

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

**Tuesday, 9 August 2005
(extract from Book 1)**

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By authority of the Victorian Government Printer

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Education and Training Committee — (*Council*): The Honourables H. E. Buckingham and P. R. Hall.
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(*Assembly*): Ms McTaggart, Ms Neville, Mrs Powell, Mrs Shardey and Mr Wilson.

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Davis, Hon. Philip Rivers	Gippsland	LP	Scheffer, Mr Johan Emiel	Monash	ALP
Drum, Hon. Damian Kevin	North Western	Nats	Smith, Mr Robert Frederick	Chelsea	ALP
Eren, Hon. John Hamdi	Geelong	ALP	Somyurek, Mr Adem	Eumemmerring	ALP
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Hilton, Hon. John Geoffrey	Western Port	ALP	Viney, Mr Matthew Shaw	Chelsea	ALP
Hirsh, Hon. Carolyn Dorothy	Silvan	Ind	Vogels, Hon. John Adrian	Western	LP

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Tuesday, 9 August 2005

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

ACKNOWLEDGMENT OF TRADITIONAL OWNERS

The PRESIDENT — Order! At the beginning of the spring sitting the Parliament today acknowledges the land of the tribes and nations of the Aboriginal people of Victoria.

ABSENCE OF GOVERNMENT WHIP

The PRESIDENT — Order! I advise the house that, as a result of the absence of Ms Argondizzo, Mr Scheffer will act as the Government Whip. In order to ensure the smooth operation of the house, I have asked Mr Scheffer to relocate to Ms Argondizzo's seat in the chamber for the duration of her absence.

BUSINESS OF THE HOUSE**Photographing of proceedings**

The PRESIDENT — Order! I advise the house that photographer Jamie Murcia will take photographs in the chamber throughout the day. These photographs will be taken from various points in the public gallery and will be used for various official parliamentary publications, including the *Women in Parliament* information sheet and Parliament's 150th celebrations.

ROYAL ASSENT**Messages read advising royal assent to:****27 July**

Commonwealth Games Arrangements (Miscellaneous Amendments) Act
Electoral Legislation (Further Amendment) Act
Energy Safe Victoria Act
Higher Education Acts (Amendment) Act
Local Government (Amendment) Act

2 August

Health Legislation (Miscellaneous Amendments) Act.

ABSENCE OF MINISTER

Mr LENDERS (Minister for Finance) — I advise the house that the Minister for Energy Industries and Resources, Mr Theophanous, is at the diggers and dealers conference in Kalgoorlie seeking investment for Victoria.

QUESTIONS WITHOUT NOTICE**Melbourne Markets: relocation**

Hon. PHILIP DAVIS (Gippsland) — I direct my question without notice to the Minister for Major Projects. In regard to the relocation of the Melbourne Markets I understand that the government has proceeded to acquire the site at Epping and that stakeholders have been advised that their leases at the present site will not be extended beyond 2008. These Victorian small businesses will be left with no security of tenure, no matter what the time frame is concluded for the relocation beyond 2010. Stakeholders have been further advised that no compensation for their eviction will be payable. I therefore ask: will the government offer any reimbursement for relocation costs to existing Melbourne Markets stakeholders?

Mr LENDERS (Minister for Major Projects) — I welcome the Leader of the Opposition's question. This is obviously an issue for the market community and an issue that this house has had quite a lot of discussion about over the last few months. As the house is certainly aware the moving of the markets is not unusual. It is probably the fifth time in the history of Melbourne and Victoria that the markets have moved. I make two points.

I note the Leader of the Opposition's comments about the markets not getting access to the government in the media. He well knows that just this week many members of the market community met with my colleague the Minister for Agriculture in the other place and raised specific issues with the minister. I make the point that the government honours commercial agreements and this government, as part of acquiring the land, locating the land and dealing with these areas, will be having fulsome discussions with the market community around the terms of their commercial leases. Obviously we are keen for the market to move to the new location and will be dealing with the community in those terms and on those issues.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — I thank the minister for his answer; I do not think it enlightened the

house at all. Given the confusion generated by the arbitrary removal of tenure at the present site, even before the details of the new Melbourne Market is determined, I ask: what assurances can the government provide to market stakeholders to reduce their growing uncertainty about their tenure at the present site given their future is as yet undetermined? I would prefer that the minister answer the question rather than refer to the gateways project.

Mr LENDERS (Minister for Major Projects) — None of us likes to be regarded as predictable, but given that the Leader of the Opposition has asked a very predictable question I can draw his attention and that of the house to the gateways project one more time. The Leader of the Opposition talks about uncertainty, flux and a range of issues, but the importance of any major project dealing with any large group of stakeholders — we need to remember that we have over 2000 stallholders and more than 7000 employees at the market — is that the only way any prudent government or organisation can go through this decision making is through something like the gateways project step by step. We go through a strategic assessment, a business case, a procurement strategy, a tender decision, a readiness for service and afterwards a benefits evaluation.

Hon. Andrea Coote interjected.

Mr LENDERS — I take up the interjection of the Deputy Leader of the Opposition, ‘Do we have to go through this again?’ Until we go through these processes again and again we will not keep on time and on budget, which is what this government intends to do — on time and on budget.

Local government: funding

Mr VINEY (Chelsea) — My question without notice is directed to the Minister for Local Government. Will the minister advise the house how the Bracks government is protecting the interests of all Victorians by ensuring Victorian councils are properly resourced to deliver decent services to local communities?

Ms BROAD (Minister for Local Government) — I thank the member for his question and his interest in local government issues. In Melbourne last week I was privileged to host a meeting of federal, state and territory ministers for local government and planning together with the Australian Local Government Association. At that meeting I, together with the other state and territory ministers and the Australian Local Government Association, called on the commonwealth

government to give local government a fair share of commonwealth taxation revenues and federal wealth.

The Bracks government, all state and territory governments and the Australian Local Government Association have called on the commonwealth again to increase the share of its federal tax revenue provided to Victorian local city and shire councils and all other Australian local councils for untied funding for the important services local councils provide to local communities including recreation facilities, parks and gardens and, importantly, waste management. The Bracks government believes all Victorians deserve decent services in their local communities because they are very important and support families.

For this to happen it is important that local councils are adequately resourced. That is why we are continuing to call on the federal government to increase its share of taxation income which is passed onto councils in the form of financial assistance grants. Whilst the federal government reaps even greater returns through the taxation it receives, it has not passed this on to local government which relies on this important source of revenue to fund local services and local infrastructure on which families rely.

Financial assistance grants were introduced a long way back, in 1974–75, by the then Prime Minister, Mr Gough Whitlam. They were intended to strengthen local government to enable it to provide a wider range of services at a local level. This is exactly what councils wish to do. Unfortunately commonwealth funding to local government has not kept pace with the increases in commonwealth taxation revenue. In the last decade alone financial assistance grants to local government as a percentage of commonwealth tax revenue has reduced from over 1 per cent to 0.7 per cent in 2003–04. What does that mean for families and local communities? It means that local city and shire councils are under enormous pressure to reduce the services they provide because of the lack of funding they are receiving to carry out their important role of community strengthening.

The Bracks government is going to continue to fight this fight on behalf of all councils so that they can continue to provide the services and infrastructure that families and local communities need. The Victorian government is working to protect the interests of all Victorians including families, even if it is not receiving the support it should from the commonwealth government.

Melbourne Exhibition and Convention Centre: redevelopment

Hon. PHILIP DAVIS (Gippsland) — I direct my question without notice to the Minister for Major Projects. I refer the minister to the proposed extension of the Melbourne Exhibition and Convention Centre. The plans appear to show a reduction in the size and facilities of the Melbourne Maritime Museum, which houses the *Polly Woodside*. I have received representations and petitions expressing grave concern that the project will reduce or eliminate public access to the site. Can the minister confirm that the Melbourne Maritime Museum site will not be given over to the Melbourne Exhibition and Convention Centre redevelopment?

Mr LENDERS (Minister for Major Projects) — I am delighted that the Leader of the Opposition is showing great interest in asking questions on major projects. I hope it is not a reflection on the ability of the shadow Minister for Major Projects to ask questions. I am delighted to answer questions on major projects from the opposition at any time. In fact I hope all the questions from the opposition are on major projects, because this government is very proud of its capacity to build major projects. We are very proud of the fact that the Bracks government is spending twice as much money on infrastructure as the Kennett government ever did — more than \$2 billion a year. We are building for the whole state. We do not think regional Victoria is the toenails, we think it is the heart and soul of Victoria. We are proud to talk major projects at any time.

The Leader of the Opposition asked a question about the Melbourne exhibition centre. Obviously he was referring to the convention centre, for which we have put out expressions of interest and received bids. We are getting in from people proposals to build a great project which will have 5000 seats, which will bring jobs to Melbourne and Victoria and which will add great value. We already have bookings of 4000 and more for this centre, which is not even built yet. In doing so we obviously need to work on extending the options that are around us on that site. Like the Leader of the Opposition, I am certainly aware of the great place the *Polly Woodside* has in the hearts of many Victorians and probably many — —

Hon. Andrea Coote — Have you been there?

Mr LENDERS — I take up the interjection of the Deputy Leader of the Opposition. I have been to the *Polly Woodside*. I had been there before I became Minister for Major Projects and I have been there since.

It is a great ship, a great vessel, which shows a lot of the history of Victoria. The Leader of the Opposition need not have any concerns that the Victorian community will have less access to the *Polly Woodside*. All those school groups and tourists who go there, all those Victorians who wander around that part of town, will still be able to see the *Polly Woodside*. We in government are working with the volunteers and other people there to find the best way we can transit the *Polly Woodside* during this time of construction. There have been no firm decisions made as to what the final outcome will be, but I can assure the Leader of the Opposition that we want the *Polly Woodside* to remain somewhere where volunteers can work. We want the *Polly Woodside* to remain somewhere where Victorians, whether they be school children or adult Victorians, can go through and look at it.

I welcome the dialogue with the community on this. We will find a way that we can balance that with the need to build this great new Victorian icon, which will not just bring conventions into Victoria but spin-offs from conventions. People will come in and spend to boost our economy. They will boost the things that make this state a great place so it will be a good place not just to bring up a family but also to generate the creation of jobs.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — I thank the minister for his answer, but it did not really provide the clarity I was seeking, so I ask: can the minister guarantee the unimpeded operation of the museum and the *Polly Woodside* at the current site?

Mr LENDERS (Minister for Major Projects) — I would have thought I spoke with great clarity, so I am disappointed that the Leader of the Opposition did not perceive the great clarity with which I spoke. However, I can assure the Victorian community that our construction of the convention centre will be done with more clarity and more concern for the rights of Victorians than his government did when it relocated the library, the museum and all the other things. We believe that with major projects we not only have to go through six gateways to get them right and take our community with us on them but that we also need to consult with our community on them so we can have both of the great cultural icons operating alongside the growth of these buildings. We will make sure that the Victorian community has access to the great ship. We will continue to work with the volunteers and other organisations dealing with it so that we get a good outcome which suits the interests of the volunteers and

the community and assists the economic growth of this state.

Employment: older workers

Ms MIKAKOS (Jika Jika) — My question is to the Minister for Aged Care, Mr Jennings. Can the minister advise the house how the Bracks government is protecting the interests of all Victorians by helping to deliver fairer, balanced and positive workplaces for older Victorians?

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank Ms Mikakos for her question and her concern about the nature of Victorian workplaces and that they be cooperative, collaborative and productive. The Victorian government shares that view and it is doing whatever it can to ensure that this concern is reflected in the ongoing industrial relations climate and human resources practices in Victorian workplaces.

It is a concern of this government and many members of the Victorian community that as a nation we may be moving into a era of industrial relations that does not build on the harmonious and productive relationships we have achieved in Victoria. In fact the federal government, when it takes control of the Senate, may be hell-bent on driving conflict in Victorian workplaces and right throughout Australia. This will jeopardise many of the great successes that we have seen at one workplace after another throughout Victoria for which the Bracks government is committed to supplying support. As part of my responsibilities I have tried to work cooperatively and collaboratively with the Victorian Employers Chamber of Commerce and Industry (VECCI) to develop a program that tries to retain and retrain older members of the work force.

An honourable member interjected.

Mr GAVIN JENNINGS — Indeed I will be particularly interested in ensuring that Mr Forwood and his ilk may be able to undertake a productive role within the Victorian community after leaving this place. VECCI has joined the government in that respect by collaboratively producing information kits to be distributed to employers about the value of retaining and retraining older members of the work force.

Australia as a nation has one of the lowest participation rates for people in the work force in the 45 to 64 age group; it is one of the bottom five in the Organisation for Economic Cooperation and Development countries. We are coming off a very low base. For the last 30 years there has been a reduction in the retirement age so we have to take that culture head on within

Victorian and Australian workplaces to try and encourage employers to recognise the value of that section of the work force. It is in the interests of their own enterprises and industries that employers maintain that level of participation and encourage older workers to stay in the work force. That is what the government's \$400 000 program is about.

The Victorian Employers Chamber of Commerce and Industry will be working in cooperation with the Office of Senior Victorians in spreading this message throughout Victoria. Regional forums will bring together employers to discuss this important issue with people in the community, employees and other interested bodies. They will discuss ways in which they can maintain those productive and constructive arrangements within their communities and encourage older people to stay in the work force.

An honourable member — Older workers.

Mr GAVIN JENNINGS — Older workers, indeed. Extraordinarily, the opposition spokesperson has put in a freedom of information (FOI) request on this very important project. I know the Liberal Party does not talk to workers or unions, but I was very surprised that it had to put in an FOI request to get information. What happened to ringing VECCI and asking it? What happened to the old-fashioned connection between the Liberal Party and the employers? By the sound of things Liberal members are not even talking to the bosses these days. It is very important that the Liberal Party in Victoria — but more importantly the Liberal Party in Canberra — recognises the value of engaging cooperatively with employers and engaging productively with unions and employees to make sure there are harmonious and productive workplaces right throughout Australia. That is the challenge for the federal government today.

Hazardous waste: Nowingi

Hon. B. W. BISHOP (North Western) — My question without notice is directed to the Minister for Major Projects, Mr Lenders. It is generated by the minister's letter to the editor of the *Sunraysia Daily* of 9 July in which he denies that he threatened the transport of fuel and fertiliser if the community continues its opposition to the Bracks government proposal to put a toxic waste dump in the Mallee. I believe in earlier answers the minister has implied that if we maintain our opposition to the dump we risk retaliation by having fuel and fertiliser deliveries up the Calder Highway restricted. Will the minister give the house an absolute guarantee that the transport of these products will not be banned if our communities

continue their opposition to a toxic dump being placed in the Mallee?

Hon. D. McL. Davis interjected.

Mr LENDERS (Minister for Major Projects) — Where there is smoke there is fire, and Mr Davis is smoking away there again today!

I reiterate to Mr Bishop, hopefully with a clarity that he will unambiguously understand and will not misrepresent, what I wrote in my letter to the *Sunraysia Daily*: that as a government we have never indicated that we would do the things he has alluded to — jeopardise deliveries of fuel or ammonium nitrate or any of the other things. All I have drawn Mr Bishop's attention to, and to she who sits on his left, is that when people —

Honourable members interjecting.

The PRESIDENT — Order!

Hon. B. N. Atkinson — On a point of order, President, this is most unparliamentary.

Honourable members interjecting.

The PRESIDENT — Order! The honourable member has just made a comment without anything to it. However, I think I understand what he is on about, and I ask the Leader of the Government and all members of the house, when referring to other members in this chamber, to use their correct titles and show a bit of respect for each other.

Mr LENDERS — I urge Mr Bishop to pay heed to what I have said. I have said to Mr Bishop that there is a danger in people exaggerating a process and making extremes out of a process. What we have been talking about here is the transport of up to five trucks a day of a dry material that is non-contagious, non-infectious, because it is dry, non-inflammable —

Hon. D. McL. Davis — Toxic, though.

Mr LENDERS — Whatever terms you wish to use here — treated material in containers. The people who raise hysteria on those issues may need to explain to the community later why there is a hazardous goods regime for petrol, for ammonium nitrate, for liquid petroleum gas — and in Mr Bishop's home town of Swan Hill there is a Shell depot right on the river near the bridge going over to Murray Downs — and how those things operate. I have raised the question that if people are raising this as a fear tactic they need to start explaining in their communities if they jeopardise it.

This government has confidence in its hazardous goods regime. This government has absolute confidence in how it transports petrol and liquid petroleum gas, how it transports ammonium nitrate and other dangerous substances. We have no issue with this. We think it is important that we get the balance right and we can manage it. My request to Mr Bishop and others was: please do not cause fear in the community; please do not upset people by these types of things.

In the end it is the call of individual members of Parliament what they do in their community, but I can assure Mr Bishop that I stick by my comments in the *Sunraysia Daily* and categorically say the Victorian community has nothing to fear from the Bracks Labor government. We believe in the safe delivery of goods on our roads. What we possibly need to fear is the fear campaigns of The Nationals trying to find relevance in Sunraysia when the community has rejected it again and again.

Supplementary question

Hon. B. W. BISHOP (North Western) — I thank the minister for his answer and I would ask him to check the *Hansard* report of his answer to me a short while ago. But if the toxic material the minister is talking about is so safe, as he has exhibited in his answer, why does he not put it close to the source? Why does he not put it on Crown land within 100 kilometres of Melbourne rather than incurring the cost and the risk of transporting it over 500 kilometres to the Mallee?

Mr LENDERS (Minister for Major Projects) — I realise that Mr Bishop is asking this so he can use it for the press releases he has already got on the fax machine to the *Sunraysia Daily*. Leaving that aside, I ask Mr Bishop, firstly, to read the Coleman report — a bipartisan report chaired by a former minister in the coalition government of which he was a part — and its recommendation. Secondly, I ask him to also reflect on and perhaps say to his Nationals colleagues in the federal government, which is putting a nuclear dump in the Northern Territory without consultation, that if a government wishes to deal with these difficult issues it does it through a public consultation process — as was the bipartisan Coleman report by a former Liberal minister — and through an environment effects statement (EES), and there are 19 EES reports going on. That is how we deal with these issues. We have an open, public debate. Mr Bishop will, because it suits him in the political cycle, disavow himself of Mr Baxter and Mr McNamara and various others who made statements as part of the former coalition

government. I invite him to read the Coleman report and then re-ask the question.

Occupational health and safety: workplace initiatives

Hon. S. M. NGUYEN (Melbourne West) — My question is to the Minister for WorkCover and the TAC. Can the minister advise the house of any occupational health and safety outcomes that demonstrate the Bracks government is protecting the interests of all Victorians?

Mr LENDERS (Minister for WorkCover and the TAC) — I thank Mr Nguyen for his question and his great interest in the occupational health and safety of Victorian workers, which is a great thing to see coming from this side of the house.

Hon. Bill Forwood — What about this side?

Mr LENDERS — I take up Mr Forwood’s interjection. Last week I had the privilege of accompanying my colleague, the Minister for Industrial Relations in the other place, to a meeting with the federal workplace relations minister, Mr Kevin Andrews, in my capacity as minister responsible for occupational health and safety. While I think Mr Andrews is a decent gentleman and a pleasant person to work with, sadly the ideology coming out of the commonwealth government — the Howard Sydney-centric government that does not talk to Victoria or Victorian workers —

Hon. Andrea Coote interjected.

Mr LENDERS — I take up the Deputy Leader of the Opposition’s comment. It is a shame that as a member for a Victorian electorate Mr Andrews does not look around Victoria a little bit on some of these issues. Not only has the commonwealth gone down the unilateral path of industrial relations and is reliving the boyhood dream and 30-year obsession of the Prime Minister of setting up his own industrial relations system and crushing unions and everything else he wishes to do, but we are also at risk of seeing a similar obsession with occupational health and safety.

As I invited Mr Andrews, and as I invite Mr Forwood and those opposite, before people want to have an ideological-Sydney-centric, obsessive federal government imposing a regime on Victoria, perhaps they should pause — and in particular Mr Andrews as a Victorian — to look around Victoria. Firstly, if we look at the indices in Victoria that Mr Nguyen asked his question about, we see a new act in place that came through a long consultation process by Chris

Maxwell, QC. Secondly, we see emerging features in Victoria. Deaths in the workplace are going down; injuries in the workplace are going down, and premiums for WorkCover insurance are going down. In Victoria we have collaborated with the private sector — a tripartite negotiation. We have worked through a system which gets the balance right. What do we want WorkCover to do? We want our WorkSafe inspectors to offer advice to make workplaces safer, and they are able to give advice to make them safer. We want a collaborative approach between employers and employees. As I said, we have seen deaths, injuries and premiums coming down.

Does the commonwealth government look at that? Did it talk to Victoria and say, ‘What is going right in this great state of Victoria which is the heart of manufacturing in this country, with a booming economy and a quarter of the population?’. No, it is reliving the Prime Minister’s fantasy of the last 30 years about what he wants to do with the industrial relations system and the occupational health and safety system.

My response to Mr Nguyen’s question is that this government is acting to protect Victorian workers in the workplace by a collaborative, tripartite approach. We invite the commonwealth to come and look at Victoria and see why Victoria is working. After that, we welcome a dialogue with the commonwealth government to see if we can do it better still. The Kevin Andrews, Sydney-centric Howard government approach of saying that everything that comes out of Canberra or Sydney is good and that everything in Victoria is suspect is a sad and sorry indictment of where the commonwealth government has gone. They do not look at what is working,

I invite Mr Andrews to come down on any occasion and look at our occupational health and safety system. I invite him and the Prime Minister to come and look at the success story in Victoria. We welcome their dialogue about whether we can do it better, but we certainly think they should look at Victoria first and talk to us first before they unilaterally relive the Prime Minister’s obsession. We want to make Victoria a good place to bring up a family and a safe place to work. We can do it and we want their cooperation.

WorkCover: authorised workplace representatives

Hon. BILL FORWOOD (Templestowe) — What a straw man that one is! My question is also to the Minister for WorkCover and the TAC. I refer the minister to section 83 of the Occupational Health and Safety Act, the ideologically obsessive clause which

enables unionists to be authorised by the Magistrates Court to enter any workplace. Will the minister ensure that the names of people so authorised are made public?

Mr LENDERS (Minister for WorkCover and the TAC) — I not only welcome questions on major projects; I also welcome them on WorkCover and finance. I am happy to take every question in this house, and I look forward to dialogue with Mr Forwood. We have had a very transparent process where the policy of authorised representatives of registered employee organisations, or ARREOs as they are known, being put up was widely debated — it was debated in the Maxwell report and debated in this house. It was not to Mr Forwood's satisfaction, but the issue was debated in this house over three days. Also we saw the prophets of doom saying that the world as we knew it would end on 1 July when these ARREOs got certification from the Magistrates Court to go and visit workplaces. Strangely it did not happen to the state of New South Wales which had had them for many years, but somehow or other the world was about to end.

I certainly will take on notice Mr Forwood's question. That is one I will take up with the Victorian WorkCover Authority, as to whether these names are published or not. But there is a training accreditation process which is supervised by WorkSafe, and people who pass through that training course actually present themselves to the industrial registrar of the Magistrates Court to have their ticket given to them to do that. So I will take advice on that because I do not want to be tramping on the rights of the courts and various other things. I will take advice on whether those things can be made public or not, but from my perspective if there is no objection from the courts or the WorkSafe authority, in public policy terms I see no issue with what Mr Forwood raises. But I would need to check what precedents we are setting with the legal system and I will seek advice from the Victorian WorkCover Authority on his query.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his answer. I wonder if the minister would be able to inform the house as to the results of the inquiries once he has undertaken them?

Mr LENDERS (Minister for WorkCover and the TAC) — If Mr Forwood asks me a question in the house, I will certainly advise the house. I will advise him of the response to the query, and if he wishes to get it more formalised, it will be in his hands to do so.

**FINA World Swimming Championships:
Melbourne 2007**

Hon. J. G. HILTON (Western Port) — My question is directed to the Minister for Sport and Recreation, the Honourable Justin Madden. I ask the minister to inform the house on how the Bracks government is protecting the interests of all Victorians and reinforcing Melbourne's reputation as a world-renowned sports and events city with the staging of the 12th FINA (Fédération Internationale de Natation Amateur) World Swimming Championships in Melbourne in 2007.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I thank the honourable member for his interest in major events and particularly in sport in Melbourne. As members of the chamber would be aware, Melbourne is hosting the 12th world swimming championships here in 2007, or the FINA (Fédération Internationale de Natation Amateur) World Swimming Championships as they are usually known. I had the great privilege of leading a delegation to Montreal recently to meet a number of the FINA delegates in relation to the hosting of the FINA championships in Melbourne.

One of the great things about that was that the reputation Melbourne has is appreciated and recognised by what is known as the FINA bureau, the FINA delegates. I had the great privilege of not only meeting with the international media, the FINA delegates and event sponsors, but also of conducting site inspections of venues, administrative arrangements and the operational media centre. I had also the great privilege of accepting the perpetual FINA flag at the closing ceremony of the world swimming championships and giving a speech in relation to Melbourne's opportunity to host the next championships. I also announced and confirmed the dates of 18 March to 1 April 2007. I also recognised that the — —

Honourable members interjecting.

The PRESIDENT — Order!

Hon. J. M. MADDEN — It would be more impressive if the opposition actually listened to the answer. I had the great privilege of announcing the Rod Laver Arena, the Melbourne Sports and Aquatic Centre and the St Kilda or Docklands venues.

What is fantastic about this event — and what should be reflected on by the opposition — is the fact that when the event was held in Barcelona it had worldwide television coverage in the order of 800 million people.

Anecdotally I understand that Montreal had coverage of about a billion people. What is even better is that on the back of the Montreal event we are expecting worldwide coverage of the Melbourne event and a viewing audience in the order of 1.5 billion people. We will see almost 2500 athletes from 175 nations around the world represented here in Melbourne. It will be a magnificent event.

The great opportunity of these events is not only to do great things for the economy but also to leave a legacy for community sport and involvement. It will be a magnificent event, and it will also build on our international reputation on the back of the Commonwealth Games, which will be held here in March 2006. We have much to be proud of as a state in relation to our major events, and particularly in relation to our sporting major events, because they are recognised and our reputation is recognised worldwide. All this continues to maintain that it is right that not only is Victoria — not just Melbourne — showing itself to the world and bringing the world to Melbourne and Victoria but that it is a great place to be and raise a family and that more than ever, regardless of the opposition, we are making it a great place to live.

Go for Your Life campaign

Hon. B. N. ATKINSON (Koonung) — My question without notice is also to the Minister for Sport and Recreation. I join him in supporting the FINA (Fédération Internationale de Natation Amateur) World Swimming Championships. Unfortunately I did not go to Montreal. I note that the government's Go for Your Life campaign with its substantial spending on advertising and public relations — and indeed photo opportunities for the minister — and I note the trickle of funds provided under that program to organisations which are actually delivering sport and recreation opportunities. I ask the Minister: how much money has been allocated from the Go for Your Life program to organisations in the disabled and special needs sector for sport and recreation programs?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome the opposition's interest in the Go for Your Life program in particular, because I have spoken on many occasions about not only the communications program but also the funding program for a number of organisations. I welcome the member's question because we have invested in sport and recreation in this state like no other government before, and I take great pride in that. I can even flag that in future, when we announce the levels of activity and the levels of engagement of the community in physical activity, I suspect we will have something to be very

proud of, not only nationally but internationally, because of the investment of this government.

I have made it quite clear on a number of occasions that we have the best infrastructure in the world, the best grassroots participation in the world, the best events and the best volunteers. We also have the best programs, in particular the Access for All Abilities fund that ensures that we are assisting those organisations in having greater participation by people from all communities — communities of all abilities.

I inform Mr Atkinson that I like to use the words 'all abilities' rather than 'disability', because there is a discernible difference in the way that we look at people in relation to participation. We want to include and to be inclusive. We are inclusive in the Commonwealth Games; we are inclusive in all our programs. We want to get people from all sections of the community more active and more involved. As I have said on a number of occasions, we have targeted a number of groups, whether they be communities of all abilities, people of different cultural backgrounds or those who are underrepresented because of other cultural issues such as gender.

We have invested significantly, and I am quite proud of our reputation. I am also quite proud of our grants system within the Go for Your Life program. We are investing strategically, and we will continue to do that in a way that increases participation right across the community, more than any other government in Victoria, and we will see increased participation levels equal to that investment. We will see greater levels of participation in this state, in all areas — bigger and better than ever before.

Supplementary question

Hon. B. N. ATKINSON (Koonung) — Minister, I take your point about all abilities — except that the umbrella association for those particular groups has a quite different perspective. The answer to my question is: nil — no money has been allocated under this program to organisations in the disabled and special needs sector for sport and recreation programs, and they are unable to obtain any information on the criteria on which funding will be available. Will the minister therefore advise this house what proportion of the budget for the Go for Your Life program is allocated to supporting sport and recreation activities, compared with the expenditure on photo opportunities for himself and his ministerial colleagues?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Whilst I appreciate the appeal to

Mr Atkinson in seeing photos of me in relation to this program, I do not recall having appeared in any photos in relation to this program, other than in announcements on the guidelines or any information accessible to the public in relation to any program funding. I welcome any organisation — and Mr Atkinson — looking on the web site to access information.

Hon. B. N. Atkinson — I have!

Hon. J. M. MADDEN — I also encourage him, if he cannot find the information he is after, to come to us and ask where the information might be. We are happy to provide it to him, as we do to all community groups. You can be suspicious and suffer from paranoia, Mr Atkinson, but we have a reputation like that of no other state. Whether it be in events participation or grassroots participation, it is second to none compared with any other state. I am very proud of what we are doing, making — —

The PRESIDENT — Order! Minister, your time has expired.

Victorian Women in ICT Network: establishment

Hon. J. H. EREN (Geelong) — I direct my question to the Minister for Information and Communication Technology. Can the minister inform the house of the action the Bracks government is taking to protect the interests of all Victorians by promoting a more positive and balanced working environment in the ICT industry?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I thank for the member for his question. I have often talked about the vibrant information and communications technology (ICT) industry that we have here in Victoria and the great career opportunities that it provides for Victorians. But traditionally, and still to this day, it is a male-dominated sector. In fact only 16 per cent of the industry is made up of women. That is well below other professions, although it is not well below the proportion of women represented by the Liberal Party in the Parliament of Victoria, at 12.5 per cent. I cannot help but notice that if the Young Liberals get their way that figure is not likely to increase.

Hon. Bill Forwood interjected.

Hon. M. R. THOMSON — If you do not like the facts, Bill — —

Hon. Bill Forwood interjected.

Hon. M. R. THOMSON — Then keep your affirmative action and live up to it!

Honourable members interjecting.

Hon. M. R. THOMSON — If we are to improve the opportunity for women in the ICT industry and more broadly, we do have to look at initiatives that encourage their participation. I certainly welcome the decision yesterday by the Australian Industrial Relations Commission in relation to family-friendly work environments for women and men, to promote the support of families and a balanced opportunity particularly for women to look after the interests of both family and children and progress their careers. We are in an environment where the federal government is keen to do away with these kinds of basic rights and opportunities, particularly for women to participate in the work force.

It is important that we are making the most of women and the opportunity for them to contribute to the ICT industry, because the more we have them participating the greater the innovation and capability of the industry to perform on a world stage. I am pleased to be able to say that together with the ICT industry in general and women in the ICT industry the Victorian government has worked to form the Victorian Women in ICT Network, an important network for women. I am pleased that we have been able to attract women of great calibre to participate in the network. We have Rhonda O'Donnell, the president of the Asia-Pacific region of Novell, who will act as the president of the network; and the Victorian government's chief information officer, Jane Treadwell, will also participate, as will Debra Auty, a senior executive of ANZ Technology. These are but a few very talented women with quite diverse ICT industry experience who, with the support of the ICT industry, will ensure the success of this network.

The network will deliver mentoring programs, scholarships, education forums and professional development workshops and will also promote career opportunities for women in ICT. We are looking forward to the work of the network. I am looking forward to working together with these outstanding women in providing the opportunity for Victorian women to take up careers of great value and worth in the ICT industry.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 1697, 1706, 3351, 4386, 4413, 4645, 4689, 4824, 4919, 4926, 4983–4, 4986, 4991, 5066, 5214, 5221, 5240, 5242, 5257.

Hon. ANDREA COOTE (Monash) — Before the Minister for Sport and Recreation, who represents the Minister for the Arts in another place, goes, he was not here when I asked the Leader of the Government to investigate all the questions I have asked of the Minister for the Arts since October last year. I have not had one response.

Mr Gavin Jennings interjected.

Hon. ANDREA COOTE — Unlike the Minister for Aged Care, who is terrific and gives me back stuff all the time, I do not have anything from the Minister for the Arts. Could the minister please follow it up and let me know next week?

The PRESIDENT — Order! The minister has indicated that he will do so.

MEMBERS STATEMENTS

Arts: state opera company

Hon. ANDREA COOTE (Monash) — On the Minister for the Arts, I would like to speak on the issue of an opera company in Victoria. The minister has just given the state opera company \$7.2 million, but there is an extraordinary lack of detail about it. The minister cannot answer any questions of the opposition in this chamber, so how on earth is she going to run this opera company? In hearings of the Public Accounts and Estimates Committee I have asked her about issues dealing with where the opera company will be housed and what it will do. She has made a great flourish of the appointment of Michael Roux as the chairman of the organisation. I welcome his appointment and Lady Potter's position as patron. Lady Potter is seen to be a great philanthropist in this state. Both those people will try their very hardest.

But the minister has given Victoria no guarantee of what we are likely to see and where this opera company will be housed, who will perform and what types of performances there will be. The minister issued a half-baked press release that should have been better thought through. The people of Victoria have been

calling for a state opera company for a significant length of time. This is just not good enough. I admit that this is a step in the right direction but we are very light on detail. There is no security of ongoing funding. The Victorian community needs to see a better deal.

Point Lonsdale Surf Life Saving Club: awards

Ms CARBINES (Geelong) — Last month I was delighted to attend the annual Point Lonsdale Surf Life Saving Club's presentation evening, held at the Point Lonsdale Golf Club. The last season has been an outstanding one for Point Lonsdale, earning it the title of the Victorian surf lifesaving club of the year. This club serves my community especially well, patrolling both the Point Lonsdale beach and Santa Casa beach at Queenscliff. Its volunteer lifeguards are fundamental to the health and safety of local residents and local and holiday-makers alike, as they patrol those very dangerous beaches. I pay tribute to the men and women of all ages who give up their time as members of the Point Lonsdale Surf Life Saving Club to ensure maximum safety for beachgoers, swimmers and surfers.

The presentation night was a very happy and memorable occasion. I acknowledge Rick Aitchison, president of the Point Lonsdale club, for his fine leadership of this outstanding organisation. I was especially pleased to present club life members with Surf Life Saving Australia long service awards: David Gordon, John Charles, Peter Grant, Rex Dale, Roger Lloyd and Bill Pearson for contributing 40 years each. There has been an outstanding contribution by Bruce Taylor who has dedicated 50 years of his life to the Point Lonsdale Surf Life Saving Club. I also acknowledge members who were unable to be present on the evening who have made similar contributions. By recognising the substantial lifelong contribution of these invaluable — —

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

Port Phillip Bay: channel deepening

Hon. R. H. BOWDEN (South Eastern) — I would like to comment about public meetings on the Port Phillip Bay channel deepening issue. The opposition's position on channel deepening is very clear. The Liberal Party supports in principle channel deepening to ensure that the port of Melbourne maintains its competitiveness subject to a full environment effects statement being made public with acceptable environmental and economic outcomes. That is our position. I state for the record that we do not have a formal bipartisan approach with the Labor Party, and

anyone in the Labor Party suggesting that we have a formal bipartisan position should think again. Our position is very clear and has been stated on many occasions, and for clarity I have made this statement.

We regard channel deepening to be critically important for the port of Melbourne. We believe the government should do four things: firstly, ensure the economic growth of Victoria through a competitive port; secondly, ensure the environmental health of Port Phillip Bay is protected; thirdly, ensure the public is fully informed on all relevant issues; and fourthly, over the next decade there has to be better planning to ensure proper analyses are done so the future generation of super-containers can be accommodated.

Hiroshima and Nagasaki: bombings

Mr SCHEFFER (Monash) — Today marks the 60th anniversary of the dropping of the atom bomb on Nagasaki. Last Saturday was the 60th anniversary of the explosion at Hiroshima, where the use of this barbarous weapon resulted in the indiscriminate incineration of some 66 000 people out of a population of 250 000 — 45 000 died on the first day and 19 000 in the subsequent four months. A further 70 000 people were killed in Nagasaki.

My parents suffered badly under Japanese occupation and believed that the bomb was necessary and saved thousands of lives. While there are still arguments, general opinion is now that the atom bomb did not bring the Pacific war to an end. The Japanese were already defeated and the destruction of some 200 000 people had more to do with the post-war USSR-USA contest than it did with Japan. This weapon shocked people of good faith the world over. The radiation that people absorbed caused huge suffering: burns, nausea, headache, diarrhoea, fever, falling hair, bleeding gums, eruptions on the skin and in the mucous membranes, slow-healing wounds, raw and painful throats and mouths. Burns healed with deep layers of pink, rubbery scar tissue, known as keloid tumours.

Melbourne recognised the anniversary with the ringing of church bells at St Patrick's Cathedral and St Michael's, an interfaith service at St Mary's College, University of Melbourne, a concert in Federation Square and a rally that I attended last Sunday. This was an act of terrifying barbarity that will never be forgotten.

Rail: Mininera crossing

Hon. J. A. VOGELS (Western) — President, it is with sadness that I quote from a letter I received from a community member from the Mininera district.

On Saturday, 9 July 2005, a fatal accident occurred between a car and a train at the Mininera railway crossing, Victoria. A youth, aged 18 years, was on his way to play football, he was killed instantly when his car and train collided. This was not the first accident that had happened at this location.

To prevent any further tragedies from taking place I would like to appeal for your assistance in getting warning lights installed at the crossing.

This is a major crossing with several cars, trucks and a school bus crossing on a regular basis. There is a recreational oval along the side of the railway line, and with sport and training taking place throughout the week and during the weekend period, it would be estimated that over 300-plus cars would cross the line in this particular area each week.

After our recent tragedy and the devastating impact this has had on our tight-knit community, it is surely time for warning lights to be installed at the Mininera crossing. The line was recently upgraded and we now have approximately 20 trains passing through each day, travelling at high speeds.

It is the main freight line to Adelaide and beyond. I call on the Minister for Transport in the other place to negotiate with the Department of Infrastructure, local government and the federal government to ensure warning lights are installed at this intersection. As I said, one person has been killed recently and we cannot have another accident. There have been at least two previous accidents and something desperately needs to be done.

Carlton Primary School: Sorghum Sisters

Ms ROMANES (Melbourne) — The Sorghum Sisters are a group of women from Ethiopia, Eritrea and Somalia who recently launched a new community catering business at Carlton Primary School with support from the Adult Multicultural Education Services (AMES) and the Bracks government community enterprise funding. Their delicious food was stunning. So too were the pupils from many countries across the world who entertained and moved the audience with their spirited school song to the tune of Beethoven's *Ode to Joy*. It went like this:

Nestled close to Melbourne city is our Carlton primary
Teaching us from many nations,
We are one and we our free
Happiness and joy in all learning,
Song in our hearts, respect for all.
We are children of Australia,
We are Carlton primary.
Friendship with each other gives encouragement for us to be
Open to experience that leads us to maturity.

Playing, laughing, eating together — we love our sport
Go kick that ball
We are friends that help each other be our school community.

These words were especially poignant when sung by pupils from a multicultural school in a world which is increasingly divided. The Sorghum Sisters are parents of pupils of Carlton Primary School and are using the school kitchen as their base. I congratulate the parents, principal and teachers of Carlton Primary School for their work to encourage such interaction between their school and the community.

Cr David Hodgett

Hon. A. P. OLEXANDER (Silvan) — I would like to pay tribute this afternoon to a tireless community worker and somebody who has never taken local people for granted in his area. I am talking about Yarra Ranges councillor and mayor, David Hodgett. I also pay tribute to his wife, Tina Bishop. They recently made a commitment to seek the endorsement of the Liberal Party to run in the 2006 state election in the electorate of Kilsyth. I am absolutely delighted to say that David and Tina were successful and overwhelmingly endorsed by local Liberals for that task.

David Hodgett has represented Mooroolbark on the Yarra Ranges council since 1997 and has been a Mooroolbark resident for over 20 years. He enjoys working with the community to achieve positive outcomes for them. He has campaigned strenuously to have the shire's urban classification changed to one that better reflects its rural and urban mix in the community. He has worked hard on the provision of better roads, health services, public transport and social services for his people.

He and Tina are a blended family. David has four children of his own and Tina has two, and happily they have learnt that they will have a child of their own. I wish them well in their job — —

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

Public transport: Knox transit link

Hon. H. E. BUCKINGHAM (Koonung) — On Saturday, 23 July, I was delighted to join the Minister for Transport in the other place and parliamentary colleagues for the launch of the Knox transit link — a vital public transport service for my constituents and all residents of Melbourne's outer east. The Knox transit link is a fantastic new integrated bus and tram service which now extends from the city all the way to Knox

City. The route 75 tram service has been extended 3 kilometres along Burwood Highway from Blackburn Road to the Vermont South shopping centre.

A brand new interchange has been built opposite the Vermont South shopping centre where buses will meet trams so passengers can continue their journey to Knox City shopping centre. The frequency of this new bus service will be about twice that of the current bus service, which is a great enhancement of service.

Ten new raised tram platforms with shelters have been installed along the route and safe pedestrian crossings over Burwood Highway have been provided at each tram stop on the new section. The completed project is a great result for the local community and an important milestone for the state government's metropolitan transport plan and the outer east public transport plan. I congratulate all involved for the delivery of this important project on time and on budget.

Lions Club: Speed field days

Hon. B. W. BISHOP (North Western) — I bring to the attention of the house the great job the Speed Lions Club does in putting on the Mallee machinery field days at Speed, south of Ouyen, in the heart of the Mallee. The president, Derry Monaghan, and secretary, Philip Down, with their committee deserve congratulations for a great couple of days last week. Obviously a large attendance of people were enjoying the change of weather. We have had reasonable rains this year to get the crop in and up, in contrast to recent years where the rain has been indifferent, leading to poor seasons.

I take my hat off to the resilience of our farmers who, after suffering eight or nine years of poor seasons, turned up at the field days confident that the season will be okay even though it is a bit late and there is still a long way to go. The same can be said for our machinery dealers and service industry people who have suffered just as much as the farmers. They were there with good displays and with the latest agricultural technology. I am sure their businesses received solid interest as growers looked to bring up to the mark essential equipment that could not be updated due to the last few poor seasons. I hasten to add it is going to be a long, hard haul back for most of our people — farmers, machinery dealers, service industries and all the people who make up our rural communities. However, the Mallee machinery field days give the grain industry a good opportunity to showcase itself and plan for the future.

Congratulations again to the Speed Lions Club for a highly successful 27th Mallee machinery field day that was opened by the federal member for Mallee, John Forrest.

David Hicks

Hon. J. G. HILTON (Western Port) — I have raised the issue of David Hicks previously in my 90-second statements. I do not renege from raising this issue again. Surely it is one of the responsibilities of government to look after the welfare of its citizens. The federal government has completely abrogated this responsibility in relation to David Hicks.

David Hicks is going through a judicial process which has been almost universally condemned as a sham. The UK government has described it in similar terms. Even Americans working within the system have raised grave concerns as to the fairness of the process. The only people who apparently think the process is going to be fair are the Prime Minister and the Attorney-General. David Hicks has been sacrificed on the altar of the American alliance. That any government should treat its citizens in such a way is appalling. This federal government stands condemned.

Corrections Victoria: whistleblower

Hon. RICHARD DALLA-RIVA (East Yarra) — I rise to express my disgust at the continual mistreatment of whistleblowers in this state. I have raised issues relating to the conduct and the approach used to handle whistleblowers in the corrections system in Parliament before. On 19 July I raised the issue of the mismanagement and the potential management meltdown at the Langi Kal Kal prison. A particular whistleblower from that prison made various complaints not only to me but to the Ombudsman's office in regard to a particular prison officer.

What was the end result? After I raised the issue on 25 July this prison officer was investigated on the basis of allegations of serious misconduct. The allegations were that he failed to provide a sound example to prisoners. It says in the report:

In the event that you were aware of wrongdoing by a colleague, it is alleged that you may have failed to report this to an appropriate senior officer.

This whistleblower has already reported it to the Ombudsman's office and to Corrections Victoria. What was the end result? At 1.55 p.m. on Friday, 5 August, the whistleblower's office was broken into. He was viciously assaulted by another prison officer. The

whistleblower has now left the state to avoid further complaints. He has no faith in the Ombudsman — —

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

BioGeelong

Hon. J. H. EREN (Geelong) — The Bracks government has provided a \$50 000 grant to help Geelong develop as one of Australia's leading regional biotechnology centres. Last week I was fortunate to attend the announcement of this fabulous initiative, the Regional Innovation Clusters program, with the Minister for State and Regional Development in the other place, John Brumby. The program is working towards the Bracks government's vision of Victoria becoming known as one of the top five global biotechnology locations in the world by 2010. This is an excellent project which will assist the recently formed BioGeelong biotechnology cluster to facilitate industry development in the Geelong region.

BioGeelong aims to: facilitate biotechnology industry development in the Geelong region in partnership with appropriate local, state and federal agencies; promote the region's biotech strengths and opportunities and celebrate its successes; and make available a fertile networking environment for stakeholder collaboration. Biotechnology is the employment of the future. I am glad the Bracks Labor government is supporting the Geelong region to reach its goal of being a leader in this field.

Schools: religious instruction

Hon. E. G. STONEY (Central Highlands) — There is a petition circulating in Victoria calling on the government to continue religious education in state schools. This petition requests that there is no change to legislation. It asks for religious instruction in Victorian government schools to continue. It also asks the government to provide additional funding for school chaplains.

The petition draws to the attention of the house that under the Bracks Labor government's review of education and training legislation the future of religious instruction in Victorian schools is in question. It also says that it risks becoming subject to the discretion of local school councils. The petition requests that the Legislative Assembly take steps to ensure that there is no change to the legislation and the Victorian government schools reference guide that would diminish the status of religious instruction in Victorian government schools and in addition urges the

government to provide additional funding for chaplaincy services in Victorian government schools. I support the public who have signed this petition and I ask the government to look at what these good people are asking for.

Frankston North: community

Mr VINEY (Chelsea) — I rise to pay tribute to the great community of Frankston North that has worked very hard over many years to build a sense of community and community development. We have three great schools in Frankston North in Mahogany Rise Primary School, Aldercourt Primary School and Monterey Secondary College. We have the great Mahogany Community Centre, and we have a brand new million-dollar park that has been developed on the old Monterey High School site — a site that was sold by the Kennett government and repurchased by the Bracks government.

I acknowledge the great contributions and community spirit of the people of Frankston North because of the recent developments inspired by an incorrect report by media people who have appointed themselves as guardians against paedophiles which resulted in the nomination of a particular address as the possible address of Mr Baldy. This resulted in great community angst and hurt, and in fact resulted in physical damage and no doubt enormous emotional damage to the family who lived at that address. I want to acknowledge, as the local member, what a great community it is, and how I reject such activity.

Sustainability and Environment: firewood tenders

Hon. W. R. BAXTER (North Eastern) — I want to express today my alarm and concern with the inefficiency in the Department of Sustainability and Environment in the calling of fresh tenders for the collection of firewood, particularly in the western section of North Eastern Province in the Rushworth area. Existing contracts expired on 30 June. That was a known date and if the department was at all efficient it would have made sure that it called tenders and made a selection well before that date. That was not the case. Tenders did not close until 5 July, almost a week after the previous contract had expired, and the successful tenderers were not notified until 11 July, which left a complete hiatus, not only for the contractors who were involved, who were left up in the air not knowing whether they were having continuing work or not, but also at the height of firewood season, in the middle of winter, when many of my constituents in that area who rely entirely on firewood for heating and cooking were

finding that supplies were drying up rapidly because fresh tenders had not been called in a timely manner and new contracts issued. It is a dreadful indictment of the administration of this government and it needs to lift its game.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Development of body image among young people

Mr SMITH (Chelsea) presented report, together with minutes of evidence.

Laid on table.

Ordered that report be printed.

Mr SMITH (Chelsea) — I move:

That the Council take note of the report.

In doing so I would like to thank the executive officer of our committee, Mr Paul Bourke, who is now about to transfer to the assistant clerk's position in the other place, and his staff who were of enormous help to the committee during what was a very difficult hearing on a lot of occasions. I would also like to thank the opposition members for their cooperation and bipartisanship on this particular hearing, including the Honourable David Davis and the members for Caulfield and Shepparton in the other place, Mrs Shardey and Mrs Powell, who I think it is fair to say worked in a very cooperative manner with the rest of the committee, and I express my thanks to all of them for that.

It was in some ways quite a disturbing inquiry, particularly gathering evidence from sufferers across the state and their parents. I could describe it as being harrowing at times, particularly when you hear about the impact that this has on the sufferers, their parents and the rest of their families et cetera. This report outlines the interrelationship between the physical, mental and physiological health and long-term impact on sufferers. The committee believes it has only scratched the surface of this particular issue and the causes and damage being wrought upon our young people. We are making very strong recommendations, and in particular encouraging the government and future governments to look at ways of continuously improving the way we deal with these particular issues.

The report reflects the unanimous views of the committee and the views and ideas of the community,

as well as of those experts who gave us quite detailed research and evidence as to what they believed needed to be done. I believe the government is challenged by this particular report, and I have a great deal of confidence that the relevant minister and the government will deal with it in the way that we hope they will. I commend the report.

Hon. D. McL. DAVIS (East Yarra) (*By leave*) — I am pleased to make a comment on the report of the inquiry into issues relating to the development of body image among young people and the associated effects on their health and wellbeing. This was an important, difficult and complex inquiry. It has been an inquiry where government and opposition members have been able to come to a significant point of agreement. I think this report raises some significant issues and provides some way forward in the management of what is a large cluster of issues that are not well researched or understood. One thing that this inquiry made clear to us is that body image issues and eating disorders in particular have a significant impact on so many people across our community. The numbers are not well documented and we believe further research is needed.

I am very pleased that the lead recommendation from the committee from this inquiry is that the state government dedicate funding for the establishment of an Australian centre for research into body image and eating disorders. The recommendation states that funding should also be sought from the federal government and other states and territories and philanthropic organisations. Such a centre would consist of a board of recognised experts and a Victorian lead agency to coordinate the distribution of funds. It lays out the key principles of the centre, and a key one would be to leverage greater research efforts into body image and eating disorders. The committee believes more research needs to be undertaken. I commend this report to the house.

Motion agreed to.

RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE

Cause of fatality and injury on farms

Hon. R. G. MITCHELL (Central Highlands) presented report, including minority report, appendices and extracts from proceedings of committee, together with minutes of evidence.

Laid on table.

Ordered that report be printed.

Hon. R. G. MITCHELL (Central Highlands) — I move:

That the Council take note of the report

In doing so I would like to thank the committee members, who devoted a lot of time and energy to the construction of this report. The committee was chaired by Ben Hardman, the member for Seymour in the other place. The deputy chair was Craig Ingram, the member for Gippsland East in the other place. Other members of the Legislative Assembly who participated in the report were Michael Crutchfield, the member for South Barwon, Denis Napthine, the member for South-West Coast and Peter Walsh, the Deputy Leader of The Nationals and member for Swan Hill. Members of this house who were involved were the Honourable John McQuilten, a member for Ballarat Province, and me. It is important to recognise the work of the committee staff, both past and present, who were involved in the production of this report. They were Kristen Murray, Kate Murray, Lilian Topic, Josie Dicheria and Dr Vaughn Koops.

The committee was charged with reporting on an issue which is of vital importance to rural and regional Victoria — that is, the causes of fatalities and injuries on Victorian farms. As members of this house would be aware, farming is vital to the economy of Victoria and farms provide their home and place of work for many of those involved in the industry. The challenge the committee faced was to consider how we can make farms, where some unique hazards exist, safer places for those who live and work on them and to do it in a way that does not increase the burden on those making a livelihood from that industry. This report meets that challenge and delivers practical solutions for making those workplaces safer.

The committee travelled across the state to meet with people and discuss the issues. We met with enthusiastic responses from those who gave up their time to come along and ensure that their first-hand experiences were heard and considered. All who participated shared our concern that the death and injury toll on farms needs to be addressed. I particularly appreciated listening to those who drew on great courage to share with us their personal tragedies and near misses and tell us how some of these situations could be avoided in the future by different thinking strategies and new ideas. Their courage and desire not to see this happen to others is a fine example of how farming communities work together to stop the losses they have suffered being inflicted on those around them. I recommend that all members read this report and consider the balanced and

practical recommendations that have been delivered by this all-party committee.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 9

Hon. ANDREW BRIDESON (Waverley) presented *Alert Digest No. 9 of 2005, including appendices.*

Laid on table.

Ordered to be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Auditor-General: rural ambulance services

The Clerk, pursuant to the Parliamentary Committees Act, presented government response to Public Accounts and Estimates Committee's report on review of Auditor-General's report on rural ambulance services.

PAPERS

Laid on table by Clerk:

Anti-Cancer Council of Victoria —

Minister's report of failure to submit 2004 report within the prescribed period.

Report, 2004.

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Designated Access Area Orders, pursuant to section 19 of the Act.

Municipal Association of Victoria Insurance — Report, 2003–04.

Murray Valley Citrus Marketing Board — Report, 2003–04 (*in lieu of that tabled on 3 November 2004*).

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

Ballarat Planning Scheme — Amendment C73 Part 2.

Boroondara Planning Scheme — Amendment C46.

Frankston Planning Scheme — Amendment C25.

Greater Bendigo Planning Scheme — Amendments C21, C62 and C74.

Greater Dandenong Planning Scheme — Amendment C69.

Latrobe Planning Scheme — Amendment C41.

Macedon Ranges Planning Scheme — Amendment C50.

Maroondah Planning Scheme — Amendment C39.

Mildura Planning Scheme — Amendments C28 and C34.

Mount Alexander Planning Scheme — Amendments C26 and C31.

Stonnington Planning Scheme — Amendment C43.

Towong Planning Scheme — Amendments C09 Part 1 and C10.

Whittlesea Planning Scheme — Amendment C59.

Wyndham Planning Scheme — Amendments C52, C72 and C73.

Statutory Rules under the following Acts of Parliament:

Dangerous Goods Act 1985 — No. 96.

Electricity Safety Act 1998 — No. 92.

Fair Trading Act 1999 — No. 90.

Health Act 1958 — No. 93.

Petroleum Products (Terminal Gate Pricing) Act 2000 — No. 91.

Safe Drinking Water Act 2003 — No. 88.

Sex Offenders Registration Act 2004 — No. 94.

Subordinate Legislation Act 1994 — Nos. 87 and 89.

Supreme Court Act 1986 — No. 95.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 89.

Minister's exemption certificates under section 9(6) in respect of Statutory Rule Nos. 90, 91 and 94.

Proclamations of the Governor in Council fixing operative dates in respect of the following Acts:

Dangerous Goods Legislation (Amendment) Act 2004 — section 7 — 1 October 2005 (*Gazette No. G31, 4 August 2005*).

Gambling Regulation (Amendment) Act 2004 — remaining provisions of the Act — 21 July 2005 (*Gazette No. G29, 21 July 2005*).

Sex Offenders Registration (Amendment) Act 2005 — remaining provisions of the Act (except section 17) — 1 August 2005 (*Gazette No. G30, 28 July 2005*).

**PLANNING AND ENVIRONMENT
(WILLIAMSTOWN SHIPYARD) BILL**

Second reading

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

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

That the bill be now read a second time.

Incorporated speech as follows:

The Victorian government with this bill is taking a further step to show its support for the Tenix-Williamstown naval shipyard bid for the Department of Defence air warfare destroyer project, which would inject around \$3 billion into the Victorian economy and create 1600 new jobs at the site.

Earlier this year, because of the scale and importance to the Victorian community of this project, the Hobson's Bay planning scheme was amended to streamline planning requirements and provide certainty and consistency by making the Minister for Planning the responsible authority for administering and enforcing the Hobson's Bay planning scheme for the site. The project was declared a project of state significance under part 9A of the Planning and Environment Act 1987. The port of Melbourne planning scheme also affects a portion of the site but the Minister for Planning is already the responsible authority.

This project is of enormous state significance, as it would employ up to 2200 people at Tenix-Williamstown, around 600 of whom would be existing staff. Of the 2200, 1800 would be employed in construction and 400 on design, engineering, project management and logistics. This number does not include the additional jobs that would be created for local suppliers and other parts of the Victorian economy. That is why the government intends to ensure that the bid is supported by consistent, effective and streamlined planning processes.

In March 2005 the government foreshadowed that legislation would be introduced to ensure the Tenix-Williamstown naval shipyard continued to be used for marine engineering purposes. This bill delivers on that promise, giving further certainty in relation to the future of the site by ensuring that the site cannot be used for other, non-industrial purposes, without the future approval of the Parliament.

I now turn to the bill.

The bill inserts new part 3D into the Planning and Environment Act 1987, which introduces a process for the implementation of a Williamstown shipyard site strategy plan. This process is similar to that which was provided for in the Melbourne Airport Environs Strategy Plan under part 3C of the act.

The Williamstown shipyard site as defined in section 46ZA includes Crown land that is currently being used as a car park and for other public purposes. The land is included for consistency with the Tenix-Williamstown naval shipyard bid.

However, the bill makes it clear that the strategy plan must not prevent the continued use by the public of the land in accordance with its current use. The land is specified in the act.

Section 46ZC provides that the minister may at any time prepare a strategy plan for the Williamstown shipyard site. Such a strategy plan would have to give effect to the purposes of part 3D of the act.

Under section 46ZED, the Williamstown shipyard site strategy plan will have to be approved by a resolution passed by each house of Parliament before it could come into effect. Any subsequent amendments to the strategy plan will need to follow the same process as that for the original strategy plan.

Once the strategy plan is in force, section 46ZH requires that the minister prepare an amendment to any planning schemes that apply to the area to bring them into conformity with the strategy plan. Further, the minister must not authorise an amendment to a planning scheme that would be inconsistent with the strategy plan. This provision is similar to that provided for in the Heritage Act 1985 by the Heritage (World Heritage) Act 2004.

In keeping with the 'Better Decisions Faster' amendments made to the Planning and Environment Act 1987 by the Planning and Environment (General Amendment) Act 2004, to bring even greater consistency in decision making, the strategy plan will become a matter that a responsible authority must take into account in considering a permit application and that the Victorian Civil and Administrative Tribunal may take into account should it become involved in considering such matters.

The Victorian government is delivering support, certainty and streamlined planning processes to ensure that Victoria has the greatest chance of success in its bid for the Department of Defence air warfare destroyer project. The government has been supported in this endeavour by the Hobson's Bay City Council. The council has been and will continue to be consulted on the plans for the site in order to ensure that amenity issues are addressed and the interests of the local community generally are well represented.

I commend the bill to the house.

Debate adjourned for Hon. D. McL. DAVIS (East Yarra) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

TOBACCO (AMENDMENT) BILL

Second reading

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

That pursuant to sessional order 34, the second-reading speech be incorporated into *Hansard*.

In moving the incorporation of the second-reading speech in accordance with the sessional orders, given that the bill was amended in the Legislative Assembly

and in case there should be any misapprehension, I would like to draw to the attention of the house a matter that will not change the second-reading speech but will make it clear what the amendment was about.

My colleague the Minister for Health introduced the bill on 5 May. Prior to the second-reading debate the Department of Human Services realised there were two drafting discrepancies in the bill in relation to Crown Casino. Under the Tobacco Act 1987 Crown Casino is currently required to be smoke free except in high-roller rooms, bar and TAB areas, as declared by the Minister for Health. The ban has been in place since 2002. The original intention of the Tobacco (Amendment) Bill 2005 was to maintain the current smoking ban and exemptions of Crown Casino until 1 July 2007. From that date the exemptions for the bar and the TAB areas were to be removed and smoking would be permitted only in high-roller rooms, as declared by the Minister for Health.

The drafting discrepancies meant that the Tobacco (Amendment) Bill 2005 inadvertently repealed the ban on smoking at Crown Casino from 1 March 2006 until 1 July 2007 — that is, the bill repealed the provisions of the Tobacco Act 1987 that make it an offence to smoke in a casino with effect from 1 March 2006. In addition, the bill removed the minister's ability to declare bar and TAB areas as declared smoking areas from 1 March 2006. It was originally intended that these exemptions would not be removed until 1 July 2007. These drafting discrepancies were rectified by the house amendments to the bill, which was passed in the Legislative Assembly on 19 July 2005. Pursuant to sessional order 34, I would like to incorporate the second-reading speech as passed by the Legislative Assembly.

Motion agreed to.

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

That the bill be now read a second time.

Incorporated speech as follows:

I am proud to present this bill to the house today. It represents the most significant step forward yet in the Bracks government's tobacco reform agenda and demonstrates Victoria's ongoing commitment to reducing the health threat posed by smoking.

Tobacco is the cause of almost 5000 deaths in Victoria each year and costs the Victorian community over \$5 billion annually due to health care and social costs. Tobacco remains the risk factor associated with the greatest disease burden in Australia, increasing the risk of coronary heart disease, stroke and peripheral vascular disease, as well as a range of cancers and other diseases. Recent findings indicate that exposure to

passive smoke increases the risk of heart disease by 50 to 60 per cent, which is twice as much as previously thought.

Investing in tobacco control and reducing smoking rates have proven potential to result in extraordinary savings to health and social costs in the Victorian community.

Victorian tobacco legislation has come a long way in the past four years. Over this time a number of reforms have been introduced to address serious issues associated with smoking. In particular, these reforms have addressed exposure to passive smoke and youth smoking via:

- the introduction of smoke-free dining and smoke-free shopping centre laws;

- smoking restrictions in licensed premises, gaming and bingo centres;

- increased penalties for selling cigarettes to minors; and

- restricting tobacco advertising and displays within tobacco retail outlets.

During the recent period of reform, smoking rates have declined 4.7 per cent among adults, from 20.7 per cent in 1999 to 16 per cent in 2003; and 4.1 per cent among youth.

Given these declines, it is clear that policy approaches adopted in Victoria have been highly successful and will contribute to significantly reduced harms caused from smoking.

The introduction of major tobacco reforms is ever increasing throughout Australia and overseas. Internationally, full bans on tobacco advertising have been implemented in Canada and Ireland. Full smoking bans have been introduced in licensed premises in Ireland, New Zealand, Norway, New York State, California and many jurisdictions throughout Canada.

Nationally, six of Australia's eight jurisdictions have enacted legislation to ban smoking in public places. Along with Victoria, plans are under way to stop smoking in licensed premises in Queensland, New South Wales and Tasmania. These bans will make workplaces, pubs and clubs down the eastern seaboard of Australia smoke free.

Research conducted in 2001 indicated that over 90 per cent of Victorians support stricter enforcement of laws prohibiting cigarette sales to minors. Additionally over 80 per cent of Victorians support smoking bans in public places, an increase from 71 per cent in 1998.

Given the increasing widespread political and community support for tobacco reforms, this is an opportune time for the government to introduce further reforms to continue to reduce smoking rates and decrease tobacco-related harm in Victoria.

In summary the key tobacco reforms contained in the bill include:

- smoking bans in enclosed licensed premises to be introduced in July 2007.

In March 2006 the bill outlines the following reforms to be introduced:

- smoking bans in enclosed workplaces;

smoking bans and restrictions on tobacco sales and advertising at under-age 'music/dance' events;

smoking bans in covered areas of train station platforms, bus and tram stops;

bans on buzz marketing and non-branded tobacco advertising;

stronger laws to enforce the ban on cigarette sales to young people; and

amendments to police powers to enable them to issue infringement notices.

These reforms will be effective from 1 March 2006, with the exception of smoking bans in enclosed licensed premises and the provisions relating to outdoor dining and drinking areas, which will be effective from 1 July 2007.

Also under this bill, come July 2007, smoking will be allowed in outdoor drinking and dining areas such as:

balconies;

verandas;

courtyards;

marquees; and

footpaths —

except where such areas have a roof as well as walls that cover more than 75 per cent of the total wall area.

The implementation time lines are reflective of the government's understanding of providing industry and the community sufficient time to understand and accommodate the new tobacco laws.

Over the years evidence of negative health effects from passive smoking has continued to mount, with the number of diseases linked to passive smoking growing.

Around 30 per cent of Victorian workers continue to be exposed to passive smoke in the workplace. At particular risk are those who work in the hospitality sector, in factories, in warehouses and in home businesses.

It has been estimated that passive smoking in the workplace poses 200 times the acceptable risk for lung cancer and 2000 times the acceptable risk for heart disease. Additionally research indicates one shift in a smoky bar is equivalent to smoking 16 cigarettes a day.

Victoria's current tobacco legislation has reduced exposure to passive smoke by introducing smoke-free dining and shopping centre laws and smoking restrictions in licensed premises, bingo and gaming venues.

However, studies in New South Wales and the Australian Capital Territory indicate that non-smoking areas of restaurants and licensed premises are still exposed to passive smoke if smoking is permitted in adjacent areas. Additionally the World Health Organisation has concluded that there is no safe level of exposure to passive smoke, and that is why the Victorian government has introduced smoking reforms to all enclosed areas of licensed premises come July 2007.

To further address the harms caused from exposure to passive smoke, this bill proposes to prohibit smoking in all enclosed workplaces come March 2006.

Exemptions to the workplace (non-licensed) smoking bans will apply to:

vehicles;

domestic based businesses not in use by the public or employees;

personal living and sleeping areas of residential care facilities and places providing accommodation for a fee such as hotels; and

prison cells, as well as exercise yards in prisons.

The bill also provides for the Secretary of the Department of Human Services to declare an area within an approved mental health service as a designated smoking area. It is intended that this exemption will only be provided to secure areas in mental health services where allowing patients to go outside to smoke would give rise to security or safety issues. The declaration will be made by notice published in the *Government Gazette*.

Existing exemptions for high-roller rooms at the casino will continue to apply.

As indicated in the results of surveys conducted by the health, hospitality and tobacco industries alike, there is a high level of support for smoking bans in public places and pubs and clubs. The vast majority of survey respondents also indicated they would go to pubs either more often or the same amount if they were smoke free. Thus the research indicates public readiness for these smoking bans. It also provides good grounds for industry support, particularly amidst a climate of increasing passive smoking damages claims.

Additionally research following smoking bans in bars in the USA and Ireland has found there to be either no negative impact or a positive impact on business as a result of the bans.

What is more, studies have found that smoking bans in enclosed areas not only protect workers from exposure to passive smoke, but they result in decreases in smoking prevalence and consumption.

Smoking in outdoor areas and particularly on train station platforms is an increasing source of public complaint to the government. Non-smokers find it uncomfortable and unhealthy to walk through crowds of smokers or be around smokers while waiting for public transport.

Given the enormous patronage on Victoria's public transport system, repeated exposure to smoking at train platforms, bus stops or tram stops is also likely to have a significant social influence on smoking patterns, particularly among youth who may not be regular smokers.

This bill proposes to address this issue by prohibiting smoking in any covered area at a public train platform, tram stop or bus stop. Such bans will bring Victorian legislation in line with similar bans in New South Wales and the Northern Territory.

These bans will convey to the public that smoking is a serious health issue. They will also help combat the concept of

smoking uptake in the community, particularly among young people, with the aim of decreasing the number of smokers in Victoria.

Complaints are also frequently lodged with government by parents concerned about their children attending events where smoking is allowed. While many youth events have introduced their own smoke-free policy, in the absence of bans, a number of events continue to allow smoking.

Given that around 30 per cent of 16 to 17-year-olds currently smoke, there is good reason for this concern. Of equal concern is the fact that 80 per cent of smokers begin smoking before their 18th birthday. Also, the younger a person is when they start to smoke, the less likely it is they will quit and the more likely it is that they will become a heavier, more addicted smoker and die from their habit.

Research has shown that social situations in which people are exposed to smokers exert a powerful influence on people's decision to smoke. This influence operates via direct offers of cigarettes as well as indirect pressure through observation of smokers.

Research also shows that young people smoke more in social settings and that exposure to people smoking is a determinant for adolescents progressing from experimental to regular smoking patterns. This is in addition to the concern of youth exposure to the dangers of passive smoke, at events where smoking is allowed.

To address youth exposure to the influence of smoking in social settings and exposure to passive smoke, this bill proposes to prohibit smoking at under-age music and dance events in Victoria. To ensure a comprehensive policy approach to tobacco control in this setting, the bill also proposes to prohibit the sale of tobacco products at such events and require displays of tobacco products to be covered for the duration of the event.

Currently it is illegal to sell tobacco to a person under the age of 18 years. Banning smoking at under-age music and dance events is consistent with these laws. It is likely to denormalise the practice of smoking in social situations and assist in reducing smoking uptake by young people. For young people who already smoke, evidence suggests their consumption is likely to reduce if smoking were banned in social venues.

Victoria will be the first jurisdiction to specifically ban smoking at under-age music and dance events and to capture both outdoor and indoor areas of these events.

It is widely recognised that tobacco advertising and marketing have a significant impact on youth smoking initiation — possibly more so than exposure to peer or family smokers.

A number of authoritative bodies have unanimously agreed that comprehensive bans on tobacco advertising and promotion are significantly more effective than partial bans. This is because when governments ban tobacco advertising in one medium, the industry can circumvent these bans by substituting advertising in other media. However, comprehensive tobacco advertising and promotion bans can reduce smoking rates by up to 9 per cent.

Although most tobacco advertising in Victoria is prohibited, a number of alternative avenues have been employed by the tobacco industry to continue to advertise and promote tobacco products.

Recently in Victoria there has been an emergence of 'non-branded' tobacco advertising. This advertising method relies on subliminal techniques to promote tobacco products. For example, 'buzz marketing' techniques are increasingly being employed to advertise tobacco products. Buzz marketing is where colours, images and props are used to create an environment consistent with a brand's identity or reminiscent of previous tobacco advertising.

Another method that has emerged in retail shops is the introduction of attractive back-lit posters directly above cigarette displays, depicting images of smoking paraphernalia such as matches and lighters. Although these posters do not promote a particular brand of tobacco, they are attractive to the eye and may encourage and promote the consumption of tobacco.

Additionally, non-branded signs that advertise cheap and discount cigarettes are commonly displayed in prominent positions of shop windows. This is in the face of research that indicates price is a key determinant of tobacco consumption.

Banning non-branded tobacco advertising such as price-related signs and signs of smoking paraphernalia as well as buzz marketing techniques will help to reduce the powerful influence that tobacco advertising and marketing have on smoking, particularly among young people.

It is known that access to cigarettes is a very important factor in the uptake of smoking by young people. Victoria's current tobacco legislation restricts the supply of tobacco products to young people through cigarette-sales-to-minors laws.

Limiting young people's access to cigarettes is an important strategy in the prevention of adolescent smoking behaviour. The strongest effects of legislation are likely to influence young people who are on the threshold of regular smoking. Making access to cigarettes more difficult for young people might limit the uptake of cigarette smoking or increase adolescent cessation rates.

Research reveals that there is a direct relationship between the level of tobacco retailers requesting to sight identification and compliance with cigarette-sales-to-minors laws. It has been concluded that the strongest determinant of compliance remains the willingness of retailers to ask young people for photo identification.

In enforcing the cigarette-sales-to-minors laws a number of difficulties have been identified and the amendments in this bill address these difficulties. The act provides that a manager can be held responsible if their employee sells cigarettes to a minor. This part of the act encourages managers to effectively train their staff not to sell tobacco to minors. Currently, however, this responsibility does not extend to family members or volunteers helping out in a shop if they are not formally employed. In these situations managers are not encouraged to ensure that their family members and friends are aware that it is against the law to sell tobacco to a person under 18 years of age.

If an employee is found to sell tobacco to a minor, enforcement action can be taken against the manager for not sufficiently training their employee. Currently, however, it is unclear what the manager must do to sufficiently train their employee not to sell tobacco to minors.

Research in both Australia and the US shows that minors are able to purchase cigarettes from vending machines when

vending machines are located in areas which are not adequately supervised by adults. Currently vending machines are placed in venues where minors can enter without adult supervision such as restaurants, cafes, bingo centres, staff amenity areas and in foyer and toilet areas of licensed premises. With the need to restrict young people's access to cigarettes there is a real need to further restrict where vending machines can be located to ensure young people are not accessing cigarettes inappropriately.

To address the issues I have just outlined, this bill proposes stronger laws to enforce the ban on cigarette sales to young people. In particular the bill proposes to:

make sighting photo ID the only defence for selling tobacco to a minor;

make a manager liable when an 'agent' of their shop sells cigarettes to a minor;

clearly outline what a manager must do to train their employees or agents not to sell tobacco to a minor;

restrict vending machines to bar, gaming areas or bottle shops of licensed premises and in line of sight or immediately next to the bar or service counter.

I commend the bill to the house.

Debate adjourned for Hon. D. McL. DAVIS (East Yarra) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

OWNER DRIVERS AND FORESTRY CONTRACTORS BILL

Second reading

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

That pursuant to sessional order 34, the second-reading speech be incorporated into *Hansard*.

The Owner Drivers and Forestry Contractors Bill was passed intact by the Legislative Assembly. It was not amended, and it does not include a section 85 statement.

Motion agreed to.

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

That the bill be now read a second time.

Incorporated speech as follows:

The purpose of this bill is to provide some basic protections and a framework for effective resolution of disputes to improve the position of vulnerable small businesses, namely, owner-drivers in the transport industry and harvesting and haulage contractors in the forestry industry.

This bill takes up the recommendations of the *Report of Inquiry into Owner Drivers and Forestry Contractors* undertaken by Industrial Relations Victoria. That report is the result of extensive research and consultation with industry parties. In relation to the forestry industry, the report built upon the findings and recommendations of a report prepared on behalf of the (then) Department of Natural Resources and Environment.

Owner-drivers are involved in a range of transport activities, including as couriers and in the transport of raw materials, manufactured products and parts, waste and landfill and agricultural products. The road transport industry is characterised by small family-run businesses, and over 85 per cent of transport businesses have less than five employees.

There is significant evidence to show very low levels of earnings for owner-driver forestry contractors lead to high rates of business failure and working conditions and hours of work that do not meet a fair community standard.

The other group covered by the bill are forestry contractors. Harvesting contractors are engaged to fell and process sawlogs and other forest products such as pulp and woodchips. Haulage contractors transport these products from forests to sawmills or other processors. Forestry contractors suffer from very low earnings.

Owner-drivers are working longer hours for less money. There is evidence (from both Australia and internationally) linking low rates with very long hours of work and increased levels of fatigue, and increased propensity to speed, overload vehicles and breach other road safety rules. Long hours also lead to poor health outcomes and levels of wellbeing; and higher rates of chronic injuries.

ACIL Tasman Consultants reported to the Standing Committee on Transport Working Group on the average hours of work of owner-drivers, and reported a substantial increase in the number of hours worked.

The owner-driver sector is an important component of the road transport industry, which is in turn crucial to the economy as a whole. Owner-drivers are an important component of a competitive and efficient industry. However, the low and declining level of earnings of this group are not only unjust and well below an acceptable community standard, but are simply not sustainable, and have serious ramifications for the safety of the drivers themselves and for other road users. These low earnings also act as an impediment to investment in new more productive and safer vehicles and equipment. This is a particular issue in the forestry industry, where investment in more efficient and safer technology is vital to the industry's long-term future.

Many owner-drivers have working arrangements very similar to employees. They work for the one hirer, are subject to direction and control and cannot accept work from other clients. While electing to be a small business operator rather than employees, whether through choice or circumstance, owner-drivers are for the most part not receiving an adequate return on investment or running successful businesses. They are small business people, but they are highly vulnerable small business people. Owner-drivers have the fourth highest business-related insolvency rate of any occupational group.

This bill seeks to ameliorate the situation of owner-drivers and forestry contractors, while maintaining healthy and

competitive industries. The bill tackles the key issue of information imbalance between the contracting parties. There is a clear market failure in that owner-drivers and forestry contractors have a lack of adequate and accurate information about the reality of the commercial relationship they are proposing to enter. There is limited understanding among these small business people of the true costs of running the business. The result of this information imbalance is ill-informed and poor business decision making, leading to low and unsustainable levels of incomes.

The other major issue that the bill seeks to address is the lack of a fast and low-cost dispute resolution process. All major industry stakeholders have made strong calls for an alternative dispute resolution jurisdiction.

There are significant parallels with vulnerable small retail tenants, and the bill therefore uses as a model the framework of rights and protections afforded by the Retail Leases Act 2003.

The bill

The bill applies to owner-drivers in the transport industry and harvesting and haulage contractors in the forestry industry and those who engage them. Owner-drivers and log haulage drivers are defined in the bill as persons who provide a vehicle (including a motorcycle or bicycle) in addition to personal services (driving and ancillary activities) under a contract for services with the hirer. The bill covers all forms of owner-driver businesses, including companies and those who employ others (such as additional or relief drivers), but only where a person who does actual driving duties has a direct or indirect proprietary interest in the vehicle. All harvesting contractor small businesses are covered.

Transport Industry Council and Forestry Industry Council

In accordance with the government's approach of building cooperative industry partnerships, the bill contains a central role for industry councils for each of the forestry and transport industries. The councils will be appointed by the minister, and consist of a balance of representatives of hirers and contractors, and will benefit from a high level of industry expertise. The industry councils are responsible for:

- making recommendations to the minister on the content of codes of practice, information booklet, and developing and updating the rates and costs schedules;

- developing model agreements for different industry sectors;

- advising the minister on any matters relevant to commercial practices relating to the contractors in the industries, such as small business training programs.

Codes of practice

After advice from the industry councils, the minister may recommend to Governor in Council the making of one or more codes of practice as regulations. Codes may apply across the whole of an industry, or deal with particular sectors (for example, bicycle couriers). The codes may contain mandatory terms, or terms in the nature of guidelines. The codes are to be taken into account by the Victorian Civil and Administrative Tribunal in determining whether unconscionable conduct has occurred. For example, the code

may provide prohibitions or guidelines on matters such as: absence due to illness or family reasons, paid and unpaid waiting time (demurrage), the purchase of vehicles at the request of a hirer, excessive hours of work, shift and night work, job advertising practices and the charging of goodwill or entry payments.

Dispute resolution jurisdiction

The speedy resolution of business-to-business disputes handled by the Office of the Small Business Commissioner has saved many Victorian businesses, especially retail tenants, the expense of lengthy and costly litigation. The small business commissioner has successfully resolved more than 70 per cent of the disputes notified to him, saving many hundreds of Victorian businesses time and money, and helping to rebuild fractured business relationships. Under the bill, the existing role of the small business commissioner in providing a low-cost, accessible, informal, private and independent alternative dispute resolution service to the retail tenants will be extended to owner-drivers and forestry contractors. Disputes able to be dealt with by the small business commissioner and ultimately by the Victorian Civil and Administrative Tribunal (the tribunal) are:

- disputes arising under or in relation to a contract between a hirer and an owner-driver or forestry contractor; and

- disputes arising under or in relation to the act, regulations or codes, including any allegation of breach of the act or code by any person.

Such disputes may involve multiple contractors and multiple hirers.

The bill provides the tribunal with broad powers to resolve disputes (including awarding damages and varying contracts where necessary to avoid injustice), reflecting the tribunal's powers under sections 108 and 109 of the Fair Trading Act 1999. Each party pays its own costs of the proceeding, but the tribunal may order a party to pay part or all of the other party's costs if that party refused to take part in or withdrew from mediation. This provision will act as an incentive for parties to participate in mediation in a proper way. Claims involving unlawful termination of agreements must be brought within 12 months, and other disputes, within 6 years.

The bill provides that where the tribunal determines to exercise its powers in relation to a dispute, the tribunal may order a party to the proceeding, or any person associated with a party (such as an officer of a company that is a party, or a related company) to refrain from entering or being associated with the offering of contracts of a particular kind. This will prevent directors of companies found to have infringed the act from winding up one company and starting a new one to avoid the order of the tribunal.

The bill also allows associations that represent contractors or hirers to apply to the tribunal to have an order that varies a particular contract extended to apply to all like contracts in an industry or defined section of an industry by way of an order of general application. Such an application will be appropriately advertised, and all interested parties may appear. This procedure will allow for issues that are occurring across an industry to be dealt with in a common way, without unfairly singling out a particular business.

Information imbalance

A number of measures in the bill address the information imbalance between the contracting parties. The bill provides that all ongoing contracts between owner-drivers or forestry contractors and those who engage them must be in writing, and also specify the minimum income or hours of work under the contract. An enforceable figure must be stated so that parties have a clear understanding of their bargain. If the minimum to be paid is low, the contractor may rethink a decision to incur debts or invest in heavy equipment, and may seek to negotiate a greater level of security.

The industry councils are required to prepare appropriately drafted plain English commercial contracts for general use by the industry or sectors of the industry. These contracts are in no way compulsory, but will be a resource to be used or adapted by businesses as appropriate to their individual needs. This will reduce business transaction costs and improve the drafting standard of agreements; and also provide a standard by which contracting parties can assess the adequacy of the contracts being offered to them.

The bill provides that each new driver must be given a rates and costs schedule three working days prior to a contract being entered. These schedules will be developed by the industry councils and made available to hirers at no cost. The schedules will set out the typical overhead costs of the relevant class of small business, based on the kind of vehicle or equipment supplied. Also the schedules will set out the base hourly rate and casual hourly rate that the contractor would typically earn as an employee, as a reference for the contractor to assess the rate offered.

In addition, information booklets will be developed on advice from the industry councils, and must be given to prospective ongoing contractors at the time of hiring. The booklets will provide information on business planning, business skills training, rights and responsibilities under the act and code, sources of advice and assistance and information on health and safety issues.

The requirements for contracts, and for provision of the information booklet and rates and costs schedules, do not apply to contractors who work on 'one-off' jobs for different hirers, or in short-term engagements. Measures are also provided to deal with contractors engaged on a regular basis through freight brokers, or who accept work through a tender process, to ensure those contractors also have the benefit of this information. If a contractor has not been provided with either the information booklet or the rates and running costs schedules in the prescribed manner, they will be entitled to make a claim to be paid at an appropriate and fair rate, as determined by the tribunal.

Other contract requirements

The bill requires that contracts for engagements continuing longer than three months must include a minimum period of notice of termination, or payment in lieu of notice. This will provide time for a contractor to secure other work, and money to meet finance payments in the interim. For forestry contractors and for owner-drivers supplying a heavy vehicle, the period of notice will be three months, and for others, one month. This notice must be given or paid except in the case of serious and wilful misconduct by a contractor, or material breach of a contract by a hirer.

Deduction of expenses from contractors' incomes

The bill prohibits deduction of monies from contractors' incomes and compulsory payments unless the costs are specified in the contract, the costs are a direct and proper reflection of the cost of the actual service provided; and the contractor has been provided with an opportunity to obtain equivalent services or product from an alternative supplier. In particular, a hirer must not make deductions for insurance costs unless a policy is in place and a copy of the policy has been provided to the driver or forestry contractor.

Unconscionable conduct

The bill draws down the relevant unconscionable conduct provisions of the Fair Trading Act 1999 of Victoria, dealing with conduct by both contractors and hirers. The bill adds one new criterion that means that a contract that locks up a contractor's rates for long periods of time without regard to increases in overheads (particularly petrol prices) will be susceptible to a claim of unconscionable conduct. The bill also allows for a comparison to be made to the earnings of employees performing substantially similar work.

Joint negotiations

The bill allows for groups of contractors to appoint an agent to negotiate contracts on their behalf with a single business hirer. The bill provides a statutory authorisation for the conduct associated with such negotiations, as well as for conduct by any person taken in accordance with the act or code, for the purposes of section 51(1)(b) of the commonwealth Trade Practices Act 1974. The authorisation does not extend to actions of breaching existing contractual obligations or action such as picketing or secondary boycotts aimed at placing unlawful pressure on a party to agree to terms. Contractors hired by a single business will however be able to jointly determine the terms and conditions they seek. The bill prohibits a person from coercing or attempting to coerce a person to appoint, or not to appoint, a particular person as a negotiating agent.

Preventing particular unfair practices

The bill provides protections for persons seeking to exercise rights under the act by prohibiting the imposition of detriment for certain reasons. These prohibited reasons are that a contractor has, or proposes to: support joint negotiations, seek to improve their rates or conditions, raise health and safety issues, or pursue any rights under the act or a code, or otherwise participate in a proceeding under the act.

In conclusion, the Owner Drivers and Forestry Contractors Bill 2005 will ensure these small businesses are better informed, better skilled small business operators, and have better protections from harsh practices and unconscionable conduct by hirers. Measures in the bill are carefully targeted at ensuring fairness, while providing for competitive and efficient markets. Support for collective negotiations and a fast, low-cost dispute resolution process will provide a fairer balance in the market power of these small businesses and their hirers.

The bill implements the Bracks government's commitment to ensuring a fair safety net for all workers in Victoria and is consistent with the government's partnership approach to workplace issues. The proposal delivers on the government's commitment to ensure that all information services provided to Victorian small businesses are tailored to meet the needs of

specific industry sectors and participants. Finally, the bill implements the government's specific commitment to forestry contractors, by ensuring that contracting arrangements are fair and equitable.

I commend the bill to the house.

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

Debate adjourned until next day.

NATIONAL PARKS (POINT NEPEAN) BILL

Second reading

Debate resumed from 21 July; motion of Ms BROAD (Minister for Local Government).

Hon. ANDREA COOTE (Monash) — At the outset of this contribution I would like to say that the Liberal Party is supporting this bill, the National Parks (Point Nepean) Bill. Presently this bill amends the National Parks Act 1975 to establish a new 470-hectare national park to be known as Point Nepean National Park, which will include 205 hectares of commonwealth-owned land with a further 90 hectares still being retained by the commonwealth until 2009. The balance of the 265 hectares is to be transferred from the existing Mornington Peninsula National Park, including the South Channel Fort. It will expand the abutting 2657-hectare Mornington Peninsula National Park by a further 23 hectares to be made up of three privately owned allotments and 19 hectares of Melbourne Water land in the St Andrews Beach area and proximate to the Gunnamatta sewage outfall.

I would like to commend the contributions made by opposition members in the other place, who gave a very comprehensive outline of the major issues in the bill. The shadow Minister for Environment in the other place, Mr Honeywood, laid out a chronology as background to this bill, and I will give a similar chronology as background to what has happened to this very beautiful part of Victoria. It was originally inhabited by indigenous people who lived there for thousands of years. It was first settled in 1837 by a pastoralist called Edward Hobson. A shepherd's hut was built there in 1845, and I think it is still there.

Other settlers moved progressively into the area and in 1852 a quarantine station was established there and officially gazetted in 1854. A cemetery was established in 1852. The Victorian military forces started construction of a defence installation in 1882. It is interesting to note that between 1918 and 1920 travellers who came to this state were examined on the

site for any diseases that they may have. The quarantine station was in operation until 1978. From personal experience I know that you could not see it from the land but it could be seen from the ferry as it crossed to Queenscliff, and there was always a mystique about the buildings which housed the quarantine station. Between 1990 and 1991 the state government declared the tip of the peninsula a national park, the Mornington Peninsula National Park.

The background to this bill starts in January 2004 when the commonwealth government offered the state government a role in managing Point Nepean. On 18 February the state government established its own 10-member advisory committee on Point Nepean. On 10 June a separate Point Nepean Community Trust was established by the federal government. On 14 July Point Nepean was included in the Victorian Heritage Register. On 31 August the state government again refused to place a nominee on the Point Nepean Community Trust because, allegedly, the trust deed failed to guarantee that the site would be handed to Victoria. On 28 November, after a year of being unable to agree on any single management issue, the state government and the Point Nepean Community Trust finally brought forward an integrated plan. On 18 January 2005, Parks Victoria, the commonwealth government and the Point Nepean Community Trust agreed to work together to create a single national park out of the former defence site. On 20 April, the state government finally introduced and first read the National Parks (Point Nepean) Bill in this house.

What is left out of this chronology is the huge amount of community input to this bill, the very comprehensive campaign mounted by people in Point Nepean that it was going to affect, and the very effective lobbying done by that group on behalf of the park. It raised the awareness of this park and of the issue generally to Victorians and indeed to all Australians as well.

The government's main argument was that the federal government, which had given substantial funding to New South Wales at the time of the centenary of Federation celebrations, should give over this land to Victoria holus-bolus. It is imperative that we understand what happened here. At the time of the centenary of Federation celebrations each state was asked what it would like a significant amount of federal funding to go towards. New South Wales chose to have the funding put into land around Sydney harbour to be incorporated as a park. In this state, under former premier Jeff Kennett, it was decided that the money would go to Federation Square. It is interesting to note that Federation Square was opened with a flourish by this government, and it has been very quick to operate it

as its own. However, in this debate it was happy to allow confusion to arise that the federal government had not given significant funding to parks.

But at that time Victoria chose to use the money in a different way, and it is important to understand the fact and not the spin. The government has also argued that the 90 hectares at Point Nepean will not be handed over by the federal government. I do not think there is any indication to say that it will be otherwise, and indeed the federal government is giving an additional \$2 million to help with a controlled burn — and I say ‘controlled’ because this government has a very poor track record of controlled burns, but I will come to that later. I do not see any indication that this commitment will not be made. Indeed, I believe it will be made in a timely way.

However, at the time the state government said the federal government was not listening to the community groups. I do not think anyone could help but listen to those groups because they were extremely effective. Communities worked cooperatively together to raise awareness and allow people to have a closer look at a major issue. It was an extremely hypocritical comment by the government. If the state government is criticising the federal government for not listening to the people, what is it doing about listening to many of the same communities who are now talking about the channel deepening? There was a very graphic photograph in the *Age* this morning showing the plume being thrown into the water by the *Queen of the Netherlands*, which is dredging adjacent to the national park. Exactly the same people who are concerned about this are the ones the state government claimed it listened to over the park. But why is it not listening to the same people now? It would be very interesting to ask Mr Hilton, whose electorate forms part of the area, what people are saying about channel deepening because it is a concern for the people of Point Nepean and for the people of the Mornington Peninsula, and this government which says that it listened so carefully to them about Point Nepean is completely and utterly ignoring them on the channel deepening exercise. It is total hypocrisy.

Let us have a look at what the opposition has said about Gunnamatta. Many people may not know where Gunnamatta is and I suggest they have a look. It is a very attractive beach on the back part of the peninsula. Off the beach we can see treated sewage spewing out. Numerous reports have been brought into this chamber about sewage. We have also seen numerous press releases from the Minister for Photographs in the other place, John Thwaites. He has been at many photo opportunities talking about sustainability, water control and a whole range of other areas. I notice his

parliamentary secretary, Ms Carbines, is in the chamber, and I ask her to have a much closer look at the water treatment and the amount of sewage going out through Gunnamatta. Gunnamatta is adjacent to the land that we are speaking about. It causes an enormous problem, and I do not believe the government is having a close enough look at what we do to recycle water in the state.

If you look at the statistics in England, they show that a glass of water in London has been through about eight people by the time you drink it. I do not know that I like the thought of it having been through eight people, but that is apparently the fact. The sewage is not being treated at Gunnamatta. It is being pushed out into the ocean just to float back in. Indeed, when you ask the government about Gunnamatta, its solution is to build a longer pipe.

We have water storages in this state and we are subject to water restrictions. We have seen an excellent report done by the Environment and Natural Resources Committee. The committee looked at households, at how sustainable they could be and at what could be done to save water. But we see the government not being able to save water which is right on its doorstep and, as I said before, is adjacent to this national park.

The government has used a great deal of rhetoric on creating national parks, and I do say it is rhetoric. We are about to see the introduction of another huge park that extends from just outside Anglesea all the way down to Cape Otway. It is supposed to be a family-friendly park with a happy harmony of all sorts of simultaneous activities. If we believe the blurb from the government, we will see four-wheel drivers, bushwalkers, motorbike riders and all sorts of people sharing the same land. I think it is going to be extremely challenging to do that. It is hard to see how it will be managed. I would like the parliamentary secretary to explain just how many additional rangers are going to be put on to look after and manage this area because Parks Victoria is particularly poor at managing ranger numbers.

It will be extremely interesting to see what happens with the Otways. We have seen money being put into forests for ecotourism. The Minister for Photographs was down there again having his photograph taken at Forrest while announcing this, but it will be interesting to see the outcome. Parks Victoria has a very poor management record in national parks, but I will come back to that later. If we look at the funds for these parks, we see they are very light on. Those funds are an attempt to do something but only just that — an attempt.

We have to have a look at what is happening with Parks Victoria and its role at Point Nepean. It is salutary to read the contributions made by all of the members of the opposition in the other place. You can see a condemnation of Parks Victoria in all the speeches and I encourage people to have a closer look at them. But as we look at the issue of maintenance at Point Nepean and the things that Parks Victoria was supposed to be responsible for, we see there is no maintenance of the Pearce Barracks; the sea wall is collapsing; the South Channel Fort is full of bird rookeries and not looked after at all well. Indeed Parks Victoria has an abysmal record in a whole range of areas.

I spoke before about controlled burns. Many of us here saw the controlled burn that got out of control at Wilsons Promontory. I would like to ask: where was the chief executive officer (CEO)? Where was Mark Stone during burning? We did not see him. He was not there; he sent out his rangers. Has he been consulting with the people of Foster since the burn about all the businesses going out of the town? Where was he during the mountain cattlemen protests? We did not see him out there either. He was not to be seen. He sent out other people. Where is he on the channel deepening issue? We have not seen Mark Stone come out at all on the channel deepening issue. He has been particularly quiet on that.

Whilst speaking about Mark Stone, I would like to say that I made a speech in this chamber, as did many people here and in the other place as well, on the mountain cattlemen. We know that members of the public gallery are not to applaud, but when I came out with comments about what a poor neighbour Parks Victoria is and how appalling its track record is, and how the parks are full of feral animals and noxious weeds, there was spontaneous applause from the gallery. This is indicative of what people believe and think of Parks Victoria right across this state.

However, the most extraordinary thing happened. Mark Stone wrote to all the former directors of Parks Victoria. I, too, was an inaugural member of the Parks Victoria board, and I explained at that time my disappointment in Parks Victoria. It is a disappointment to me, and I do not resile from that at all. It would appear that Mark Stone is a puppet of the minister. He sent a totally inappropriate letter to all former members of the Parks Victoria board giving them the *Hansard* extract of my comments. The problem was he could not get his facts straight. He sent it to some former members of the Melbourne Parks and Waterways board, which I think was extremely inappropriate for a CEO. He is a puppet of the minister and it was politically motivated. It was a total misuse of his

position and most inappropriate for a CEO, and I call upon the minister to have a much closer look at Mark Stone and at his activities.

If Mark Stone is in the business of sending out extracts I would like him to have a closer look at the extracts of members from these two houses who have spoken about Parks Victoria. I reiterate: Parks Victoria is an appalling neighbour. We do not have to go much further than Mr Baxter, who in his member's statement today spoke about Parks Victoria and its abysmal record. But we go on and on. I hope that Mr Mark Stone, instead of criticising people inappropriately, actually gets out there and does something. I ask Ms Carbines to make sure that he is called into the minister's office and to have a closer look at what is happening with Parks Victoria.

I refer to some comments that have been expressed about Parks Victoria:

The Bracks government and Parks Victoria are the neighbours from hell ...

We hear that \$45 000 was granted to erect 12 interpretation signs at 12 high country huts. This is extraordinary because that money was paid for signs to describe huts that no longer exist. What has he got to say about that? People talk about the poor practices being adopted by Parks Victoria on the issue of the Warrandyte State Park. We have seen that there has been no coordination. Another comment has been that there has been no coordination between Parks Victoria, the Victorian Channels Authority and the Department of Infrastructure, through the transport division, on the piers at the port of Melbourne.

We heard another contribution about the Bass Landing ramp. The member for Bass in another place criticised Parks Victoria for riding roughshod over the wishes of the local community. It takes no notice of the local community. There is also a lack of park rangers. We can look at the Croajingolong National Park and the Alpine National Park. The member for Gippsland East in another place talked about the lack of rangers. He said:

There used to be eight Parks Victoria rangers: there are now three ...

I would like an explanation from the parliamentary secretary why that is the case. We also see an issue with \$1 million — —

Mr Viney — On a point of order, Deputy President, the bill before the house relates to national parks, and particularly to Point Nepean and the creation of the Point Nepean National Park. Whilst I appreciate that

the lead speaker's contribution can be wide ranging, the lead speaker for the opposition is going very broadly beyond the clear intention of this bill to the point where she is actually challenging the parliamentary secretary to answer questions about the general administration of national parks in Victoria. Clearly that is straying a long way from the bill before the house, and I ask you to bring her back to the bill.

Hon. ANDREA COOTE — On the point of order, Deputy President, I am only 10 minutes into my contribution on this bill.

Hon. R. G. Mitchell — So what?

Hon. ANDREA COOTE — I am developing my argument; I am thinking about it and I am very happy. My issue is that I still have a considerable time to go on in debating this bill. It is about national parks, and I was speaking about national parks.

The DEPUTY PRESIDENT — Order! Mrs Coote is the lead speaker for the opposition. She has considerable latitude to build her arguments and to participate in wide-ranging debate, but I draw her attention to the fact that she has been speaking for over 20 minutes.

Hon. ANDREA COOTE — Time flies!

The DEPUTY PRESIDENT — Order! I ask her to come to the central issues of the bill.

Hon. ANDREA COOTE — I will take up Mr Viney's interjection because he has forgotten that this bill is about national parks and it is about Point Nepean. I have spoken about Parks Victoria and its administration, and my concern for this particular bill is indeed what I am outlining. I am outlining a litany of criticisms of Parks Victoria. I am concerned that Parks Victoria is not going to be up to the mark to be able to manage this park properly. I want to get a commitment, and if it is not from the parliamentary secretary, what is the purpose of the parliamentary secretary's position? What is a parliamentary secretary supposed to do? Is she not supposed to be taking it back to the minister and making certain that the minister is in fact aware of what is going on?

I challenge her again to take it up with the minister to make certain that Parks Victoria's controlled burns will be controlled and that there will not be feral animals and noxious weeds, that the park will be managed properly and that the places it is supposed to be looking after are looked after. I refer to places such as South Channel Fort, the sea wall and Pearce Barracks. I would like to see that she can make a commitment to assure us

in this chamber and to assure Victorians that Parks Victoria is going to be able to do what it has committed to do. I do not believe its track record is good enough. Like many people in both the Legislative Assembly and in this chamber I do not believe that Parks Victoria is up to doing this type of management. It is understaffed, and it does not have the resources because its priorities are in different areas.

Let us look at where Parks Victoria's priorities are — for example, let us look at what it did in Williamstown. We had \$1 million go in to the Premier's own seat — \$1 million to provide access for the disabled to ferries at the Williamstown Pier. Whilst on the one hand it is putting \$1 million in there, on the other hand it refuses to install floating jetties in Western Port. Why? Because it is not in the Premier's seat. The Premier is being looked after, but nobody is being looked after anywhere else. I refer to the Ricketts Point Marine Sanctuary. The draft management plan from Parks Victoria shows a complete lack of understanding of the local area. What is Parks Victoria going to do for the disabled and the elderly at Ricketts Point? It does not seem to care about that. It can put \$1 million into the Premier's own electorate, but when it comes to the member for Sandringham's electorate Parks Victoria does not want to know.

We have a chief executive officer who is politically motivated, who is out of step and is out of line. We have seen that from the letter writing that he seems to take on board, and now we have started to see the pork-barrelling and the putting of money into other areas. We have to talk about the breakwater at Flinders.

Mr Viney — Did you see that as you sailed by?

Hon. ANDREA COOTE — Did he just say 'Seal Rocks'?

Hon. R. G. Mitchell — He said you saw it as you sailed by.

The DEPUTY PRESIDENT — Order! Mrs Coote should ignore the interjections.

Hon. ANDREA COOTE — I would like to talk about Mark Stone's involvement with Seal Rocks.

The DEPUTY PRESIDENT — Order! Mrs Coote will come back to the bill!

Hon. ANDREA COOTE — I could go on for another 5 hours on that one! Parks Victoria said when the Flinders breakwater was going to be demolished that it would be put up immediately. The local community is still waiting. As of June this year they

have waited for four years for this to go back. Someone has called it Perks Victoria rather than Parks Victoria, and I think that is quite appropriate. We could have a closer look at what this government has done in Parks Victoria. Let us not forget about the doctoring of digital photographs or indeed the digitally detailed photographs that occurred around the time we were debating the alpine grazing legislation that affected the mountain cattlemen. Are we ever going to be able to forget that? This government digitally changed photographs to suit its purpose, and it was a huge embarrassment to the government. It showed to what lengths it is prepared to go to cover up, and it was probably done with the collusion of Parks Victoria. I have grave concerns for the national parks and for Point Nepean under this management regime. Indeed it is of concern to all of us in Victoria.

As I said before, the history of controlled burns at Point Nepean has not been good, despite the assurances of Parks Victoria. While the Bracks government is content to take that \$2 million from the commonwealth government, it maintains that it will not provide any of the \$10 million that was promised by an anonymous private donor. Once again we have seen the Minister for Photographs come out and announce this funding, but we have not seen where this money is coming from. We have not been told the details of it, and in fact it is extremely —

Mr Pullen — On a point of order, Acting President, Mrs Coote should refer to the minister by his right title. She said, ‘the Minister for Photographs’.

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! I remind all honourable members that they should refer to ministers by their proper titles.

Hon. ANDREA COOTE — I refer to the Minister for Environment in another place, who is very keen on photographs. I would have to say that at the last election the state government committed \$10 million of funding until the time it gained control over the entire commonwealth land area in 2009. The state government has significantly reduced the park management funding for the abutting Mornington Peninsula National Park and there is no guarantee of any additional funding or staffing for this new Point Nepean National Park. In the meantime the so-called integrated management plan is going to be a long time in the consultation process.

As I outlined before, the opposition has looked at the chronology of this and has looked at the issues and the details of what has happened with this bill. This bill sat for some time in the other house. It certainly has not

been a priority for the government. It sat in the other house for a considerable time. Nobody thought it was important enough to bring it to the forefront to discuss it and to debate it. This can be seen as another example of this government not caring about what the local community did.

There has been a lot of rhetoric about community support, yet when it comes to the crunch the government cannot get its act together and get things done. We are going to watch this very carefully to see what happens with this so-called management by Parks Victoria. All Victorians will be anxious to make certain that the promises are kept and that it is done properly. I am sure that the community groups and others in the local community who have worked so hard and tirelessly to make certain that there was a satisfactory outcome will be watching very carefully, too. As the opposition, it is our role to make quite certain that this government is accountable. We do not want to see more doctored photographs of Point Nepean or what Parks Victoria has not done. We want to see action and that this national park is indeed a park for all Victorians and something that we all can be proud of into the future.

Hon. P. R. HALL (Gippsland) — I am pleased to have the opportunity this afternoon to put The Nationals’ position on the national parks bill, which will see the creation of the new Point Nepean National Park. I advise members that The Nationals are about to do something quite historic, so I say: brace yourselves. While in the past The Nationals have not been a strong supporter by any means of the creation of new national parks and have generally voted against the creation of new national parks — and I guess we will be doing so again soon — today The Nationals will not be opposing this legislation that will see the creation of the Point Nepean National Park.

Honourable members interjecting.

Hon. P. R. HALL — Now that members are recovering from their shock, I will set the context for that decision.

Mr Viney interjected.

Hon. P. R. HALL — In response to Mr Viney, it has nothing to do with the fact that at the next election I may be contesting an area which includes the proposed Point Nepean National Park. I did not make this decision alone; all members of The Nationals in the Parliament have made a collective decision to support this piece of legislation.

Hon. J. H. Eren — Self-preservation!

Hon. P. R. HALL — It is not self-preservation at all; it is pure logic and good commonsense, in this case.

Honourable members interjecting.

Hon. P. R. HALL — Let me not be distracted by all the inane interjections but rather set the context for the decision which The Nationals came to support this particular bill. I will recount what was said in previous debates on national parks and talk about some of the principles on which The Nationals have based their decision.

The first point I mention is that now in Victoria between one-sixth and one-fifth of the state's land is already reserved as national park. In the state or anywhere there must be a balanced use of land, with some as freehold land, some for productive purposes and some as public land but not given national park status. We say that declaring between one-sixth and one-fifth — that is, between 16 per cent and 20 per cent — of Victoria's landmass national park is on average about right. We have never said that we oppose the creation of new national park areas. We have said that, having reached the point where that percentage of our landmass has national park status, if we wish to declare more land as national park then we should look to re-reserve some of the land that is already existing national park. We cannot keep adding to the amount of land we have as national park in the state without a commensurate commitment to managing that park well. Generally, declaring between 16 per cent and 20 per cent of landmass in Victoria as national park is on balance right.

The second point I make is that the government has never committed sufficient funds to maintain the parks that we have in Victoria now. I am not talking about just the current government. Previous governments, including one of which I was a member in the past, have not contributed sufficient funds to maintain the national parks that we have in Victoria now. The Honourable Andrea Coote spoke about that to some extent and criticised how the states have managed national parks. I agree with that criticism and I am well aware that people in the electorate call Parks Victoria the neighbours from hell.

I have one slight difference with the view expressed by the Honourable Andrea Coote. I do not have any criticism of Parks Victoria staff. Most of the people I know who work for Parks Victoria are good people doing a fine job within the resources that government has made available to them. There are not enough resources or people to undertake adequately the management function that we expect of them. They are

not funded to the level required to maintain an area with national park status. I do not blame the people in Parks Victoria; the people I blame are members of the government, who sit on your right, Mr Acting President, who have failed to give Parks Victoria the resources needed to manage our public land in Victoria to the level that we expect. That is the reason that Parks Victoria has a poor image and why it is — correctly — labelled the neighbour from hell. It is not the fault of the Parks Victoria staff but that of the government because of insufficient funding being allocated to those tasks.

The third point I make in terms of the context of the decision that The Nationals made to support this legislation is that I have always believed that the most popular and useful national parks are those close to where people live — that is, those that are readily accessible by people. I cite for example the probably little-known Morwell National Park in my own electorate. Probably not many people in this chamber have been to that national park but certainly for people around the Morwell, Churchill and Traralgon area in the Latrobe Valley it is a very popular national park and is well supported by the community. The Friends of the Morwell National Park are members of a volunteer group who work with Parks Victoria staff to maintain that park. Because it is so close to where people live and is so easily accessible it works well and is an important part of the infrastructure of the local community.

I can see that Point Nepean National Park will be in that same category: it is close to where many people live and extremely close to where tens of thousands, if not hundreds of thousands, of people holiday and visit every year. I expect that it will be a well-patronised national park. I note from the briefing I had that the Mornington Peninsula National Park already receives something like 180 000 visitors per year. I expect that might well increase with the creation of the Point Nepean National Park and that is a good thing.

All members are well aware of the overwhelming community support for the creation of the Point Nepean National Park. Without detailing all the issues and going through the history of the use of the land following the Commonwealth government's decision that it no longer needed that land, it is more than fair to say that through all the activities of the local community there was overwhelming local community support for the establishment of that park. They are some of the reasons for The Nationals coming to the decision to support this legislation.

The other thing I mention about making our decision is that there is virtually no net addition to public land by

the creation of this particular national park. Rather, some public land owned by the commonwealth will be transferred and be public land owned by the state of Victoria. There will be no real loss of economic activity associated with that transfer of land, given the decision of the defence force to vacate that land some time ago. The bill provides that 205 hectares of the former defence weapons range will be put together with parts of the existing Mornington Peninsula National Park to form the new Point Nepean National Park.

As has already been said by the minister and the first speaker for the opposition, another 90 hectares of land, on which is located the historic quarantine station, will be transferred to Victoria by 2009 or earlier. I acknowledge that there is some debate about the transfer and use of that land and that there is still some conjecture about it. I understand that the federal government has appointed the Point Nepean Community Trust whose members, on behalf of the commonwealth, are undertaking the planning work for the use of the land and the heritage buildings. Once the future of the buildings is determined the land will be handed over to the Victorian government, which will then, as I understand it, make an assessment as to whether it would be appropriate to incorporate that land into the Point Nepean National Park. I sincerely hope it does so because it is an historic feature and is worthy of inclusion into a greater national park in that particular area. That process is evolving. Some would like it to be different or quicker, but it is evolving and I hope it is a good outcome in the time to come.

I want to comment on the management of the former weapons range, mentioned in the minister's second-reading speech. As has been said there is potentially a large amount of unexploded ordnance on that former weapons range. It is a huge task to clear the range and make it safe for public access in the future. It has been mentioned in the debate that the commonwealth government is contributing \$2 million towards the task of clearing the unexploded ordnance and making the area safe for public access. We are told it will take up to 10 years, which seems an extraordinary amount of time to achieve the task. Maybe with the early work of that task it can be expedited and completed quicker than 10 years; I hope it can.

A significant amount of dangerous work is being undertaken and we will need to proceed carefully with that. I am advised one of the methods for managing the particular area is controlled burning over a particular time, which will expose the ground therefore making it easier to identify unexploded ordnance in this area. I can say from the experience of the 2003 bushfires in

East Gippsland that the burn through that area exposed a lot of features I never knew existed. It was amazing to drive through that area and see rock formations that I had never seen before. The burning cleared the vegetation and gave an unimpeded view of the area. I hope fire does not ignite any of the unexploded ordnance. I am informed they will use a cool-burning process, which is why it will need to proceed with great care. That will be undertaken over a period of time.

A planning decision on the 90 hectares on which the historic quarantine station is located will be made. Let us hope that in the not-too-distant future both of those tasks will be completed and a greater park than the park created by the passage of this bill will be created.

I want to mention one other thing. I am well aware that this bill does more than just create the Point Nepean National Park. It also adds some small areas at St Andrews Beach and around Cape Schanck, which will be added to the Mornington Peninsula National Park. I understand from the briefing on the bill that the most significant area around St Andrews Beach is land currently owned by Melbourne Water, which will be transferred across to Parks Victoria to become part of the Mornington Peninsula National Park.

As I said, this is an historic occasion for The Nationals in supporting legislation that creates a new national park in Victoria, but it makes sense and will be a park that is easily accessible to people. It will not result in any net loss of public land in Victoria because it is a transfer of commonwealth land across to the state government. Although no commitment is given in the bill, the management of that area will be important and I hope that this government is committed to making sure that the management resources required for the proper management of the area is allocated in the years to come. I look forward to visiting the new Point Nepean National Park in the years to come and I wish it well.

Ms CARBINES (Geelong) — I am delighted to speak this afternoon in support of the National Parks (Point Nepean) Bill and I want to spend a couple of minutes reflecting on the extraordinary contribution by the Deputy Leader of the Opposition in this place. Mrs Coote made an incredibly inept contribution, led primarily by an extraordinary attack on the officers of Parks Victoria under the management of chief executive officer Mark Stone. That was a disgraceful attack on Parks Victoria by Mrs Coote and I place on record my thanks to Parks Victoria and its staff for the work they do to manage significant tracts of land across Victoria on behalf of us all — including our marine national parks as well as some of the small harbours

around the state. I look forward to making sure Parks Victoria are very well aware of Mrs Coote's view of their work. I am sure they will be horrified when they read what she had to say.

Hon. R. H. Bowden — On a point of order, Acting President, I have tried to be generous to Ms Carbines in listening to her contribution so far. She has made her point about the contribution of another speaker in this debate and she is now starting to labour that point. I ask you, Acting President, to ask her to stick to the bill.

The ACTING PRESIDENT (Hon. Andrew Brideson) — Order! There is no point of order. Ms Carbines is responding to a previous speech, and she is entitled to do that.

Ms CARBINES — I would have thought Mr Bowden had been here long enough to know the rules of debate. I welcome Mr Hall's support for the establishment of this national park. It is indeed an historic occasion when we have The Nationals supporting the establishment of a national park. I have condemned them in the past in debates in this place and I welcome Mr Hall's contribution and their support this time.

The Bracks government has a very proud history of adding to Victoria's public land estate. In our first term we placed our forests on a sustainable footing across the state, reducing logging by about a third. We created the box-ironbark forest estate and established the world's first system of marine national parks and sanctuaries. We are about to debate in this place the creation of the Great Otway National Park, and I am personally looking forward to that debate enormously. It will be the largest coastal park in the state and I know it is extremely well supported. The government has ensured the preservation of our fragile alpine environment by removing cattle from the Alpine National Park, and I am very proud of our achievement in doing that.

With this bill we are fulfilling a key 2002 election promise to protect Point Nepean as an integrated national park. Point Nepean is of great natural, cultural and historic significance to Victoria. It is home to threatened species and the threatened moonah woodland vegetation, and it has significant aboriginal heritage sites located in it. We have species such as the southern brown bandicoot as well as the sooty oystercatcher and the hooded plover who sometimes make Point Nepean their home.

Late in the 19th century Point Nepean became instrumental to the defence of the nation with its

strategic positioning and fantastic view of the Rip and the entrance to Port Phillip Bay. Until about 30 years ago it was home for Victoria's now disused quarantine station. Point Nepean can be seen clearly from my electorate of Geelong Province from the vantage point of Queenscliff. Over two years ago I was very pleased, as Parliamentary Secretary for Environment, to organise a visit to Point Nepean for about 15 of my government colleagues so we could see first hand the significance both historically and environmentally of Point Nepean to our state. It was eerie walking around the now disused quarantine station and imagining how it must have seemed to new settlers when they arrived, settlers who were considered to pose a health threat to our citizens. It must have seemed very remote and austere, but with a fantastic view. The practices we saw that are obviously now being dissembled at the quarantine station seem straight out of the 19th century. It was an eerie place.

This century Point Nepean has been deemed surplus to the defence needs of Australia. In 2003 the federal government decided to sell off in a very controversial manner the 300 hectares that make up Point Nepean.

This met with a huge amount of community opposition. Recognising the intrinsic natural value of Point Nepean, our government, the Bracks government, was pleased to join with the wider Victorian community in fighting a very strong campaign against the federal government's attempt to sell it off for private ownership. We wanted to secure it for public ownership. This was a very heated and protracted dispute. I remember it very well. The federal government was determined to privatise this natural asset to secure it for the rich, whereas our government and the community wanted to preserve Point Nepean for all time and for future generations in public ownership.

The federal government totally underestimated the depth of feeling in the Victorian community about Point Nepean. It was to the federal government's shame that it attempted to use interested community groups such as those associated with our maritime museum to justify its privatisation ideology. I know those groups became extremely disconcerted by the federal government's campaign. A number of them walked away from the federal government's initiative, including Dr Henry Hudson, who is from my electorate. He was involved in the initial federal government attempt to sell off parts of Point Nepean. He walked away when he realised what the federal government's agenda was. Most Victorians saw through that agenda. In the face of a backlash in a looming federal election, the Howard government

backed right down. Later this year 205 hectares of this land will be handed over to the Bracks government for the people of Victoria. This bill will ensure that this land will become part of our national park estate. This is a most welcome outcome indeed.

Disappointingly the remaining land — some 90 odd hectares — containing the former quarantine station will not be transferred to Victoria at the same time. The federal government is only prepared to commit to handing it over somewhere between 2007 and 2009. I am very disappointed about that. I think the federal government should get over the fact the Victorian community has had a win which was backed by the Bracks government. The federal government should hand over the remaining land now so that it can be incorporated into the park straightaway.

The Howard government has appointed a Point Nepean Community Trust to oversee the remaining 90 hectares and to provide advice on the planning for that site and the future of the heritage buildings. This is ridiculous positioning by the Howard government. It is a tactic that is unnecessary and will have a delay effect. I call on the federal government to do the right thing by all Victorians now, to put aside its lost pride and hand over the remaining 90 hectares to Victoria so that we can incorporate it into the Point Nepean National Park. As with all things to do with the federal government, I am not going to hold my breath because I am sure it will stand on this and drag it out for as long as possible. I, for one, do not trust it with those remaining 90 hectares. I do not trust it at all. Once again, I think it will attempt to maximise its return in regard to this site.

One of the key issues associated with the land, which will become the Point Nepean National Park after the passage of this bill, is the unexploded ordnance on the site which remains from when the site was used as a weapons range. Over the next 10 years the federal government will take responsibility for clearing the ordnance that is still there.

Hon. J. H. Eren — He should do it personally.

Ms CARBINES — He should do it personally. That is a great idea. This will be done by using controlled burning. The federal government has provided \$2 million for this. I hope that it will be done in a very careful manner. Obviously it will need to be done progressively over that time.

Our government, the Bracks government, has appointed the Point Nepean Advisory Committee, which includes representatives from the community, Parks Victoria and the Point Nepean Community Trust. These groups are

working together to develop a management plan for the whole of the national park, including the 90 hectares that the federal government is hanging onto like grim death. This plan will be made public next month, and I look forward to seeing the plans when they are made public and seeing the vision, hopefully contained within, for this fantastic piece of land. Thank goodness commonsense has prevailed in relation to Point Nepean. For once the federal government is working with the state government in developing this management plan. This plan will be a cooperative and collaborative work. All we need now is for the federal government to put its pride behind it, to put its failed experiment in privatisation of a natural Victorian asset behind it, and to allow Victoria to secure in public ownership for generations to come the rest of Point Nepean so that we can have, as it should be, a fully committed Point Nepean National Park.

We heard the Deputy Leader of the Opposition attempt to criticise the government on a number of matters in relation to park officers. She has obviously not been listening at all over the last three years about our complete water reform — the reform of the whole water sector in our state to put our water resources on a sustainable footing. It is disappointing that Mrs Coote, who in some quarters claims to be interested in the environment, pays very little attention to it. I wonder whether she does care that much.

The Gunnamatta outfall was mentioned by Mrs Coote in her speech. As most members in this place who care to take an interest in environmental matters would know, the government is currently examining the proposition of piping the recycled water from the Eastern Treatment Plant to the Latrobe Valley for use in electricity generation. This is a very exciting proposition and it is a proposition predicated on the idea of water that is fit for purpose. There is absolutely no need for drinking water — potable water — to be used for the generation of electricity, and we are looking at how we can feasibly pipe what would normally go out at Gunnamatta into the sea all the way to the Latrobe Valley for use in the electricity generation industry. That is groundbreaking work and it will, if successful and deemed feasible, save Victoria significant water resources. It is a very interesting proposition and I look forward to its outcome.

Getting back to the bill, I would like to congratulate the local community which fought very hard. I have met with a number of those people. I also congratulate the wider Victorian community, including people in my own electorate, who took a keen interest in its future; they did not want to see the federal government sell off Point Nepean and privatise to it make it the preserve of

the rich and the famous. We wanted to see, like the Victorian community — we listened to them — Point Nepean preserved as the fantastic natural, cultural and historical asset that it is for future generations; not just for us but for generations to come. I think it is a fantastic outcome for not only Victorians but the whole nation. With those few words, I commend the bill to the house.

Hon. R. H. BOWDEN (South Eastern) — I rise to make my contribution on the National Parks (Point Nepean) Bill. I have had the privilege of having this beautiful and very valuable area within my electorate since I first entered this house in October 1992. I have been a regular visitor since October 1992 through to the present day and, if I may say so, I am really quite familiar with the background of the issues that have led to this bill. I am also familiar with many aspects of the beautiful and most valuable community asset that this very desirable area of land represents for all the people of Victoria and indeed all Australians. I am pleased that when this bill is passed there will be a significant addition to the public land portion of the southern Mornington Peninsula that this area covers. That will be a very good thing because I know it is strongly supported by the community and is in many ways looked upon as a very progressive move for the acquisition of public land in the state and in this southern area of the Mornington Peninsula in particular.

There have been a great number of statistics provided by previous speakers, and I am not going to dwell on the actual numbers except to say that the additional hectares that will be added to the area that we are discussing will produce a very large area of public land of special beauty and historical significance. It used to be the case in colonial times based on the technologies of the 1800s, for military protection purposes around our nation and other places around the world, to occupy the entrances to harbours and bays such as Port Phillip Bay with defence fortifications and defence installations. That was a reality based on the technologies of the time. The technologies have completely changed and it is true that the land in question is surplus to the defence requirements based on current technologies and expectations as we know them today through the use of modern defence procedures. We have in this area several portions of land, including 205 hectares of weapons range land that will be transferred to the state on the passage of this legislation, and also other smaller but equally valuable and well-regarded portions of land, including 19 hectares of Melbourne Water land in the St Andrews Beach area near the very famous Gunnamatta sewerage outfall that we have all heard about so often.

I would like to make honourable members aware that given I first entered the Parliament in October 1992, in the years 1992 through to 1995 I made several visits to the area and got to know very well the ambience of that national park environment. I enjoyed it immensely. In 1995 I was invited by the army authorities to visit and to learn about the imminent departure in 1996, I think it was, of the army installation and the possibility that this area would be negotiated between the commonwealth and the state into some community use and public ownership circumstance. I was very much aware from 1995 onwards that there was strong community support for public ownership, and I would suggest to honourable members that I am on the public record on several occasions in the community, at discussions and at meetings, in offering my view that the land should be retained in public ownership into the future. From approximately 1995 I have not supported — and I never did — the private ownership of the very sensitive and extremely valuable portions of land which should continue to be accessible by the public. I am pleased to have maintained that position all along, and it is still my view today as one of the local members.

The buildings in the 90 hectares that are not going to be transferred until 2009 on the expected schedule by the commonwealth have an interesting recent use. Honourable members will recall the sanctuary and the assistance that the people of Victoria and Australians in general gave to the Kosovars. Many of the Kosovars were housed and given refuge at the Point Nepean commonwealth buildings, which members would recall had been an army camp. It was used for that very humane purpose by the Australian government and the people of Victoria. I had the privilege of meeting a number of them on several occasions, and I will always be proud of my fellow citizens and the things we did as a community for the Kosovars.

The buildings themselves are interesting in as much as they were designed and purpose-built as an educational facility and were used successfully as an officer training school for many years by the Australian army. The central buildings provided accommodation and kitchens and so forth, and that is why the facility was so suitable for use by the Kosovars.

To continue, this was all rather nebulous and people were wondering what might be able to be used. I looked up my diary, and it contains an entry to the effect that at 10 a.m. on Saturday, 15 February 2003, I hosted a visit to the Point Nepean buildings by the principal of the Australian Maritime College. I felt that possibly — and I repeat, possibly — there could have been some worthwhile use made of those buildings by the college. I was very pleased to learn during that visit

that the college thought this potentially would be an opportunity to consider the buildings and the site for a mainland installation of an educational facility for studying marine life and maritime education. I think that possibility is still active; it is a federal matter and it is not for me to say.

I cast my mind back to February 2003 and recall that I enjoyed the opportunity to discuss a potential use of the site by the Australian Maritime College. As time goes by I would like to see a program of agreed community use by several representative groups in the area come to pass, and I would be very supportive of that.

I am sure the \$2 million the commonwealth government has made available to the state government will be welcome. It is intended to meet the cost of a controlled burn of the weapons range land. I understand the weapons land is 205 hectares in area and contains significant unexploded ordnance. I hope the engineers and technical people who will be proceeding with those controlled burns in the future are able to do so with the safe use of appropriate machinery and technology so that the risks to themselves and the community are minimised through the prudent use of those controlled burns. Regrettably on some occasions over recent years we have seen controlled burns break through the expected control lines and the community has suffered significant damage. I hope that unexploded ammunition does not present difficulties and that a controlled burn can be carried out without any damage or need for concern for the individuals who will do that dangerous job.

It is interesting to see that the proposed 19 hectares of Melbourne Water land — which we will call the Gunnamatta sewerage outfall vicinity — is to become part of the national park. I have mentioned in the chamber on several occasions my concern about the need to make sure Bass Strait does not receive too much more contaminated water. Ms Carbine has displayed considerable enthusiasm about the possibility of looking at diverting the water from the treatment plant down to the Latrobe Valley. If it can be done that way it would be a good thing, but time will tell. I am very concerned that as a community we should limit the more than 400 million litres a day of contaminated water that is reported to be going into Bass Strait from that outfall. If that can be successfully diverted to an alternative, sensible and justified economic use that would be a very good thing. The other thing I want to emphasise is that transferring this land is a positive expression of a clear will by the community to see that the land in question stays in public ownership. I mentioned earlier that I have strongly supported that position all along. It has been my public position, and it

will remain so. As one of the local members representing that area I am concerned there will be no private housing and sell-offs of this land, and I am pleased to see that the intention of this bill is to keep all that land in public ownership.

I suggest to honourable members that it is important to allow the commonwealth and state governments to work together, if they will, on protecting an aspect of the site that is very important. Given the enormous amount of international cargo freight and the passenger services that go through the heads, which have quite dangerous characteristics, I hope we never have a major maritime disaster. There were several significant maritime disasters at the Heads during the 1800s but thankfully not in recent decades. I ask honourable members to keep in mind that the physical arrangement of the land, particularly to the south of the quarantine station, is quite large. It is a parade ground type of flat area that is very suitable for the landing of helicopters and for use by other emergency vehicles. If every we do have a maritime disaster in the future, access to the land at that point will be extremely important in the enormous and difficult — and I hope never required — rescue operations.

All in all, this is a bill whose time has come — to quote a phrase — and it is time the land was transferred over. I am confident that the discussions between the state of Victoria and the federal government will be able to proceed to a satisfactory outcome. I am looking forward to the time, even if it is 2009, which is not so far away, when the entire area will be under state control.

I pay my compliments to the staff of Parks Victoria. I have always been courteously received by them, and I believe them to be most professional. I have had considerable exposure to them over a long time. They are respected, they are supported and they do a good job. My only complaint is that there are not enough of them. I hope the state government can see its way to increasing the budget for the staff of Parks Victoria so that the management of this area and other state properties of a similar kind can be better and more progressively managed. With those comments, and on that note, I am pleased to indicate my support for the bill.

Hon. J. G. HILTON (Western Port) — First of all, I would like to say to my friend the Honourable Ron Bowden, welcome aboard. Mr Bowden said that he has always supported the full public ownership of Point Nepean. I may stand corrected, but I do not recall him making any statement on Point Nepean since I have been in this place, whilst in that time I have made many 90-second statements on the issue and raised it many

time in the adjournment debate. If I am wrong in that, I apologise in advance, but I do not recall Mr Bowden expressing those sentiments previously. However, as I said, welcome aboard.

I will give a little of the history of Point Nepean which dates back to the 1700s. I am particularly pleased to be able to do this because I do share the responsibility of looking after Point Nepean, in a political sense, with Mr Bowden, and I have also found it a most fascinating and interesting place. It has probably been the issue which in my two and a half years in this place has taken up a significant amount of my time. I am glad we are now getting to a stage where we can see some future for the whole area to be integrated into one national park, but we are not quite there yet.

As I mentioned, the history of Point Nepean dates back to the late 1700s when it was used by whalers, sealers and tan bark merchants, and in the early 1800s the area was being used for fishing and lime burning. I think, as Mrs Coote said, the first lease of Point Nepean was taken by the pastoralist Edward Hobson in 1837 for the purpose of cattle grazing. Hobson transferred his lease to Daniel Sullivan around 1840 and Sullivan, with William Cannon, used the land for developing a lime-burning industry. The shepherd's hut which remains on the site today belonged to Patrick Sullivan who had set himself up on 4 acres with a house and some cleared land.

The next stage at Point Nepean related to the establishment of a quarantine station. It is the second oldest intact quarantine station in Australia and it contains the oldest buildings erected for specific quarantine purposes. By the mid-1800s the influx of emigrants from Europe was increasing and Point Nepean, with its natural isolation, fresh water and rich soil, was identified as the preferred site for the quarantine station. The ship *Ticonderoga* arrived in 1852. It had sailed from Liverpool with 700 passengers on board and the captain reported that approximately 100 people had died during the three-month passage and a further 300 were sick with scarlatina. The ship and its passengers were quarantined at Point Nepean in temporary tents where another 70 people died, all of whom were buried in the beach cemetery. Over the next 40 years several buildings were added to the site and after Federation the station continued to be operated by Victoria on behalf of the commonwealth until the Quarantine Act of 1909 came into force.

Between 1919 and 1920 over 120 000 people, many of them ex-servicemen returning from overseas, were examined at Point Nepean. Many of these were the victims of the great influenza pandemic of 1918–19.

The quarantine station itself changed little after 1921 due to a gradual decline in Australia's quarantine requirements, brought about partly by the increased availability of inoculation as a treatment for many diseases, as well as the new means of arrival into Australia which obviously included air travel. In 1951 a number of the buildings were leased to the army to establish its officer cadet school. Only 12 people were treated there between 1964 and 1967, and finally the Point Nepean Quarantine Station was officially closed by proclamation in 1980.

As has also been mentioned previously, Point Nepean has a history in relation to defence activities. To repel anticipated attacks from Russia during the Crimean War, forts on both sides of the bay's entrance at Point Nepean and Queenscliff were constructed. The defence infrastructure at Point Nepean was developed in three distinct phases: between 1878 and 1886 muzzle loaders were installed; between 1886 and 1910 disappearing and quick-firing guns were installed; and between 1910 and 1945 new high-velocity guns took their place at Point Nepean.

The guns at Point Nepean had the distinction of being the first to be operated in both world wars. The guns were used to halt a German vessel called the *Pfalz*, which was fleeing the bay in August 1914. In World War II the target was an Australian ship, the *Wonira*. It had apparently attempted to enter the bay without permission, but after the shot was fired it fortunately quickly identified itself. The military reserve at Point Nepean remained in use as a field training area after World War II, although no permanent garrison was present. In 1988 the school of army health replaced the officer cadet school and the army vacated the land in 1998.

Now the history of Point Nepean gets rather interesting. In 1998 the commonwealth government offered the land to the Kennett government, but the offer did not include the clean-up of the site of unexploded ordnance or the 40 hectares of prime coastal land on Port Phillip Bay. The Kennett government, rightly in my view, declined that offer.

In the same year, the commonwealth government proposed selling off the land at Point Nepean for a hotel, and \$5 million was set aside but never spent by the then defence minister, Peter Reith, for the clean up of buildings before their use as a hotel.

The Bracks government was made a similar offer in 2001 but refused the offer as again, the commonwealth government did not make any commitment to clean up the ordnance and also wished to reserve 40 hectares of

prime land. As has been described by Ms Carbines, the commonwealth government then decided that it wanted to make as much money as it could out of Point Nepean. Its obvious intention was to sell to the highest bidder. This was totally contrary to what the community wanted, as the community of the Mornington Peninsula — and I believe the wider Victorian community — wanted all of Point Nepean used for the enjoyment of all Victorians. Many people were involved in extensive community action campaigns, and I commend Kate Baillieu, Vicky Sullivan and all of their associates who tried so hard with such commitment to ensure that the commonwealth government's purpose in selling the land to the highest bidder was frustrated. The state government also ensured that significant heritage impediments were placed in the path of any purchaser of Point Nepean. Those potential purchasers did not materialise.

The commonwealth government's second strategy was to lease Point Nepean, which essentially would have had the same result as a sale. This was seen as a great victory by the conservative side of politics. There is a famous television image of the then parliamentary defence secretary clinking champagne glasses with the federal member for Flinders, toasting what they saw as a great victory. It may have been a great victory for conservatives but it was not a great victory for Point Nepean. It was not a great victory for the residents of the Mornington Peninsula and it was not a great victory for Victorians. Again the public backlash was overwhelming, and again the state government indicated that it would take whatever steps it could to impede the lease process. Eventually, fearing an election backlash — and it is my understanding that before the last federal election internal polling in Flinders indicated that the current member was going to be defeated — the commonwealth government eventually capitulated. But it could not be seen to be capitulating so it divided Point Nepean as it wished to divide the community, and 11 hectares at Police Point was given to the Mornington Peninsula shire to manage as an open space, and 205 hectares with the unexploded ordnance was given to the state, with a commitment by the commonwealth government to clean up the area, but over many years. The commonwealth government also provided \$2 million to the state for bushfire burning.

However, the story is not yet finished and we are not quite sure whether it will have a happy ending. The commonwealth still retains 90 hectares which is now in the hands of a trust charged with its management in the spirit of it becoming a national park, to be handed over to the state within five years from 2004. However, I

remain to be convinced that the commonwealth will not at some stage try to derive some monetary benefit from Point Nepean. In spite of what has been said about the competence of Parks Victoria, which I think is totally unfair and unfounded, Parks Victoria and the state government stand ready to take over the management of all of Point Nepean as soon as the commonwealth government decides to do what it should have done at the very beginning which was to hand over Point Nepean in its entirety for the benefit of all Victorians.

This bill will establish a new Point Nepean National Park incorporating the former defence department land which the commonwealth has agreed to transfer. I am delighted to support the bill but urge the commonwealth government to stop playing small-time political games with a priceless natural asset. I call on the federal member for Flinders to pressure his Liberal Party colleagues to ensure that the transfer of all of Point Nepean is done expeditiously. I congratulate the state environment minister and all his team for the work they have done in dragging the commonwealth government kicking and screaming to what was always the only outcome for Point Nepean — one national park and one manager. I am pleased to commend the bill to the house.

Mr VINEY (Chelsea) — I wish to make a brief contribution to the National Parks (Point Nepean) Bill before the house today, and in doing so I want to congratulate my colleague, Geoff Hilton, for his outline of the history of this project, and his call on the federal government and the local member, Greg Hunt, to do the right thing and make sure that all of this very precious land is put into the national park and is managed as one national park under one authority.

This bill is almost the end game in what has been a sorry political saga where the federal Howard government attempted to make political capital out of this issue. That seriously backfired because the community demonstrated what communities can always demonstrate best — real people power. A number of prominent Victorians led the debate supported by this government. In late 2001 or early 2002 I well remember attending a public rally in Portsea and speaking on behalf of the then minister in relation to this matter. There were hundreds of people from the local community at the rally who were absolutely committed to delivering exactly what this bill is about — one national park managed by one authority.

The debate today has been instructive. The Nationals have got on board, and I suspect that despite his denials Mr Hall's sudden and new found interest in the

Mornington Peninsula may have something to do with a forthcoming election. But it was also interesting to hear Mr Bowden. I noted Mr Hilton's pick-up on Mr Bowden's contribution in relation to what appeared to be a very late revelation that he had never supported the privatisation of this land. It is not something that I recall, and I have tried to follow this debate fairly closely because I am a resident of this region and have lived in Frankston and the Mornington Peninsula for some 18 years. It is an area that I have a particular interest in and I have visited this park on numerous occasions. Like Mr Hilton, I do not recall Mr Bowden having publicly declared his opposition to the Howard government's attempt at privatisation on any previous occasion.

Hon. J. M. McQuilten — He has seen the light.

Mr VINEY — You are quite correct, Mr McQuilten, he has seen the light. Also interesting and instructive in the debate were the different perceptions of Mr Hall and Mrs Coote in relation to the public servants who work for Parks Victoria and the Department of Sustainability and Environment. Mrs Coote took the opportunity, in my view very unfortunately, to attack public servants in a very unreasonable manner, and Mr Hall took the view that he may not be a great supporter of Parks Victoria or the Department of Sustainability and Environment but that he did not hold the personnel responsible for that.

I suspect the difference might be that in Mr Hall's case the particular people we are talking about are voters in his electorate. I do not think there would be too many of them in Mrs Coote's electorate. That may well be the difference. But I will say it is a very disappointing development in this house when members such as Mrs Coote, who is the Deputy Leader of the Opposition, come in and, as I have said before, use cowards' castle to attack individual public servants. This is an appalling development. We saw it only two weeks ago when Mr Davis did the same thing in relation to a particular officer from the Department of Human Services.

It is an appropriate time for us on this side to remind members of the Liberal Party, who are starting down this path, that in a civil society it is important to have a public service that is fearless and frank in its advice to government. Once it provides that policy advice and the government makes a decision, that public service implements those policies. A public service that does that is not a puppet. It is inappropriate to come into this place and describe such public servants as puppets. Those public servants provide proper, appropriate, fearless and frank advice to the government. When the

government makes a policy decision it is the obligation and duty of an independent public service to properly and faithfully administer those policies. It is an appalling development when on two occasions in two sitting weeks senior people from the Liberal Party have used cowards' castle to attack individual public servants.

This bill is about the important decision to put the Point Nepean National Park under one ownership, under one management authority as one entity. It is important that in making this contribution we call on the federal government to complete that process with the land around the old quarantine station, which is magnificent land and ought to be included in this national park and managed in the same way with the same authority. We call on the federal government to do so forthwith. There is no proper reason why that piece of land should be held outside of the national park, and this government is ready to incorporate it and to take responsibility for that immediately. This is an important development in what has been a long and sorry political debate caused by the federal government's attempt to maximise financial return in an attempt to privatise this land. This is the end stage of this debate and I commend the bill to the house

Motion agreed to.

Read second time.

Third reading

For **Ms BROAD** (Minister for Local Government), **Hon. M. R. Thomson** (Minister for Consumer Affairs) — I move:

That the bill be now read a third time.

In so doing, I thank all members for their contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

COMMONWEALTH GAMES: BUDGET

Mr VINEY (Chelsea) — I move:

That this house affirms its support for the Commonwealth Games and endorses the action taken by the Minister for Commonwealth Games in adopting budgetary arrangements for the games which ensure complete financial transparency and accountability.

Hon. Bill Forwood — Get on with it!

Mr VINEY — What business have you got telling me what to do, Mr Forwood?

The ACTING PRESIDENT (Ms Hadden) — Order! Mr Forwood will go to his place. Mr Viney will continue.

Mr VINEY — Unlike Mr Forwood, Acting President, I was paying you the courtesy of allowing you to take your seat in the chair before I commenced my contribution.

I wish to commence by reminding the house why we are debating this motion today. A few weeks ago during the general business debate the opposition moved a two-part motion that affirmed support for the Commonwealth Games and then proceeded to condemn the minister. I remind the house that whilst not feeling bound absolutely by an agreement, the government took the view that because the opposition was unprepared for the government to move amendments to motions that it put before the house in the general business program, the government would not move the amendment in that debate but would move this motion before the house today. Clearly the government was not going to support a motion that condemned the Minister for Commonwealth Games because there were no grounds to support such a motion, but it also found it difficult to vote against a motion that affirmed this house's support of the Commonwealth Games.

While the opposition might think it clever to move motions like this that attempt to cause embarrassment to the government, let me assure the house that we will not be intimidated by opposition motions and we will not allow the opposition to put the government in a position where it appears to do something that was not its intention. Therefore we have moved this motion today to ensure that there is no doubt whatsoever that this house, supported by the government, actually affirms its support for the Commonwealth Games.

I also want to take the opportunity in this debate to reaffirm the strong support of this government for the actions of the minister in relation to the financial management of the Commonwealth Games.

I want to take the opportunity of this debate to briefly outline a couple of key and important things about the Commonwealth Games and put them on the record. The 2006 Commonwealth Games will be the largest sporting event in Victoria's history, with 4500 athletes coming from 71 countries to participate. Whilst over 1 million spectators will attend the events of the games,

one third of the world's population will be watching. There are only 218 days to go until the opening ceremony takes place on 15 March 2006. For 12 days Melbourne and Victoria will have the opportunity to show the world why Melbourne is the sporting and cultural capital of Australia. The event will bring 90 000 tourists to Victoria and contribute \$1.5 billion to the Victorian economy. It will create 13 000 jobs while providing infrastructure that will last for many years to come. With over 1.2 million tickets being available to the public and with prices starting at just \$15 these games are truly accessible to and affordable for all Victorians.

I want to highlight that KPMG's independent economic advice says that total expenditure in Victoria as a result of the games will be \$3 billion. The long-term benefits of the investment in infrastructure in the facilities of the games will go on for many years. This infrastructure development includes the \$430 million Melbourne Cricket Ground (MCG) redevelopment, the largest upgrade in its 150-year history. It will improve and rebuild the W. H. Ponsford and the Olympic stands and the Melbourne Cricket Club members pavilion. It is worth noting that the completion of the northern stand — completed by the Bracks Labor government — will augment the completion of the southern stand, which was completed by the Cain Labor government. By the end of this year the entire Melbourne Cricket Ground will have been built by Labor governments in Victoria.

Hon. Bill Forwood interjected.

Mr VINEY — All of the stands around the MCG will have been built by Labor governments in Victoria, and we can add to that the magnificent tennis centre that was initiated by the former Labor government.

The significant Commonwealth Games village is being developed, with 155 detached houses, 5 social housing apartment buildings, 14 social housing townhouses and 115 temporary accommodation buildings. There are significant environmental initiatives that will make these games environmentally friendly for Victoria. We have significant community involvement, particularly through local government activities, with councils adopting visiting teams. For example, the City of Casey has adopted England, the City of Frankston has adopted Samoa, the City of Greater Dandenong has adopted Mozambique, the City of Kingston has adopted Sri Lanka, and the Shire of Mornington Peninsula has adopted Bermuda, St Helena and the Falkland Islands. We have had great success with the ticketing of the games. As I said, ticket prices start at just \$15, with more than 50 per cent of tickets being priced at \$60 or

less and more than 70 per cent of tickets being priced at \$100 or less. In fact what we know from the ticketing process that has occurred so far is that the results of it have been ahead of what was experienced for the Sydney 2000 Olympics this far out from those games and ahead of what was experienced in Manchester for the 2002 games. At 54 per cent of ticket sales so far, the ballot has been a roaring success.

The Queen's baton relay will be a significant success. The baton will visit all 71 nations that participate in the games. It will travel 180 000 kilometres on an epic journey between Buckingham Palace and Melbourne. In its last 50 days the baton will visit over 500 Australian communities and be carried by 3500 relay runners. We have in place now an exceptional position for the launch of what will be a very successful Commonwealth Games.

Turning to the budgetary management processes, the Victorian government's total commitment for the Commonwealth Games is \$697 million. This will cover the operations and the assets. On top of this there will be costs associated with security. Because of the rising concern about security for major events that is being experienced worldwide it has been necessary to take the security budget outside of that commitment. It has also been important to retain the confidentiality of the total security budget, because the advice of the security forces in Victoria and nationally is that to report it beforehand would identify the scale of the security operation. It has been necessary, on advice, to budget for security outside of the \$697 million and to maintain confidentiality on it. However, the scale of the security operation will be apparent during the games and will be reported as part of the final reporting processes.

There will be one final report. It will be a special purpose report that will pull together the expenditure on a whole-of-government basis. This is currently done on a regular basis, and of course it will be done at the conclusion of the games. There have been considerable attempts by the opposition to make some hay out of this matter, but there is no surprise in a process that reports a whole-of-government approach on a regular basis leading up to the games and then produces a final report when all of the accounts are in and completed. That is a proper —

Hon. Bill Forwood interjected.

Mr VINEY — Mr Forwood interjects, but with all his experience as a parliamentary secretary and with all his time on the Public Accounts and Estimates Committee he knows full well that that is an appropriate process. On top of that we have the

capacity of the Auditor-General to have full reporting authority, as he does at the moment, on all areas of government activity. The only reason we have an Auditor-General in this state who has the independence, authority and capacity to undertake that is because of the protections that this government put in place in relation to the Auditor-General. Mr Forwood is interjecting, but of course what we know is that he was parliamentary secretary to the former Premier at the same time that he chaired the Public Accounts and Estimates Committee — an absolute conflict of interest. During that time he saw the Kennett government nobble the Auditor-General, so he has his hands well and truly dirty on that process.

In conclusion, the final report will be exactly that — it will report on the finality of the games. I am not going to take up a lot of the time of the house in this debate, because I believe we have canvassed these issues before, but it is important to get an appropriate motion on the books that demonstrates that this house strongly reaffirms its support for the Commonwealth Games and its strong support for the management of the Commonwealth Games by the Minister for the Commonwealth Games in delivering those games for the benefit of all Victorians. I ask the house to support this motion.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — The reason we are debating this motion this afternoon is that there is nothing else, I believe, on the government business program.

On the substance of the motion, I take this opportunity to reaffirm the Liberal Party's support for the Commonwealth Games and reiterate that were it not for the Liberal Party Melbourne would not be hosting the Commonwealth Games next year.

The second component of Mr Viney's motion is that this house:

... endorses the actions taken by the Minister for Commonwealth Games in adopting budgetary arrangements for the games which ensure complete financial transparency and accountability.

The Liberal Party will be opposing that aspect and therefore opposing the motion because firstly, it does not support the actions the minister has taken, and secondly, does not believe that they ensure any financial transparency and accountability for the Commonwealth Games.

The original motion Mr Viney referred to, which was debated three or four weeks ago in this place and which I have no intention of going through in detail today,

arose from comments made by the Minister for Commonwealth Games at the hearing of the Public Accounts and Estimates Committee of 8 June. At that hearing the minister announced that the reporting for the Commonwealth Games would in effect be delayed until after the 2006 state election. He went on to say that the reason for that was a request of the Auditor-General. In the weeks following that hearing on 8 June we had a series of statements and documents prepared by the minister's office in an attempt to justify his claim that the Auditor-General had requested a change to the reporting date for the balance of the Commonwealth Games.

It was clear from the series of documents that came out in this house that that was simply not true and that it was simply a case of documents being fabricated — presumably in the minister's office — to back up the minister's statement of 8 June. If the minister had come to the Parliament and said, 'I got it wrong at estimates. What I meant to say was it was the government's intention to change the date for reporting the balance', this matter could have been resolved. Instead of doing that, this government, in its usual form, tried to put in place some spin and invented a paper trail to try to cover up the fact that the Minister for Commonwealth Games had got it wrong and in doing so implicated the Auditor-General in this cover-up.

Therefore, two days after the matter had been raised in Parliament, we saw produced in Parliament a statement that was purported to have been prepared by the Auditor-General and the Secretary of the Department for Victorian Communities, Yehudi Blacher, as justification for what the minister had said at the estimates hearing. It did not justify what the minister had said but in fact raised more questions about what the minister had said at the estimates hearing. While the minister had referred to a reporting date for the Commonwealth Games Corporation, the statement purported to have come from the Auditor-General related to the special purpose report to be prepared for the Commonwealth Games, which has no official status under the Audit Act and therefore was completely irrelevant to the matter the minister had raised on 8 June.

Following that matter being raised in Parliament during question time and the minister's attempt to confuse the issue with the release of the irrelevant statement, I wrote to the chair of the Public Accounts and Estimates Committee and member for Pascoe Vale in the other place, Christine Campbell, indicating that in order to clarify the matters raised by the minister at the hearing I would seek to have the minister and the Auditor-General appear again before the committee to

clarify the exact situation with respect to the Commonwealth Games reporting. That certainly put the cat among the pigeons. When the estimates committee next met, the government used its numbers to block the appearance of the minister and the Auditor-General before the estimates committee to clarify the situation. It is absolutely abhorrent that the government would use its numbers on the estimates committee to block a minister appearing and explaining something. The Public Accounts and Estimates Committee is supposed to be about openness and transparency, yet the government used its numbers — the five Labor Party members on that committee — to block the appearance of the Auditor-General and the minister simply to clarify this matter.

Lo and behold, at that meeting of the committee a piece of correspondence was tabled. I have here a letter dated 21 June from the Minister for Commonwealth Games. He states that he is writing in relation to a misunderstanding which has apparently arisen in relation to his evidence given on 8 June, notwithstanding that up to that point the minister had said that there was no misunderstanding.

Hon. D. K. Drum — Eight times.

Hon. G. K. RICH-PHILLIPS — Mr Drum tells me eight times. The minister had come into this place eight times and released these documents — purported to be related to the matter — to cover up what he had said in the estimates hearing. Suddenly, on 21 June, he released a new letter saying that it was to clear up a misunderstanding. In that letter, which was sent to the estimates committee, the minister went on to attempt to explain his statements on 8 June and his subsequent statements in the house and the document that was released subsequently in this place by him that was purported to be by the Auditor-General and the secretary of the department. I have to say that this letter from the minister only went to further confuse the issue. This was clearly prepared by the minister's office in an effort to — —

Hon. D. K. Drum — Spin his way out of it.

Hon. G. K. RICH-PHILLIPS — Spin his way out of it — thank you, Mr Drum. It introduces a further new document, being a letter dated 15 June.

Hon. D. K. Drum — In between.

Hon. G. K. RICH-PHILLIPS — In between. It is from the chairman of the Commonwealth Games Corporation, Mr Ron Walker. Basically the minister has gone from saying that the Auditor-General has requested that the date for reporting the balance of the

Commonwealth Games be shifted to saying that Ron Walker, or the board of M2006, has requested the change. The best part is that the date of the letter is 15 June, so it was a full week after the matter became an issue in the public domain that Mr Walker thought, 'Oh, maybe I should write a letter and request this change'. So the minister was relying on a letter written on 15 June to justify claims he made a week earlier. I have to give the minister credit: obviously he has unique telepathic powers if on 8 June he could pre-empt a letter written on 15 June and use that as the basis for his justification in claiming that the corporation wanted to change the date for reporting the balance.

I do not intend to go through the matters in detail. I know that my colleague Mr Forwood is keen to canvass some of these issues as well. The bottom line is that the government has attempted to cover up the minister's statement. The government has attempted to get around the statements — presumably erroneously made by the Minister for Commonwealth Games — by spinning a trail of documents purported to justify the minister's comment, rather than the minister coming clean about what was said at the estimates hearing on 8 June. On that basis, there is absolutely no way that the Liberal Party will support a motion that endorses the actions the minister has taken in terms of financial transparency and accountability. There is nothing at all transparent or accountable about what the minister has attempted to do with respect to the budget of the Commonwealth Games.

Putting aside the issues of what the minister said and how he went about trying to cover it up, the bottom line is that the consequence of the minister's action is that in all probability the financial outcomes of the Commonwealth Games will not be reported until after the 2006 state election. Despite the games concluding on 26 March next year, there will be a full nine-month delay until the release of the financial statements of the Commonwealth Games Corporation — and the special purpose report, seemingly — which in effect will mean that it will occur after the state election and there is absolutely no justification for that. The games will conclude three months before the end of the financial year and there is no reason why the special purpose report and the official annual report of the Commonwealth Games Corporation, as required by the Financial Management Act, could not be prepared and released to the normal schedule, which would mean that they would be in the hands of Victorian taxpayers prior to the next election.

Clearly, as with the hospitals, the government does not want this information in the hands of taxpayers prior to the state election. Despite Mr Viney's motion, the

government has no intention of being transparent and accountable. It is for that reason and this government's hypocrisy and its failure to be transparent and accountable on the Commonwealth Games that the opposition will oppose the motion.

Hon. D. K. DRUM (North Western) — I also have difficulty supporting Mr Viney's motion. Mr Viney said in his opening address that he did not like motions coming before the house that put the government in a difficult position because it was forced to support certain parts of the motion while rejecting other parts. Mr Viney's motion has put the opposition parties in the same position. This is a game and Parliament should have better things to do with its time than play games in this house, which is what Mr Viney is doing.

As Mr Rich-Phillips has said so succinctly and eloquently, it is impossible for the house to take this motion seriously because of the secrecy and slipshod way in which these financial matters have been handled. It is appalling. We have said time and again that it does not matter how much we support and have a genuine desire for the success of the Commonwealth Games. We understand the economic benefit to Victoria, including some regional areas, and that the economic impact is estimated to be double that of the cost of the games, so we cannot understand why the government continues rolling out the ridiculous line that the games will be delivered on time and on budget.

The budget has already changed three times. In 2003 when the final budget was set the minister said we will settle on a budget of \$500 million, but 12 months later we adjusted that to \$700 million and some time later it was said that it will still be a \$697 million budget but we will have to get a \$100 million contribution from the commonwealth government. The federal government has announced an approximate \$80 million contribution to be used for security purposes. The budget has well and truly been blown. We have had an announcement less than two months ago stating that the state's allocation for security will be removed from the Commonwealth Games budget. The government is still conning Victorians when it says that it will deliver the games inside the budget allocation, which is clearly spin-doctoring at the highest level. The patience of Victorians are wearing thin because government members are saying they will deliver the games on time and on budget when it is clearly not the case.

The Minister for Commonwealth Games got himself into some serious hot water when he made statements before the Public Accounts and Estimates Committee shifting the blame and putting a request in the hands of the Auditor-General. That was a horrendous mistake for

the minister to make under oath. Clearly it was not the case, as became evident in this house in the days following when the minister produced a letter with no signatures on it but which supposedly was issued by the Victorian Auditor-General's Office about conversations that had taken place two years previously by people who were well and truly down the ladder in the office of the Auditor-General. The minister told the house that these conversations led to the Auditor-General asking that the reporting procedures be delayed, but that did not wash with anyone on this side of the house who listened to the minister trying to explain his way out of it, because it was not true. Now the minister says there may have been some misunderstanding. We have now seen a letter from Mr Ron Walker indicating that maybe he requested that the reporting procedures be delayed. The hole the minister is digging while trying to dig his way out is getting deeper and deeper.

The Nationals have no problem with the fact that putting a budget in place three or four years before an event of this magnitude is difficult and it is feasible that the budget will override its initial budget estimates. The people of Victoria understand these blow-outs in budgetary estimates but will not stand for people being dishonest with them. They will not stand for government members trying to hoodwink them about what is happening, certainly in relation to security issues with the Commonwealth Games. We have been told the security budget and the provisions put in place for security have to remain secret. Whether that is true or not, it is feasible that could be the case. In February 2003 the Premier made the position very clear in detailing the security expenditure. He said \$1.2 million would be specifically for emergency services to increase the capacity to respond to chemical, biological and radiological materials. He detailed the aspects of security and said the government would have a \$3.8 million plan for new surveillance and communication equipment for the police.

The Premier went on to say that \$6 million would be spent on a new secure state crisis centre equipped with encrypted communication networks linked to key federal and emergency services agencies. He was very specific about the \$6.4 million that would be spent to ensure the operation of Victoria Police could not be interrupted by a targeted terrorist attack. These are specific costings put in place to protect Victoria, not for the Commonwealth Games but just for the protection of our day-to-day lives. If it is good enough for the Premier to detail very clearly the type of terrorist and security measures put in place to protect Victorians in their day-to-day lives, it is good enough for the minister to come clean about the cost and sorts of security measures being put in place.

The government has the choice to be open, transparent and accountable with the public or not to be open, transparent and accountable, but it cannot have it both ways. It cannot be secretive, keeping the security costings, security measures and reporting procedures behind closed doors or withholding them. As Mr Rich-Phillips has said, it is similar to what has occurred with the hospitals and their accounting procedures, which we debated in the last sitting. It is no good delaying these reporting procedures until well after the next election and then saying the government is transparent and accountable, because the two things do not wash.

It has been borne out in recent weeks that the state contribution for the security budget for the Commonwealth Games will be in the vicinity of \$76 million. We do not know whether that is true or not, but it raises questions about where that money will come from because that funding has been taken out of the Commonwealth Games budget. We still have not heard the government detail to the opposition parties from where it will find that money. We do not know whether it will come out of general revenue or how it will be funded. We have not yet heard what part of that amount was previously allocated in the budget. Therefore what is going to happen to the shortfall that would have previously been in the budget?

It would be reprehensible for us to even consider backing Mr Viney's motion. We confirm our support for the games. It was a coalition government that affected the bid document to secure the games. We are treating these games like they are an affair for the whole of Victoria. We take great pride in the fact we are going to be able to enjoy the games, even though I have been unable to secure tickets yet. Along with my family, I hope to be able to watch as many events as I will be able to find my way into. Whilst there have been several issues raised in relation to the games to date, we maintain a very positive outlook on what these games are going to do for our city, not least the positive legacy they will leave to this state. As governments come and go, we are going to continue to be able to hold world-class sporting events in this city and in this state, because we will continue to hold events like those in the M2006 Commonwealth Games. While that is immensely positive and The Nationals are pushing it as hard as we possibly can, we cannot in any way take Mr Viney's motion seriously. It is a wonder Mr Viney was able to read his motion without cracking up. We will not support this motion.

We implore the government to get serious about providing Victorians with some transparency, openness

and accountability in relation to the reporting procedures of the Commonwealth Games.

Ms ROMANES (Melbourne) — I am delighted to have the opportunity to rise to support Mr Viney's motion. I would have expected the house generally to affirm support for the Commonwealth Games, which in the past has had bipartisan support. I am also pleased to support the second part of Mr Viney's motion and to endorse the action taken by the Minister for Commonwealth Games in adopting budgetary arrangements for the games which ensure complete financial transparency and accountability. I do that because I have sat on the Public Accounts and Estimates Committee for five years. I have seen the amount of information that has come forward and how forthcoming the Minister for Commonwealth Games has been in providing information to the committee and to members of Parliament — in this house and the Legislative Assembly — to answer questions about arrangements and preparations for the Commonwealth Games. From my perspective there has been no shortage of information.

I will refer to the Public Accounts and Estimates Committee 2004–05 budget estimates report. I note the whole range of issues that our committee took up with the Minister for Commonwealth Games: performance measures, progress on capital projects, the contingency fund, ticket allocation and distribution, the cost of the athletes village, the economic impact of the Commonwealth Games and the whole of games reporting and budget, which is the issue that we have been discussing in this house for some weeks. The concerns that have been raised at different times by members of the opposition have been addressed in that committee and in other forums. On those particular topics, there is quite extensive information that the committee dealt with last year.

I note from that report that the whole-of-government financial reporting began back in 2002 as an appendix to the annual report of the Department for Victorian Communities and that the Public Accounts and Estimates Committee in its estimates report last year requested further reporting along those lines to make sure that the whole range of contributions towards the Commonwealth Games is captured in a whole-of-government performance report. That is exactly the area that the minister has given some attention to and has put in place in the processes that have been implemented for evaluation and reporting of the games, whole-of-government financial reporting and whole-of-government performance reporting.

I do not want to rehash the opposition's efforts to get some political mileage out of this issue and to attach dubious motives to the minister, but I recall in this house in other debates and at question time that the minister has made it very clear that every attempt will be made to make sure that that whole-of-government reporting and analysis will be delivered as soon as possible after the end of the 2005–06 financial year. That is a very strong commitment on his part. There is no attempt to try to obfuscate the outcomes of the games before the election in 2006. There is no need to obscure any information about the games.

The Commonwealth Games in this state will be an overwhelming success — there is no doubt about that — and maybe that is what the opposition is afraid of. The infrastructure and capital projects are going to plan. The various programs to involve the community in the games — before, during and after — are on track, and I want to commend the minister for the solid work he has done to help deliver to this state the Commonwealth Games in 2006. It has been a solid effort over the last five years, and it will be the largest public event in Victoria's history. It will bring 90 000 tourists from interstate and overseas to join the almost 700 000 people in Victoria who have indicated that they want to attend some of the 16 sports that are going to be available during the games.

We have seen that the report on the potential economic impact of the Commonwealth Games indicates a \$1.5 billion boost to the economy in this state, which means possibly 13 000 extra jobs and spin-offs for Victorian companies and businesses, and in particular spin-offs for the community in terms of sporting infrastructure and strengthening community sport at a community level.

One of the objectives that the minister has given a lot of attention to is involvement of the community. I am mindful of the fact that when any government or different levels of government — as local, state and federal governments are involved in the preparations for the Commonwealth Games and in the implementation thereof — invest public funds, there has to be some guarantee of a legacy for the whole community and in the public realm. I am mindful of the fact that there were a number of legacies that the organisers of the Sydney Olympics made sure were left for the people of New South Wales after the Olympics in 2000. I think some of those important legacies were enhanced environmental standards in building of both dwellings for residences and also public and sporting buildings. There were legacies in terms of just demonstrating in one large event that they could move 90 per cent of the people going to that event by public

transport. In terms of enhancing confidence in the capacity of public transport to undertake a task like that, that was an enormous legacy. I think we have learnt a lot of things from the Sydney Olympics, but one of the features of the Commonwealth Games for Victoria is that it will be a very inclusive event. The range of programs that are already under way to make that happen is quite impressive.

We know that there have been funds for all municipalities across Victoria under the Getting Involved program to start to plan celebrations which will involve their local community and also link their communities with an opportunity to explore another culture, to learn from the team that they adopt under the Adopt a Second Team program, and that that will help build international relationships. That is a very important program. We know that on 20 November there will be another opportunity in the event warming-up for the games to try to encourage more and more people to undertake physical activity. There are also the Future Athletes program, the sports clinics and the coaching clinics. A few days ago I was at Melbourne Girls College when Liz Ellis and Sharelle McMahon, two of our leading netballers, were talking to 200 girls about pathways to elite sport and the importance of sport and life skills. All of these events and programs are linked into the games and the opportunity for leaving a legacy for enhancing sport and community activities in our own Victorian communities.

One of the most important legacies that the minister has championed is the Equal First program. The Melbourne Commonwealth Games will be the only event of its size to integrate events for elite athletes with a disability into the core program. That is an extremely important first for the Melbourne 2006 Commonwealth Games, demonstrating what was mentioned earlier today by, I think, Mr Atkinson, who was talking about games for people with all abilities. There will also be attention to transport for people with disabilities so they can participate as much as possible in the games, in sport and as spectators. There will be a youth festival and lots of opportunities for early school leavers, long-term unemployed and recent migrants to participate as volunteers in the games and to learn new skills from that.

The Melbourne 2006 Commonwealth Games will be a cause for celebration, a cause for bringing people together in big numbers to participate either as spectators or to participate actively in the sports, which will get some boost from the opportunity to host such a world-class event as the Melbourne Commonwealth Games. It is important that instead of trying to use the

games as a political football all of the parties in this Parliament get behind the games and begin to support these sorts of initiatives that will be positive ones for our community. As I said at the beginning, I support Mr Viney's motion, and I urge those on the other side of the house to do likewise.

Hon. BILL FORWOOD (Templestowe) — At the outset I affirm my support for the Commonwealth Games, and I know I can confidently speak on behalf of all my colleagues in the Liberal Party and the Liberal Party in general in doing so. I would like one more time to remind the house that it was the initiative of the previous government that saw the Commonwealth Games awarded to Melbourne.

With respect to the second part of the motion before the house, I am delighted to get an opportunity again to point out the deficiencies of the Minister for Commonwealth Games in the way he has approached the games and his extraordinary efforts to obfuscate and hide what is obviously a mistake. In mentioning the minister I include those members of the Labor Party on the Public Accounts and Estimates Committee (PAEC) who, as Mr Rich-Phillips told the house, used their numbers to prevent proper scrutiny of what actually happened.

I am reluctant to ask the question, but I am very confident that the members of the Labor Party do not actually know how many reports each year deal with the Commonwealth Games, so let me tell them. There are three. There is the annual report of the Melbourne 2006 Commonwealth Games; there is the annual report of the Department for Victorian Communities, which includes the Commonwealth Games authority; and there is the extra one, the special purpose report, as it has come to be known, which has been produced over the years. I would like to ask Ms Romanes which of the three reports she thinks is the report that will be extended to September 2006.

I would like to ask all members of the government — Mr Pullen who will speak next or Mr Viney who moved the motion — which of those reports is going to be extended to September 2006. When you read the transcript of the Public Accounts and Estimates Committee inquiry hearing on 8 June all the minister says is:

The financial year has been extended at the Auditor-General's suggestion, in 2006, with permission from the Minister for Finance, to September 2006 to enable all the costs and issues in regard to the wrap-up of the games to be included ...

Let us just adumbrate the lies we have got. The first lie is that it was at the request of the Auditor-General. It

was not, and that has been proven on more than one occasion. If the Auditor-General had been allowed by the government members on the PAEC to appear at the committee's hearing, he would have told them that, but he was not given the opportunity because the government used its numbers to prevent that from happening.

The second lie is that there was permission from the Minister for Finance. There had not at that stage been any permission from the Minister for Finance. But given that case, we got into an argument about what was actually going on. Next, the only thing we got was a note purportedly signed by Wayne Cameron, the Auditor-General, and Yehudi Blacher, the Secretary of the Department for Victorian Communities. This doctored document was put together to try to get the minister out of the mess he had made. If you read the document you will see that it says there have been ongoing discussions between staff of the audit office and the Department for Victorian Communities about the preparation of the special purpose report. This talks about the special purpose report, so again I ask members of the government: which report do you think is the report that has been extended to September 2006?

If you read the Wayne Cameron and Yehudi Blacher document you see that it is specific when it refers to the preparation of the special purpose report on the Melbourne 2006 Commonwealth Games following completion of the games. I take that to mean that they were talking about the special purpose report. But is that the document that ultimately will be the one that will be extended? No, it is not. How do we know that? We know because eventually this government, which was in such a mess and which had created such chaos in its own department, got Ron Walker to write a letter. In the letter he wrote that he would like to ask the Minister for Finance — would you believe it? — to end not the special purpose report but the annual report of the Melbourne 2006 Commonwealth Games. That was not the report that was referred to in this little document, so I ask again: which report has been extended? I have told government members they might know, because what was absolutely apparent to everybody who listened to Ms Romanes's speech was that despite the fact that she said she had been to all these meetings of the Public Accounts and Estimates Committee she had absolutely no idea which report was going to be extended to September 2006.

As I said earlier, I welcome the opportunity to debate this issue again, but I am not going to trouble the house with it for much longer. I have long suspected that the Minister for Commonwealth Games is not bright enough to be classified as an idiot. What has become

absolutely apparent is that through his bumbling and fumbling with this whole issue he has brought great discredit to the Commonwealth Games and to his own reputation. He is absolutely guilty as charged of, firstly, misleading the Public Accounts and Estimates Committee and, secondly, of misleading Parliament itself. Even now we are in a situation where it is absolute nonsense for Mr Viney to come in here and suggest that the government is being transparent.

Let me talk about the latest Commonwealth Games funny money deal. This deal is as corrupt as some of the deals that were done back in the days of the Victorian Economic Development Corporation. Honourable members in this place, particularly those who have been here longer than others, will have heard me lots of times talk about the reason we brought accrual accounting into the state of Victoria. There was a specific reason, and that was to stop the funny money deals, where you push this year's expenditure into next year and you pull next year's revenue into this year.

You say, 'There is a problem in funding the Commonwealth Games. How are we going to get the money?' The answer is, 'It is easy; we will get \$40 million out of Melbourne City Council'. You ask, 'But what is it going to get back?' The answer is, 'We will fund it for Moomba, out into the future! The only way of getting the money in is to get an upfront payment now from the Melbourne City Council and then to reimburse it year after year in operating expenditure'. It has never been done before in the history of Moomba, for Moomba. I ask the house: is that going to be reported in the whole-of-government reporting of the Commonwealth Games? Where is Mr Pullen? He is meant to be speaking next.

I thank Mr Viney for the opportunity to come in here one more time to say Minister Madden misled this house and the parliamentary committee. The parliamentary committee used its numbers inappropriately to stop proper debate on this, to prevent the Auditor-General and other people telling the truth about what actually happened. Finally, there is no transparency, and the government will be found out.

Mr VINEY (Chelsea) — I will not take long in responding, but I will commence my reply and comments by thanking those members who have contributed to the debate.

Mr Forwood's contribution was loud but lacked substance. Mr Forwood comes in here and mistakes volume for substance. He loves to throw around words like 'corruption' and 'funny money' and does that without any substance, day after day. It does not matter

how many times he is found out or caught out on these kinds of spurious allegations; he continues to do it. We know when it comes to the financial management of the accounts of Victoria that Mr Forwood has form, because as a former Premier's parliamentary secretary he took on the position of chair of the Public Accounts and Estimates Committee, and during that process the then government managed to squeeze down accountability in Victoria. It squeezed it down by making sure that ministers did not have to come before the Public Accounts and Estimates Committee and answer questions. It squeezed it down by making sure that the Premier never had to attend. Mr Forwood did the Premier's bidding. Good old jellyback over there, Bill Forwood, did the Premier's bidding to make sure that the Premier of the day was able to run this state like his personal fiefdom. Of course, in that same period Mr Forwood made absolutely sure that he and the Liberal Party cooperated with the Premier's desire to nobble the Auditor-General. All of that was brought undone in 1999 when the people of Victoria said, 'Enough of that stuff' and got rid of that lot.

When Mr Forwood comes in here making these allegations he does so on the basis of knowledge, because he knew — —

Hon. Bill Forwood — Absolutely!

Mr VINEY — He knows absolutely how to manipulate the books and he knows absolutely how to make sure that there is no accountability in the public accounts for Victoria, because he participated in it when he was last in government. This motion is actually about reaffirming this house's support for the Commonwealth Games. The motion also takes the opportunity to put properly on the record that this house affirms its support for the financial accountability and the management of the Commonwealth Games to deliver an outstanding event for the people of Victoria and the people of the commonwealth. I ask the house to support the motion.

House divided on motion:

Ayes, 20

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

Noes, 19

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

Pair

Theophanous, Mr	Davis, Mr P.
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Motion agreed to.

ADJOURNMENT

Mr LENDERS (Minister for Finance) — I move:

That the house do now adjourn.

National Gallery of Victoria: funding

Hon. ANDREA COOTE (Monash) — My question is for the Minister for the Arts in the other place and concerns the National Gallery of Victoria (NGV). Thursday, 28 July, was a very sad for Victoria and for art lovers in this state. It was the day we heard the announcement that the NGV would close for one day a week at its sites in St Kilda Road and also at Federation Square. The galleries will be closed for one day in alternate weeks, so one gallery of the two new galleries will always be open. However, this is just not good enough. I want to record my sympathy for the director of the National Galley of Victoria, Dr Gerard Vaughan, and indeed for his staff. He put on a very brave and professional face for this announcement.

We must look more closely at what is behind all of this. The blame must be squarely placed at the feet of the Bracks Labor government and the Minister for the Arts specifically. She has taken the arts for granted and has not given the gallery sufficient funding to enable it to stay open. She has ignored the huge numbers of people who have been through the National Gallery of Victoria. I will quote from an article by Lyndall Crisp and Bill Pheasant in the *Australian Financial Review*. They say:

... more than 2.4 million visited the Federation Square and St Kilda Road galleries last year. Why then, the need to close?

Why indeed is there a need for them to close? It is because this government has inadequately funded the National Gallery of Victoria. Its priorities are elsewhere. It has only increased funding for the NGV's

operating costs by just over \$3 million over three years, which is quite ludicrous. It has given \$4 million for the front door at the Australian Centre for the Moving Image to be changed so people can find it. That \$4 million would have been far better spent keeping open the National Gallery of Victoria so that Victorians and international tourists can see the wealth and depth of its collections. This government has not supported the gallery in any way. It has not given money for additional staff or sufficient funding for acquisitions. It does not care about acquisitions or programs, and it certainly does not care about keeping the galleries open all the time for Victorians into the future.

I ask the minister to provide adequate funding to enable the National Gallery of Victoria to open every day of the week.

Loch bypass: safety

Hon. R. H. BOWDEN (South Eastern) — I seek the assistance of the Minister for Transport in the other place on an important road safety matter which is concerning the citizens of the small town of Loch in western Gippsland. Loch is a small village but a very important point on the South Gippsland Highway. For honourable members who do not know the route, if one is going from Cranbourne through to Korumburra one drives through Loch.

I have received representations from several constituents who live in the immediate vicinity of Loch about their safety concerns for the relatively recently completed bypass of Loch, particularly at the intersection of the road that comes from Poowong. I understand the road was designed and built by VicRoads. I visited the intersection last Friday at about 4.00 p.m. accompanied by about eight or nine of the local residents and took several digital photographs. I was satisfied that there is indeed a problem. If one is entering the intersection from Poowong, the right-hand side in particular has extremely limited visibility. The average speed of the traffic in that area is approximately 100 kilometres an hour, and the nature of the vehicles using the intersection ranges from buses to farm machinery to milk tankers, from petrol tankers to small vehicles and a whole variety of other vehicles. It is also regularly used by school buses. In the time I was there last Friday I saw at least 50 vehicles enter and leave the intersection.

It is not just a matter of simply lowering the authorised speed on the bypass; it is not well aligned, the visibility is short and the speeds are high. It is just badly designed. I share the concern of my constituents. It is indeed an unsafe intersection. My request is for the

minister to ask VicRoads to examine the safety of the intersection at Loch and to urgently make the necessary safety adjustments.

The PRESIDENT — Order! I call Mr Koch. Stop the clock. We are having a problem with the microphones, and I am concerned that Hansard will not be able to hear or record anything that the honourable member is saying. We will pause for a moment.

Hon. Andrea Coote — He could use my microphone.

The PRESIDENT — Order! I do not think any of the microphones are working on that side. If Mr Bowden's microphone is working, I am happy for the member to move over there so his remarks can be recorded. Our other alternative is that if Hansard is unable to record the proceedings, we might have to go home even earlier. I am sure members want their requests — —

Hon. Andrea Coote — So long as we can continue to have those people later on.

The PRESIDENT — Order! Yes, that is right. Now that Mr Koch has moved to another microphone the clock will be reset for 3 minutes so the member can start.

Planning: rural addressing project

Hon. DAVID KOCH (Western) — I draw the attention of the Minister for Planning in another place to a matter concerning the rural addressing project. The rural addressing initiative aims to accurately number all occupied properties in country Victoria with a unique address to make it easier, especially for emergency services, to locate and identify properties. The Department of Sustainability and Environment through Land Victoria worked with local councils to name unnamed roads, allocate road numbers and number property entrances. Rural road numbers were based on the distance of the main property entrance from the start of the road, although other starting points were used when the road length exceeded 99.9 kilometres. This very commendable initiative has wide support and should have been a great success for the government, but it has failed to deliver what it set out to achieve.

What should be an easy-to-follow way of identifying and locating properties in a logical sequence along any road has proven to be anything but that. Prior to commencing the project it was agreed to use the Australian national standard. However, departure from the standard during implementation has left us with a substandard outcome. Publicity preceding the project

and the contracts between Land Victoria and local councils stipulated that compliance with the current standard was considered mandatory for any rural addressing project sponsored by Land Victoria. The contracts were varied to allow for a non-standard implementation that has led to confusing inconsistencies along roads, between roads and between states, as other states have used the national standard.

In the Glenelg and Southern Grampians shires this implementation has been completed with varying degrees of community acceptance. This has been put down to bureaucratic bungling, but perhaps Land Victoria was more interested in the part of the project which required local municipalities to gather the global positioning system coordinates of each address, information which is commercially valuable to Land Victoria. It was brought to my attention last week at Sheepvention that Land Victoria is now apparently making new address information available commercially to VicRoads and the insurance industry. If this is true, surely it would contravene the privacy legislation.

The addresses on correspondence received by two farming families in Western Province appear to have originated from their new rural road addresses. The recipients are very annoyed to be receiving mail from VicRoads and insurance companies indicating variations to existing business costs. My request to the minister beyond the less-than-successful implementation of the rural road numbering program is for him to explain the alleged commercial use of personal details collected by Land Victoria as part of the rural addressing project.

Members: conduct

The PRESIDENT — Order! The Honourable Bill Forwood will be recognised from a place where the microphone is working.

Hon. BILL FORWOOD (Templestowe) — I remember the days when I used to be able to give a speech in here with no microphones and Hansard used to be able to take it down.

The issue I wish to raise is for the Premier. I seek an urgent investigation into grossly inappropriate behaviour by the Minister for Health, by her senior adviser, Mr Anthony Carbines, and by the member for Ivanhoe in the other place, Mr Langdon. Recently a community health centre update was letterboxed throughout the ward of Olympia in the City of Banyule. This ward is currently held by Mr Sean Rawson, who

used to be Mr Langdon's electorate officer, but he had a falling out with Mr Langdon and so now there is an attempt to get somebody else from the Labor Party into council in that area. The person who has been chosen is Mr Anthony Carbines. He is the senior adviser to the Minister for Health. The community health centre update which has recently been delivered to every household in the Olympia ward has a photograph of three people: Mr Carbines, the Minister for Health and the member for Ivanhoe. The caption says:

Turning the first sod ...

Yes, well!

Craig Langdon, MP, state member for Ivanhoe, with health minister Bronwyn Pike, MP, and her senior adviser Anthony Carbines.

It says underneath:

I am extremely pleased to have worked with ministers like Bronwyn Pike, MP, and advisers like Anthony Carbines to achieve such results.

I put it to the house and particularly to the Premier that this is not about the community health centre at all. This is about the member for Ivanhoe and Minister Pike trying to run Anthony Carbines for council. I suggest that it is entirely inappropriate for a minister of the Crown to be photographed with her senior adviser in the middle of a vacant block with the member for Ivanhoe as part of a campaign to get the man elected to council. It is of even more concern to many people in the area that there are a number of significant health issues in that region. What is it going to be like for those people when we have a councillor not representing the ratepayers but doing the bidding of the Minister for Health? I ask for there to be an urgent investigation by the Premier into this inappropriate behaviour and that they at least be severely chastised for this sort of behaviour.

The PRESIDENT — Order! I am just seeking some advice from the Clerk. I am a little concerned about the claim the honourable member has made of gross misbehaviour by the minister. I am not sure — —

Hon. BILL FORWOOD — Grossly inappropriate.

The PRESIDENT — Order! Grossly inappropriate behaviour — and whether it is appropriate to raise that matter on the adjournment debate or whether making any comment along those lines would be better dealt with by way of a substantive motion. Just bear with me for a moment whilst I seek some advice.

I do have some problems with the claims made by the honourable member about a minister. The fact that the

other member referred to is a member of another place would mean that such a matter should be dealt with in the form of a substantive motion. I do not believe the claims Mr Forwood has made in asking the Premier to investigate are appropriate. I have a lot of difficulty with the way the matter has been structured and worded. With respect to allegations about the conduct of a member, they should always be made by way of a substantive motion. This ruling is based on previous rulings going back many years in this house.

Hon. BILL FORWOOD — Thank you, President —

The PRESIDENT — Order! I will allow Mr Forwood to continue, but for the sake of Hansard, and because it is important that this matter gets on the record, I ask the honourable member to move to a microphone.

Hon. BILL FORWOOD — I thank the President for her guidance. I happily withdraw the words ‘grossly inappropriate behaviour’ and just ask the Premier to investigate the behaviour of the minister and of the honourable member for Ivanhoe in the other place in relation to the issue I raised. I understand, of course, that the words that I said in relation to Mr Carbines can stand.

The PRESIDENT — Order! I ask Mr Forwood to stay there because he is still making implications against a member of the Victorian Parliament, and I still have some reservations about the casting of any aspersions on any member of the Parliament unless it is done by way of a substantive motion.

Hon. BILL FORWOOD — I am interested in the President’s ruling, but it seems to me that if we are getting to the stage where we cannot ask for an investigation into members of Parliament that —

The PRESIDENT — Order! It has to be by way of a substantive motion.

Hon. J. A. Vogels — Just ask about the conversation with her.

Hon. BILL FORWOOD — Thank you, Mr Vogels. I will withdraw ‘investigation’ and I will ask the Premier to talk to the Minister for Health and to the member for Ivanhoe in the other place about the issue which I have already adumbrated.

The PRESIDENT — Order! I will let that scrape through, but I remind honourable members about the standards of the house in relation to making allegations against any member of this or the other chamber. The

honourable member knows full well, because he has raised points of order about this very issue previously, that it is done by way of substantive motion only.

Duck hunting: season

Hon. P. R. HALL (Gippsland) — I wish to raise a matter for the attention of the Minister for Environment in the other place. It concerns the 2006 duck hunting season. The duck hunting season starts on the third Saturday of March each year, and that date for 2006 happens to be 18 March. I note that the Commonwealth Games will commence three days earlier, on 15 March. In June in a debate in this house I alerted the house to a rumour that I had heard that the Bracks government is going to ban duck hunting next year so as to avoid any possible negative publicity detracting from the Commonwealth Games. In raising the matter I invited a response from the government, and I sought an assurance that the staging of the 2006 Melbourne Commonwealth Games was not going to impact in any way upon the decision to run with the 2006 duck hunting season.

I am yet to receive such an assurance. I am forced to raise the matter during the course of this adjournment debate so that in time I will be given a response from the minister on this issue, and I hope this time it will be a prompt response. I am well aware that other factors may influence the staging of a duck hunting season — for example, bird numbers and climatic conditions, especially drought, may influence bag limits and the length of the season — but these factors need to be considered as appropriate. I am seeking from the Minister for Environment an assurance that the holding of the 2006 Melbourne Commonwealth Games will in no way impact upon the decision to go ahead with a duck hunting season for 2006. I point out to the minister that 22 000 Victorian duck hunters await with interest the minister’s response.

Bushfires: federal mitigation program

The PRESIDENT — Order! The Honourable John Vogels to speak using the one operating microphone.

Hon. J. A. VOGELS (Western) — I raise an issue for the Minister for Local Government, Ms Broad. On 17 June 2005 the federal Minister for Local Government, Territories and Roads launched the Australian government’s bushfire mitigation program, which is designed to enhance the construction, maintenance and signage of affected fire trail networks. He was joined by the New South Wales Minister for Local Government, Mr Tony Kelly, who said that over 460 projects had been funded in New South Wales.

These included the maintenance and construction activities of 956 fire access roads, representing 6329 kilometres that have been improved for increased firefighter and community safety. In New South Wales for the 2004–05 financial year the program is supporting projects conducted by local government.

In 2002–03 Australia experienced one of the worst bushfire seasons on record. Over 3 million hectares were destroyed nationwide, and in Victoria 400 civilians were injured and 36 homes destroyed. In 2004 the Prime Minister announced an allocation of \$24 million to assist local communities to better prepare for bushfire.

The action I seek from the minister is, with summer fast approaching, to identify what measures her department has taken to ensure that Victorian local councils are fully aware of this program so that local communities can minimise the incidence and impact of bushfires on life, property and the environment. Applications for funding of suitable projects under this program for bushfire mitigation will close by the end of next month. I ask the minister to identify what action she has taken to make sure that local governments are aware that the bushfire season is approaching, that there is money out there available and that her department has made sure that councils are aware of this program.

Rail: Surrey Hills service

Hon. RICHARD DALLA-RIVA (East Yarra) — I raise a matter for the attention of the Minister for Transport in the other place. It relates to the issue of express trains and trains that are arriving at Surrey Hills railway station in particular. A number of passengers are finding that their trains, which used to be express through Surrey Hills railway station, are now stopping at that station. A concern that has been raised by a number of residents, and one in particular, is that because some trains now stop at Surrey Hills passengers do not know whether trains are stopping there or not. In particular, as one of them put it to me, it is hard to remember which train stops where, when many different express services stop at different sets of stations. I understand this is creating some confusion for passengers, especially those who travel infrequently.

The other issue is that when late trains need to catch up the fact that trains are stopping at Surrey Hills is causing additional backup in and interrupting the free flowing of the rail system. One resident has gone to the trouble of taking some photographs of a train in the morning peak hour as it arrives at Surrey Hills. The photographs show an express train that has stopped at Surrey Hills, and I have to say that, having seen the

photos, it is pretty ludicrous that you would have the train stopping at Surrey Hills when it really ought to be continuing on as an express. Surrey Hills is a train station that has three lines. There is an express line through it, which means there is an opportunity for better coordination. We heard recently of the concerns of the Public Transport Users Association and others about the fact that the railway system could be better run and better coordinated. Here is a classic example of one particular railway station that has this issue coming up time and again.

What I am suggesting is that the minister take action to have the train timetable running more effectively and being better coordinated so that we do not have the current situation where people at the Surrey Hills railway station are trying to get into crowded trains that have no more room in them.

Calder Highway: duplication

Hon. D. K. DRUM (North Western) — My adjournment matter is for the Minister for Transport in the other place. Following a closer inspection of this year's state budget papers, people in the Bendigo region have become aware that the state government has made an amount available in this year's budget to complete the duplication of the Calder Highway right through to Bendigo. Until that allocation was found, tremendous politicking took place in central Victoria over the issue, including claims that the federal government was trailing by some \$82 million in its funding of this vital project.

In fact the federal government made its position very clear in the AusLink package which was published in early 2004. It showed the various levels of funding totalling \$114 million, leaving the federal government some \$82 million short in the first five-year program of AusLink. But the federal government has continually and consistently said that it is time for the state government to lead the project and that the money would be repaid to it once the project was completed. Now we have found that the state government has made that allocation in its budget. The notes at the bottom of table A.10 on page 294 of budget paper 3 include:

State funding has been provided in advance of the commonwealth funding schedule in order to meet the 'open for traffic' date of 2009. The state will be reimbursed by the commonwealth after 2008–09.

That is stated quite clearly in the government's own budget papers. Last Wednesday, 3 August, the Minister for Transport said clearly on ABC radio that he put that clause in the state budget because he believed the commonwealth government was going to put that

amount in its budget which it released three weeks later. That does not make sense. If the federal government had been going to do that, the state had no need to put it into its budget.

We call on the minister to stop the politicking and to put in place the process to get the duplication finished. There are no excuses. The commonwealth has paid and it has promised that every cent of the \$82 million will be repaid. The state government has allocated the money — it is there — so the project can go on. The Kyneton to Faraday section is now already some eight months behind although the okay has been given there. The state government knows that it will be repaid every last cent — —

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

Responses

Hon. J. M. MADDEN (Minister for Sport and Recreation) — On the matter raised by the Honourable Andrea Coote relating to the closure of the National Gallery of Victoria on one day a week, I will refer that matter to the Minister for the Arts in the other place.

The Honourable Ron Bowden raised the matter of road safety issues in Loch. I will refer that to the Minister for Transport in the other place.

The Honourable David Koch raised the rural addressing project. I will refer that to the Minister for Planning in the other place.

The Honourable Bill Forwood raised issues about the Minister for Health and requested that the Premier hold a conversation with the Minister for Health on a range of issues. I will refer them to the Premier.

The Honourable Peter Hall raised the matter of the 2006 duck season commencing on 18 March. I will refer that to the Minister for Environment in the other place.

The Honourable John Vogels raised the matter of the bushfire mitigation program funded by the federal government. I will refer that to the Minister for Local Government.

The Honourable Richard Dalla-Riva raised the matter of the express train stopping at Surrey Hills. I will refer that to the Minister for Transport in the other place.

The Honourable Damian Drum raised the matter of funding for the duplication of the Calder Highway to

Bendigo. I will refer that to the Minister for Transport in the other place.

The PRESIDENT — Order! I thank honourable members for their tolerance with the microphones. We will endeavour to have this resolved before tomorrow.

Motion agreed to.

House adjourned 6.43 p.m.

