakers presented by the government, and even those from the opposition side, have been able to demonstrate quite

clearly just how flawed this bill is. Mrs Coote talked about there being some minor mistakes. She said there was a lack of research and because of the opposition's inability to do any research — —

Hon. R. G. Mitchell — Laziness.

Hon. KAYE DARVENIZA — Members on our side say it is laziness, and they may well be right. It is very shoddy and shabby, there is no doubt about that. The opposition is relying on the *Herald Sun* — Mrs Coote and Ms Lovell relied on the *Herald Sun* in their contributions. The bill is full of errors. It is badly drafted, and that is being generous. It deserves to be opposed by this house.

Mrs Coote acknowledged and accepted that there are mistakes in the bill. I will go to one of the most glaring errors, and Ms Mikakos, the lead speaker on the government side, went through in some detail and identified the many glaring errors in this badly drafted bill.

Hon. Richard Dalla-Riva interjected.

Hon. KAYE DARVENIZA — Mr Dalla-Riva interjects and he has had more than enough time to try to justify this poor piece of drafting. Even though the member will try to fix one of the most glaring drafting errors with an amendment he has circulated, that amendment only goes to fixing one error when so many mistakes have been identified in this bill. This clearly demonstrates that the opposition has very little understanding of what sort of powers government officials have and how they might be able to utilise those powers and in what circumstances.

I cannot finish without mentioning a glaring error for which opposition members should be hanging their heads in shame, which they should be embarrassed about. I take the house to clause 11 headed 'When may a court make an extended supervision order?'. Mr Dalla-Riva is getting up and going; it is that embarrassing. This clause talks about under what circumstances the court may make an extended supervision order in respect of an offender. It says it can do so if it is satisfied to a high degree of probability that the offender is likely to commit a relevant offence. The offence here is a child-sex offence — not the offences opposition members say need to be dealt with and are the reason for the bill being brought in. The extended supervision order does not deal with other offences such as murder and armed robbery — the offences the opposition thinks should be included. This bill is so badly drafted that it does not even deal with that.

In her contribution Mrs Coote acknowledged that this is a badly drafted bill. She was put in a position where she had no choice but to stand up here and try to defend this poor piece of drafting but she talked about minor mistakes. Mrs Coote acknowledges that there are minor mistakes but we have identified major errors in the drafting of this bill. Mrs Coote acknowledged that there are mistakes but suggested we change the law anyway. She is the Deputy Leader of the Opposition and she said her team has not had time to do the research necessary for the proper drafting of this bill. They have not done the sort of research the government did when it brought forward its legislation about monitoring child-sex offenders. Members will recall that our legislation was based on research which showed a very high degree of recidivism among sex offenders and the need for monitoring.

Mrs Coote said the opposition was unable to do that research — or it was too lazy or could not be bothered. The opposition is so desperate for a bit of publicity that it has gone ahead and relied on the *Herald Sun.* Mrs Coote suggested we change the law even though we recognise that there are errors in the bill which would become the law. She suggested we do it anyway and then do the research afterwards as a secondary consideration. What very bad public policy. What a basis for public policy to say make the law first even though we know there are mistakes — in this case they are major mistakes but even if they were minor — and then do the research. What an outrageous way to make legislation. What an outrageous way to determine the laws that govern this state. This bill does not deserve — —

The ACTING PRESIDENT (Hon. B. W. Bishop) — Order! The member's time has expired.

Hon. ANDREW BRIDESON (Waverley) — This is a serious debate, and I reject totally the trite assertions from the previous speaker. I do not want to say any more about her contribution, I think it was just trite.

The Serious Offenders Monitoring Bill has been introduced because in our view the Serious Sex Offenders Monitoring Act 2005 did not go far enough. We supported that bill but at the time we said it did not go far enough. In our second-reading speech it says that this bill will apply to all serious offenders, not just paedophiles, and that criminals guilty of offences such as murder, arson, kidnapping and armed robbery should be subject to an extended supervision order. That is why we are debating this bill today. It is also a firm belief of the Liberal opposition that this law needs to be

toughened. It is also in response to community expectations that Parliament will have laws that can be implemented by courts and that reflect community attitudes.

I would like to make a brief statement on the contribution by Mr Viney. There are two members of the government who will understand the term that I use. Mr Viney gave his usual hypocritical contribution today, but the Honourable Carolyn Hirsh and the Honourable Geoff Hilton, as psychologists, will understand if I use the term 'projected'. Mr Viney projected the political aspirations of the government. The reason the government introduced the Serious Sex Offenders Monitoring Bill earlier this year was blatantly as a result of the *Herald Sun* news articles. I am going to make a very fleeting reference to *Herald Sun* articles and their dates of publication: 'Sex fiend fear delays release' on 19 March this year, 'Parole for vicious teen. Freed despite escapes' on 25 November last year, 'Freedom looms for mad dog' on 4 December last year, 'Child-killer's freedom bid. Old sex charges loom' on 18 April this year, and 'A dangerous uncertainty', an article by Matthew Pinkney, on 7 February this year.

This government hates adverse publicity, and that was the adverse publicity that prompted the bill it introduced earlier this year. I am a little concerned about the *Herald Sun* and that type of article because I believe they raise the temperature in the community to an unhealthy extent. I do not think it does the community a lot of good when newspapers promote that sort of material — and they promote it solely to sell the newspapers. I am very firmly of the belief that if a criminal does their time and is rehabilitated, they ought to be freed to live in the society they were born into.

I will refer to two very good reports of parliamentary committees. One is a 1995 report of the Crime Prevention Committee. The other is a report of the Drugs and Crime Prevention Committee. Those two very good reports were *Combating Child Sexual Assault — An Integrated Model*, put out by the committee when it was chaired by the Honourable Ken Smith, a former member for South Eastern Province and now the member for Bass in the other place, and *Combating Sexual Assault against Adult Men and Women — Inquiry into Sexual Offences against Children and Adults*, which was put out in November 1996 by the committee when I had the privilege of chairing it. I come to this debate with some knowledge, and perhaps a little bit more knowledge than a lot of members in this chamber.

I want to make reference to the chairman's foreword of both reports. The Honourable Ken Smith said this in his opening comments in the report of the committee he chaired:

> My life has been deeply marked by the experiences of the past 12 months as have the lives of other committee members and the committee staff. The horror stories relayed by victims and investigators cry out for an emotional response to the problem.

The diversity of witnesses included relevant ministers, the Chief Judge of the County Court, police and other professionals. This is such a serious topic that I think this chamber ought to treat this debate more seriously than perhaps other debates we have had. In the comments I made in my chairman's foreword, I wrote at the time:

> There is no doubt that sexual attacks on individuals scar them for life. It is apparent to the committee that victims/survivors are further traumatised by the legal systems that are supposed to protect them and incarcerate guilty offenders.

I went on to say:

> There is no doubt that the majority of victims, of sexual assault, are female and the majority of offenders are male. This fact is supported by evidence gathered by the committee within Australia and internationally.

One of the overriding factors in both reports — this is a joint parliamentary committee and a lot of its members as it was constituted at those times are still current members of Parliament — was that we emphasised the need for an integrated model for rehabilitating prisoners. If governments of all persuasions spent more money on rehabilitation programs for offenders in prisons, we would have a better society.

I have had a look at the research and have not relied just on the newspapers. The likelihood of an offender repeating an offence is very high. All of the evidence put forward by Ms Mikakos this morning indicates that, particularly in relation to sexual offences, the recidivism rate is high. Some research that I was able to find from the Bureau of Justice Statistics of the United States of America indicates that the rate of recidivism for all crimes is very high. I do not want to bore members with the statistics, they are available on the Internet, but the United States is a Western society so it is possible to draw some parallels between our society and it. The evidence is that the majority of inmates in US prisons are there as a result of third and fourth offences.

Hon. Kaye Darveniza — What year?

Hon. ANDREW BRIDESON — It was 1994. Unfortunately there is a paucity of statistical material

on Australian prisons. Certainly both of those parliamentary committee reports recommended that more statistics be made available. I also want to make a brief passing comment on something that Ms Mikakos said in relation to electronic monitoring. I refer to a report from the Australian Institute of Criminology that other people have referred to. It is paper 254 in relation to electronic monitoring in the criminal justice system. The institute has looked at electronic monitoring in a very fair and unbiased way. It has set out the advantages and disadvantages of the use of these devices, and it reports that one disadvantage of electronic monitoring is the lack of incapacitation. Electronic monitoring does not physically restrain a person, and dangerous offenders are still able to offend before authorities can intervene — in other words, it is possible for somebody with one of those devices to still reoffend. If the bill we are debating today passes and only one person in our community is saved from having been personally offended against, our legislation will have been successful. That is a good test of a piece legislation: if one person in the community is going to be better off, then it is a good piece of legislation.

Another report from the Canadian Solicitor-General's Internet site of May 1999 reports that its research shows that an electronic monitoring device had no effect on recidivism — that is, the recidivism rates were comparable for all other groups of prisoners it looked at. It found there was:

> … no evidence that EM has a more significant impact on recidivism than the less intrusive, and less costly, correctional measure of probation.

I am not convinced that electronic monitoring machines are the answer to everything. There are many reports available, such as the 1989 report on *Society's Response to the Violent Offender* by the Australian Institute of Criminology, which states that recidivism rates are high for a wide range of offences. *Crime Facts Info*, another report referred to by Mrs Coote, refers to a report titled *Recidivism of Sexual Offenders: Rates, Risk Factors and Treatment Efficacy*. That indicates that there is a very high rate of recidivism not only for sexual crimes but for all crimes, particularly crimes against women.

There is also a very good Department of Human Services report of 2001 titled *Recidivism among Victorian Juvenile Justice Clients,* which covers the period 1997 to 2001. It shows there is a very high rate of recidivism, particularly in sexually related crimes, but a lot of sexually related crimes also have an element of violence in them. I do not want to go into the particular percentages, only to say that at least 50 per cent of juvenile offenders will be recidivists. It comes back to the original point I made that governments need to spend more money on rehabilitation programs.

Extended supervision orders are not automatic. They can only be granted by a court. Very strict conditions will apply to these orders, which may be appealed by the prisoners, so there is a right of natural justice for them. It is not automatic. The prisoner does his or her time and they are on parole. If they are deemed by experts to not be able to reintegrate back into society, then they will have an extended supervision order placed on them by the court. The way Ms Hirsh was talking in her contribution was that all prisoners will get those. That is not the case. The Director of Public Prosecutions will have to apply to the court, and there is a very rigid process to be followed, which is outlined in the bill.

In the short time I have available I put the proposition that the workings of the chamber could be enhanced by the appointment of select committees. This would have been a marvellous topic for a joint committee of all members of Parliament, with Independent representation, looking at the best ways of dealing with the problem the opposition has put before the chamber today. I encourage government leaders to have a look at how this chamber could operate a little better because I believe we would come up with much better legislation.

As a said earlier, a test of any bill of this Parliament is whether the community will be better off. If this bill is enacted — and I encourage all members to rethink their party positions on this bill — —

The ACTING PRESIDENT (Hon. B. W. Bishop) — Order! The member's time has expired.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I am pleased to support the bill. I start from the position of having listened to the contribution of Ms Mikakos as the lead speaker for the government. I must say that her contribution was even more vacuous than normal. Although Ms Mikakos had 45 minutes in which to make her contribution she failed to make the case.

Mr Smith interjected.

Hon. G. K. RICH-PHILLIPS — I take up Mr Smith's interjection. Ms Mikakos actually is in the chamber. It is interesting that government members do not know she is here. Ms Mikakos had 45 minutes to make a contribution explaining why the government will not support the proposed legislation, and failed to do so. As lead speaker for the government she started her contribution by attacking Mr Dalla-Riva. She then went on to talk about Liberal Party preselections, which

I found fascinating, because if any party in this chamber has an issue with preselections it is the Labor Party. It will have around 16 seats to accommodate the 24 members on its benches. The question for the Labor Party is who will not be here after at the next election. Will it be Mr Mitchell or Mr Hilton? Who will not be here in the next Parliament? There are six ministers on the front bench, and Mr Jennings puts his hand up as a minister who perhaps will not be here after 2006. What about Mr Theophanous and Ms Thomson? It was surprising that Ms Mikakos opened her contribution by talking about the issue of Liberal Party preselection when in fact — —

The ACTING PRESIDENT (Hon. B. W. Bishop) — Order! I suggest the member goes back to the bill.

Hon. G. K. RICH-PHILLIPS — Ms Mikakos in her contribution raised the issue of crime statistics, and Mr Viney spoke about police numbers. I fail to see how either of those issues is relevant to the debate. It is a distraction for Ms Mikakos to talk about crime statistics.

One criticism Ms Mikakos made of the bill was the role that the Director of Public Prosecutions (DPP) would have as the applicant, in place of the Secretary of the Department of Justice, for extended supervision orders (ESOs). While Ms Mikakos says it is inappropriate for the DPP to have this role, you have to look at the function of the Secretary of the Department of Justice. We need to look no further than the Mr Baldy case, which goes back to the Serious Sex Offender Monitoring Act that was put in place by the government earlier this year specifically to deal with the then pending release of Mr Baldy. It gave the power to the Secretary of the Department of Justice to apply for the ESO. What happened? Nothing. There was a three-month delay between the passage of the legislation and the eventual circumstances where the offender consented to an ESO because the Secretary of the Department of Justice failed to act. It is no wonder that under the legislation being proposed by the Liberal Party the power to seek these orders has been removed from the secretary and placed with the DPP.

Another point Ms Mikakos made in her contribution, as did other government members, was that there appear to be drafting errors in the legislation. I will not go back over the details of the circumstances surrounding that, but I make the point that Ms Darveniza in her contribution basically said that she will not vote for the legislation because it has drafting errors. I put to government members that if that is the principle they apply — to vote against legislation that has drafting errors — then we would see time and again government members defeating government legislation. How many times has this government introduced into this house legislation with drafting errors? We need to look no further than the legislation that amended the very structure of this Parliament, the constitutional amendment legislation of 2003, which had to have drafting errors corrected by way of house amendments before the legislation could be passed.

Government members did not stand up then and vote down that legislation because it contained drafting errors, so it is hypocritical now for people like Ms Darveniza and Ms Mikakos to say they are grounds for not supporting the legislation. I also want to point out that given Ms Mikakos phrased it in terms of attention to detail, it was her government and Attorney-General who forgot they had to appoint a new chief justice when John Harber Phillips retired. The Attorney-General forgot Justice Phillips was turning 70 and had to be replaced. It was only because this government raced through effectively bridging legislation that Victoria was able to have a chief justice. Ms Mikakos and this government are in no position to be talking about attention to detail on legal matters.

The essence of this legislation is that it extends the provision of extended supervision orders from offenders who are sex offenders to a broader category of serious offenders. It is interesting on that basis that the government has not made a case as to why that should not take place. Mr Viney raised the issue of recidivism among serious offenders who are not sex offenders, but Mr Brideson made it clear in his contribution to the debate that there are evident examples that recidivism rates among serious offenders who are not sex offenders are very high. It clear that the government has not advanced a sound argument as to why this legislation, which in principle extends the basis of ESOs, should not be supported.

Mr Baxter made a very considered and worthwhile contribution to this debate. He raised the point of the role of a member of Parliament as a delegate versus a representative. Should the Parliament act in the best interests of the Victorian community or should it respond to the loudest voice from any particular pressure group at a particular point in time? It is interesting that the government has accused the opposition of advancing this legislation in response to newspaper articles. The very same accusation can be made about the government with respect to the Serious Sex Offenders Monitoring Act which was passed earlier this year. It was clearly a response to media coverage both in print and on radio on the then-pending release of Mr Baldly.

This legislation and the serious sex offenders legislation raise some very interesting principles of this Parliament. The precedent goes back to the Community Protection Act 1990 which was passed by the Cain government in its dying days and amended by the Kirner government in 1991. That was probably one of the most abhorrent pieces of legislation this Parliament has passed. It was abhorrent because the application of that legislation was for one individual only — Garry David. He was not a convicted sex offender. He was convicted in 1982 of the attempted murder of three people and he received a sentence of 14 years. By 1990 with remissions he was eligible for release. In response to community pressure and media comment the Cain government introduced the Community Protection Act to keep Garry David in prison. He ultimately died in prison in 1993 while subject to an order under the Community Protection Act.

That was the first time legislation was brought to this Parliament to put in place a regime to effectively punish and incarcerate offenders after they had served the sentence which had been handed down for their principal crime. When that legislation passed through this Parliament in 1990, it was very controversial. The Liberal Party gave its members a conscience vote on it and a number of its members voted against it. There was considerable debate in the community about it because at that point in time we accepted the principle that once a person had served their custodial sentence they would then be free to re-enter the community. The passage of the Community Protection Act turned that principle on its head. The fact that it applied to a single individual only was also unprecedented for the Parliament. In 1990 there was considerable debate about whether that was the appropriate course of action for the government to be taking.

The Serious Sex Offenders Monitoring Act of 2005 does not apply only to a single individual, but nonetheless applies to people who have served their custodial sentences. The act imposes on them obligations on the basis of a possible future offence. It has been a substantial leap for this Parliament to consider imposing a penalty and restrictions on the basis of offences people might commit rather than offences they have actually committed. Having taken the decision earlier this year to do that, with the passage of the Serious Sex Offenders Monitoring Act, it stands to reason that that legislation should apply to all serious offenders and not merely those who are convicted of sex offences. The restrictions which were placed on Garry David in 1990 would not apply under the Serious Sex Offenders Monitoring Act.

Under the government's legislation Garry David would have been free to be released at the end of his custodial sentence. The legislation that the Liberal Party has proposed today is in principle a sensible extension of the government's legislation in that it should apply to all serious offences and not merely sex offences. On that basis I urge members to support the bill.

Hon. RICHARD DALLA-RIVA (East Yarra) — I thank honourable members for their contributions to this important debate on the bill before the house. It is a bill to which the Liberal Party has given great consideration in the broader context of the community's expectations of what legislators should provide to the community. We have heard debate on both sides in relation to the merits or otherwise of the bill. We have heard from the government members on issues relating not to the principles of the bill but more about its application and whether it would be suitable in its current format. We make no apologies for the fact that the bill is never going to be 100 per cent correct.

Mr Smith interjected.

Hon. RICHARD DALLA-RIVA — As you have heard in the debate, the government gives the opposition no support.

Ms Mikakos interjected.

Hon. RICHARD DALLA-RIVA — Members opposite make pedantic comments about the bill. If they think this bill is so bad, they should try bringing in a bill without the support of all their public servants.

Honourable members interjecting.

The ACTING PRESIDENT (Hon. B. W. Bishop) — Order! Members will address their comments through the Chair.

Hon. RICHARD DALLA-RIVA — The reality is it is an important bill that protects community values. The community is getting sick and tired of finding murderers, rapists and interstate paedophiles being landed in Victoria and leaving Victorians without any protection. An effect of government members opposing this bill today is to allow interstate paedophiles like Charles Alan Smith, who resides in our community now, to do so without any level of protection for the community. Government members are allowing people who have served their time but who they know will reoffend to be in the community. Today they will oppose a bill that would provide protection for all Victorians, and they should hang their heads in shame. The Liberal Party is putting forward a bill that would deliver community safety and protection for all in

society. They have sat there today and brought up irrelevant, minor issues on the bill. This is a bill about community safety, and it reflects what the community wants. Members opposite fail to understand that. They will oppose this bill, and when they oppose it they will be allowing convicted rapists, convicted murderers and interstate paedophiles to continue to wander the streets of Victoria without being subject to any supervision order whatsoever. There is no extended supervision order available for any of those classes of offenders.

Government members do not care about the concerns Victorians have continued to raise. I implore the government to support the bill, because it is about supporting community protection against rapists, murderers and armed robbers. It is about ensuring a level of protection that Victorians have been used to and would like to see continue. This is a very important bill. I call upon all members, and certainly the Independent members, to consider this bill seriously. This is not a bill to be taken lightly. The community's expectations will be served poorly in the broader sense if this bill is opposed. It will mean that the Labor Party does not support the protection of the community. Labor members would prefer to support rapists, murderers and interstate paedophiles being allowed to run around this state without providing any level of protection for others in the community. That is a demonstration of the lack of understanding the government brings to this community. It is about time it started holding up its head and reflecting the community's values and expectations.

The Liberal Party is about proper law and order. It is not about law and order that is reflective of what is run in the local daily newspapers. We are putting forward a legitimate bill that is designed to protect the broader community.

Ms Mikakos — It's badly drafted.

Mr Smith — Very badly drafted!

Hon. RICHARD DALLA-RIVA — Members say by interjection that it is badly drafted. If that is the case, let them support the bill and move some amendments. They sit there saying they oppose the bill because it contains minor errors, but the fact is they fail to understand the underlying principles. They fail to understand that we are about protecting the broader community. It is about time they woke up to Victorians. People are sick and tired of the six years of spin and rhetoric that we have heard from this government, which is more committed to spending taxpayers money than to listening to the community's needs.

Finally, I ask members opposite to absolutely support this bill. Liberal Party members will support it, and we are calling on government members to also do that. We look forward to seeing whether they have the guts to stand up for Victorians against rapists, murderers and the like. They will not do that. They are out there supporting the criminals, not the needs of Victorians. I again ask all members to support the bill.

House divided on motion:

Ayes, 18

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

Noes, 21

Argondizzo, Ms	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Mrs	Nguyen, Mr
Carbines, Ms	Pullen, Mr
Darveniza, Ms	Romanes, Ms
Eren, Mr (*Teller*)	Scheffer, Mr
Hilton, Mr (*Teller*)	Smith, Mr
Hirsh, Ms	Somyurek, Mr
Jennings, Mr	Thomson, Ms
Lenders, Mr	Viney, Mr
McQuilten, Mr	

Pair

Hall, Mr	Theophanous, Mr

Motion negatived.

Sitting suspended 1.05 p.m. until 2.09 p.m.

ABSENCE OF MINISTERS

Mr LENDERS (Minister for Finance) — I rise to advise the house that for the rest of this week the Minister for Sport and Recreation and Minister for Commonwealth Games will be overseas on ministerial business, as will the Minister for Energy Industries and Minister for Resources.

QUESTIONS WITHOUT NOTICE

Public transport: WorkCover claims

Hon. BILL FORWOOD (Templestowe) — My question without notice is to the Minister for WorkCover and the TAC, Mr Lenders. I refer to recent

reports of the 50 per cent increase in WorkCover claims for tram drivers between 2001 and 2004 and a doubling of stress claims for train drivers — and I note the minister's comment this morning that he intends to get more WorkCover inspectors on trains to combat this surge. The data is over a year old, and I wonder if the minister could advise the Council when he first discovered this information.

Mr LENDERS (Minister for WorkCover and the TAC) — I am delighted Mr Forwood is back. We missed him in the four days he was away on his Commonwealth Parliamentary Association trip. It is good to have the opportunity at all times to talk on these important issues of WorkCover and WorkSafe. Clearly in any decent WorkCover scheme you have a regime where you monitor claims where they are occurring and where the trends are emerging, and you specifically move in and deal with those particular areas, as Mr Forwood well knows and is supportive of.

On the issue of stress and payouts to train and tram drivers, obviously that is an issue of concern to the government, as it is to the whole Parliament and the community. The last thing we want in any workplace is for people to be stressed. We want the workplaces to be managed well, and we want these issues to be dealt with. Obviously stress is a very complex issue and one claims management needs to be particularly attentive to and focused on at all times. Where there is a growing number of claims or where the government has been alerted to a particular area for whatever reason, the response of WorkCover and WorkSafe is that we obviously work with stakeholders in that area to try to manage those things properly and get the proper procedures and guidelines in place.

In response to Mr Forwood's specific question as to when I was first made aware of this, I cannot recall it being drawn to my attention, specifically involving the industry, until the media this morning. But I am certainly conscious generally in government that stress is an issue, particularly in the white-collar professions more so than in the blue-collar professions. It is one which I have been alerted to, and obviously as a government we are working on strategies, but my recollection is that the one in the media today was the specific one that I have seen in this case that Mr Forwood refers to.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — Could the minister inform the house how he anticipates the inspectors will combat the claims surge?

Mr LENDERS (Minister for WorkCover and the TAC) — I will not comment on specific operational matters, but in general terms clearly the whole idea of WorkSafe inspectors looking at workplaces to check these things out is firstly to see if best practice is being followed. That is the standard thing in any workplace in the state, whether it be in the public transport system or any other. The role of an inspector is to see what is happening. Secondly, one of the major reforms in the cultural change and transformation of the WorkCover organisation that has been sought by the government is that it can actually offer advice.

One of the things we have heard from the industry again and again is that it is fine to have black-letter laws saying, 'Thou shalt', 'Thou shalt' and 'Thou shalt', but we also want the WorkSafe regime to be one where if an organisation says, 'Has someone else experienced this? What is best practice? How can we actually fix this?', advice can be sought from WorkSafe and advice can be given; so it is both the positive aspects and applying the law if need be as we go. I will certainly be following this closely and welcome Mr Forwood's interest.

Consumer affairs: protection

Ms MIKAKOS (Jika Jika) — My question is to the Minister for Consumer Affairs. Will the minister advise the house how the Bracks government is governing for all Victorians and particularly what recent action has been taken in the north of Victoria to ensure that consumers are protected?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the member for her question. I know she is concerned to ensure that consumers are adequately protected by consumer laws and by Consumer Affairs Victoria. Members will be aware that in the past we have conducted blitzes in regional and rural Victoria in order to ensure that consumers right across Victoria can be confident that they are being treated appropriately and within the legal responsibilities that they have as traders and service providers. In fact over the last 12 months there have been regional visits — Shepparton in September 2004, Traralgon in December 2004, and Geelong and Ballarat in March of this year. And only last week there was a blitz in Echuca and surrounding areas. The exercise extended to Kerang in the west and to Yarrawonga in the east.

As I have indicated before, and it is important to realise, this is not just a blitz that is about catching people out; it is also a blitz about educating traders as to what their responsibilities are and giving them every opportunity

to comply with them. Along with the blitzes, traders packs are handed out to traders, mainly around refunds and lay-by responsibilities and what they can and cannot do, to provide them with that kind of information. I have to say that on the whole that information is welcomed by traders, as they then understand their obligations. But we are adamant about cracking down on traders who are doing the wrong thing. Through this blitz we have run a general blitz looking at a range of areas — from motor car traders to travel agents; trade measurement — inspectors have been out; fundraising; credit; incorporated associations; cooperatives; business names; fair trading; product safety; and liquor licensing.

As a result of the inspections some of the areas raised that are of some concern to us include pre-packed items, like gas bottles, and the weight of those. Consumer affairs will be following up on those issues. There was also a level of non-compliance in relation to motor car traders and proper record keeping. This is particularly important when looking at used cars and used car warranties. They will also be followed up on.

Consumer Affairs Victoria takes these blitzes very seriously. They are often a way of indicating whether or not there are spasmodic problems in areas or problems that go across the boundaries of local governments. They are an opportunity for us to keep an eye on practices in the marketplace; to educate, which is also important; and to make sure that people are complying. The blitzes will continue. We are adamant as a government about ensuring that consumers can be confident that they are being treated properly by traders and that Victoria remains a great place to raise a family.

Information and communications technology: business master key project

Hon. B. N. ATKINSON (Koonung) — I direct my question without notice to the Minister for Information and Communication Technology, the Honourable Marsha Thomson. I refer to the state government's policy to introduce a Victorian master key electronic relationship and case management system that will operate across all government departments at a cost of some $6 million. I ask the minister: what is the current status of the Victorian business master key project and when will it be fully operational?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I thank the honourable member for this question, although I have to say that it is the responsibility of the Minister for Small Business in the other place and that the business master key is actually being run out of the Department of Innovation, Industry and Regional Development and is not in fact my responsibility.

However, I do have an interest in this project, not only because it was an initiative that came at a different time but because it has a whole-of-government implication, and because it has a whole-of-government implication I am interested to monitor the success of the project. I cannot tell you at this point exactly where the rollout of that project is. Although I am not responsible for it, I will be interested in the success of the rollout of that project and the impact it will have as a whole-of-government project.

Supplementary question

Hon. B. N. ATKINSON (Koonung) — I appreciate the minister's dilemma, but I recognise, as she said and as I have also indicated in putting this question to her, that it is very much a whole-of-government matter and that she does actually have staff who are involved in the process, because all government departments are to be integrated as part of this system. I wonder if the minister's reluctance to provide a commitment to a date on which the project will be fully operational is because the Victorian business master key project is already behind schedule — neither on time nor on budget.

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — As I have indicated, the actual responsibility for the implementation of this project lies not with my department but with the Department of Innovation, Industry and Regional Development and is coming out of the small business portfolio. But can I say that this is a very innovative project and is not one that has been tried really anywhere else in government across Australia. It is a unique project, because what it is trying to do is to bring together those areas that businesses connect to most regularly and most often and to break down the barriers that connect them to government, to make it seamless. I think this is innovative, and with innovative projects there are issues that arise. I cannot indicate whether the project is on time. All I can say is that I am looking forward to the outcomes of this project because — —

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

Information and communications technology: project upgrades

Hon. J. G. HILTON (Western Port) — I refer my question to the Minister for Information and Communication Technology, the Honourable Marsha

Thomson. Can the minister provide the house with details on the progress of the Bracks government's aggregated telecommunications project and some of the benefits that are flowing to the community?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I thank the honourable member for his question. I am sure all members will be interested in my response to this question. They have heard me talk about the telecommunications purchasing and management strategy (TPAMS) and the rollout of our telecommunications initiatives. As a result of the aggregation of our purchasing power, we have been able to and will reduce our costs by around $200 million over five years whilst delivering $100 million worth of telecommunications infrastructure — at the expense of telecommunication companies rather than at the expense of taxpayers.

Over the past few months departments have been placing their orders under these new contracts and the implementation of services is now occurring. In fact, I am pleased to be able to say that because of the diligence of the officers of the Parliament, one of the first orders placed was in fact from the Parliament of Victoria. As a consequence of that members of Parliament — and I am pleased to be able to say all members of the upper house and I have been advised that all bar one I think in the lower house — have now had their broadband upgrades from 64 kilobits to 512 kilobits. That is an eightfold increase in capacity, and the Parliament of Victoria has been able to do that without additional cost.

Upgrades are now occurring right across government. The public benefits are also starting to flow. Optus is rolling out $20 million worth of business grade digital subscriber line services, which are already available in Broadmeadows, Heidelberg, Sunshine, Thomastown, Bacchus Marsh, Werribee, Ringwood, Oakleigh, Ararat, Morwell, Traralgon, Warragul, Corio and Moolap, just to name a few, and more services are being rolled out as I speak, right across regional Victoria.

Initially the infrastructure that Optus was rolling out was only going to be offered to businesses. However, with the services recently announced in Warragul, Optus has made the decision that this service will also be available to residents. Not only is government the beneficiary of the telecommunications purchasing and management strategy, but the Victorian community is also the beneficiary of TPAMS. In the coming months Telstra will start to roll out $6.5 million worth of mobile broadband infrastructure throughout much of regional Victoria, and next year we will start to see the flow-on benefits from the infrastructure upgrades by Telstra to meet our government's broadband services. That is over $100 million worth of infrastructure. At the moment there is a lot of debate about Telstra and the provision of infrastructure. We are not talking it; we are doing it.

Local government: property valuations

Hon. W. R. BAXTER (North Eastern) — I direct my question without notice to the Minister for Local Government. I refer to changes consequent to the Living Murray agreement which have resulted in the value of water entitlements not being included in capital improvement valuations for rating purposes. I ask: what action is the minister taking to ensure that municipal budgets are not thrown into disarray by this policy change?

Ms BROAD (Minister for Local Government) — I thank the member for his question. It is an important issue and certainly one that I am taking very seriously because it affects a number of shires that are considering their options in the future in responding to the changes in valuation which will occur as a result of this policy change. I have also undertaken discussions with the Municipal Association of Victoria, which is also concerned about this issue, and as a result have commissioned some work to endeavour to model what the impacts might be and consider what the options might be for shires and councils that are going to be impacted by this.

The assumption is that councils are going to want to deliver the same range of services and as a consequence are going to need to raise the same amount of revenue from their rate base. The question of how the rate burden is redistributed after this policy change is a very important question to be worked through carefully. I am also doing that in collaboration with the government minister responsible for water, the Deputy Premier, John Thwaites, and the minister responsible for the Valuer-General, the Attorney-General, Rob Hulls. It is a question which the government has under active consideration in terms of what we can do to ensure that councils that are going to be affected by this are assisted to work through the issues they are faced with and also to ensure that people living in those areas are able to continue to receive the services and infrastructure which they expect.

Supplementary question

Hon. W. R. BAXTER (North Eastern) — I thank the minister for that information. However, from the

answer I can deduce that there is still a long way to go before this issue is resolved, and I therefore ask: bearing in mind that about 50 per cent of the municipalities will be materially affected, will the minister convene a conference of those councils with the aim of ensuring that rating principles remain consistent across the state?

Ms BROAD (Minister for Local Government) — There is no proposal before the government at this time to change rating principles in relation to either this group of councils or councils in general across Victoria. It is certainly the case that this policy change does have the capacity to impact on a small number of councils, which is why I am taking the issue very seriously. I am at this time working through the Municipal Association of Victoria, and I am certainly willing to also consider views from individual councils that are affected. At this stage my understanding is that it is their preference to work as a group, and I am continuing to consider all the options and to hear what they have to say before any final decisions are made about this issue.

Housing: high-rise lifts

Ms ROMANES (Melbourne) — My question is addressed to the Minister for Housing, Ms Broad. Can the minister inform the house how the Bracks government is governing for all Victorians and rejuvenating public housing and improving tenants' access to safe and secure housing?

Ms BROAD (Minister for Housing) — I thank the member for her question and for her strong interest in the government's commitment to improve the quality of services provided to Victorians who need access to affordable housing. The Bracks government believes every Victorian deserves access to a safe and comfortable home. It is my pleasure to advise the house that the Bracks government is rejuvenating public housing in Victoria in a number of ways, including through our new lift open-up project, which is about improving the waiting times and the reliability of lift services in our high-rise housing towers.

This project is a $27 million investment by the Bracks government which has seen major improvements to the lift systems on all 41 public housing towers in Melbourne. That project will convert all lifts in public housing high-rise buildings so that they stop at all floors — something which members in this place might take for granted, In the 1970s when these high-rise towers were built they were put together with a very unusual lift configuration where the lifts skipped floors, so that one lift services odd-numbered floors and the other lift services even-numbered floors. Obviously that results in delays and considerable inconvenience to high-rise tenants, especially if one of the lifts is out of service for maintenance which, as these buildings age, happens more and more often. As members might imagine, this has been an ongoing cause of concern to residents for a long time. I am very pleased that the Bracks government has listened to those concerns and acted to fix the problem.

In addition to converting all these lifts, the project will mean greater durability and improved lighting. There will also be significant savings in energy use compared to the old lifts which are being replaced. The new lifts are designed to require less maintenance and be easier to clean. Most importantly, tenants will now find that the waiting times for lifts have been reduced by almost half. There are more than 7000 homes in our high-rise towers in Melbourne. I am pleased to say that the final high-rise lift conversions under this initiative are in Sutton Street in North Melbourne and Neil Street in Carlton — in Ms Romanes's electorate.

Under the Bracks government tenants' voices are being heard more and more. This revitalisation of public housing properties will result in more convenient and reliable lifts for tenants. The government is spending about $70 million each year upgrading Victoria's high-rise towers — an investment designed to deliver greater security for residents, more comfortable units and more modern infrastructure. This is a massive boost in investment compared to the miserly $7 million spent by the former government in the whole seven years it was in government. For its part, the Bracks government will continue to govern for all Victorians with very practical measures to ensure that Victoria's public housing tenants have safe, decent and reliable homes.

Building industry: consumer protection

Hon. C. A. STRONG (Higinbotham) — My question is to the Minister for Consumer Affairs, the Honourable Marsha Thomson. It is in regard to related domestic building companies Glenvill Pty Ltd and Prentice Homes Pty Ltd. As the minister would be aware, Building Advice and Conciliation Victoria has a sorry record of dealing with these companies. The minister is probably also aware that the Building Commission has 42 charges pending against these builders for numerous breaches of the Building Act. I ask: for the better protection of consumers against these builders, when will the minister formally request the Building Practitioners Board to suspend their licences?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the honourable member for his question and the fact that he is raising a matter of

concern to consumers. This is the area where consumers would spend the largest amount of money for a single item. We are continually reminding consumers that before they build or renovate we have put out a builders and renovators guide which has some really helpful hints about the sorts of questions you should ask and the things you need to look at and into before you undertake major renovation or building works.

Consumer Affairs Victoria is very serious about pursuing the rights of consumers in relation to building. We will crack down on builders who are unregistered. The Building Control Commission has responsibility for registered builders and ensuring they are doing the right thing and meeting their requirements and the standards required by it. That is a responsibility of the Minister for Planning — he is responsible for ensuring that the Building Control Commission meets its requirements.

We are keen to ensure that builders who are doing the wrong thing are taken to account and made to answer for that. However, we are also conscious that we need to have proper and appropriate evidence to do that — it would be foolish to act without proper and appropriate evidence. I do not have any details in relation to the two building companies the member has raised today and where that may or may not be at. However, I can assure the member that we take very seriously the requirement of builders to provide proper services to consumers and to meet their requirements under the act.

Supplementary question

Hon. C. A. STRONG (Higinbotham) — The minister has done a lot of waffling spin. The Minister for Consumer Affairs is responsible for protecting consumers and here she knows about two builders who put consumers at great risk. Why is the minister not acting? Why is she not taking this issue to the Building Practitioners Board to get these people suspended? She has a responsibility to make consumers aware of these people and she is failing in that responsibility. Why does the minister not take the matter to the board and get a resolution?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — Matters can be taken directly to the Building Practitioners Board. As I indicated, I do not have responsibility for that body — it is the responsibility of the Minister for Planning. However, I do have responsibility for Building Advice and Conciliation Victoria. In 2003–04 it received 1630 written complaints, and 55 per cent of disputes were resolved in conciliation. Over $600 000 was able to be returned to consumers as a matter of redress for issues that were brought to Building Advice and Conciliation Victoria. We take very seriously — —

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

WorkSafe: security industry guide

Hon. J. H. EREN (Geelong) — My question is to the Minister for WorkCover and the TAC, Mr Lenders. Can the minister advise the house of how the Bracks government is governing for all Victorians and outline any new initiatives that will improve workplace health and safety in the security industry?

Mr LENDERS (Minister for WorkCover and the TAC) — I thank Mr Eren for his question and his ongoing interest in worker safety and best practice in worker safety. As the house would know, the security industry is a high-risk industry. By definition, when you have people driving around the state delivering money to shopping centres and automatic teller machines and collecting money from automatic teller machines and the like there is a high risk. There are a lot of people in the community who wish to get access to that money and sometimes they will break the law and be absolutely ruthless about it. This is a dangerous industry.

Instances like the one when a security guard named Erwin Kastenberger was shot in cold blood bring to our attention the need for state-of-the-art laws and best possible procedures in the industry so that does not happen again, or the chances of it are absolutely minimised. We just have to think back to what happened this year at the North Blackburn Shopping Centre to know that this is not just an academic exercise but a very important thing affecting the lives of real people.

WorkSafe has asked how it can sit down with people in this field to make their workplaces safer. It is not just the carrying of cash, it is also the normal things in a workplace. The carrying around of cash is a particularly stressful occupation. This morning I had the great pleasure of launching a guide to managing occupational health and safety in the cash-in-transit industry. I launched that with Acting Deputy Commissioner of Police Leigh Gassner and my good friend Bill Noonan, secretary of the Transport Workers Union. Also there were representatives of the four banks, Armaguard and the other companies that do this work. These guidelines essentially get the people who deal with this on a day-to-day basis to get together and offer advice to each other on how to minimise risk in this industry.

Whether it be an automatic teller machine in a place where it is not particularly safe for people to carry cash, whether it be obvious things like going down dark lanes or unlit areas, whether it be where you locate an automatic teller machine, or whether it be ways and means that you can safely convey cash up and down and the design of the trucks — in all these areas there is no-one better to make an informed decision on this than the practitioners. What has been great in this industry is that employers, employees and their representatives are not standing with their arms back, pointing fingers at each other and accusing each other of things. They are sitting down and working to get a common outcome. You can have the police, the transport workers union and major employers all signing up to the one document that says, 'If we all follow this practice, these workplaces are going to be safer'. It was a delight to be part of that process.

This guide is a very good guide and, like most things we seek to do out of WorkSafe, brings in best practice. It is not just enough for a state to have black-letter laws saying, 'Thou shalt', or 'shalt not'. It is far more important to try to have the right procedures and the right advice in place. The examples that have worked to make things efficient and safe are what we are looking for. This process brings out the best, so through it we are bringing down injuries and fatalities in the workplace. We can only do that by goodwill. When that does not work, you need to have strong laws behind it. First and foremost we want to be able to show guidance; we want to be able to do it.

This morning was a great delight. I am happy to be able to say to Mr Eren that this is an example of people working together in the workplace. I hope it makes it a much safer workplace so workers can leave their workplace and go home to a safe environment. That is the best sort of Victoria we can have.

Dental services: waiting lists

Hon. D. McL. DAVIS (East Yarra) — I direct my question without notice to the Minister for Aged Care, Mr Jennings. I refer to his responsibility for senior Victorians and their wellbeing. Can the minister inform the house what is the average waiting time for dentures at public dental services in Victoria?

Mr JENNINGS (Minister for Aged Care) — If I were the Minister for Health I might have those statistics immediately available to me, because, as Mr Davis would well and truly know, that is the ministerial responsibility of my colleague the Minister for Health in the other place. But as Mr Davis also knows, I do play a role in trying to provide support and encouragement to all my colleagues, including the Minister for Health, in trying to improve the service delivery to older members of the Victorian community, as indeed is the role I play in relation to my other responsibility in relation to the Aboriginal community. I see part of my responsibilities as trying to advocate for better service delivery and responsiveness to the needs of either older people or Aboriginal people in relation to the provision of all services.

I am acutely interested in this question. I am acutely interested in any reforms the government can undertake to try to reduce those waiting times. That is why I was very happy to support the Bracks government's reforms to concession arrangements which were introduced not in the most recent budget but in the budget before and which introduced 131 000 additional treatments to older members of the community — pensioners — to try to address those waiting lists. That is why I have on a number of occasions, as Mr Davis well and truly knows, through my own programs within aged care and home and community care, identified additional funds that would be provided to assist in the provision of dentures or other services to older members of the community. I am acutely interested within my responsibility of adding to the effort of the Minister for Health and the programs she is responsible for to reduce those waiting times.

I cannot provide the member with average waiting times, as he probably would have anticipated, because it is not my responsibility, but at every turn — —

Hon. D. McL. Davis — On a point of order, President, the minister indicates that it is not his responsibility to work through the waiting times for dentures for public dental patients, but — —

The PRESIDENT — Order! What is the member's point of order?

Hon. D. McL. Davis — But indeed on this point of order, I want to indicate that the minister in press releases has indicated matters about waiting times. On 2 June — —

The PRESIDENT — Order! That is not a point of order. What is the point of order?

Hon. D. McL. Davis — My point is — —

The PRESIDENT — Order! The member should not argue it or debate it, but raise his point of order.

Hon. D. McL. Davis — My point is that the minister does have a responsibility for this area unlike

what he has indicated to the house now. I can demonstrate that in particular by — —

The PRESIDENT — Order! The member should not be demonstrating, he should be raising his point of order.

Hon. D. McL. Davis — I am — —

The PRESIDENT — Order! The member has raised a point of order indicating that the minister is responsible for the issue. The minister has indicated to the house that he is not responsible for it, and that is where the matter will end because previously it has been ruled that the minister is not obliged to answer a question. The minister has responded to the question saying he is not responsible. There is no point of order because he has answered the question.

Hon. D. McL. Davis — On a further point of order, President, the minister has indicated to the house today that he is not responsible for dental waiting lists, but he has indicated different things on earlier occasions. If there has been some change in his responsibility, I will be interested to hear that.

Mr JENNINGS — On the point of order, President, as Mr Davis knows, and the house knows, I have clearly responded to his question, both in terms of the substantive issue about whether I am responsible and indeed the context of actions I may have taken to augment the work and the responsibility of my ministerial colleague. Mr Davis has said in his point of order that I have indicated to the house that I am responsible for that matter. That assertion is incorrect and he knows it to be incorrect.

The PRESIDENT — Order! I have given a ruling. The minister has said he is not responsible for that area, and is that the end of it. Has the minister completed his answer?

Mr JENNINGS — Yes.

Supplementary question

Hon. D. McL. DAVIS (East Yarra) — The minister, like other ministers in this house, does not want to take full responsibility. The reality is that on earlier occasions he has indicated to the house that he is responsible. He has indicated that he has approved funds for these areas. He has referred in news releases to dental waiting lists, and yet now he says to the house that he is not responsible. It is very interesting to look at his response to the house on 11 June 2003 where he is reported as saying:

> We will deliver … on time and on budget, and we will go down the path of making this important dental reform. This is very important. We will make this a promise.

The fact is that 28 months is the average waiting time for dentures in Victoria. Twenty-eight months is too long. It is cruel, it is harsh, and I ask the minister when he is going to act in his responsibility area to fix it?

Mr JENNINGS (Minister for Aged Care) — The ludicrous proposition that has been put by Mr Davis to the chamber is that I have shirked my responsibility in relation to this matter. I have not, and he knows that I have not because I was indicating in my substantive answer to his first question that it was beyond my responsibility. I have provided funds to assist the work of my ministerial colleague and her department, which is responsible for this matter, because fundamentally I acknowledge the issue, given the fact that the commonwealth government deserted the field of dental care, deserted its constitutional responsibility, and ripped over $35 million out of dental care in the state of Victoria a number of years ago — $35 million and more was taken out by the commonwealth government. We have been trying to play catch up ever since. I have indicated in my answer that wherever I can identify additional funds, I will support the work of my colleague to deliver these important services to older members of the community.

Children: WorkSafe KIDS

Hon. H. E. BUCKINGHAM (Koonung) — My question is to the Minister for WorkCover and the TAC. Can the minister advise the house of any programs that increase awareness of safety amongst children and how the Bracks government is governing for all Victorians?

Mr LENDERS (Minister for WorkCover and the TAC) — I thank Mrs Buckingham for her question and her particular interest in safety among children and importantly her interest in children across the whole state.

One of the great joys of being Minister for WorkCover and the TAC is that you can play a role in changing community attitudes. It is amazing that those opposite are obviously far more focused on the answer to when their leader, after 335 days, will come up with a solution than on an important answer to Mrs Buckingham's question on WorkCover. I understand their anxiety that their leader has taken 335 days to come to an answer on this important issue, but I will continue my answer.

Hon. Bill Forwood — On a point of order, President, on relevance I ask you to invite the minister to get back to answering the question.

The PRESIDENT — Order! I do not uphold the point of order, but I ask the minister to be responsive to the question asked.

Mr LENDERS — I am delighted to talk about childlike behaviour in response to Mrs Buckingham's question. I refer in particular to an organisation called WorkSafe KIDS. This organisation is based in Ballarat and seeks to go out to all Victorian schools to set up safety clubs. Safety clubs in schools are very good. I have had the privilege to go to a primary school in Morwell and see a safety club in action and also to a primary school in Port Fairy to see a safety club in action. I have seen them in action in the east and the west of the state.

What is amazing about WorkSafe KIDS is that it goes into schools and engages children in these safety clubs. Those of us who are former teachers — and Ms Carbines is nodding in recognition of her role as a former teacher, although she was a secondary teacher — know that to engage students on issues of safety is an important achievement. WorkSafe KIDS engages these students in what they can do to make their schools safer with a view that that may then extend to what they do in their homes and what they do, most importantly, when they enter the work force in some years time. It is enlightening to see these groups of students with butchers paper in a schoolroom talking of things like hidden corners where kids may trip and solving dilemmas — for example, if there is a faulty chair or a puddle on the floor, how they prioritise to fix things and where do they go to an adult for advice, and so on.

The important thing is that in the school we are getting safe practices which, if translated into the home and the work force, will make Victoria and Australia a much safer community and avoid injuries. Whether it be avoiding hazards in the school ground, whether it translates into hazards in the kitchen or hazards in a workplace, if we can achieve that we will have even less industrial deaths and even less serious injuries.

Many members of the opposition are fascinated by the figure of 335 and what their leader in the other place is doing, but they should pay heed not to their leader but to Simon Ramsay, the president of the Victorian Farmers Federation, who regards these matters as very important. He is quoted on the VFF web site as saying that 30 children die on farms annually, with around 600 being hospitalised and many more treated at emergency departments and doctors' surgeries. He also talks about children aged from 0 to 4 years. He is probably talking about the whole country here, but I have taken it from the web site.

The VFF shares the view that this is a very important issue. The important thing here is whether it is the children's safety clubs, WorkSafe KIDS or the VFF, we all share the view that we need to be getting good behaviour in place and encouraging children to be safe, because if we can do that, they will be safe in their schools, their homes and their workplaces and that will be a good outcome for Victoria and a guarantee that will make Victoria a safer place to raise a family.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 1027, 1807, 2197, 2207, 4696–98, 4700, 4701, 4704, 4724, 4725, 4749, 4751–53, 4757, 4902, 5042–44, 5050, 5197–99, 5204, 5205, 5243, 5265, 5266, 5289.

Hon. D. K. DRUM (North Western) — President, in the absence of the Minister for Energy Industries, I advise that two questions in my name directed to the Minister for Education Services in the other place will be 12 months old on Friday. I refer to questions 3196 and 3197.

The PRESIDENT — Order! Has the honourable member written to the appropriate minister?

Hon. D. K. DRUM — Yes.

Mr LENDERS (Minister for Finance) — I take Mr Drum's questions on board. I assure him that before they departed both Minister Theophanous and Minister Madden asked me specifically to chase their questions on notice. I am very hopeful that in the next few days a number of questions on notice will be available for Mr Drum. Both of those ministers are cognisant of the issue, and I will be chasing those questions for Mr Drum on their behalf.

ROYAL VICTORIAN INSTITUTE FOR THE BLIND AND OTHER AGENCIES (MERGER) BILL

Second reading

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

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill will give full effect to the recent merging of three charitable agencies supporting the blind and vision impaired into a new combined agency. The merger took effect on 6 July 2004 and the property and undertakings of the three agencies were vested, under a scheme of arrangement approved by the Federal Court, in the combined agency, RBS.RVIB.VAF Ltd, a public company limited by guarantee.

The solicitors acting for the combined agency have requested this bill to ensure that the benefits of any bequests, gifts, dispositions or trusts created or granted since 6 July 2004 in favour of any of the merged agencies will not fail but will be treated as bequests, gifts, dispositions and trusts in favour of the combined agency.

Legislation is necessary to achieve that result. While the scheme of arrangement provided for the vesting in the combined agency of all existing property, including trusts, of the three agencies, the scheme could not operate to ensure that future gifts expressed to be in favour of any of the merged agencies would be treated as gifts in favour of the combined agency. Such gifts would fail without legislation to provide that they take effect as gifts to the combined agency.

The three merged agencies each had a long and distinguished history of providing services to the blind and the vision impaired in the community. The combined agency is continuing the delivery of those services but with increased resources and an ability to improve the existing services and broaden the charitable services provided.

The merged agencies relied heavily on fundraising, volunteer work and bequests, gifts, dispositions and trust funds. It is very important that the income stream continues and grows to enable the combined agency to build on the benefits of the merger.

This bill will ensure that no bequests or other gifts or trusts are lost to the combined agency merely because they were made in favour of one of the former agencies and not in the name of the combined agency.

I commend the bill to the house.

Debate adjourned on motion of Hon. C. A. STRONG (Higinbotham).

Debate adjourned until next day.

RADIATION BILL

Second reading

Debate resumed from 8 September; motion of Mr JENNINGS (Minister for Aged Care).

Hon. D. McL. DAVIS (East Yarra) — I am pleased to make a contribution to the Radiation Bill. This is a very important bill that rewrites the radiation protections and arrangements in this state in line with national changes and it is a process that has been a long time in gestation. I make the point that this process began in the late 1990s when the Kennett government was still in power and after a series of national meetings and the so-called *National Directory for Radiation Protection* was agreed to in 2001 by the Australian Health Ministers Council. I note the department produced a discussion paper in December 2003 on these issues on radiation safety. Essentially radiation safety today is governed through sections 108AA to 108AK of the Health Act 1958. The changes to this new set of provisions — the licensing, testing, approving and enforcement provisions — replace those provisions in section 108 of the Health Act. They set up these arrangements for testing, licensing, compliance and enforcement in this state in a way that is consistent with the direction of national changes. There is some great complexity in this bill. The opposition has some reservations while supporting the general direction of the bill. The opposition will not oppose the bill, but places on record some concerns and issues about the implementation of certain aspects.

The bill is complex and tries for the first time to set up a comprehensive and integrated approach to radiation control. I make the point that the bill defines a radiation source as radioactive material, a radioactive apparatus or a sealed source apparatus. The bill importantly deals with both ionising and non-ionising radiation.

In this sense there is an issue with the breadth of the bill. It appears to me to be broader than the current approach, and there are issues around that. In my view it gives the secretary of the department and his officers greater powers than they have now. Those powers can be used not only for positive purposes but can also be misused at some point in the future. In indicating that the opposition is not opposing the bill and supports the general direction involved in it, we sound a cautionary note about the future uses of the powers that are placed in the secretary's hands in particular. Those powers can be used for good or ill. They can be used to protect the public, as they are intended to do, and in some situations will be a significant improvement. It is also possible that these powers can be used to build up a

regulatory apparatus that can become unnecessarily intrusive, and I caution the government to think through the implementation of some aspects of this bill.

I thank the minister and the bureaucrats for the detail of the briefing we received on the bill and the frankness with which it was provided. A point discussed in the briefing was the extension of these powers to non-ionising radiation. It would be possible to include every light source and every radiation source — the whole gamut — in the bill, but that would be overly intrusive. Obviously a line needs to be drawn, and that line may need to be re-evaluated from time to time and moved sensibly. It is important that the department, the secretary and the minister keep an eye on the regulatory burden involved with this bill and other such licensing and regulation regimes.

The relevant machinery for the implementation of this licensing and regulation regime is contained at page 17 of the bill. It provides that users of prescribed radiation sources — that is, machines and so forth — must be licensed and be subject to a series of inspections and testing mechanisms. A management licence is available for those who conduct the radiation in a practice specified by that licence. I note there are issues surrounding nuclear radiation, and certainly this bill will more clearly and comprehensively provide an arrangement for those specialists in nuclear medicine, who will be brought in more clearly than is currently the case under the Health Act.

I noted comments at the briefing that related to the government's review of health practitioner registration. We will be interested to see what finally comes forth from the government in that area. I know it is a point of contention with a number of the professions that are currently registered. The Liberal Party made it clear last year that it is opposed to the creation of a super-board. I think we had a significant role in forcing the government to rethink its foreshadowed intention to create a super-board for health practitioner registration. My point at the time was that that registration system would have simply created an additional layer. I still have a fear that the government will introduce a weaker version of that with some sort of disciplinary tribunal or other over the top of individual registration boards.

Certainly what I am hearing around the traps, because there are no officially available documents on these health practitioner registration proposals of the government, is that the government intends to create some sort of arrangements that will scoop up the boards in some way. I will be very interested to see what finally comes out. I make the point that the government has a duty to the community and to registered health professionals to ensure there is proper public exposure of its ideas and its bill. The bill should not be dealt with in a two-week cycle by being dumped in the lower house on a Thursday afternoon and the thing is cooking through two weeks later. That is not sufficient time for a thorough public examination. I put the minister and the department on notice that if they try that trick not only the opposition but others will be very unhappy about that approach.

Having said that, I believe there are opportunities with the review of health practitioner registration to get a better outcome. The decision of the department and the minister to make some changes to the draft version of the bill and incorporate the full list of health practitioner registration boards in the section of the bill that enables the secretary to pass information about radiation safety and matters pursuant to the Radiation Bill to the relevant registration boards is appropriate. There are obvious reasons for that. I am not sure it was necessary to make a whole series of changes, but nonetheless it seems to me to be a modest bit of tidying up.

With complex bills there is a need for a period of time that is sufficient for the opposition, and indeed relevant groups in the community, to work their way through them. That was a very tight time line with this bill, and I do not in any way hold the bureaucrats responsible for that. At the end of the day the ministers should be implementing a better process, with longer time cycles, so that these large and important bills are able to be fully examined by the community. Through that process we will get better legislation. The current time cycles are so short that it is difficult for the opposition to fully consult with every stakeholder group. In the case of this legislation there are literally hundreds, if not thousands, of relevant stakeholder groups — not individuals but groups — from the various health-related groups that use radiation through to industry groups.

This bill has been introduced as a health bill and correctly has many impacts on industry as it has on the functioning of the health system. There has been insufficient opportunity for an examination of the impact it will have on industry. The wide use of radiation for industrial processes is something which many people in the community do not fully understand — its importance in manufacturing processes, its importance in packaging and its importance in a whole range of other areas — and which makes one wary of the impact of this bill. There has been some discussion among opposition backbench members about this, but I note that the bill applies to radiation facilities — that is, facilities that are prescribed by the regulations to be radiation facilities.

I note that the bill does not include those facilities that would be listed in the Nuclear Activities (Prohibitions) Act 1983. In that sense the government has sidestepped many of the issues surrounding the potential consideration of nuclear power in this state. I know that would be a contentious point, but it is something that is counted out by the way the bill is presented.

Before I move on I wish to make one or two other points. It is the case that in the review paper of 2003 the situation with regard to the disposal of radioactive substances was canvassed. It is discussed at point 3.6 on page 21 of that paper. It is something that concerns most Victorians. It says:

> Uncontrolled disposal of radioactive substances has the potential to endanger public health and the environment. It is necessary to manage radioactive wastes in ways that ensure the risks associated with their disposal remain acceptably low.

The Health Act regulates that, and in that sense the new bill will replace those aspects. The regulations state:

> … persons responsible for disposal of radioactive wastes must not release the wastes in such a manner as to cause any person to receive a dose in excess of the dose limits —

which are scheduled. There are some issues with dosages. The truth is over time acceptable dosages have come down for users of radiation and for members of the public. Those doses that are listed and scheduled should not be seen as fixed in stone. As equipment and so forth improve there has to be capacity to strike a new balance which will lead to lower allowable dose limits for the public and those in the industry or users in some manner. The truth is that even on a therapeutic level the doses are becoming lower as targeting gets better and the collimation of devices, the protective cases and coats are progressively becoming more able to properly protect users and the public. I believe there is scope for the Victorian community to set some lead in that area in a sensible way that fits with national frameworks.

I note also the radiation protection principle that is established in part 2 of this bill. This principle guides the implementation of the act and the secretary's activities. It is worth reading clause 7 formally into *Hansard*:

> The Radiation Protection Principle is the principle that persons and the environment should be protected from unnecessary exposure to radiation through the processes of justification, limitation and optimisation where —
>
> (a) justification involves assessing whether the benefits of a radiation practice or the use of a radiation source outweigh the detriment;
>
> (b) limitation involves setting radiation dose limits, or imposing other measures, so that the health risks to any person or the risk to the environment exposed to radiation are below levels considered unacceptable;
>
> (c) optimisation —
>
> (i) in relation to the conduct of a radiation practice, or the use of a radiation source, that may expose a person or the environment to ionising radiation, means keeping —
>
> (A) the magnitude of individual doses of, or the number of people that may be exposed to, ionising radiation; or
>
> (B) if the magnitude of individual doses, or the number of people that may be exposed, is uncertain, the likelihood of incurring exposures of ionising radiation —
>
> as low as reasonably achievable taking into account economic, social and environmental factors;
>
> (ii) in relation to the conduct of a radiation practice, or the use of a radiation source, that may expose a person or the environment to non-ionising radiation, equates to cost-effectiveness.

I also note what clause 8 says about the interpretation of this principle:

> In interpreting a provision of this Act or the regulations, a construction that would promote the Radiation Protection Principle is to be preferred to a construction that would not promote the Radiation Protection Principle.

That is very important. The basic purpose of the bill within which that principle stands, as stated in clause 1, is:

> … to protect the health and safety of persons and the environment from the harmful effects of radiation.

The good side of this bill is that there is a certain clarity and comprehensiveness of approach and understanding that there are balances to be struck. They are overt balances and they should be struck in the light of that radiation protection principle. This clarity is a valuable addition. Victoria is somewhat ahead of the other states. I asked the ministerial advisers for some sort of tabulation of where the other states are in this process, but I am not sure I got a clear understanding of that. My piecing together of information leads me to conclude that we are in a reasonably forward position. That is as it should be. Industry needs to understand some of these changes more clearly. The industry associations with which I have had contact on this bill seemed to not be fully aware of the scope and potential impact. I sound that as a note of caution.

The bill deals with compensation and recovery of costs in clause 132 for environmental and other damage. I have mentioned the changes the bill will bring in terms

of stronger licence provision for medical radiation technologists which includes diagnostic and therapeutic radiographers and nuclear medicine technologists.

I note the issues around facility construction in this bill. The facility construction licence is laid out in the bill. There is a requirement that certain information be given to the secretary. This, I understand, is intended to apply to larger facilities, although it was not quite clear to me that that was sharp enough.

The point I make is that this is a sensible regime for very large facilities. The synchrotron was the example discussed, and I am not sure how the government's synchrotron project would have fitted into these provisions. I imagine there was already a process in place with the synchrotron. It is an important facility for Victoria but a facility where the government's processes and costing seem to have gone astray. It is probably a copybook example of how not to run a major project, and it is yet another major project in this state that has not been managed well or brought in on time or on budget.

Mr Pullen interjected.

Hon. D. McL. DAVIS — You know that to be true, Mr Pullen. You would support the synchrotron, I have no doubt, but you would not support the blow-out in costs and you would not support the delay in the — —

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! Members will address their remarks through the Chair.

Hon. D. McL. DAVIS — I am sure Mr Pullen and others in the chamber would not support the blow-out in costs or the delays with the synchrotron or other major projects. The secretary also has a power under this bill to declare that certain materials and apparatus are not radiation sources where they are satisfied that the apparatus or devices do not pose a significant risk to the safety of any person or the environment. This in a sense goes to the issue of the regulatory burden that I referred to earlier. An issue is that smoke detectors, for example, could be classified as radiation devices but it would seem cumbersome to force every householder in the state who has a smoke detector to have it licensed. There are other examples of minor or peripheral uses of very low-level ionising radiation for which licensing would be too cumbersome, but equally under these sections the secretary could declare the apparatus not a radiation source within the terms of the act.

It is also important to draw the house's attention to the comments by the Scrutiny of Acts and Regulations Committee in its *Alert Digest* No. 10 of 2005. Aside from the committee getting the name of the minister who introduced the bill and his responsibilities wrong — that is a small matter — the committee made a number of comments relating to clauses 21, 22 and 23 at page 12 of the report. It said:

> [21]. It is an offence for a management licence holder to knowingly, recklessly or negligently abandon a radiation source that is in their possession.
>
> [22]. It is an offence for a person, when conducting a radiation practice, to knowingly, recklessly or negligently cause another person to receive a radiation dose that is greater than the dose limit that is prescribed.
>
> Subclause (2) makes it an offence for a person, when using a radiation source, to knowingly, recklessly or negligently, cause another person to receive a radiation dose that is greater than the dose limit that is prescribed.
>
> [23]. It is an offence for a person to knowingly, recklessly or negligently cause serious harm to the environment when conducting a radiation practice in relation to a radiation source.
>
> Subclause (2) makes it an offence for a person to knowingly, recklessly or negligently cause serious harm to the environment when using a radiation source.

The committee commented on this — and it is important that it did make that comment, although I could make some comments myself about its approach to this. It said:

> The committee notes that sections 21, 22 and 23 will permit an indictable offence to be proven against a person on the basis of negligence. The committee notes that in the ordinary course the prosecution is required to prove intent as an element of the offence. Intent is made out as an element where the person knew or was reckless to the consequences of his actions. The proof of negligence is a lower threshold test for the prosecution to meet in proving the necessary elements of the offence.
>
> The committee also notes the strict liability offence provided in section 115 concerning tampering with radiation source seals without a reasonable excuse.

The committee then went on to editorialise a little, perhaps beyond its brief. It said:

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

I do not think it is the role of the Scrutiny of Acts and Regulations Committee to pass judgments in that way. The role of the committee is to draw these important matters to the attention of the Parliament, as it has done here very well, but not to editorialise as it has in that last paragraph and to make essentially a political point. The role of the Scrutiny of Acts and Regulations Committee is to bring things to the notice of the

Parliament. Where there is an impact on individual freedoms or normal arrangements its role is to make members of Parliament and the community aware of that. In my view its role is not to indicate that such a trespass on normal rights is acceptable. That ultimately is a political judgment to be made in this place and the other place by the community rather than by the Scrutiny of Acts and Regulations Committee. However, I do thank the committee for bringing to my attention those clauses and the fact that the use of negligence as a standard here is novel. It is a matter that the minister might like to reflect on. It is not my intention to take this bill into a committee stage, but in his summing up on this bill the minister might wish to reflect on whether the government views the standard of negligence as sufficient in that context.

I also want to place on the record a number of other points and refer to correspondence that was sent to the opposition which reinforces an earlier point that I made. It makes a point about the potential for a wide spread of the secretary of the department's powers with respect to non-ionising radiation.

I will quote from it to put it on the record, because I think it clarifies the point I have made. It states:

> On page 5 the legislation defines non-ionising radiation very broadly … as 'electromagnetic radiation of a wavelength greater than 100 nanometres.
>
> This means that depending on the content of the 'regulations' (made without the debate of Parliament — as I understand it —

that is not quite true but these days, since the powers of these chambers are so weakened, essentially true —

> any electromagnetic radiation — including visual light, sound waves at the speech frequency or music from musical instruments, or even heat from domestic heaters and even lawnmowers or other such slower mechanical devices could be regulated by this legislation as they all produce non-ionising electromagnetic radiation.
>
> Although a regulation is unlikely to be made to cover some of the above, it seems to me to be preposterous and really bad legislation to allow the possibility that the above could be governed by this act.

In other words, commonsense legislative limits should be written into this bill rather than allowing its jurisdiction to include the whole electromagnetic spectrum and then leaving it up to regulations to protect the rights of the community. That point underlines the earlier points I made in this contribution.

I know public health measures are always a matter of balancing the good with the bad, and of balancing the rights of individuals with intervention for the greater public good. There are lots of other issues on which this balance has been struck. The beauty of this bill is that the balance is made overt, and I think that is a helpful point of clarity. Other public issues I have dealt with in the last week or so that require this striking of a balance between the public good and public health, in the broad sense of that word, and individual rights are issues like fluoridation. There is every reason to support the fluoridation of water supplies, but obviously individual rights issues are involved because people are forced to consume water containing fluoride or to go to enormous trouble to defluoridate their water. That having been said, the community across Victoria has largely decided that the balance should be struck in the way it has because the gains in community health — in this case, dental health — are very substantial.

The opposition strongly supports that stance for public health intervention so that the whole community gets the benefit of fluoridating rather than individuals having to take fluoride independently. Certainly there are a number of spots around the state, such as Geelong and Ballarat and some smaller areas of the state, where there is no fluoridation. We strongly encourage those towns and their water authorities to work with their local communities to get fluoridation introduced into town water supplies. It is a very important step to take, and we owe it to our children. The arguments that are sometimes mounted against the fluoridation of water are weak. It is true that some loss of individual liberty is involved, but I believe it is a cost worth wearing. At the same time the evidence that there are ill-health effects is extremely weak and very unconvincing to me. As recently as in the last two weeks a number of people have tried to put cases to me that I found very unconvincing about the negative effects of fluoridation, because all of the evidence I have seen leads to the overwhelming positive effects winning out on balance.

I know there is a whole range of other important issues for the public system to consider at the moment. We have had Mr Viney trying to attack the opposition over the issue of so-called hospital privatisation on the basis of a few minor comments by some federal members. I make the point to him very strongly that I do not support the privatisation of our hospitals. The state government runs public hospitals in this state through committees of management and statutory authorities that are answerable to this Parliament, and the Liberal Party has no intention of moving down the privatisation road in any way whatsoever. I note the government might want to run a scare campaign, but that scare campaign will be delivered on the basis of flimsy evidence and a desperate search for cover in country Victoria, given what it has done to country hospitals. It has closed hospitals. It has closed obstetrics wards in

almost 20 centres around the state It has wound back operating theatres in Rochester and Koo Wee Rup and wound back services at Seymour.

Mr Mitchell was in this house earlier today. What he and the member for Seymour in the other place, Mr Hardman, have done in allowing the closure of emergency services in country Victoria is a travesty. I note also that at Maryborough the government has made an attempt to flog off and privatise the pathology services. What it is doing there is outrageous. It is a disgrace that pathology services are being flogged off in that way without community consultation and on the basis of a straight-on — —

Hon. H. E. Buckingham — On a point of order, Acting President, whilst I acknowledge that Mr Davis is the lead speaker for the opposition, I fail to see the relevance to the Radiation Bill of the information he is supplying.

Hon. D. McL. DAVIS — On the point of order, Acting President, admittedly I was talking about broader public health issues in the state. One of the issues that was relevant was the privatisation by the Bracks government of the pathology services. The point I was making in relation to the point of order was very much that the pathology services are a set of services that — —

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! Mr Davis may sit down. I will make a ruling. There is no point of order. Mr Davis is the lead speaker. It is a wide-ranging debate, and members of the government will have an opportunity to put an opposing position.

Hon. D. McL. DAVIS — However, I take the member's point, and I will more narrowly focus on the bill as we move forward. I want to make a number of other points about this bill. One relates to the issue of the health and protection legislation that we have in Victoria and its juxtaposition with national arrangements. The opposition supports national arrangements where they are in the interests of Victorians, and we support them where they offer some efficiencies, but I make the point that we have to be careful not to be slavishly bound to national arrangements. I am not sure that national arrangements always offer the highest standards. It is sometimes the case that national arrangements lead to lower standards, and in health protection areas Victoria has often had the highest standards.

The issues here about the national protocols, the national directory and so forth are processes that we support. In this case it is justified to ground many of our steps and much of the regulation in those national directory arrangements, but I place on the record that that test has to be confronted closely in each individual case. There are other cases where the arrangement is not so good. In terms of regulations I think we can sometimes get there, but on the broader point of the national schemes that are sometimes mooted, there can be some issues. I was talking to people yesterday about the so-called push to nationalise our hospitals. I have to say that I am opposed to that on quite a number of levels. Whilst there might be some theoretical arguments about a system run from Canberra being more efficient, I am far from convinced that it is specifically in the interests of Victoria or New South Wales.

For too long the larger states have been net payers and have been receiving less — under governments of all persuasions. I am not making this as a party-political point; I am making this as a broader point in terms of the so-called nationalisation of many areas of health activity. While with this bill I strongly support the more national approach, there are other areas where people are currently calling for a national approach, which I think would work to Victoria's detriment. Those issues with public hospitals — —

Hon. J. H. Eren — Shame on the federal government.

Hon. D. McL. DAVIS — No, it is not a federal government issue. I think some of your federal Labor colleagues would love to take over health too, Mr Eren.

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! Members will address their remarks through the Chair.

Hon. D. McL. DAVIS — Through the Chair; indeed, Acting President. In my view it would be the case that Victoria and New South Wales would pay more and get less under any nationalised health system. That is the likely outcome. As in all of these national programs, the money goes to Canberra — under any government, Labor or Liberal — and it comes back in lesser amounts for Victoria. That is a real issue.

I do not propose to say much more at this point other than to reiterate the general points that I made at the beginning. The opposition does not oppose this bill. We support the fact that there is a clarity and a simplicity about the principles in the bill. It is a very complex bill as you move through the depths of it, and we understand the issues of incorporating a more national approach but at the same time retaining the relevant

powers in Victoria to ensure that we have the strongest possible regulations for radiation safety in Victoria.

Hon. D. K. DRUM (North Western) — I would like to pick up where the previous speaker left off and say that this is a complex bill, obviously, as we are talking about radiation and radiation equipment, and the regime that has been put in place to protect Victorians and also to protect the environment from the use and misuse of radiation and radiation equipment. Obviously a whole range of complex provisions have to be put in place to handle that type of legislation.

The purpose of this bill is to protect the health and safety of people and the environment from the harmful effects of radiation. Among the terminologies you will see when you look through the bill is a differentiation between ionising and non-ionising radiation. The use of ionising radiation for medical, dental, industrial and research purposes is widespread in modern society. Some examples of its use are the diagnosis and treatment of illnesses and the measurement of various product specifications in industry — for example, the thickness of paper in a paper rolling mill, where ionising radiation is used to complete the process; and ensuring the integrity of such things as welds in steel pipes and the strength of welds in aeroplane wings in aeroplane manufacturing. They are some examples of where ionising radiation has been used.

Non-ionising radiation is used in such areas as lasers used for medical and cosmetic surgeries and industry and research applications. Radio frequency equipment uses non-ionising radiation; and other things such as ultraviolet lamps used in tanning solariums around Australia also use non-ionising radiation.

This bill has been based upon the national directory for radiation protection developed by the national Radiation Health Committee. As you go through the bill you see a lot of terminologies and definitions that make it a little clearer. I attended the briefing with my colleague in the other house the member for Lowan, Hugh Delahunty — —

An honourable member — He is a good man.

Hon. D. K. DRUM — He is a good man. We were both very appreciative of the work of the advisers at the briefing. They simply took us through the bill to explain some of the terms that are obviously more fitting for nuclear scientists. By the end of the briefing we had a reasonable understanding about the issue, and we thank the gentlemen and women who took us through that briefing.

The additional information that was sent to us to further explain this bill is also much appreciated. One of the aspects of this bill is that it will put in place licences that will effectively control the radiation industry. The four licences that will effectively be put in place are as follows. The first is a use licence. The users of equipment from around Victoria — and there are quite a few thousand — will all need to sit for and purchase a use licence if they are to be users of the equipment.

The second licence is that of an approved tester. The engineers and technicians — anybody who is to be qualified to work on this equipment — will have to be licensed as an approved tester of such equipment. That will be the second licence needed to help with this regime.

Thirdly, those people who manage businesses that effectively have radiation equipment as part of their business will need to acquire a management licence. That will apply to any business, any organisation, that effectively has a radiation source. Obviously that will be extremely widespread in industry — through the medical profession and so forth. I have a list, which I might refer to a little later, of the types of people who will be caught up in management licences.

Fourthly, a licence will be needed during the construction phase of any facility. Organisations that will have this type of equipment used within their area will need to have a facility construction licence. As was pointed out by the previous speaker, an example of where a facility construction licence would be needed is if the construction of a synchrotron started after this legislation comes into place.

This legislation also provides for authorised officers to have the power to continually check on how this management regime is going. Some of the statistics that were put to us included that at the moment there are approximately 3000 sites around Victoria that have in total 5000 sources of radiation; obviously there are multiple sources within some sites. Some 5000 users throughout Victoria are currently using this type of equipment, so it is very widespread. Obviously the use of this type of equipment and machinery is on the increase, certainly in the medical field and industry sectors.

It is also worth understanding that similar legislation will be put in place by the other states. They are working to their own time frames. In this sector it is extremely important and we need to have absolutely no cross-border anomalies in relation to working with radiation equipment.

If we reach the situation where all the states fall into line with each other that will allow our users, management licences and the like to be able to operate across borders without any discrepancies or irregularities. It is also worth noting some of the history behind this whole industry. I had an experience where I sat down with an ophthalmologist and an eye surgeon to discuss doing some minor work and they explained some of the very small dangers associated with radiation treatment. It was put to me that in the early stages of the development and use of this technology the equipment was exceptionally expensive. After a specialist has made the capital outlay to purchase their own equipment there is a temptation to let the equipment go past its use-by date. As the equipment tends to slowly but eventually wear out and the radiation strength coming from it tends to wane, there is always a temptation to let the equipment stay in use rather than replacing it with more expensive equipment, and as the strength of the radiation decreases the active time of the equipment can be increased. It was this lack of regulation and monitoring within the industry that led to a couple of tragedies worldwide which obviously sent shivers through the broader community. People lost their sight because certain specialists were being too lax with the way they were administering this treatment. It is important that we understand how potentially dangerous this treatment is and that we put in place very strict guidelines to operate this equipment.

The Nationals will not be opposing this legislation. We appreciate the fact that the number of businesses that have these radiation sources within their industries are growing all the time. They include radiologists, cardiologists, chiropractors, dentists, dental hygienists, industrial radiographers and many others. As the use of radiation equipment is becoming more common we need to be supporting this legislation and making sure that we put in place a very strict regime that will help us regulate it. Those people who will need to have an operator licence or a use licence include paramedics and soil testers who also use equipment with radiation. Even a borehole logger can need this type of equipment to conduct their daily activities.

The Nationals are concerned about what we will do with equipment that is past its use-by date and how we will dispose of the waste that is currently produced as we go about using this type of equipment. We are concerned about that and in the other place we asked the government for a categorical guarantee that this waste would not find its way into the proposed long-term containment, or toxic waste, dump at Hattah-Nowingi. We put it to the government that we did not want to have this stuff finding its way into the Mildura region. I have a letter which refers to radioactive waste which I would like to read into *Hansard*:

> Many low level radioactive wastes are short-lived and quickly become exempted from the radiation controls within the Health Act. Such wastes cease to be legally radioactive and can be disposed of via normal waste streams.
>
> Non-exempted wastes are unsuitable for disposal via this method, and are stored until future arrangements permit their disposal.
>
> Many such wastes are disposed of via commercial arrangement back to the original manufacturer or to dedicated disposal facilities overseas.

We are in fact shipping some of this waste overseas. The article continues:

> DHS —

Department of Human Services —

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

This is certainly one of those instances where public safety needs to be assured. What this government is planning to put up at Hattah-Nowingi is nothing more than a glorified landfill and we cannot afford to be having this type of equipment put there.

The wastes referred to in the document are securely stored in a purpose-built facility located in Melbourne. We need a guarantee from the government that that is going to be the case in the future. Radiation users have been and may continue to be required to store materials within their own business premises. I think most businesses are aware of that currently and are quite prepared to continue that practice into the future. In saying that, I hope the government can give us a categorical guarantee that this material will not find its way into the Hattah-Nowingi area. Apart from that, we believe this regime that has been put in place to further regulate and monitor the radiation industry in its wide sector of uses and applications will be beneficial to Victorians and the environment. We wish this bill a speedy passage.

Hon. KAYE DARVENIZA (Melbourne West) — I am pleased to rise and speak in support of this important Radiation Bill. Like so many of the pieces of legislation which affect our health industry and the health of Victorians, this bill is about protecting the health and safety of people. It is not just for those people who work in this area and come into contact with radiation. In my previous employment as a nurse there were many occasions and instances where I was involved with radiographers and the taking of X-rays.

Dealing with radiation can be very dangerous and can have very detrimental effects on one's health, but patients receive radiation treatment for many and varied reasons. This bill is about ensuring the health and safety of people. It is also very much about ensuring that the environment is protected from the harmful effects of radiation.

It is always pleasing to speak on a bill which has the support of The Nationals and is not being opposed by the Liberals. I believe this is a very good piece of legislation. It is based, as are all the bills the government brings before the Parliament, on wide-reaching consultation with the people involved, in this case in dealing with radiation. A discussion paper was prepared in December 2003 and was very widely distributed. Throughout 2004 there was wide consultation with interested parties and stakeholders. Numerous written submissions were received by the government and there was consultation with peak bodies such as the Australian Institute of Radiography, the Australian Medical Association, the Australian Chiropractors Association, the Australian Dental Association, the Royal Australian College of General Practitioners, the Australian Veterinary Association, mining stakeholders and the Victorian Trades Hall Council. All of those consultations and all of the information that came out of the discussion paper has very much informed the drafting of this bill.

As has been said by speakers from the other side, in 2001 the Australian Health Ministers Advisory Council agreed that there should be a national directory of radiation protection. This bill gives effect to that council decision. It will control radiation safety to protect the health of people and the environment from the many harmful effects of radiation. The bill will replace the existing radiation provisions in the Health Act 1958 and the Health (Radiation Safety) Regulations 1994. The current legislation regulates all uses of radiation throughout Victoria including X-ray apparatus, computerised tomography scans and industrial and medical use of sealed and unsealed sources of radiation. However, it is important to mention that the bill will not amend the provisions relating to the Medical Radiation Technologists Board; the bill does not go to that.

I want to run very quickly through some of the provisions of the bill. I know they have been mentioned by speakers from the Liberal Party and The Nationals but I want to run through them quickly for the record. The bill will require any person who conducts a radiation practice to hold a management licence. The licence will set down what sort of practice it is and what sort of practice is to be conducted under that licence — such as whether it is dental radiography or another form of radiography. The licence will also stipulate the period of the licence, which can be for a period of up to three years. This is a new requirement for almost all of the regulated groups. There are some licences stipulated for set periods of time now but this represents a new requirement for almost all of those regulated groups. The bill provides for the management of licences. There will be conditions of licence that require notification to the secretary of the acquisition and disposal of radiation sources, and the Department of Human Services will continue to maintain a register of the location and details of all radiation sources for safety and security purposes. I think that addresses the issue raised by Mr Drum and The Nationals.

The bill also includes powers for the declaration of the type of radiation sources that need to be tested at specific intervals, such as dental X-ray equipment which must be tested at five-year intervals. All equipment will be subject to being tested so we can be assured that it is well maintained and continues to be safe for all those who come into contact with it. The bill provides the secretary with the power to approve testers to test these radiation sources against very specific radiation standards. Not only will the equipment be tested but the standards of the test will be stipulated and the secretary will approve the testers. The bill requires any person who uses radiation sources to hold a user licence. This represents no change from the current situation for most users, other than medical radiation technologists.

The bill introduces a new concept called radiation facility. This will be prescribed in regulation and will include the facilities that have the most highly active radiation sources, such as the sources used in the Australian synchrotron project. The bill will provide for construction licences to be issued to authorise construction of a facility; I think this goes to a matter raised by the Honourable David Davis in his contribution. The bill provides for a management licence to be issued to a radiation facility prior to the commencement of the radiation practice to cover any ongoing practice on the site. The site itself has to be licensed during construction and once the practice takes over that facility, that practice has to be licensed. There are very real safeguards in this bill.

The bill includes a comprehensive set of decision review provisions; this is another matter raised by the opposition. It is a very sound provision in that it includes authorised officer provisions which are based on the Occupational Health and Safety Act 2004 and the government's response to the Victorian parliamentary Law Reform Committee's report on its

inquiry into the powers of entry, search and seizure by authorised officers. This bill features provisions such as search and entry powers and search warrants.

As Mr Drum put it in his contribution on behalf of The Nationals, this is a good bill. It is very much about ensuring the health and safety of the community as well as the environment, regardless of what context radiation is being provided — whether it is in the health sector, which most of us are very familiar with because we have all had X-rays of one sort or another, or whether it is in mining or other industries and other areas. It is very important that we protect people from the harmful effects of radiation, and this bill does that.

I believe it is a very good bill. It deserves the support of all members of the house, and I commend the bill to the house.

Hon. B. W. BISHOP (North Western) — I rise on behalf of The Nationals to speak on the Radiation Bill. The Nationals' position is to not oppose this bill.

It is a bill that goes forward in the right direction. When we looked at the research on this, it was quite surprising to see how much the radiation industry is used, not only in health — in medical and dental areas — but particularly in the industrial area. I was surprised to see that it is used quite a lot, even down to the extent of measuring the thickness of paper, and it is used very much in research.

There are two or three issues I would like to touch on. I am delighted to see the substantial work that has been done in bringing this bill forward with a national approach. Those of us in The Nationals — and many of us live in border areas — are very keen to see common rules across Australia. It is an excellent move that the national Radiation Health Committee, which was drawn from the Australian Radiation Protection and Nuclear Safety Agency, has been able to discuss and consult on this particular issue, and it has been agreed by all ministers of the states, territories and the commonwealth. Again I say it is great that we can have these national rules. We do not seem to be able to achieve them in other areas, such as the chain of responsibility particularly in transport or industry training, and there are a number of other issues that keep coming up from time to time. We are delighted to see that this has occurred on a national scale.

Further to that, the national competition people reviewed this, as I understand it, in 2001. The matter of waste has always been a vexed question, particularly radioactive waste and where it goes. We have a daughter in the Northern Territory and the last time we were up there some debate took place about whether this radioactive material would be dumped in the Northern Territory, and the usual issues arose from there. I have often thought about this. Obviously I raised my concerns over the issue of the toxic waste dump in Mildura. In today's age industry is so smart and clever with what it can do to reduce not only radioactive waste but also other waste that we need to handle as a society.

I suspect that the first issue we need to look at nowadays is the amount of research we can do to reduce waste across all fields. We then need to work through how we can manage that in a containment facility or do whatever we may have to do with it. Perhaps the waste should not only be reduced but new mechanisms researched to destroy it so we do not have the difficulty of putting it in either landfills or containment facilities.

On the first objective of reducing the waste, I have done some work with the Environment Protection Authority (EPA). In the broadest sense it appears there are three levels of waste aside from radioactive waste. We produce a lot of waste in Victoria. After talking to the EPA, I believe that over the next five years we could get that amount down to a lot less waste that we will need to manage. When I asked why we need to reduce the waste, one of the reasons given was that the treatment of this particular waste is more expensive. I am talking about B-level waste. Why? In 1998–99 the price at the gate was about $40 or $50 a tonne. It is now $200 a tonne, and there is a $150 surcharge on that if it has to be treated. If the predictions that I can glean out of what the EPA told me come true, we will bring that down about 25 000 tonnes. We need some really strong research in this area to get that figure down as low as we can.

Again I make that plea across all levels of waste — that is, the radioactive stuff and the A, B and C levels of waste. If we could do that, we would certainly be able to offer a more positive resolution to the issue we often debate in this chamber — that is, the toxic waste dump that the government is proposing to put up in the Mallee. If the government took a positive point of view and reduced the level of waste, I believe we could certainly manage that substantially more easily than we will the huge cost and difficulties that we are faced with now.

One of the issues that occurs with all levels of waste is that people are uncertain of what is going to go into a particular dump in the future. I know that the people in my area have raised that concern. They have said, 'Which level of stuff goes in here?'. The government

has said it will be that A and B level category, as I understand it. Other people say, 'What happens later on if the dump is put there and it is proceeded with?'. In another five years perhaps they will put something else there as well, and it may even be the radioactive stuff. As we have done in the past, we call on the government to give us an absolute guarantee that if the dump does proceed — and we fervently hope it does not — there will be no radioactive material put in there, and what is more, that the dump it is considering putting up in the Mallee will not be a tri-state dump — and I have raised that issue as well.

In general this bill is a good step forward in the management of what we know are difficult materials. We have those concerns about the future and what the government will do with the waste that might be put into the Mallee area.

Hon. H. E. BUCKINGHAM (Koonung) — I wish to speak in support of the Radiation Bill 2005 — a bill to protect the health and safety of persons and the environment from the harmful affects of radiation. The bill amends the Health Act 1958, the Dangerous Goods Act 1985, the Environment Protection Act 1970, the Magistrates' Court Act 1989, the Nuclear Activities (Prohibitions) Act 1983 and the Road Transport (Dangerous Goods) Act 1995.

I would like to acknowledge the contribution of the previous speakers and particularly thank the opposition and The Nationals for their support. Even though they say they do not oppose the bill, I take that as supporting the bill, naturally enough.

The purpose of the bill is to protect the health and safety of persons and the environment from the harmful effects of radiation. Therefore, this is most important legislation. This bill will give the state new stand-alone radiation legislation and implement the national directory for radiation protection. The bill will ensure that best practice is operating in industry, hospitals, other medical settings, engineering workplaces, and the mining sector.

The bill is designed to regulate all practices that involve the use of radiation and is based upon the national directory for radiation protection developed by the national Radiation Health Committee of the Australian Radiation Protection and Nuclear Safety Agency. The national directory was agreed to at a meeting of Australian health ministers in 2001. There are a range of differences between this bill and the existing provisions relating to radiation in the Health Act of 1958.

The bill creates a regulatory framework that has definitions and a licensing regime in line with national regulatory arrangements. As I have stated, it provides for management licences which replace the previous process for registering sources of radiation. For instance, even if a firm possesses multiple radiation sources they will only require one management licence that addresses their firm's radiation practice.

The bill will also regulate the construction of radiation facilities, which is not currently regulated, so that a facility construction licence will be needed prior to the construction of a facility, thereby guaranteeing appropriate safeguards will be in place as it is built. Most importantly the bill will ensure that all users of radiation sources will need to be licensed, including medical radiation technologists, who are currently exempt. This group, which includes diagnostic radiographers, therapeutic radiographers and nuclear medicine technologists, will be required to hold a licence in addition to their registration with the Medical Radiation Technologists Board. Requiring medical radiation technologists to be licensed is consistent with the regulation of other health practitioners who use radiation sources, such as dentists and cardiologists.

The bill also has broader emergency powers that will enable appropriate responses to emergency situations that we all hope will never happen. The legislation will ensure a more accountable and transparent regulatory process. The regulatory framework is proposed to come into force on 1 September 2007, thereby giving sufficient time for both the development of regulations and an appropriate level of education in consultation with all aspects of the radiation industry.

Radiation is something most of us do not think about very often, even though we are exposed to it every day when we go outside and more so when we get on a plane, have an X-ray or use a microwave. I was fascinated to learn how radiation will be used in the new synchrotron when I visited the facility with the Education and Training Committee earlier this year. Its application for industry and medical research at the synchrotron is awe inspiring. Personally, however, I am eternally grateful to Madam Curie for her discovery at the end of the 19th century, because last year as part of my treatment for cancer I had targeted radiation treatment on a tumour in my pelvis. The treatment was for 90 seconds every day over a three-week period at the Epworth Hospital. I am pleased to report that it destroyed the tumour.

When I tried to find more statistics on the use of medical radiation to include in my contribution on this bill I found it very difficult. Neither the research section

of the library nor my research on the Internet was able to indicate how many people undergo radiation treatment in the state of Victoria. More generally, I was able to find out that of people who are diagnosed with cancer at least 50 per cent will undergo radiation treatment. A large percentage of those will be successfully treated and cured of their cancer because of that treatment. The concrete bunker with a huge and thick steel door that I was placed in when I had my treatment made me very aware of occupational health and safety and environmental issues associated with the use of radiation. There is a need therefore to regulate the radiation industry — no one would deny that — not just in its medical uses but also its industrial uses, which Mr Drum pointed out, and its mining uses. The bill will enable this to happen. As the minister said in the second-reading speech:

> I believe the bill strikes the right balance between meeting national commitments to adopt nationally consistent legislation and avoiding unnecessary or overly complex regulation. It also provides a framework to ensure that radiation sources are secured.

I thank the minister and her department. I commend the bill to the house.

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 doing so I thank all honourable members for their contributions to the second-reading debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

PIPELINES BILL

Second reading

Debate resumed from 13 September; motion of Hon. T. C. THEOPHANOUS (Minister for Resources).

Hon. RICHARD DALLA-RIVA (East Yarra) — I will continue my contribution from last night. The opposition will not oppose the Pipelines Bill. As I indicated yesterday the bill rewrites and re-enacts the Pipelines Act 1967. It is a substantial bill that provides clear guidelines on how pipelines are to be laid throughout Victoria, how the consultation and pre-licence processes should be conducted and the process for and capacity to access land through either compulsory acquisition or by consent. It also refers to the operation of the pipeline and moves on to enforcement issues. The bill also refers to rehabilitation and compensation.

Essentially the bill follows a very logical process in the way pipelines should be formulated before being placed underground or above ground, whatever the particular need may be. I went into some detail yesterday about the government bringing in a regulatory regime process. I referred to clause 17 in division 1 of part 4 of the bill regarding the consultation plan. Clause 17 should raise some concerns, because it states in part:

> (1) A consultation plan must —
>
> (a) be prepared in accordance with the regulations …

I understand from the documentation that no regulations have been established. It is unusual, and I am sure that Mr Forwood will raise this also, that we are unable to establish what those regulations are and, in particular, how a plan is to be prepared in accordance with regulation about which we have no knowledge. It is the cart leading the horse in the entire process, from the start to the end. Part 11 contains the enforcement provisions. At the very start of the entire process the one framework by which we are to establish how we move forward in accessing easements or TWW, and all those things about compensation, seems to have been forgotten, because the bill says that the consultation plan must be prepared in accordance with the regulations.

If you do not know what are the regulations, then how do you move forward to establish other issues that need to be determined? It may be that the regulations will reflect the processes outlined in the act, but for companies and individuals establishing a process it would be difficult to look into a crystal ball to determine whether that process was right and the consultation plan prepared in accordance with the regulations was correct, if they did not know what those regulations were.

I look forward to the minister, when summing up, or other government members giving some guidance to the opposition regarding the regulatory framework mentioned in clause 17(1)(a) of the bill. I will leave that

matter for the attention of the minister or the relevant government members who contribute to the bill.

I know the Victorian Farmers Federation has an issue with clause 22 about the appropriate time frame in which a proponent may apply to the minister for consent to enter land if the proponent has been unable to obtain the agreement of an owner or occupier of land within 14 days after giving notice of intention. It has been put to us by the VFF and others that there is some time lag in relation to mail that is received at rural properties. Maybe there needs to be a longer time frame. It looks as though the government has responded by increasing it from 5 days to 14 days, but the government does not consider that 21 days would be appropriate. Maybe there has been a compromise, and clause 22(1)(b) has taken note of some of the concerns raised by relevant stakeholders, in this particular case the VFF.

Clause 26 refers to the effect of consent, and subclause (6) states:

> An entry under this section is subject to —
>
> (a) the conditions of the consent; and
>
> (b) the regulations.

What are the regulations? We are talking about entry to a property, be it private or whatever. There is no clarification. Does it mean that the regulations will say, for example — and I am being flippant — that entry to a property can occur at any time during the day and therefore entry under this provision could be undertaken at 4 o'clock in the morning? I am being flippant to some degree, but there needs to be some guidance. Does it also mean that people can break and enter? I do not know. This needs to be clear in the context of a bill because it has profound impacts on individuals and various farm and land-holders in the state.

I look forward to an explanation from the minister, her advisers, or the one government member in the chamber listening to my contribution. Those who have an interest in the Pipelines Bill, an interest in the government and an interest in reading *Hansard* should note that there is one government member in the chamber on this very crucial bill.

Hon. Bill Forwood — Now two.

Hon. RICHARD DALLA-RIVA — We now have two. Congratulations, there has been a 100 per cent increase.

Hon. Bill Forwood — Three.

Hon. RICHARD DALLA-RIVA — It is now three. It is amazing that the government has failed to have an understanding of how important this legislation and how it sees it is. Clearly government members have not seen fit to be present during the contribution.

The bill takes a rational approach. Part 5 refers to the pipeline licence process that follows the pre-licence process. Division 1 refers to the licence application and goes through how it is done — for example, clause 33 talks about issues relating to the Environment Effects Act 1978, submissions and so on. Clause 40 refers to the minister appointing a panel to consider all submissions; clause 41 refers to the composition of the panel, and says that the panel may consist of one or more persons; clause 42 refers to the chairperson; and clause 43 refers to fees and allowances.

I am sure the intention is not to create another bureaucracy. I hope that the government will ensure the panel will be comprised of responsible people with adequate skill bases to ensure a reasoned argument, and will include land-holders and landowners who have an interest in ensuring that the process is moving forward appropriately. As part of the compulsory acquisition the panel needs to take into account things such as temporary working areas and so on. I hope the panel will be responsible, although I note in clause 36 that the proponent is liable to pay for all the costs of a panel hearing, so it is important to note where the costs and expenses will be incurred. The bill also refers to alterations to authorised routes and how the process will be undertaken.

Part 6 refers to access to land for pipelines, which will be the area of contention for the majority of people regarding access to land. Division 1 is about public land and division 2 refers to the purchase or acquisition of easements. Having read through the briefing notes on the bill and the act, that is appropriate. Some submissions have been made regarding the easement being slightly larger for the temporary working area covered in clauses 75 and 76. Where the pipeline may cross near to rivers or a roadway, a temporary area will be needed to ensure the safety of the nearby workers. The legislation requires that the land that is acquired as a temporary area be returned as best it can to its natural state , which is an appropriate process.

Clause 96, relating to compulsory acquisition, raises some issues. I put it on the record that it will need to be done in a very civilised and appropriate manner that does not impact harshly on those land-holders.

Part 7 is about the construction of pipelines. We have gone through the pre-licence and the pipeline licence

process, the access to land for pipelines and now we are finally getting to the nuts and bolts within part 7 — the construction of the pipeline. That too goes through a regulatory framework. It leads into the general requirements with a very clear whack across the line in terms of ensuring the construction is along an authorised route and anyone who deviates will receive a substantial fine. Given that 54 pages preceding this part deal with ensuring due process, consultation, the pre-pipeline and pipeline processes and access to land, I would have thought the construction of the pipeline would be clearly laid out — where, when and how.

I understand you need an enforcement framework, but there are enforcement provisions in part 7 and not in part 11. I would have thought part 11, the enforcement provisions, would have been the more suitable place rather than this part. It should be more of a process of assistance rather than a whack process. There needs to be clear rules laid down for those individuals or organisations which venture outside the pipeline route that has been established. Given that we have had pages and pages beforehand which deal with panels, regulatory authorities and regulations, I find the requirements under division 1 of part 7 quite harsh. They send the wrong message. If the government was trying to encourage appropriate development, those clauses ought to have been removed either to the end of part 7, which I question, or into part 11 which deals with enforcement.

I may be corrected on my understanding of the entire outline. It seems the whole part is pretty much about penalties and the like. I would have liked part 7 to be more of a conciliatory process rather than an overarching penalty process.

We have the licence, access to the land, the construction and we are now about to pump through whatever needs to be pushed through the pipeline. That was defined in clause 9 of the bill, which states:

> This Act applies to —
>
> (a) a pipeline for the conveyance of petroleum, oxygen, carbon dioxide, hydrogen, nitrogen, compressed air, sulphuric acid or methanol through the pipeline; and
>
> (b) any pipeline declared under section 11 to be a pipeline to which this Act applies.

Clause 11 sets out that the minister may declare pipelines to which the act applies.

We are now at the operation of the pipeline. Again we are straight into the whack. There are penalties right at the start and moving through. I would have thought clauses 112 and 113 would have been more about assisting those operators and then providing overarching issues, but we again have gone straight into the penalty provisions. The bill seems to be very heavy on penalties; in fact it seems enormously heavy on penalties. Although I understand the importance of ensuring enforcement, it just seems to go way over the top in every sense from my perspective.

Part 9 refers to management plans and straightaway division 1 is about penalising those who fail to set out the duties of the licensee. I would have liked to have seen division 2, which deals with safety management plans, being at the front so we could lead into a positive construct that says the plans must be established and these are the guidelines or processes. Then if people do not comply, the enforcement provisions take place.

Part 10 deals with rehabilitation and compensation and division 1 refers to a rehabilitation bond which is the clean-up or pollution prevention work during the construction or decommissioning of a pipeline. Again, it is heavy in terms of financial penalties for failing to do that.

Finally, we get to enforcement in part 11. That is where the issues that have been raised in the relevant provisions ought to have been raised so that each division of the part would relate to each area. There would be a clearly defined area of where enforcement provisions would be applied within the legislation. That might sound too logical for those on the other side of the house.

I do not propose to extend my contribution to the debate other than to say the opposition finds the regulatory controls quite fascinating for a bill that is really designed to provide essential resources throughout the state. We know and understand there needs to be a proper process of licensing and regimes. We look forward to seeing some evidence of the regulations provided for by the bill. I look forward to the bill passing through the house.

Hon. P. R. HALL (Gippsland) — The Pipelines Bill is largely a rewrite of the 1967 Pipelines Act. It comes about following a review process that commenced in 2002. Essentially it updates the previous Pipelines Act with respect to many of the issues that arise from the review process. I am pleased to say that the respondents to The Nationals' consultation on this bill were fairly positive in what they had to say about it. Generally the industry was satisfied that this was an appropriate arrangement. On their advice and on our own largely positive assessment of the bill I can report to the house this afternoon that The Nationals will not be opposing it.

I will not give a clinical analysis of the bill. That has already been done by the lead speaker for the opposition, who went into many of the aspects of the bill. I want to give my own summary of the main parts of this bill, comment on some of the differences between it and the older Pipelines Act, and raise a couple of issues that were raised with us by respondents to our request for consultation. Firstly, some of the important parts of the bill apply primarily to gas and petroleum pipelines, but the bill also has the potential to apply to pipelines that may carry a number of other fluid or gaseous substances that are described in clauses 9 to 13 of part 2. It is interesting that it could apply to the carriage of carbon dioxide — that is, pipelines for carbon capture and storage — which is quite possible in the near future in Victoria as further uses are explored for our brown coal resources.

I think it is interesting to read the definitions to see what this Pipelines Bill applies to. It is equally interesting to look at schedule 1 of the bill, which talks about the pipelines that are excluded from the act. Sometimes it is easier for people to understand which pipelines are not excluded. A variety of pipelines are excluded. One of the exclusions is determined by the pressure of the gas being conveyed in the pipeline, and clause 2(a) of schedule 1 defines a pressure under which a particular gas pipeline will be excluded. Some of the other exclusions are of a pipeline that is entirely within a petroleum processing plant, of a pipeline that is entirely on land that is held in freehold, of a length of pipe et cetera that might be less than 100 metres outside the boundary of a property, and of a pipeline that is situated wholly within certain business, industrial or residential properties. Quite importantly a pipeline for water supply, drainage or sewage is also excluded. You may have a pipeline included for the purposes of geothermal energy, but only if it is for geothermal energy production. Schedule 1 was a handy addition to this bill, listing as it does those pipelines that are excluded from the provisions of the bill.

One of the key features of the bill is that Energy Safe Victoria is going to be the new regulator of the construction and operation of pipelines, which was mentioned in recent legislation. When the bill creating Energy Safe Victoria passed through this chamber there was a query as to why Energy Safe Victoria was excluded from overseeing the operation of pipelines. That purview is now included in this new bill.

Another key feature of the bill is the creation of a single licence for the construction and operation of a pipeline, when previously there were two separate licences. An important new provision is the establishment of a pre-licence process requiring a documented consultation plan. That process will be helpful in resolving some of the contentious issues associated with the development of pipelines. There is also a requirement in the bill for the establishment of a safety management plan and an environmental management plan. New provisions in this bill mean that pipelines cannot traverse a wilderness area and can only traverse national parks with the consent of the minister. The arrangements for the compulsory acquisition of private land generally follow the processes set out under the Land Acquisition and Compensation Act. They are not vastly different from previous acts, although I note that consultation and negotiation for a minimum period of six months is required before any process of compulsory acquisition can be started. I also note there is a requirement for the establishment of rehabilitation bonds with respect to pipeline developments, and I will talk about a comment from one of our respondents on that. I will elaborate on a few of those points and make a comparison between the old Pipelines Act and the bill we are putting through the house this afternoon.

As I said before, the bill provides for one integrated, indefinite licence authorising the construction and operation of a pipeline. I understand that previously the term of a licence to operate a pipeline was 21 years. We will now have licences given for an indefinite period, which will provide greater certainty for developers wanting to invest in new infrastructure. A single licence instead of two separate processes is a sensible and efficient method. Importantly for private land-holders, and particularly the Victorian Farmers Federation, which represents private land-holders, the mandating of the consultation period and the development of consultation plans is an important initiative and is certainly to be commended.

The development of pipelines will remain subject to the environment effects statement (EES) process. That has not changed significantly. Some would argue that we now need to review the EES process and make it a bit easier for people to have some input to it.

Part 9 of the bill requires pipeline proponents to prepare and have approved safety and environmental management plans before constructing a pipeline. Again, that is certainly a sensible provision. I do not think anyone would object to that. Nowadays we expect to see documented how any development intends to address environmental issues, so we have no real issues with that.

The issue of rehabilitation bonds before constructing a pipeline is addressed in clause 141 of the bill. I want to comment on that in a minute and quote what one of our respondents said. I mentioned the fact that a new

feature of this bill is that a pipeline requires the Crown land minister's consent before it can be routed in a national park. Another feature is that the bill introduces some fixed time lines for key decisions. I mentioned the minimum consultation period of six months before a process of compulsory acquisition can be even contemplated, and then it may be longer with the consent of the minister. It is also important that the bill requires, under clause 48, the minister to make a decision on a licence application within 28 days of specified events. Again, that adds some certainty to the development process and is welcome.

The bill also distinguishes between minor and significant route alterations, with an approval process proportional to the significance of the proposed alteration. That makes sense. I would not think it would be entirely necessary to go through a whole new process — certainly not an environment effects statement process — if only a very minor deviation to a route was being contemplated. Division 6 of part 5 of the bill gives the minister some discretion to approve minor route alterations.

An important initiative is contained in clause 123, where third-party access to easements has been introduced. For the life of me I cannot understand why in the past we have seen separate trenches being dug for telecommunications, for gas or for water pipelines. It makes a great deal of sense to share infrastructure. The fact that there is provision in the bill for third-party access to pipelines is important, too. I note also that for the first time under this bill a public pipelines register will be established. That sort of information should be available to the public and I welcome the fact that that will occur under this bill. They are some of the changes. I am grateful to the minister's office, which I requested to document some of the comparisons between the current legislation and the new bill; the minister's officers have done that for me and I thank them for it.

I would like to mention some of the respondents to The Nationals' request for comments on the bill. First of all I contacted Investra Ltd, which is a major company that is currently putting in a lot of the gas network into some of the towns in regional Victoria. I know it is currently involved in a project in Bairnsdale. I asked it for comments on this legislation and, pleasingly, it replied to my request and said it has no concerns with the impact of this bill on its business.

I also spoke to the Victorian Farmers Federation (VFF) because the issue about pipelines traversing private land, particularly agricultural land, has been somewhat vexed for private land-holders in the past. I can recall some concerns in my electorate when the major Longford–Sydney eastern gas pipeline was established some years ago now, but certainly during my term as a member of Parliament, and the concerns some of those land-holders had at the way they were treated during the process of that pipeline being laid.

I spent some time one day visiting a farmer at Cann River and walking across his property where that gas pipeline has gone through and saw the significant interruption to his business that occurred because of that. There were some issues associated with the timing of the pipeline work. A request had been made by the land-holder that the laying of the gas pipeline across his property be undertaken in a period of the year when there was not so much rain about. That did not happen and they eventually got into his property and laid a pipeline during a very wet period. Consequently a lot of clay was brought to the surface, and the land was just never going to be as good or as productive as it used to be in the past. I know there was significant toing-and-froing and compensation discussions with respect to that, which is something that could have been avoided with proper management. I know this issue of access to public land is of particular importance to the VFF. On 5 September the VFF replied by letter to my request for comment. It said:

> One of the changes we strongly support in this legislation is a requirement for a consultation plan from a pipeline proponent … The Victorian Farmers Federation, Australian Pipelines Association and the Department of Primary Industries have worked together to produce guidelines to respond to landowner issues.

Indeed they have and I commend the VFF and the Department of Primary Industries, along with the pipelines association, for doing that. The VFF also makes this comment:

> However, we note that there is no detail provided within the legislation as to what specific information should be included in consultation plans for landowners. We do note that under section 17(1) regulations are to be prepared covering this detail. I trust that given the strong involvement of the VFF in this matter, the minister will make a commitment to involve the VFF in the development of these regulations.

I sincerely hope that is the case. As the minister is not here to respond today, perhaps the advisers could take note of some of these issues and provide at a later date some confirmation in writing back to me that the intention of the minister with respect to that issue would be to consult with the VFF in the development of those guidelines. The VFF also makes this point:

> The inclusion of clear compensation and payment provisions in section 151 to cover losses experienced by landowners as a result of a pipeline development and access to the land is also strongly supported by the VFF.

As it says, that is provided for in clause 151. The federation makes the comment that it remains opposed to the use of compulsory acquisition for pipeline developments, and expresses sincere hope that any of those issues can be resolved with mutual agreement between the landowner and the pipeline proponent so the compulsory acquisition does not become an issue at a later point in time. The federation makes a couple of other points that I want to put on the record:

> Third-party use of existing easements is one area where potential exists to minimise the impacts of easement developments over private land.

As I said, the sharing of easements between utilities makes a great deal of sense to all of us. The VFF makes this comment as well:

> A further change we would like to see in the bill is a more appropriate time frame for notification for entry at section 22(b). We believe a more appropriate time frame should be 21 days, given that it can take nearly a week for mail to reach some rural properties. Five working days is an extremely short time frame for a landowner to assess an application for entry.

That is a valid point. Five working days is a relatively short period of time. If the minister could make a comment on that and see if there is any chance of extending that five-day period, I would be grateful.

Overall the Victorian Farmers Federation was pretty happy with the way this legislation evolved. It had a couple of little queries that I have now put on the record, but generally speaking it was fairly comfortable with these arrangements. It does suggest, in closing, that we should now have:

> … a similar review of the Land Acquisition and Compensation Act to ensure that the responses of all Victorian legislation to the acquisition of interests in private land are aligned.

That is not a bad suggestion either. It is one to which the government could give serious consideration.

The final respondent I want to talk about, which has raised a couple of points on which I will seek clarification, is SP AusNet. That is also a company that is involved in the development of major gas pipelines. It first comments on clause 104, which states under the title 'Licensee responsible for extra expense incurred by authorities':

> The licensee must reimburse any extra expense incurred at any time by Victorian Rail Track or the public authority, municipal council or Minister responsible for the maintenance of a railway, road, bridge, tramway, road infrastructure, electrical apparatus or other pipeline because of the existence and operation of the pipeline.

The question that is posed by SP AusNet is: is there an indefinite obligation for the pipeline owner to actually pay compensation or meet the expenses incurred by authorities because of the presence of that pipeline? One would have thought that if the pipeline had been laid in the first instance with a sense of goodwill and met any imposts incurred by the authority responsible for that land, at a later point of time if an authority changed its mind about something and wanted to change the position of a road or an electrical line or something of that nature there should not be an ongoing obligation for the pipeline proponent to meet every expense. I think that is a valid point raised by SP AusNet, and I would again be interested in the minister's comment.

The next clause I want to a comment on is clause 114, which refers to safety and environmental requirements. SP AusNet made the comment that the clause:

> States the minister may serve a notice on the licensee at any time imposing requirements in respect of the pipeline.

It simply asked for a bit of courtesy in this and said:

> … the pipeline owner (licensee) should understand the 'justifications' of such request and be able to 'challenge' the request.

Again I would have thought it is pretty much commonsense that if the minister was serving a notice on the licensee under clause 114, then at least a reason would be given as to why that notice was being served and an opportunity offered to the licensee to have some dialogue with the minister about the serving of that notice. It would be helpful if the minister could respond on that point. SP AusNet further said:

> Clause 120 — Interference with operation
>
> States the minister can consent [to the] construction of a building within 3 metres from a point on the surface of the land directly above part of the pipeline. We would desire that the minister firstly consents with the pipeline owner ….

That is just a matter of proper efficiency or functioning, and I do not think there will be any problems with the minister agreeing to that request.

SP AusNet further said:

> Clause 133 — Preparation and approval of an environmental management plan
>
> Licensee must have an approved environment management plan before commencing any pipeline operation — plan must be reviewed every 5 years with the report of the review, submitted to the minister.

Further it asked the question:

> What details on the plans contents will be required and what is time frame for implementation?

I think that is a fair question to ask. It is simply asking for more information on what the intentions of the government are in respect of that clause. There is a similar request with clause 140, which covers the rehabilitation bond. There is no indication whatsoever in the bill as to the quantum of a rehabilitation bond that may be required, and SP AusNet seeks information as to how the minister will determine the quantum of the rehabilitation bond that will be required.

Those are some of the issues that have been raised by the respondents to our request for feedback on this legislation. I think the responses they have made have all been very reasonable. As I said right at the start of my contribution, generally speaking the view of the industry in the comments that were made to us was fairly favourable. The Nationals have had a good look at this legislation and, given the history and controversy of some pipeline developments, we think it is a pretty good framework for proceeding with further pipeline developments in Victoria. With those comments, I am pleased to say that The Nationals will not be opposing the bill.

Ms ROMANES (Melbourne) — I am pleased to have the opportunity this afternoon to speak on the Pipelines Bill. The bill repeals the Pipelines Act 1967 and puts in its place a modern regulatory framework for pipelines. As we are all aware, pipelines are vital infrastructure for our economy and the community. In fact we have seen some significant expansion of pipelines in Victoria over the past five years. The Bracks government has presided over a period of great expansion in the minerals and energy sector and in pipelines. In the last five years there has been over $1 billion of new investment in pipelines, and more can be expected as the oil and gas boom in Victoria continues. Among those pipeline projects under the Bracks government have been the SAE pipeline connecting Victoria and South Australia and the Tasmanian natural gas pipeline. That means for the first time New South Wales, Victoria, Tasmania and South Australia are connected to each other and that incidents such as the Longford disaster will not result in Victorians having to go without gas again. We saw the value of this interconnectedness in 2004, when the Moomba gas fire and shutdown in South Australia meant that Victoria was able to supply gas to South Australia. Other important pipelines are being laid to connect the new Otway gas fields to the Victorian grid to ensure further supply of gas that way.

There was a need to review and refresh the legislation on pipelines, because there are new standards and expectations in the community for more transparent public processes on safety and environment protection. That is certainly provided for in this bill. There was also the need to provide greater certainty for industry and clear and efficient approval processes that proponents require for the financing and development of this essential infrastructure. Up to this point the current pipeline development has relied mainly on good administrative practices rather than a tight and effective legislative framework.

In speaking about certainty for industry I want to mention the initial and very disappointing contribution last night of the lead speaker for the opposition, Mr Richard Dalla-Riva. Mr Dalla-Riva was unprepared. He rambled and spent some time railing against regulatory controls and penalties, and espousing his free-market ideology. It was quite an amazing contribution, which I suggest other members should look at. Mr Dalla-Riva spent some time saying that the market should be allowed to run free and determine its own outcomes and benefits. I found that quite bizarre, coming from a person who has been a law enforcement officer with Victoria Police and a legislator who, like all of us in this place, is responsible for making laws that are clear and enforceable.

Mr Dalla-Riva did himself and his party on the other side of the house a great disservice when he suggested the only reason for penalties in relation to the construction without a licence of a major piece of infrastructure such as a pipeline was for the government to raise revenue. He portrayed himself as being unaware of the concept of deterrence and showed no awareness of the need for an effective regulatory framework to capture the complete range of activities, to provide a balance of carrots and sticks and to provide clarity and certainty in the economic environment in this state. Furthermore, Mr Dalla-Riva went on to attack the provisions for community consultation in the pre-licence provisions. In the period prior to the application of a licence there is provision for consultation with local landowners and communities.

Today we heard Mr Hall reinforce the fact, which I know, that the Victorian Farmers Federation is in support of these community consultation provisions. As Mr Hall has received a letter from the VFF in relation to this provision, so has the Minister for Resources. The letter of 5 September says:

> I am writing to congratulate you on producing a new Pipelines Bill to replace existing processes which have been in place since 1967… One of the changes we strongly support in this legislation is a requirement for a consultation plan from

> a pipeline proponent… I congratulate the minister on his efforts to introduce legislation which more appropriately fits with the needs of modern agricultural industries.

That reflects the kind of support for this bill that is out there in the community from the VFF and other key stakeholders and industries. That has been dealt with by Mr Hall and is the result of a very extensive and intensive consultation process in the lead-up to the bill before the house today, which included the publication of a general discussion paper for comment back in 2002; the release of a proposal paper in June 2003 outlining a new legislative framework for comment; and the release of an exposure draft of the Pipelines Bill for comment in May 2005. There have been extensive submissions and input from a range of stakeholders, in particular from the Victorian Farmers Federation which provided constructive input which recognises the need to balance the rights and interests of different parties with regard to this bill.

The comments from SP AusNet that have been raised by Mr Hall can be addressed. Some of the provisions in this bill are replications of provisions in the previous bill, and I am sure the minister, in his response to the issues raised by SP AusNet, will make that clear as well as addressing the other issues they have been raised. SP AusNet did not write to the minister prior to the final draft of the bill. Therefore the government has not, until this time, been able to address its concerns because no submission was received from it.

Mr Hall made the point that the Victorian Farmers Federation highlighted the fact that there is more work to be done in conjunction with the passing of this bill through the Parliament of Victoria, and that is to work on the regulations before the final introduction of these measures and the new broader, regulatory framework at the end of 2006. A number of issues also have been raised about the details which have yet to be spelt out and which will complement the overarching provisions of the bill, such as in what circumstances there will be delegated decision making and guidelines for developing an environmental management plan, which will be a new requirement in the act. This is not a totally new practice because in the last eight years environmental management plans have been drawn up, but the act makes it very clear that this provision is mandatory. This new work will be undertaken in the months ahead. It is the government's intention that the VFF and other stakeholders will be consulted thoroughly, as they have been since 2002 at every step along the way in relation to the measures covered in the bill.

Mr Hall gave a very comprehensive outline of the key elements of the bill, and I am not going to waste the time of members in this house by repeating the points he has made. He has picked up the most salient issues. He made some useful comparisons about the initial act and the bill before us. He talked about issues such as the sharing of easements and the concern about notification issues, which I am sure the minister will address further. Mr Hall also mentioned the environment effects statement (EES) process which is always one that has to be considered in any situation such as new pipeline infrastructure. I am not sure whether he is aware, but there is a review of the EES process under way, and I am sure it is drawing to a conclusion. He is correct in saying that the refinement of that process would impact on and be useful for the implementation of the various measures within the Pipelines Bill before us today.

The Pipelines Bill is, as I said earlier, important in terms of assisting with improved processes and interface between industry and the public. It is important to put in place new safety and environment protection. It creates clearer processes and greater certainty for industry. It is underpinned by principles of sustainable development which are outlined in the bill. I think they are a very important addition to the considerations that happen whenever there is an application for a licence or for work under the legislative and regulatory framework of this pipelines legislation. With those comments, I commend the bill to the house.

Hon. BILL FORWOOD (Templestowe) — I find myself in a somewhat invidious position — —

Ms Romanes — Because you weren't the lead speaker.

Hon. BILL FORWOOD — Exactly. As the shadow minister responsible for this particular piece of legislation I had prepared one hour's worth of contribution to this chamber. I was very well briefed by the government's advisers and had a number of conversations with the ministerial staffers, as well as, like Mr Hall, having done a considerable amount of wide consultation in relation to the legislation before the house. However, as honourable members know, I was overseas representing them at an important conference and did not get back until late last night, by which stage — —

Ms Romanes — Hula hooping?

Hon. BILL FORWOOD — No, it was a very important conference. I got back late last night, by which stage debate on the bill had commenced and my colleague the Honourable Richard Dalla-Riva had

begun speaking. I should congratulate and thank him for his wonderful contribution — it is a bit hard to be chucked in at the last minute like he was. I should now take exception to some of Ms Romanes's unhelpful comments when she accused him of attacking the legalisation.

An honourable member — You have jet lag.

Hon. BILL FORWOOD — No, I do not. I think 'attack' is miles too strong a word. There are some issues which we would quibble over but, as honourable members in this and the other place know, we do not oppose the legislation. In fact we are very comfortable with the direction that the government has taken. I would point out again that this process started in 1997 under the national competition review regime when Alex Dobes commenced the review of the Pipelines Act. I have such little time since the government introduced time limits that will gag me from effectively speaking on the legislation before the house, but a number of the recommendations from Mr Dobes's 1997 report, including, for example, recommendation 2 about the definitions and recommendation 3 about the time limits, have been picked up in the rewrite before the house today.

I thank Mr Dalla-Riva for his contribution. I am sorry that he upset the government's lead speaker, but we do not oppose the legislation before the house. In some senses we are pleased to see it finally reach this stage. However, as other honourable members have said, we note that the legislation itself is useless — —

Mr Lenders — That is a bit harsh.

Hon. BILL FORWOOD — It is useless without the regulations. I for one am getting somewhat tired of the government bringing legislation before this house and asking us to consider our position and the house to pass it when the complete operation of the bill depends on regulations that are not available — not even considered, not even thought about in some cases — but will provide the detail of how the bill will operate. I could give the house a number of examples from the bill, but due to the shortness of time I will not be able to, of where the regulations will make a fundamental difference to what happens on the ground and yet no-one has any idea at all. Just as an aside, I thank the Minister for WorkCover and the TAC for his answer to a question I asked of him recently about guidelines under part 12 of the Occupational Health and Safety Act which we passed in this place in December last year. I recently asked the minister how many guidelines have been issued under that part as of 20 July. He came back honestly and answered, 'None'. It is now not quite 10 months since that piece of legislation was passed. It is predicated upon having some guidelines and they have yet to be produced.

My point is that if we are going to have this sort of legislation — pipelines legislation — that depends upon regulations and guidelines, then it is incumbent on the government to get it right. I make the point again in relation to this that the department provided me with an overview of the operation of the provisions to award a licence. This is a comprehensive, diagrammatic schema of how this will work. It is a very useful document. I know it has been made available to many people and all of them are finding it useful. If the department has the capacity to produce this sort of information, I am equally sure it has the capacity to produce the regulations. I am not suspicious by nature — —

Honourable members interjecting.

Hon. BILL FORWOOD — All right, I am suspicious by nature. Not to stretch the point too much but I think we would all be better off if we had more idea of how it was going to work. I think the structure that has been put before the house today is an appropriate structure but I for one, and I am sure many other people, would like to know the detail of how it is going to work. I do not think that is an unreasonable request.

We raised a number of issues, as I am sure The Nationals did, in the briefing we had on the legislation. Again, I was very pleased with the detailed responses I got from the minister and his staff, and I thank them for it. However, again I say if they were able to provide that sort of information at such short notice, I am pretty sure they could have provided me with a draft of the regulations.

Ms Romanes — It is a separate process, Mr Forwood.

Hon. BILL FORWOOD — I am happy to pick up the interjection that it is a separate process. Let me put it through you, Acting President, to the government's lead speaker that yes, it is a separate process but I bet it is being done by the same people. I bet the people who are doing it know exactly what they are doing. I am pretty sure that if I went down to the Victorian Farmers Federation (VFF) or the pipelines association, they would know too. The margin is about where the discussions are going to be. I only say that because I have in front of me the review of the Pipelines Act and the government's response. I have the review of the Pipelines Act general discussion paper and the proposed paper for the pipelines legislation — —

Ms Romanes interjected.

Hon. BILL FORWOOD — The member knows I have read it all. I am across this legislation — that is why I am cross that I do not have enough time to speak about it. I have the table of contents from the VFF pipeline easement guidelines. This is not rocket science and it is not new. I am pretty sure that the same people who have produced the legislation and all the documents in front of me know how the regulations are going to work, so let us get on with the process.

Some issues were raised with me and have been answered one way or another. I remain slightly concerned about the temporary working width issue, which we have discussed. I think the jury is out on how well that will work. It seems to me that the capacity is not quite as clear as it could be because the nexus between the Land Acquisition and Compensation Act and the Pipelines Act seems to have been broken. However, as my colleague Robert Clark, the member for Box Hill in the other place, said when debating this bill, we will see how that ends up.

I also remain concerned that the heavy hand of the minister responsible for Crown lands could interfere in the pipelines process. I am very surprised that the Minister for Resources, Mr Theophanous, whom I know well, was prepared to bring a piece of legislation to this place that enabled another minister to effectively, in some circumstances, veto what he wanted to do.

I regard that as a serious error on Mr Theophanous's part. He does not make too many. All I can presume is that he thought, 'If push comes to shove, I will get what I want in a different way'. But I have not been able to work out how. What the legislation makes very clear is the capacity for the minister for Crown lands, not just in national parks but in any area where there is Crown land — that is, beds and banks of rivers — to prevent a pipeline going ahead.

I subscribe to the view that Victoria is very well served by its pipeline network, that Victoria has a vibrant oil and gas exploration industry and it depends upon the capacity of pipelines to convey those materials to points north, south, east and west, and we do not want to be mucked around by some odd green minister being manipulated by the Greens or Environment Victoria or Greenpeace, or one of those antidevelopment groups. I think it is really incumbent upon the fact that the minister — —

Ms Romanes — Even Greens like their pipelines.

Hon. BILL FORWOOD — The Greens like the pipelines when they provide some heating to their houses or oil for their cars, but they do not like it so much in theory, do they? It is the sort of practice that they like, and that is the problem. A little bit of inconsistency always seems to creep into the positions that they take on some of these issues. I remain slightly concerned that we might have the left of the Labor Party versus the right of the Labor Party and we could find ourselves with a major project being stalled or held up.

Mr Lenders — That is a Hamer Liberal government versus a Doyle Liberal government!

Hon. BILL FORWOOD — There are a number of ways I could respond to that interjection, but I am sure the Acting President is about to tell me that interjections are disorderly and it would be better if I did not. However, that being the case, let me point out that under a Hamer Liberal government, there is no doubt that the development of this state continued at a pace before it hit the brick wall of the Cain and Kirner governments, which stopped the state in its tracks. Under a Doyle Liberal government, however, you will see the accelerator pedal flat to the floor as Victoria takes off again after it hit the wall under the Bracks government. I see no difference at all between a Hamer government and a Doyle government, particularly when it comes to economic development in Victoria, the provision of jobs, and a vibrant economic, social, environmental and sustainable Victoria — in fact, a Victoria that we would all be proud to live in once we changed the government.

I do not have a lot more I wish to add other than to thank the various people who spent a lot of time with me going through some aspects of the legislation. In particular, there were some concerns raised with me about Crown land administration issues, and certainly some of the third-party access stuff, while I agree with Mr Hall that it is really important that it happen, we need to be very careful that by allowing third-party access to easements we do not make it difficult for future already planned pipes in that area to be compromised. I am aware that recently a telecommunications channel was laid along the Sydney gas pipeline, and it was laid right on the edge because of the proposal that there be in the remaining part of the easement an additional pipe, so we need to be careful about that. I equally remain concerned about third party-access to the pipes themselves. I am not sure that there is sufficient heed paid to the existing operator in relation to that. The minister now has the right to come along and say, 'Yes, it is your pipeline, but you will carry X' — someone else's amount — and I am not sure that that is handled — —

Ms Romanes — It is not as straightforward as that.

Hon. BILL FORWOOD — It is relatively straightforward. Yes, there is a process to follow through, but if you look at it — and the legislation is quite clear on this — this is one of those bills where there is a requirement for consultation for one proposal, but not for the other. If there is a requirement in the legislation for there to be some consultation before there can be this sort of access for the easement, why should not that same language be used in relation to access to the pipe itself? If we are doing a rewrite — and this is what this is, and we are happy to have the rewrite because we think it is a better piece of legislation — I would think there should some consistency in that regard. We do not oppose the legislation.

Mr LENDERS (Minister for Finance) — I would like to thank Mr Dalla-Riva, Mr Hall, Ms Romanes and Mr Forwood for their contributions and for their good wishes on the speedy passage of the bill. There are a number of issues that the opposition and The Nationals raised specifically, and I will certainly ask the minister's advisers and the department to take those particular issues up with individual members. I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

NATIONAL PARKS (OTWAYS AND OTHER AMENDMENTS) BILL

Second reading

Debate resumed from 13 September; motion of Ms BROAD (Minister for Local Government).

Hon. ANDREA COOTE (Monash) — I am not so sure that I do have pleasure in speaking on this bill, but I am speaking on this bill and for the record the Liberal Party will not be opposing this bill. First of all I will go through what it is about and then I will come to the concerns that I personally have with it. I have spoken in this place before about my concerns about Parks Victoria as managers, but let us deal with this bill first.

The purpose of the National Parks (Otways and Other Amendments) Bill is to amend the National Parks Act 1975 and other acts to establish a new 102 470-hectare Great Otway National Park. This will be incorporated into the existing Otway National Park, which has approximately 40 000 hectares and Angahook-Lorne, Carlisle and Melba Gully state parks, plus additional areas of state forest and Crown land reserves. In addition, it will establish a new 39 265 hectare Otway Forest Park. This new category of park will provide for some recreational use not normally permitted in national parks. Five existing sawlog and pulpwood licences will be allowed to continue in the forest until their expiry in 2008. This bill also will end sawlog and pulpwood harvesting in the native forests of the Otway Ranges. Clause 35(5) of the bill amends the Forests Act to ensure that no new licences can be granted in the area covered by the national park and the proposed forest park.

It provides for other protection measures for areas associated with the new parks, such as designated water supply catchment areas, survey work requirements to define the boundary of the Great Ocean Road and associated arterial road reserves and lease arrangements for the Cape Otway Lighthouse Reserve. There are minor administrative amendments to the Port Campbell National Park, the Dandenong Ranges, Kinglake and Yarra Ranges national parks and Warrandyte State Park — almost all of the Melbourne Water land recommended for park inclusion in 1994. There are some other additions to the Aire, Mitchell and Wonnangatta heritage reserves, and the bill amends the Fisheries Act to allow existing commercial eel licences to continue in the Great Otway National Park. We can see that this is what is actually happening.

The government claims it has a mandate to proceed with the new forest park after the 2002 election, and I will come back to that in a moment. But the manner in which the government has gone about implementing this legislation, together with the concerns associated with the future management and the effect it will have on local communities, are the reasons we have concerns with this bill.

I want to put this debate into a framework and look at it in the context of the establishment of national parks across the state. I remind honourable members that it is not the Labor Party that has a mandate on national parks. This state has a very proud heritage of a bipartisan approach to the establishment of national parks and parks across the state. Every member of this chamber and the Parliament can take some comfort from the fact that we work closely and cooperatively for all Victorians to make sure we have a healthy parks system so we in Australia can be proud of our wonderful national parks.

I put on the record a chronology of the establishment of parks in this state. I go back to 1837 when the police corps set aside 2558 acres as grazing land for their horses and as headquarters for the Aboriginal tracker detachment. This area became known as the Dandenong Police Paddocks and was later part of the Churchill National Park. In 1882 the Fern Tree Gully reserve of 412 acres was declared for public recreation and to protect the fern gullies following a request from three local men to the Minister for Agriculture. In 1892 the Tower Hill National Park Act was passed. It was sponsored by the local member of Parliament, Sir Brian O'Loghlen, and created the Tower Hill National Park of 1475 acres.

In 1905 a permanent reservation of 75 057 acres was made at Wilsons Promontory after a deputation was made to the Minister for Lands. In 1907 the lower entrance to Werribee Gorge was established. In 1909 a reservation of 750 acres was made in Tarra Valley. In 1915 a sanctuary was declared over Hattah Lakes. I remind the chamber that Hattah Lakes is the chosen site for the toxic waste dump that the government is going to impose upon the people of Victoria, but look at its very fine heritage. It was established in 1915, but this government will wreck it. It should have a close look at what it is going to do.

I look at the breadth and depth of parks established in this state. In 1928 just over 13 000 acres was established for the Kinglake National Park. In 1956 the National Parks Act was passed providing for the control of all national parks in Victoria. This was the first act of its kind in Australia, and it is pleasing to see that Victoria implemented that very first National Parks Act in 1956. That is probably before many people in this chamber were born.

In 1964 there was provision for the National Parks Act to incorporate the Port Campbell National Park of 1750 acres. In 1978 a range of different places were incorporated and recognised as important additions to the park system in this state. Provision was made for Warby Range, Cape Nelson, Cathedral Range, Gippsland Lakes and Lake Albacutya to be included in the national parks system, which gave a breadth and depth to the park system in this state, as indeed did the Terrick Terrick National Park which was established in 1999 to create a grassland park so we could see different types of parks in this state. That is one of the strengths in our park system. But it is not just iconic national parks such as Wilsons Promontory, Mount Buffalo or other areas; we do have Hattah Lakes and the Sunset Murray parks and Terrick Terrick and a range of parks that show what national parks are like in this state.

In 1996 the National Parks Service became part of the new Department of Natural Resources and Environment. Parks Victoria was established on 12 December 1996. It amalgamated the service delivery functions of the National Parks Service and Melbourne Parks and Waterways. As I have said in this chamber many times, I was part of that inaugural board. I have also said that we started with such hope but most of those hopes have since been dashed.

The chamber should recognise the strength of the Liberal governments, because this has been a bipartisan approach. I remind the chamber that when Sir Rupert Hamer died last year many fine tributes in both this place and the other place were paid to him. A range of members of different persuasions recognised what he gave to the environment and the establishment of parks in this state. The Minister for Environment in the other place gave huge praise to Sir Rupert and said in his contribution:

> … the Land Conservation Council, our system of state and national parks, a new ministry of conservation … green wedges, the development of the Environment Protection Authority and Victoria's reputation as the Garden State.

He gave accolades to Sir Rupert for all those attributes.

It is good to see the deep-seated bipartisan attitude to national parks in this state. All of us in this place feel we belong to a process that recognises those attributes. Even Ms Garbutt, a former opposition spokesperson for the environment in the other place, said about Sir Rupert:

> His was indeed a time of major reforms. The emphasis was on the arts, equality and social justice, and the environment.

She also recognised the strength that he put into that area.

The Minister for Finance also gave a fine tribute to Sir Rupert Hamer. He is reported as saying:

> He ensured there was a focus within government for the creation of new national parks and reserves.

It is important to see that we agree that we want parks in this state.

I want to explain again that the opposition's concerns do not relate to the issue of parks but to the process. It is the way this was first announced and the way it has been implemented that have caused our concerns; it is not with the establishment of another national park. That is not the issue at all. I welcome, as I have done in this chamber before, additional parks in our state, and I am proud of the fact that we belong to a state that has a number of national parks in it. The establishment of this

park came about as a blatant political process, and that is why I have such concerns about it.

I go back to when it was announced on the eve of the 2002 election. Going back prior to that the state had gone to enormous trouble to establish a regional forest agreement to give security to the loggers in the Otways, who felt they had security and needed security because, as I remind the chamber, there is an enormous amount of plant and expense associated with logging. Logging trucks are expensive and the parts and equipment are expensive — and they needed some certainty. They were given certainty in the regional forest agreement. Many of us will remember — it is probably etched into our minds — the Premier going to the Otways. I have a copy of Labor's plan to ensure that Victoria's forests were here to stay. They have not changed the terminology much because 'We're here to stay' is a catchcry the government is using a lot. It was authorised and prepared by R. Lindell, a good man.

It said that its policy was a new future for the Otways. As I have just said, the people in the Otways and in the towns with established logging believed they had certainty of tenure for a set time, but suddenly that was overturned. The policy said:

> Building on the success of the buyback of licences, the Bracks government will provide $14 million over the next four years to:
>
> > Immediately reduce woodchipping and logging in the Otways by 25 per cent, following the surrender of a major timber licence.
> >
> > …
> >
> > As further licences are surrendered or expire, provide further protection to other native forest areas in the Otway Ranges and complete the exit from native forests in the Otways by 2008.

This overturned totally the understanding of loggers in the Otways. It was a political ploy to pick up votes in areas such as Torquay. If you have a look at the politics of it you can say that the politics were successful, because we got a whole lot of new and, I might add, very ineffectual members of Parliament from the Labor Party, although the Liberal Party vote in Polwarth increased considerably. In fact, I think it is the safest seat in country Victoria fo rthe Liberals. The government then decided it would put the whole process back to front. Normally the Victorian Environmental Assessment Council (VEAC) would come up with a recommendation to the government, and the government would have a closer look at it. This time the government said, 'This is a political issue, so we have decided this is a political policy and you will make this happen'. The government went through the antics, and they were just that — antics. The government managed to alienate just about everybody, but that did not deter it.

I turn to some submissions and comments that people made to VEAC. I turn first to the submission of Four Wheel Drive Victoria dated 5 December 2003. The introduction states:

> For this reason it is difficult to understand why VEAC feels it necessary to assist the Victorian government to honour an election pledge that essentially destroys its own independence and credibility. We cite page 6 of the discussion paper, which states:
>
> > The terms of reference were amended to reflect the commitments made in the Forests and National Parks 2002 election policy.

The submission further states:

> We ask, 'What is the real agenda here?'. We ask that VEAC look at the issues that affect the whole community, as well as the issues that affect the environment. A balance between these concerns needs to be achieved for the wellbeing of all. We believe this will be better achieved by improved arrangement policies and implementation procedures, rather than creating a national park.

VEAC managed to alienate just about all of the people it dealt with. I turn to what happened on 12 August 2004 at Apollo Bay, where there was a large rally. I think Mr Hall was at that rally. In a press release of that date the Bush Users Group said:

> They will be sending Premier Bracks the message that national parks have failed the people of Victoria. National parks destroy forest. National parks are a national disgrace.
>
> 'We oppose the expansion of the Otway National Park and we have no confidence in the VEAC process', said Steven Lawson, president of the Otway BUG affiliate, Timber Communities Australia.

It went on to quote another local as having said:

> 'We are determined to protect the future of our children and will not let Mr Bracks take away the opportunities that our past and present generations have enjoyed', said Mrs Rosemary Vulcz of the Otway TCA. 'Every child should have the right to fish, play ball, make noise, walk their dog, ride a horse, sit around a campfire and have fun in the forest. Premier Bracks seems determined to take away the simple enjoyment of life from all Victorians just to please green fanatics'.

Many people will agree with that. It was a blatant political ploy, and that is what the government did. I have another letter from Rosemary Vulcz dated 16 April 2004 addressed to the councillors of VEAC. It says:

> The VEAC process has been one of the most negative experiences I have found myself involved with as a direct

> result of living in a small rural community. It is adversarial in nature with the inevitable outcome of winners and losers in a district that was cohesive, diverse and tolerant.

That is an extraordinary indictment of the process, which was against the needs of the community and against listening to what the community had to say.

However, earlier this year Minister Thwaites from the other place decided to go down and splash money around. We have to remember that Minister Thwaites loves to be in a photograph, particularly in his Speedos at St Kilda in summer. On this occasion he went to the Otways to hug trees and have his photograph taken in the forest. This time he decided to make some announcements. The sad part about Minister Thwaites is that he believes his own spin. In a press release of 2 January 2005 — which is a low news time, so the cameras are out there, and he was very pleased with that because he had a suntan at that stage — the minister said:

> It means that by 2008, when logging is phased out of the Otways, 19 projects will be completed to strengthen tourism in the region and provide economic growth and jobs for local townships.

He went on to say:

> The government believes tourism will be an increasingly important economic driver for the Otway hinterland …

I go back to the debate we had in this place on the box-ironbark forests. That was a similar debate to this, in which local people were very concerned. The Bush Users Group put up a good argument on the box-ironbark issue. They were good lobbyists, and they made their presence felt. They were promised that tourism would solve all of their ills and that ecotourism would be the thing of the future — ecotourism would make everything well. I would like to hear from the government on what has transpired with ecotourism. What are the figures on the box-ironbark issue? I suspect they are not very high. It would be extremely interesting to know. In the press release the minister says that the projects, of which there are 19, will include:

> … Upgrade of short walk opportunities at Erskine Falls …
>
> A major redevelopment at Triplet Falls …
>
> Development of mountain bike trails in the forests of the Otways …
>
> Construction of a track for walkers and bikes to link the township of Forrest to the beautiful Lake Elizabeth.

I ask the minister how many local jobs will be involved in setting up these bike tracks and so on. I notice the Parliamentary Secretary for Environemnt is in the chamber, and I hope in her debate she can answer — —

Mr Lenders — She is a very good parliamentary secretary.

Hon. ANDREA COOTE — I think she is a very good parliamentary secretary. I suggest she is better than the minister. She is far better than the minister. She is far more effective and gets much greater respect in the community than the minister. I am hoping she will answer my questions, because I would sincerely like to know how many local jobs there will be initially in setting up these new projects, whether a local contractor will be used in setting these things up and indeed how many long-term jobs are expected from these new projects. What is the sustainability? I am not certain that the parliamentary secretary has been to Forrest, but Forrest is a very interesting town that has been built upon logging. Its basic lifeblood has been logging, and it will be extremely interesting to see into the future how many sustainable long-term jobs there will be in ecotourism for these people. I hope there will be, but I am doubtful and concerned.

More worrying was an announcement that came from one of the Labor cohorts, who is a former chief executive officer of that highly unsuccessful Surf Coast Shire Council. I remind the chamber that this council under Julie Hansen, the former chief executive officer, went $12 million into deficit. The councillors were given a rap across the knuckles by this government, which was not brave enough to dismiss them because they are all Labor mates. The reality is there was a $12 million deficit which has never been adequately explained. This government can have a witch-hunt on a Liberal-leaning council such as Glen Eira, but when it comes to Surf Coast, which has a huge amount of problems, it only gives it a rap across the knuckles.

Let us go back and see what happened to Julie Hansen, the same person who sent Surf Coast broke. In an *Age* article of 21 January she said that the Surf Coast was pushing for a toll to pay for the tourist influx. I have not seen the government refute this anywhere. The article by Royce Millar says:

> Visitors to the Great Ocean Road would pay a tourist levy or toll under a controversial proposal to raise money for tourism infrastructure.
>
> …
>
> Ms Hansen, who is president of the Victorian Local Governance Association, said it was ‘inevitable’ that either a manual or e-tag-style levy would be imposed on Surf Coast tourists …

Another article in the *Age* of 22 January by Royce Millar says:

> The state government's most senior adviser on coastal planning has called for public debate on the controversial proposal for a toll on visitors to the Great Ocean Road.
>
> Victorian Coastal Council chairwoman Di James stopped short of backing a toll but said, 'I welcome the debate'.

This is a totally hypocritical debate by the government. On the one hand Minister Thwaites said in January he was going to plough a lot of money into tourism and ecotourism to substitute for the lack of logging, and on the other hand the head of one of the government agencies, Di James, is suggesting that there is going to be a toll on the Great Ocean Road. I would like some clarity on this and I hope the Parliamentary Secretary for Environment will be able to clear this up and say there will be no tolls on that road.

We should also have a closer look at what Parks Victoria does in this state. I was on the inaugural board, and I have to confess I was on the panel that appointed the current chief executive officer, Mark Stone. It is no secret that I find that to have been an extremely disappointing appointment. We only have to look at what he has been doing to see that the board should have a closer look at his activities. I have said this in this chamber before and I hope the parliamentary secretary will one day take me up on this. It is not all Mark Stone's fault because if you have a look at the Australian Bureau of Statistics (ABS) figures for 2002–03, you can see Victoria is a long way behind on per capita funding for parks. In one sense I have a lot of criticism of Mark Stone, but the government needs to give him more adequate funding to enable us to keep up with other states. These ABS statistics say that New South Wales spent $58 per head on national parks; the Northern Territory spent $223; Western Australia spent $48, Tasmania spent $73 and Victoria spent a very low $26.55 per head per year. It is absolutely appalling. We are going backwards. We are not seen to be excellent in our parks delivery. This government does not care about parks and does not give them adequate funding. The ABS statistics tell it all. We know it gave funding in the last budget, but on a per capita basis we have seen the proof in these statistics.

Parks Victoria is very narrow-minded in matters relating to community involvement in national parks. Its by-line is 'healthy parks, healthy people' but in fact its attitude is not parks for people; it wants to keep people out of parks. It is inconvenient and messy to have people in parks. Go to Errinundra or Croajingolong and see how happy it is to have you there. It does not encourage people to visit the parks or to be involved with the management of the parks. That is my issue.

It is short-sighted when it comes to the management of parks in this state. It has not been visionary and looking into the future. It has not actually had a close look at what it could do better. More people would react positively if they were allowed to be involved. These parks are restrictive. User groups that care the most for the parks are not included in the business plans or their development. The user groups, four-wheel drivers and other local groups that want to be involved are not included in the business plans which have all been done; they were not asked to be part of them. It is a lack of vision on the part of the senior management of Parks Victoria that they have not been looked into. We should find a solution and take a closer look at what we could do. This is a disappointment I have with this bill.

I would like to have a look at what they do in other countries. The United States of America and some of its mega-national parks do it far better than we do. It would be a good idea to have a closer look at what America does. I encourage members to look at a briefing paper the member for Benambra in another place wrote on a tour in 2002. He looked at a number of large parks in the United States of America and Canada with a view to learning how we could manage parks better by involving local people in them. I will quote from his paper because we can learn some lessons from it. The solution it gives might be viable for the development of this new forest park. There is no doubt that a forest park is going to be difficult. I do not believe the current park management in Victoria has any understanding of how it is going to balance the various needs within this park. We need to include the locals and the people who are going to use the park to a far greater degree than has been considered to date.

The brief from the member for Benambra says he looked at Yosemite National Park, which was facing a number of issues that we in this state have looked at. One was unsuppressed fires, and for that we do not have to look further than the controlled burn at Wilsons Promontory that got out of hand. At Yosemite unsuppressed fires were causing increased danger to surrounding private land — a similar issue to what happened in Victoria. Other issues were the loss of visitor amenity when a large wildfire was not suppressed — and we know about that; an arrogance in decision making by the park when local communities believed their interests were not being considered; and changes being contemplated to restrict entrance to the park by bus alone, which would have excluded all cars. At Yosemite they had a series of consultations with the local people, welcomed the user groups and came up

with some solutions. I hope park management here takes those on board and has a closer look at them, because we may find some solutions towards ensuring that the forest park which is being incorporated in this bill actually does work.

Yosemite welcomed as many user groups as possible in the development of the park and its management, particularly in the areas that they used most. The most impressive change has been with the climbing groups. They were very macho and did not take kindly to any changes the park introduced to their areas, but they worked closely with the park and came up with a solution. This group is now totally involved in the park management and has given over 10 000 hours of voluntary work. I think everyone in this chamber would acknowledge the enormous amount of voluntary work that is put in right across this state. I know for a fact that the volunteers in the park system do an extraordinarily good job and save the government and our community an enormous amount of money. They should be recognised and given credit for the work they do. I would like to see here, as has happened in Yosemite, a greater use of volunteers in the decision-making process for forest parks.

In the United States of America community groups are welcome to help control different plant species. I have talked in this chamber about ragwort and feral animals, noxious weeds, blackberries and all these issues, and when we are talking about the Otways ragwort is a significant problem. In fact all the local people would acknowledge that Parks Victoria is an appalling neighbour. Ragwort is rampant through the Otways. I invite the government to go back and spend some money in light of what other states are spending on the reduction of noxious weeds in this very beautiful park. It is important that they do it.

Another park that was looked at was in the Algonquin Park in Canada. Again, that park has welcomed user groups and commercial groups and everyone who has enjoyed or is interested in the park. They prioritised the building of a first-class information centre to be located in the middle of the park. They welcomed the Friends of the Park and added a boardwalk alongside the park management, and developed policies and plans for the management of the park. They introduced a complete and far-sighted vision of park management and it is still seen to be a very successful model.

Twelve years ago there were only 49 tour bus licences to visit the Algonquin Park. Now there are 750, and each bus injects $2000 a day into the community. That has enhanced the park. The success of this management system has been staggering and instead of turning people away it has instead encouraged people to be part of it and custom has increased. There is not time for me to give more details of these two examples, but I do encourage the parliamentary secretary to have a closer look at that to see if some of these excellent suggestions could be used in the management of this forest park, because, quite frankly, I do not think that Mark Stone and his team are up to it.

The point I wish to end on is a major concern that I have with the freedom of information (FOI) system with Parks Victoria. We had put in a series of FOI requests to Parks Victoria for some acknowledgment of and details of the expenditure by Parks Victoria on the running of its accounts for entertainment, food, alcohol, accommodation, travel and personal expenses incurred by Mr Mark Stone. I have to tell you that we had the most extraordinary answer from the FOI officer of Parks Victoria who said that it would take 200 to 300 staff members of Parks Victoria to answer the questions.

That is extraordinary. If we have 200 to 300 people out there doing work on this, that is absurd. Surely, when Mr Mark Stone has an invoice it could be easily retrieved, yet here we have this extraordinary situation. The reality behind this is not the FOI request, but that he is hiding something. He does not want the opposition to know what is being spent in those areas. This state expects open and transparent government. This government has a platform of open and transparent government. It should be open and transparent. We want to see it. But I do not believe for 1 minute that it could possibly take 200 to 300 people to give us the information we want. What is he hiding? I would like some answers.

When you look at this bill you can see that there are many areas about which the Liberal Party is going to be very interested to see the outcome. We encourage the government to put some more money in. We definitely need more rangers. I know there has been an attempt, but I do not believe it has gone far enough. I believe the process has been flawed. The process was politically driven. It has not taken the community with it. It does not look as if it will take the community with it into the future. It should be incorporating a whole range of groups, such as the four-wheel drive owners that I have spoken about, bushwalkers, climbers and the green groups. All those people have not been properly included in this. In fact I believe this is just a very poor attempt and a blatantly politically driven bill.

The opposition is not opposing the bill. We will watch it. It will be extremely interesting to see the outcome. I hope this government takes on board some of the issues

I have raised today, and indeed I look forward to hearing the contributions of other members in the house.

Hon. P. R. HALL (Gippsland) — In the second-reading speech the minister espoused the government's usual feelgood rhetoric that we are getting so used to appearing in its second-reading speeches and its gloatings about its green credentials. It is all rather tired old terminology designed to purely appease the naive green gushings of the typical suburbanites. It certainly does not appease people who live in country Victoria. In terms of this legislation and similar legislation it is the terminology this government continues to use without any factual basis, for it really gets up the noses of people living in country Victoria. It is obviously getting up the noses of a few of the members on government benches today. They are getting a bit excited at a few of the comments already; perhaps they will get a bit excited with a few of my latter comments as well.

What we have heard, and we have heard it all before, is this government gloating about marine national parks, gloating about the Box-Ironbark National Park, gloating about Our Forests Our Future — or perhaps I should call it what all my constituents call it 'Our Forests No Future' for people in East Gippsland — gloating about mountain cattlemen being kicked out of the Alpine National Park, and now we are seeing the government gloating again about the Otways national park bill.

What we have not heard in terms of all those issues is the government talking about the fishing industry jobs that have been taken away. Nor do we hear much about the timber industry jobs that have been axed. Nor have we heard it talk much about the firewood industry and the firewood supplies in central Victoria that have been absolutely decimated. Nor do we hear it talk any more about high-country grazing and that tradition that has been taken away from country people. Nor do we hear it talk about, in terms of the Otways bill, the number of timber jobs that have been lost because of the creation of this bill, the loss of grazing availability because of the creation of this bill, or the further restrictions that have been placed on recreational users of these areas. In fact, government members do not seem to have too much interest at all in the concept of this bill because they are not even bothering to listen.

In respect to the issues I have itemised — marine national parks, the Box-Ironbark National Park, Our Forests No Future, the ban on mountain cattlemen in the high-country alpine park, and again today in the Otways national park bill — I am proud to say that The Nationals is the only party that has opposed each of relevant pieces of legislation that has gone through this Parliament. Our record remains intact with our opposition today to this National Parks (Otways and Other Amendments) Bill. Ours has been the only party to consistently stand up for country Victoria with respect to these matters.

I have explained before, and I will explain again today for the information of the ignorant on my left, and your right, Mr Acting President, why we stand by those decisions. But first I want to take up the point made by the Deputy Leader of the Opposition and agree wholeheartedly with her comments about the process employed by the government with respect to where we are today with legislation before this chamber — the process. Let me go back to the document I have in my hands a copy of the *Forests and National Parks — Labor's Plan to ensure Victoria's Forests are Here to Stay* policy document, including the motto 'Bracks. Listens. Acts'. This was the Labor Party's policy prior to — and the date is important — the 2002 election. On page 1, about halfway down the page, point 1 headed 'A new future for the Otways' states Labor will:

> Create a single national park, extending from Anglesea to Cape Otway following the Great Ocean Road on the eastern side …

If that was the government's intention, why did it drag many hundreds of innocent Victorians through the charade of a Victorian Environmental Assessment Council (VEAC) process? The deal was already done; there was a predetermined agenda. We knew. The Bracks government said that if it was re-elected it was going to have a new Otways national park. It explained in this policy document what it was going to do to the timber industry: it was going to put a stop to all timber harvesting in the Otways, and it said it there, by 2008. It was detailed in the policy. Why then did we have to go through a VEAC process? It is all on a predetermined agenda. That is what really gets up people's noses, because the process that people have to go through is just a charade. We saw it again with the Box-Ironbark National Park. We even saw it with the banning of the mountain cattlemen from the high country. It was a charade: a backbench committee was put in place to justify a predetermined agenda.

This is a process that this government is embarking on time after time. That is why its policies and actions are getting up the noses of people who live in country Victoria. And it will be reflected in about November of next year. That is when the views of the country people will be reflected in terms of a ballot box vote. I say these things with no criticism at all of members of the Victorian Environmental Assessment Council. Let me say this: they have a task to do and they do it to the best

of their ability, given the directions and the resources given to them by the government. It is a farce that the people of Victoria are asked to go through such a process when there is a predetermined outcome, as outlined in the Labor Party's 2002 election policies.

As I said, it happened before with box-ironbark, marine national parks, and the mountain cattlemen ban, and unfortunately it will happen again with the riverine red gum. Again, when you look at page 11 of this Labor Party policy, similar sentiments are being expressed. What does it say here? Under the heading 'Protection for river red gums' it states:

> Labor will provide a reference to the Victorian Environmental Assessment Council to investigate the creation of a chain of multiple-use parks on public land along the Murray River from Yarrawonga to Swan Hill and a uniform regime for the Murray with NSW.

I will be very interested to see what the 2006 election policy from the Labor Party is, because it will not simply be 'investigate the creation'.

Mr Smith interjected.

Hon. P. R. HALL — I will bet you $20, Mr Smith, that it will say 'will create a chain of multiple-use parks'. If he has any guts and faith in his own party he will take on that bet, because that is what will be in the 2006 election policy, just like this policy about the Otways national park. The people of northern Victoria will have inflicted on them a process which will be absolutely no use for them to participate in because this Labor government has a predetermined agenda for the river red gum area in the northern part of Victoria. It reflects extremely poorly on this government that it inflicts this hoax upon good Victorians who embark on and make submissions to these processes with all sorts of goodwill.

On page 1 the election policy document I have just referred to outlines the Bracks government's gloating about its having created 540 000 hectares of forests under either the National Parks Act or under forest reserve systems in its first term of government. With this bill we are now seeing another 100 000 hectares in total protected, 60 000 hectares of that being in the form of national park and 40 000 hectares being in the form of forest park. That may sound terrific and the government may think it has something to sell with those figures, but I challenge people to think seriously now about whether it is actually environmentally sound to keep adding to that base of national parks that we have in Victoria.

For each hectare of national park that you create you remove timber resource availability. We have seen a huge reduction — about a 50 per cent reduction — in timber resource availability in this state under the Bracks government, particularly following the introduction of the Our Forests Our Future policy and now the creation of the national park. That is fine, but if we are reducing timber resource availability in Victoria does that mean that we all cut back on our use of timber products commensurately? Perhaps we should be using steel on our home frames now instead of timber.

Mr Smith interjected.

Hon. P. R. HALL — Is that more environmentally friendly, Mr Smith, to mine iron ore, use electricity to process it into steel and use steel instead of timber for our house frames? Timber is a renewable product, and it is far more environmentally friendly to use timber instead of steel.

Mr Smith interjected.

Hon. P. R. HALL — But you are happy, so you go ahead and use steel or whatever you want to. Perhaps we should use plastic chairs instead of timber chairs. That might be a way to get an appropriate reduction in our timber use. Perhaps we should all have a target to cut back on the amount of paper that we use. We are taking away timber availability, so perhaps we need to cut back our reliance on timber and timber products.

Mr Smith interjected.

Hon. P. R. HALL — Are you going to cut back on the paper that you use? Is this government going to cut back on the paper it uses? There is absolutely no way that will happen. In recent years our society has become more paper dependent than it has ever been, and there has been no regard given to cutting back our reliance on timber and timber products. As Mr Drum reminds me, Australia still has a $2 billion net deficit in timber and timber-related products. We are happy to take and use rainforest timber from countries in Asia and South America instead of harvesting the product we have here in Australia.

Hon. R. G. Mitchell interjected.

Hon. P. R. HALL — Do you think they do it better than us in Asia and South America, Mr Mitchell? Do you think they have better accredited forest programs than we have in this country? You would be a fool to think they have. We are far more environmentally responsible in managing and harvesting the timber resources that we have in this country. But we have said that we will lock ours up and just continue to take all of our needs from some of the Asian and South American countries. I do not think they are any better stewards of

the environment than us. They certainly do not have certified timber harvesting practices. On that basis alone I do not think you can argue that locking away timber resources in the form of national parks or the resource availability measures the government now has under VicForest legislation are sound environmental moves.

I want to comment on plantations. With this bill the government has claimed that a lot of the timber processing and harvesting jobs will be replaced by plantation harvesting. 'Plantations' has become a bit of a buzz word. We in this country are nowhere near being self-reliant on plantations, and I do not think we ever will be. I think there will always be a need for native forest harvesting — that is, unless in time we lock up all of our native forests as protected forest areas. Some of those timber plantations will not come online for sawlog harvesting availability for at least the next 50 years. I also want members to think about the impact of plantations in a couple of other ways. I refer to the impact of plantations on communities. When you turn a farm — say a dairy farm or a sheep farm in the Western District — into a plantation you displace a family or a couple of families in the local communities.

Hon. D. K. Drum — There goes the school.

Hon. P. R. HALL — Yes, there goes the school, because the small school down the road loses three or four kids when people actively move away from those small rural communities. Let us remember that plantations have a social impact. Is it sensible to turn good dairy country into a plantation timber harvesting area? I would have thought that dairy products would bring a far higher return are far higher when value-added than timber products. We are now seeing much good-quality land being turned into plantation timber areas, with an adverse impact on local communities. Plantations are not the be all and end all. I do not think that in the foreseeable future at least we will ever move away from relying on native forests to relying on plantations. It will take a long time and will have a severe impact on communities.

The other question I want to ask the chamber to consider about the environmental impact of banning timber harvesting in some of our native forests is whether old forests are environmentally better than new forests. What happens when we harvest a forest is no different to what happens when we harvest any other crop, like Mr Bishop's barley crop or something similar. We go out there and harvest it in one year, we reseed, we grow and we regrow — and it regenerates. It is the same with timber. It has a longer life cycle, for sure, but it is something which regenerates and regrows after it has been harvested.

As to carbon dioxide absorption, old trees get to a point when they stop growing, and once they stop growing they do not absorb CO_2. Carbon dioxide is best absorbed as trees and plant vegetation are in their most prolific growing period, so it is a healthy situation for a forest in terms of carbon dioxide absorption to have a mix in the age of the trees so that new ones are growing up all the time and absorbing the carbon dioxide. Environmentally, in terms of CO_2 absorption, once a tree gets old it stops absorbing it, and as it starts dropping limbs and leaves and rotting on the forest floor it actually gets to a point where it is a negative CO_2 absorber and is adding to rather than reducing CO_2 emissions. You have to think about forests environmentally and the benefit of having new forests as opposed to leaving forests old forever and not harvesting at all.

In trying to explain some of this to people who think differently than I do, I draw an analogy with your own domestic garden. Your garden looks best if you cut back, prune, replace and weed each year. Yes, during the winter months it looks a bit barren at times and not the best, but come spring you will see the benefits of all of that pruning, the taking out of the old stock, the planting of the new stuff and the weeding you have undertaken when the garden springs back to life. Our forests behave in exactly the same way. You can harvest them so long as they are regenerated. Sometimes that occurs by the spreading of seed or naturally by fire. They grow back, and that creates a healthy forest.

The point I am making is that it is all about management. If you want to manage something and protect and preserve it for future generations, you do not just leave it be. You try to manage it in a sensible way to ensure its longevity as you do with your garden. If you do not tend your garden, after a period of years it dies back, looks a mess and is in a terrible state. It is the same with our forests. You have to manage them in a certain way, and that can be by man interfering or at certain times by fire.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Hon. P. R. HALL — Before the dinner break I was about halfway through my contribution on the National Parks (Otways and Other Amendments) Bill. I was challenging the house to think a bit more seriously about the environmental impact of creating national parks. I was suggesting that there are two sides to this argument and one should be prepared to look at both of

them. I was in the process of making the comment that in some ways old forests are not as environmentally friendly as new forests in terms of the absorption of CO_2 gases: new forests absorb greater levels of CO_2 than older forests. I was also suggesting that harvesting can be an excellent management tool in itself. I drew an analogy between that and pruning and removing older plants from a garden — managing a garden is no different to managing a forest area.

Timber harvesting in itself can be an excellent environmental management tool. Two other uses of those public land areas can also be good management tools. For example, four-wheel driving is a good management tool for keeping tracks open. Allowing recreational hunting can also be a good management tool, if it is used for the elimination of vermin in those forest areas. The point I make in respect of this matter is that use can be a very good management tool. It is a tool which should be employed more often by government in managing its public lands.

That being said, I want to move on and make particular comment on the Otways. I would be the first to acknowledge that the Otways is a beautiful part of Victoria. I know that it is relatively close to where people live and visit. Geographically and demographically it is a lot closer to where people live than many of the Gippsland forests, for example, so it is ideally located to be a national park. However, it is the view of The Nationals that just because we want to give it that classification, that does not mean to say that it needs to be a locked away national park — multiple-use national park areas can be equally effective.

As has been shown in the past, The Nationals are not opposed to national parks per se. That was evidenced by recent legislation to create the Point Nepean National Park, which we supported. However, we also say that on balance we probably have enough parks in Victoria now and you cannot simply keep adding more and more national parks to the land base in Victoria and expect there to be no consequences. In respect to the Otways National Park, we say that if this government believes this area of land in the Otways is worthy of being a national park — 100 000 hectares of park — it should look to dereserve existing national park area somewhere else in Victoria. We think that on balance we have enough. Almost one-fifth of the state is now locked away in national parks; I think we are up to 17 per cent or 18 per cent. We say that on balance if you are reserving one-fifth of your land as national park area, that is sufficient. I think it is irresponsible of the government to just keep adding to that national park base without considering the implications.

If we want to keep adding national parks, we should be planning and making commitments towards reducing our reliance on the resources national parks provide — our timber for example. As I have said before, we do not seem to have any program to cut paper use in this state and yet we are locking away more and more timber reserves. Perhaps we should ban wooden furniture in this state because that is another big use of timber. People might think that is a silly statement to make and perhaps it is but it is also silly to go on adding to the amount of national park we have in this state without seriously considering the implications.

What about managing it as a multiple-use park? I do not believe the two things are incompatible. I think you can use public land areas in a way that preserves their attractiveness and environmental attributes. Land can be managed and retain the environmental attributes we want to see.

In respect to the Otways, I want to make a couple of comments about what some of the constituent groups have had to say about the proposed Great Otway National Park. I first want to look at what the Victorian Farmers Federation (VFF) had to say. The implications for the Victorian Farmers Federation's members are that those farmers with river frontage grazing licences within the Otways region have been informed that they are going to be required to surrender their licences by 2008. That is a big disappointment. In its correspondence to me dated 19 July the VFF talks about how those people who have those river frontage grazing licences get involved in managing their land. They have undertaken a program to control weeds and vermin in their licensed areas. They have made a commitment to that and done it well. With the surrendering of those licences that responsibility for land management will fall back on government. I do not think there are too many — —

Honourable members interjecting.

Hon. P. R. HALL — I do not think there are too many in this chamber — —

Ms Carbines — I am listening.

Hon. P. R. HALL — I am struggling to hear myself talk. There are not too many people in this chamber who would stand up and say how proud they are of the record of this or previous governments in respect to public land management. Managing public land is a huge and very costly task. If it can be done free of charge by users, it is an opportunity that I think government would be silly to knock back. The VFF made this comment:

> The VFF acknowledges and values the natural diversity of the Otway region, but we do not believe the best way to protect this diversity is to legislate the area into a national park (or forest park). The fact that the area is of a level of environmental significance worthy to add to a national park is a credit to the current management systems which are in place. It seems unnecessary to change management practices which have clearly been working.

We in The Nationals would agree entirely with that sentiment. If the land is deemed worthy of the classification of national park, that is a recommendation for the management use and management practices that have been employed in the past. The VFF went on to say:

> The VFF strongly supports a management approach for public land which includes sustainable use of our natural resources.

That is the point that I was making prior to reading the letter.

I want to also mention what Timber Communities Australia had to say about the proposed Great Otway National Park. I refer to its magazine *Trunklines*, winter 2005 edition. I want to read from the editorial of this particular edition written by the editor Chris Wagner. It says under the heading 'Steve Bracks loses our goodwill':

> After losing his fight to lock up the Alpine National Park, the decision to axe more than 200 jobs from the Otways forests looks to be like just so much bad blood, and the timber communities in Victoria are once again in the firing line.
>
> Early in June, Premier Steve Bracks announced the creation of a new 102 500-hectare national park on the Great Ocean Road, smugly ignoring the plight of the local people and our local timber businesses.
>
> The new park is to be the largest on Victoria's coast, increasing the size of the existing Cape Otway national park nine-fold. It will mean the phasing out of logging in the Otways forest by 2008. And if that isn't bad enough, a further 40 000 hectares of public land is set to become a new kind of reserve, a 'forest park' able to be used for activities such as dog-walking and four-wheel driving.
>
> The question must be asked: 'Is this a win for the environment, or simply a victory for city folk who own a lot of very expensive holiday houses on the Great Ocean Road (including a few members of cabinet)?
>
> Well, one thing is certain, Steve Bracks is not making many friends in rural Victoria.

Honourable members interjecting.

Hon. P. R. HALL — Members opposite disagree with Timber Communities Australia. I do not disagree with it — that is the fact of the matter. Had Mr Eren been listening to the start of my speech, he would have noticed that I listed the record of the things that are getting up the nose of country people, particularly the banning of mountain cattle grazing in the Alpine National Park, which really gets up the nose of country people. The creation of box-ironbark forests in the electorates of Mr Drum and Mr Baxter and the denial of decent access to firewood resources for people in central Victoria really gets up the nose of country people. I say in this debate what Timber Communities Australia is saying in that editorial and it is exactly the view that will be espoused by many of our constituents in the next election, and whether I am right or wrong will be proven in a little over 12 months time.

I also want to put on the record some of the comments made to me by Norman Endacott, a gentleman I met when I was down in the Otways region. As the Leader of the Opposition indicated, I attended a public rally in August of last year at Apollo Bay and spoke to many of the people down there who were deeply concerned about the future of their local communities because of the creation of the national park. One of the people I met down there was Norman Endacott. He emailed to me at the end of June some further comments about the bill. He mentioned in his email that he is a retired Victorian forester. He says:

> I have watched the disaster unfold for the last two years.
>
> One of the most unforgivable things said by Bracks was reported in the Melbourne, Geelong and Colac press on about 11 November, quoting from the Premier in his Triplet Falls speech on about 10 November.
>
> He said that he intended to end all logging in the Otways, to terminate in 2008, in preparation for a conversion to a total Otways national park. But this was the punch line: '… but the sawmillers don't need to worry. There is an abundance of mature or near-mature hardwood sawlog plantations in the south-west region, ready for them to move into and continue employment for their workers'.
>
> Everybody who is interested in the timber resources of western Victoria knew this was not true. The only current plantations were pine within the Otways, which were fully committed to the existing softwood millers, and blue gum pulpwood plantations out in the south-west farmlands, plus bits and pieces of sugar gum windbreaks and firewood boundary plantings. None of these were suitable or feasible to be considered as native forest substitutes.

We should contrast that with what Timber Communities Australia has said: that there is a loss of 200 worker jobs in the timber industry because of the creation of this national park. Again, we do not hear the government talk about those 200 job losses. The suggestion that they can move into plantations is totally wrong. There are no further employment opportunities in the timber industry in terms of plantations in the south-west. To quote a phrase used by one of my constituents in East Gippsland about the suggestion that

timber workers can move into tourism and that that will be the great replacement for the timber industry, 'Not many timber workers are all that good at making beds or at making milkshakes, so they simply cannot translate from a timber industry worker — —

Hon. Kaye Darveniza interjected.

Hon. P. R. HALL — They moan and shake their heads. It is true. It just shows how far from reality these people in the government are. The suggestion that people who have worked in sawmills and in timber harvesting all of their lives can simply turn to making beds in the local motel to accommodate the tourism industry is completely false. They have no idea what the impact of the creation of these national parks will be on the people who live in those areas.

Hon. J. M. McQuilten — Weed control.

Hon. P. R. HALL — 'Weed control', said Mr McQuilten by way of interjection. The Premier tells us that this is what is happening. The government is putting all this money into tourism, to attract tourism and says that is where jobs will be created. It is simply false. It is not true. There will never be the jobs for the displaced timber workers in the Otways in the same way as there have never been sufficient jobs for displaced timber workers in other parts of the state, particularly in East Gippsland.

Hon. J. M. McQuilten interjected.

Hon. P. R. HALL — Mr McQuilten says they have to look after a national park. The history of his government in regard to looking after national parks is nothing to be proud of. If I were him, I would not be suggesting that we are now for the first time suddenly going to properly manage a national park. The government's record on it is extremely poor and I do not think anyone will believe it is going to manage this one any better than the others that it has mismanaged around the state.

Hon. J. M. McQuilten — We are going to try.

Hon. P. R. HALL — You can try. We have heard that before. Show us your record, first of all. Show us that you can look after your own.

Hon. D. K. Drum interjected.

Hon. P. R. HALL — Or what you have already, as Mr Drum says, would be a decent start.

I also want to make comment on the views expressed by the Sporting Shooters Association (SSA), which has made comment on this proposed park. It has made some extensive comments in a letter to the Minister for Environment on 6 June this year. I am not going to go through all of the letter, but SSA makes the very valid point that its members have been involved in controlling vermin in state forests and public land in the Otways area in particular, and as a result of its reclassification now to national park that free-of-charge voluntary vermin control will no longer be undertaken and there is a further loss. It also makes the comment that there will be a loss of deer-hunting opportunities in all but the new forest park areas. Members opposite should not just say, 'This is a great thing'. They should think of the implications. One must take into account that people are going to lose a traditional recreation that they have practised for many years because of the creation — —

Hon. J. H. Eren interjected.

Hon. P. R. HALL — Let me make a couple of comments in conclusion. I look forward to the comments of Mr Eren and Mr McQuilten. They seem to be interjecting a lot and have a lot to yap from the back bench, but I do not know whether they are prepared to stand up here and give a reasoned contribution to this debate, because it seems to me they have not in the past. I look forward to their role if they have the courage to stand up and put on record a logical argument supporting these national parks, because to date we have not heard one from the government.

The Bracks government continues to charge around country Victoria locking away large slabs of land in the form of additional reserves. It does this with little understanding of the consequences, and I think my view is justified by the inane interjections I have heard from the government benches tonight, or perhaps they have complete disregard for the consequences. If that is the case, that speaks even less for them as supposedly governing for all Victorians. It is easy to withdraw timber resources, but there is no corresponding plan to cut back on our use of those timbers and timber-related products. It is really easy to take away timber jobs, but it is extremely difficult to replace the jobs. I remain convinced that those 200 jobs in the timber industry in the Otways are lost forever. I do not see those people readily walking into other employment opportunities.

My biggest concern about all this, and I ask members of the government to respond to this, is when do we stop creating national parks in Victoria? Can we afford to go on year after year continually adding to the area of national parks in this state? Is that sustainable in its own right? Is that responsible in its own right? Can we afford to do it? It seems that there is no plan, and yet

every year we have subsequent additions to the national park estate without an overall plan. If we knew there was a finite end to the addition of national parks perhaps we would see greater sense in the argument presented by the government, but at this time, with no overall plan of what we are doing in the future with respect to national parks, it is pretty hard for The Nationals to accept blindly this continuing addition to the national park estate.

I do not believe we can afford to keep on adding to our national park estate. Our land use is needed for people to live, to grow food for others to live, to collect rainwater and so on. There is a need for the use of land and, as I said before, nearly one-fifth of Victoria's land mass is in national parks so it seems we cannot keep adding to the situation. We will be getting it all out of balance and we need balanced land use in this state. Unfortunately, when it comes to balancing the land use, the Bracks government has a political balance and does not have a balance that has commonsense and the reality of achieving sensible outcomes.

The Nationals say enough is enough. We are prepared to stand up here in Parliament tonight and on every other occasion on everyday Parliament sits and say that we are proud to support country communities; we are proud to support timber workers; we are proud to support recreational users of public land; and proud to support recreational hunters on public areas; and we are the only party to do so because we will be the only party in this Parliament to oppose the bill.

Ms CARBINES (Geelong) — I am proud to speak in support of the National Parks (Otways and Other Amendments) Bill. I say 'proud' because this work has been the culmination of enormous efforts by many people across the state to see a new era of protection come into being to look after the old-growth forests in the Otways and to protect the flora and fauna of the Otways. I am proud also as a member of the government to be speaking yet again on another environment bill, which proves again the environmental credentials of the Bracks government as a leader in environmental conservation across the state.

The bill to create the Great Otway National Park builds on our proud record of creating marine national parks and sanctuaries in our first term, which placed our state at the forefront of marine conservation around the world. We have protected our fragile box-ironbark forests and created the Point Nepean National Park. We have across the state instituted radical forestry reform which has placed the forestry industry in this state on a sustainable footing and ensured a future for the timber industry in this state, which it surely did not have without the reform that took place. We have drastically reformed and are undertaking the reform of our water resources to make sure our water is managed sustainably, not just for our use but for that of generations to come. I am also very proud of our work to end cattle grazing in the Alpine National Park. We have a suite of environmental reforms that we will leave as the legacy of our government. I am very proud of that record.

I was extremely disappointed with Mrs Coote's contribution which was shambolic and vitriolic. It did not do her or the Liberal Party any credit. She will have cause to reflect on her contribution tonight. Mr Hall's contribution signifies The Nationals have reverted to type. There was a fleeting opportunity some weeks ago when The Nationals supported the creation of the Point Nepean National Park. I thought the tide had turned, but no, The Nationals signalled tonight that they are reverting to type and still do not understand the great importance that the Victorian community places on environmental protection.

This bill will create the Great Otway National Park. It will deliver on an election commitment made to the Victorian people at the 2002 election. The Great Otway National Park will extend from Anglesea to Cape Otway. The other part of the election commitment was to end logging in the Otways by 2008. The passage of this bill will herald a new era of protection for the Otways and I am delighted to be speaking tonight in support of the bill and delivering on the promise that the Premier made at Triplet Falls in 2002. The Great Otway National Park will be the largest coastal park in our state. I know it will become a huge attraction to not only Victorians but also interstate and international visitors.

We have come to this point tonight, which is the culmination of many years of work by many people. I want to knowledge the work of the environmental groups in Geelong and surrounding regions. I refer to the Otway Ranges Environment Network. I particularly acknowledge Simon Birrell, Greg Hocking and Roger Hardley, who have worked tirelessly to see the Otways protected, as have other OREN members. The Geelong Environment Council, Joan Lindros, the Victorian National Parks Association and Lindsay Hesketh of the Australian Conservation Foundation deserve acknowledgment. Our local councils, Surf Coast Shire Council and the City of Greater Geelong, have fully supported the creation of this park. Our tourism body, Geelong Otway Tourism, has spoken in support of the bill, as have traders around the Great Ocean Road region.

In the middle of the extensive drought that has gripped the south-west region ordinary people in Geelong started talking about the fact they were worried logging was taking place in Geelong's water catchment. Our government has listened carefully to all this advocacy in relation to the Otways and has been pleased to act on behalf of those people — on behalf of the traders, on behalf of tourism, on behalf of councils, the environment and conservation groups, and indeed on behalf of all Victorians — to protect the Otways.

I was very pleased to stand at Triplet Falls with the Premier when he made the election commitment in 2002 at Triplet Falls. Tonight we have heard some members opposite talking about it being a political process and questioning the politics around it. History shows that the 2002 election was a resounding endorsement of the Bracks government's policy on the Otways. We have never had so many Labor members of Parliament elected as we had in 2002. The Victorian people critically examined our policy and said, 'Yes, we want to vote for a party that supports the protection of the Otways'. I am very proud of that.

We are well on track to ending logging in the Otways by 2008. We have bought out the Calco licence. In our first year we reduced logging for woodchips by 25 per cent in the Otways and set up the inquiry by the Victorian Environment Assessment Council (VEAC) into the extent of the national park. It was not a charade, as Mr Hall tried to say. The inquiry is examining where the boundaries of the national park should be. I know that VEAC received over 1800 submissions. The public consultation process was extensive and I know from what happened in my own electorate how many times they came to talk to people across our region to look at the issue of where the boundaries should be. The public consultation process was enormous. They recommended the creation of the new Great Otway National Park, which has been overwhelmingly accepted by the government.

In June I was very pleased to stand yet again with the Premier and Minister for Environment in the other place, the Honourable John Thwaites, my colleagues from the lower house and the other member for Geelong Province, John Eren, at Mogg's Creek at the start of the Great Otway National Park where it was announced that the government was accepting VEAC's recommendations to create a national park of some 103 000 hectares, accompanied by a forest park of 39 000 hectares.

We have heard questioning tonight of the status of the forest park. The forest park is a new concept, and I understand that the Liberal Party is struggling to come to terms with this new concept. Mrs Coote was rather disparaging in her comments about it. A forest park is aimed at addressing the very issues that Mrs Coote was enunciating — that is, access to the park for people who want to use it for recreation, for conservation purposes and for minor resource use. It is a very good concept that the Victorian Environmental Assessment Council has devised. I look forward to its implementation because it strikes the right balance between the conservation of the fragile environment that is needed for the national park and the forest park, which will see multiple uses.

I have been very pleased at different times to accompany my colleagues to the Otways. In fact, last year I took a group of government MPs to the Otways to show them around. We had a really good time looking at the Otways — looking at the tourism potential of and the protection that can be afforded to the Otways. We visited only Triplet Falls, which was the scene of not only our election announcement but also of much environmental vandalism in the first year of our second term, when some people who obviously were opposed to the creation of a national park went there and managed to cut into about 80 very old trees. Those trees then had to be felled, completely devastating the environment around the falls. That showed me the extent to which some people who were opposed to the park were prepared to go. It was a disgraceful and despicable display, and rightly deserved our condemnation.

The government is pleased to support the establishment of the Great Otway National Park with significant funding. This year we have announced $13 million in funding over four years and the employment of 17 additional officers to help with the management of the park. In this year's budget $45 million was allocated for the control of weeds and pest animals across the state. We are working very hard with the department and Parks Victoria to manage key issues surrounding public land management. The Otways now have a great future to look forward to in relation to tourism. We know that every year over $1 billion is spent by tourists in the Otway region. The potential is enormous. Over the last year the number of jobs associated with tourism in our Otway region has increased by 21.5 per cent.

Recently I was pleased to the accompany cabinet to the Colac-Otway Shire Council. We met with the shire, which expressed its support for the creation of the national park and the new future for the Otways. Last week I was at a tourism breakfast where Tourism Alliance Victoria congratulated the government publicly on the creation of the national park. We have announced already $14 million for the national park

and $7 million in funding for 19 tourism projects across the national park. I am looking forward to officially opening in a few weeks time the Old Beechy rail trail, a $1 million project which will see a rail trail moving out of Colac and through the Otways. There are many other projects associated with short walks and infrastructure around the magnificent waterfalls in the Otways, and we are also of course looking at the preparation for and analysis of work that may need to be done to upgrade Turtons Track.

We have seen magnificent private investment as a result of government policy. The Otway Fly has been established in the Otways. It is Australia's largest treetop walk. I congratulate the developers, Shane Abel and Neil Wade, for their vision and the investment they have made. The government shares their vision about the future of the Otways.

I was concerned to hear the Liberal Party's comments tonight. I was also concerned to read the comments made in the Legislative Assembly debate, particularly by the member for Polwarth, Mr Mulder. He made it quite clear that he had to be dragged kicking and screaming to support this bill and that, in the unlikely scenario that the Liberal Party was elected at the next election, he would be doing everything he could to amend the legislation. I put Mr Mulder on notice that we will be watching very carefully and listening to what he says in his statements. He should get behind the national park, because that is what people across our region want.

I acknowledge all the people such as the environment groups, local councils, tourism groups and traders, who have worked over many years — more than a decade of work — to see the establishment of the Great Otway National Park. Of course we must acknowledge the leadership of two ministers in the Bracks government, Minister Garbutt, the environment minister during our the first term, and Minister Thwaites, the current Minister for Environment in the other place, who has shown magnificent leadership on this issue. I also acknowledge the Premier, who has taken a personal interest in the Otways. I know he is extremely proud of the creation of the national park. I acknowledge the Department of Sustainability and Environment officers and Parks Victoria staff who have worked so hard to support the government and provided it with advice on the creation of the Great Otway National Park.

The government has listened carefully to what the community in the south-western region has had to say. We have listened to what Victorians have had to say about conservation and preserving the Otways to bring to reality the vision those people have shared. I am pleased tonight to speak in support of this bill, which delivers a key election commitment made by the Premier at Triplet Falls in 2002. All members of this place should be getting behind the establishment of the Great Otway National Park. I look forward to meeting everyone down there to join us in a celebration in the weeks to come. We are ensuring that the vision of protection of the Otways will be a legacy of this government for which we will be — —

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

Hon. E. G. STONEY (Central Highlands) — I was disappointed in Ms Carbines's contribution. I admire her passion for her own area, but considering she is the Parliamentary Secretary for Environment with statewide responsibilities and should take a statewide view of things, it is disappointing she has taken a very parochial approach. It is absolute nonsense and sheer humbug to claim that the success of the Bracks government in 2002 in winning a record number of seats was because of its Otways policy.

I will restrict my remarks to the effect that this bill has had on the Victorian timber industry. I am constantly disappointed that government speakers crow about stopping logging and woodchipping in forests like the Otways but for some extraordinary reason never tell the house that supplies of sawn timber can be sourced from alternate areas. The government ignores this very important issue for Victoria as though it does not exist. Ms Carbines and the government never talk about where alternate timber supplies will come from. The only time I can recall it being addressed was when the Premier was asked about it. Members will notice that Ms Carbines has left the chamber, which she always does. She delivers some broadsides and leaves the chamber. That is very disappointing.

During the 2002 election campaign the Premier weighed into the Otways logging closure debacle. On the Jon Faine radio program he made comments to the effect that, 'If you look right down to the south-west of Victoria you can see the blue gums and sugar gums maturing and you can transfer this industry into the plantation forests which are there and which are coming on stream'. He went on to say that is a sensible shift or move and that the government would meet the licence arrangements until 2008 but would not renew them after that. The Premier was talking absolute rubbish because he was mixing up the pulpwood industry with the hardwood sawlog industry. When the Premier sees some hardwood plantations growing, he thinks they will replace the Otways, but it is an entirely different thing. You have to manage hardwood plantations right

from day one to produce sawlogs, and you have to manage pulpwood in a different way. You cannot change from a pulpwood plantation to a sawlog plantation just because you are short of sawlogs. No-one told the Premier this, and he really embarrassed himself.

My concern is that no-one in the government appears to care about the long-term effects of closing more and more sustainable areas to hardwood forests. No-one in the government explains where we are going to get our sawlogs in the future. Any government has certain responsibilities, one of which is to create good public policy in all areas and not just take the easy options of closing areas and creating national parks. The government has no plan to ensure the sustainable supply of hardwood sawlogs to Victorians in the future. When the Otways were closed the government put in a lousy $9 million to start planning for plantations. This money has gone, and I am not sure there are many trees in the ground. It was really a half-hearted attempt to replace the absolutely sustainable area that was the Otways in producing sawlogs. A government press release quoted Mr Bracks in November of that year saying:

> … the government would assist the industry in moving to alternative sustainable areas, such as western Victoria's maturing plantation resource.

He went on to talk about the $9 million for the plantation resource, but that really was just a drop in the bucket. We have to plan now for 10, 20, 50 years ahead for Victoria to supply its own hardwood sawlogs.

Recently the Minister for Agriculture in the other place claimed that in recent years 11 000 hectares had been planted to hardwood plantations. I am prepared to bet that most of that is for pulpwood and not for sawlogs. I have actually put a question on notice to the minister asking him to clarify that. The sad thing is the Otways was classified as absolutely sustainable. To make my point, an Australian government document referring to the western Victorian regional forest agreement (RFA) goes on to state that the parties, the state and federal governments:

> … acknowledge that this agreement is expected to provide 77 900 cubic metres per annum of D+ sawlogs from the western Victoria region.

It goes on to mention the various regions of western Victoria. The Otway forest management area is expected to produce 27 000 cubic metres on a sustainable basis. It was signed by the Premier in 2000. He said about the Otways and Wombat RFA:

> … the agreement was reached after a community and stakeholder consultation process unprecedented in the development of Victoria's prior three RFAs.

The fact that Labor has now turned its back on that agreement to cease logging by 2008 means it is turning its back on its own agreements.

Our Forests Our Future was released on 23 August, three months before the 2002 state election. It says:

> The timber resource review undertaken in 2001 as part of the licence renewal project indicates the estimated biological sustainable yield for Otway is about 28 000 cubic metres and that current licence levels can be maintained at 27 100 cubic metres. This resource level takes into account operational and economic factors … Over time the licence level may vary depending upon improvements in new harvesting and sawing technology and new timber products being developed.

This leads me to the Otways Ranges Environment Network and a paper commenting on the Vanclay evaluation of the Otways in 2001. OREN in one of its newsletters on the Net says:

> Recommendation 16. Acknowledge two components of sustainable yield: the maximum timber yield that can be sustained and the optimal harvesting rate that delivers the greatest benefit to stakeholders.
>
> …
>
> Recommendation 16 provides an acknowledgment that the figure of 27 000 cubic metres of sawlog is a maximum rate of logging for the Otways, but an optimum rate of logging factors in issues such as the need to protect water catchments, tourism values and nature conservation values.

That is all fair enough and obviously something over 20 000 cubic metres a year would be sustainable forever. But this is the rub, and it has been identified by OREN — I am not criticising OREN at all; in fact it has done a lot of work on this and that is its right to do so:

> Given this position, the state government decided that the optimum rate of logging for the Otways was zero, and was re-elected in 2002 with this zero logging policy.

There is an identified 27 000 cubic metres a year sustainable for all time and the government opted for a zero logging policy. This really demonstrates there was a sustainable yield available that was ignored by the government which closed the Otways for green votes. That is indisputable. I absolutely understand the parochial local groups such as OREN. They are fighting for their patch. It is not up to them to create good public policy for the whole of Victoria. That is up to the government of the day. In this case the government of the day has totally failed the wider constituency here in Victoria by failing to provide a sustainable supply of sawlogs into the future.

I need to make it clear that the Liberal Party accepts that the state government was given a mandate to end logging and create a new national park, but my concern, as I said at the start of my contribution to the debate, is that the government made no tangible arrangements to replace the access that was lost to sawloggers with that decision. It made no arrangements to provide access from somewhere else. That is my issue. I raise it as part of my job as opposition spokesman for forestry. It is an issue that the government has been ducking ever since I took on this shadow portfolio. In that area the government has failed the people of Victoria.

I will make a general comment about good management of our forests and national parks. Over the years public perception has been moulded by the Greens. The Greens claim that locking up our forests, including our renewable resources like timber — and I emphasise timber — is conservation. The real story is a lot different. It is important that we promote a balanced use of the vast areas of public land in Victoria. It is important that there is multiple use of that public land. We support our existing national parks; they are an important part of our public land, but the rest of our public land should have multiple use, including forestry in suitable areas.

It is an absolute myth that locking up our forests is true conservation, and one day we will come to that realisation. In fact, many scientists are now starting to exert their opinions on that because it is coming to the point where we have to be brave and acknowledge that. Over the years the Greens have used the image of logging for their own ends. They have promoted misleading images about the forestry industry. The public has been led to believe that logging permanently damages the forest and the environment, but really that is patently self-serving and totally untrue.

To conclude I will quote a local from the Otways. I will read from a paper written by the local federal member for Corangamite, Stewart McArthur, in 2002. It is a very clear paper in which he refers to the language used by the Greens. It says:

> The next 'objection' of the extreme green movement is that our forests are 'being woodchipped'. This emotive language implies that beautiful trees are being shredded to pieces to be transformed into items of dubious worth. This kind of language succeeds as a piece of emotive language, but fails the test of logic.

He goes on to explain that the timber industry does not harvest native forests for woodchips; it harvests them for high-quality sawlogs, and woodchips are a by-product of that operation:

> Woodchips are a by-product of the harvesting of the very valuable and sought-after mature sawlogs used for essential components in houses, other buildings and in furniture.

Stewart McArthur is a local. He has lived near the Otways all his life and he understands the industry and what I have been talking about here tonight. His paper is only a few pages long but it is absolutely spot-on and certainly worth a read.

The removal of access to the Otways for sawn timber has impacted right across Victoria. My issue, as I said earlier, is the future supply of sawlogs. There are debating points about tourism totally replacing timber for jobs, but I am not even going to get into that tonight because the basic premise of that is wrong. That is not the main point I am making. The main point is, where will we get our future sawlogs? There is no answer; the silence from the government is deafening on that basic point.

The decision to close logging by 2008 makes a mockery of the government's statements that the 32 per cent reduction of hardwood sawlog volumes was critical to ensure the future of the Victorian industry — and this was with the Our Forests Our Future process. If the Otways were not unilaterally closed the overall impact to sustainability would have been much less. I make the point again that the Otways were assessed originally under the Regional Forests Agreement process as being fully sustainable. They were closed unnecessarily, and that has put pressure on the sustainability of the rest of the logging areas.

Ms Carbines talked earlier about history. History will show that this decision to close sustainable areas to logging will not be in the long-term interest of the Victorian community.

Hon. J. G. HILTON (Western Port) — It gives me pleasure this evening to speak on the National Parks (Otways and Other Amendments) Bill. As has been pointed out, the main purpose of this bill is to create the Great Otway National Park and also to create the Otway Forest Park.

As Ms Carbines said, the creation of this park was an election promise of the Bracks government at the 2002 election. We all have our different views as to why the Bracks government was so resoundingly re-elected with a record majority of seats in the lower house and indeed for the first time in 150 years a majority in this house. I believe that one of the reasons was the government's environmental policy.

In the televised debate a question was asked of both leaders: would you end logging in the Otways? The

Premier said, 'Yes'; Mr Doyle said, 'No'. I believe that was a key moment in the campaign which proved that the government had environmental credentials that were recognised and acknowledged by the Victorian community.

I am very pleased that the Liberal Party is not opposing this bill, but from what I have heard this evening its members are not really supporting it. I am not sure that their hearts are really in this bill. Mrs Coote had to go back to the Hamer government to talk about the Liberals' environmental credentials. She did not mention the Kennett government, but I am not surprised because the Kennett government had no environmental credentials. I very much doubt whether, in the unlikely event of a Doyle Liberal government, that would have any environmental credentials either.

I also take up Mrs Coote's point about the amount of money which has been spent on national parks. She referred to a comparison of spending per head of population on national parks. I would have thought anybody who had any sense would know that is a totally fallacious argument. Victoria is the smallest state in terms of area and yet has one of the highest populations, so on a per capita basis we are bound to spend less. But on a per hectare basis we spend the second-highest amount in Australia, and surely that is the statistic we should be quoting if we are comparing state with state.

At least members of The Nationals deserve some credit for being consistent in what they are saying about this bill. They are opposing it. In my experience in this house they have opposed the vast majority of what I call environmental bills. They did in fact support the Point Nepean bill, but generally speaking The Nationals are quite consistent in their opposition on environmental issues. That is a pity because they will find themselves very much isolated when we divide on this bill. In the lower house the division result was 75 to 9. When we divide this evening, tomorrow or whenever it is, the result will be 37 or 38 to 4. Surely that should be sending a message to The Nationals that on this sort of issue they are out of touch. They are out of touch with the feeling of the great majority of Victorians. The great majority of Victorians believe natural resources are to be conserved and not exploited.

If I could summarise in just 10 words the position of The Nationals in relation to environmental resources those 10 words would be: dig it up, chop it down and ship it out. This may have been a common view 50 years ago. It is not a common view now. Times have changed and people's attitudes have changed, but what has not changed are the views of The Nationals. Is it any wonder that the most likely scenario in this chamber after the 2006 election is that The Nationals will just have one member. Mr Damian Drum will be his leader, his deputy leader and his chief whip. Unless The Nationals are prepared to change their views on issues like the environment they will be condemned to increasing irrelevance. But I do not think it is possible for The Nationals to change their views. The Nationals are mired in the morass of their own making, which I believe is a great shame, because on an individual basis all the members of The Nationals make significant contributions to this house and are very effective advocates on behalf of their constituents.

As usual the details of this bill have been very well covered by my friend the parliamentary secretary, Ms Carbines. I would like to compliment and congratulate her on her commitment, her passion and the energy that she has brought to the creation of the Great Otway National Park. I know the creation of this national park is something of which Ms Carbines feels justifiably proud. In fact I suggest her passion for the Great Otway National Park is second only to my passion for the Melbourne Storm.

I shall address just one point which was made by the opposition — that is, the question of economic activity. Our economy is changing. Our economy is in a permanent state of change. Economies which do not change go backwards. Services are increasingly important in our economy, and one of the fastest growing industries in Victoria is tourism. Some figures which I have seen indicate that tourism has increased by 50 per cent since the Bracks government was elected in 1999. At a business conference I attended last week it was said that the turnover in tourism is now $11 billion, and that is projected to increase to $18 billion within the next few years. Currently the tourism industry employs 160 000 Victorians. In my region of the Mornington Peninsula over 20 per cent of employment opportunities are in tourism and hospitality and that is expected to increase.

In relation to the Otways, the figures show that international visitors to the region are up by 14 per cent; the length of stay of international visitors has increased to 5.2 nights; and international visitor numbers to the region are forecast to be over 320 000 by 2012. The reason I make that point is that national parks are not bad for employment. They are actually good for employment, but they are good for different sorts of employment. Again, I acknowledge Mr Stoney's passion for supporting the timber industry in Victoria. He has been consistent about that and I know he feels strongly about it. But I suggest the Bracks government has been generous in the transitional arrangements and

compensation effected by change, and this was clearly illustrated when we debated the Alpine National Park grazing bill.

As I said previously, I do not wish to go into the details of the bill because that has been very well covered, but I do say this bill demonstrates once again the Bracks government's commitment to creating a sustainable environment for this and future generations. The bill recognises that we are custodians, not exploiters, of the environment and that contrary to the common view that there will be a long-term adverse effect on employment, indeed the employment opportunities will be increased, which is surely to the benefit of all Victorians.

In conclusion, occasionally bills come before this house which show very clearly why the government is in government, why the opposition is in opposition, and why, unfortunately, The Nationals are declining into irrelevance. This is one of those bills, and I am delighted to commend it to the house.

Hon. B. N. ATKINSON (Koonung) — This is a notable bill that comes before the house tonight. It adds land to quite a number of icon national parks and state parks and obviously creates a particular park in the Otways which was promised by the government prior to the last election. It has taken some time to actually deliver that promise in legislative terms. Here we are in 2005, and the government was elected in 2002, so one might have expected that this legislation would have come before Parliament at an earlier date. But notwithstanding that the legislative framework is now introduced to this place to establish a national park in the Otways and to address a number of issues, including the timber industry's use of that resource in the Otway Ranges.

This is legislation that I think is significant and certainly is worthy of support. Victorians do value the national and state parks, and indeed also the local parks that have been established by successive governments. I notice the Honourable Jeff Hilton referred to previous speakers on this side of the house talking about the Hamer government years and the work that that government did in establishing much of our parks system as we know it today. But many of the parks that Victorians enjoy have a much longer history than even the Hamer government in the 1970s. It simply was a government that established perhaps a different and better management framework and certainly added a number of notable parks to the system.

As I said, successive governments have added further parks since, including the Kennett government. I might also add that one of the initiatives that has been taken in recent years by the Bracks government was actually facilitated by a Kennett government decision, and that was the marine parks and marine sanctuaries that have been created by legislation that has gone through both houses of Parliament with the support of the opposition. It is interesting to note that the analysis of that opportunity to create those marine parks was in fact established by the Kennett government.

The environmental credentials and the interest of both parties — and I would say The Nationals as well — in environmental matters has been well established over a long period. Indeed many of the issues in regard to our park system enjoy bipartisan support and are welcomed because all Victorians appreciate our park system.

Members on this side of the house have concerns about the park system as it stands at the moment — and I note the extension of areas to a number of parks, some of which I am very familiar with, such as the Dandenong Ranges National Park, the Warrandyte State Park, the park around the Silvan Reservoir, which I think is also part of the Dandenong Ranges park, the Kinglake National Park, and the Beaconsfield Nature Conservation Reserve. All those areas are included in this legislation, with additional land being allocated, much of which will be through a redefinition of the land-holdings of Melbourne Water in catchment areas. We are not actually resuming land from private ownership in the creation of these extended areas but rather realigning the management authorities in many respects, but certainly providing protection to those areas as part of our park system.

What is of concern to us in the extension of some of these parks is that the government has not kept pace with the need for the resourcing of the management of those parks over recent years. In other words, quite a bit of extra land has been added to these parks, and I would say from my experience in travelling around quite a number of the national parks in Victoria — sometimes alone, sometimes with various organisations — that there has been a great deal of concern about the deterioration of some of those park environments. It is because the government has not — as the Honourable Philip Davis, the Leader of the Opposition in this place, is often fond of saying — been a particularly good neighbour in terms of its management of that park system. I refer particularly to the growth of weeds in many of the national parks, damage by feral animals and other aspects of neglect in those parks — neglect rather than any action to obviously impact on those environments, simply because insufficient resources have been allocated to the management of those parks.

I note that this legislation provides additional funding for the management of parks, including $3.4 million hypothecated for the new Otways park. I welcome that. I am not in a position to judge tonight whether that is sufficient resource to effectively manage that area. The Otways park — as was included in the second-reading speech and I think has been touched on by other speakers — is an interesting environment because it is quite a diverse habitat for fauna and flora and the park area has quite a range of ecosystems within it. The national park will clearly be a very popular destination for a lot of Victorians, and indeed many Victorians already treasure the Otway Ranges area, notwithstanding the fact that it has not had park status in the past and has certainly been subject to a range of economic uses, particularly by the timber industry, to this point.

In terms of the funding that has been provided, I hope it is adequate to address what I perceive and what many other Victorians perceive as being an undermanagement or an under-resourcing of the management of the park system. While the amount of money that is being provided under this legislation — and it is interesting to have the actual amount of money included in the second-reading speech rather than as a budget allocation — would seem to address some of the issues in regard to new areas that are added to the various national and state parks on this occasion, I am still not sure it goes anywhere near addressing the broader issue of the management of our park system across Victoria.

I certainly welcome the fact that there is also some enhancement of the heritage river areas, of both the Mitchell River and Wonnangatta Heritage River. They are also parts of Victoria that I have spent quite a bit of time in, and in fact they are some of my favourite parts of Victoria. I certainly think the additions to the parks in this respect are welcome. Most of the parks right across Victoria that have been included in this legislation are very accessible parks for people, particularly from Melbourne, and are used for a wide variety of recreational experiences. Those experiences ought to be enhanced by the opportunity that this legislation affords.

One of my concerns in looking at the legislation going forward is about the future of the timber industry in this state. While I understand the government's announcement at the last election — and clearly the government won a mandate to proceed with this legislation and a range of other proposals that it took to the election in 2002 — I do have concerns about the future of the timber industry, which is a significant industry and an industry I personally believe is sustainable if it is managed properly. There are a lot of good reasons for Australia to be involved on an ongoing basis in harvesting timber. It certainly occurs to me that there will be an ongoing need for timber in our community, and if Australia simply tried to opt out of the harvesting of timber, the resource would simply be replaced by other countries in regimes that are a lot less controlled and a lot less effective in terms of their environmental management. I am certainly alarmed — as I think most people in Australia are — about the amount of rainforest that is destroyed in countries to the north-west of Australia, and also throughout South America, where debt levels of a number of Third World countries in particular have forced them to surrender what they see as a valuable resource in their timber, but at an enormous environmental cost to the world and not just to those countries.

In recent years the timber industry has come a long way in addressing some of the environmental issues that have been put to it — and have been rightly put to it by people in Australia, including environmentalists. Its management of the industry now is a lot more effective and environmentally responsible. I would certainly hope that there is a future for the timber industry in Australia. I know this legislation obviously only addresses one area and that arrangements are in place for the timber industry in other parts of Victoria, including other park areas, but, as I said, I would certainly not want to see this as a continued rollback of that particular industry because I believe it has a valuable role to play, that it is a sustainable industry, and that there are some environmental benefits in planting new and young trees which grow vigorously and which have a very positive contribution to make in terms of sucking up carbon dioxide and so forth, and addressing some of our fuel concerns — our carbon emissions concerns that have been so much a talking point at Kyoto and other environmental forums. The planting of further trees is quite a crucial issue and young trees, as we know, are much more effective in terms of being carbon sumps than some of the older trees.

This legislation deserves support. It is a good piece of legislation. As I have said, the Liberal Party has had a long history of support for the development of a national, state and local park system which enables our state to have lungs, if you like, in terms of the environmental conditions in Victoria, which provides a diverse range of environments that people can enjoy and use for recreation, which provides an ongoing and secure habitat for a range of fauna and flora and which maintains the biodiversity that is so important in our environment. I welcome this legislation to that extent.

As I said, I am particularly pleased to see that some of those smaller parks, particularly in the east, will have additional acreages added to them. They include the Warrandyte State Park, the new Beaconsfield and Warrandyte-Kinglake nature conservation reserves, the Dandenong Ranges National Park and so forth. I frequently visit these areas and enjoy them thoroughly, as do many members of this place. I find that they refresh both mind and body. We are very fortunate to have the system of national state parks we have in Victoria. It plays a vital role in the lives of all Victorians, whether they participate passively or actively in the park system. I commend this legislation to the house.

Hon. KAYE DARVENIZA (Melbourne West) — I have followed the Honourable Bruce Atkinson in debate on other bills, but the frightening thing is that this time I found myself agreeing with much of what he had to say. This is a first, because I am usually adamantly opposed to almost everything that he has to say. I certainly agree with a number of things he said. I agree that the people of Victoria appreciate our national and other parks, and I agree that our parks have a tremendous impact and effect on our lives. They affect our physical wellbeing and mental health, and I am sure they affect many people's spiritual wellbeing as well.

Like me and Mr Atkinson, many of us not only here in this Parliament but right across Victoria spend quite a bit of time visiting our parks. They attract visitors from right across Australia, as well as international visitors. You just have to look at what an attraction the Great Ocean Road is for international visitors. Almost every international visitor who comes to Victoria knows about the Great Ocean Road and is desperate to go there and have a look at the Twelve Apostles, the Otways and the many other attractions associated with the Great Ocean Road. This legislation ensures that the Great Ocean Road and the environment surrounding it is protected for everybody to continue to enjoy.

I want to pick up some of the criticisms that were made by Mrs Coote in her contribution to the debate, particularly her outrageous criticism of Parks Victoria, which she makes time and again in this place. She criticised the work Parks Victoria does, and I want to rebut that criticism. Parks Victoria does an excellent job. It is a very hardworking, talented group of people. I do not just mean the people based in head office, who have a tremendous commitment to our parks, but also the many rangers and officials who work in rural and regional areas supporting our parks and providing an excellent service. All of them work under the leadership of the chief executive officer, Mark Stone, who I believe does an excellent job. The criticisms that have been made by the opposition, particularly by Mrs Coote, are out of line and outrageous. You simply have to look at the state of our parks and the amount of work that has been done in improving them, in controlling feral animals and noxious weeds and in making our parks more accessible to the public to have an understanding of what a great job they do.

Before I get into what the bill is about, I want to congratulate Ms Carbines, the Parliamentary Secretary for Environment, and acknowledge her contribution and the hard work she has done in relation to the establishment of the Great Otway National Park and seeing this bill come before the house. It was Ms Carbines who organised for a group of members of Parliament to travel to the Otways and be briefed by the department about the importance of the parkland there. We visited the national park, Triplet Falls, the Otway Fly and the Great Ocean Road. We saw some of the wonderful natural sites along the Great Ocean Road and the terrific tourist attractions in the park for visitors to truly enjoy.

As has been said by previous speakers, by bringing this bill to the Parliament the government is implementing the key commitment in its 2002 forests and national parks election policy to create a new future for the Otways. In 2003 the Minister for Environment in another place requested that the Victorian Environmental Assessment Council determine the boundaries of a single national park in the Otways and other changes to public land use in that area.

As Ms Carbines pointed out in her contribution, extensive consultation was undertaken by the government. I again want to point out to the opposition that this is indicative of the way the Bracks Labor government does the work and the research that needs to be done in relation to informing and drafting bills before we bring them into the Parliament. We make sure that there has been extensive consultation and we have had the opportunity to hear what all of the various stakeholders have to say. There was extensive public consultation on this, including a large number of submissions. We had community forums, a community reference group and a government contact group. The Victorian Environmental Assessment Council published a discussion paper in September 2003. A draft proposals paper was made available in May 2004 and the final report was released in November 2004. As has already been pointed out by Ms Carbines, more than 1800 written submissions were received.

The government has been very thorough in ensuring that from the time it made its election commitment it did the work that needed to be done to ensure that when

this bill came to this chamber it was well informed. The government has endorsed the recommendations of the Victorian Environmental Assessment Council and is creating the new Great Otway National Park. It is also creating an Otway Forest Park. We have begun a new future for the Otways tourism initiative which will deliver 19 tourism projects at a total cost of $7 million. In 2003 we reduced woodchipping and logging in the Otways by 25 per cent with the voluntary surrender of major sawlog licences. The government will be ceasing logging and woodchipping in native forests in the Otways by 2008. These are the things we have been committed to. We committed in 2002 to doing these things and we are now delivering on them.

The Great Otway National Park will be one of Victoria and indeed Australia's great national parks. It will represent all that is really special and unique about the Otways. There is so much about the Otways that is spectacular, whether you are looking at the coastline or the first-class scenery associated with the Great Ocean Road, which I know all of us would have travelled many times. Whether you are talking about the rainforests or the coastal hinterland this area is very unique and quite spectacular. The waterfalls we saw at Triplet Falls are absolutely spectacular. It was fantastic to have the opportunity to visit that area. There is a lot of interest in the cultural heritage associated with this site. In addition, it is very close to our marine national park. The Great Otway National Park will adjoin our world-class marine park.

As has been pointed out by previous speakers, the government has enhanced park and reserve systems right around Melbourne. This is particularly important because it gives very close access for those who live in metropolitan Melbourne. Those of us who live in the suburbs can very easily access our national parks. It is quite easy to go for day trips to these well-located parks. They have great amenities and it is terrific to see that this legislation will enhance those parks. Again, I can only agree with Mr Atkinson and say that it is terrific to have those parks so close to metropolitan Melbourne. Several thousand hectares of surplus Melbourne Water land and other land is being added to the Dandenong Ranges and Kinglake national parks, the Warrandyte State Park and the Warrandyte-Kinglake Nature Conservation Reserve. Mr Atkinson talked about that at quite some length.

As I said earlier, this piece of legislation is really about the government's commitment to our parks and to national parks. It is part of the creation of a world-class system of 13 marine national parks and 11 marine sanctuaries. We are very proud of those parks and sanctuaries, the expansion of the box-ironbark parks and the reserve system, the creation of the Point Nepean National Park and the cessation of cattle grazing in national parks. This government was very keen to bring that legislation before the house and see the degradation caused by grazing in the national parks stopped.

This indeed is a very good bill. It is a bill that sees the commitments that we gave back in 2002 being clearly addressed in the very best possible way following a very comprehensive consultation process with all of the stakeholders and with everybody that has an interest in our parks, particularly in seeing our national parks preserved. It is a very good bill that deserves the support of everybody in this chamber. I commend the bill to the house and wish it a very speedy passage.

Hon. PHILIP DAVIS (Gippsland) — Before I make my substantive remarks on the bill, I wish to acknowledge a very significant contribution to the standard of debate in this place this evening. I have informally talked to the Leader of the Government about what I regard as the deteriorating standard of contributions of members of this place that has turned from a place of the debate of policy ideas and concepts to a house where members come in with set speeches which frankly could easily have been written and posted on the Internet and the members not turned up here at all. Tonight I heard a contribution from a member who truly engaged the members of this place in a proper constructive analysis of the debate around this bill. I congratulate Mr Hilton on what I regard as the best contribution I have heard from a Labor backbench member in here in the last five years. I do not agree with most of what he said, but I want to put on the record that I thought it was a deliberate attempt to properly engage in constructive debate, and I would like now to return fire in kind.

Firstly, let us remind ourselves of the geographic area we are considering. The Otways formed part of the west Victoria regional forest agreement (RFA) in 2000. I remind members that the Bracks government came to office in 1999, and it was Steve Bracks who signed the west Victoria RFA in 2000. In 2002 the Bracks government initiated a review of the sustainability of our forest estate to look at a range of issues. In particular, the review looked at whether or not the resource assessments had been accurate. There had over a period of time been indications of some errors in resource assessment, but the Our Forests Our Future process in 2002 confirmed there was a sustainable forest industry in perpetuity in the Otways as part of the west Victoria RFA. However, three months later, the Premier, going into an election and keen to maximise the populist vote, announced in the early weeks of the

election campaign of 2002 a policy which repudiated the commitments the Bracks government had entered into with the stakeholders and communities who were directly dependent upon the timber industry — the forestry industry — in that region. It was a major and profound policy announcement, and I well remember from an opposition perspective the deliberations we had at about that same time. Obviously in an election campaign one has to consider the policy and political impact of any response. After going through the necessary analysis and exhaustive discussions, the opposition took the view — the position which the Leader of the Opposition in the other place, Robert Doyle, stated then and has repeatedly stated — that the Liberal Party supported science-based decision making. That was why the Liberal Party adhered to the RFA — the Our Forests Our Future analysis that basically confirmed that there was a viable forestry industry which could be supported in the long term and which was important for the communities that were dependent upon it. However, let me say quite emphatically that it would be frankly stupid for any member of Parliament of any party to come into this place and not accept that the Bracks government won a clear mandate for its policy in 2002.

I have to say that the criticism I have heard of the Liberal Party's position from The Nationals during the debate in this place and the other is just embarrassing for the intellectual bankruptcy of the argument. Members of Parliament contest elections based around a policy debate. When a government wins a clear mandate for its policy positions there is an obligation under our democratic process to respect that mandate. I have to say that on this issue I respect the mandate the Bracks government won because it was so emphatic in terms of a policy position — and it was one of the central planks in the return of the Bracks government. I say it is churlish, naive, stupid, ignorant and frankly completely ill-informed for members of Parliament to suggest there is any alternative but for the Parliament to accept that the government had a legitimate right to implement this policy.

Having said that, let me say this: the members of Parliament who represent this area in the Parliament of Victoria and in the commonwealth Parliament are all Liberal Party members. None of those members of Parliament has had representations retrospectively made to them that this bill should not proceed — that is to say, the Liberal Party went out strongly during the election campaign and argued a case for a long-term and sustainable forestry industry in the Otways. The stakeholders supported the Liberal Party in that position and made strong representations to support us during that election campaign. What has happened since? Three years has elapsed and the government has put in place, without legislation, the implementation of its policy. It does not need legislation to shut down the forestry industry in the Otways, because the licences all expire by 2008 in any event. In case anybody has not been watching, everywhere else in the state that was affected by the Our Forests Our Future statement was clearly affected without the need to resort to legislation. No legislation was required to shut down 50 per cent of the forestry industry in East Gippsland or indeed 47 per cent of the forestry industry in the Central Highlands. No legislation was required. It was simply a matter of the government proceeding to buy out or not reissue licences in regard to those areas.

I say that it is foolish, naive and frankly stupid to come into this place and argue a case that we should not look at and deal with the merits of the bill as they are before us. The bill implements the government's policy. The details of the bill go some way to clarifying some aspects which change the form of land use in respect to some parts from state forests to national parks and others from state forests to forest parks. The forest park is clearly a vehicle designed to restrict in future and forever access to that area for forestry because no other areas of activity are so precluded. It is a limited form of changed land use, and it is clearly designed to restrict future forestry. That is the position, in effect, which the government took to the election and won a mandate for.

I note there are arguments being advanced that the community would have some other outcome. Yes, three years ago the community wanted a different outcome and strong representations were made. I have to say that no representations with respect to this particular bill have been received by the Liberal Party from the Victorian Association of Forest Industries, Timber Communities Australia or the Harvest and Haulage Contractors Association, which are the three groups to represent the timber industry. Clearly they would prefer the bill did not go through, but I have not received any representations nor has the shadow spokesman on forestry received any representations from any of those groups. The local members, the Honourable David Koch, the Honourable John Vogels and the member for Polwarth in the other place, have not received representations. I do not know whether Stewart McArthur, the federal member for Corangamite, has received any representations, although he has a different view. There is clearly an issue here about the fact that it is all basically over; it is over in the sense that the government won a mandate to implement its policy. The bill before the house puts into effect that policy and you would have to be frankly a Luddite to not understand that is the case.

The Liberal Party has consistently argued the case in Parliament and in the community on behalf of local communities which were adversely impacted by national park proposals. We did that with some success with the implementation of marine national parks because we could see there were some difficulties. Members of this place will recall that the government had to have two shots at getting the bill through Parliament when the upper house was controlled absolutely by the Liberal Party. The first attempt by the government failed because we were not prepared to accept some of the proposals advanced. That bill was withdrawn and a second bill was brought forward which was adopted by the Parliament because it ameliorated some of the impacts. You cannot win everything all the time. If The Nationals position is to vote no on everything, then it will have no leverage and never will amount to a party that can effectively advance the interests of the constituents in rural Victoria.

The Liberal Party position has been to clearly set out a position that is pragmatic, realistic and to negotiate better outcomes for local communities. I have to say that I think we have been pretty effective. The Liberal Party has been able to make commitments recently about where it will be in relation to the mountain cattle grazing issue. It was a willing debate not so long ago. The Liberal Party position is quite clear. In government we will implement our policy commitment to reinstate grazing in the Alpine National Park. That is a position we have spelt out in public, in the Parliament and which I adhere to now. It does not mean that from the point of view of public policy we have to concede that because the government holds a mandate for this bill, it has a mandate for its other policy agendas, which it has implemented even notwithstanding it had no mandate for them. I will be clear about mountain cattle grazing. There was no mandate for the Bracks government to shut down mountain cattle grazing in the Alpine National Park. In my view the government behaved outrageously, hypocritically and misled those mountain communities. It is an outrage what has occurred with respect to that policy of the government.

I have to say in respect of the policy dealing with the Otways that there is no question of the government having a right to implement that policy. I further say that Parks Victoria is a complete and utter failure as a public land manager. Anybody who is familiar with those great areas of the state that are under the care and responsibility of Parks Victoria well knows the outrageous and shocking lapse of responsible land management which has occurred. The weeds I have seen in those parks make me weep because of the millions of dollars and millions of man-hours which will have to be invested eventually to bring it under control. I do not think any amount of resources provided to Parks Victoria will be able to achieve anything in its present form, and I would like to see significant changes in policy in Parks Victoria. With that I indicate I will not oppose the bill.

Hon. J. A. VOGELS (Western) — At the outset I commend the Leader of the Opposition on his speech. I live near the Otways and I know it very well. I went through the Ash Wednesday fires in the Otways. It is my backyard. I am concerned about a couple of issues.

The first is the decision, as our leader spoke about before, just before the 2002 election when the Bracks government ripped up the signed agreements with local people under the regional forest agreements as an act of political bastardry. It wanted to get the green vote so it ripped the agreements up and decided it would be a national park. It did not consult but went ahead and did it to get Green preferences to win the 2002 elections. That is inexcusable, but I do say, as the leader has said, that the Bracks government went into the 2002 election with a clear commitment that if it won the election the Otways would become a national park. If the Liberal or Labor parties go into an election with a clear position on an issue and win government, it is beholden on that government to deliver on the policy.

In 2002 the Liberal Party and The Nationals got creamed. There are 132 members of both houses and there are 32 of us, so there is a message somewhere. On this issue the Labor Party got support so we cannot say it did not have support to bring in a national park. It has done that.

I give credit to departmental officers because when I looked at the bill and saw provisions relating to the Angahook-Lorne State Park I saw that the original draft indicated there would be no fishing in that area. A person I know very well saw me and said 'John, I have been fishing for eels in this park for so many years. I have a licence to catch eels in this park.' According to the first draft there was no room for him to survive. I contacted the officers and to their great credit they met with this person, walked in the water with him, and when I now look at the bill I see it gives him access to keep on doing what he has always doing — fish for eels. That is a good outcome.

We have a great opportunity with the Great Otway National Park to deliver for the timber industry and the tourism industry. The strength of the region is to work together, which we have always done. I hear people come in here and say they have been to Triplet Falls and it is fantastic. They say they have been to the

Otways and it is fantastic. One would have thought that the bill is being introduced because the Otways will be destroyed. It does not have to be so because it has been saved by the people who work and live there.

It reminds me of the marine parks bill that was introduced some years ago. The crayfish fishermen who lived at Port Campbell put together an underwater video which showed the wrecks, the seagrass, the fish and the kelp and they asked the government to look at the beautiful video. What did the government do? It used the same video to show why it was necessary to create a marine park to protect that part of the ocean. Many people in these areas will learn not to give the government any information. When the government of the day says that it is here to help, it is actually coming to destroy the area.

I turn to the Port Campbell part of the bill which excises the Port Campbell caravan park, the surf club and that area in Port Campbell which is now national park to Crown land so the people of Port Campbell can use this facility properly. I applaud that excellent decision. Currently the caravan park operator is on a three-month lease and does not know whether he is coming or going, the surf club is on parkland, and there are basically no parking facilities in Port Campbell. This is a great opportunity for the government, Parks Victoria and the department to get the locals together with the Corangamite Shire Council to come up with fantastic alternatives. I do not know how many members have been to Port Campbell, but basically you cannot get a car park anywhere, so there is a huge opportunity for all tiers of government to work together to come up with good ideas for Port Campbell for the next 40 or 50 years. We should grasp this opportunity.

The Otway National Park will increase from 40 000 hectares to 102 000 hectares when it becomes part of the Great Otway National Park. I know Labor Party members say that this is fantastic. It could be fantastic, but the biggest issue with all national parks is lack of funding to not only maintain them but to ensure that feral animals and weeds are eliminated. We hear that the government will put in a couple of million dollars for extra staff or whatever, but it never seems to happen.

As we have often heard, if you live next to a national or state park or any Crown land then you have neighbours from hell. The farmers who adjoin these parks and so on can be fined for not eliminating the ragwort, blackberries, rabbits or other vermin, but the government does not have to abide by any of these decisions. In the 1999 election the Labor Party had a policy that if you live next to Crown land and there is a fire and the boundary fences are burnt it would go fifty-fifty with farmers to rebuild the boundary fences. As soon as the Labor Party got into government that promise was ditched and nothing happened. That is not fair. There is no doubt that the Labor Party has a mandate to introduce the bill, and that is why the Liberal Party is not opposing it.

However, it concerns me that when there is another Ash Wednesday fire in the Great Otway National Park in 5, 6, 7 or 10 years time — and it will come — before the fire is put out you would not want to be fishing 3 miles out to sea because it would be too hot. With the Ash Wednesday fire in 1983 there were timber workers and people in the Otways with bulldozers and knowledge of the area and they could get in and fight the fire. Once the Otways is a national park the tracks will be closed, the timber workers will leave and local knowledge will disappear. In 2010, or whenever we have another Ash Wednesday, nobody will go in because the tracks will not be open. No-one would want to go in there, and the area will just burn.

I would not want to be in Lorne, Apollo Bay or any of those towns when a fire comes through because there would be no stopping it. As I said earlier, I would not want to be fishing 3 miles offshore either. Many Ash Wednesday firefighters told me that they were in their trucks doing 120 kilometres an hour and the fire just went past them. There was no way of stopping it. That was in the days when there were tracks, clearances and so on. In theory we are supposed to be protecting the trees, native animals and native species, but fire does not protect anything. The fire does not care whether it is native, feral, blackberries or ragwort, it will go whooshka, as they say. When it happens, as happened at Wilsons Promontory, the chardonnay drinking set who have introduced this legislation will not be there. The Liberal Party does not oppose the bill because the Labor Party clearly had a mandate to go ahead and declare the Great Otway National Park.

I am a local member in that area and before the 2002 election I had many deputations to my office asking for the national park not to be proclaimed because it was many people's livelihoods which they were desperate to save. That is why we said before the 2002 election that we will oppose a national park in the Otways. However, we lost the election. It is democracy at work and you cannot argue the issue. Since the Victorian Environmental Assessment Council introduced its recommendations I have not had one person in my office complaining about them. For me to be saying that I oppose the bill because of all the other issues would not be democratic. Although I am unhappy, I have to support the bill.

Debate adjourned on motion of Hon. DAVID KOCH (Western).

Debate adjourned until next day.

MELBOURNE LANDS (YARRA RIVER NORTH BANK) (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. J. M. MADDEN (Minister for Sport and Recreation) on motion of Mr Lenders.

RACING AND GAMBLING ACTS (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. J. M. MADDEN (Minister for Sport and Recreation) on motion of Mr Lenders.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The DEPUTY PRESIDENT — Order! The question is:

That the house do now adjourn.

VicRoads: demerit points

Hon. C. A. STRONG (Higinbotham) — The issue I have tonight is with the Minister for Transport in another place. It concerns a constituent of mine, Mr Kevin Crough, of 322 Clement Street, Bentleigh. In May of last year Mr Crough was booked for exceeding the speed limit on the Northern Highway near Heathcote. Mr Crough disputed this, and his case was subsequently heard in the Magistrates Court at Bendigo on 11 January 2005 and a fine of $200 was imposed. Mr Crough continued to dispute the matter and appealed to the County Court. His appeal was heard on 20 May this year. As a result the order of the Magistrates Court at Bendigo was struck out and the fine was no longer imposed. Mr Crough paid the required statutory fees and made a donation in the County Court — in other words, he was basically free, as it were.

However, between Mr Crough being convicted at Bendigo and appealing in the County Court, VicRoads applied three demerit points to his licence. He has now been trying unsuccessfully for quite some time to have those three points removed from his licence. I therefore ask the minister to investigate this issue. It seems to Mr Crough and me to be totally unjust that VicRoads refuses to remove the three demerit points. To help the minister pursue this issue, I will put some details on the record. Matter SO2117979 was held in the County Court on 20 May of this year before His Honour Judge Campbell. The registrar's number is AP-05-0437. I ask the minister to help Mr Crough get some justice.

Meals on Wheels: fuel prices

Hon. J. H. EREN (Geelong) — I raise a matter with the Minister for Aged Care. There is a lot of pressure on many in our community because of increasing petrol prices, which are having a dramatic effect on our day-to-day lives. Unfortunately the situation will not change at any time soon. One group of Australians who are being affected are volunteers, in particular the Meals on Wheels volunteers who do a great job for the older and disabled members of our community, who depend on this service. I have made mention in this place of the importance of Meals on Wheels and the contribution that is provided by volunteers. In fact this service would not survive without its volunteer base. As I understand it, Meals on Wheels volunteers in the City of Greater Geelong get standard reimbursement for all the travelling they do while delivering meals to clients around the region. While the volunteers are very generous and spend some of their own money on petrol, this situation is very unfair, and I believe it will be the cause of a drop in the numbers of volunteers and will affect the possibility of getting new ones.

I know the minister recognises the importance of transport in providing health and community care (HACC) services as in the last two years he has provided additional funds to allow home and community care providers to replace the cars and buses that are used in delivering HACC services. I ask the minister whether there are other steps that could be taken by his department to ensure important services such as Meals on Wheels are maintained and volunteers do not personally carry the burden of increased petrol costs. With the City of Greater Geelong being such a large municipality, some volunteers may drive anywhere between 30 and 40 kilometres a day when they go to outlying areas like Little River, Anakie and Mount Duneed.

The federal government, which has a responsibility in this matter should assist and not just sit on its hands.

Maybe the federal government should forgo the tax windfall it is getting from the increased petrol prices and help out everyday motorists, especially volunteers.

Water: irrigators

Hon. W. R. BAXTER (North Eastern) — I raise a matter for the attention of the Minister for Water in another place. It goes to the issue of the unbundling of water rights and the implementation of the white paper. I raised one particular aspect of the issue in question time today, but tonight I want to raise with the minister his postponement of the implementation of the white paper from 1 July 2006 until November 2006. One could be a cynic and suggest that that delay is for political purposes, to bring it just before the election so that the government, in its quest for green votes, can claim that it is taking 20 per cent of the sales pool and returning it to the environment.

I am not as cynical as that. I take it more at face value, that the government is having some difficulty in getting the legislation together and that has caused the delay. I can understand that, if that is the case, because it is a very complex move that has been taken and it has to be got right. But my plea is that if there is to be a delay from 1 July 2006 that it be a delay for a full 12 months to 2007, so we are not introducing unbundling in the middle of an irrigation season, because this issue is difficult enough for irrigators to come to grips with as it is, as I have found at the numerous meetings I have attended in the irrigation districts over the last six months, and as the minister would find if he attended or if he spoke with any of his officers who have attended those meetings.

Not surprisingly, the irrigators are having a great deal of difficulty getting to understand the nuances of this change. With the unbundling of the water rights and water entitlement, and the introduction of the medium security right and the 80 to 20 deal and so on, it is an impossible scenario to contemplate it being introduced in the middle of an irrigation season with half the season being accounted for under the current scheme and half the season being accounted for under the new scheme. I make an earnest plea to the minister that the implementation date be set at 1 July 2007 so that we can start with a fresh slate at the beginning of a new season.

EastLink: property values

Hon. H. E. BUCKINGHAM (Koonung) — I raise a matter for the attention of the Minister for Transport in another place. It concerns the increase in the value of land surrounding the EastLink project. My concern arises from a number of articles in the daily press — an article in the *Herald Sun* commercial property section of 23 August entitled 'On the road to riches'; an article in the *Age* of 8 August; and an article in the *Australian Financial Review* of 3 August from which I cite an article entitled 'EastLink tollway proves to be Melbourne's golden mile'. In the article Andrew O'Connell from commercial real estate agency Jones Lang LaSalle is reported as saying:

> Since the commencement of the construction of the freeway, the benefits of the outer eastern suburbs as industrial hubs is being realised and that is translating into buyer demand and price spikes.

Will the minister confirm that commercial and industrial land values along the EastLink corridor have increased in the last 12 months? The action I am seeking from the minister is for his department to provide an overview of the significance for residents of this reported 15 per cent increase in land values in the last 12 months in Rowville and Scoresby, which are both in Koonung Province. I ask the minister if his department could investigate what other positive outcomes there might be surrounding the EastLink project and how these can be made known to the wider community and my constituents in Koonung Province.

Local government: rural planning zones

Hon. J. A. VOGELS (Western) — I raise an issue for the Minister for Local Government. It concerns the direction the Minister for Planning in another place has given to councils across Victoria indicating they have six weeks to implement and apply the former planning minister's disastrous rural zones or he will do it for them.

The action I seek from the minister is to inform her colleague the Minister for Planning, the Honourable Rob Hulls, that if they do as he suggests, councils going to the polls this November will be in breach of section 93A(1) of the the Local Government Act. That section states that councils must not make a major policy decision during the caretaker period, which this year commences on 30 September.

In my opinion, taking away a land-holder's property right is a major policy decision. Section 93A(5) states:

> Any person who suffers any loss or damage as a result of acting in good faith on a major policy decision made in contravention of this section is entitled to compensation from the Council for that loss or damage.

The Bracks government should reimburse councils that are sued for loss or damage due to breaches of the Local Government Act, if they are faced with financial

payouts because of the actions of the Minister for Planning, who clearly is not aware of the act. One of the major responsibilities of local government should be planning. Local governments understand and know their own backyards intimately. After many meetings across rural and regional Victoria it became blatantly obvious to me that many of the changes being proposed were not acceptable to country Victorians. With no obligation and no resources, and with local communities up in arms, most councils have simply let it all drop. The rural zones review has largely been a time-consuming, expensive, divisive flop.

In typical Labor Party fashion, the minister has decided to unilaterally and immediately apply the new zones, including a direct translation of the existing rural zone to the farming zone and the environmental rural zone to the rural conservation zone, by ministerial amendment. He has given councils just six weeks from 25 August to tell him why he should not proceed. As most councils in Victoria go to the polls in November and are in caretaker mode from 30 September, they are not well placed to embark upon another comprehensive planning review and will in fact be bulldozed into breaching the Local Government Act.

Carers: rally

Hon. ANDREA COOTE (Monash) — My question is to the Minister for Community Services in another place, and it is to do with carers in Victoria. Yesterday I had the great honour of being among a number of people who took part in the Walk a Mile in My Shoes rally which took place on the steps of Parliament House. It was significant that there were many members of the Liberal Party and many members of The Nationals in attendance, and I think there were perhaps two members of the Labor Party — and I note you were one of them, Deputy President. It was very disappointing to the carers to note that the Labor Party was not well represented. They were particularly disappointed, given that this very innovative program was thought up and brought about by the Gippsland carers and in particular Jean Tops, that the Minister for Community Services, Sherryl Garbutt, could not even be bothered to go nor indeed send any representation. It was appalling, and it was not lost on the carers.

The carers wanted to raise enough money to maintain the Walk a Mile in My Shoes web site and to increase their register of people who are desperate to help as carers. I applaud the organisers. There were several speakers, many of whom shared their personal experiences, which were very poignant. They wanted to raise awareness of the plight of carers in this state and across the country because they were holding a vigil in Canberra at the same time.

One of the people I spoke to was Nola Adkins. All members of her family have experienced many illnesses. Nola has had a huge number of hospital visits and she has been caring for people for a significantly long time. She is tired, she is frustrated, she is fed up with the system, and she does not want to receive another emotionless letter from Minister Garbutt — she wants real help and real support.

Another person I met was Mark Modra. He and his wife, Ellen, have experienced the worst side of the Department of Human Services. For 16 months they entrusted their son, Luke, who is autistic, to the department. During this time the government spent $500 000 to have two staff looking after him 24 hours a day. My question is: can the minister advise me what support she will provide through both service support and financial support to Mark and Ellen Modra so they can house and care for their son at home? All Mark wants is for the government to financially support him and his wife so that Luke can live with them and they can care for him. If the government can spend $500 000 just to have staff looking after him, why on earth can it not have a bit more of an innovative approach and make certain that Luke can be kept at home with his parents? I commend the carers of Victoria.

VicTrack: Castlemaine radio landline

Hon. D. K. DRUM (North Western) — My question is to the Minister for Transport in the other place, Mr Peter Batchelor.

Mr Lenders — I thought it was for me and I was getting excited.

Hon. D. K. DRUM — If the Minister for Finance would take over fast rail, then we might be able to address some questions to him. He is lacking something under the left breast!

The DEPUTY PRESIDENT — Order! Mr Drum will return to his adjournment matter.

Hon. D. K. DRUM — I was just saying he does not have the heart.

Earlier this year as work on the fast rail project on the Bendigo line finally got under way a landline between Castlemaine and Bendigo was severed by VicTrack. This landline was also used by KLFM radio station to deliver its program to approximately 17 000 listeners in Castlemaine. The landline was also used to help with its national and state news broadcasts. The minister is

aware of the situation. He knows the line was severed by VicTrack, and he knows it was under a commercial agreement between KLFM and the government. The lease has effectively been paid in advance for up to six months, and yet no compensation has been forthcoming from the government. VicTrack workers have indicated that it would be a very simple job for them to connect KLFM to the new fibre-optic cable; they simply need the go-ahead from the government. It is quite clear that the only thing they need to fix this whole debacle is the will of the government to allow KLFM access to the new fibre-optic line.

This is the latest embarrassment with the fast rail project, which will deliver slower trains in nearly half of its projected new timetables when compared to the current timetables. The only suggestions that have been put forward by the government so far are too expensive for a community based radio station that and relies heavily on volunteers to run its locally based programs. KLFM simply cannot afford the $25 000 capital cost, plus options on top of that, as has been put forward by the government; nor can it afford other options, which would mean it would have to pay $7300 in annual fees.

The Castlemaine community has been treated shabbily by the government and also by the government-owned VicTrack. I inform the minister that I have written to the member for Bendigo West in the other place, asking him to call a group meeting with all the affected parties. I urge the minister to get together with the member for Bendigo West and organise a meeting of representatives from the radio station, VicTrack and the government to see if they cannot work together to ensure KLFM can get back online and start servicing the people of Castlemaine with a locally based program.

Banyule: councillors

Hon. BILL FORWOOD (Templestowe) — The matter I wish to raise with the Minister for Local Government goes to the issue of the Banyule City Council which I have raised in this place previously. The last time I raised the issue I sought to have a municipal inspector appointed to this dysfunctional council. On page 1 of the *Heidelberg Leader* of 16 August a spokesman for the minister said that any complaints needed to be put forward to Local Government Victoria. Section 76B of the Local Government Act, under 'Rules of conduct', says:

> (1) In performing the role of a Councillor or a member of a special committee, a person —
>
> (a) must act honestly;
>
> (b) must exercise reasonable care and diligence.
>
> (2) A person who fails to comply with sub-section (1) is guilty of an offence against this Act.

I have recently taken the step of lodging a formal complaint with the governance and legislation branch of the minister's department seeking some immediate action on whether or not the deputy mayor, Cr Mulholland, and the mayor, Cr Ryan, are in breach of section 76B, which requires them to act honestly. I have provided some evidence which I say leads very clearly to the fact that an arrangement was made over the mayoralty; that part of the deal was that the mayoral car would be made available to the deputy mayor, for which there was absolutely no capacity; and that the deputy mayor used the car illegally for a period of nearly three months, at great cost to the ratepayers, and purely because, as she is quoted in the newspaper as saying:

> Greg —

that is, the mayor —

> believes I deserve some sort of reward.

This council is dysfunctional. On Monday this week the member for Ivanhoe's four tame councillors — that is, Mulholland; Brooks, who works for Minister Garbutt; Melican and Ryan — left the chamber during debate so that no quorum was present and the council meeting collapsed. We have a completely dysfunctional council.

I have followed the minister's request through her spokesman that any complaints needed to be put forward to Local Government Victoria. I have made a formal complaint seeking an inquiry into whether those councillors acted honestly or not, and I ask the minister for action immediately.

Responses

Mr LENDERS (Minister for Finance) — The Minister for Transport in the other place received three adjournment questions. The first was from Mr Strong regarding a constituent's speeding issue. The second was from Mrs Buckingham regarding the value of land around EastLink. I must say that $70 million is being invested in that corridor; it is a wonderful project that will have great economic benefits; we do not have to wait 335 days to see outcomes there, so it is a great question from Mrs Buckingham. The third was from Mr Drum regarding the fibre-optic line near Bendigo. I will certainly pass those on to the Minister for Transport.

Mr Eren raised an issue for the Minister for Aged Care regarding petrol prices and volunteers. I will certainly raise that with the minister.

Mr Baxter raised an issue for the Minister for Water in the other place regarding the unbundling of water rights, the white paper and timing issues, which I will certainly raise with the minister for his attention.

The Minister for Local Government received two adjournment questions. The question from Mr Vogels. really was a strange adjournment question in one sense, because he was asking a minister to ask another minister about something. But I will certainly pass on in good faith the full transcript to the minister.

Mr Forwood raised an issue regarding the Banyule City Council. I will certainly pass that on to the Minister for Local Government with the seriousness it deserves. But I cannot let pass without comment that he in this place editorialised about four Banyule councillors breaking quorum when the parliamentary Liberal Party in this place periodically breaks quorum — it draws people out of the house so there will not be a quorum. I would be delighted — what was it about St Thomas Aquinas and angels dancing on pinheads? — if Mr Forwood could actually distinguish the Banyule course of action from the one that he and his colleagues periodically perpetrate. Nevertheless, I will pass that on to the Minister for Local Government in the spirit in which it was intended.

Hon. D. K. Drum — With the seriousness it deserves.

Mr LENDERS — Yes, Mr Drum, with the seriousness it deserves.

Finally, Mrs Coote raised for the Minister for Community Services in the other place an adjournment question regarding the Walk a Mile in My Shoes gathering. I will certainly pass it on to the minister for her attention, while noting that five ministers at least of the parliamentary Labor Party were on the steps of Parliament House at the time.

The DEPUTY PRESIDENT — Order! The house stands adjourned.

House adjourned 10.26 p.m.