

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

31 May 2000

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¹ Resigned 3 November 1999

² Elected 11 December 1999

³ Resigned 12 April 2000

⁴ Elected 13 May 2000

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Wednesday, 31 May 2000

The **SPEAKER** (Hon. Alex Andrianopoulos) took the chair at 10.06 a.m.

ABORIGINAL RECONCILIATION

The SPEAKER — Pursuant to the resolution of the Legislative Assembly on 26 May 2000, I declare this historic sitting open. In doing so, I welcome to the sitting Mr President and members of the Legislative Council as well as members of the indigenous communities of Victoria and representatives from the Council for Aboriginal Reconciliation.

To begin proceedings this morning we will have a traditional Aboriginal welcome from representatives of the Kulin nations. I call on Mr James Wandin, an elder from the Wurundjeri tribe, to begin the proceedings.

Mr James WANDIN — Mr Speaker and honourable members, I come from the oldest living culture in the world, the Aboriginal culture of Australia. I am the ngurangaeta, or head man, of the Wurundjeri tribe. Today we are meeting on my father's land, and I am proud to be the son of my father.

The history of the Wurundjeri people has been recorded by many, describing in detail the colonial dispossession and oppression and, despite these ravages, how our ancestors maintained their attachment to their land, their spiritual and cultural ties to their land, and how we continue to reassert our rightful place as traditional owners and custodians of our land.

The tenacity of our people in the struggle to survive is matched by archaeological evidence of the long-term occupation of the area. The Keilor site located in the northern suburbs of Melbourne has revealed stone tools buried in an ancient river terrace dating to at least 16 000 and possibly as much as 40 000 years ago.

Our people were a hunting-and-gathering people who moved from their camp sites in response to the seasonal availability of resources. Wetlands of the lower Yarra River known as the Birrarung were a rich source of water birds, fish and plant foods, particularly in the summer.

Dispossession of our people also went hand in hand with major destruction of their cultural setting. Forested areas to the north of Melbourne were cleared extensively last century to supply timber for Melbourne and to allow for the establishment of agricultural fields.

Trees were cleared; swamps were drained; creek channels were altered; and the habitats for most of their traditional resources were destroyed. The complex mosaic of resource zones that had been used by hundreds of generations of Wurundjeri were replaced by an ever-expanding maze of cobblestone streets lined with factories, shops and houses.

Among the trees and along many creek banks now subsumed by Melbourne was a complex array of camp sites, resource extraction sites, ceremonial sites, sacred sites and a wide range of other places imbued with deep spiritual meaning to the Wurundjeri. Many of these sites are known: ceremonial corroboree grounds once existed at Parliament Hill and close to Merri Creek near Pentridge jail, and a camp site once existed at the site of the famous Melbourne Cricket Ground.

Reconciliation between Australia's Aboriginal and immigrant communities is considered to be a vital component of Australia's aspirations for the future. As we all know, in 1991, with the unanimous support of Parliament, the Council for Aboriginal Reconciliation was established. In the 10-year process justice and equality has been the aim of this work, with cross-cultural education and awareness the main mechanisms.

We believe some of the Australian people are committed to the process of reconciliation. Some are willing to learn about Aboriginal people and their culture and to gain a better understanding and others are using this process to divide the nation. The walk across the bridge in Sydney signifies that many Australians want reconciliation in some form or another, but what about those who don't?

The road is long, with many corners, straight lines with no horizon and twisted tracks. But the footprints are there on the land, footprints that belonged to our ancestors who have left their mark on the land for us to follow. For those of us who believe in reconciliation, the real journey has begun. We have now turned the second corner. Because of people's involvement in the consultation process, we no longer have a draft document; we have a national document for reconciliation.

The next part of the journey is how to continue to carry out the contents of this document. Will there be a big celebration and nothing more? We hope not. The document for reconciliation should not be shelved to gather dust but become a practical and living resource for social justice.

We are sorry for the pain and suffering of our ancestors, and we will never forget them. We need to heal and strengthen ourselves to continue on with their struggle for equality and justice for Aboriginal people.

We as the Wurundjeri people urge the Victorian government not to lose sight of this significant change to history. Otherwise we may never have cultural harmony. To achieve this will not be easy, and we all recognise that. Positive action and your support will help us to find the necessary answers along the way to reforms compatible and acceptable to all.

Times are changing. You the Victorian government have invited and welcomed us to your place, and we as the traditional owners and custodians of this land give back to you our welcome.

Wominjeka yeammenn koondee-bik Wurundjeri-Ballak, which simply means, 'Welcome to the land of the Wurundjeri people'.

Honourable members applauding.

The SPEAKER — I now welcome Mrs Carolyn Briggs, a Boonerwung elder, and invite her to address the chamber on behalf of the Boonerwung people.

Mrs Carolyn BRIGGS — To the Chair and to honourable members: Womin Jeka mirambeek beek. Boonerwung Nairm derp Bordupren uther willam. Welcome to my country, the land of the great bay of the Boonerwung people, our beautiful home. On behalf of the Boonerwung, a clan of the greater Kulin nations, I welcome you to our land. I would like to tell you a short story by way of welcoming you today.

Many years ago this land that we now call Melbourne extended right out to the ocean. Port Phillip Bay was then a large flat plain where Boonerwung hunted kangaroos and cultivated their yam daisy.

But one day there came a time of chaos and crises. The Boonerwung and the other Kulin nations were in conflict. They argued and fought. They neglected their children. They neglected their land. The native yam was neglected. The animals were overkilled but not always eaten. The fish were caught during their spawning season. As this chaos grew the sea became angry and began to rise until it covered their plain and threatened to flood the whole of their country.

The people went to Bunjil, their creator and spiritual leader. They asked Bunjil to stop the sea from rising. Bunjil told his people that they would have to change their ways if they wanted to save their land. The people thought about what they had been doing and made a

promise to follow Bunjil. Bunjil walked out to the sea, raised his spear and directed the sea to stop rising. Bunjil then made be Boonerwung promise that they would respect the laws.

The place the Kulin then chose to meet as a means of resolving these differences is where this Parliament is now located. The Kulin nations met here regularly for many thousands of years. They debated issues of great importance to the nation; they celebrated, they danced.

For my great grandmother it was the strength of these beliefs and the belief that people could work together that helped her survive the crises our people faced when Europeans invaded her country over 160 years ago. My great grandmother was known by her European name, Louisa Briggs. When Louisa was a young girl she went on a journey with her mother, aunt and grandmother to what is now called Point Nepean. This is a special place with a special significance for the Boonerwung women. While they were there they were kidnapped by sealers and taken to an isolated island in Bass Strait. There they were put to work for the sealers. But at the age of 18 she took a husband and returned to her country in a small open boat.

When she returned to her country she searched for her people, but they were no longer there. Louisa eventually found some of her people at the Correnderk reserve and she settled down to live there. She worked at the reserve as a matron. She became a strong political activist and her family were again forced to move because of their strong stand on land rights. They were banned from the reserve. She died in the 1920s at a very old age, but in bridging the time between the invasion of her country and the dispossession of her people she provided the cultural link, ensuring that her heritage continued to live. She continued to dream and talk about her country.

Louisa fought oppression, racism and political inequality. Today, as we consider the act of reconciliation I hope that her story will inspire not only her descendants but that in the spirit of reconciliation it will provide a model of strength that can inspire all Australians.

Today Melbourne is the great multicultural city of the world and this special place continues to carry forward the spirit of our tradition. This land will always be protected by the creator, Bunjil, who travels as an eagle, and by Waarn, who protects the waterways and travels as a crow. Bunjil taught the Boonerwung to always welcome guests, but he always required the Boonerwung to ask all visitors to make two promises:

to obey the laws of Bunjil and not to harm the children or the land of Bunjil.

As the spirit of my ancestors lives, let the wisdom and the spirit of generosity which Bunjil taught us influence the decision made in this meeting place.

Womin Jeka mirambeek beek. Boonerwung Nairm derp Bordupren uther willam.

Honourable members applauding.

The SPEAKER — The Premier and the Leader of the Opposition will respond to the welcome on behalf of the Parliament.

Mr BRACKS (Premier) — On behalf of the government of Victoria I accept the welcome of James Wandin of the Wurundjeri people and Carolyn Briggs of the Boonerwung people. I acknowledge our presence here today on your ancestral lands and I thank you for the generosity and warmth of your welcome.

I acknowledge also that this marks the very first time indigenous Victorians have spoken in this Parliament, and that is a cause for celebration across Victoria. It is also a cause for sadness in that it has taken so long for such a simple and symbolic gesture of inclusion and recognition to take place.

On this historic occasion, all of us seated here on the traditional lands extend to you the hand of friendship and accept your welcome in the spirit of reconciliation. The government and the Parliament are committed to the process of reconciliation.

In 1997, the Parliament apologised to Aboriginal Australians for the past practices under which children were moved from their families and reaffirmed its support for reconciliation.

Earlier this year the Parliament again spoke as one when it acknowledged the tragic impact of past government policies on generations of Aboriginal Australians and condemned any action that would further set back the cause of reconciliation.

Last week in a statement endorsed by me as Premier and by the leaders of the Liberal Party and the National Party in Victoria, the Parliament repeated its belief that the disadvantage of indigenous people cannot be addressed without recognising and addressing the plight of the stolen generations.

That statement concluded with these words:

Genuine reconciliation with indigenous Victorians cannot be achieved until we acknowledge the past and work with

indigenous Victorians to assist them to rebuild their families and their futures.

Today we begin the process of giving substance to these words. Today we formally accept the challenges and responsibilities of the Council for Aboriginal Reconciliation's *Corroboree 2000 — Towards Reconciliation*.

Today we also convey this Parliament's formal thankyou on behalf of Victorians to the council for a remarkable achievement in the face of great difficulties — an achievement over almost a decade.

Reconciliation is not about guilt. It is not about blame. It is about having the courage, the decency and the generosity of spirit to acknowledge the truth of our history, to accept a shared responsibility for our past and to commit ourselves to working together for a better future. Events over the weekend showed that many Australians have that courage and that decency. Those events showed us that reconciliation will not be stopped. It will go forward. It will ultimately succeed because it will have the support, the enthusiasm, and the heartfelt best wishes of the majority of the Australian and Victorian population.

Your welcome here today shows again that Aboriginal people bring goodwill and a great generosity of spirit to the process of reconciliation.

Today we meet your generosity of spirit with our commitment to working towards a genuine reconciliation in the future.

Dr NAPHTHINE (Leader of the Opposition) — Thank you, Mr Speaker, Mr President and representatives of the Kulin nations.

On behalf of the opposition I would like to thank James Wandin from the Wurundjeri and Carolyn Briggs from the Boonerwung people as representatives of the Kulin nations for the welcome to their ancestral lands.

I would also like to take the opportunity to congratulate them on the content and the inspirational nature of their contributions to us as members of Parliament and leaders of the Victorian community.

I would also like to recognise the fact that in their contributions today they have shown us that they have taken many positive steps towards reconciliation despite the hurt and harm that has been done to these peoples over the two centuries since the arrival of white settlers — they are showing us the way and the positive step forward to reconciliation. It is up to us to walk in

partnership with them, hand in hand, and to follow their lead on that matter.

I also recognise the presence in the Parliament of other representatives of the Aboriginal communities of Victoria and representatives of the reconciliation commission, at the same time recognising that many Aboriginal people throughout Victoria who are not able to be here today are here with us in spirit. We all recognise their contribution to Victoria.

On behalf of the opposition I welcome them all — personally and in spirit — to the chamber and to the Parliament of Victoria. The most important role of the Parliament in a democracy such as ours is to reflect the views and aspirations of all the citizens and groups who make up our community. It is important that Parliament be a positive force in reflecting those views and aspirations as well as providing leadership that creates a vibrant future and opportunities for all.

Victoria is a large multicultural community that is made up of many individuals and groups. Parliament must strive to represent them all, whether they be members of indigenous communities that have been here for many thousands of years, early immigrant settlers or more recent newcomers to this wonderful country. All of them are citizens of this great state, all of them have a role to play in our future, and all of them have a legitimate right to a voice in this Parliament.

As Carolyn Briggs has told us, this site was the site of the meeting place of the Kulin nations. I am sure we all take great heart from her story about the spirit of the Bunjil spirit. The Bunjil can provide us with great inspiration as we work in the Parliament for the good of all citizens, particularly the children, of the land we seek to represent and serve.

Although we recognise we are here to serve all, we also recognise that the indigenous communities have a special place as the first peoples of Victoria and Australia. Today's ceremony is another significant step forward in our understanding and appreciation of the important role that indigenous communities play in our society.

Another important aspect of what we have heard today is the deep understanding between the Aboriginal communities and the land. That relationship, which has been explained well by earlier speakers, is also explained by a poem I heard recently, written by Dhalanda Garrawurra and entitled 'We are part of the land':

Aboriginal people understand the land:
The land holds everything, the land helps everything.

We see original tree and flowers, we straightaway know
That fish is ready, stingray, goanna, birds —
When that particular flower comes up we know.
We can go there and collect what we want.
We will not collect everything,
But certain things that are ready in the sea, the air, the land.
We feel hurt:
We are related to the land we feel hurt
We say,
'Don't destroy the hill: it is a sacred place, a meeting place
for our people, our ancestors — an old mountain
where old people teach us sacred wisdom'.
That is the only place we can go.
We want to use the land, but consultation is hard:
Non-Aboriginal people want to shape this land.
We are thinking differently, because we want to develop,
But in the way that helps us.

I very much appreciate being here today, and I very much appreciate the contribution of the Aboriginal people to today's ceremony. I believe it is a significant step along the true path to reconciliation in Victoria and in Australia.

The SPEAKER — Three Aboriginal representatives will now make presentations on reconciliation. The first speaker is Uncle Kevin Coombs, an elder from the Wemba Wemba people.

Uncle Kevin COOMBS — I acknowledge the Kulin nations, the traditional owners and custodians of this land.

I thank the Wurundjeri people and the Boonerwrung people for their welcome.

Mr Speaker, Mr Premier, Leader of the Opposition, members of Parliament, elders of the Koorie community, ladies and gentlemen, I thank the government for the honour of addressing you here today on this very historic occasion.

Recently while researching my family history I came across several letters to the government of the day from my great-grandfather and other members of his community on the mission station at Ebeneza, which was close to Dimboola. They were written in the years from 1871 to 1875, asking for larger grants of land to run sheep and to farm so the members of the community could be independent and self-sufficient. Here I am today addressing my government in the year 2000 and I wonder what he would have me say.

In looking back in history we can see how attitudes between indigenous and non-indigenous people have changed. Gone is paternalism, assimilation and integration. This motion today is a major step for both indigenous and non-indigenous to go forward together.

We cannot expect attitudes to change and problems to disappear overnight, but genuine goodwill and a genuine desire for reconciliation will find the means to effective change. People working towards this goal may sometimes feel that we are not achieving very much, but when we look back on the years past we can see how far we have come.

At times we must also pause to say thanks to those people both indigenous and non-indigenous in the past who were working towards reconciliation long before it was called that.

I believe there is a great deal of support in the general community for reconciliation, and that encourages me to think there will come a day when people do not judge one another on appearances or material values.

Unfortunately there will always be some small pockets of racism or bigotry, as experienced by my own grandchildren just recently, but if we continue our endeavours in education and cultural awareness, I hope there will come a time when some other grandfather will not have to explain racism to his grandchildren.

Reconciliation may mean different things to different people and it is a long and complicated process. To me it means acknowledging the true history of Australia with all its pain and suffering and saying sorry. Then with genuine desire for a better future, black and white working together can build the bridges towards that goal.

Corroboree 2000 in Sydney last weekend demonstrated overwhelming public goodwill and support for reconciliation and I believe now is the time to formulate a treaty acknowledging our status as the first Australians.

Indigenous people in Victoria are still experiencing difficulties in the areas of health, housing, education and incarceration. I know that this government in partnership with the Koorie communities are attempting to address those needs.

I would like to quote something that ATSIC chairman, Geoff Clarke, said to the Prime Minister during his address at Corroboree 2000:

Don't tell us what you have decided for us but tell us what we will decide together.

Indigenous people have an increasing number of role models and ambassadors in the areas of law, medicine, the arts, business and sport.

This can only be a positive step forward in the reconciliation process, with the cooperation of the media and positive reporting.

During my international sporting career I competed under the motto of the Stoke Mandeville International Games Federation, the forerunner of the Paralympic Games, which was as follows: Sportsmanship, Friendship and Unity. I have tried to carry that motto through all aspects of my life. I would like to think that one day both black and white Australians will embrace that motto.

In closing I would like to congratulate and thank Premier Bracks and his government on this very historic day. Thank you.

Honourable members applauding.

The SPEAKER — I now call on Bryan Andy, a youth representative of the Yorta Yorta people.

Mr Bryan ANDY — I would like to pay my respects to the Wurundjeri and Boonerwung peoples of the Kulin nations. I would also like to pay my respects to the elders and express my solidarity with you as a Yorta Yorta man. I recognise your sovereignty, as we all know you have not relinquished these rights. I also acknowledge your survival. I thank you for allowing us to meet within your nation and hope that one day justice will prevail for all of us.

I also express my sincerest gratitude to my elders, some of whom are here today, for their wisdom and persistence which has ensured my own survival as a Yorta Yorta man. I pay respects to my ancestors and to the ancestors of all indigenous Australians. I dedicate this speech to my mother, May, my Aunty Monica Morgan, my Uncle Jack and my nephew, Yuri.

My name is Bryan Andy and I am a 23-year-old man from the Yorta Yorta nation. I am a university student and I am currently employed with Defenders of Native Title Victoria as a community education officer.

When I think of reconciliation I think of many things — recognition, respect, understanding and humanity. But I believe that at the core of reconciliation is justice. We cannot move forward as a nation if non-indigenous people continue to ignore the rights and aspirations of indigenous nations.

The Yorta Yorta nation has a continued history of resistance and survival. One can recognise over 18 different incidents in our history since the invasion of our region where my elders and ancestors have fought the imposed non-indigenous system to gain

recognition of our rights. In 1881 the Yorta Yorta people forwarded a petition to the Aborigines Protection Board requesting the return of lands that were rightfully theirs. Again in 1939 my people walked off the government reserve, Cummeragunja, in defiance of the pathetic conditions they endured on the reserve.

The native title application lodged by the Yorta Yorta nation is yet another assertion of our existence. Despite the continued attempts by the non-indigenous establishment to destroy our culture and ignore our existence, I am here to say that as a young Yorta Yorta man I have survived. My community has survived, and it will take so much more than a federal court judgment to overturn our existence, our culture, our survival and our dignity.

What Justice Olney's determination on our native title application indicates is the overt ethnocentricity that exists in contemporary Australia. It also represents the lack of respect afforded to our indigenous voices, because it was the recollections of a squatter from the 19th century, Edward Curr, that took precedence over our own voices, the voices that are our oral traditions. I emphasise this point because the federal court determination for the Yorta Yorta native title application is contrary to the ideals of reconciliation. They are the ideals that should encourage and promote respect for indigenous cultures. The decision is currently on appeal, and I hope the original judgment will be overturned.

I often wonder about what is lacking and how non-indigenous Australians can themselves advance reconciliation. I believe that education is the key. Changes to curriculum at all levels of education are part of the process to ensure that indigenous Australians are respected and our collective history of invasion, dispossession, resistance and survival is acknowledged and addressed.

Minister Keith Hamilton spoke last Friday at the stolen generations rally on behalf of the Victorian government about 'truth'. I demand that all of you seek out the truth of our history and challenge the current system of ignorance, racism and injustice.

I hope there is a sense of *déjà vu* in the house today, because the views I have expressed are not new. The unfinished work of my ancestors and elders will become my own work, just as their voices will become my voice.

These views have been present since the invasion of our lands, and they will continue to be asserted until

indigenous peoples are satisfied they have achieved justice.

As the leaders that many Victorians expect you to be and as the elected representatives of the Victorian community, I would like to ask you all a question: if you are serious about reconciliation and about ensuring that it is an achievable goal, how will you lead the Victorian community into becoming a just, fair and reconciled state? Thank you.

Honourable members applauding.

The SPEAKER — I now call upon Marion Hansen, who is the commissioner for Victoria of the Aboriginal and Torres Strait Islander Commission and a Gamilaroi woman.

Ms Marion HANSEN — Thank you, Mr Speaker. The Gamilaroi tribe is not a Victorian tribe. It is from New South Wales, from Moree in particular, up near the Queensland border.

Firstly, I would like to acknowledge the traditional owners of the land on which this Parliament is built and to pay respect to the elders.

Mr Speaker; the Honourable Steve Bracks, Premier; the Honourable Denis Naphine, Leader of the Opposition; brothers and sisters; ladies and gentlemen; it is a great honour and privilege for me to stand before you today as the first elected representative of indigenous people to address the chamber. This is an important moment in the state's history and further proof that Victoria is the state of reconciliation.

Last weekend in Sydney we witnessed an awesome and moving display of reconciliation as the people's movement. The hundreds of thousands of Australians who crossed the Sydney Harbour Bridge showed us what enormous goodwill there is in the general community towards reconciliation. In Melbourne last Friday thousands of people walked in the rain to show their support for the stolen generations. These events give Aboriginal and Torres Strait Islander people hope and strength that the healing process is well under way.

A cause for less optimism is the federal government's action on reconciliation. The Howard government seems intent on washing its hands of the reconciliation process, preferring to leave it as the people's movement. This is a shameful cop-out. The government should not only be walking on the bridge to reconciliation, it should be leading from the front.

The Howard government talks about practical reconciliation — addressing the disadvantages our

people face in health, housing, employment and education. No-one can argue about the fact that improving the standard of living of indigenous Australians is an urgent priority. It should be a priority at all levels of government and for all elected representatives, indigenous and non-indigenous. But what we are talking about here is citizenship rights, which all governments must provide in their duty of care to all Australians. I add that the financial resources currently earmarked for this task are inadequate for the job at hand.

True reconciliation, however, goes beyond our rights as citizens. As Malcolm Fraser said recently, it must also address matters of the heart and spirit. A genuine reconciliation must recognise and protect our status as the first Australians. It must acknowledge our special relationship with the land and the seas, and it must be underpinned by a commitment to indigenous self-determination. A genuine reconciliation must include a document — perhaps a treaty — that records the consent of Australia's indigenous peoples to the terms of their relationship with non-indigenous Australians. In a wider context then, an apology from the federal government to the stolen generations would be an important beginning.

But as Aboriginal and Torres Strait Islander Australians we call on the federal government to initiate a number of measures to protect and define our rights as the first Australians. As well as a treaty or compact, constitutional reform is another measure that would define our place in Australian society. That would make indigenous Australians part of the fabric of this nation.

For many years the constitution excluded our participation. It is now time to change a century-old document to reflect a modern, progressive Australia and to proclaim something positive about the first Australians. Whichever option we choose, whether it be a treaty or constitutional reform, the federal government must lead from the front. I believe it should look to Victoria for inspiration.

The Aboriginal and Torres Strait Islander Commission and indigenous people in general are heartened by the way in which Victoria's political leaders have adopted a bipartisan approach to indigenous issues. That bipartisan approach was particularly evident in April when this Parliament formally acknowledged the existence of the stolen generations and the deep hurt that the children removed, as well as their families and communities, continue to suffer. On behalf of ATSIC and its constituents, I congratulate Parliament on its commitment to reconciliation. It is a source of pride for all Victorians.

I particularly applaud the Bracks government for making indigenous issues a high priority and for adopting a whole-of-government approach to addressing the issues based on community consultations and allowing indigenous people to set the directions. That is reflected in the establishment of the Premier's Aboriginal Advisory Committee, comprising ministers and ATSIC representatives, which will oversee the delivery of services to indigenous Victorians.

Another positive step is the creation of the government's Koori Community Fund, which is designed to support cultural initiatives. ATSIC also welcomes the government's willingness to openly negotiate on various framework agreements which promise positive change for indigenous people.

ATSIC looks forward to continuing its partnership with the state government to improve service delivery and to protect the rights of indigenous Victorians. Victoria is leading the way on the path to genuine reconciliation. Millions of ordinary Australians across the nation are on the same path. It is a growing movement and the voices are getting louder: I am sure it is being heard loud and clear in Canberra.

Now it is time for our leaders to lead, to ensure that the people's will is turned into reality and that together we can heal the wounds and move forward in a spirit of mutual recognition and respect. Thank you.

Honourable members applauding.

The SPEAKER — I now invite Marjorie Thorpe and Michael Gorton on behalf of the Council for Aboriginal Reconciliation to come forward and present the reconciliation documents to the Premier. I ask the Premier to accept the documents.

Ms Marjorie Thorpe and Mr Michael Gorton, representatives of the Council for Aboriginal Reconciliation, presented documents to the Premier.

Honourable members applauding.

The SPEAKER — Before calling on the Premier to move a formal motion, I thank Mr President and members of the Legislative Council for accepting the Legislative Assembly's invitation to participate in this morning's session.

Mr President and members of the Legislative Council withdrew.

Mr BRACKS (Premier) — I move:

That this house —

- (1) welcomes and acknowledges this historic occasion where elders and other members of the indigenous communities in Victoria have spoken about their history and the importance of achieving reconciliation;
- (2) recognises the need for ongoing effort across all levels of government and the community to further progress the aims and objectives of reconciliation;
- (3) acknowledges the work and achievements of the Council for Aboriginal Reconciliation including its release of the Australian declaration towards reconciliation, *Corroboree 2000 — Towards Reconciliation* and *Roadmap for Reconciliation*; and
- (4) commits to respond to the council's *Corroboree 2000 — Towards Reconciliation* and the *Roadmap for Reconciliation* on behalf of the people of Victoria.

Dr NAPHTHINE (Leader of the Opposition) — I second the motion.

Mr BRACKS (Premier) — Today is an historic occasion. As was mentioned earlier, it marks the first time that indigenous Victorians have spoken in this Parliament. I am sure all honourable members are proud of the occasion.

On behalf of all Victorians I thank Uncle Kevin Coombs, Bryan Andy and Marion Hansen for their words. I thank them for their generosity of spirit in accepting the invitation to come here today and present their views on the way forward and on reconciliation in the future. I also acknowledge the support of the opposition parties and the Independents for this historic event and thank them for their willingness to approach reconciliation in a spirit of true bipartisanship.

Last Sunday more than 200 000 Australians walked across the Sydney Harbour Bridge to demonstrate their support for reconciliation with indigenous Australians. At no other time in Australia's history have so many Australians marched in support of a cause. It showed the depth of support for indigenous Australians, the extent of commitment to reconciliation, and the strength of the belief held by a great number of Australians that a formal apology for past injustices is necessary before any genuine and lasting reconciliation can proceed.

I hope Aboriginal Australians around the country will take last Sunday's walk as a sign that mean-spiritedness and small-mindedness will not hold back the course of reconciliation in the future.

Honourable Members — Hear, hear!

Mr BRACKS — In the end, the goodwill and determination of those 200 000 Australians, and millions of others who watched the broadcast, will prevail in the future.

In the end the Corroboree 2000 walk will be seen as a turning point in our history and the start of a new relationship between indigenous and non-indigenous Australians. Today is one of the many bipartisan initiatives Parliament has taken on the issue of reconciliation.

Just last Friday the government placed advertisements in Victoria's major papers to mark the Journey of Healing, a day of remembrance and respect for Aboriginal families and children who were forcibly separated under the policies of previous governments. I would like to read parts of the statement that appeared in those advertisements, which is endorsed by me as Premier, by the Leader of the Opposition, the Honourable Denis Naphthine, and by the Leader of the National Party, Mr Ryan:

Today is a commemorative day of remembrance and respect for Aboriginal families and children who were forcibly separated under the policies of past governments.

The removal of indigenous children from their families had a significant and profound effect in breaking up families, suppressing language and culture and compromising the material and spiritual wellbeing of Aboriginal people across a number of generations.

This historical legacy continues today and is the cause of much distress for many members of the Aboriginal community in Victoria.

...

We cannot address the disadvantage of indigenous people without recognising and addressing the plight of the stolen generations. It is a key issue that must be resolved if genuine reconciliation with indigenous Victorians is to be achieved.

...

Genuine reconciliation with indigenous Victorians cannot be achieved until we acknowledge the past and work with indigenous Victorians to assist them to rebuild their families and their futures.

I congratulate the other parties in Victoria for being part of making that statement and recognising the significance it will have in future as an historic event. I hope, as do all honourable members, that the statement and today's proceedings will be seen as demonstrating our good faith in Victoria's taking a leadership role in this issue.

However, we do not underestimate the task and we do not shrink from it. When the Council for Aboriginal Reconciliation first began its work in 1991, in the

words of its first chairperson, Mr Patrick Dodson, its goal was to:

... build a nation at peace with itself because it has the courage to own the truth of its past, to heal the wounds of its past, and therefore free itself from the chains of its past.

A nation, one part of which apologises for the wrongs of the past, and the other part of which accepts that apology and forgives.

Nine years later we have yet to meet the goal set out by Pat Dodson in 1991. Many if not all members of the house will share my sadness that at the end of those nine years the council's final document can only be called a declaration towards reconciliation rather than a declaration of reconciliation.

That reflects in part the size and complexity of the task given to the council in 1991. It also reflects the failure of national leadership on the making of an apology to the Aboriginal people. Every state in Australia and the Australian Capital Territory have made a formal apology to those indigenous Australians who were taken from their families.

The failure of the Prime Minister to make a similar apology not only has been a failure of leadership but has reinforced the hurt of those who have suffered from those past practices. But as they often have when their leaders have failed them, Australians have taken up the challenge — and we saw evidence of that last weekend.

Today is in part a recognition of the tremendous achievement of the Council for Aboriginal Reconciliation in delivering *Corroboree 2000 — Towards Reconciliation and Roadmap for Reconciliation*. In delivering those documents the council is challenging Australian governments and the Australian people to take the next step in that journey so well described by Pat Dodson almost 10 years ago.

As Premier of Victoria I am proud that the council's challenge has been accepted and welcomed by all political parties, by the Independent members of Parliament and by indigenous and non-indigenous Victorians. I am proud to say that we will take the next step on that journey willingly and with great determination. We will do so in the belief that Victoria will lead the way in building a community that is proud of its past and its indigenous heritage, addresses the dispossession and disadvantage experienced by Aboriginal people, recognises and heals the hurt of past injustices and commits itself to working together to build a positive future.

The government's policy for indigenous Victorians sees reconciliation with indigenous Victorians as a matter of

urgent and high priority. A number of key initiatives will enable us to tackle the issue, but given the constraints of time I will draw attention to only four of them.

The first initiative is the Premier's Aboriginal Advisory Council. In accordance with its election commitment to work in genuine partnership with indigenous Victorians the government is setting up a peak body to advise on a whole-of-government approach to Aboriginal affairs. I will chair the committee, and the Minister for Aboriginal Affairs will also be involved.

The council's job will be to directly link the aspirations, concerns and needs of Victoria's indigenous communities with the government's priorities across all portfolio areas. The government will consult with council members on particular tasks, and it sees the council as having a role in several areas. As an example, the council will advise on the development of a strategic framework for the whole-of-government approach to Aboriginal affairs.

The council will assist in establishing performance measures and reporting requirements to enable the government to monitor outcomes for indigenous Victorians. It will inform the government's responses to key strategic initiatives such as the Victorian Aboriginal Justice Agreement and the response to the *Bringing Them Home* report, which will be the subject of a document presented in Queen's Hall later today. As I said, as Premier I will be a core member of the council, as will leading members of Victoria's indigenous community.

To complement the operation of the Premier's Aboriginal Advisory Council, as its second initiative the government has also established a cabinet committee on Aboriginal affairs. The cabinet committee will provide ministerial support to the Premier's Aboriginal Advisory Council and will assist in implementing the whole-of-government indigenous policy in Victoria.

The third initiative is the government's specific proposals for responding to the Council for Aboriginal Reconciliation's declaration towards reconciliation and its national strategies for progressing reconciliation.

I am pleased that today's comments have identified many areas in which the government's policies and initiatives are in line with the council's strategies. The government will develop a full response in negotiation and consultation with key stakeholders in the indigenous and broader Victorian community.

The fourth initiative is the government's commitment to introducing effective racial vilification legislation, for which a draft bill will be introduced in the next session of Parliament.

Last weekend, at Corroboree 2000, Australia's Governor-General expressed his view of reconciliation. In brief, Sir William Deane said:

Until that reconciliation and peace are achieved, our nation will remain diminished, unable to fulfil its enormous social, cultural and moral potential. For our search for national reconciliation is not a matter of charity or generosity. It is a matter of basic justice and national decency.

The Victorian Parliament and people understand and accept the truth of those words. We understand and accept the truth of our history. Today we commit ourselves to the process of reconciliation and to healing the pain of the past. We commit ourselves to accepting and meeting the challenges of reconciliation. We commit ourselves to finding the courage to show the leadership needed to build trust, mutual respect and friendship between indigenous and non-indigenous Australians.

Honourable Members — Hear, hear!

Dr NAPTHINE (Leader of the Opposition) — I have pleasure in seconding the motion. It continues the tradition in this house of bipartisanship in discussing the affairs of our indigenous people. I thank Uncle Kevin Coombs, Bryan Andy and Marion Hansen for their contributions to the debate today.

We have come some distance since the formal process of reconciliation began nearly a decade ago but there is still a considerable path to travel. It is important that we travel that path in partnership, hand in hand with the indigenous communities of Victoria and Australia.

The challenges faced by our Aboriginal communities and peoples have today become challenges for the entire community. For many decades they were considered to be challenges only for the Aboriginal community. Indigenous issues occupy an important place in the political consciousness that was absent a decade ago. At the broad level, the initial goal of accepting those issues as a major challenge facing the entire Victorian and Australian community has been met in some way. However, as I said, that is only a step on the path to true reconciliation.

In a bipartisan way the political leadership in Victoria has been very important in the progress made in reconciliation to date. The previous government took up the challenge when, on behalf of all Victorians, it apologised to the Aboriginal community for the

practice of removing children from their families. On 17 September 1997 the previous government moved a motion to that effect in this house. The motion stated:

That this house apologises to the Aboriginal people on behalf of all Victorians for the past policies under which Aboriginal children were removed from their families and expresses deep regret at the hurt and distress this has caused and reaffirms its support for reconciliation between all Australians.

That 1997 motion was passed unanimously just as the motion currently before the house will be. Today's motion has significant bipartisan support just as the motion in April this year had. Both the former government and the former opposition deserve recognition for the way the motion before the house in 1997 was dealt with. The ability of members of this Parliament to put aside political differences in dealing with such important and symbolic issues is something of which we in the Parliament can be proud. I believe the people of Victoria are proud of the way this Parliament is operating on this issue.

However, symbolic as it may be, this is only a very small step. Broad statements and commitments mean nothing unless genuine and real efforts are made to break down the disadvantage faced by indigenous Victorians. Genuine and real efforts are needed to increase the community's understanding of the challenges and to understand the history and culture of our indigenous communities and the unique place held by indigenous peoples in our wider community. Bryan Andy gave us a wonderful message about education being the key. If we do not heed that message, if all we do is pass motions in this house and speak words about reconciliation and do not turn those words into action, we will be seen as hollow and not delivering positive reconciliation outcomes for Aboriginal communities.

Our challenge is to take this movement and these ideals to the local level. This is an issue on which the Council for Aboriginal Reconciliation has focused in planning its next steps. The most important aspects of reconciliation will take place within the grassroots communities throughout Victoria. Education programs that provide a pathway to ongoing positive interaction between the broader immigrant community and our indigenous people will ensure a more genuine understanding of the indigenous peoples, their experiences and the place they hold in our community.

It is a pleasure to see in the house the Honourable Ann Henderson. In the 1997 debate, as the Minister responsible for Aboriginal Affairs, she said of the *Bringing Them Home* report:

For many, this report represents a real turning point; it is a turning point in their lives from which they are able to move

on because somebody has heard their story and, most importantly, somebody has acknowledged that story.

I wholeheartedly agree with that sentiment. Listening to and understanding the experiences and attitudes of our indigenous people is a crucial step in the next phase to true reconciliation. Their history is a vital part of Australia's history and for too long our educators have ignored it. As part of this reconciliation process we need to teach the histories of the Aboriginal communities. The stories that Carolyn Briggs told us contained significant messages for our community. They need to be part of our learning through our education system — not as an add-on, not as part of a statement such as, 'Here we are now, learning about the Aboriginal communities' but as an integral part of our understanding of who we are as Australians, irrespective of our roots and our backgrounds. I firmly believe that education and understanding are the keys to true reconciliation.

In that reconciliation process we must work towards overcoming the disadvantages faced by many Aboriginal people in our society. We understand that Aboriginal people face disadvantage in our justice, health and education systems and in housing and employment.

It is important to talk about reconciliation, to state the platitudes about reconciliation and to walk across a bridge, but I wonder whether the walk on Sunday should have been across the Sydney Harbour Bridge into Redfern. That is the walk we need to take now. We must move off the bridge and into Redfern. We must in walk in partnership with the Aboriginal people into their environments and communities to understand their issues. We must then seek to do something positive in partnership with the Aboriginal community to assist the Aboriginal people to better opportunities and a better life.

I have talked before in this house about my role in the past as Minister for Community Services and the work the previous government did to increase Koori participation in kindergartens and to decrease the overrepresentation of Kooris in the juvenile justice system. What we must learn from that work, from today, from reconciliation, and from the words of Mr Clark on Sunday repeated by Mr Coombs today is that we must replace paternalism with partnership. We must go forward in partnership with the Aboriginal community in all these programs. We must go past the idea of federal or state government or bureaucrats seeking to devise programs and telling Aboriginal communities how we will help them overcome their

disadvantage. We know that is not the way forward and not the way to help the disadvantaged.

The Aboriginal community must be involved in the process; the Aboriginal community must lead the process; and the Aboriginal community must deliver on the programs. When we have that true ownership and involvement of Aboriginal communities then we will be truly involved in the spirit of reconciliation — not just in achieving reconciliation but in making reconciliation into a positive force to deliver positive outcomes to improve the opportunities for Aboriginal people in our communities.

As I said earlier, on Sunday more than 150 000 people marched across the Sydney Harbour Bridge. I congratulate each and every one of those people for taking those steps. It was an important process. What we need to do now is to take that further into the local level: we need to take the march from the edge of the Sydney Harbour Bridge into Redfern.

I was not able to be in Sydney on Sunday, but I believe where I was to be equally important. I was with 150 people in western Victoria at the Lake Condah mission site with Aboriginal people from the Gunditjmara tribe, where Aboriginal people and white people from western Victoria are working together in reconciliation and dealing with issues at the local level.

That is the sort of thing we now need to do. We need local community reconciliation processes to increase the understanding and awareness of the history of Aboriginal peoples. Then we can have a real relationship that can develop for the future. The Lake Condah process was very important to me and to the local Aboriginal communities.

I am very proud as the member for Portland to represent a number of Aboriginal communities in my electorate — in Portland, Heywood, Dunkeld, Hamilton and particularly around the Lake Condah region.

I will use the remaining time I have to talk about a particular family who are receiving some very special recognition in Canberra today. In some way, telling the story of the family also tells the story of the Aboriginal people in Victoria. The Lovett family is an enormously strong family that has shown great leadership during great adversity. As I said, the family is being recognised in Canberra today by having a significant building named after it. That is why Auntie Iris Lovett, who was originally invited to address us today, is not here today. She was at Lake Condah on Sunday, and it was wonderful to talk with her.

In the course of this century no fewer than 20 members of the Lovett family have served in the Australian armed forces for the Australian nation in war. In every major conflict, from World War I through to Vietnam, representatives of the Lovett family have put on the uniform of the Australian Army and have fought. More recently, a descendant of the Lovett family was a member of the peacekeeping forces in East Timor.

At the same time as those male representatives of the Lovett family were representing Australia in fields of conflict the female members of the Lovett family were doing an enormous amount of good in their community — some would argue that they were probably stronger and more militant than the male members of the family. They held the families together and built a strong family tradition.

It is interesting to note that time and again members of the Lovett family have put themselves forward to fight for Australia and yet at the same time during that 100 years they were rejected by the Australian community. It is also interesting to observe that on their return from Europe after the Second World War the Lovett family soldiers who had fought for Australia found that their traditional land had actually been given over to white soldier settlers. It is an indictment of our history. But the Lovett family did not lose faith and did not lose heart but continued to uphold the traditions of both their Aboriginal community and Australia.

I am very proud to say that today the tallest building in our nation's capital, Canberra, which houses the Aboriginal and Torres Strait Islander Commission and the Department of Veterans' Affairs, is to be named the Lovett Tower in honour of the Lovett family. That is an enormous contribution.

I will conclude my contribution with a song written by John Lovett in 1986.

An honourable member interjected.

Dr NAPHTHINE — No, I will not sing it, sorry. I can guarantee I will not sing it! The song sums up the feeling of John Lovett and his people. It is a powerful song and is entitled *Gunditjmara people*:

Gunditjmara people come back to your land
 Gunditjmara people come home and make a stand
 Don't let the white man do to us
 What he did so long ago.
 Stand up and be counted
 And let our feeling show.
 Our mothers and our fathers
 Fought with fierce pride
 So we the children of our race
 Can hold our heads up high

Our culture it still lives with us
 Tho, many a people have died
 So Gunditjmara people hold your heads up high.
 When the white man fought each other far across the sea,
 Our fathers went and joined them to keep Australia free
 Now the time has turned its tide
 And our fathers have gone to rest
 So Gunditjmara people stand up and do your best.

I am sure they are.

Honourable Members — Hear, hear!

Mr HAMILTON (Minister for Aboriginal Affairs) — I wish to acknowledge the traditional owners and custodians of the land in which we meet today — the Wurundjeri and Boonerwung peoples of the great Kulin nations. I wish to pay my respects to their elders, those now living and those of the past. I also wish to acknowledge the presence of representatives of all the other Aboriginal communities throughout Victoria in this chamber today.

Today is a historic occasion. It is also an awesome occasion. When one stands in the presence of greatness, one has an intense feeling of being humbled by the great traditions of those who went before.

Today we have been privileged to hear honest, genuine and forthright statements by some of the leaders of the indigenous peoples of Victoria. No-one in this chamber, in fact no-one in Victoria who listens to the speeches, messages and communications, could fail to be impressed by the integrity, sincerity and commitment of those who delivered them. They were delivered with great strength and courage and with a great challenge to all of us.

I wish to acknowledge the warm welcome given by James Wandin of the Wurundjeri people and Carolyn Briggs of the Boonerwung people and the messages contained in that welcome, because the real challenges for us are contained in those messages.

I am privileged to be able to address some of my friends in the Koori community by calling them 'Uncle'. As I listened to Uncle Kevin Coombs I recognised the wonderful wisdom given with age and experience and also the wonderful courage that Uncle Kevin brought to this Parliament.

We were then challenged by Bryan Andy, one of the youth leaders. It was a magnificent challenge to all of us. Bryan told it as he saw it. He spoke on behalf of his people, including his elders, and the message was that they were the great survivors, those who had survived 212 years of great adversity, great pain and great hurt. But there was an air of confidence in Bryan's address.

The traditions passed from one generation to the next are important and very much part of the oldest living culture in the world.

Marion Hansen, who is a representative of the Aboriginal and Torres Strait Islander Commission, the national body representing indigenous peoples, also gave us a message. Again, the message was a challenge from the ATSIC body to all of us.

I wish to thank very much the representatives of the Council for Aboriginal Reconciliation, Michael Gorton and Marjorie Thorpe. I am aware of the tremendous work done by the Council for Aboriginal Reconciliation and the commitment of Marjorie Thorpe over many years.

Today represents a great challenge. It is a challenge to show the courage and to have the commitment to move forward.

I wish to thank a number of people, especially, the indigenous peoples, the Kulin nation representatives, for their welcome. I also wish to thank all the speakers today for the honesty and integrity of their addresses to this Parliament.

We should not forget that what has happened today would not have happened without the important contributions of many other people. I wish to thank you, Mr Speaker, on behalf of this Parliament for ensuring that today could go ahead. I also wish to thank my Premier for his role on behalf of the government and for recognising that this is a whole-of-government responsibility.

I also wish to thank the Leader of the Opposition, not only for his contribution in ensuring that today went ahead, but also for the important contribution he made by recognising the real issues and challenges.

I sincerely thank the Leader of the Opposition and the Leader of the National Party for the part played by them and their parties, and I thank the Independents in the same way. Without the unanimous agreement of all members of the house today's events could not have occurred.

I am filled with awe at the responsibility of participating in this ceremony and then of taking up the opportunities that will follow. Unfortunately statements can be made and not delivered on, and the white history of this country is full of examples of that. Today as we start this great journey I understand, as do all honourable members on both sides of the chamber, that we can have as many good thoughts as we like, as many great speeches as we like, but if we do not deliver

on them everything has been in vain and disappointments will continue. Avoiding those disappointments is an awesome responsibility.

All of us are aware of the challenges of disadvantage and dispossession. Loss of land, culture and heritage has been perpetrated upon the indigenous people of Victoria — indeed, the dispossession suffered by indigenous Victorians has been greater than that suffered by indigenous peoples in any other state.

I am acutely aware of the government's whole-of-government commitment to redressing disadvantage and dispossession and am confident that the government will take up the challenges in health, education, housing, community services and justice. The real challenge, however, Mr Speaker, is to make sure that Treasury and Finance will do their jobs too! A whole-of-government approach means that every minister and every government department grasps the nettle. That in itself is a significant responsibility and a challenge to all.

Mr Speaker, there is a great generosity of spirit in the air, as there was at the weekend at Corroboree 2000, where I heard the great speeches given by Geoff Clark, Mick Dodson and the Governor-General, Sir William Deane. I believe Sir William has played a magnificent role in the whole reconciliation process and will continue to do so.

That generosity of spirit was again in evidence on the Sunday during the walk across the Sydney Harbour Bridge. It was not a march or a protest; it was a walk hand-in-hand and an exhibition of harmony, unity and strength. We moved forward together. We must make sure, however, that we move forward together in consultation and harmony, able to listen to, understand and nurture the great indigenous nations from which we have inherited so many wonderful things.

I am proud of and humbled by my role in today's proceedings of the house.

Mr RYAN (Leader of the National Party) — I too share the pride expressed by other honourable members at being able to speak on this historic occasion. I extend a genuine welcome to the members of our indigenous communities here today to participate in the debate on the motion before the house.

We have come far in the 131 years since 1869 when in this very chamber the Aboriginal Natives Protection Act was passed by the Parliament of the day. That act prescribed certain regulations, among which was the empowerment of the Governor to prescribe the place where any Aboriginal person or any tribe of Aborigines

should reside. It prescribed regulations for the care, custody and education of children of Aboriginal families and was supported strongly by all members of the house — so the bill had bipartisan support. Honourable members spoke in that debate about protecting the interests of Aborigines and were critical of themselves as parliamentarians for delivering what they called ‘a tardy act of justice’ because they had taken so long to bring forward that legislation.

We have come a long way since then. What may have had laudable intent at the time, reflecting policies of governments and perhaps even a national frame of mind, often resulted in tragic consequences. People apparently intent on doing the right thing sought to achieve their ends by using a degree of legislative licence that often led to family units being destroyed, indigenous communities being pillaged and indigenous people suffering greatly.

On an occasion such as this those are harsh realities to reflect upon, but they are relevant and pertinent for today and give this historic event a proper context.

I have read the *Bringing Them Home* report — not all of its 700 pages but much of it — and it is clear that we have travelled far in the intervening 131 years, but the journey is still incomplete. I have listened to what has been said today and cannot help but reflect upon the remarkable generosity of spirit shown in the welcome extended by James Wandin and Carolyn Briggs when they spoke to us about the history of the Wurundjeri and Boonerwung peoples. I also listened carefully to the words of Uncle Kevin Coombs, Bryan Andy and Marion Hansen.

As has been acknowledged here today, mistakes have been made in the past — with the best of intent, perhaps, but mistakes all the same. I had the honour and privilege of speaking in this place on 17 September 1990 to support the motion for an apology to be extended to the Aboriginal peoples for those past mistakes.

I spoke on that occasion and I spoke again earlier this year when those issues were also canvassed in the chamber. Those matters were referred to by both the Premier and the Leader of the Opposition. But on this historic occasion the reality is that it is time for reconciliation, in the true sense of the word — for a healing, for a settling, for a cleansing, even, for those issues that have gone before — that is, not to forget those matters, and that is specifically why I raised them here today, harsh as they are.

They are not to be forgotten because, apart from anything else, they are seared into the history and the soul of so many of our indigenous people in this great nation. It is not a case of forgetting them; rather it is a case of acknowledging them and moving on. It is proper to reflect upon the history and to put it into context — to do what we did in 1997 in this place; to do what we did again earlier this year and to do what we are further doing today.

In the course of that process, we need to reflect upon that history while also recognising the issues that are contained within the motion before the house today. We need to welcome and acknowledge this historic occasion, where the elders and other members of the indigenous communities have been able to speak about their history and the importance of achieving reconciliation from their perspective. We need to recognise the need for an ongoing effort across all levels of government and the community to further progress the aims and objectives of reconciliation.

We need to acknowledge and applaud the work and achievements of the Council for Aboriginal Reconciliation, including the release of *Corroboree 2000 — Towards Reconciliation and Roadmap for Reconciliation*. We need to commit to a response to that declaration on behalf of the people of Victoria.

I emphasise that that response needs to be on behalf of contemporary Australia, of all of us who are proudly Australian. It needs to reflect what I think are the values of the overwhelming number of Australians who have an anxiety about the issue and are intent upon the fact of achieving reconciliation in the true sense. As mentioned today, it needs to be done together.

Our indigenous communities will no longer suffer, nor should they have to, the fact of being told how this is to be brought about; rather it should be done on the basis of being done together. It needs to be achieved in a just and equitable manner to result in a just and equitable outcome. It needs to be a true reconciliation of spirit on behalf of all Australians. That response is needed to reflect the common decency of all Australians, a trait for which they are otherwise renowned on the face of this planet.

I have great pride in rising in this place today, 131 years on from the passage of the legislation to which I have referred, to reflect on the fact that all parliamentarians who have had the honour to be in this place have a joint concern to see not only that reconciliation in every sense of the word can be brought about so those histories can be put into proper context but also that,

importantly, the people of this great nation can go forward together to share in what this wonderful country has to offer for generations to come. I support the motion.

Ms DELAHUNTY (Minister for Education) — Along with the elders and members of the Victorian Aboriginal community, many of whom I have the honour of representing as the member for Northcote, and with members of this Parliament, we have come together to demonstrate our commitment to the reconciliation process. It is an honour to be here on this historic occasion, to support the motion and to acknowledge the generous words of James Wandin, Carolyn Briggs, Uncle Kevin Coombs, Bryan Andy and Marion Hansen.

The declaration towards reconciliation is not the end of the process; it is not a conclusion, nor is it simply a beginning. It is a landmark on a long road, one that started by one measure more than 40 millennia ago or by another now entering its fourth century. Australia is full of long roads. We are used to travelling them. It is an endearing Australian characteristic that we are not daunted by the length of the journey. It is the engine of goodwill that we know will take us to our destination. So it is with reconciliation. It is the journey we take together that is as important as getting to the end.

Some years ago the former head of the Council for Aboriginal Reconciliation, Pat Dodson, accepted an invitation to discuss on ABC television's *7.30 Report* the 1967 referendum. After recording that interview, which I hope was erudite and informative, Pat Dodson and I shared a cup of coffee. We shared memories of when Pat and his brother spent some of their school holidays on our farm. Along with my brothers, Pat and Mick Dodson were boarders at Monivae College at Hamilton. Unlike my brothers, they could not return home during their term breaks.

During one holiday I remember our house was literally overflowing with schoolboys. There were my brothers, numerous and noisy, Mick and Pat, some boys from Nauru who were also at Monivae College, and a few others, including cousins — all boys. They were having a great time during the holidays, but somehow it fell to me to do the domestic chores, particularly to make all the boys' beds. I was feeling a bit stropky about that arrangement and in a gesture of defiance shortsheeted all the boys' beds.

Pat remembered that but it meant something different to him from my memory. It was not at all about sexism to Pat Dodson. What he said to me hit home. He said, 'Mary, before 1967 you didn't even have to put sheets

on our beds'. Before 1967 Aboriginal Australians were treated legally as though they were some kind of indigenous flora and fauna. They were not treated legally as citizens of this country. Before that moment with Pat I had intellectually engaged with the rights of Aboriginal Australians, but I had not engaged in an emotional way. It had not hit me in the heart until that moment, that comment by Pat Dodson. Pat's memory of a young girl's prank, his illuminating statement of fact, had offered, as the Council for Aboriginal Reconciliation has called for, an honest and deep understanding of the truth of our shared history.

I was fortunate to have a small piece of shared history with such great Australians as Pat and Mick Dodson. Hundreds of thousands of Australians who walked across the bridge of reconciliation on Sunday and saw the word 'Sorry' etched in the sky now have their own shared moment. But a deep understanding of our shared history must acknowledge the dark side as well as the good. It is not a matter of attributing guilt or blame to the people of the present generation or, as Mick Dodson says, getting hung up on a word. It is about appreciating that, without a genuine and heartfelt understanding of the common history of this nation, we cannot move forward together.

Reconciliation involves that commitment in our hearts and in our actions. It is about creating partnerships, acknowledging and sharing the truth and addressing disadvantage experienced by Aboriginal and Torres Strait Islander communities and people.

It is about that emotional commitment as well as a shared knowledge and understanding. As Professor Henry Reynolds has noted, the shared history has within it a troubling undercurrent — what he calls the whisper in our hearts. He is talking about our conscience. We might not always acknowledge it but it will always whisper to us the truth.

At the centre of the deep understanding is, as acknowledged by several of our indigenous speakers, particularly Brian Andy, the centrality of education. We have a responsibility to ensure that education is about the whole of Australian history — a full and balanced account of our shared history. Periods in our past cannot be dismissed as solely Aboriginal history. It is our history, and the history of our forebears as well.

The Adelaide Declaration on National Goals for Schooling in the 21st Century recognises the importance of education to the reconciliation process. It states, in part:

Schooling should be socially just so that ... all students understand and acknowledge the value of Aboriginal and

Torres Strait Islander cultures to Australian society and possess the knowledge, skills and understanding to contribute, and benefit from, reconciliation between indigenous and non-indigenous Australians.

Education must do more than that. It is crucial that all our young people — indigenous and non-indigenous — are equipped with the basics for a decent life and that they remain in school to get the benefit of a full education. In Victoria, as elsewhere, there is much to do. In 1999 in Victoria, 68 per cent of Aboriginal and Torres Strait Islander students met the year 3 reading benchmark, compared with 86.2 per cent of other students. Based on the 1999 mid-year census the year 12 retention rate for Aboriginal and Torres Strait Islander students was 43.5 per cent, compared with 71.2 per cent for non-indigenous students. This is simply not good enough.

The Department of Education, Employment and Training is reading closely the declaration for reconciliation — the road map for reconciliation setting out clear strategies, particularly in the areas of education and training. I look forward to examining those strategies in partnership with the Aboriginal community to identify ways in which we can make a difference. I look forward to reporting progress in the coming months and years.

I would like to conclude by acknowledging the great work and courage of the Council for Aboriginal Reconciliation. The words of Dr Evelyn Scott, the chair, at Corroboree 2000, revived for me echoes of another great call for justice for indigenous people — Dr Martin Luther King's speech — 'I have a dream' — in America in the 1960s. Dr Scott said:

We extend our hand to other Australians. Those Australians who take our hands are those who dare to dream of an Australia that could be. Will you take our hand? Will you dare to share our dream?

Creating the Australia that could be is the gentle challenge of reconciliation. It is the challenge that, as the member for Northcote and the Minister for Education, I accept.

Ms ASHER (Brighton) — I am pleased to contribute to the reconciliation debate and to make comments on the motion before the house on this most historic occasion.

I support the motion before the house and have read both documents: *Corroboree 2000 — Towards Reconciliation* and *Roadmap for Reconciliation* with great interest. It struck me that the key themes of *Corroboree 2000 — Towards Reconciliation* are the traditional Australian themes of a fair go and respect for

differences between people. These themes are fundamental to the way in which many of us approach our lives.

The second document, *Roadmap for Reconciliation*, outlines four strategies that we can personally take to effect reconciliation in Victoria. Those four strategies are to sustain the reconciliation process; to promote recognition of Aboriginal and Torres Strait Islander rights; to overcome disadvantage; and to develop a strategy for economic independence. The four strategies set out a clear agenda that we, as community leaders, can implement over time.

I was first exposed to the issue of Aboriginal health when I worked in New South Wales for the then New South Wales Minister for Health, Peter Collins. In 1988 I left Melbourne to live in Sydney and work for him. I stayed there until 1991.

It became my task to advise the minister — although I had no previous knowledge — on Aboriginal health and do some work on the implementation of the Aboriginal Deaths in Custody Royal Commission in terms of the health response from the New South Wales government. As part of my duties I was to accompany the minister to a range of communities. I will never forget travelling to Wilcannia for the first time. I was shocked at the level of deprivation, the like of which I had never seen in my life. Even more confronting than seeing a place like Wilcannia was the attitudes of some of those charged with the responsibility of assisting the people to have a better life.

That was the way I came personally to have greater contact with many of the issues being discussed in the chamber. I learnt two things from my three-year stay in New South Wales. The first was the utter uselessness of playing politics with issues as confronting, important and challenging as reconciliation and all that goes with it. I saw two men — my own boss, the Minister for Health, and the then shadow Minister for Health, Dr Andrew Refshauge — suspend their politics and work together for the good of Aboriginal health. It strikes me that we have progressed best when united in partnership with the Aboriginal community. We have progressed best in our handling of issues such as the 1967 referendum, the resolutions before the Victorian Parliament, and the establishment of the Council for Aboriginal Reconciliation, setting in place the 10-year process established by a unanimous vote of the Parliament.

I am happy to place on record my admiration for the manner in which Robert Tickner and Michael Wooldridge handled that reconciliation debate and the

establishment of the council. As I said, we progress best when we are united in partnership with the Aboriginal community on such issues.

The second thing I learned in New South Wales was that my natural tendency to an outcome-oriented approach needed to be tempered with trust, involvement and empathy in order for anything to be done. The Leader of the Opposition has spoken about the need to replace an imposition of policy by a partnership approach to developing policy. I learned that significant point while working for the New South Wales health minister.

In that context I turn to an excellent article that I recommend to honourable members for reading. It is an article in *Reconciliation* subtitled 'Essays on Australian Reconciliation' and is edited by Michelle Grattan. The article was written by Sir Gustav Nossal, the deputy chair of the Council for Aboriginal Reconciliation. It is called 'Symbolism and substance in the surge towards reconciliation'. Sir Gus Nossal notes two aspects of reconciliation: the practical and the symbolic. He says the two of them are inextricably linked and form a pivotal role in what should be our approach to reconciliation.

The first aspect is what Sir Gus calls the practical aspect. It includes issues such as poor health, lower levels of education, fewer educational opportunities, poor housing standards and inadequate infrastructure facilities and water. He acknowledges that there is strong support across Australia for the first aspect. Sir Gus also talks about the symbolic aspect to reconciliation. I shall quote from the book because it adds a lot to our understanding of the issue:

Indigenous peoples wish to be recognised and valued as the first Australians, the original owners and custodians of traditional lands and waters. They wish to have their laws, beliefs and traditions respected and recognised. They wish mainstream Australians to gain a greater appreciation of their spiritual affiliation with the land and their historic achievements in living in ecological balance with it while able to exercise their traditional lifestyles.

He goes on to comment that while many well-intentioned — he uses that word — Australians first came to the issue as I did through the need for what he terms some action on the practical aspect of reconciliation, it is not until the second strand of reconciliation — that is, the symbolic aspect — is considered by all of us that reconciliation will take place. He talks about the close link between the practical and symbolic and how it only becomes apparent on close and intimate examination of the issues of reconciliation.

As I read the documents being discussed in today's resolution, it struck me that some strategies, such as the strategy to overcome disadvantage and economic independence, slotted so well into an analysis of the practical aspects, but the symbolic aspects also permeated the documents, particularly recognition of rights.

I would like to mention Michael Long, an Aboriginal community leader, and the role he has played as a leader both in his own community and ours. He encourages greater awareness of the spiritual aspects of reconciliation and exhibits great courage and leadership.

I conclude with a personal reference to a telephone conversation with a friend on Sunday night. She walked across Sydney Harbour Bridge with many people like her who were white, employed, tertiary-educated and from affluent suburbs. They were filled with an overwhelming need to walk across the bridge as an indication of their desire for reconciliation and a political, practical and spiritual approach towards the issue. She said to me that most people's motivation for walking was very simple — that is, an overwhelming feeling that we can do better on this issue.

With the documents before the house today and by trying to implement the strategies on an individual and community level, we have a real hope of actually doing better.

Mr HULLS (Attorney-General) — As Attorney-General with responsibility for the Victorian Aboriginal Justice Agreement and native title, it is my great pleasure to participate in this debate.

I too pay my respect to the Kulin nations and to the many elders from the many clans and communities that have travelled across the state to be with us today. Your presence today honours us all.

As a Geelong Football Club supporter I also acknowledge the presence of Ronnie Burns and Ezra Bray in the gallery. Ronnie, hurry up and get that hamstring right!.

Today is a milestone in the history of not just the Koori community but all Victorians. Reconciliation is not an option that can be toyed with by governments and its implementation should not depend on the latest opinion polls. Reconciliation needs leaders and champions, and I acknowledge in particular Geoff Clarke, Evelyn Scott, Sir Gustav Nossal and Marjorie Thorpe as some of the many champions of reconciliation in this country.

I also acknowledge the local reconciliation committees across metropolitan Melbourne, country Victoria and in local government that are standing up and making a difference.

At the heart of reconciliation is the notion of walking together. We should therefore be truly heartened by the participation of Australians in the reconciliation movement which was so convincingly demonstrated at Sunday's walk for reconciliation across the Sydney Harbour Bridge.

I was proud to be part of the significant walk as well as the formal proceedings at Corroboree 2000 on Saturday.

Fundamental to achieving reconciliation are the principles of equity and equality. Equity for the indigenous community means access to effective programs and services. The onus is on the government to ensure that its policies, programs and services are tailored to suit the diverse community it reflects. There must also be equality in life experiences. The sad reality is that the life experiences enjoyed by most Australians are not shared by the first Australians.

I well remember my first exposure to the aboriginal deaths in custody inquiry. I was working at the Mount Isa Aboriginal Legal Service at the time. I represented the family of a young fellow by the name of Alistair Riversleigh, who having attempted to take his life in the middle of the street at Doomadgee was taken to the Doomadgee watch-house, where the police thought he would be safer. Alistair committed suicide shortly after.

I am probably the only member of this Parliament who has been personally involved in the Royal Commission into Aboriginal Deaths in Custody. It was an emotional experience for me. It revealed to me the chilling reality of Aboriginal dispossession and disadvantage, and the ensuing hopelessness and lack of worth that displaces traditional culture in many Aboriginal communities.

Later today we will see the launch by the Premier of the Victorian Aboriginal Justice Agreement, which has been jointly developed between the government and the Aboriginal community. My colleagues the Minister for Aboriginal Affairs, the Minister for Police and Emergency Services and the Minister for Community Services have given their solid support to the process of developing the policy and have an ongoing commitment to its implementation.

The Victorian Aboriginal Justice Agreement is a landmark document of national significance. It sets the benchmark for all other governments to follow and comprises indigenous input and empowerment at all

levels of the justice system. It establishes meaningful accountability, responsibility and reporting mechanisms. It also recognises that a whole-of-government approach is needed to tackle overrepresentation of Aboriginal people in the criminal justice system.

Wherever Kooris come into contact with the criminal justice system the government's target is to have Kooris meet them. The government will not only have as a target the appointment of more Kooris as police and correctional officers but it will also provide attractive scholarships to Kooris to study and practise law. It will develop mentor programs with the legal profession so that Koori lawyers can realistically aim to become magistrates and judicial officers. It will establish a register of Kooris who can be appointed to boards, committees and tribunals in the justice system. It will also target the employment and training of Kooris throughout the justice system, not just in program delivery but in policy development and design. The question I ask is: why not?

A key priority for both the government and the community is to tackle the underlying issues behind disadvantage that leads to disadvantaged people coming into contact with the justice system. Equally important and fundamental to the Koori community are the interwoven questions of land, culture and the rebuilding of families. Those are not inseparable issues that can be looked at in isolation. The government recognises that addressing the dispossession of Aboriginal land and culture is the centrepiece of reconciliation with indigenous Victorians.

The Bracks government is committed to making every effort to resolve native title claims by negotiation and mediation. It views litigation as an absolute last resort because, as honourable members have heard today, nobody wins with litigation. The government will approach the negotiating table with goodwill, a good heart and the intention of achieving a resolution. The Bracks government will establish a whole-of-government approach to native title. That approach will be supported by the development of a strategy to identify those responsible in the relevant departments and agencies and to have them work together to ensure there is consistent and transparent management of applications for determination of native title. My department will lead the process by developing a native title policy and mediation framework principles document, a draft of which I hope will be released for consultation with key stakeholders.

It is the government's intention to provide assistance to applicants in the preparation of native title

determination applications and to participate in negotiation and mediation, including in future act negotiations. In addition, the government intends to develop framework agreements with applicants, their representatives and other interested parties to guide and give structure to the negotiation and mediation process. In working to achieve sustainable negotiated outcomes the government will approach both the applications process and the possible outcomes with consistency.

The government's emphasis is on the settlement of claims as an alternative to litigation, which will allow for a greater range of outcomes for the parties involved. It may be that in appropriate circumstances indigenous land use agreements will result in the swift resolution of native title claims. Some applications may be resolved by the delivery of a package of benefits, including scholarships, traineeships, employment opportunities, joint venture enterprises, a greater say in land management and the protection of cultural heritage. However, I believe it is important for the mediation framework to recognise native title as a possible outcome of the negotiation and mediation process. I will strongly recommend that that be the case.

The government's approach is to work with industry and with applicants and their representative bodies to expedite the native title process for sustainable outcomes that will be of benefit to industry as well as to claimants.

In conclusion, the Bracks government is committed to reconciliation. Its approach to native title and the development of the landmark Victorian Aboriginal Justice Agreement give real substance to its commitment. I am therefore proud to be part of the government and to support the motion before the house.

Mr INGRAM (Gippsland East) — I begin by acknowledging that Parliament is meeting on country of which the members and elders of the local indigenous community, the Kulin nations, comprising the Boonerwung and Wurundjeri people, have been custodians for many thousands of years. I ask that honourable members recognise the traditional owners.

I am honoured to speak on an issue as important as reconciliation and in support of the motion before the house. I recognise the traditional custodians of my electorate of Gippsland East, including the Gunai Kurnai, Monaro and Bidawal nations. Some of its members are in the house today. I also acknowledge the traditional custodians of the areas that comprise the electorates of my Independent colleagues the honourable member for Gippsland West — the Gunai Kurnai, Boonerwung and the Wurundjeri nations —

and the honourable member for Mildura — the Latji Latji and Barkindji nations. I apologise for my pronunciations. I apologise if I have missed any others, because tribal areas do not coincide with electoral or state boundaries.

Australia has about 700 indigenous nations and over 250 language groups, so it must be understood that the term 'indigenous people' is a narrow label for a wide group of clans, tribes and people. I am not an authority on indigenous matters. I need further education from indigenous people about their culture, needs, ideas and proposed solutions. I am lucky to have been in contact through my electorate office with various indigenous organisations and I have a growing awareness of the issues facing indigenous communities. Self-education plays a major role in reconciliation, and there are many avenues for such education to take place.

I do not have the answers. Previous governments and people thought they knew the answers and thought they lay in family separations, restricted movement, welfare handouts and assimilation. However, two important parts of the answer are the recognition of indigenous cultural heritage and an acknowledgment of the past.

The true history of Australia's post-European settlement is bleak for indigenous people. The vision statement of the Council for Aboriginal Reconciliation is one that all Australians should embrace — that is, respecting the land, valuing indigenous heritage and providing justice and equity for all. The behaviour of many settlers and early government bodies was brutal to indigenous people, including to their culture and heritage. Little respect was shown, and too many injustices took place and are still taking place for the past to be ignored. The true history of Australia both before and after European settlement must be acknowledged.

I say sorry for the pain of the past. The issue of the stolen generations that touches probably every indigenous family is part of the past, too. Although it was perhaps a well-intended policy at the time, it has produced much pain and confusion, dislocation and denial and is still having an impact on indigenous people today. Current government policies are also affecting indigenous communities. I hope that indigenous people can be assisted with their plans to maintain and improve their dignity and cultural heritage.

White settlers have occupied my electorate of Gippsland East for some 200 years. For thousands of years before that the tribal communities had their own laws and were living with a heritage and customs that

had no negative effects on the environment. In the 200 years since European settlement indigenous people have had to face many drastic changes that have affected their culture. There were big cultural differences between indigenous and non-indigenous people and the indigenous people were not consulted and received little respect or understanding.

Not enough can be said to stress enough the importance of the relationship between the land and the indigenous culture, and how interwoven they are. The changes since European settlement have left indigenous people unable to maintain their cultural and social contact with the land. In the past their movement was restricted and people were removed from their clan areas and put on the lands of other clans, forcing them to break their own laws. Urbanisation has further removed indigenous people from their links with the land.

Statistics and reports show that indigenous people do not have an equal footing in Australia. Young indigenous people should be encouraged to become educated to a stage where they can be involved in the management of the organisations attached to their own communities, because they will be the future supporters and leaders of those communities. There is a need for leadership from indigenous communities in suggesting how that can be achieved and in undertaking the management of such projects with as much support as the communities desire.

People need to develop a better awareness and understanding of the importance of indigenous cultural heritage as a major asset for all Australians. Australians need to understand it not as something to exploit but as a source of pride and a recognition of occupation. Acknowledgment of indigenous heritage has not been a priority in Australia. There is a need for Australians to have more respect for indigenous cultural heritage and to ensure that communities are given the resources necessary for them to protect and manage cultural sites, as their ancestors did for thousands of years. Unfortunately many sites in Victoria have been destroyed through a lack of knowledge or understanding.

Indigenous people are organising and achieving many positive things for themselves. I am very impressed by the indigenous art produced in my electorate in a variety of mediums. It is flourishing. The East Gippsland Aboriginal Arts Corporation is an example of a positive community initiative. In addition, local Aboriginal organisations provide valuable services in the areas of cultural heritage, health, employment and training, and economic development, and make a significant contribution to the local economy.

There also needs to be recognition of the contribution of indigenous people to the development of local economies and communities since colonisation. To mention just a few, they played a considerable role in the agriculture and timber industries in my electorate, participated in and represented the area in sports, and volunteered to fight overseas for their country.

I was recently given a cultural tour of Cape Conran, east of Marlo, during the opening of a boardwalk constructed by the local indigenous organisation and Parks Victoria. The project provided a pathway example of what can be achieved through consultation and negotiation for the benefit of all. The boardwalk protects some of the Aboriginal shell middens that are on the headland of Cape Conran. It is important to protect such cultural heritage sites.

Indigenous people doing surveys in the area where the eastern gas pipeline is going through recently found Aboriginal artefacts and stone tools on my parents' farm at Cabbage Tree Creek. The discovery brings home the fact that the indigenous people were spread right across the state and lived close to areas that are currently occupied.

Community representatives have put forward to me a desire for indigenous communities to play a major role in the joint responsibility for natural resource management on Crown lands, particularly national parks and coastal parks. The desire is based on the need to create long-term employment and training outcomes, to protect and manage cultural sites, and especially to redevelop the role of indigenous people as custodians of the land. The proposal is clearly not based on a welfare mentality; rather it is seen as an opportunity to provide a sound economic base for indigenous communities. I fully endorse it.

Some indigenous people have told me they are cynical about the concept of reconciliation. One might ask, 'Why?'. Politicians need to listen and learn more; they need to respond positively and not impose their ideas when communities present ideas. We politicians must lose the mentality that says, 'We know what is best for you'. There needs to be a true partnership between indigenous communities and the government that extends to the wider community. I suggest that the elders of the Victorian indigenous communities might lead a cross-cultural training course for members of Parliament. Another idea is for indigenous families to adopt a Victorian politician for a weekend so that honourable members might gain a better appreciation of indigenous culture and values.

There is a need to move forward and provide indigenous communities with opportunities to pursue their own solutions. Politicians need to facilitate independence for indigenous communities so that in the long term those communities can become self-sustaining and not be subject to or at the mercy of the policies of the government of the day.

I hope that the views I have put forward will be accepted as a personal recommendation of and support for the motion before the house.

Mr ASHLEY (Bayswater) — I am pleased to be in the house on this historic occasion to pay my respects to those members of the Kulin nations who addressed us. I am also pleased to have experienced the grace and kindness they extended to us, as well as their candour and their honesty. I feel privileged to have handled the documents of reconciliation the Premier has received. For all those reasons I support the motion before the house.

The official and folk histories of Victoria largely shroud from view the devastating impact European settlement has had on Aboriginal people. In that regard the 20th century was little different from the 19th, other than that it increasingly distanced us, the inheritors, from those to whom the land, the waters, the forests, the fauna and the harvests originally belonged.

Most people living in Victoria today are late arrivals on the scene. That is reflected in the lives of many of the current members of Parliament. Either they or their families and friends arrived in a Victoria well separated from its raw, grim and sometimes amoral European origins. Most settled in established suburban settings bereft of Aboriginal associations, apart from the faintly romanticised echoes of unfamiliar place names such as Mooroolbark, Yarra Yarra and Boroondara. Others snuggled down in parts of rural and regional Victoria where the same faint echoes resonated but where for 150 years or so there was certainty of title and land was passed down from one generation to another or sold from one to another according to law. For us everything seems to be in its place and peaceable. Life is ordered and reasonably predictable and children may be raised with hope and purpose because no enemy beats at the door.

None of those late arrivals could be said to be party to acts of dispossession perpetrated by a long-deceased generation who have vanished into the mists of time along with the Aborigines from whom they stole. For most modern Victorians in this sophisticated, information technology-driven society, all the talk about dispossession and anguish has an air of unreality.

They are the people who must be brought on board to understand the reality, the emotion, the hurt and pain that has occurred because their generation is distanced from it.

Time and sentiment have separated us from the cold, harsh, brutal fact of dispossession, and we have further softened it for ourselves by the beguiling mythologies that we have constructed around the origins of our colony and state.

The first recorded parliamentary debates occurred in 1856 and 1857. A person examining *Hansard* could be forgiven for thinking that Aborigines did not exist at that time. As the Leader of the National Party said, the first act — an act to provide for the protection and management of the Aboriginal natives of Victoria — was passed 13 years later. A year of debates went by before the word ‘Aborigine’ was mentioned. That happened on 17 June 1857, and the word appeared in a petition rather than in a substantive motion. The *Hansard* report of the day’s proceedings reads:

Mr C. Campbell presented a petition from the Synod of the United Churches of England and Ireland praying that steps might be taken for the amelioration of the condition of the Aborigines.

The words ‘the amelioration of the condition of the Aborigines’ were to reverberate for the next 100 years — and they still haunt us today.

The appalling truth is that catastrophe loomed for Aboriginal communities from the moment they first lost their lands to the Europeans. The reason for the catastrophe can be found in the relationship of Aborigines to the earth. For them, there is no meaningful existence apart from their intimately felt and passionate connection with their land and ancestral homes.

Twenty or so years ago an anthropologist said that Aboriginal Australians were more perfectly adapted to their environment than any other indigenous people on the planet. So perfect was their adaptation to their environment that any change posed the likelihood of catastrophe. In a sense high Darwinism says, ‘Those best fitted to their environment will survive’. No-one else except the Aborigines could have survived in those surroundings because they were so perfectly adapted to them, but the moment that environment was changed catastrophe became almost certain. There is a sense in which it is beyond individual and generational responsibility that those events happened once Europeans arrived on Australian shores. The arrival of Europeans brought a death sentence for Aborigines — community death, cultural death and spiritual death.

The young were left stripped of role models and authority figures. With cultural death there is nothing left on which to model oneself and no authority to breathe meaning into the basic routines of life, let alone its spiritual dimensions.

Once paradise was lost, once the Dreamtime was irretrievable, there was no way back because every interchange, memory, tradition, artistic and spiritual expression, and every nuance of language and song presupposed oneness with the environment and the land. Whenever dispossession shattered an Aboriginal community there was no in-built cultural resilience to reverse the onset of destruction. That fact foiled the best efforts of governments to halt what became a chain reaction of catastrophes that spanned 150 years.

Horrified, governments, churches and charities went on to compound the disaster by embarking on a rescue mission born of ignorance and arrogance. 'We will take your children from you', they said. 'If you cannot give them hope and purpose, we can and we will. No matter what anguish is caused, we know best'. If the parents were grief stricken the child was doubly lost, now being dispossessed and deprived.

Neither education, employment, language skills, technology nor the benefits of modern society could compensate an Aboriginal child for those deep primal longings — the hunger for a mother's love, the holding, cuddling, cooing, intense closeness, the smelt intimacy. We must take time out to hear that agony and to heed what they say, for reconciliation cannot occur until we acknowledge what Kooris have to say of that pain.

As we reach out and offer our hands and hearts in this long and painful business of getting to know each other that we call reconciliation, may every non-indigenous Australian come to acknowledge that although we may bear no personal responsibility for past errors and cruelties, including crimes of rape, kidnapping and murder, we are all beneficiaries of the largesse passed to us as a result of original acts of dispossession. The sheer bounty and productivity of this magnificent land is ours at the great loss of the indigenous people. I confess that I am a beneficiary of that. The Parliament is also a beneficiary, as it stands on lands where Aboriginal tribesmen once sent smoke signals around the bay. We are all as much beneficiaries of dark deeds from the past as we are of great courage and heroism.

May every non-indigenous Australian come to understand that accompanying us on our long journey in this lifetime are at least two generations of people who became 'nobody's children'. Those fellow citizens have been trying to tell us what it was like to be

terrorised and traumatised as infants and to be stunted by events that damaged their pathways to full adulthood — sometimes beyond repair.

What lies before us is a big ask — it is not just a small matter of signing off a document. However, with mutual respect and patience Australians can do it. There will inevitably be setbacks along the way and from time to time if we do not see eye to eye let us not judge one another too harshly. None of us can have a full appreciation of how another thinks and feels. After all, we all look at life through frosted glass and the next generation may have a different perspective on things and be able to put to rights the things that we cannot.

Our task is to share the grief and acknowledge the pain of those who were wronged in the past and to work out the way forward in a partnership towards reconciliation. If we and they can overcome and own up to the denials we have all perpetrated, we have a real prospect of being reconciled and walking this big brown land together with an energy, a confidence and a creativity which may surprise us — and just may stun the world.

Ms CAMPBELL (Minister for Community Services) — I acknowledge the Wurundjeri and Boonerwong peoples and the great Kulin nations and pay respect to their elders. I am pleased that so many indigenous people are in this Parliament today and that many non-indigenous people are standing shoulder to shoulder with them in an effort to improve the Victorian community by ensuring that indigenous members of the community are acknowledged in a more significant way than they have been in the past. As the Minister for Community Services I am acutely aware that in Victoria's recent and not-so-recent history we have not done as well in community services as we should have for the indigenous members of our community.

The *Bringing Them Home* report prepared by the Human Rights and Equal Opportunity Commission outlined all too poignantly the effects of the forced removal from their homes of people who are now commonly referred to as 'the stolen generations'. As Minister for Community Services I place on record my heartfelt apology to the indigenous people of Victoria and their ancestors for the forced removal of their children. When we as a community move towards reconciliation we must realise that it needs to be achieved in our hearts, spirits and actions and in the financial contribution made to achieving true reconciliation.

When I was a little girl my parents often said, 'There are none so blind as those who do not want to see'. The

future that we in this Parliament want to see in terms of a true spirit of reconciliation will be enhanced if many non-indigenous citizens of this state realise that they need to open their eyes to what happened in the past and to acknowledge that what was done was wrong and that it fundamentally ripped the heart and spirit out of many members of our indigenous community.

I was pleased that the Victorian Parliament passed motions in 1997 and in April this year recognising the importance of reconciliation, the need to move forward and the hurt caused by the actions of previous governments in removing children from indigenous communities. However, those motions are only words unless the government, Parliament and Victorian community move towards redressing the wrongs. To achieve the necessary practical results we must move in partnership with Aboriginal community members, with non-indigenous people and with all levels of government — federal, state, and local. The spirit of reconciliation is nothing without acknowledgment of the lifelong effects that past actions have had on the spirit and heart of the stolen generations, their grandchildren and many members of their extended families.

I referred earlier to the *Bringing Them Home* report, which was produced after an investigation of the forced removal of young people from their families and communities. This morning I pulled out the recommendations to remind myself of just how much work is ahead of us in achieving some sort of reconciliation with the Aboriginal community. The report made 54 recommendations, most of which have not yet been implemented.

The Department of Human Services placement and support census revealed that in 1995 Aboriginal children were nine times more likely to be involved in placement and support services than the general DHS population. Unfortunately, I must report to the Parliament that the 2000 figure is still close to the 1995 mark. I pledge today to work with the indigenous communities to ensure that that figure is reduced. In the past many Aboriginal children were placed with non-government organisations. Link-Up Australia and a number of Aboriginal groups have expressed concern about difficulties in obtaining access to records. The department's Child Protection and Juvenile Justice Branch has provided funds to archival services to develop a publication that will assist in clarifying where closed records are kept and how they can be accessed.

The Aboriginal child placement principle was enshrined in the Children and Young Persons Act. That principle stipulates the hierarchy for determining the

out-of-home care or adoption of Koori children. It stipulates that consideration must be given first to placing the child in the parents' Aboriginal community and then with another member of the Aboriginal community. If neither of those two options is viable the child should be placed with a person authorised by an Aboriginal agency as suitable. Long before my time as Minister for Community Services a protocol was developed with the Victorian Aboriginal Child Care Agency and the Department of Human Services to ensure that child protection services inform VACCA of all child protection notifications of Koori children and young people.

Recently when I visited VACCA, Muriel Cadd informed me that was not occurring. I assured her — and I place on record here in this house — that I will be insisting that a key performance indicator for our child protection work is that we make sure that where a child with a Koori background comes to the attention of our placement and support system we will make sure that we consult and work with VACCA.

The final report in April 1991 of the Royal Commission into Aboriginal Deaths in Custody contained recommendations on a wide range of areas affecting the juvenile justice system and young Aboriginal people. Those recommendations included the need to devise strategies designed to reduce the rate at which Aboriginal juveniles are involved in the welfare and criminal justice systems.

I acknowledge the work of previous ministers with responsibilities in this area. Over the past nine years the Department of Human Services and its predecessors have initiated programs to minimise the entry of young Aboriginal people into the juvenile justice system. A key component of that program is that priority be given to maintaining young offenders within their own community. Those programs are recognised as the major single factor in significantly reducing participation of young Aboriginal people in the juvenile justice system. Unfortunately, the facts are still stark. The current rate of incarceration of young Aboriginal offenders is 13.5 per cent to 1 per cent of the non-indigenous community.

Dr Napthine — It was 33 per cent.

Ms CAMPBELL — Yes. I have previously acknowledged, and I continue to do so, the work of previous ministers for community services in bringing down that rate.

In future, we need to consider a whole-of-government and whole-of-community approach to working towards

implementing the documents presented to Parliament today by the Council for Aboriginal Reconciliation, particularly *Corroboree 2000 — Towards Reconciliation*; and *Roadmap for Reconciliation*.

I look forward to working together with members of the indigenous communities to achieve a strengthening of their land rights and their human rights, and of increasing the provision of services that will again allow their spirits to fly to the level they wish.

Dr DEAN (Berwick) — I was hopeful but not expecting that I would be able to speak on the motion, so I am indeed very pleased that I now have the opportunity to welcome and acknowledge the elders and other members of the indigenous community who are here today.

I had the opportunity of speaking on the apology motion in 1997, and I also spoke on the motion in this house in April. I will not repeat many of the things I had to say because my position and beliefs on the issue are well recorded. However, I will put on record some matters and make them clear in the short time that is available to me.

The first and general point is that, like other speakers here today, I acknowledge that this young and confident nation has yet to leap over this hurdle before it can achieve its full potential in the future. One cannot understand one's future without having understood and recognised entirely one's past.

My position on the apology motion that was proceeded with in this house in 1997, and acknowledged again in April, is quite clear: the importance of an apology from the government is that it is an official apology. That is the difference between apologies from individuals and organisations and governments. An official apology is not a statement that every member of the community at the time was to blame or responsible for what has been done; the government acknowledges it is the successor in title of previous governments that had policies for which we should now offer an apology.

It is important to acknowledge that that is the basis of an official apology from this Parliament. A principal of a school may apologise on behalf of the school when a single student undertakes an inappropriate activity, and a representative of any organisation may apologise for something that has happened in the community for which an official apology is required. Those people are not saying that every student or employee or every person within that community is directly responsible for what happened and for which the apology is made.

That is why the red herring has to be put aside, and that is why I supported the apology motion.

I take enormous pride living in a nation where I know the first citizens were the indigenous Aboriginal people. Their culture is not only the oldest culture; it is a magnificent culture. My brother is a manager for the Aboriginal and Torres Strait Islander Commission in the Northern Territory and he regularly tells me about the advances happening there, so I am in a position to be able to understand the needs of the culture of the indigenous people.

Some of the conclusions I have come to are fairly significant. If we are honest with ourselves about our western culture we will recognise that there are certain facets of it that are negative and present problems; they are our weaknesses. Many of us would agree if we faced up to our culture that those weaknesses include a lack of spirituality and a preoccupation with materialism. We also have a lack of understanding of the environment and the land, which has led us into all sorts of difficulties. We often lack a sense of community and family. We are also individualistic in our approach to material wealth; we seek individual material wealth rather than material wealth for our families. We often focus on the need to accumulate material wealth rather than address other matters.

Why have I explained some of the weaknesses of western culture? Because I believe they are the strengths of the indigenous culture. We can learn from the strengths of the indigenous culture to overcome the deficiencies and problems of western culture. The strengths of indigenous culture are an understanding of the need for spirituality, a fabulous understanding of the land and the connection between the land and the people, an appreciation of the links between the family and the wider community, a lack of preoccupation with material wealth and an understanding of the need to share wealth. Rather than making an unfavourable comparison between western and indigenous cultures, as time goes on we are beginning to understand we have a great deal to learn from the indigenous culture.

Another matter that people often raise with me is why the disadvantages experienced by indigenous people in health, education and other areas have continued for so long, generation after generation. Why has the indigenous culture not moved on and improved its standards in education, health and other areas? I have had many conversations about that concern with the people of the indigenous community, including Alf Bamblett, when I worked on committees and was involved in other work. The answer is that when a culture is destroyed or greatly damaged the inevitable

results include the disintegration of families, and that damage is passed on from generation to generation. A cyclic breakdown in culture is perpetrated year after year and generation after generation. We must understand that and try to prevent it, and our energies must be directed towards that aim.

I now wish to refer to the part I have played in the Aboriginal justice plan. With the help of Alf Bamblett of the Aboriginal Justice Advisory Committee, known as AJAC, the Aboriginal and Torres Strait Islander Commission and other members of the indigenous community I worked for some 18 months to come up with that plan, which is now being taken up by the government under the Aboriginal agreement. Changes have been made, and I am sure they are good changes. I am proud that in the process I learnt much about the Aboriginal community. I travelled through different parts of Victoria and listened to the ideas of the people of the indigenous communities. Understanding what they wanted in the plan was important to me, and I acknowledge the work of Alf Bamblett and Andrew Jackamos, who was the executive officer of the project.

As we have heard today, one of the worst statistics we must address in our civilised Victorian community is that the adult population of Aboriginal people is overrepresented 15.6 times in the criminal justice system, and young Aboriginal people are overrepresented 23.5 times.

I wish the Aboriginal agreement that will be launched today every success. I am pleased that I was able to be part of the initial stages of it. I have heard about some of the features added to it by the Attorney-General, and they seem to be good additions. The agreement is an enormously important step in reconciliation. Unless we as a community can improve on that statistic, which is such an indictment of our society, we will never be able to say that we have addressed the problems so that our young nation can move forward in its fabulous future. Those are the indicators we must check. It is one thing to stand up in this place and utter words of encouragement and merely repeat our beliefs and principles, but in the end those statistics are the basis of whether or not we succeed in the process of reconciliation.

Mr BATCHELOR (Minister for Transport) — I wish to acknowledge the traditional owners of the land upon which Parliament House is built and pay my respects to the current and past elders of the Wurundjeri and Boonerwung people.

Just over three years ago in September 1997 during a debate in this parliamentary chamber I offered from the

other side of the house my unreserved apology to the Aboriginal and Torres Strait Islander peoples and nations for the appalling way their families and children had been treated by officialdom since the white invasion of this continent.

Today I unambiguously restate that apology, unqualified, unrestrained and certainly undiminished on this historic occasion while Parliament House is proudly draped in the much-admired Aboriginal flag alongside the admired Australian and Victorian flags.

As a parliamentarian in 1997 I was not alone. It is, however, to my enormous regret and shame that three years later the issue of an official apology from the nation is still the subject of debate. A national apology is the only way we can go forward towards true reconciliation for the wrongs committed against the indigenous people of this land. It is long overdue and is one of the most urgent and fundamental challenges facing Australia. Without it, Mr Speaker, we can never really be at peace with ourselves.

Many Victorian organisations, communities and individuals, including the Victorian Parliament, have acknowledged the tragedy inflicted on the stolen generations and pledged their support for the reconciliation process.

I am happy to support the motion before the house today. I am honoured to take part in this important and historic debate, and I ask as a parliamentarian that we, as a state and as a nation, move forward towards a true and meaningful reconciliation.

The SPEAKER — Before putting the question I ask the Clerk to ring the bells for a short time.

Bells rung.

Members having assembled in chamber:

The SPEAKER — I ask those honourable members who support the motion to stand in their places.

Honourable members signified their unanimous agreement by standing in their places.

The SPEAKER — Thank you. I declare the motion carried unanimously.

Honourable Members — Hear, hear!

The SPEAKER — I now invite Marjorie Thorpe, co-chair of the Victorian Reconciliation Council and a member of the Maar and Gunai nations, to address the chamber.

Ms Marjorie THORPE — Mr Speaker, Mr Premier, Leader of the Opposition, honourable members and members of the Aboriginal community, I am also a council member on the Council for Aboriginal Reconciliation. That council, after extensive consultation — something that has never been done in this country before, whereby tens of thousands of people across the country spoke to us and we listened to them — came up with a declaration of reconciliation. It was then endorsed by the half million people who marched for reconciliation and justice in Sydney at the weekend. There was also an historic occasion on Saturday, something this country had never seen since Federation, a gathering of politicians and Aboriginal people.

During the deliberations on that declaration we listened to many people, particularly in this state and from country areas, some who came out on cold, rainy nights when football training and other events were also going on. They knew something had to be done.

The basis of that declaration is very important because it tells the truth: it tells the truth about the fact that this country was taken without treaty or consent. It says that there needs to be a recognition of the status of Aboriginal people in this country. It says there needs to be an apology. I note with a little concern that I do not see that declaration as part of the motion. It was not adopted and neither were the principles in the declaration nor the strategies that underpin that. I look forward to the response of the Parliament to the full set of truths that are incorporated in that declaration and your commitment to the road map strategies because one without the other is not good enough. That must happen in this state by the end of this year.

I also ask the Parliament to stop the genocide against Aboriginal people in this state. I ask the Parliament to recognise Aboriginal people and to protect them and their land through legislation. At the moment we have a catastrophe out there, and fine words and more of the same will only reinforce the catastrophe we are dealing with. This is what people marched for in Sydney on Sunday. I believe the documents of reconciliation, of which the declaration is the central point, are something I understand. I guess that was shown by our Prime Minister on Saturday. There are difficulties in that, but the council believes the road map shows a way through. Our country needs to find ways through issues relating to the history that led to the politics of hatred and ignorance. That is the only way we can right the wrongs.

As an Aboriginal woman of this state, I would like to thank the Parliament. It is a responsibility of all of us; it

is beyond politics; it represents the spirit of this nation. As has been stated, Victoria as a state of reconciliation can act as a road map, or as a blueprint perhaps, for other states, certainly showing the national Parliament directly what needs to be done in this country.

The response has been overwhelming. The council has long deliberated after nine years of listening to and talking with people across this nation. After that deliberation without fear or favour we deliberated on the words of the declaration. I commend that declaration to you and I would like to see a response by the Parliament to that declaration in due course.

Sitting suspended 12.55 p.m. until 2.03 p.m.

The SPEAKER read the prayer.

QUESTIONS WITHOUT NOTICE

Human Services: appointment of investigator

Mr DOYLE (Malvern) — I refer the Premier to his election promise that whistleblowers will not be silenced and will not lose their jobs. Can the Premier confirm that the Minister for Health has appointed Mr John Frame to conduct a whistleblower witch-hunt in the Department of Human Services regarding the leaking of the Duckett report to the opposition?

Mr BRACKS (Premier) — I thank the honourable member for Malvern for his question. I am informed that the appointment has been made; it certainly is not about whistleblowers but about ensuring the proper standards of the public service are met.

Business: tax review

Mr HOLDING (Springvale) — I refer the Premier to the government's commitment to build a competitive business environment in Victoria. Will the Premier inform the house of details of the government's business tax review?

Mr BRACKS (Premier) — I thank the honourable member for Springvale for his question and his commitment, together with all members of Parliament on this side, to a large operating surplus and the responsible management of the state.

The government is committed to ensuring the most competitive environment for business in this state. That is why the average taxes under the forward estimates in the budget are below the national average and will be maintained at that level for the forecast period.

In this financial year the government has committed to a budget operating surplus of \$592 million and \$450 million in the out years over the next three financial years.

Dr Napthine interjected.

The SPEAKER — Order! I ask the Leader of the Opposition to cease interjecting.

Mr BRACKS — The budget also foreshadows tax cuts over the next three financial years which will be implemented following a complete review of business taxes from now until 11 December.

That was reinforced at the summit held in this place which recommended a complete review of business taxes — the first time such a review has been held in many years. I inform the house that members of the tax review panel have now been appointed who are ready to conduct the — —

Mr Wells interjected.

Mr BRACKS — I will go through it if you like. The honourable member for Wantirna interjects, but I will not comment on his interjection.

The Victorian Employers Chamber of Commerce and Industry and other key industry groups at the summit called for a tax review panel and I am pleased to announce its members. The panel comprises Mr John Harvey, senior partner of Pricewaterhousecoopers; Ms Nicole Feely, chief executive officer, Victorian Employers Chamber of Commerce and Industry; Dr David Pollard, Commissioner of State Revenue; Professor John Freebairn, head of the economics department at Melbourne University; and a small business representative, Ms Kath Townsend, director, Executive Solutions. They are a good, representative and skilled group of people who will do a fantastic job on the review.

I will not go through the panel's terms of reference but will summarise them. As part of the review the panel will report on the implications for Victoria of the commonwealth tax system; creating a more competitive environment for business in the state, particularly focusing on business taxes; state revenue in line with economic growth; simplicity and transparency in the design of taxes; and improved equity and the likely incidence of taxes in the future. The principles will be put in place for a competitive tax system — competitive with the other states and also internationally to position Victoria as a centre of manufacturing excellence in the Asia-Pacific region.

The tax review panel will report to the Treasurer by 11 December. Its report will be used when compiling next year's budget and will be implemented in the form of tax cuts over the next three years. I am proud to have a good group of people from the business community involved on the panel. They are representative and skilled and are working with good terms of reference. They will produce an outcome that drives jobs and growth for the Victorian economy.

Victorian Institute of Teaching: joint chair

Mr HONEYWOOD (Warrandyte) — I refer the Premier to the appointment of the former Australian Labor Party candidate and assistant secretary of the Mallee–Murray Trades and Labour Council, Ms Robyn Paull, as joint chair of the government's Victorian Institute of Teaching ministerial advisory committee. As the latest Labor mate to receive a government job, how much is Ms Paull being paid?

Mr BRACKS (Premier) — I thank the honourable member for Warrandyte for his question and inform him of a couple of points, the first being that the payment is zero. I also inform the house and the honourable member that the government has one criterion and one criterion only for appointments — —

Honourable members interjecting.

The SPEAKER — Order! I ask the opposition front bench to come to order, particularly the honourable member for Mordialloc.

Mr BRACKS — The government's one criterion is to appoint the best and most qualified person to the job, regardless of whether it is Bernie Fraser who is head of the Government Superannuation Office or Ron Walker, who is the chairman of the Melbourne Major Events Company, or whether it is confirming Mr Stuart McDonald, former National Party member of the other place, as chairman of the Rural Finance Corporation of Victoria, or keeping Mr Don Hayward, a former minister of the coalition government as chairman of the Melbourne Zoo. The government makes sure that the criteria — —

Honourable members interjecting.

The SPEAKER — Order! I ask the house to settle down. There is far too much interjection.

Mr BRACKS — The Minister for Racing also informs me that the government has just appointed Mr Tom Reynolds to the management committee of the Victoria Amateur Turf Club — a very good appointment!

The government will make sure it has the best people with the best skills for the right jobs. That is its only criterion. The reality is that this government will not act in a partisan way as the previous government did. Board appointments are laced with Liberal and National Party people. If they are good they stay; if they are skilled they stay. That is the only criterion which should and does operate.

Electricity: network inquiry

Mr LANGUILLER (Sunshine) — I refer the Treasurer to the government's commitment to protect the interests of Victorian consumers in the new privatised electricity market. Will the Treasurer inform the house of the government's response to the Office of the Regulator-General's report into electricity distribution prices?

Mr BRUMBY (Treasurer) — I think the house is well aware of the government's commitment to affordability and reliability of electricity supply, particularly for rural and regional Victorians. The government therefore welcomes the release today by the Office of the Regulator-General of its draft determination on electricity distribution network prices. Honourable members would understand that the Office of the Regulator-General is an independent body — it is independent of operators, of government and of consumers — with responsibility for setting prices and quality provision in the distribution network.

Earlier this year the government made a detailed submission to the pricing review conducted by the Regulator-General in which it sought, among other things, improvements in the quality of services and the prices that customers pay for the distribution network, with a particular focus on rural and regional Victoria. The government is pleased that many of the issues it raised are addressed by the Regulator-General in the draft determination released today.

I should point out that the draft determination, which was released at 2.00 p.m., proposes reductions in average distribution charges of 15 to 20 per cent arising from the office's price control proposals. If implemented in the final report that will mean, firstly, reductions in average electricity tariffs for Victorians of between \$35 and \$65 per annum; secondly, that on average customers in the predominantly rural networks are likely to receive greater reductions than those in metropolitan Melbourne, a matter that was particularly addressed by the government in its submission; and thirdly, that priority will be given to improving the reliability of the worst-performing distribution areas, most of which are located in regional and rural Victoria.

The government welcomes the draft determination. I point out that it is a draft and that the final determination will not be made until September. However, the key ingredients are in the report released today. The recommendations are likely to be the subject of intense debate in the community. The electricity distribution companies are probably already criticising the report. I believe consumer groups are already criticising the Regulator-General. He is a statutory office-holder who is independent of government and independent of those groups, and he will adjudicate on the final result.

The government is delighted that the issues it raised earlier this year about price reductions for all Victorians, with a particular focus on rural and regional Victoria, have been comprehensively addressed in the Regulator-General's report.

Government contracts: audit review

Ms ASHER (Brighton) — I refer the Premier to the appointment of Bill Russell — another Labor mate — as chairman of the audit review of government contracts. Why has the government failed to release his remuneration details under freedom of information?

Dr Napthine interjected.

The SPEAKER — Order! I ask the Leader of the Opposition to cease interjecting.

Mr Hamilton interjected.

The SPEAKER — Order! The Minister for Agriculture!

Mr Lim interjected.

The SPEAKER — Order! And the honourable member for Clayton!

Mr BRACKS (Premier) — The appointment was made some six months ago. Bill Russell is one of several people on the audit commission — it includes Ewen Waterman from Access Economics, and other people are also involved. I would have to say that it would be news to them if they are Labor mates. The opposition should tell them about the issue.

If the shadow Treasurer has an FOI request in — and I was not aware of this particular one — it will be facilitated and given to her. There is no question — —

Honourable members interjecting.

Dr Napthine interjected.

Mr BRACKS — Oh, come on. I am indicating — —

The SPEAKER — Order! I have asked the Leader of the Opposition on numerous occasions to cease interjecting. He shall do so forthwith.

Mr BRACKS — I am indicating to the shadow Treasurer that there is no issue or problem with that; that will be provided to her in the proper course of events.

Former Premier: book contract

Ms BEATTIE (Tullamarine) — I refer the Minister for Finance to the government's commitment to financial responsibility. Will the minister inform the house whether she is prepared to accept the public offer the government has received for the taxpayer-funded book that refers to the former Premier as 'electric' and having 'a great intellect'?

An honourable member interjected.

Ms KOSKY (Minister for Finance) — I have to take up the comment made by interjection. I do understand that the electorate was shocked by the revelation that was made in this house on 13 April when it was revealed that the former government had paid \$100 000 to have a flattering biography written about it and that the contract contained a clause that the government must publish the manuscript or pay the author \$20 000.

The Bracks government made it clear at that stage that as there had already been a significant waste of money on the book it would look at all options to avoid any further expenditure on it. It wanted an option that would recoup the money — taxpayers' money — that had already been spent on this piece of propaganda. The government offered the manuscript for sale to the Liberal Party but to this stage has not received any response; it is obviously not all that keen. However, the honourable member for Eltham decided to take up the cause and said he would undertake to raise the funds.

In the *Age* of 9 May the honourable member for Eltham is reported to have received \$83 000 in pledges for the manuscript. He said he expected the figure to reach \$90 000. The *Sunday Herald Sun* of 21 May reports the honourable member for Eltham as saying he had raised \$85 000. Although the pledges are going up, they are starting to slow down.

The government is willing to negotiate on the matter and has made a decision about the contract with Dr Malcolm J. Kennedy. It will accept the \$85 000 the honourable member for Eltham has raised to date as full

payment for the manuscript. Upon receipt of payment for the manuscript by the honourable member for Eltham it will transfer both the ownership of it and the obligation to publish it to the honourable member. The Bracks government will then allocate the money gained from the sale of the book to the honourable member to a worthy community organisation or community event that is yet to be determined. It will put what was taxpayers' money back into the community.

The government's decision is in accordance with legal advice from the Department of Treasury and Finance, which states that as owners of the intellectual property the government is able to sell that property. That is what the government is prepared to do. It is the best option and it will allow the government to claw back some of the money that has already been spent on this piece of propaganda without any risk of further expenditure.

The government encourages the honourable member for Eltham to take up the offer by 30 June or he may risk having to pay an extra \$8500 for the manuscript as a result of the introduction of the goods and services tax.

Honourable members interjecting.

Ms KOSKY — This is not a laughing matter. This sort of contract should never have been entered into. Victorian taxpayers should not have had to pay for what was essentially a glowing biography of a fallen government.

Prisons: privatisation

Mr RYAN (Leader of the National Party) — Given the government's long-term opposition to both the construction and operation of private prisons and the fact that it has established an inquiry into their operation, will the Minister for Police and Emergency Services inform the house why the government now intends to oversee the construction of a new private prison at Sale?

Mr HAERMEYER (Minister for Police and Emergency Services) — The question destroys the next question the government intended to ask, but I will answer it just the same. I am absolutely flabbergasted. The Leader of the National Party has the absolutely breathtaking gall to ask about the opening of a new private prison!

Honourable members interjecting.

Mr HAERMEYER — There is no new private prison — —

A Government Member — Full stop.

Mr HAERMEYER — Full stop. The government is committed to running the prison system to the best advantage of the Victorian community. The contracts that the government has been locked into by the previous government are absolutely disastrous. They are a disgrace and not in the public's interest. The government has to make the prison system work to the best of its ability within the confines of those contracts and the confines of the law. The government is already going about doing that.

Interestingly, after visiting the prison facility at Fulham the honourable member for Mooroolbark complained about the lack of public transport in that area. Who built the prison at Fulham? The Labor party condemned that location because it was three hours away from Melbourne and totally inappropriate for the needs of a prison, but the prison was built regardless of that. Now it is a National Party pork-barrel —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Glen Waverley!

Mr HAERMEYER — Victoria has a 600-bed prison in the middle of Gippsland and it is full of prisoners, many of whom are young drug offenders. There is a need to provide them with programs. As part of its expansion of the permanent bed capacity of the prison and as part of a diversion program the government has agreed to provide 68 beds to assist young prisoners to rehabilitate in the hope of their achieving a more successful integration into the community when they are ultimately released.

The government will not abrogate its responsibility to those prisoners simply because in a fit of ideological pique the previous government stuck a private prison in the middle of Gippsland.

Maternal and child health: early intervention services

Ms ALLEN (Benalla) — I refer the Minister for Community Services to the government's commitment to the reconciliation process. Will the minister inform the house of the latest action the government is taking to boost maternal and child health services for Kooris and young mothers?

Ms CAMPBELL (Minister for Community Services) — The Bracks Labor government is clear in its commitment to families, particularly those with young children.

This morning honourable members heard of the effects on families in the Koori community of the past practice of stealing children from indigenous communities. The impact of those policies of long ago are long lasting, profound and are still being felt by Koori communities. The government supports the provision of early intervention services to families, particularly those that have been adversely affected by past policies.

As a result of the Bracks Labor government's budget announced earlier this month \$10 million of additional funding has been allocated to early intervention services for maternal and child health. The bulk of that money will be directed to young mothers and to Koori communities. The \$3 million a year, which will be available from July, will deliver home-based services to vulnerable families.

The maternal and child health services that will be available particularly to Koori families will be developed, formulated, implemented, delivered and evaluated by members of the Koori community. Negotiations have begun with municipalities to ensure that home-based services are available to meet local needs and the aspirations of local communities. Existing outreach services with a focus on vulnerable families, including Koori families and young mothers, will be used as models for the new services. Of the 31 existing outreach projects, 14 focus on Koori families and provide culturally relevant services.

Fifteen focus on young mothers. The Bracks government is committed to working with local government and the Koori community to deliver first-class maternal and child health services by re-establishing Victoria's maternal and child health services. As a matter of world best practice the government will ensure those services are of the highest quality, universal and free, and meet the needs of local families, including Koori families.

Eastern Freeway: extension

Mr LEIGH (Mordialloc) — Given the intense public consultation on and the displaying of the four options relating to the government's election commitment to construct the long tunnel extension to the Eastern Freeway, will the Minister for Transport advise the house of the further secret option not yet made public, and will he say when it will be made public?

Mr BATCHELOR (Minister for Transport) — The government is committed to extending the Eastern Freeway from Springvale Road to Ringwood and has carried out a process of community consultation. That

period has concluded and people in the eastern suburbs have responded overwhelmingly by strongly supporting those options.

Before the last election the former government developed an option that required the bulldozing of people's homes, which it deliberately and callously kept secret until after the election. That was the secret option referred to by the honourable member for Mordialloc and brought to the attention of the public by the Bracks government.

At all stages the government has identified a series of options for consideration. They have been in the public arena — —

Dr Napthine interjected.

Mr BATCHELOR — The Leader of the Opposition asks about the fifth option. There were nine options put on the table for public consultation. Just because the Leader of the Opposition does not know how many there are does not mean they have not been made public.

Mr Leigh — On a point of order on the issue of relevance, Mr Speaker, I specifically asked the Minister for Transport about option 5, which no-one has seen, and asked where it is.

The SPEAKER — Order! I do not uphold the point of order. I remind the honourable member for Mordialloc that he cannot take a point of order merely to repeat his question.

Mr BATCHELOR — He did not repeat his question, Mr Speaker, he changed it. He has just asked me about the fifth option. There were eight or nine options developed after the election, including a fifth option, which is the one between four and six. They have already been released to the public.

The government prepared some 50 000 community information sheets for distribution to all residents in the area. In addition it released the report prepared by the former government. The Bracks government released all the documentation available, including several options not in the best interests of the public.

Dr Napthine — I raise a point of order on the issue of relevance, Mr Speaker, which relates to whether the government is considering a fifth option. The Minister for Transport has referred to a circulated document that refers to four options. In an article in his local newspaper the honourable member for Mitcham commented on a fifth option that is being kept secret. The opposition asks the Minister for Transport to

advise when the residents of the eastern suburbs will be told about the fifth option.

The SPEAKER — Order! I will cease hearing the Leader of the Opposition on the point of order. I remind the house that points of order cannot be taken to make a point in debate.

On the question of relevance, the Minister for Transport was responding to a question that canvassed options. His answer was relevant, and I will continue to hear him.

Mr BATCHELOR — There are plenty of options to the Leader of the Opposition — and some of them are not too secret about their desires.

I will say it again: when the government came to power there was a public option and an option kept secret by the former government. The Bracks government developed some eight or nine options for tunnels as part of a community consultation process, including a fifth option as one of those nine. Those options were narrowed down to four and were included in an information bulletin. The remainder were identified in other documentation released at the same time.

Hundreds of members of the community have expressed their views and preferences in response to the community consultation process. Members would not be surprised to hear that some of the responses favour one of the four options but others have put forward alternative suggestions.

When the government has properly evaluated and given due consideration to all the views put forward in this thorough, detailed community consultation it will make its response available to the Parliament, to the public and to the media.

Gaming: consultation process

Mr NARDELLA (Melton) — I refer the Minister for Gaming to the government's commitment to civilising the gaming industry. Will the minister inform the house of the community's response to the government's responsible gambling consultation paper?

Mr PANDAZOPOULOS (Minister for Gaming) — The house should be aware that earlier this year the government released a responsible gambling consultation paper. The paper was designed to meet the government's commitment to consultation with the community on major government initiatives. It is a key area of concern to the community and the response has been outstanding.

The government's responsible gambling legislation requires me as Minister for Gaming to determine a number of regulations pertaining to important issues. The consultation process was an essential part of getting feedback from the community about issues such as truth in advertising, player information, what sort of say local councils should have on gaming issues and how the government implements regional caps. The feedback from the community has been extremely positive. I am pleased that not only have individuals and local councils been supportive of the government's responsible gaming approach but so has the gaming industry.

The government undertook to make information available to the community so it could participate in the process. With its response the community showed that it considers that to be an innovative approach in gaming policy. It is something people did not see in the past — certainly not from the previous government during its seven years in office. The community was satisfied that it could participate through various processes.

I attended a number of gaming forums around the state. The government encouraged people from the cities of Monash, Boroondara, Whitehorse, Frankston, Casey, Dandenong, Moreland, Werribee, Ballarat and Wyndham and the shires of Bass Coast, Melton and Moorabool to attend. Nearly 600 people attended those public forums. The government will continue to hold public forums until it prepares the regulations — one will be held in Darebin in a couple of weeks. I have made myself available to attend traditional public meetings and talk to people about the process.

The government mailed 2370 copies of the consultation paper to local councils, the gaming industry and welfare groups. There was also an information hotline which hundreds of people rang seeking copies of the paper. In addition, more than 1000 people accessed the web page. This is the biggest consultation the community has seen about a future for gaming and a responsible gaming industry.

Apart from the forums, the government received nearly 200 formal written submissions. I am pleased to announce that in keeping with the government's open and transparent process and commitment to keeping the community involved, in the next couple of days the government will post details of the 200 submissions on a web site. Eighty of the submissions are already in electronic format and they will be available automatically on the web page. The submissions not in electronic format will be listed and people can telephone 9651 0928 to get a copy of any of those submissions. The submissions come from the gaming

industry, welfare groups and individual councils and it is important that the government make that information public.

I assure the house that regulations will be put in place as a result of the consultation. The government will consult with the community again in the preparation of those regulations but the community response has been to congratulate a government prepared to be out there with the community and talk with it. The government has heard condemnation about the lack of consultation in the past and of an opposition that is still not listening. The government listens and responds and will have good responsible gambling regulations in Victoria later this year.

PAPERS

Laid on table by Clerk:

Auditor-General — Performance Audit Report No 65 — Reducing landfill: Waste management by municipal councils — Ordered to be printed

Financial Management Act 1994 — Report from the Minister for Health that he had received the Report for the year ending 30 September 1999 of the Dental Board of Victoria.

Parliamentary Committees Act 1968 — Response of the Minister for State and Regional Development on the action taken with respect to the recommendations made by the Economic Development Committee report into the Effects of Government Funded National Broadcasting on Victoria.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Information Privacy Bill

Courts and Tribunals Legislation (Further Amendment) Bill

Victims of Crime Assistance (Amendment) Bill

MEMBERS STATEMENTS

Geelong: Guggenheim museum

Mr CLARK (Box Hill) — I raise the issue of attracting a Guggenheim museum to Geelong. Despite its grand promises, to date the government has not committed itself to one new major project for rural or regional Victoria. The former mayor of the City of Greater Geelong, Cr Ken Jarvis, has led a strong push by the Geelong community to win the right to establish a new Guggenheim museum in Geelong. It would become only the sixth Guggenheim museum in the world alongside two in New York and museums in

Berlin, Venice and Bilbao and would be the first in the Southern Hemisphere.

Securing a Guggenheim museum would cement the dramatic revitalisation of Geelong over recent years, including projects such as Steampacket Place, the International Fibre Centre and the Wool Store campus of Deakin University. A Guggenheim museum would be a project with a value estimated at up to \$300 million. It would make Geelong a centre of international standing in arts and culture and draw hundreds of thousands of visitors each year, bringing millions of dollars to the local economy.

I call on the government to get behind the project 100 per cent and to give the Guggenheim Foundation an unequivocal commitment that it is willing to provide the \$1.5 million needed to conduct a detailed feasibility study so as to give Geelong the best possible chance of securing this bold and exciting project.

David Kelly

Mr LONEY (Geelong North) — I wish to note the retirement of Mr David Kelly, the principal of Nelson Park School in my electorate. The school is for students with disabilities and is very important in the Geelong area. David Kelly has been a long-time principal of the school, and has been committed, innovative and caring with the people under his care.

He has been a great advocate for the school's students and for the community and has led a team of teachers who have been entirely devoted to the students. David Kelly has also been heavily involved in the local community in other areas, particularly as a senior sports administrator in the area with the Geelong Cricket Club which now plays in this state's premier competition.

I wish David Kelly very well in what I hope will be a long and healthy retirement. I am sure he will continue to contribute to the community of Geelong as he has done over recent years as principal of Nelson Park School.

Wellington Farm Safety Action Group

Mr RYAN (Leader of the National Party) — I direct the attention of the house to a matter of grave concern raised with me by the Wellington Farm Safety Action Group, an organisation which operates under the auspices of the Adult Community Education Centre at Sale. The group does marvellous work in educating the farming community on matters of industry safety, particularly on farms.

On 15 May the group wrote to the Minister for Workcover expressing its concern about Workcover currently undertaking a restructure that will result in Mr Eric Young being removed from his important duties as the rural safety adviser for the Wellington Farm Safety Action Group.

Mr Young has done wonderful work, which the group has recorded in its correspondence with the minister, not only in the farming community but with young people in our schools. He was instrumental in enlisting the support of the Victorian Farmers Federation for the introduction of the scheme for rollover protection on tractors, and has a strong record of contribution to that important aspect of the rural industry in the region. Now, to the horror of the Wellington Farm Safety Action Group, Mr Young is being moved out of his position.

As I said, the group has raised the matter with the Minister for Workcover. I call upon him to reverse his decision because Mr Young has an excellent track record of doing a job that is very necessary in the community.

Brimbank: Aboriginal heritage sites

Mr SEITZ (Keilor) — I place on record my appreciation to the City of Brimbank for the sensitive way in which it is handling Aboriginal heritage sites. The City of Brimbank is a fast-growing area that now has development extending into the Maribyrnong valley, Kororoit Creek and Taylors Creek, where there are significant Aboriginal heritage sites.

I commend the City of Brimbank for undertaking a study before developers can move into the area and for consulting with the Aboriginal community and the statutory authorities and protecting those endangered sites from the public. In the past when development has taken place people have used machines and curious sightseers have damaged some areas. When the Keilor man skeleton was found in Maribyrnong the former City of Keilor had to stop the Melbourne University archaeology students from desecrating the site.

The City of Brimbank is taking significant steps. Although it might seem that something is being kept secret from the public, the current action is necessary for the protection of sacred sites until there is an agreement in the community for the protection of such sites.

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

Teachers: salaries

Mr HONEYWOOD (Warrandyte) — I refer to the latest gaffe of our gaffe-prone Minister for Education, which happened during the Neil Mitchell program — her favourite program — last Friday when she compared the salaries paid to teachers with those of supermodels. A number of teachers, including my wife, said to me, ‘We have more between the ears than supermodels’.

Notwithstanding that excellent analogy, we now have a situation in which 55 000 Victorian teachers have an expectation of a substantial salary increase. The Premier and the Treasurer are pouring cold water by the bucketload on the raising of the expectations of 55 000 public servants that they will gain a 30 per cent wage increase as a result of what was said by the Minister for Education.

That is only the start of the issue. We all know the Australian Education Union paid a substantial amount of money during the election campaign and the subsequent campaigns for the Frankston East supplementary election and the Burwood by-election to pay for billboards with inane slogans such as ‘Don’t privatise our schools’.

It is reward time, or payback time, for Mary Bluett, the other Mary who runs the state education system. The government’s budget papers allow for only a 3.5 per cent wage increase each year for the next four years, yet this inept minister —

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

Oakleigh Primary School

Ms BARKER (Oakleigh) — On Saturday, 17 June, the Oakleigh community will celebrate a significant and historic occasion; it will officially celebrate Oakleigh Primary School’s 125th year in operation.

On 1 July 1875 State School 1601, Oakleigh, was opened by head teacher, Mr Thomas Bamber. It was built to accommodate 160 pupils, and in its opening year the average attendance was 72 pupils. In May 1924, 1200 pupils were enrolled. Unfortunately, in April 1976 a fire destroyed the original school building and most of the historical memorabilia and school records. Although an older building remains and is still used as a pupil area, a new building to accommodate students was completed and officially opened in September 1978. I know representatives of the school still speak highly of the work of the Honourable

Lindsay Thompson in his efforts to get the school rebuilt and reopened.

Recently, a friends group was formed, and it has achieved a great deal in attempting to piece together significant aspects of the school’s past. I pay tribute to that group, which has worked extremely hard and has held weekly meetings over a considerable time. It has put together a great deal of history and has now organised an impressive program of events to mark that significant occasion.

Oakleigh Primary School is a great school and an excellent educational facility that is led well by its principal, Mr Philip Hughes. It is a community-minded school with strong links, both past and present, to its local area.

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

Electricity: privatisation

Mr KILGOUR (Shepparton) — I wish to say how pleased the people of my electorate and other parts of country Victoria will be to hear the Treasurer talk about the draft determination by the Regulator-General, because it fully justifies the magnificent work done for the electricity industry by the former great Treasurer of Victoria, Alan Stockdale.

It will ensure that the Office of the Regulator-General delivers the goods. We must remember who set up that program. It was done under the privatisation scheme that brought competition, intergeneration, interdistribution and interretailing to the Victorian industry. When government members sat on this side of the house they said competition would not work, but it has worked for the people of country Victoria. We would be paying 30 per cent more for electricity if it were not for the work done for the electricity industry by the previous government.

Ms Davies interjected.

Mr KILGOUR — This great day justifies the work of the previous government in putting the program of electricity reform in place for the people of country Victoria. I congratulate Alan Stockdale and everyone who worked on that program.

Ms Davies interjected.

Mrs Peulich — On a point of order, Mr Speaker, on several occasions the honourable member for Gippsland West has used the word ‘bullshit’. I consider

that to be unparliamentary, and I ask for her to withdraw.

Ms Davies — On the point of order, Mr Speaker, I unreservedly apologise for my poor taste in using unparliamentary language.

An Honourable Member — You were wrong, anyway.

Mount Baw Baw: resort staff

Mr MAXFIELD (Narracan) — Last Saturday night I attended the Mount Baw Baw Chamber of Commerce Dinner held at the top of Mount Baw Baw. I would like to say what a wonderful alpine resort we have up there, and I urge all Victorians to attend that resort during the winter to provide their families with a wonderful, low-cost, high-quality winter holiday.

We are proud of that resort. I would like to give credit to Kelleys and Mount Baw Baw Village Hotel for providing food and accommodation for the people who were trapped on the mountain as a result of the bad weather.

I was trapped with them for several nights, and the staff of the alpine resort should be commended for working for two nights to rescue the people who were trapped. Sadly, much damage was done when vehicles came off the road and four-wheel-drive vehicles overturned. I thank the alpine resort staff for the fantastic work they did in rescuing people. They were still out there at 5.30 p.m. on Saturday and Sunday rescuing people who were caught. The people of Victoria should be proud of the work done during that horrible snow storm and should be pleased to know that the wonderful staff at Mount Baw Baw alpine resort are willing to work hard and show how much they care.

Rail: Ringwood station

Mr ASHLEY (Bayswater) — On 25 February I wrote to the Minister for Transport to bring to his attention the totally unsatisfactory conditions prevailing at Ringwood station, where the island platform has no toilets and cannot be accessed by people with disabilities or other frailties because the ramp is too steep.

I received a departmental response in early April informing me that the matters I had raised were the responsibility of Hillside Trains. I have since ascertained that the Public Transport Commission (PTC) contract with Hillside Trains excludes any reference to capital works or infrastructure improvements at the station or any requirement for

Hillside Trains to undertake that work. Furthermore, there is no provision in the current budget to undertake that urgent work. Worse still, no efforts have been made to overcome the lack of platform toilets on this station, which is Melbourne's fifth busiest.

Last year Heritage Victoria refused to approve the alteration of the inadequate weatherboard buildings on the island platform because of their so-called heritage value. Hillside Trains can do nothing until approval is given to alter the buildings or until they are removed and sent back to Beechworth where they originally came from. I was informed that Hillside Trains had objected to the refusal of Heritage Victoria to approve the placement of toilets in the old building and that the matter rested with the Minister for Planning.

Given that, I sent a copy of my letter of 25 February addressed to the Minister for Transport to the Minister for Planning. The result is — no acknowledgment and no response. Furthermore, a letter on the same issue sent to the executive director of Heritage Victoria on 28 February remains unacknowledged and unanswered.

Teachers: service awards

Ms BEATTIE (Tullamarine) — I wish to thank Roberta Abbott of Gladstone Park Primary School for achieving her 40-year teaching service award. I also wish to congratulate the following people on the occasion of their 35-year service awards: James Bell of Sunbury Primary School, Ronalda Gilson of Gladstone Park Secondary College, Angela Hardman of Gladstone Park Secondary College, Eric Keenan of Sunbury Secondary College, Barbara Macey of Goonawarra Primary School, Anton Mahony of Westmeadows Primary School, Barry Ogston of Gladstone Park Primary School, Rob Rilen of Kismet Park Primary School and Christine Ryan of Gladstone Park Primary School.

Those dedicated men and women have given most of their adult lives to ensuring children have the best possible education and opportunities. I am one of the most fortunate members in the house to have such fine, dedicated men and women in the electorate of Tullamarine. My congratulations go out to them.

The SPEAKER — Order! The honourable member's time has expired, and the time set down for members statements has also expired.

GRIEVANCES

The SPEAKER — Order! The question is:

That grievances be noted.

Business: confidence

Dr NAPHTHINE (Leader of the Opposition) — I grieve for the decline in business confidence in Victoria. The government has shown it has no vision, no plan, no verve and no blueprint for the Victoria of the 21st century.

Business confidence is crucial to the provision of future economic opportunities for our citizens. Business provides the jobs needed for Victoria, it drives the growth of the state. Indeed, without a strong business economy we do not have the capacity to provide jobs for our citizens or the revenue and wherewithal to deliver important services in health, education, law and order and community services.

A recent survey released by the Victorian Employers Chamber of Commerce and Industry (VECCI) and yesterday's Yellow Pages *Small Business Index* both tell us in no uncertain terms that business confidence in the state is falling. The Labor government is unfortunately coasting on the hard yards done by the previous government. The business community sees through that and says in no uncertain terms that it has a genuine lack of confidence in the government's ability to drive Victoria into the future.

The Labor government says it is a sound financial manager!

Mr Nardella — Absolutely!

Dr NAPHTHINE — The honourable member for Melton comes in on cue. I ask the honourable member and the Labor government as a whole to explain to the people of Victoria how a government that came into office inheriting a surplus of \$1.7 billion can turn it into a cash deficit within two years — on its own figures in the budget! — while claiming to be a sound financial manager. How is that sound financial management?

The spin-offs of the government's poor policies are evident not only in its sending fiscal balance sheets into the red, but in a whole range of budget items that undermine business confidence, and the business community is saying just that. When the government came to office it inherited an economic growth rate of 6.3 per cent — well above the national average. Employment was growing strongly, and Victoria was

gaining population from other states. Growth in business investment was running at 4.3 per cent.

Labor's own budget, by contrast, predicts a completely different approach for Victoria going into the 21st century. Labor predicts a slow-down in the economy. Economic growth is now forecast to slow from 6.2 per cent in 1998–99 to 3.5 per cent this year and 3.25 per cent next year, and then to remain at that level until 2003–04 — that is, the government predicts close to a halving of the economic growth achieved under the previous government.

Employment growth is expected to decline from 2.5 per cent in 1999–2000 to 1.75 per cent in 2000–01 and to 1.5 per cent in 2001–02. Clearly the government is predicting a decline in economic growth and employment growth, whereas the previous government delivered record levels of employment growth across the state. Under the previous government there was faster employment growth in this state than the national average. Already the first Labor budget is predicting employment growth below the national average.

I remind the house that the Labor budget settings also predict a net migration loss out of Victoria. What a disgrace! Net migration loss was a characteristic of the 1980s Labor governments, when people left Victoria in droves to go to Queensland and New South Wales. The former coalition government turned that trend around and achieved net inward migration to Victoria for the first time in many years. Already under the first budget of the Labor government it is expected that net migration movements will again be outward. The people will pack up their caravans, sell their houses and move their goods and chattels to other states and territories.

Yet, despite all those trends described in *2000–01 Budget Statement*, the government seems to have no plan to do anything. There is no specific plan, no policy, no agenda to do anything about turning those trends around. Is it any wonder that the March quarter performance figures and the June quarter outlook statement of the recent report prepared by VECCI predict a significant decline in business confidence? The report claims that 56 per cent of businesses believe the performance of the Victorian economy will be weaker a year from now.

The December survey showed that 39 per cent of businesses in Victoria were concerned about the future of the economy. Now 56 per cent of Victorian businesses are concerned about the future of the economy. That is what happened under a Bracks Labor government. Employer confidence has been driven

down. Employers and businesses of the state have lost confidence in the government and in the state's having a strong economic future.

Let us consider the percentages of the following industry sectors that believe the economy will be weaker in the next 12 months under the government: building and construction, 78 per cent; government administration, 63 per cent; manufacturing, 58 per cent; recreation, personal and restaurants, 57 per cent; wholesale and retail trade, 56 per cent; finance, property and business services, 53 per cent; and agriculture, forestry and fishing, 50 per cent.

Clearly all business sectors in Victoria are concerned about the future of the Victorian economy under the Bracks Labor government, as indicated in that survey. Only 19 per cent expected stronger growth, according to the December survey last year, but that figure has gone down further to 11 per cent.

The survey reported that business profitability had declined in the past three months due to slowing domestic sales and rising labour costs.

Mr Nardella interjected.

Dr NAPHTHINE — The honourable member for Melton suggests that is due to the introduction of the goods and services tax. If that is the case, why has confidence declined in the last three months when the GST has not yet come into effect? Already a decline in business profitability, a slowing in domestic sales and rising labour costs have occurred. Demand for labour weakened in the March 2000 quarter, and employment opportunities are expected to decline in the second quarter this year.

The results on specific queries are even more telling. The survey reported that positive attitudes to general business conditions had fallen dramatically. In December last year, when taking into account positive and negative experiences, 48 per cent of businesses had experienced positive business conditions, while only 12 per cent experienced poorer business conditions. Yet the most recent survey some three months later reported the number experiencing positive business conditions had fallen from 48 per cent in December to 32 per cent. The number who had reported adverse business conditions had doubled from 12 per cent to 24 per cent.

However, most telling were the expectations for the June quarter. Unfortunately they have collapsed. Only 22 per cent of businesses expect more positive conditions in the next quarter. The figure for those expecting poorer conditions has risen to 30 per cent. Employment growth figures show exactly the same

trend. People are expecting to employ fewer people because they have lost confidence in the business community; the business sector has lost confidence in the ability of the government to manage the state and the economy. A range of figures confirms that.

Let us consider plant and equipment investment figures. In December last year 31 per cent of businesses reported an increase in plant and equipment investment. In the next quarter that figure fell to 29 per cent, and the expectation for the next quarter is down to 22 per cent. More notably, the numbers expecting a decrease in business investment — in other words, they will be selling equipment; they will be divesting themselves of equipment — virtually doubled from 8 per cent in December last year to 15 per cent this year. That figure is expected to increase to 21 per cent when businesses are asked about what will be happening in the next quarter.

On top of that the survey by the Victorian Employers Chamber of Commerce and Industry clearly shows that businesses in Victoria have experienced a significant drop in confidence in economic conditions in Victoria under the Bracks Labor government. In December last year there was clear evidence of declining confidence. In March this year that has become significantly worse. The VECCI survey for two quarters in a row has identified a significant drop in confidence in the state and in the government's ability to manage the economy of the state. A decline in confidence leads to a drying up of investment and projects. Hence the job and economic growth necessary for continued growth in the economy is not achieved.

That survey by VECCI is backed up by the Yellow Pages survey released only this week. That small business survey, dated May 2000, provides some wonderful insights into business confidence in the state. Initially the survey confirms what VECCI has told us. Businesses in the state have experienced a significant drop in confidence compared with the situation of their colleagues in other states.

In the current period 36 per cent of Victorian businesses believed we are in a period of growth, while only 9 per cent thought we were in a period of recession, giving a balance of 27 per cent. That is how the figure is reported. That 27 per cent is the highest figure in every state and territory. However, when the same people are asked what they think the future holds under the government and the government's settings, their answers tell a different story. Only 18 per cent believe the economy will be better than it is now, while 42 per cent of businesses in the Yellow Pages survey believe it

will be worse. The state has gone from plus 27 per cent to minus 24 per cent.

Unfortunately the honourable member for Melton is no longer here. He said the figures reflect the anticipated introduction of the GST. If that were true, one would expect the same influence across Australia. One would expect other states and territories to have the same results. But, as reflected in the Yellow Pages survey, Victoria has gone from the most bullish, confident state to the laggard. It has gone from 27 per cent plus in business confidence to minus 24 per cent. Victoria has gone from leading the pack to being well behind the pack.

Clearly the survey indicates the government has experienced a 51-point fall in confidence. The next most pessimistic state only experienced a 35 point fall in confidence. Confidence in Victoria is falling rapidly because of the influence of the Bracks Labor government on the economy. On page 13 of the Yellow Pages survey the following comments are made on the small business outlook for Victoria:

Confidence worst on record — largest fall of all states and territories

Sales growth falls back, expectations easily worst on record

Large fall in profits, expectations collapse to worst recorded

Those were the comments made about Victoria and Victorian confidence under the Labor government. Yes, the Bracks government will seek to blame the GST and other factors. The reality is that it lacks the leadership, vision and verve necessary to drive the state forward.

In the short time I have left I will suggest some of the things the government should immediately do to boost investor confidence in the state. It should immediately revise its budget and introduce a cut in payroll tax — not wait for 12 months for another review or consultation but do it immediately. It needs to introduce programs that are visionary and will help the state go forward. It needs to look at funding works for the Scoresby freeway and the Ballarat IT Commercialisation Centre at the University of Ballarat. It needs to commit to — —

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

Juvenile justice: government policy

Ms CAMPBELL (Minister for Community Services) — Today I grieve for the lack of vision and plans for juvenile justice by the disgraced Kennett government. I grieve that the limit of its vision was the

building of a new private prison that was to have 75 beds for juveniles. I grieve for the young people who would have been incarcerated in those beds had the Bracks government not been elected.

The report on juvenile justice authored by Lisa Ward and commissioned by the previous Minister for Youth and Community Services, now Leader of the Opposition, warned against the building of a 75-bed private juvenile justice facility. The previous government was warned that if 75 beds were provided they would be filled. It was also warned of the limitations of a view of the juvenile justice system that concentrated on building beds rather than alternatives.

The policy appalled me on two counts: the first was that the previous government was progressing down the path of the private youth prison, exposing young people to the privatised agenda inherited in the adult system. The privatised prison system is being questioned by the courts and the community. The Minister for Corrections has recently had cause to issue default notices to the women's prison.

Secondly, I was appalled that the previous government was apparently unwilling to examine the underlying causes for the rising number of young people being sent to prison. It failed to ask why young people were being incarcerated at the rate they were; why they were turning to a life of crime; why they were not given adequate supports.

Victoria has a proud history in relation to juvenile justice. In the 1980s and early 1990s Victoria led the nation in the provision of effective programs for young offenders. Those programs had bipartisan support and the support of the judiciary, the police and well-informed welfare agencies.

When I became Minister for Community Services I set about consulting with stakeholders in the juvenile system: the judiciary, the Youth Parole Board, members of the Law Institute, the Victorian Bar Council, Defence for Children International, the churches — anybody prepared to share their wisdom and help formulate clear policies for the future. They welcomed this open consultation because the previous government and the previous minister had locked out community consultation in relation to a good system for juvenile justice.

The Department of Human Services is looking at a range of innovative and interesting programs that have been well funded in the budget. The aim of the government approach is to ensure a lower youth crime rate and a lower number of incarcerations of young

people. Many people point negatively to youth, but such attitudes fail to consider the underlying causes of crime. The government is doing that now and will continue to do it in the future.

In Victoria, the flip side is the lower youth crime rate and lower number of young offenders in custody. Victoria, however, is not immune to the national and international trends presenting the community with strong challenges in relation to serious drug offenders and those with deep social problems. As a result of those problems many young people turn to crime. Unless government acts to address the causes of crime, the rate of incarceration will continue to increase.

The Bracks government is committed to diverting young people away from a life of crime — a better option than allowing more and more of them to grow up in custody during their challenging formative years. The alternatives to incarceration and the thought and commitment required to ensure their success often make a far harder path for public policy to follow. It is a policy and a path that the government is committed to.

The government will not take the easy option and succumb to pressures to build more custodial facilities. We refuse to accept an escalating cycle of juvenile involvement with the criminal justice system and will not allow the cost of wasted young lives to burden the community in the future. The cycle of adolescent crime will be broken, and social policies supported by the budget are working towards that. The government is prepared to invest in major reforms of the system in order to achieve long-term goals. The government is committed to ensuring an approach that looks at the causes of crime and develops and implements strategies that lead young people away from the universities of crime — the prisons. I hope the opposition will also support such an approach.

As Minister for Community Services I see the results of shattered lives — the result of crime by some individuals. Through the programs funded and provided by the Department of Human Services I am conscious of the impact of crime on victims' lives. Such effects could be an acquired brain injury, the result of family violence or the effects of sexual abuse. The government is concerned for the victims of crime.

Through the Attorney-General the government has worked to ensure that victims of crime receive compensation for pain and suffering, and the government will work to ensure that wherever possible victims of crime are supported.

Having said that, victims of crime are not necessarily served by automatically believing the offender should be incarcerated, particularly if the offender is young and in his or her formative years. Sometimes young offenders are incarcerated, but not automatically. Mandatory sentencing as practiced in some parts of Australia and increased incarceration rates are not in the interests of the community. They go against the very nature of a fair, effective and just criminal justice system. Simply locking up more young people does not reduce crime. Too often young people released from custody go straight back into the community with insufficient support. That alarms me and I intend to do something about it.

The government's primary focus is on crime prevention and the diversion and rehabilitation of young offenders, thus ensuring that their future is more positive. The bold new initiatives the government has designed to implement its commitment to an effective juvenile justice system are based on a thorough understanding of the challenges facing it. It knows reform is needed to address the number of underlying trends such as the growth in the number of young offenders aged between 17 to 21 who are in custody, the increase in drug abuse and related offences, the increase in young women offenders and the overrepresentation in crime figures of young Aboriginal and Vietnamese people.

A recent snapshot of young Victorians currently held in detention in senior youth training centres shows that more than 65 per cent are serving their first sentences and about 20 per cent have been or still are under the responsibility of the Department of Human Services child and adolescent protection service due to abuse or neglect. Young people with intellectual or psychiatric disabilities are relatively common, with nearly 10 per cent under close watch due to the risk of suicide or self-harm. More than one in five are from non-English-speaking backgrounds and about 9 per cent are young Aborigines. Four in every five have been sentenced for drug or alcohol-related offences, many were excluded from school while young or have a history of school or work failure and many are themselves victims of crime.

That snapshot paints a stark picture of the inmates in Victoria's senior youth training centres. It informs us of the causes of crime that must be addressed if we are to engage in good, social policy as a government, as a Parliament and as a community.

I place on record the fact that the government has a starkly different approach to juvenile justice than that of the previous government. This government has a three-pronged approach: diversion, rehabilitation and

transitional and post-release support. That will mean strengthening community-based options to ensure young people have better opportunities than currently exist.

I refer briefly to this morning's debate relating to our Aboriginal brothers and sisters. The stark fact is that the Aboriginal community is far too highly represented in our juvenile justice system. I congratulate the previous minister on one aspect of his juvenile justice work — that is, his efforts to bring down the juvenile justice incarceration rate. I place on record this government's commitment to ensuring that it is even lower in the future.

The government has allocated in excess of \$500 000 annually to operate a juvenile justice initiative for young Aboriginal people, and it is committed to maintaining and strengthening specific services to reduce overrepresentation of young Aboriginal people in the juvenile justice system.

FOI: opposition access

Ms ASHER (Brighton) — I grieve for open and accountable government because it has not yet seen the light of day in Victoria. I shall outline my experiences under this so-called open and accountable government with a range of freedom of information (FOI) applications. I refer in the first instance to the Labor Party's election document on freedom of information called 'Restoring your rights'.

Mr Hulls interjected.

Ms ASHER — The Attorney-General says he thinks he wrote it. I will quote from the document where it refers to the Freedom of Information Act:

A Bracks Labor government would restore the act to a force for disclosure rather than cover-up.

The policy goes on to say that a Bracks Labor government would:

... stop exempting documents merely because they are attached to a cabinet document.

My first foray into FOI occurred after the electricity dispute. There was a general view that the government handled that dispute particularly badly. It cost business \$100 million and caused severe disadvantage and disruption to the entire community. I put in an FOI application for documents relating to briefing notes and the like on the subject. I was trying to find out at what point the government had been notified that supply was in dire straits and whether Victorians should have had to put up with those black-outs.

I am sorry to advise the house that the response from the government has been nothing short of pathetic. The Department of Premier and Cabinet identified 268 relevant documents but was prepared to release only 118 in full to me. A similar ratio applied to the documents from the Department of Treasury and Finance — it released fewer than half.

Mr Hulls interjected.

Ms ASHER — The Attorney-General says, 'That is not bad', but many of the pages I have been issued with are blank and are stamped 'Department of the Premier and Cabinet exempted under the FOI Act'. I received page after page of blank documents but none of the ministerial briefing notes. I was given the attachment, which told me what Yallourn Energy was. I received a range of public documents, such as government gazettals and blank pages, and I will describe the type of critical information the government has deleted. I came across an email dated 2 February — honourable members will recall that was the day before the blackouts — from a Department of Treasury and Finance official addressed to Bruce Cohen at the Premier's office and to Robyn McLeod, whom I understand is an adviser for the Minister for Energy and Resources — —

An honourable member interjected.

Ms ASHER — And is a former Labor candidate for Mordialloc. The email is headed 'Update on status', but the contents have been stamped out as being exempt under freedom of information (FOI) provisions. The opposition will pursue through the Victorian Civil and Administrative Tribunal the critical documents relating to electricity that have been classed as exempt.

One of the most interesting aspects of the FOI application is the reasons why documents have been denied to the opposition. A letter to me dated 27 March from the Department of Treasury and Finance gives the reasons of the so-called open and accountable government for denying information to the opposition.

Mr Hulls — You are in opposition.

Ms ASHER — The Attorney-General said, 'You are in opposition', and that is the nub of it and the real reason. The letter refers to section 30 of the Freedom of Information Act, and states:

It would be contrary to the public interest to release the documents because they deal with matters concerning the development and promulgation of government policy. Further, the public release of material of this nature is likely to cause confusion and is capable of being used mischievously.

That is the new government's definition of public interest.

Over the page the letter refers to other material it says I cannot have under section 35 of the act, and states:

Protecting the confidentiality of these documents ensures that the government is able to obtain information from a wider range of sources than it would if they were released, thus ensuring a better informed government. Some information provided by parties to the industrial dispute fell into this category.

Those are the sorts of reasons the opposition is being given. It is interesting that the bulk of documents denied to the opposition are denied on the basis of — surprise, surprise! — their being attached to a cabinet document — precisely what the government said in its policy it would not do.

I turn to the best one of the lot. I refer to a letter dated 12 May to me from the Department of Natural Resources and Environment. I asked the department whether the minister's office held any documents relating to the electricity supply crisis and they were denied to me. The department's response was extraordinary. The letter states:

I have also consulted with the office of the Minister for Energy and Resources and have been advised that they hold no documents other than those created by DTF or DPC.

I was asked to believe that the minister responsible for electricity holds no documents of her own; and furthermore, that this process was occurring under a Labor government. The minister's office was asked, 'Do you have documents?'. It replied, 'No, we do not' — and that response was accepted by the manager of the legal and secretariat support branch of the department. That is a disgraceful process.

Mr Hulls interjected.

Ms ASHER — You got lots of documents out of the tourism area. It is a disgraceful process that when the minister's office is asked whether it has documents and it says no it is accepted that no documents exist.

I turn to the panel that is to conduct an audit review of government contracts, the chair of which is Professor Bill Russell. I wanted to know what documents existed relating to the following matters: Professor Russell's appointment; any alternatives to Professor Russell; and the cost of the review, including the chairman's remuneration. I know what remuneration Mr Ewen Waterman and the third member of the panel, Mr Nick Seddon, will receive, but I am particularly interested in Bill Russell because he made a living out of Australian Labor Party appointments during the Cain-Kirner era.

An honourable member interjected.

Ms ASHER — He is a real mate. He was a commissioner of the State Electricity Commission from 1982 to 1985; a member of the Victorian Brown Coal Council from 1982 to 1985; secretary of the former Department of Minerals and Energy from 1982 to 1985; and the director-general of the former Department of Property and Services from 1985 to 1988. He has done a range of jobs for the Labor Party. He has stopped the Eastern Freeway extension once in his career and has undertaken reports on health. He is wheeled out from time to time — whenever the Labor Party wants a job done. In short, he is a Labor hack. Bill Russell is going around town saying that his job as part of the audit review of government contracts is to dig up dirt on the Kennett government. That is how he is describing his job.

I had a simple question under freedom of information. I just wanted to know how much the bloke is being paid. However, I had no such luck. I have been told that of the six documents identified I cannot have one because it is a cabinet document. That is exactly what the government said it would not do. I was told that the document is an extract from an expenditure review committee submission. I expect that may have some reference to money. I have been told the other documents relate to the personal affairs of individuals. I do not want Bill Russell's address. I asked a simple question in April. I want to know how much the man is being paid. I want to know to what extent the taxpayer is funding a bloke who is going around town saying, 'My job is to dig up dirt on the Kennett government'.

My FOI request again produced the blank-page technique. I received the following: three blank pages; the terms of reference, which were published in the newspaper anyway; and a document that clearly indicates that the Premier appointed the people before the paperwork was done, which is of no import whatever. What I have not received is information on how much the man is being paid. It is a simple question. Given the government's boast that it is open, honest and accountable, I would have thought that in response to an FOI request on 14 April about one of its mates who has a big cloud hanging over his head it could at least have told me how much the man is receiving. I do not want documents related to his personal affairs. I do not want to know his address. I want to know the answer to the legitimate public policy question of how much this Labor mate is being paid for doing a job on the previous government.

I also put in an FOI application on the issue of state taxation reductions. Prior to the last election the

Premier gave a speech at a meeting of the Committee for Economic Development of Australia, or CEDA, in which he told the business community that there would be substantial taxation cuts. He was going to cut taxes — —

An honourable member interjected.

Ms ASHER — Indeed, and he was specifically going to cut payroll tax.

I lodged an application to see what tax cuts the government might be considering. I would have thought it was a legitimate public policy request, but in response the Department of Premier and Cabinet advised that there are 37 documents relating to my request and they are all exempt.

An Opposition Member — All?

Ms ASHER — Every single one of the 37 documents! Eleven of them are cabinet documents — precisely the thing the Labor Party said it would not do — and I was told that releasing the rest would be contrary to the public interest. I quote from a letter to me dated 26 April explaining why the release of the documents is contrary to the public interest:

... the remaining 26 documents are internal working documents, the disclosure of which would be contrary to the public interest as their disclosure would create confusion or provide merely a part explanation of the taking of a particular decision and would inhibit the policy development process.

The opposition is being told it cannot have documents because they will inhibit the policy development process. It is a joke!

Further, the Department of Treasury and Finance has found 16 documents and I have been refused 13 of them. Again, it is because some of them are attached to cabinet documentation and because some are the same type of internal working documents. Believe it or not, I was told that the release of a document entitled 'Abolition of minor state taxes discussion paper' — notwithstanding the government's desire for discussion and working parties — may have a detrimental effect on the Victorian economy. What a joke! According to those explanations a minor discussion paper is either a cabinet document or an internal working document and its release would create confusion, or it would have a major impact on the Victorian economy.

This is the so-called open, honest and accountable government policy promulgated by the Attorney-General in a memorandum dated 2 February, which states:

By improving access to government information and by making FOI more affordable, the changes to the Freedom of Information Act foster a new culture of open and accountable government.

There is no new culture. There is no open and accountable government. The government is deliberately suppressing documents relating to the electricity crisis, to Bill Russell, to its taxation promises and to its Access Economics analysis. There is no open and accountable government in Victoria. The policy is a sham. The government's promise is nothing and it should hang its head in shame.

Schools: secondary

Ms DAVIES (Gippsland West) — I grieve today for the state secondary school system because of the problems it is experiencing and its still unmet needs. My credentials to speak on the issue are probably the broadest held by anyone in this state, or certainly in this Parliament. My experience as a daughter of an ex-principal and president of both the Victorian High School Principals Association and the Australian High School Principals Association means that I have a wide familial connection with various principals and members of those associations, which is very strong and important to me. I am also an ex-teacher and between having babies — my other major occupation — I worked over many years in what was the technical school system and in the secondary school system.

As a mother I was a parent of students in small rural primary schools. Now I have three sons in the state secondary school system. I also have experience as a school councillor of both primary and secondary schools. My experience is very broad and because of it I come at the issue from many angles and do not reflect any one point of view.

I have been a passionate advocate for the state school system all my life. It has an important role in Victoria — a traditional role it has fulfilled well since it was set up — of helping bring people together. It has also had the important role of being a way upwards and onwards for all children, no matter from where they may have come. Those roles of bringing people together and helping them upwards and onwards are now more important in this country than ever before. Australians are having trouble seeing themselves as one people with one identity and a strong state school system has the important role of bringing people together.

The issues that divide Victorians are increasing. There are greater divides between people in one area as

against another over levels of wealth, education, the way change is experienced as either positive or negative, employment opportunities and health. However, over and above all those divides, the divide between people in rural and urban areas is great and increasing.

I acknowledge and appreciate the role of the *Herald Sun* in highlighting some of those inequalities and canvassing some of the important issues. An article of 29 May referred to the fact that city dwellers are 30 per cent richer than country people and to the fact that incomes of metropolitan households are increasing at double the rate of household incomes in other urban centres, in contrast to rural centres, where they are declining.

The *Herald Sun* of 16 May reported on the job exodus, higher petrol costs, difficulties with telephone communication and lower life expectancies for rural people. The article quotes the president of the Victorian Farmers Federation, Peter Walsh, and states:

... recent moves by state and federal governments to address the problems are only the first planks of a rescue campaign that would take a generation to complete.

I add to the quote that a crucial part of the generational change is education, which can overcome the divide. I cannot stress strongly enough the importance of the state secondary system in helping to redress those inequalities. However, inequalities in access, availability and range and the inability to adapt to students' needs and to keep them at school are all too evident in Victoria's secondary system, particularly in rural areas.

The house should note — I will continue to repeat the figures until a change is made — that in Gippsland 43 per cent of male students and 24 per cent of female students leave school before year 12, at a time when they are at extreme risk of being unemployed and having reduced job opportunities.

Even between years 11 and 12 rural secondary schools lose too many kids. Only 71 per cent of students who start year 11 at Wonthaggi Secondary College, the school attended by my kids, go on to year 12. Those figures are distressing to me. I want the government to find them distressing, and as I said, I will keep repeating them until a change occurs.

The schools are pleased with the progress that has been made following the change of government. Although student welfare support funding has had a minor increase, it is the equivalent of one person for a school of 500 for half a day, which is not enough. Time is the

most important resource that adults can give to troubled, dissatisfied, often angry and confused young people. To keep those kids at school, teachers need more time to be properly involved in pastoral care, speaking to students and engaging them in activities to the point where they are better able to work and cooperate with others. Teachers need more time to sit down with the quiet students who do not become involved in such activities or who tend to drop out early.

Time is also a factor in making classes small enough to enable teachers to explain, assist and be properly involved in class activities. That does not work when 30 often very large adolescents are confined in a room designed for 25. Teachers need time to conceive of and properly plan courses that enthuse, excite and include their students. They need time to work on the reluctant ones to keep them at school while they mature. There are only 24 hours in a day, but I fervently believe time is the most precious commodity we can offer kids to help them realise their potential and increase their involvement in learning activities.

Primary school teachers in my electorate tell me their morale is up and they are now better able to do their jobs. However, secondary school teachers remain bowed down by their workload. Their classes are too big, and they have too little time for the additional duties they have to perform. Nevertheless, there have been improvements over the past eight months. The additional information technology (IT) support staff has helped. School clusters and districts now cooperate with each other, which is a vast improvement on the destructive competitiveness forced on rural schools by the former government.

Mr Honeywood interjected.

Ms DAVIES — Be quiet, I am speaking. The expanding vocational education and training (VET) program is an improvement. However, there are distinct disadvantages and difficulties for the students who take part in VET programs in rural schools, including having to travel too far to attend them.

Nathaniel Robbins, a year 11 student who attends a private school in my electorate, spent last week with me for work experience. He applauds the introduction of VET but says:

It is a great idea, but again our school is at a disadvantage, as are many schools in this area, with courses being quite a distance away, and the public transport system often doesn't help with the travel issue, as it is too infrequent and only goes to Melbourne. The eight students enrolled in VET at Newhaven travel to Dandenong and Frankston, and therefore

miss a full day of school on their VET days. Another big issue again with VET is the old money factor.

If students must pay for VET, some will be unable to access the courses because of the cost involved.

There is a need for good cooperation between the Minister for Education and the Minister for Post Compulsory Education, Training and Employment to ensure that real differences are overcome and real improvements are made to increase the opportunities available to rural secondary school students — I would like those real differences to be made more obvious.

I ask the government and the Minister for Education to note my concerns and the issues about which I grieve. I have already mentioned teachers' lack of time. On the lack of course variety and suitability, I again quote my young work experience student. In talking about the Victorian certificate of education (VCE) he says:

... the VCE is failing those students who demonstrate an interest in practical subject areas. It is suggested that one way that the VCE can be improved is by recognising that schools can do what TAFEs can.

We need to recognise that not all students like the type of course the VCE has become.

I am frustrated that we still have not been able to obtain a funding entitlement for mature age students. I raised ad nauseam with the previous government the ability of mature age students to attend secondary schools and have their attendance funded. Allowing mature age students to attend school is an important aspect of rural secondary schools and education.

A new problem that the schools have begun raising with me is that now the Department of Education is counting in school entitlements facilities built with funds raised locally. That ruling affects the master plans of Leongatha, Koo Wee Rup and Drouin secondary colleges. It is an inequitable ruling that removes the incentive for communities to build joint facilities and to work with schools to raise funds.

Another issue that must be addressed is the looming shortage of teachers, which is particularly evident in rural areas. Scarcity will ultimately set the pay levels. I do not want our teachers and kids back in the conditions of the 1950s and 1960s with classes of 40 students. However, I admit that claiming a 30 per cent pay rise is a tad ambitious. I am not an advocate of ambit pay claims. When bargaining in Third World countries I found that it was much more effective to decide what was a fair and equitable price to pay and stick to it because it can be more appropriately justified.

I note that teachers' time is a more important issue for most schools than pay.

I am grieving for the people involved in secondary education in Victoria. They are bruised from seven damaging years under a government that was contemptuous of the people involved in the system. The state school education system in Victoria needs careful tending. Specific attention must be paid to the needs of rural students to bridge the rural-city inequality, to narrow the gap and to take us all forward together.

Aboriginal reconciliation

Mr STEGGALL (Swan Hill) — I grieve on the subject addressed this morning in the discussion and debate on reconciliation. While we were reminded this morning that the Parliament reflects the expression of views and aspirations of all Victorians, some areas of country Australia were left out of the views and precious intentions expressed today and in most of the weekend's reconciliation events around the country.

Three lines on the front page of the *Roadmap for Reconciliation* sum up the situation very well:

A united Australia which respects this land of ours; values the Aboriginal and Torres Strait Islander heritage; and provides justice and equity for all.

That is the aim of reconciliation and the direction in which this nation is trying to travel.

We watched with interest the many thousands of people strolling across the Sydney Harbour Bridge on Sunday in an expression of goodwill. We have seen the marches and meetings held in Melbourne about the stolen children and the problems that issue causes all our communities, particularly those in the country. The healing process is under way but a problem needs to be expressed and put on the record — that is, the rate of progress that people may expect for reconciliation. Progress will be difficult in some areas and I hope all people will respect and understand that not all people in our society will be able to travel at the same pace with the expression of good feeling that is coming out of Sydney, Melbourne and sometimes Canberra.

Today I will spend a little time on a subject which is not easy for a country politician to talk about. There are enormous pressures on us with our many and varied Aboriginal and European communities. The confusion and fear that are expressed are very different from those one hears when speaking with and listening to metropolitan politicians. Many of the great issues in Victoria and Australia today are country issues and reconciliation is one of them. It seems that in

reconciliation we as a nation have looked to our symbols and the symbols come first. The Australian federal and state governments have worked very hard to get the symbolism and direction right and to start the healing process. However, then comes the substance, and for reconciliation that is not the same in country Victoria as it is in many of the electorates represented in this place.

The reality is that this nation has set off on a very difficult journey. I am proud that as a nation we have at least set out to travel it. My generation has begun this difficult trip by putting reconciliation on the map, as it were. Those who come after us — that is, the next and following generations — will be better equipped to achieve reconciliation. My generation will put true reconciliation on the list of unfinished business as we hand over to those who follow us.

It is up to government, industry and individuals to deliver the healing process of reconciliation. It is not difficult for government and industry. We can get the legislation right, and in many cases we already have. We can get people in our industries working towards the employment and associated needs of Aboriginal and European people. The work of the third element is the most difficult. In the past few days people have not said much about the contribution of the individual. Reconciliation is about how we feel deep down for each other in our homes, communities and regions. It will be a matter for the individual to develop and work through those issues. I assure members that many Aboriginal and European people in my electorate are not yet ready to travel along that line.

Reconciliation is a journey we must travel for the sake of Australia and Victoria but not everyone is ready. Time was needed for the first step to be taken, and it has been. When Melbourne's media reflects on the rate of change and acceptance of reconciliation in country areas, I ask its members to understand that the pressures in those areas are different from those of Melbourne and Sydney.

The ACTING SPEAKER (Ms Barker) — Order! I am sorry to interrupt the honourable member for Swan Hill, but will members leave the chamber if they wish to carry on a conversation.

Mr STEGGALL — We need to understand the difficulties and challenges we face. All honourable members know that leadership in change is very difficult. Members on this side of the house have had a fair bit of experience with it but in country Victoria we hesitate to change — in many ways we balk at it.

People have been known to take retribution against those who introduce change, but when the process of change is completed country areas tend to accept it. That is equally true of our Aboriginal and European communities. Please do not think that my remarks are geared to one or the other: they are very strongly aimed at both communities.

In this Parliament I have listened to many debates about multiculturalism and our multicultural society — which is very good by world standards — but I have never heard Aboriginal people being included in those discussions. As a metropolitan-based Parliament, it seems that in our multicultural thinking we do not include Aboriginal people, and that gap is a problem.

We are slowly getting people to understand the truth about the past of this nation, which is something that must be understood, but we still have a heck of a distance to travel to reach an understanding. This place also needs to understand the truth about the present, as do many of our communities, because if that truth is not understood the road to reconciliation for some of our Aboriginal and non-Aboriginal communities will be very difficult to travel.

I respect the demand for reconciliation, which we would all like to achieve. I seek the respect of those in a hurry, because many of my people need time to reach the desired destination. I ask for time for that to happen.

Two questions need to be answered. Those of us who deal with Aboriginal communities, as we do in the country, know that the two questions are vital. They were mentioned only once today. The first is: are European people ready to admit the history of this nation? The answer is: not all are, and the majority still have to understand what has happened. The second question is: are Aboriginal people ready to forgive? Without forgiveness, reconciliation will not be achieved. The answer to both those questions is: not yet.

Reconciliation is being discussed in our Parliaments. It is on the front pages of our newspapers and it is being strongly pursued and promoted. I hope it will be successful and will work.

The other important subject is native title, and the Attorney-General introduced some of the issues surrounding that subject in the debate this morning. The Robinvale Aboriginal native title claim in my electorate has now been registered. When a native title claim is registered all the people who have, or are deemed to have, an interest are notified. The first stage of notification frightened the living daylight out of a lot

of people in my electorate. The fear of native title is something that is still very much on the agenda. I hope that as the Attorney-General moves into those areas he will acknowledge and understand that many people still do not understand the basic principles of native title and what it is all about. People still think it is about land claims and characterise it as a them-and-us situation.

This week the Native Title Tribunal delivered to each member a short guide to native title, which is a very good document. We do not have time to go through the document in any detail, but it provides a good deal of leadership and explains what is actually happening. A number of discussions have taken place with the Native Title Tribunal.

Two major title claims are being made in my area. The first is the Robinvale claim, which as I said is now under notification. The second is the north-west nations claim, which failed its registration test, but some areas of the settlement can still be negotiated.

Today we heard a man from the Yorta Yorta tribe speaking in strong terms about his feelings about native title and his land. Many of us on both sides of the fence also have those feelings.

The native title legislation gives us the ability to negotiate indigenous land use agreements, and it is our desire in north-western Victoria to take that course. I instigated four rounds of negotiations before the change of government, and those negotiations were successful. I hope the government will continue along that line.

I stress to the government and the Native Title Tribunal that some people still do not understand the basic issues. In Robinvale, where the first native title claim is being made, notification will finish on 17 June, after which there will be time for mediation and for making agreements. The discussions we have had indicate that the Aboriginal people should be included in the decision-making process involving public lands, particularly river-frontage lands and lands of specific importance to the people.

Native title does not mean a Torrens title to land; it does not allow for powers of veto; and it does not mean rights to exclusive occupation. Rather, it offers a whole range of opportunities for acknowledging the rights of indigenous peoples and the existence of a culture that needs help and encouragement. We need to be encouraged to work with indigenous people. Neither side should fear that process.

The discussions that have taken place in Australia over the past four or five days have been good. I hope what I have said today has given some people, particularly

those in metropolitan electorates and those in the Melbourne media, an understanding that country Victoria is travelling the same journey as metropolitan Victoria, albeit not at the same pace.

Please do not expect country Victoria to undergo the process at the same pace as metropolitan Melbourne. Give us time, and respect the pressures and the troubles experienced by both the Aboriginal and European communities. Some of the correspondence members of Parliament receive about those issues reflects those difficulties.

Keilor electorate

Mr SEITZ (Keilor) — I grieve for the seven years of neglect of the Kennett government of Victoria's parks, particularly the parks in my electorate of Keilor.

Much money was spent on the Organ Pipes National Park to increase its potential for ecotourism and to provide for the education of our schoolchildren and the general community. A group of enthusiasts have worked hard over the years by doing such things as planting trees. That park had absolutely no trees or natural flora or fauna. The former Labor government supported the development of the park by introducing native flora and fauna and by establishing a rotunda and an education centre. However, during my recent visits I was dismayed to see how the park and its facilities have been neglected.

We should be proud of the park as a heritage site that enhances the education of our young people. The park suffers from a lack of rangers and money. The local community, visitors and volunteers work enthusiastically by planting trees to further rehabilitate the park, and the allocation by the City of Brimbank of an acreage of adjoining land will extend it. The park is a great legacy for the people of my electorate and the wider community of Victoria, but it made no progress during the term of the Kennett government; rather, it was neglected.

Another problem concerns Brimbank Park. Community groups come to see me as their local member of Parliament to ask that the commercialisation of that park cease. As happened with the Organ Pipes National Park, Brimbank Park was considered to be an attractive area in which to build a reception centre. Once again we had to continually lobby against the construction of a major reception centre at the park because it would go against the main reason for the establishment of the park itself.

Brimbank Park is one of the largest metropolitan parks. It has the highest number of visitors of all the

metropolitan parks. Again, the development of the park was brought to a standstill because it was starved of funding under the previous government. Progress had been made under the former Labor government. A sewerage link to Werribee was completed and the treatment plant that sat in the middle of park was removed by the former Melbourne and Metropolitan Board of Works, which enhanced the park for the use of our community.

The Minister for Environment and Conservation is reviewing the park. I wish to place on the record that a review of the park should include a consideration of access from the St Albans side and access to Horseshoe Bend Farm, because the traffic passing along the Horseshoe Bend road to gain access to the farm is creating problems for the people who live on that edge of the park. The farm is part of Brimbank Park and its development should be included in the development of the whole park. Horseshoe Bend Farm has been starved of funding and allowed to run down.

Metropolitan parks are of vital importance to the community and to overseas visitors. Several of them are close to the airport and people often visit them when they have a few hours to wait for an international flight, so they are a gateway to Melbourne. Gellibrand Hill Park, created and developed by previous Labor governments, is another of the parks used in that way.

Our metropolitan parks need attention and resources. In my visits to parks over recent months I have been saddened to see the evidence of the neglect that has occurred. Many now have restricted hours of access due to staff cutbacks, and guided tours are very infrequent. People, particularly our young people, need those tours because they are highly educational. The platypus has come back to the Maribyrnong River, and the sugar gliders have reappeared along by Taylors Creek. Kangaroos have been seen in the Maribyrnong Valley, too.

Many members of the community have expressed to me their sadness at the neglect of our parks under the Kennett government. I hope the parks will begin to feel the difference now that the Bracks Labor government is in power.

I turn now to transport and the long-term neglect by the former government of transport services, particularly in the City of Brimbank and the western suburbs electorate of Keilor. That neglect was highlighted by the appointment of commissioners to the City of Brimbank by the former Kennett government. One of their first commissions was to look at public transport transfers and links in the City of Brimbank, yet

throughout the seven years of the former Kennett government no progress was seen on any of those links and roads, despite the fact that the commissioners themselves made submissions seeking assistance. That is a further indictment of the Kennett government. They were very bleak years for the western suburbs in general and for my electorate of Keilor in particular.

On a number of occasions community groups and I raised various transport matters with the former Premier, the former member for Burwood. We requested, for example, positive action to relieve traffic jams at St Albans railway station, preferably the cutting of a tunnel of the sort constructed in other electorates. The former Premier's response to that request was to look for private finance and a private operator prepared to do the work. However, some projects should be considered a government obligation, particularly when they involve public transport and infrastructure.

The rail line running through St Albans is a hindrance to development. It restricts traffic flow. That is nothing new. But there is now a university in St Albans, the Victoria University of Technology, St Albans campus, and the hospital on Furlong Road has been expanded and made part of the new Western Hospital. Major institutions such as those have increased the need for access across the railway line.

It is a shame that the build-up of seven years of neglect by the former Kennett government will be difficult for the Bracks Labor government to redress in a sufficiently short period. Many members of the community have expressed the view that the St Albans railway line project is of the highest priority.

The government is already moving on some of the jobs that need to be done, such as the duplication of Sunshine Avenue and the Keilor–Melton highway, and studies are being carried out on traffic problems and congestion around St Albans railway station.

It is a tragedy that the Bracks government is faced with the task of overcoming all of the neglect of seven years of coalition government. I urge the Labor government to consider its programs and priorities and agree that the railway line project at St Albans is important, not only for members of the St Albans Underground Committee but for the traders and shoppers of St Albans. Positive action must be taken at St Albans railway station.

The last item I wish to raise, an item of great concern to me, has been brought to mind forcefully in recent days by events that have taken place in Fiji and by the proceedings and ceremonies conducted towards reconciliation in the house today. I refer to the

importance of tolerance in the building of a nation. The Deputy Leader of the National Party spoke on that matter during this morning's debate; but my focus at the moment is a little different.

I refer in particular to the plight of people — and there are many in my electorate — who have been forced to become refugees because they have mixed marriages. Many are from countries where nationalist fervour or ethnic conflict have broken out, while others experience those problems because one partner is indigenous to Australia. Some of the marriages are mixed in the religious sense while others are of an ethnic or tribal mix. In Australia we accept such people and encourage them to integrate, but some people who have migrated here and have dared to enter mixed marriages have for one reason or another found it difficult to fit into our society.

It is of deep concern that people in mixed marriages are suffering quietly and no-one is taking much notice of them. Today the Parliament has recognised Aboriginal needs. Some people in my electorate who have come from different countries are refugees for one reason only — because of their mixed marriages and backgrounds. Many people with a Fijian background have raised that issue with me. They cannot return to Fiji. They fear for their relatives; family links have been broken because they have dared to make mixed marriages. That is tolerated in Australia, but not in their own country.

The Department of Immigration and Multicultural Affairs has been pursuing one Fijian in my electorate for 15 years, trying to deport that person to Fiji. The department fails to understand that anybody who has entered into a mixed marriage or changed religion is not welcomed back into that country. The tension in Fiji has heightened in the past week. Some countries such as those in the Balkan States are in the same situation. People from mixed marriages are not accepted back into such countries; they cannot live a normal life. Ethnic cleansing was the term used for what happened there.

I grieve for those people. They seek solace from one another in their communities, but they are disadvantaged when it comes to accessing welfare and other mainstream areas. If their children need help at school or are caught up in the drug scene, where do they turn? They cannot go to an ethnic-specific service, yet their English is not adequate to enable them to access mainstream help. Such concerns should be considered seriously because the number of immigrants is increasing.

In some other countries the rule is dictatorial and nationalism is on the rise. In Africa white people are starting to be dispossessed of their properties. The Prime Minister said he would accept some people from African countries but not people from Fiji or other countries applying on similar grounds. Australia needs to address such problems and continue to provide services. It must show acceptance and tolerance of people who dared to be different in building one nation in their own countries through mixed marriages.

It saddens me to see in the media reports of what has taken place in Fiji, yet no-one in the media has brought up the subject of the suffering of people from or in mixed marriages or of mixed religious backgrounds. Those who have dared to intermarry suffer not only in their own country but also in Australia.

Water: rural infrastructure

Mr McARTHUR (Monbulk) — I grieve about the deception and hypocrisy of the Bracks government. It preaches openness but practises secrecy. I will cover two or three issues in the 15 minutes or so allowed. The first relates to the residents of small country towns. On Thursday, 18 May, the Minister for Environment and Conservation issued a press release headed 'Government delivers fair deal for all on new rural sewerage schemes'. In that release the minister spoke about the famous fair deal for all smaller country towns that were considering or were in the process of constructing sewerage schemes.

What is more likely to happen is that instead of a fair deal for all there will be a special deal for some. I will go into the details of that and outline why I believe the minister's announcement will fail to deliver on the promise she has made. On 18 May the minister promised a fair deal based on an allocated \$22.5 million. The promise was essentially to deliver on an election promise made by the Premier and others in the now Bracks Labor government. The promise during the election was that residents of small country towns who were in the process of conducting or designing a sewerage scheme for their town would not have to pay any up-front fee to have that scheme proceed or completed.

Instead of no up-front fee, on 18 May the minister delivered an \$800 up-front fee or a \$1600 time-payment program, spread over 20 years. That in itself is not a dreadful thing. I am not critical of the government for failing to deliver on its zero up-front fee promise. That has to be put into context. Labor has been critical of such schemes in the past, but let us look at what the minister has done.

The minister has offered \$22.5 million to fund that promise on top of the \$410 million the previous government put towards water and sewerage schemes in small country towns across rural Victoria between 1998 and 1999. So the government has added \$22.5 million to that promise. I welcome that allocation, and I am sure the people in the country towns who get a portion of the \$22.5 million will welcome it, too.

The original scheme was set up on a generous basis. The rule of thumb under the original scheme was for the state government to pay one-third of the cost; for the regional water authority, whichever one that happened to be, to pay approximately one-third, and for residents to pay approximately one-third of the cost. The \$22.5 million will increase the level of subsidy from 75 per cent to 90 per cent or 95 per cent in some cases. The residents who receive that subsidy will be very grateful. Those who have already built their schemes and miss out on the subsidy are likely to be a little miffed.

Let us look at whether the promise meets the demand the minister is talking about. She has offered \$22.5 million to fund the gap. Let me define the gap. Under the previous schemes an up-front fee was payable on those projects. That fee varied between approximately \$1800 and \$1900 up to \$4000, according to the actual cost of the scheme. The gap is the difference between the previous up-front fee and the new one of \$800. In some cases that is \$1000 to \$1500 and in others as much as \$3200 or \$3300.

Mr Nardella interjected.

Mr McARTHUR — That is the gap, Don. Don't get too excited.

I have sought details on every one of approximately 60 schemes across the state, including how much extra money the government is promising. I have obtained information surreptitiously because people are afraid to give that information. They have been instructed not to do so, but some of them have risked their jobs and provided the information to me. I will detail the information I have.

Coliban Water is one of the major regional water authorities involved in the project. There are 22 schemes in the Coliban Water area, covering approximately 6600 allotments. The number varies a little because not all unoccupied allotments in the Coliban area will be serviced by the schemes. That is done to reduce the actual cost.

These 22 schemes previously had a \$1950 up-front fee; that is to be reduced to \$800. Therefore the gap is \$1150 per allotment, and the cost of the gap across the 22 schemes in Coliban Water's area is approximately \$7.6 million. In this case, where the government has made a commitment to Coliban Water I was able to find out the details — the promise was \$6.7 million. The shortfall in funding the Coliban Water area is about \$900 000, which will be met by either Coliban Water or the residents, or the schemes will not proceed. They are the three options.

In the case of Grampians Water, three schemes cover 1341 allotments. Again, previously the fee was \$1950 and the gap is \$1150 per allotment. The total cost of the gap is \$1.54 million, but I can find no information on how much the government has promised to Grampians Water.

In South West Water two schemes cover approximately 1200 allotments. The previous fee averaged \$2450 per allotment and the cost of the gap is around \$2 million, but again South West Water was unable to advise me of the information. The information tabled here today was obtained unofficially and confidentially.

In the case of East Gippsland Water, two schemes cover approximately 450 allotments. The previous fee was around \$4000 per allotment so the gap is \$3200 per allotment — the expensive end of the scale. The cost of the gap for those two schemes is around \$1.4 million.

In the case of Wandong–Heathcote Junction in the Goulburn Valley Water area there are 500 allotments on the program. The previous fee was \$2500. The cost of the gap is therefore \$850 000 and the government has offered \$750 000. Goulburn Valley Water has promised to meet the shortfall of \$100 000 so there will not be an additional charge to the residents. I am sure they will welcome that announcement from Goulburn Valley Water.

Let us look at the total amount, which covers 30 of the 60-odd schemes or around 10 000 of the 25 000 or so allotments across the state. The cost of the gap for the 30 schemes is approximately \$13.4 million. What is left of the minister's \$22.5 million? — about \$9 million to \$9.1 million. What does it have to cover? It covers over 30 schemes containing in the order of 15 000 allotments. Many of the schemes are at the expensive end of the scale because of the size of the towns and hamlets to be covered and the geography and topography of the region.

I would love to make the detailed information available to the house on each of the schemes, but it has been

denied. The government will not provide it and when approached the water authorities were unable or unwilling to provide it. Personnel said to go to the minister's office because they were in fear of their jobs if they gave out information.

On 19 May at Wandong the minister's adviser said the government and the minister expected a number of the schemes across Victoria not to proceed. That is how the minister intends to fund the gap: she expects a number of the proposed schemes not to proceed. Through the minister, the government is putting pressure on many country towns not to proceed with the programs. It will severely disadvantage those towns in the longer term because they already face difficulties attracting people, and environmental problems flowing from this situation will turn people away.

Snowy River

Let us now turn to Premier Bracks's much-vaunted discussions and negotiations with the New South Wales government and the federal government on Snowy River flows. Twice in the house the Premier has assured members that New South Wales is coming close to agreement on a 75–25 water share to provide water down the Snowy River. Let me repeat what the Premier said in the house on 11 April:

I can report to the house that significant progress was made ...

The New South Wales government has accepted responsibility for approaching the 75 per cent the government wants. That is a significant gain; that is very important.

The Victorian government wants the New South Wales government to provide three-quarters of the water.

On 11 April the Premier said that the New South Wales government is moving towards the 75 per cent; it agrees to the need to move away from a fifty-fifty water sharing arrangement, the previous position outlined in November last year by John Della Bosca, the New South Wales Special Minister for State.

On 14 April in the New South Wales Parliament John Della Bosca said:

That is why I wanted to reiterate the New South Wales government's position, which was put in some doubt by events in Victoria this week.

He was referring to the statement by Premier Bracks.

The New South Wales government's position remains the same. Any contribution to further water flows down the Snowy River must be on a one-to-one basis — not the three-to-one basis which has been called for — between the Victorian and New South Wales jurisdictions.

He went on to say:

New South Wales has taken the generous negotiating position that any water flows down the Snowy River will be on a one-for-one basis. That remains our position.

He went on:

Unless the government perceives that in the course of negotiation there is overwhelming benefit to the irrigators of New South Wales or the environment of the Murrumbidgee, Murray and Snowy rivers, it will not be changing its position.

There is the critical statement from John Della Bosca — three days after the Premier said that New South Wales was prepared to deliver on 75 per cent.

On 9 May I asked the Premier about this matter and in response to the question he said that he could confirm — I am paraphrasing because I am not allowed to quote — that since the statement was made by the New South Wales Special Minister for State, John Della Bosca, the New South Wales position had moved further. It had committed to the 28 per cent flow and the only residual issue to be resolved between the Victorian and New South Wales governments was the timetable. There was no other issue to resolve in relation to water flows.

What does John Della Bosca say about that? At almost the same time, on 5 May, he was saying:

The bottom line is this, on 25 November 1999 I outlined to the Parliament the negotiating position of the New South Wales government. That position remains unchanged ... The position remains that any contribution of water by New South Wales to enhance the Snowy River flow will be equally matched by Victoria.

New South Wales has not shifted. The Premier will not tell us accurately and honestly about the progress of the negotiations. The detail is shrouded in secrecy. This Premier preaches openness but he practices secrecy. This man is the Elmer Gantry of Victorian politics; he preaches one thing and practises another. He is the archetypal hypocrite of Victorian politics. He goes around telling the people of Victoria that good news is at hand while in the same week the New South Wales government is firmly telling its own people that no change has been made.

Consumer affairs: ethnic policy

Mr LIM (Clayton) — I grieve for the consumers of Victoria, especially those from ethnic communities and particularly during the years of the former Kennett government when the portfolio of consumer affairs was incorporated into the Department of Justice. I place on record that there was no justice whatsoever for

consumers during the seven years of the Kennett government.

Honourable members will recall that the 1998–99 annual report of the Department of Justice was tabled in Parliament in the early part of November last year. Buried in its pages are the appalling facts and figures showing how the major protector of consumer interest — the former Office of Fair Trading and Business Affairs — had been progressively silenced by the Kennett administration. Immediately after the release of that report, I brought to the attention of the house the startling figures which indicate the appalling state of affairs. The figures are buried on page 101.

In 1998–99 consumer calls to the Office of Fair Trading rose by 47 per cent to a staggering figure of 734 970. It is significant to compare that figure to the last year of the previous Labor government when the department received a total of only 274 257 calls. If honourable members are interested, the information can be found at page 17 of the 1991–92 annual report. Those figures must be considered in the context of the number of staff working in the department. Staff numbers have dropped from over 330 in 1992 to fewer than 200 last year. So while the number of calls demanding support from the department increased the number of people responding to that need fell considerably. The same report indicates that the call abandonment rate was in excess of 25 per cent and higher at peak times. Later I will illustrate that that figure was questioned by another source. Call waiting time has continued to grow due to the lack of operators.

An article in the *Herald Sun* of 23 August 1999 refers to this state of affairs and states:

The Office of Fair Trading is having difficulty coping with almost 1100 calls a day.

There would be even more if all those seeking help were able to get through.

An Insight investigation has revealed that consumers ringing the Office of Fair Trading with complaints experience delays of up to 45 minutes during busy periods.

A source with inside knowledge of the Office of Fair Trading said about 58 per cent of callers at peak time ended up giving in and hanging up the phone.

The Office of Fair Trading refused a *Herald Sun* request to release details of waiting times or call drop-out rates.

However, Office of Fair Trading figures obtained by Insight reveal the average drop-out rate between July 1998 and February this year was 27.5 per cent.

The article goes on to refer to the plight of the ethnic community and states:

Ethnic communities unaware of the Office of Fair Trading's responsibilities may be exposed to a high risk of harm because unscrupulous traders see them as an easy target.

Over 21 per cent of Victorians were born overseas and the predominant language spoken at home is a non-English one. It is apparent that there is a great need to assist new Australians to settle into our system of democracy and market economy. Its annual report shows that the former Office of Fair Trading and Business Affairs received a staggering figure of 734 970 consumer telephone calls per annum, but only 5 callers per week or the equivalent of 260 per annum sought telephone interpreter service assistance. That amounts to a miserable 0.06 per cent of all calls received from the ethnic community and does not reflect the composition of the non-English-speaking population of Victoria.

Of the 74 317 cases heard by the Victorian Civil and Administrative Tribunal last year, approximately 1500 sought telephone interpreter service assistance. That means that fewer than 30 ethnic cases a week asked for translation help. It is not difficult to imagine why new Australians are not using the legal institutions. Firstly, they may not know of them, and secondly, the culture and language barriers make it too difficult a process to even bother with. In other words, they are unable to exercise their democratic rights, and justice is continually being denied them. As I said earlier, there was no justice for consumers in this state during the Kennett years.

I direct particular attention to the detail and the break-up of the VCAT statistics because they reveal the plight of people in communities with non-English-speaking backgrounds. In 1998–99 VCAT heard 74 317 applications on issues including planning permits, tenancy and landlord cases, small consumer claims, domestic building disputes, guardianship matters and various other civil matters. It is interesting to go through the figures. Tenancy issues accounted for 59 234 of the applications. Of those 93 per cent were brought on by agents and landlords, 58 per cent by real estate agents, 25 per cent by the Director of Housing, 10 per cent by private landlords and only a small percentage — 7 per cent — by tenants.

I direct those figures to the attention of the house because during the previous Labor government's years an important program to assist tenants from non-English-speaking backgrounds was put into place. It was called the bilingual tenant support worker program and was constituted by workers from five language groups — namely, Cambodian, Vietnamese, Turkish, Spanish and Chinese. The workers were at the front line in helping tenants from new communities

who were struggling to negotiate the system to fight the red tape of the bureaucracy.

Bureaucratic hurdles are often alien to new arrivals, especially if their backgrounds preclude a familiarity with tenancy arrangements, because no matter how poor their backgrounds most would have owned their homes. Often they are in a metropolitan setting for the first time, and in an environment in which they have to rent accommodation and negotiate with landlords and estate agents they are sometimes ripped off. The former Labor government's bilingual support workers were able to help considerably. However, the first thing the Kennett government did when it came to power was scrap the program. That has created disaster among the communities where it is needed the most.

What I have brought to the attention of the house reflects very much the philosophy of the former government. Many honourable members, especially those on this side, will never forget the words of the former Premier, and I quote, 'The fat man must get fatter to help the thin man'. They were his words in his first week in power in 1992.

Mr Perton — What is the source of that? Where did you quote from?

Mr LIM — This is a striking example of how the Kennett government did not care about — —

Mr Perton — On a point of order, Madam Acting Speaker, as you are aware, a member quoting from a document or a source must provide the source of the quote. Would the honourable member do that?

The ACTING SPEAKER (Ms Barker) — Order! Will the member provide the source of the quote?

Mr LIM — Madam Acting Speaker, I did not quote from any source. Everyone knows those words of the former Premier; he shocked everybody in the state when he came to power by using those words. I therefore cannot refer to a source. Everyone remembers that that is what he said in his first week in power.

Mr Perton — On the point of order, Madam Acting Speaker, the honourable member cannot get away with that.

The ACTING SPEAKER (Ms Barker) — Order! I will call the honourable member for Doncaster in a moment. On the point of order, the honourable member for Clayton indicated that he was quoting something that former Premier Kennett had said. The honourable member specifically stated that he was quoting. If an honourable member indicates that, he or she must

indicate the source. If the honourable member is not able to indicate the source he must withdraw the quote.

Mr LIM — Madam Acting Speaker, I withdraw the so-called quote, but I refer to the common knowledge in Victoria that the former Premier said something to this effect: the fat man must get fatter to help the thin man. That is a striking example of how the Kennett government did not care about democratic rights and protecting the interests of consumers. It cared only about helping the top end of town. Those indecent and unfair ways of doing business have ceased in Victoria following the election of the Bracks government. I am sure the Labor government will ensure consumers receive a fair go and that recalcitrant traders are duly dealt with by the law.

The Labor government will work alongside business to help improve the marketplace for the benefit of the community. It believes that good businesses want recalcitrant businesses out of business as much as the government does. It wants a thriving and ethical marketplace in which all have the opportunity to grow and be treated fairly. The Labor government will make consumer affairs relevant and useful to everyone. Marketplace growth means everyone benefits from business development, improved employment opportunities, a wider choice of safer goods and services and community development.

I take the opportunity of commending the Minister for Consumer Affairs in the other place for having the foresight and vision to restructure the operation of the relevant agency. The new name, Consumer and Business Victoria, reflects what the agency is really all about. I congratulate her on her work so far and look forward to more action being directed to addressing the demonstrated needs of the community, especially ethnic communities.

Uni-ject: retractable syringes

Mr LUPTON (Knox) — I grieve for those people who have suffered and will suffer needle-stick injuries because retractable syringes are not being used.

As a member since 1997 of the parliamentary Drugs and Crime Prevention Committee I have a keen interest in drugs and their misuse in the community. In January I received a press cutting about a company called Uni-ject, which is located at Seaford. I subsequently arranged to visit the factory to see what the company meant when it said it had a safe needle that would save lives and stop needle-stick injuries.

An article in the *Sunday Herald Sun* of 13 February reports that the same firm is concerned that it is not

getting enough government assistance and that the syringes in question are not being used to a great degree in Victoria. I visited the factory on 14 February.

Much to my amazement when I arrived I found out that earlier that morning Uni-ject had been visited by the honourable member for Frankston East, who is the Parliamentary Secretary for Human Services.

I quote from an article that appeared in the *Sunday Herald Sun*:

We heard from both Thwaites and our local member, Matt Viney, when they were in opposition, but since they came to power they seem to have lost interest ... a planned meeting with Mr Viney last Friday was cancelled.

On the day of my visit, I think my appointment was at 2.00 p.m., I was informed that the honourable member for Frankston East had been there that morning to have a look at the place and determine what was going on. However, regrettably I have been advised that since that time the Minister for Health and the honourable member for Frankston East, who is now the minister's parliamentary secretary, have not seen fit to visit the establishment again.

My investigations reveal it is expected 2 million used syringes will be discarded on Victorian streets and beaches alone. Uni-ject has said that 99 per cent of its annual production of 5.5 million retractable syringes is exported to 10 countries, including the United States of America, Holland, Japan and China, yet here in Victoria, where it is expected that some 2 million used syringes will be found on streets and beaches, nothing has been done about it.

When I visited its factory Uni-ject had 100 000 retractable syringes in its warehouse waiting to be exported to the American military. I note that Australia imports 400 million syringes a year and I have been informed that Uni-ject is the only syringe manufacturer in the country. Apparently the American Congress is prepared to assist the firm and welcomes it with open arms. Its product has the approval of the United States of America's Food and Drug Administration and is extensively used by the American military forces.

I am not having a go at the honourable member for Frankston East — —

An Honourable Member — Why not?

Mr LUPTON — I am not doing that because the issue is bigger than politics. Uni-ject is an Australian company which is based in Victoria and which is manufacturing retractable syringes, yet it cannot sell the damned things to Victoria. I understand the reason is

that retractable syringes are a little dearer than normal syringes. Uni-ject is missing out on all the tenders. However, given the health issues involved and problems with the collection and disposal of discarded syringes, it is amazing — —

Mr Perton — And the environmental issues.

Mr LUPTON — I agree. The World Health Organisation is using retractable syringes in its immunisation programs. The disasters that occurred at the Frankston and Rosebud hospitals would not have happened if retractable syringes had been in use at the time.

I quote from federal *Hansard* of proceedings on 12 February 1997 — —

Mr Viney — On a point of order, Madam Acting Speaker, on a previous occasion in this house when I was contributing to a debate — as I recall you were in the chair — the honourable member for Doncaster raised a point of order about selective quoting from articles. You upheld the point of order and I subsequently quoted from that article in full. The honourable member for Knox has quoted selectively from the article that referred to me. He omitted to say that in the same article Uni-ject had extensively criticised the previous government for having no interest in the company. I met with the company on the following Monday — —

The ACTING SPEAKER (Ms Davies) — Order! I ask the honourable member for Frankston East to come to the point of order urgently and then to sit down again. What is the point of order?

Mr Viney — The point of order is that I understood that on a previous occasion you ruled that members should quote accurately and fully from articles. The honourable member for Knox has misrepresented the full story.

The ACTING SPEAKER (Ms Davies) — Order! Has the honourable member for Knox quoted from a document?

Mr LUPTON — Yes, Madam Acting Speaker, I indicated that the article appeared in the *Sunday Herald Sun*.

The ACTING SPEAKER (Ms Davies) — Order! Has the honourable member properly referred to that particular document?

Mr LUPTON — I am happy to table the whole lot. He can enshrine it in the manuscripts of — —

The ACTING SPEAKER (Ms Davies) — Order! There is no point of order. I ask the honourable member for Knox to continue with his contribution.

Mr LUPTON — Thank you, Madam Acting Speaker. I was trying to be polite to the honourable member for Frankston East, but if he wants me to go in boots and all, I will follow suit because he has not been back to that place since he visited it on 14 February. He is the parliamentary secretary to the health minister and the business is in his own electorate, yet he has not taken up the issue.

Honourable members interjecting.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Doncaster!

Mr LUPTON — This is more important than party politics. The issue concerns a Victorian company that manufactures retractable syringes. Federal *Hansard* of 12 February 1997 states:

In a 1992 survey of hospital emergency departments accredited by the Australasian College for Emergency Medicine it was found that an average rate of reported needle-stick injury was two per hundred hospital beds per month, or at least 4200 injuries across Australia per year.

A United States source estimates that the cost of each needle-stick injury varies between \$A525 and \$A1700 ...

The importance of this product —

it refers to the Uni-ject retractable syringe —

is reflected in the fact that this country imports the vast majority of its syringes — about 450 million of them each year ...

A Sydney University 1994 study suggested that 27 per cent of nurses in medical wards at the Royal Prince Alfred Hospital and 42 per cent of surgical ward nurses have sustained a needle-stick injury over the past two years. Every doctor in a surgical unit as well as 57 per cent of those in surgical wards have received a needle-stick injury.

An Australian company based in Victoria — I wish it were in my electorate — has a product which is being used extensively overseas and which would to a large extent eradicate needle-stick injuries in Victoria, yet it is not being utilised.

The honourable member for Frankston East, who spent 10 minutes raising a point of order cum personal explanation, spoke about the former government. He is right. Under the former government the firm tendered and was ruled out by cost. For God's sake, both sides of the house should get together. It may be more expensive to purchase the needles initially, but if lives are saved and the environmental damage is reduced,

Victorians will be better off. I am disappointed that the Minister for Health, who supplied a great deal of data to Uni-ject, has not seen fit to pursue the matter.

I will demonstrate — and I hope Hansard can work it out — how the needle works. The needle is put in, the cover is removed and the solution drawn up the shaft.

Ms Allan interjected.

Mr LUPTON — Hold on, if you listen you may learn something. The plunger is pushed down, the syringe is emptied and the needle is withdrawn — and it ends up inside the capsule. However, because of funding decisions made by the former and current governments, Victorians cannot use the damn thing. It is safe, and it may be left on the ground without the risk of anyone receiving a needle-stick injury. The honourable member for Frankston East is nodding, yet no-one is taking up the challenge and assisting the company.

The syringe I used in the demonstration holds 5 millilitres. Apparently a drug addict uses a 1-millilitre syringe. However, with initiative and government assistance surely 1-millilitre syringes can be made for use by drug addicts. One must bear in mind that drug addicts are issued with free needles, which they chuck over roads, in gutters and on beaches. As a result people are suffering needle-stick injuries — and so it goes on. If government members used their brains the problem of needle-stick injuries would be eradicated. It is commonsense.

Victorian Workcover Authority figures given to the Minister for Health during his time as shadow minister — I am happy to table the document — show that in 1996–97 there were 273 minor claims and in 1997–98, 360. The figures also show that of the 1220 exposures reported 1003 were percutaneous exposures — that is, through-the-skin needle-stick injuries. Some 61 per cent of exposures were reported by nursing staff, 21 per cent by medical staff and 3 per cent by laboratory staff. Thirty-three per cent of exposures occurred in patients' rooms and 23 per cent in the operating theatre.

Although I have visited the Uni-ject premises on only one occasion I was impressed with what I saw. Its product, which appears to be foolproof, will eradicate needle-stick injuries. When one looks at the social implications of such injuries, including marriage breakdowns and family trauma, one cannot put a figure on the cost.

The company needs a government member to examine the situation with an open mind. The Treasurer controls

\$170 million in development funding, and surely some of that could be used to protect the lives and improve the wellbeing of Victorians. With commonsense the use of Uni-ject's product will reduce the risks caused by the irresponsible disposal of needles by drug addicts.

Calder Highway: federal funding

Ms ALLAN (Bendigo East) — I grieve for the lack of funding for the duplication and completion of the Calder Highway and for all the other projects left unfunded by successive state and federal coalition governments. Work on the completion of the Calder Highway has continued for many years. Some honourable members are well aware of the problems caused by the highway not being duplicated to Bendigo. Before the election the Labor Party reiterated its clear commitment to fund the completion of the Calder Highway by 2006.

Safety issues continually arise along the highway. As honourable members know, Victoria is experiencing extreme weather conditions. As I was driving down the highway on Tuesday morning I had to cope with snow in the Black Forest, black ice on the road and generally heavy traffic conditions. Not only during winter but at other times of the year motorists driving along the highway must cope with the difficult conditions caused by the high traffic volume, which increases further during seasonal holidays such as Christmas, Easter and long weekends, making it unsafe to travel.

The road is not duplicated all the way to Bendigo. We are getting there but it is being done in stages. A few sections are yet to be duplicated and today I will focus on the single-lane stage between Kyneton and Woodend, which is known as the Karlsruhe section of the Calder Highway. People in central Victoria feel very strongly about the issue because almost daily we have been experiencing tragedies, accidents and near misses on the Calder Highway. People in the electorate of Gisborne experience such accidents far too often. Many cars on the highway have little bumper stickers with the words 'Use caution on the Calder' on them.

For many years the people of central Victoria have been let down by politicians who have used the completion of the duplication of the Calder Highway as a political football — it has been tossed between the federal and state governments. I could go through the complete and long history of the project. Very few people would be surprised to hear that the former Kennett government was the first government to turn its back on motorists who use the Calder Highway. The Kennett government had an agreement with the then federal Labor government, led by Paul Keating, that the federal

government would complete the Western Ring Road in return for the state government completing the Calder Highway duplication to Bendigo by 2001. Now, in 2000, the highway is nowhere near being completed by 2001 because of the lack of action by the Kennett government.

After the last election the Bracks Labor Party decided that enough was enough and that it would complete the Calder Highway by 2006. The federal Howard Liberal-National government is now turning its back on motorists who travel on the Calder Highway, particularly the people of central Victoria who use the road as their main arterial link to Melbourne.

As I said, I will focus most of my attention on the Karlsruhe section of the road which is a single lane each way between Kyneton and Woodend. The Woodend section is currently under construction and that work is due to be completed next year. It will be a great day. The highway has already been duplicated from Kyneton so there will be a stretch of single-lane highway between Kyneton and Woodend. The traffic will travel on a dual carriageway, be forced to go into a single lane each way and then go back to double lanes. Such travelling conditions are difficult. In extreme weather conditions and at peak holiday times the road can become congested and the lane change will be a significant traffic hazard.

I encourage honourable members to look through the federal budget to find where the federal government has provided for completion of the Karlsruhe section of the Calder Highway. They will not find it — nowhere in the federal budget papers does the federal government commit to funding the completion of the Calder Highway duplication to Bendigo. In the *Bendigo Advertiser* the Deputy Prime Minister and Minister for Transport and Regional Services John Anderson is reported as saying:

... one of the federal roads program targets was to have 'substantial completion of duplication along the Calder Highway between Melbourne and Bendigo' by 2006.

I grieve today about John Anderson's mealy-mouthed words 'substantial completion', if nothing else. There is no funding commitment behind those words. No funds have been committed to completing the Karlsruhe bypass despite the Bracks government's commitment of \$7 million to that project. All John Anderson can do is say that the Karlsruhe bypass will be substantially completed. I speculate as to whether the federal Leader of the National Party, Deputy Prime Minister and Minister for Transport and Regional Services is a weak-willed minister or does not care! Does he not care about the Calder Highway, about the almost-daily

accidents, about the people who are dying on that road or about the safety of the drivers?

It is interesting to note that John Anderson is a National Party politician. Members of the National Party say a lot about road funding but the party does not seem to match its words with any money. John Anderson is the Minister for Transport and Regional Services but it is hard to remember when he was last in central Victoria.

Honourable members interjecting.

Ms ALLAN — Sorry, I understand somebody bumped into him in Benalla. It is a pity that the Karlsruhe section of the Calder Highway is not near Benalla because it might have been given some funding.

Honourable members interjecting.

Ms ALLAN — John Anderson is the federal minister with responsibility for the area. He can tick off the project and agree to the federal government completing the Karlsruhe section of the Calder Highway. The federal government could tell the people of central Victoria that it wants them travelling on a safe road and that it acknowledges that the Bracks Labor government committed \$7 million so that the road will be completed by 2006. However, John Anderson has told the people of central Victoria that the federal government will not do that. He has turned his back on the motorists who travel on that stretch of road.

As I said, members of the National Party talk a lot about roads — they seem to like their roads and bridges. I acknowledge that there is a vast road network throughout country Victoria and that its upkeep requires a lot of money. However, we have heard nothing from state National Party members on the issue. Given that John Anderson is their federal leader one might have expected them to have had the courage to stand up to him and tell him that they want the road funded because they are interested in the safety of motorists in central Victoria. Sadly we have not heard anything. The same members of Parliament were not afraid to use the issue as a political football. They were not afraid to have the completion date kicked back and forth between Canberra and Melbourne but now we are hearing nothing but deathly silence from members of the state National Party.

It is interesting to note that many National Party electorates are affected by the decision not to fund the Karlsruhe section of the Calder Highway.

Mr Robinson interjected.

Ms ALLAN — The member for Mitcham interjects that there are not too many National Party electorates left — and I concede that point. However, each week when coming to and going home from Parliament some National Party members need to drive along the Calder Highway. Admittedly they have to travel through the electorates of Tullamarine, Gisborne, Bendigo West and Bendigo East before they get to a National Party electorate. As Swan Hill and Rodney lie to the north of Bendigo East, 33 per cent of National Party members in this house — that is, two of the six — are affected by the decision of John Anderson, the weak federal minister who is not interested in road safety in central Victoria.

One might have expected those members to have stood up to their federal colleagues — goodness knows we are waiting for them to stand up to the state Liberal Party — but the Calder Highway has been dumped by the federal National Party and there has been nothing but a deafening silence from state National Party members.

The National Party should be careful that the state Liberal Party does not dump it. I note an article that appeared in the *Bendigo Advertiser* of 18 May, headed 'Liberals mourn sacrifice'. The Deputy Leader of the Liberal Party was in Bendigo on 17 May and gave an interview to a journalist at the newspaper. What were the Liberals mourning? Were they mourning the lack of funding for the Karlsruhe section of the Calder Highway? No. Were they mourning the fact that the federal government was not interested in the safety of motorists in country Victoria? No — they were mourning the fact that the Liberal Party did not run a candidate in the seat of Benalla. I would love to read many quotes from the article into *Hansard* but will read only a couple. The Deputy Leader of the Liberal Party is reported as having said:

'From our point of view, agreeing not to run was a real concession to the National Party' ...

The Liberal Party is not interested in country Victoria. If the National Party says it can win a seat, the Liberal Party will let it go alone but later will mourn the sacrifice it made. The Deputy Leader of the Liberal Party is reported as having said also:

I suppose the Liberals' point of view ... is that ... Peter Ryan had come to us and asked us not to run.

'There was a lot of stress, particularly with our branches in that area, because they wanted to run a candidate and they wanted to vote for a Liberal.

This is the same Liberal Party that has let country Victorians down for years.

Honourable members interjecting.

The ACTING SPEAKER (Ms Davies) — Order!
The honourable member for Doncaster!

Ms ALLAN — Obviously members opposite do not want to hear what the Deputy Leader of the Liberal Party says when she visits regional areas of the state. I will repeat that quote because some members opposite might have missed what I said. The Deputy Leader of the Liberal Party is reported as having said:

There was a lot of stress, particularly with our branches in that area, because they wanted to run a candidate and they wanted to vote for a Liberal.

Not a National, a Liberal. The deputy leader is also reported as having said:

So in the interests of the partnership, we said: ‘Well, if you think you can win this seat on your own and you want to handle it on your own ... we will support that’.

So I think that the Liberal Party made a very significant sacrifice because the coalition deal stitched up between ... Jeff Kennett and Pat McNamara and the party organisations was ... that as soon as there was a retirement, there was an automatic right to contest.

The Carlsruhe section of the Calder Highway has been dumped by the federal National Party minister, who is the federal Leader of the National Party. The state National Party had better be careful about what the Deputy Leader of the Liberal Party is saying in regional areas.

I continue to grieve for the section of the Calder Highway that the federal government turned its back on. As I said, Victorians can take comfort from the Bracks government’s commitment to the completion of the duplication of the Calder Highway. The government has committed \$7 million to the Carlsruhe section of the bypass and will continue — unlike the National Party and the Liberal Party — to push the federal government to ensure that the road is completed by 2006. That will be difficult because the federal budget delivered earlier this month cut Victoria’s road funding from 17 per cent to 15 per cent, despite Victoria’s 25 per cent contribution to the federal fuel levy.

An honourable member interjected.

Ms ALLAN — It is disgraceful, considering the vast road network that was left neglected by the former Liberal–National state government. Victoria needs some assistance from the federal government on the matter, but, no, Peter Costello — the federal Treasurer who hails from Victoria — has neglected — —

Opposition members interjecting.

Ms ALLAN — Honourable members opposite should talk to their so-called friend because people in country Victoria are suffering from the cuts to funding that their friend is inflicting on Victoria’s road network.

I also urge National Party members opposite to raise the matter with the federal minister — because it is important. I would not be raising it today if it were not important to motorists in central Victoria who, like myself, are faced with travelling along the road on a daily basis — I am travelling on it far too often, as is my wont. We have to travel on that road to Melbourne and — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Davies) — Order!
The honourable member, without assistance from the opposition. Order! The honourable member for Doncaster!

Ms ALLAN — Not 1 cent has been allocated to the Carlsruhe section of the Calder Highway. As I said, Victoria’s federal budget allocation for roads was slashed from 17 per cent to 15 per cent. The federal Liberal–National government does not care, and honourable members of the state coalition or partnership — sorry, I keep wanting to call them the coalition — are more interested in mirth and joviality than thinking about people in central Victoria who have to travel up and down the road, particularly in the depths of winter when road conditions are difficult.

Honourable members interjecting.

The ACTING SPEAKER (Ms Davies) — Order! I have asked the honourable member for Doncaster to refrain from interjecting several times.

The honourable member’s time has now expired. The time set down for grievances has expired.

Question agreed to.

CONSTITUTION (AMENDMENT) BILL

Introduction and first reading

Mr BRACKS (Premier) introduced a bill to amend the Constitution Act 1975 by making provision for the passage of an annual appropriation bill and other powers of the houses of the Parliament and the duration of the houses of Parliament, to amend The Constitution Act Amendment Act 1958, the Electoral Boundaries Commission Act 1982, the Parliamentary Committees

Act 1968 and the Parliamentary Salaries and Superannuation Act 1968 and for other purposes.

Read first time.

DRUGS, POISONS AND CONTROLLED SUBSTANCES (INJECTING FACILITIES TRIAL) BILL

Introduction and first reading

Mr THWAITES (Minister for Health) — I move:

That I have leave to bring in a bill to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for the trial of injecting facilities for drugs of dependence and for other purposes.

Mr DOYLE (Malvern) — Normally I would seek a brief explanation of the specific issues covered by the amendment to the Drugs, Poisons and Controlled Substances Act, and I do ask for that, but I also ask that the minister commit to allowing an appropriate period during the winter recess to permit full consultation and enable information to be made available for all members of Parliament so their questions and concerns can put on the table, addressed and answered before we debate the legislation in the spring sessional period.

The ACTING SPEAKER (Ms Davies) — Order! I understand honourable members should at this stage ask for a brief explanation.

Mr THWAITES (Minister for Health) (By leave) — The honourable member for Malvern made a broad request, which I am happy to answer. In relation to the latter part of his request, I inform him that every opportunity will be made available for consultation and briefing on the bill. I give that assurance to the honourable member for Malvern and all other members of Parliament.

The legislation enables a trial of injecting facilities to take place in and with the consent of five municipalities: the City of Melbourne, the City of Maribyrnong, the City of Yarra, the City of Port Phillip and the City of Greater Dandenong.

Motion agreed to.

Read first time.

CONSTITUTION (PROPORTIONAL REPRESENTATION) BILL

Introduction and first reading

Mr BRACKS (Premier) — I move:

That I have leave to bring in a bill to reform the Constitution Act 1975 by making provision for the constitution of the houses of Parliament and for the election of members of the Legislative Council using proportional representation, to amend the Constitution Act 1975, The Constitution Act Amendment Act 1958 and the Electoral Boundaries Commission Act 1982 and for other purposes.

Mr PERTON (Doncaster) — I ask the Premier for a brief explanation of the bill.

Mr BRACKS (Premier) (By leave) — The bill will implement the government's policy on proportional representation in the Legislative Council and will provide for fixed four-year terms. I have brought in two bills, the first of which I introduced earlier. Although I was not asked to provide an explanation of that bill, I inform the house that it is about the boundaries and the system of election that provides for proportional representation and fixed four-year terms. This bill specifically deals with four-year terms and proportional representation.

Motion agreed to.

Read first time.

PLANNING AND ENVIRONMENT (RESTRICTIVE COVENANTS) BILL

Introduction and first reading

Mr THWAITES (Minister for Health) introduced a bill to amend the Planning and Environment Act 1987 in relation to restrictive covenants and for other purposes.

Read first time.

ENVIRONMENT PROTECTION (ENFORCEMENT AND PENALTIES) BILL

Government amendments circulated by Ms GARBUTT (Minister for Environment and Conservation) pursuant to sessional orders.

Second reading

Debate resumed from 13 April; motion of Ms GARBUTT (Minister for Environment and Conservation).

Mr PERTON (Doncaster) — I speak with pride on the issue of environment protection. The Liberal Party has a proud record in this area during its term in government in the 1970s and early 1980s, as does the coalition government from 1992 to 1999.

During the debates on two bills introduced in this parliamentary session I have spoken about the proud record of achievement of previous Liberal governments, in particular the roles played by Sir Henry Bolte and Sir Rupert Hamer in introducing the Environment Protection Act and the National Parks Act.

In preparation for this debate on the Environment Protection (Enforcement and Penalties) Bill I read about the history of the Environment Protection Authority in a document entitled *Between a Rock and a Hard Place — The Story of the Development of the EPA*, the author of which is Mr Ari Unglik. It is a good, friendly, chatty history that includes a good discussion of the early years of the authority.

There was no such agency before that body was established, so the control of the water supply, for example, was spread across 22 acts and administered by 26 different authorities. That situation is, however, probably typical of environment administration of the time, not just in Victoria and Australia but probably among western countries worldwide.

In early 1970 Sir Henry Bolte recognised a change in community thinking arising out of the social upheavals of the late 1960s. He called upon a group of people including Mr Bill Borthwick, a former member for Monbulk and the man who became the first chairman of the Environment Protection Authority (EPA), to take on a strong role in reforming the then Liberal government's administration of the environment.

On 12 May 1970 Premier Bolte promised a number of important environmental changes including an increase in the number and size of national parks, stronger enforcement of the Clean Air Act, the acquisition of large areas of the Dandenongs for public use and, above all, the establishment of a Victorian pollution control authority with broad-ranging powers. That organisation was to become known as the Environment Protection Authority.

My pride in that record of achievement is matched by the pride held by the EPA itself and by all those who believe in clean air and clean water. You would be aware, Madam Acting Speaker, that most Victorians when polled on environmental questions say that their

most important concern is for clean air and the next is for clean water.

I refer honourable members to the concluding section of the book in which the author states:

These improvements have been significant and ongoing since the EPA began its operations in the 1970s.

During that time Melbourne has grown by almost three-quarters of a million people. Motor vehicle registrations have more than doubled. The metropolitan area has sprawled further and further with more roads, driveways, shopping centres, roofs and other paved surfaces. Industry has also grown. Under these circumstances just holding ground would have been judged a success.

But the story is better than that.

Air quality has not only been maintained, but substantially improved. The number of high ozone days has fallen dramatically, from around 23 a year to less than 3 a year. The number of visibility-impaired days has been halved and the concentration of lead in air has been reduced to about a quarter of its peak. Importantly, lead levels in children's blood have been halved.

In 1970 it was almost possible to walk on the Maribymong. Now Melburnians can swim in the Maribymong and safely eat its fish.

The Yarra is still brown from sediment but it too has a thriving fish population and heavy metal levels have dropped dramatically.

And the book was written in 1995!

The author continues:

Port Phillip Bay has recently undergone a \$12 million check-up and was declared healthy. Mercury levels in fish, once a serious problem, are now within safety limits.

While the problem of hazardous wastes has not been completely eradicated, it is now well managed and cleaner production is increasingly being adopted by industry as a sensible and cost-effective way of avoiding environmental problems.

Victoria has a proud history of environmental protection, starting in 1970 when Sir Henry Bolte initiated a process to establish the Environment Protection Authority and continuing through the years of Sir Rupert Hamer, Lindsay Thompson, Premier Cain, Premier Kirner and, of course, Premier Kennett.

It is a proud record of strongly bipartisan endeavour and a process in which Victorians have worked as a community. Community working bees, as all honourable members know from their own constituencies, attract vast numbers of people. All honourable members will also know from their visits to primary and secondary schools that the first topic raised by children for action by governments usually has

something to do with the environment. As Victorians we can be very proud of our record of achievement, a lot of which has been accomplished through consultative processes. Environment protection can not be achieved through policing alone; in the end it is a matter of individual and social responsibility shown by each of us.

I never cease to be disappointed when on a Monday morning walking in Warrandyte I see the litter left at the side of the river by young people for other community members to clean up. That experience shows me that we have to be able to demonstrate to young people the importance of personal actions in the resolution of environmental problems.

Social responsibility shown by people in industry has increased dramatically. Parents often talk about disciplines imposed by children on themselves with regard to recycling, and no company working with young employees today can get away socially with environmentally irresponsible processes and behaviours. Penalties do not really matter, nor how many police or inspectors there are. The environment in Victoria is a hell of a lot better now than it was 30 years ago because the community works responsibly and cooperatively.

The bill is unusual because its provisions cover a wide range and there is no single, clear objective. The briefing notes circulated at the time of the second reading say that the essential purposes of the legislation are to increase penalties, enhance the enforcement capabilities of the EPA, introduce an alternative penalty mechanism including the publication of offences and consequences and the possibility of a convicted person undertaking specified environment projects, extend the current landfill levy to cover all waste going to land fill, require regional waste management groups to produce annual business plans and enhance the EPA's regulation-making powers.

It is said that that is mainly for the purpose of providing flexibility in inappropriate requirements for hay-carting vehicles and to prohibit the supply of wood combustion heaters that do not meet Australian emission standards. A number of miscellaneous amendments are made, too.

Having regard to that grab bag of matters, one would have expected wide-ranging consultation, particularly given the increase in penalties. The penalties increase from some \$20 000 to almost \$250 000. Many people in the community would say that is a good thing: that the penalties in New South Wales are much higher than those in Victoria and that therefore Victoria should

increase its penalties to somehow reach parity with New South Wales.

What is the rationale for that, other than parity? Is the environment in New South Wales any better than that of Victoria? Is the water supply in New South Wales any better than that of Victoria? We need only ask any Sydneysider whether the water supply in Sydney is better than that in Melbourne. The answer is clearly no. Is air quality in Sydney any better than in Melbourne? Based on personal observation or asking any Sydneysider to answer with objective measure, the answer is clearly no. Is the control of human waste and effluent from the environment into the sea near Sydney any better than that around Melbourne? The answer is clearly no.

What is the point of increasing the penalties tenfold? There is nothing in the second-reading speech and nothing in the material that indicates those increased penalties will be any more effective in protecting the Victorian environment. Under the provisions in clause 5 if a person is found guilty of an offence against the bill the court may, in addition to or instead of any other penalty, order the person to do one or more of the following: publicise the offence; publicise the environmental or other consequences arising from the offence; publicise penalties imposed or orders made as a result of the offence; take action to notify specific people of the offence; or carry out a specified project for the restoration and enhancement of the environment in a public place, even if the project is unrelated to the offence.

In respect of the last action, no-one in the chamber would oppose such a power on the part of the court to require an offender against the Environment Protection Act to take steps to undertake a project that will improve the environment. But the other provisions enforce publicity and self-mortification — almost a modern version of the stocks, with the medieval idea that a convicted person, a wrongdoer, ought to be laid out in stocks in a public place and held up to ridicule; that is an ancient notion.

When I looked at the provision I thought it was unusual. I asked the briefing officers — namely, the chairman of the Environment Protection Authority and his officers — where else such a law applied. They indicated it applied in New South Wales and California. I asked at that point whether there was any material that demonstrated its effectiveness. Did it make people comply with environmental law? Did it act as a deterrent to people contemplating breaking environmental law? Sadly there is no evidence to that effect. We are introducing a provision for

self-publication of offences merely because it exists in New South Wales and California.

While the opposition will not oppose the provisions, I would like the minister, if she will not consider the matter while the bill is before the house, to send a reference to the Environment and Natural Resources Committee to examine the way the increased penalties and the provisions of clause 5 will work. To the best of my knowledge there is no good material, either scientific or statistical, that demonstrates that Victoria will be any better served by those new penalties.

Mr Mulder — How about public stoning?

Mr PERTON — The honourable member for Polwarth inappropriately makes light of the matter. One can increase penalties for the purposes of gaining additional revenue for the state. There is no doubt the new penalties will gain additional revenue for the state, which as I understand it will go into consolidated revenue. I am not sure that will have a particularly efficacious effect. No parties in the community are willing to stand up and say the provisions are wrong. Such legislation was certainly a part of the government policy process. What I suggest and what I ask the minister to do is consider in 12 months time reviewing the effect of the penalties to determine whether they have in any way improved environmental compliance in Victoria.

The penalty increases are hefty. One would have thought that the minister and her staff would have engaged in considerable consultation, that certainly they would have talked to the environmental movement and to industry.

Ms Beattie — Come out to Hume to see the dumping.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Doncaster knows not to respond to interjections. The honourable member, on the bill.

Mr PERTON — I could not hear what the honourable member for Tullamarine was saying. She makes a valid point. It would have been good for the minister to go out to Hume City Council as well and to have consulted and looked at the problems of waste management. I think that is what the honourable member for Tullamarine was implying.

What I find really confusing about the bill is that it appears to have been drafted in the department and perhaps in the EPA in quite a final form. Only a week to a week and a half before the introduction to the

house was any consultation on the bill undertaken. It may have been a couple of weeks, but certainly it was no lengthy period.

Madam Acting Speaker, being a party to the charter, you know that consultation is more than just meeting with the parties involved and saying, 'This is the bill we are going to introduce. Stick it'. Consultation implies that one will go to the party one is consulting with to listen — to hear the views of the other side — and to respond with amendments or changes as appropriate. That has not been the case in this instance.

I quote from a letter from the Australian Industry Group (AIG), dated 5 April 2000 and directed to a Ms Jennifer Wolcott, director, policy development, Environment Protection Authority. The second paragraph states:

The AI Group is concerned by the short consultation time allowed for this process. While we recognise the issues under consideration in this bill may not require lengthy and detailed consultation we hope this 'compressed consultation' method does not become standard practice for other more significant issues. Further to this we are also concerned about the policy decision not to allow stakeholders to see and examine the details contained within the draft bill.

Did you hear that, Madam Acting Speaker? The so-called transparent Labor government governing under a charter directed the Australian Industry Group not to allow stakeholders to examine the details contained within the draft bill.

Perhaps a straightforward interpretation of the paragraph is that not even the AIG that was being consulted was allowed to see the draft bill.

AI Group believes a thorough consultation process with stakeholders will deliver more efficient and effective regulation. We strongly recommend this policy be reviewed and that consultation, even in an 'in-confidence' basis, should proceed in a more transparent manner.

The Minister for Police and Emergency Services is sitting opposite; just the other day he said to a shadow minister, 'You are delivering the speech I used to deliver'. The reality is the government came to power not through majority election but through the signature of a charter requiring good consultation and transparency. In relation to the bill it is clear they did not do this.

In relation to the penalty increases the AIG goes on to say:

Any review of the penalty provisions within the Environment Protection Act must encompass an overall review of enforcement policy provisions and an examination of the offences being considered and ensure that the penalty is appropriate to the offence. Following the review, any substantial increase in penalties such as the 1200 per cent

increase being proposed, should be phased in, not introduced in one step.

AI Group does not support the increase in the penalty infringement notice from \$800 to \$5000. This increase is completely inconsistent with the philosophy of 'on-the-spot' fines and would result in a reduction in efficiency of enforcement activities.

Extraordinary! An important piece of legislation is introduced and the AIG — probably the most important representative group in industry — is saying the consultation process was a fraud. I should have thought better would have been done. I was chairman of the Scrutiny of Acts and Regulations Committee several years ago when the EPA introduced the prescribed premises regulations. In that case the basic argument put to the committee was, 'We do not need to consult on this matter because we cannot find the data'.

On that occasion the predecessor body to the AIG, the Australian Chamber of Manufactures, readily indicated that had the EPA come to it at that time, the chamber would have obtained the statistics for it. Indeed the statistics might have been available. At that time a very good protocol was signed between the chairman of the EPA and the Chamber of Manufactures, as it was, to enable excellent consultation: I recall the protocol was then described as one of the best in the world for consultation between an environment protection agency and an employer group.

Under this minister and her advisers, the EPA has not been allowed to consult in the way it consulted under the protocol with the Chamber of Manufactures or the way it consulted during the term of the Kennett government, and indicating — distressing as it is to anyone concerned about the environment — that the consultation in respect of these very difficult pieces of legislation is, if anything, worse than ever before.

It is not only the employers who are concerned about this. The Municipal Association of Victoria (MAV) — hardly an enemy of the government — also expressed concern in a letter dated 12 May 2000 addressed to the Honourable Sherryl Garbutt, Minister for Environment and Conservation. Under the heading 'Clause 7 — Enforcement penalties' the letter states:

The association understands the need to increase the penalties under the act; it suggests, however, that there is a need for a clear statement of policy by the EPA as to how this will be administered in order that minor offences are not indiscriminately dealt with. The focus of any process should be on persistent offenders.

I have looked at the second-reading speech and can see no trace of the comments by the MAV either in the consultation before the introduction of the bill or

subsequent to the letter sent by the MAV. That distresses many people in the industry.

Further, I quote from a letter from Mr Richard Bowers, the director of Fyansford Waste Disposal and Recycling Centre in the suburbs of Geelong. His concern is that the new penalty infringement notices (PINs) could apply to the company in these circumstances:

Windblown material

It is difficult for us even on this former quarry site to manage the wind and the effects of it. We can erect surface perimeter fences to stop ground-blown material leaving the site, but we have no control over wind updrafts that may occur from within the site. A 6-metre fence cannot contain this material. How do you suggest we stop it?

The letter goes on to say:

Your legislation must be discriminatory if you only target a tip operator with fines of \$5000 as proposed for a windblown plastic bag leaving the site.

That is a legitimate concern from a business in Geelong and it is the same fear expressed by the AIG that has no idea of how the new heavily increased penalties will be implemented.

In the circumstances the opposition will not oppose the changes, as none of the industry groups concerned has indicated opposition to increased penalties, but I ask the minister to consider an all-party inquiry, probably in 12 months to two years time, to examine the efficacy of the changes.

The minister is not keen on all-party committees. I understand from a recent meeting in which a group of people complained to her about the legislation that it was put to her that an all-party committee might be appropriate. Her response was something to the effect of, 'That will take two years!'. Maybe the minister has not worked hard on parliamentary committees; maybe she has not paid much attention to parliamentary committees, but as you and I both know, Madam Acting Speaker, the Victoria parliamentary committee system is one of the best in the world. In general, the committees come up with unanimous recommendations from Labor, Liberal, National and, in the new environment, Independent members of Parliament. I can think of no better way to review the legislation a year or two down the track than in the all-party environment.

Given this is the last sitting week and many members still want to make speeches about the budget, I will not go through each provision in detail; rather, I will stick to the main ones.

Clause 13 gives the Environment Protection Authority the power to determine whether a person is fit and proper with reference to the issuing of licences, which really bugs me. In the opposition's briefing, that took about 10 days to get — and I make no complaint about that — I directly asked the chairman of the EPA whether he thought the clause was a bit broad. For example, in determining authorisation for a works approval or a licence the authority can have regard to the fact that a person has been found guilty of one or more offences against the act or any other law in Victoria or elsewhere.

In other words, it is quite conceivable that if a person has been guilty of a graffiti offence or a minor traffic offence at any time, he or she would be required to disclose that in any application for a works approval, a licence or a research, development and demonstration approval. I think you, Madam Acting Speaker, would agree with me that a minor traffic offence should not be something that someone should be required to disclose in seeking authorisation under the Environment Protection Act.

The bill goes beyond that because clause 13(3)(c) provides that:

... if the person applying for the issue, transfer or amendment is a corporation, and any director or person who is concerned in the management of the corporation —

- (i) has been found guilty of one or more offences against this Act or any other law in Victoria or elsewhere ...

The authority could then examine whether that person is fit and proper. While I have great faith in the general effectiveness of the EPA in respect of the environment, it is totally inappropriate for it to be able to require the disclosure of any offences by a person. In the case of a corporation, theoretically it would have to disclose any offences committed under any act in Victoria by, for example, the sales manager or the human resources manager. Clearly it is a very silly provision.

Mr Helper — Or the honourable member for Doncaster!

The ACTING SPEAKER (Ms Davies) — Order! I ask the honourable member for Doncaster not respond to interjections and continue to speak on the bill.

Mr PERTON — Or indeed the honourable member for Ripon. I am sure that driving the distances he does — —

Ms Allan interjected.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Bendigo East is out of her place and her interjections are disorderly.

Mr PERTON — The honourable member for Ripon would also find it offensive that either he or a company he was involved in would be required to engage in an investigation of whether he or his sales manager or any other person had committed any offence against any act in Victoria.

During the briefing there was a robust discussion, and the chairman of the EPA said he would consider the matter. Subsequently the minister's adviser indicated to me that the minister would reconsider her position. At 9.15 p.m. last night — five weeks later I think it is — I was finally informed that an amendment would be moved relating to this matter that had been raised not only by me but subsequently by the Scrutiny of Acts and Regulations Committee. The amendment requires that an offence must be disclosed if it is a relevant indictable offence, an offence committed outside Victoria that would have been indictable if it had been committed in Victoria on the date it was committed, or a summary offence under this act, the Dangerous Goods Act, the Occupational Health and Safety Act or the Equipment (Public Safety) Act.

Honourable members might still argue that some indictable offences such as culpable driving where a manager in a large corporation may have committed an offence would be irrelevant. However, given the necessity to word this provision without too great a length, the proposed amendment, produced by the EPA, its drafting officers and parliamentary counsel, is probably reasonable.

Why could the amendment not have been produced five weeks ago, within one week of the Scrutiny of Acts and Regulations Committee raising its concerns? It is a result of lack of consultation. It is probably a failure on the part of the government to consult with organisations such as the Law Institute of Victoria and the Victorian Bar Council, both of which would quickly have observed this provision and probably would have advised the minister. I highly recommend to the minister that she consider releasing bills in a draft form much earlier in the piece.

Mr Haermeyer interjected.

Mr PERTON — I concede that there were occasions when the previous coalition government did not consult as well as it should have and — —

Mr Haermeyer interjected.

Mr PERTON — No, not on every occasion.

The ACTING SPEAKER (Ms Davies) — Order! I ask the honourable member for Doncaster not to respond to interjections.

Mr PERTON — No, there was nothing uniform about that. I was in Parliament during the time of the Cain and Kirner governments when that behaviour was exhibited. The government has signed a charter and time has moved on, yet the Minister for Police and Emergency Services is smirking and indicating that his standards do not require a great level of consultation. I find that disappointing.

Mr Nardella interjected.

Mr PERTON — I take up the interjection from the honourable member for Melton. The reality is that this bill is proof that you have not learned the lesson.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Doncaster will speak through the Chair.

Mr PERTON — Madam Acting Speaker, I know you have learned the lesson. What you should find distressing as an Independent member of Parliament, and what the community should find distressing, is that the government, having snuck into power, is now behaving arrogantly and in breach of its own charter.

Ms Duncan — Born to rule.

Mr PERTON — I am glad the honourable member for Gisborne describes her party as being born to rule. That is quite extraordinary, yet it is certainly demonstrated by its behaviour.

Lastly I turn to deal in some detail with the extraordinary landfill levy issue. As honourable members might be aware, landfill in Victoria is subject to a levy. The good environmental protections that I think were introduced during the term of the Kennett government require that operators of landfill cover the waste with clean fill. The basic statutory arrangement is that they pay a levy on the waste that enters a site and that that money goes to the waste management authorities — to Ecorecycle Victoria as its sole source of revenue, and to the Environment Protection Authority. That has been seen as appropriate by all sides of politics. It was also seen as appropriate that clean fill being used for proper environmental purposes should not be levied because it was being placed on sites to prevent the release of odours and to prevent birds taking waste away and dropping it in ways that

could be a danger to people's health. It seemed a perfectly appropriate arrangement.

However, the government called in the Waste Management Association for consultation and told it that the distinction between clean fill and other fill was to be abolished. The association was surprised. However, after being told by the EPA that the change was necessary to deal with people who were evading their responsibilities under the law and acting fraudulently the association said it was prepared to accept the EPA's assertion and to agree to abolish the distinction so long as it remained cost neutral.

Imagine how perplexed the association was when it realised that the bill removes the distinction but leaves the levies exactly as they were? In other words, the government was proposing a \$4 million slug on the waste industry — which is not really a \$4 million slug on the waste industry but a \$4 million slug on your constituents, Madam Acting Speaker, on my constituents and the constituents of all other honourable members. And to what end? Where is the money to go? No clear indication has been given. Not only were most waste management authorities and agencies completely unaware of the matter, but groups such as the private landfill operators were also completely unaware of it.

I will refer to a few examples. A letter dated 19 May from Cleanaway states, in part:

We believe the relevant authorities should have consulted with landfill owner/operators, such as ourselves, to avoid the discontent that is likely to follow when the bill is declared, particularly that relating to the removal of the landfill levy exemption for cover material.

A letter dated 19 May from Grosvenor Lodge Pty Ltd states, in part:

Our concerns relate to the following:

The lack of consultation with members of the waste management industry, and particularly with the licensed landfills which are most affected by the legislation.

A letter was received from Masalkovski and Sons Pty Ltd, which operates a small landfill for solid inert waste at Altona. The last paragraph states:

... our company was at no time asked to comment on these changes and I have been informed that the landfill group of the Waste Management Association was only informed indirectly some few weeks ago.

Why did the honourable member for Altona not consult with the company? She was in cabinet, so surely she was aware of this. A letter from the Highland Regional Waste Management group states:

An important criterion in site selection has been the availability of cover material from the excavation to construct cells of modern design.

Now councils and other operators will be penalised for better resource management.

... (levy on clean fill) in rural and regional Victoria would be viewed simply as a new tax with no environmental benefit.

A letter of 8 May to Minister Garbutt from Cr Bob Beynon from the Association of Victorian Regional Waste Management Groups states:

The application of daily cover is a fundamental landfill licence requirement: to suggest that soils should be diverted from landfills is a complete oversimplification of the day to day operations of the construction and landfill industry.

A letter from Graeme Stewart of Least Waste dated 17 May states:

... changes to the landfill levy needed to be cost neutral to councils. This has certainly not been achieved in the bill as it simply imposes the levy on all daily cover — which becomes an added cost.

These annual costs are significant and would be required to be met by the community with no environmental benefit achieved.

The EPA gets 20 per cent of the levy — 10 per cent since the introduction of the levy and in recent years an increase of a further 10 per cent for administration of the collection of the levy.

A letter from Knox City Council to Minister Garbutt dated 24 May states:

These annual costs would be significant with no environmental benefit achieved.

Council is also concerned that a possible outcome of the imposition of a levy on daily cover soils is that this material may be indiscriminately dumped or be disposed of in other environmentally unsound ways.

In a letter to Minister Garbutt dated 12 May the Municipal Association of Victoria states on the landfill levy:

It is our view that the proposed amendment is ill-conceived and counterproductive to lifting landfill standards.

The effect of clause 19 will be to increase costs across the community with very little demonstrable benefits.

Lastly, in a letter dated 19 May the Manningham council — a well-managed council — said that it estimates an extra \$4 million will be required to meet the levy, which equates to an extra \$5 per household. The letter states:

These annual costs are significant and would be required to be met by the community with no environmental benefit achieved.

Suggest that a likely outcome is that construction waste (daily cover soils and clay) will '... indiscriminately dumped or be disposed of in other environmentally unsound ways'.

I have another 25 letters that basically all run to the same effect.

Mr Helper — On a point of order, Madam Acting Speaker, the honourable member for Doncaster seemed to be quoting extensively from a document. I wonder whether he is prepared to table it.

The ACTING SPEAKER (Ms Davies) — Order! I ask if the honourable member for Doncaster is quoting from a document, and if so, whether he is prepared to table it?

Mr PERTON — Madam Acting Speaker, I have been using extensive notes which include the quotes. I have read it out in full so it will appear in *Hansard*.

The ACTING SPEAKER (Ms Davies) — Order! I am fairly clear on what the honourable member for Doncaster is saying. I am prepared to accept what he says and I ask him to continue.

Mr PERTON — Thank you, Madam Acting Speaker. There has been no consultation with the people who understand the industry, and there is utter confusion. At one of the meetings I attended it was clear that rural and regional waste disposal authorities believed that the levy would also apply to the clean fill that had been used on the site and to the materials that had been used for the construction of the pit. None of that had been made clear.

It was only after I had written to the minister saying that I was prepared to lead a delegation of affected groups, and those affected groups had made it clear to the minister that the opposition was prepared to intervene on behalf of the community, that at the death knock an amendment has been introduced. I was briefed on it at 9.15 p.m. yesterday and the industry was briefed on it at 10.00 a.m. today. At 10.00 a.m.!

Mr Spry — It's a disgrace.

Mr PERTON — It is an utter disgrace. And they were not given a choice. Industry representatives were told they will get a 15 per cent discount based on weight.

Mr Haermeyer interjected.

The ACTING SPEAKER (Ms Davies) — Order! The Minister for Police and Emergency Services will hear out the honourable member for Doncaster.

Mr PERTON — It is a significant change to the management of waste and clearly the bill will not work. It appears to be designed to allow for the dumping of waste in gullies and other inappropriate places in the electorate of the Minister for Police and Emergency Services and other electorates.

The pathetic honourable member for Narracan is giggling about the issue. Had he spoken to any of the waste management authorities he would have known that the risks of illegal dumping of fill in gullies and other sensitive environmental areas is of great concern in his constituency, perhaps more than in any other. If the honourable member for Narracan does not bother to address these issues of great concern, then he is completely derelict in his duties.

The ACTING SPEAKER (Ms Davies) — Order! I remind the honourable member for Doncaster that he should be quiet when the Chair begins to speak. I call the honourable member for Narracan on a point of order.

Mr Maxfield — On a point of order, Madam Acting Speaker, not only is the honourable member for Doncaster straying but I am a bit worried that if he keeps shaking his finger it will fall off. As for my seat of Narracan, we have already got massive problems with toxic waste being illegally dumped now — —

The ACTING SPEAKER (Ms Davies) — Order! I ask the honourable member to specify his point of order or I will cease to hear him.

Mr Maxfield — The point of order is that the honourable member for Doncaster is misleading the house.

The ACTING SPEAKER (Ms Davies) — Order! There is no point of order.

Mr PERTON — I thank the honourable member for Narracan for his foolish behaviour. The bill is about waste management and he raised the interesting issue of hazardous waste in his constituency. He should be very concerned about that issue.

Towards the end of next year the last hazardous waste facility at Tullamarine will be closed. Victoria has an environment minister who when asked during questions without notice refuses to indicate what will happen other than putting some pie-in-the-sky view that toxic waste will be processed but that before it is processed it will be stored above ground. If the honourable member for Narracan had any brains at all and any responsibility to his electorate he would be deeply concerned.

In the briefing yesterday the EPA indicated that a 15 per cent discount based on weight is in accord with best management practice and is an appropriate figure. I cannot go behind that because I do not have the statistical information or any engineering knowledge to refute it. However, my discussions with members of the industry this morning — I talked to a few of those people at 7.00 a.m. — indicated that there is unhappiness in the industry. Most operators consider a 15 per cent discount based on weight to be inappropriate.

In the circumstances it must be accepted that the original bill was a lousy bill. It contained a provision that was going to cost the community \$4 million and was going to have extremely detrimental effects on the environment. Now the pressure has suddenly been taken off, as happens in a good cop, bad cop situation. The government is now going to give back 15 per cent by weight at the death knock and the industry is probably in no position to argue against it. If the minister does not refer the issue to an all-party parliamentary committee approximately two years from now the opposition will certainly be willing to do so.

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

Mr PERTON — Before the suspension of the sitting I was dealing with the waste levy question. During the briefing with the Environment Protection Authority and the ministerial adviser it was made clear that under the new waste levy arrangements the fill won from the site, the materials used for constructing the pit and the modern materials used to seal it would not be subject to the levy. The chairman of the Environment Protection Authority said that the 15 per cent blanket rebate was aimed at encouraging operators to use the newer types of covers — that is, paper mache sprays and the like.

By coincidence, during the dinner break I met a barrister who had represented a party in an action against the EPA. In that case the authority was pursuing a levy on what otherwise should have been unleviable material. I hope the minister will address those matters in her summing-up of the debate so the uncertainty in the industry about the precise materials to which the levy applies will be overcome.

Finally, I turn to clause 20, which deals with the regulation-making power of the Environment Protection Authority. It states:

- (1) The Governor in Council, on the recommendation of the Authority, may make regulations for or with respect to —

- (a) requiring appliances, products or things that are capable of emitting waste to be labelled to indicate whether they comply with a specified standard of environmental performance;
- (b) prohibiting the supply of any appliance, product or thing —
 - (i) that does not meet a specified standard of environmental performance, or that emits waste in excess of a specified amount or concentration; or
 - (ii) that is not labelled in accordance with a regulation made under paragraph (a);

The benign interpretation of the regulation, as explained to me in the briefing, is that it is intended to prohibit the production of appliances that do not meet the relevant Australian standard. When I indicated my concern that no environmental standard was included in the regulation, I was advised that the intended standard was the Australian standard.

Some people have suggested that such a power will allow the prohibition of solid fuel stoves and ultimately lead to the prohibition of open fireplaces. I hope that is not so. I note that the Subordinate Legislation Act will still apply to the regulations and that a regulatory impact statement will be needed for every regulation. I hope the Scrutiny of Acts and Regulations Committee, chaired by the honourable member for Werribee, will scrutinise those issues appropriately. Under the Subordinate Legislation Act either house of the Parliament has the ability to amend or repeal a regulation.

The bill has many elements with no clear pattern.

The ACTING SPEAKER (Mr Lupton) — Order! There is too much audible conversation in the house. Will honourable members take their seats and lower their voices.

Mr PERTON — The bill would have been improved had there been a longer period of consultation to enable the government and the Environment Protection Authority to digest some of the expert opinion from the people subject to the regulations. Had the government introduced the bill following that consultation I would not have had to be called up yesterday evening to be briefed at 9.15 p.m., nor would busy business people have had to be called in this morning for briefings on important amendments affecting the ways in which their business will operate.

Mr HOWARD (Ballarat East) — I am pleased to speak on the Environment Protection (Enforcement and Penalties) Bill, which again shows that the Bracks

government is following through on its election policies. In developing those policies the government listened carefully to the people of Victoria through its extensive Labor Listens activities.

I was interested to hear the honourable member for Doncaster speaking about the wonderful record of the former Kennett government on the protection of the environment. However, had that government responded to the views many people were expressing at the time, the bill would not have been necessary. The Environment Protection Authority (EPA) was established to do great things, but under the former government it had very few teeth.

During its time in power the former Kennett government did nothing to increase the penalties applying to anyone who did not dispose of environmental waste appropriately. Penalties have not been adjusted since 1990 and are therefore now irrelevant. In the eyes of the community the former government's self-regulation did not work.

The strong community groundswell has led the Bracks government to introduce the bill to ensure that the Environmental Protection Authority can act appropriately. The government has allocated an extra \$4 million in the budget so the EPA can increase its resourcing to follow up audits and concerns raised about environmental issues. However, the main thrust of the bill is to ensure that appropriate penalties can be imposed on people who do not comply with environmental standards and who cause harm to the environment.

The penalty for a serious offence in New South Wales is a fine of up to \$250 000 but in Victoria under the Kennett government it was only \$20 000. Many industries thought that was fine and built that penalty into their operations. When planning their operations they allowed for perhaps having to pay that minimal sum. If they were caught and found guilty of malpractice they absorbed the penalty.

The bill reflects the government's acceptance that the community is very concerned about industries doing the wrong thing by the environment. The bill provides significant penalties of up to \$250 000. In addition, it does not stipulate that only those penalties can be applied; it gives flexibility to the courts to decide whether to impose the fine or an alternative penalty.

Mr Mulder interjected.

Mr HOWARD — The principal act did not give magistrates the authority to order a company found guilty of malpractice to undo the damage it had done.

The bill recognises the need for flexibility in imposing penalties on offenders.

Mr Mulder interjected.

Mr HOWARD — What irrelevancies! The member for Polwarth should have another drink and go to sleep!

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member will ignore interjections.

Mr HOWARD — I certainly will, Mr Acting Speaker. I trust I can speak without such childish interruptions from people who would be better not being in this house at all!

The bill provides flexibility for magistrates when dealing with breaches of environmental policy. It provides that they may either impose a significant penalty or require the guilty party to undo the damage done. Other penalties can also be imposed — for example, a company can be required to advertise that it has failed the community or advise its shareholders that it has been found guilty of a serious offence. The bill acknowledges a range of responses by magistrates. It ensures that parties found guilty of acts against the environment will be brought to account and will have to seriously re-examine their operations. The bill also reflects an acknowledgment that protection of the environment requires not just putting penalties in place but also encouraging people who are doing the right thing, as is happening across the state.

Unfortunately, I cannot speak longer in debate on the bill. I must be brief to ensure that the bill is passed by the house this evening. I look forward to my fellow government members explaining other issues contained in the bill. I am pleased to commend the bill to the house.

Mr MULDER (Polwarth) — I appreciate the opportunity to speak on the Environment Protection (Enforcement and Penalties) Bill because I have worked in industry and dealt with prescribed waste. I was fortunate through my years in the private sector to work with a major corporation right around Victoria. I would describe that corporation as a good corporate citizen. It recognised its obligations to dispose of waste in a manner that was acceptable to everyone.

I was involved in the removal of underground fuel tanks on sites throughout the metropolitan area and around Victoria. That involved first the pumping out and removal of the fuel, and the accredited operators who removed the fuel providing certificates for the quantity of fuel taken from the tank. Once the tanks were removed licensed chemists inspected the hole left

by the tank and determined whether any of the ground had been contaminated by leakage from the tanks. Then the Environmental Protection Authority and the person who had created the contamination negotiated to determine how much soil needed to be removed. The earth was removed and certificates were provided about how much earth had been removed and where it was taken.

Members may think that was the end of our role as a remover of a prescribed waste but as the final step we needed to go through the process of sourcing material to refill the hole and compacting it to a suitable level so that the land could be built on or used as it had been in the past.

Finally, the client who had created the prescribed waste was provided with an invoice from our company, stating what had been removed, where it had been taken and proof that we had disposed of that waste in line with the EPA requirements.

Mr Howard interjected.

Mr MULDER — We have heard from the member for Ballarat East about his cow Daisy. He is supposed to be an expert on agriculture but he is an expert on nothing and should sit and be quiet while I finish my contribution.

Regulations were introduced in 1998 to control the disposal of waste. Version no. 001 of the Environment Protection (Prescribed Waste) Regulations was implemented by the previous government. That is the same government which the Minister for Environment and Conservation said had done nothing to deal with environmental offenders. Members will see tonight that this government has done some window-dressing but has done nothing to identify and deal with prescribed waste.

The 1998 regulations form the basis of sound management of prescribed waste in Victoria. The former government caught up with the cowboys by regulating the industry.

Mr Howard interjected.

Mr MULDER — I will refer shortly to something that happened in Ballarat. Before the regulations were introduced by the then coalition government companies could subcontract the risk. If they generated prescribed waste they hoped they could find someone who would take that waste away from their premises without any obligation.

Mr Howard — On a point of order, I ask that you require the member for Polwarth to be relevant to the bill. He has been speaking for more than 4 minutes and has still not related his comments to the bill.

Mr Perton — On the same point of order, Mr Acting Speaker, the member for Ballarat East seems to be full of vitriol tonight — I do not know what he has in the glass on the desk.

Mr Howard interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The member for Ballarat East raised a point of order and I heard him in silence. I expect him to extend the same courtesy to the member for Doncaster. Is that clear?

Mr Perton — The honourable member for Polwarth is referring to the legislation upon which waste management is based. If the honourable member for Ballarat East does not have the brains to work out if that is relevant, we are wasting \$15 000 a year on paying him to be a parliamentary secretary.

The ACTING SPEAKER (Mr Lupton) — Order! I do not uphold the point of order. I have been listening intently to the honourable member for Polwarth, and I believe he is being — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! Is the honourable member for Ballarat East intending to interrupt me once again? Are we clear on the situation? I do not uphold the point of order.

Mr MULDER — I was trying to cover how the environment protection regulations dealt with waste in the past. Before the regulations were introduced, cowboys picked up waste and disposed of it illegally on a nightly basis.

The previous coalition government introduced regulations to ensure that prescribed waste is handled in a proper manner. The Environment Protection Act set down the requirements for the transport, management and tracking of prescribed waste, so that those persons picking it up, carting it, and not disposing of it legally could be caught. If you cannot understand that, you should not be sitting there.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Polwarth should address his remarks through the Chair. I will not tolerate any more of this backchat between him and the honourable member for Ballarat East. Am I clear in my ruling?

Mr MULDER — You are, Mr Acting Speaker.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Polwarth, without assistance and on the bill.

Mr MULDER — According to the Environment Protection (Prescribed Waste) regulations prescribed industrial waste:

... means a waste or mixture referred to in regulation 7.

For the purposes of the act, industrial waste means:

- (a) any waste arising from commercial, industrial or trade activities or from laboratories; or
- (b) any waste containing substances or materials which are potentially harmful to human beings or equipment —

and arises from a hospital.

The waste listed includes a number of chemicals and waste oils and waste from production, which I will not go into. The list is very extensive and has been designed to pick up those industries that generate industrial waste and to ensure that people get rid of the waste in a manner that meets the requirements laid down by the Environment Protection Authority.

It is only fair and relevant to state that no good corporate citizen would knowingly become or be caught as an environmental offender. From my experience in the companies I have worked for — I have raised such issues in the past — companies are aware of the requirements of the regulations and are only too happy to abide by them.

Five or six years ago when I was working in Ballarat, our company was asked to attend at Wendouree Village to investigate an incident that occurred in the middle of the night. The driver of a truck had pulled up in the middle of the car park, opened the valve at the back of the truck and unloaded a complete load of industrial waste that had run into the drains in the car park. I could hand up a number of newspaper clippings that would demonstrate to the house how many times similar incidents have happened.

The problem is how to identify and catch such people. The legislation provides the Environment Protection Authority with \$4 million to employ auditors. Auditors will not find the offenders because they are not the corporate citizens of Victoria; they are the fly-by-nighters who operate late at night and drop off on disused land and in gullies, rivers and the sea the chemical waste that they do not want to pay to dispose of. I have extreme difficulty in accepting that a team of

auditors will be able to identify, penalise, or bring before the courts those offenders. I cannot see that happening. It is not practical.

Furthermore, we need to ensure that the legislation and the regulations provide for the identification and traceability of people producing those wastes. Without that there is no way known that a team of auditors will be able to find the people carrying out the illegal activities and then proceed to prosecute them. I cannot see that any benefit will be gained from \$4 million being provided to the Environment Protection Authority for that purpose. We will still find chemical dumps and drums in our gorges, waterways and low-lying areas.

Many recent press releases have identified where the dumping of waste is occurring; it is happening particularly around the metropolitan area but also in rural and regional Victoria. There will be no real benefit from \$4 million being provided to the authority to identify the people who dump that waste, because that will not happen.

The other issue I wish to address is an implication of the bill for landfill operators. In the past four or five years the councils in my electorate have developed significant waste management strategies for their communities to ensure that landfills are managed in a way that ensures their longevity and effectiveness. I have some concerns about increasing the fines imposed on landfill operators for incidents that are beyond their control because they are the result of changes in weather conditions involving rain and wind. Will an operator be fined if a small piece of litter blows away from a landfill? If the same thing were to happen at the Melbourne Cricket Ground or Colonial Stadium would the management be fined? The bill presents those sorts of irregularities. Landfill operators working under contract arrangements with local municipalities will incur penalties that are not imposed on other members of the community.

Another concern is previously exempted materials, such as soil, bricks and recycled cement. No-one dumps good soil in a landfill because soil is a valuable commodity that people pay for. People have been penalised for covering up litter, but in the end it all comes back to the community and the ratepayers having to foot the bill.

The offences will be advertised publicly. I have huge difficulty in accepting that people who have already paid penalties for environmental offences can still end up with collars around their necks, tattoos on their arms or brands on their foreheads stating that they have

committed offences. That is resorting to One Nation politics. I have great concerns about that aspect of the bill. It requires the public identification of people who have already paid their fines.

I commend the bill to the house, but I have reservations about some aspects of it.

Mr HELPER (Ripon) — It gives me a great deal of pleasure to speak on the Environment Protection (Enforcement and Penalties) Bill for a number of reasons. Firstly, the bill directly addresses in a positive way some of the environmental policies on which the government was elected. The government consulted with the community prior to the election, and it is now proudly enshrining those policies in the legislation.

The second reason I have pride in speaking on this legislation as a member of the government is that the government consulted with the community before introducing the proposed legislation. The honourable member for Doncaster talked about a lack of consultation in the evolution of the bill, but that is not true. The reverse is true. The government consulted extensively. The landfill industry raised a number of issues, which the government has addressed in the amendments that have been circulated. I commend the minister for dealing with those issues.

To allow other members the opportunity to speak in the debate, I will be brief. I focus my attention on proposed section 50SAB, which deals with the application of the waste levy on cover material at landfills. Under the legislation and the EPA regulations tip operators are required to cover the material every night after they close operations so as to avoid dispersal by wind, avoid or minimise odour problems and prevent vermin spreading refuse.

Some isolated cases in the industry have involved claims of considerable amounts of fill being deposited on waste to minimise the levy. In other words, because the levy is applied according to weight operators have claimed that an enormous volume of cover is required to seal the tip face, thereby minimising the levy. It is unreasonable to expect the EPA to consistently and persistently attempt to identify levy evaders. The bill addresses the issue in a practical way; it applies a formula that limits to 15 per cent the cover material used at the end of daily operations.

That exempts that amount of cover, and that amount only, from the levy. Fifteen per cent was arrived at as a suitable limit after study of best practice in tip and landfill facilities.

The industry will be affected only to the extent of excess fill some operators may have been using. I have been informed that some operators have been claiming more than 100 per cent of waste as cover material. Unscrupulous operators of that sort will be the ones who are penalised by the legislation, and rightly so. Cover material is a resource that ought not, in many instances, end up in a tip. Nevertheless, it is required to be used until suitable alternatives that comply with the EPA regulations can be found. Fifteen per cent is a reasonable, practical amount, so it is appropriate to exempt that amount from the levy. That limit will in no way discourage operators from meeting their obligations to provide adequate cover.

I said I wanted to speak for only a short time because other honourable members wish to contribute to the debate. I commend the proposed legislation to the house. The government is proud of many aspects of the bill, and I wish it a speedy passage.

Mr VOGELS (Warrnambool) — I would like to make some comments on the Environment Protection (Enforcement and Penalties) Bill. From my reading it represents another tool the government can use to chip away slowly but surely at people's rights through the use of enforcement and penalties. It is the big stick approach.

Many years ago I asked my father why he emigrated from Holland to Australia. He gave me many reasons, but one that I remember clearly was that bureaucracy had gone mad in Holland. Everywhere you went and every decision you made generated an enormous amount of red tape — and look out if you made an error! There was an army of inspectors out there to bring the full weight of the law down on you. I am sad to say that this legislation reminds me of that situation. It talks about employing watchdogs, increasing penalties, enhancing enforcement, improving investigation abilities and ordering people to publicise an offence they may have committed.

Apart from punishment though, what does the bill seek to achieve? It will impose a landfill levy on cover material used daily by landfill operators, so in effect it imposes an added cost. Use of daily cover at landfills is a requirement of Environment Protection Authority (EPA) licences and is also a necessity for high standard landfill operations. At present when a new cell is dug to hold waste the surplus soil is kept on site and then used for daily cover. That is commonsense. However, landfill operators will now have to pay for the privilege of using their own soil, adding an estimated \$4 million — or an extra \$5 per household — to the cost of their operations.

The bill is great on penalties and enforcement, but what about solutions? I refer honourable members to the *Herald Sun* of 23 May, which carries a front page story headed 'Poison time bomb'. The article states, in part:

Victoria is choking on more than 300 000 tonnes of illegally dumped toxic waste each year.

Cyanide, asbestos and pesticides abandoned by unscrupulous companies have been detected in rivers and suburbs.

More than 120 dumps have been uncovered in Melbourne alone. Experts last night warned the practice is an ecological time bomb that threatens both people and wild life.

The *Herald Sun* has learnt that illegal dumping of building waste has soared 500 per cent in two years.

Most of the trouble spots are in the western suburbs, but Thomastown, Dandenong and Hallam have also been affected.

The state government aims to hit back by increasing fines for illegal dumping from \$40 000 to \$500 000.

Does the bill do anything to alleviate any of those problems? No, nothing. It is too hard. Let's bury our heads in the sand and hope it will all go away!

Another part of the bill will need to be closely watched — namely, the provision that allows the EPA to develop regulations to meet the government's commitment to prohibit the supply of solid fuel, meaning wood, for combustion heaters. That provision aims towards meeting Australian standard emission requirements. However, once the bill is passed the EPA will be empowered by regulation to set whatever standards it deems fit, not only for wood heaters but for all similar items. The proposed amendment is worded so broadly that the EPA could easily outlaw the installation and use of the traditional Australian open fire.

Many Victorians living in rural communities do not have the luxury of natural gas or of heating available at the flick of a switch. They rely solely on wood-fired appliances for warmth. A constituent of mine told me his family still uses an old-fashioned wood heater to cook the family meals — and I am sure it would not meet EPA standards.

In conclusion, Mr Acting Speaker, the bill is a clear example of the government's intention to wield its authority rather than to work with communities to establish solutions that would enhance our environment for the benefit of future generations.

Mr Mulder interjected.

The ACTING SPEAKER (Mr Lupton) — Order! I hope the microphone of the honourable member for Polwarth is now turned off.

Ms GILLETT (Werribee) — I am pleased to make a brief contribution on the Environment Protection (Enforcement and Penalties) Bill and in doing so offer my sincere congratulations to the Minister for Environment and Conservation, who managed to provide real leadership on environment and conservation issues even when she was the opposition spokesperson. I well remember her leadership at a meeting of 15 000 — —

Mr Mulder — Who presented the regulations?

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Polwarth, although he has had his microphone turned off, is now loudly interjecting. I ask him to desist or go and have a cup of coffee.

Ms GILLETT — I well remember the leadership the minister exhibited one evening in Werribee when, after a period of awful and protracted negotiations, it was only the Labor opposition that delivered a comprehensive policy that would address one of most pivotal issues concerning the environment in the state — that is, CSR's proposal, amply supported by the failed Kennett government, to site a toxic dump in Werribee.

The Labor opposition provided leadership on the important and defining environment conservation agenda that has come about over the past seven years in Victoria. The minister is to be congratulated on being able to translate that leadership in opposition into government.

The bill is to be supported as it provides the Environment Protection Authority (EPA) with the real oomph, guts and teeth it needs to offer some impediment to those who would damage and destroy our environment. Particularly in the area of waste management enormous amounts of time and effort have been devoted by dedicated people to provide the Labor government with the wherewithal to demonstrate its seriousness about tackling waste management, something it can be accurately said that the Kennett government was never committed to doing.

The Kennett government's proposal for the toxic dump to be located in Werribee spoke volumes about the approach it was prepared to take. I particularly remember the Premier's comments when CSR was persuaded to withdraw its ill-thought-out and totally pathetic proposal. The then Premier commented at the

time that CSR was gutless to have withdrawn its proposal. It is a matter of great sadness that the then Premier could not have foreseen the importance of a bill such as the one before the house, dealing properly and comprehensively with waste management, dealing properly and comprehensively with illegal dumping, and dealing appropriately with resourcing the EPA to ensure it the strength, balance and authority to be able to do something about such issues.

It was not only the toxic dump that affected Werribee. Just after that ridiculous and barbaric proposal was defeated, the Werribee community found itself in another unfortunate situation. Being the good corporate citizen it was and given that my community has been very lucky in being able to produce an Olympic gold medallist in the shooting arena, the Werribee international shooting complex found that in order to produce its noise attenuation mounds it had inadvertently received some 250 000 square metres of acid sulphate soil. For Werribee that was as big an environmental and conservation issue as the proposed toxic dump. It has taken a number of years and the help of the current minister and the EPA to come to an appropriate set of arrangements that deal with what ultimately could only be called illegal dumping.

My community is very pleased to see the bill come to fruition. I again express my gratitude to the minister and the government for being able to do the most important things to protect communities like the one I represent so that never again will we have to go through ridiculous proposals for inappropriate toxic dumps or be subject to the ridiculous levels of illegal dumping that took place during the Kennett years.

Mr THOMPSON (Sandringham) — One of Victoria's leading businessmen Don Argus said that good environmental outcomes and commerce can go hand in hand but they are not a given. It is up to the community, the government and the private sector to appropriately regulate and look towards effective outcomes.

In the history of Victoria there is a great story to be told regarding the development of the original environment protection legislation. In the late 1960s and early 1970s an initiative was undertaken whereby the legislation drafted from the beginning represented a model act that was adopted in a number of other jurisdictions throughout the world. It looked at the ways in which Victoria as a state could protect its natural amenity and resources. Provisions were introduced to ensure good governance of air, soil and water quality.

A number of years ago at Monash University Mr Jack Hammond, one of Melbourne's leading QCs and raconteurs, proposed in an academic paper entitled 'A new growth tax for states? Rubbish!' that there was merit in the revenue base of the government of the day including a tax on rubbish. One of the concerns regarding that proposal, as well presented as it was, related to the fact that if there were a tax that represented a disincentive to good commercial or residential rubbish disposal practice it may lead to not all refuse being processed through the appropriate and intended channels. I am pleased to note that as a consequence of the active work on the bill by the shadow minister in particular an amendment will be introduced to revise the original levy imposed on clean landfill. Instead of a punitive provision being included, a rebate is to be applied that represents the proportion of clean landfill that is supplied in the appropriate management of landfill sites.

The Environment Protection Authority (EPA) in Victoria is fortunate to have had the ongoing expertise and contribution of Brian Robinson, who has been with the authority over many years. He has worked with companies such as Mack Brothers Roofing Products in Caulfield, which had to deal with a range of concerns regarding noise, vibration and malodours from its premises. Much time has been spent working with the community to achieve proper and constructive outcomes to fulfil the objectives of the act.

Within my own electorate a number of issues have arisen in recent times. The ongoing guidance and input of the Environment Protection Authority and its staff have been of great value and benefit. Firstly, the Dunlop industrial estate was established shortly after the war. Following the closure of the Dunlop estate, intensive soil reclamation work was required before the area could be converted into a residential housing estate. The guidance and expertise of soil experts and entities such as the EPA have been invaluable in the clearance of that area.

Secondly, a company in the area used hydrochloric acid in its production process, producing a range of vapours and malodours that travelled over the electorate. The direction in which the wind was blowing had a bearing on the number of complaints that might be made to the EPA.

Thirdly, water quality is an issue. Port Phillip Bay is one of the great recreational resources in Victoria. The opportunity for the citizens of the state to have a good understanding of E. coli levels has been greatly assisted by the work of the EPA in monitoring water quality in Victoria as well as the development of constructive

proposals to minimise the level of effluent or refuse that might make its way from inland regions into the bay.

It is important that a bill such as this be the subject of widespread consultation. In some of the notes that came through to me a number of groups were critical of the absence of consultation on some of the punitive provisions imposed. Good legislation is generally the product of debate, dialogue and the taking on board of the insights and expertise of affected constituent groups.

According to the statement 'Victoria: on the move to a green state' on 31 March by the minister:

The Bracks government has already consulted all stakeholders on a range of environmental issues. We have lifted the cloak of secrecy that surrounded the Kennett government's approach. It did not consider a range of views in relation to environmental issues; we do.

According to Epping Waste Disposal in a letter dated 19 May a concern in relation to the bill is:

The lack of consultation with members of the waste management industry, and particularly with the licensed landfills which are most affected by the legislation.

In an open letter dated 19 May a representative from the Boral group noted, among other issues, that:

... the imposition of a \$4 per tonne levy on daily cover will result in poorer environmental outcomes.

An amendment has been proposed as a result of representations being brought to the attention of the government by the shadow minister, and it will be welcomed by a number of industry groups, although some remain doubtful of the extent to which the ratio formula will cover the full requirements.

Members on the other side have referred to the importance of a deterrent approach. That is a factor that needs to be taken into account in the overall management of issues with the stakeholders, including the industry operators. They can also act as enforcers in monitoring others within the industry that may not observe the same level of adherence to the laws of the day as they do themselves.

I note the Scrutiny of Acts and Regulations Committee has raised concern regarding the definition of 'a fit and proper person to operate in the industry'. This issue requires further clarification.

Noting the other contributors who wish to speak tonight I will confine my remarks to what I have just said. I commend the leader of the debate for the opposition, the shadow minister, the honourable member for

Doncaster, for his contribution in liaising with industry groups and bringing about an attempt at a modification of the original bill.

Ms BEATTIE (Tullamarine) — It gives me great delight to speak on the bill. Those who read the newspapers last week saw on the front page of the *Herald Sun* details of what is occurring in the City of Hume — increased penalties are needed to deter illegal dumping of this sort. I congratulate the minister on having the courage to bring the bill to increase penalties into the house.

Members would have read the report indicating that Victoria is choking on about 300 000 tonnes of illegally dumped toxic waste each year, with more than 120 dumps uncovered in the Melbourne metropolitan region. In the electorate of Tullamarine all sorts of illegal dumping is going on including acid sulphate soil on to private properties — a nightmare for the owners who cannot build; cannot have the soil removed because it has been illegally dumped; cannot get help from the council; and are in a bind trying to take legal action.

It is also disturbing to read that illegally dumped substances such as cyanide, asbestos, pesticides and even canisters of mustard gas have been found. There are also reports that creeks and waterways turn pink or blue on a regular basis. Society now understands the damage being done to the environment.

One matter I am heartened by in the debate, despite the disagreement, is that society cares more for the environment than it did perhaps 20 years ago. It is encouraging to hear of that sort of care taking place.

Currently, the maximum penalty for illegal dumping of industrial waste is a pitiful \$40 000 while the penalty for the same offence in New South Wales is \$250 000; that is a deterrent; and it is why the illegal dumping is going on in Victoria. It is cheaper to run the waste up City Link, up the Hume Highway, up the Western Ring Road and dump it in the City of Hume.

The bill will increase the penalties by six times the present amount, and a convicted environmental criminal can be fined for the equivalent environmental offence. The bill will also give the Environment Protection Authority (EPA) watchdog some teeth, and that can only be good.

Living near the airport I am also struck by the provision in the bill that landfills are now required by the EPA licence to place a covering material over waste deposit at the landfill during the day. With landfills near the airport, there can be terrible accidents with bird-strike if

that does not happen. It is also important to reduce odour and to control birds and vermin.

There is limited time to speak on the bill. Industry will work with the EPA and will follow suit. Most industries are good citizens and look after the environment, but we must stop the rogues. The only way to stop the rogues who continually dump illegal substances is to fine them — hit them where it hurts.

I commend the bill to the house and wish it a speedy passage. Given the enthusiasm about bills after dinner, I am sure that enthusiasm can be channelled to make our environment a better place.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for beautiful Bellarine!

Mr SPRY (Bellarine) — Mr Acting Speaker, you have put your finger right on it, as usual. You have a true appreciation of what the Bellarine Peninsula is all about.

I am pleased to contribute to debate on the Environment Protection (Enforcement and Penalties) Bill. People generate vast quantities of waste material but in most mature and enlightened societies individuals are offended by careless littering. On an individual scale it is not only distasteful but in most cases it is also offensive, and on a grand scale careless littering can eventually lead to massive environmental degradation.

Society naturally reacts and calls for those in authority to deal with the problem and so, in 1970, the government introduced the Environment Protection Act and formed the watchdog organisation, the Environment Protection Authority (EPA), and I am conscious that there are some important people in the gallery this evening listening to the debate. If I interpret the views of my electorate correctly, the EPA has met with mixed success and is regarded as both a monster and in some cases a toothless tiger, depending on where you come from. The EPA is either coming down too hard or it is not going in nearly hard enough. For whatever reason, many people regard the EPA as remote. In contrast to other Victorian law enforcement agencies, it is not regarded as part of the community. The bill is, or was until it was decided to propose amendments, in danger of exacerbating that image.

The government had the opportunity to forge a partnership between the environmental watchdog and the community by providing the EPA with the more benevolent image of educator and encourager. Instead this bill gives the EPA an even bigger stick with which to beat business and the community. What a farce the dob-in-a-mate campaign was when a couple of months

ago the minister presided over a campaign to dobin litterers! As I said earlier, littering is offensive, but what sort of a culture did the minister think she was promoting? In any event, the campaign was largely unsuccessful because it simply misunderstood the Australian psyche. To ask Victorians to dobin litterbugs reveals the minister's hard-line, left-wing, doctrinaire outlook on life, and the legislation reflects her uncompromising you'll-do-as-I-say attitude.

Ostensibly the bill concentrates on the big end of town, but until the amendments were proposed its effect would have been felt by every member of the community. In particular the costs relating to landfill would have been passed down the chain to every householder in Victoria. I have spoken to councillors in the City of Greater Geelong and their original attitude to the bill was in line with that of the Municipal Association of Victoria — the bill demonstrated a complete lack of consultation with the stakeholders.

Local government was absolutely incensed about the bill and was ready to mount a forceful campaign against it. In fact, the Municipal Association of Victoria wrote to a number of councils, including the City of Manningham which responded positively above the signature of the mayor, Lionel Allemand. The City of Manningham wrote to a number of councils, including the City of Greater Geelong, with suggestions for a campaign that might alleviate some of the ramifications of the legislation. It is fair to say that the opposition played a large part in ensuring proposed amendments would be introduced to make the bill more palatable to councils.

The legislation not only affects public council landfill facilities but also private landfill companies. One of my constituents runs a private landfill operation in the electorate of the honourable member for Polwarth, which he may have mentioned in his contribution earlier this evening. My constituent would have been considerably affected by the provisions of the bill if the government had not agreed to amend them. He was concerned about the huge daily cover impositions in the legislation which he in turn would have had to pass on to individuals and householders as they continued to use his facility but even more distressed about the ramifications of increasing fines for wind-blown litter which were destined to have a profound impact on the operations of his landfill business.

I trust that in supervising the provisions of the operation of the bill the organisation responsible for licensing landfill operations — the Environment Protection Authority — will use commonsense and discretion on that aspect.

I wish to raise a further matter by way of observation. I commend those in the community who have had the foresight to have a good look at the problem of the disposal and management of waste as a whole. One such person is Dr Brian Barrett. I know him reasonably well because my brother manages a property for him in the Kyneton area. I commend him on the job he is doing in mounting an operation that he refers to on his letterhead as 'Closing the circle', which is in effect returning waste material to the soil as compost.

Dr Barrett has been pursuing the issue passionately for a number of years. I think he started his operation in about 1989. He was applying duck manure to his pastures in the form of a liquid waste, with some remarkable results. Unfortunately the neighbours complained about the odour that came from the operation and he was forced to find another source of material for compost. He is taking a lot of the highly organic material that is found in some city fast-food operations — they generate an enormous amount of material — and composting it at his farm at Kyneton. He is getting positive and dramatic effects with his product.

Mr Smith — What is he producing?

Mr SPRY — He is producing compost by using waste material from city fast-food outlets. The material he produces is highly organic. It heats up to a temperature of more than 60 degrees Centigrade, which means that no viable weed seeds or disease organisms are present in the final product. I understand that Dr Barrett, who promotes his product under the name of Kyneton Kompost, is a finalist in two Banksia Environment Foundation awards, which will be announced in Sydney on 3 June.

I mention Dr Barrett because I have had some association with what he has been doing at Kyneton for some years. The sort of lateral and innovative thinking that is involved in his waste management operation in an effort to get rid of problems should be adopted by others and encouraged by governments.

The opposition had a number of difficulties with the proposed legislation prior to the introduction of the amendments. Notwithstanding those concerns, the opposition does not intend to oppose the bill.

Mr HARDMAN (Seymour) — It is a pleasure to speak on the Environment Protection (Enforcement and Penalties) Bill. The government is determined to strengthen the Environment Protection Authority, and the bill provides for that to happen. It needs to be strengthened so it can carry out its job effectively. The

bill substantially increases penalties and enhances the authority's enforcement capability.

From listening to the contributions of opposition members one would have thought they would be voting against the bill, but they will support it. It is important for the opposition to face the reality that the bill would not have been introduced if it were not necessary. I cannot believe anyone would want to attract companies from interstate to dump their waste in Victoria, yet that is the situation in the current rules and regulations the bill aims to address.

At present in New South Wales illegal dumping attracts a fine of \$250 000, whereas the commission of an equivalent offence in Victoria incurs a penalty of only between \$20 000 and \$40 000. Business would consider such a small penalty a reasonable expense associated with getting rid of its waste. The bill addresses that problem and everyone in the government who worked on it should be commended.

I turn to take up some of the comments made by the opposition members regarding consultation and the browbeating of people. A press release issued by the Municipal Association of Victoria headed 'Landfill change welcomed' quotes Mr Spence, the chief executive officer of the association, and states:

'This announcement is good news. The minister's willingness to consult with local government and industry on this matter has resulted in a positive outcome, that will lead to better management practices at our landfills and tips', Mr Spence said.

The press release further states:

In the meantime, this announcement is a positive result for councils and the community.

Mr Perton — Madam Acting Speaker, I note that the honourable member has been reading a document. I ask that he table it.

The ACTING SPEAKER (Mrs Peulich) — Order! Is the honourable member for Seymour prepared to table the document?

Mr HARDMAN — Most certainly; I would be happy to table it. I will table it later, together with a press release of the shadow minister for conservation and environment.

The government is committed to stronger regional waste management. In particular it wants to ensure that a comprehensive regional network of waste management facilities, such as transfer stations, composting facilities and world best practice landfills, are implemented.

In a recent press release the shadow minister for conservation and environment has described the regional waste management groups as private waste management companies. That is totally incorrect. The groups are made up of local government representatives and are established by the Environment Protection Act. They provide the linkage between state and local government needs and priorities.

In the same press release the shadow minister stated his concerns that regional waste management groups will be required to implement, in his terms, a mirror image of Ecorecycle Victoria's business plan. Again the honourable member for Doncaster has got his facts wrong. It is plainly not the intention of the government to have groups simply mirror Ecorecycle Victoria's business plan, because their roles are much wider than that. However, their plans must be consistent with Ecorecycle's business plan and the government's strategic directions.

The importance of the environment must be recognised. My time has expired. I commend — —

Mr Perton — On a point of order, Madam Acting Speaker, I refer to Speakers' previous rulings. The press release, which I presume the honourable member has a copy of, says that the opposition was joined by regional waste management groups and private waste management groups. The honourable member has deliberately misquoted the document, and I ask him to apologise.

An honourable member interjected.

Mr Perton — No, he has obviously misquoted it and has deliberately misled the house.

An Opposition Member — He cannot read.

Mr Perton — He cannot read.

The ACTING SPEAKER (Mrs Peulich) — Order! Given that the honourable member for Seymour has already indicated that he is prepared to table the document — —

Mr Perton interjected.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Doncaster knows full well that accusations of misleading the house can be made only by substantive motion. Therefore, I do not uphold the point of order.

Mr HARDMAN — Thank you, Madam Acting Speaker.

Ms Delahunty — On a point of order, Madam Acting Speaker, the honourable member for Doncaster did say that the honourable member was dishonest. I do not think that that is what the honourable member for Doncaster really meant, and I ask him to withdraw the accusation.

The ACTING SPEAKER (Mrs Peulich) — Order! It is my understanding of standing orders that only the member who may have been slurred can take offence and ask for a comment to be withdrawn, so there is no point of order.

The honourable member for Burwood is walking in the line between the speaker and the Chair. I ask him not to do so.

Mr HARDMAN — I believe I have been slurred and I do take offence. I ask the honourable member for Doncaster to apologise.

The ACTING SPEAKER (Mrs Peulich) — Order! There is no point of order. The honourable member for Seymour has taken offence at a remark and has asked the honourable member for Doncaster to withdraw.

Mr Perton — On the point of order, Madam Acting Speaker, on many occasions Deputy Speaker McGrath indicated that debates in this place are appropriately robust and that if words that are not offensive in ordinary language are suddenly objected to, Parliament will become a farce. As to the use of the word 'dishonest' in these circumstances, I have the document in front of me and it is clear that the member has deliberately misread it. That indicates that it is an appropriate adjective and not one that could be deemed offensive in normal usage.

Earlier in the day the honourable member for Gippsland West was ordered to withdraw the word 'bullshit', a word that is inappropriate in common language. If we are prevented from using the word 'dishonest' then Parliament will become a meaningless waste of time.

Ms Delahunty — On the point of order, the accusation of being dishonest is one of the most offensive one can level at a public official or a public representative. It is the same as calling someone a liar. To attack someone's credibility by calling him or her dishonest is one of the most offensive accusations one can make against anyone, particularly a member of Parliament whose credibility is partly what propels him or her into office. I repeat, Madam Acting Speaker, that the honourable member for Doncaster has slurred inappropriately, unfairly and inaccurately the

honourable member for Seymour, and I ask him to withdraw.

Ms Garbutt — On the point of order, Madam Acting Speaker, I believe that you have already instructed the honourable member for Doncaster to withdraw the comment. My recollection is that in this house there can be no debate on that issue. Once the Speaker or Acting Speaker has asked a member to withdraw a comment at the request of another member who found those words offensive and unparliamentary there should be no further debate. I do not believe that the house should be debating a point of order now about whether you were correct or incorrect in your ruling. I believe you should apply your ruling and make the honourable member for Doncaster withdraw.

The ACTING SPEAKER (Mrs Peulich) — Order! While I agree with the honourable member for Doncaster that debate should be robust in the house and that members of the house should not be overly sensitive to ordinary, run-of-the-mill language, in this instance I have already made a ruling asking the honourable member for Doncaster to withdraw a comment he made in reference to the honourable member for Seymour. I ask him to do that now.

Mr Perton — The Minister for Environment and Conservation has been —

Government Members — Just withdraw!

The ACTING SPEAKER (Mrs Peulich) — Order! I ask the honourable member for Doncaster to withdraw the comment.

Mr Perton — Minister Garbutt on 23 April 1997 used the word 'dishonest' in respect of Alan Stockdale — —

The ACTING SPEAKER (Mrs Peulich) — Order! It is irrelevant to this instance — —

Mr Perton — In deference to you, Madam Acting Speaker, I withdraw the word, but I do note that on 23 April 1997 the — —

Honourable members interjecting.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Doncaster will sit down! It was totally unnecessary for this issue to have erupted and for the situation to have descended to where it is now. I expect the honourable member for Seymour to be able to continue his contribution without interruption.

Mr HARDMAN — Thank you, Madam Acting Speaker. I am happy to highlight the part of the press release I was quoting from for *Hansard* and for the honourable member for Doncaster. I think you will find that I have been very honest in my comments. I commend the bill to the house.

Ms BURKE (Pahran) — I also rise to speak on the Environment Protection (Enforcement and Penalties) Bill. I start by congratulating the Minister for Environment and Conservation for listening to local government regarding clean landfill. While the industry did not quite get the answer it wanted, at least there has been some consideration in the form of the 15 per cent figure. It is a pity the issues were not dealt with by consultation when the bill was being drafted. That appears not to have happened.

There is also the issue of claims that the system on clean landfill had been rorted and that many people had been doing the wrong thing. I would like to know how many prosecutions have been launched in respect of contaminated waste being used as fill at tips because that is not clear to the house.

The amount of money that goes to local government for waste management is still the subject of major debate. The money comes from the ratepayers of Victoria and the local government industry would like the regional bodies to see more of those funds.

I was delighted to see that proposed new section 69(3) of the Environment Protection Act, which is substituted by clause 11(12), provides that fines in respect of septic tanks and sewerage systems will go back to local government. I hope in future those systems will be checked more regularly and a stricter view will be taken of their effect on the environment, particularly near lakes and waterways. In this regard Victoria has lagged behind New South Wales, which has been progressive in its handling of the issue.

Septic tanks in New South Wales are regularly controlled. They must be serviced, tested and checked every year by the local council, and it is hoped that will now happen in Victoria.

Because there was so little consultation on the bill I am interested to know why for the sake of better coordination the submission of business plans was not incorporated into the council's corporate plan or why it was not suggested that the regional bodies' plans could be part of each council's business plan.

Over the years we have seen an increase in enforcement provisions, regulations, and penalties and fees that started at \$2, went to \$3 and now are \$4 — the penalty

for inappropriately disposing of prescribed and toxic waste now being \$10 a tonne. However, I am concerned about the lack of research into producing less waste. The charges are higher, but an increasing number of products are not packaged in environmentally friendly materials. Although waste is being recycled, melted down, turned into pellets and having many other things done to it besides, more research needs to be done on waste reduction and future storage. At the moment rural areas are exempt from several charges, and I am interested to know how long that will continue. It is advantageous for residents and businesses in rural areas, but the environment belongs to us all. However, given the hardship recently faced by rural areas, the rest of Victoria must also share the responsibility.

If one went through each clause of the bill one could comment on many things; however, I will not do that tonight. I am concerned about why wood heaters are referred to in an environmental bill. If a wood heater is not of good quality, that is more of a fair trading issue. I hope it does not mean Victoria is heading towards having so-called anti-wood fires, which are a cheap form of heating for rural Victoria, trees being grown specifically for that purpose.

I am pleased to see that local government won on the issues it was concerned about. It would be great to see local councils, the community, industry and the EPA all working together on research to find new ways of reducing waste at all levels, whether the waste be prescribed, putrescible, toxic or whatever anyone wants to call it. Reducing waste is an important aim for us all, and funding should be supplied for research and development. Ecorecycle Victoria already does much scientific research, but more is needed on contaminated soils and the different products used by business.

I turn now to the local government regional bodies involved in waste management. When one is first asked to visit a tip site one's first thought is that it is something one does not need. However, once you become involved you become very involved!

Ms Duncan — You bring home more than you take.

Ms BURKE — No, you don't bring home more than you take, but you do understand its importance. You start thinking about where the rubbish placed on the kerb will end up. With the recent rain, a great deal of rubbish, including bottles and needles dropped in the gutter, has flowed into our rivers before ending up in the sea, where it has done a lot of damage.

Victoria has come a long way. During my time with the former Prahran council there was an interesting development at the local tip sites. The council did its bit for the environment by placing pipes under the waste, collecting the gases and piping them off to different industries to be used as economical forms of power. The issues were difficult to address, but the council did its best.

I wish the bill a speedy passage. Although the Bracks government calls itself a consulting government, the bill is a further example of its forgetting to consult. It is disappointing to realise that local government was left out. It would be terrific if in future it could be involved earlier in the piece.

Ms DUNCAN (Gisborne) — I am pleased to speak tonight on the Environment Protection (Enforcement and Penalties) Bill. I will concentrate on the aspect of the bill that relates to standards for wood-burning heaters. I do not understand why the member for Prahran questioned the bill dealing with such heaters, as members would be aware of the impact wood-burning heaters have on air quality. I represent a rural electorate where most people would have wood heaters. They are also very popular in the city where they can potentially have a bigger impact on air quality.

Air quality is a major concern of the Environmental Protection Authority and the general community. The member for Doncaster made a point about the perceived role of the EPA and pointed out that protection of air and water quality are considered to be its main functions. Those of us who have big wood-burning stoves love them.

Mr Hulls interjected.

Ms DUNCAN — Yes, they have a nice ambience and create a lot of heat.

The existing regulations must be changed to enable the EPA to continue its role in our community effectively and to keep abreast of current environmental issues. Since coming to office the government has introduced many initiatives aimed at improving the quality of our air, particularly in metropolitan areas where it is a bigger issue than in the country. It has been recognised that the most significant source of fine particle pollution in the metropolitan area is emissions from solid fuel heaters — now the member for Prahran may understand why the bill deals with that issue. The amount of such particles in the air increases dramatically in very cold weather; we have seen that in recent days in Melbourne. That pollution contributes to haziness and poor visibility and has a significant impact

on people's health. It can aggravate existing respiratory conditions such as asthma as well as heart disease.

Prior to the last election the government made a specific commitment to ensuring that solid fuel heaters sold in Victoria complied with specific emission limits. The proposed changes to the EPA's powers as outlined in the bill will allow the authority to develop regulations to prohibit products that do not comply with the limits and to enforce the regulations. It has been recognised at a national level that action is required on the matter. The changes will allow Victoria to fulfil its commitment to the national agreement which was agreed to but never implemented by the previous government.

The agreement addressed a model regulatory scheme for solid fuel heaters to ensure that they meet appropriate Australian standards for environmental performance in the amount of emissions they create, the rate at which they burn fuel and how effectively they do so. The standard is similar to the ratings on electrical appliances. The government is prepared to honour the agreement and the bill will enable the government to implement the Australian standards.

Therefore, I find it quite perplexing that the opposition has suggested that the proposed powers will allow the EPA to ban people from using their open fires, as the member for Doncaster in his usual verbose manner said. That is perplexing because when it was in government the opposition agreed to the standard. The claim that the new powers will enable the EPA to ban home owners from using open fires is inaccurate, as the member for Doncaster knows.

The bill clearly limits the EPA's powers to developing environmental performance standards which prohibit the supply of products which do not meet environmental performance standards. Therefore, any regulations developed by the EPA will only be able to ban supply of new solid fuel heaters which do not meet environmental standards. They will not prevent the use of established home fireplaces or existing heaters. The regulations will not affect people who are including fireplaces in the new homes they are building. Nothing in the bill allows the EPA to take a position on that. I commend the bill to the house and wish it a speedy passage.

Mr SMITH (Glen Waverley) — I am pleased to speak on the Environment Protection (Enforcement and Penalties) Bill after some government members, particularly the members for Tullamarine and Gisborne, made some extraordinary claims.

Before the member for Tullamarine leaves the chamber I will take up a point she made. She said industry will work with the Environmental Protection Authority — in other words, ‘You will work with the EPA, and they will follow suit’. The member can check her speech in *Hansard* but my shorthand is reasonably good for this purpose. Her exact words were ‘Industry will work with the EPA and they will follow suit’.

I have here a letter from the Australian Industry Group, the peak body for all industry including private waste management, addressed to Ms Jennifer Wolcott, Director Policy Development, Environmental Protection Authority, Melbourne, and signed by John Newton, Manager, Environment and Energy, Australian Industry Group. It is a fascinating letter. Labor Party members are the mob who said during the election campaign that they would provide open, accountable and transparent government and that that is what the party is all about. Mr Newton states:

The AI Group is concerned by the short consultation time allowed for this process.

The Minister for Environment and Conservation should listen to this as she will need to respond to it when she is summing up. The letter continues:

While we recognise the issues under consideration in this bill may not require lengthy and detailed consultation we hope this ‘compressed consultation’ method does not become standard practice for other more significant issues. Further to this we are also concerned about the policy decision not to allow stakeholders to see and examine the details contained within the draft bill.

They were not allowed to see the bill introduced by the great open, accountable and transparent government that was coming in to return democracy to Victoria. Ha, ha, ha! The letter is from the peak body, not a tin-pot organisation, and it states further:

We strongly recommend this policy be reviewed and that consultation, even in an ‘in-confidence’ basis, should proceed in a more transparent manner.

Transparent? Mr Newton is using the words of the Labor Party. The government is again being deceptive. Mr Newton’s letter also states:

Any review of the penalty provisions within the Environment Protection Act must encompass an overall review of enforcement policy provisions and an examination of the offences being considered and ensure that the penalty is appropriate to the offence. Following this review, any substantial increase in penalty such as the 1200 per cent increase being proposed, should be phased in, not introduced in one step.

This is what the party of open, accountable and transparent government is on about. The letter continues:

AI Group does not support the increase in the penalty infringement notice from \$800 to \$5000. This increase is completely inconsistent with the philosophy of ‘on-the-spot’ fines and would result in a reduction in efficiency of enforcement activities.

The Australian Industry Group is accusing that mob — the new government — of not being consultative! It is saying that the government is being sneaky. Opposition members have known that all along, but the government is now hearing it from the people who really matter.

An honourable member interjected.

Mr SMITH — I am sure when the people of Benalla are told they will have to pay more for their garbage bills they will have something to say. The government should make sure its press releases are right on this, because what it is doing here is nonsense.

Mr Newton referred in his letter to ‘compressed consultation’. He was asking to be consulted, but what did the government do? It quietly introduced the bill in the usual sneaky Labor Party way, applying the backroom philosophy it always follows. It has all come out because people like Mr Newton are awake to that mob.

The other thing that has come out is that the peak body said, ‘Why don’t you take us into your confidence and tell us these things?’. But, oh, no — the government said, ‘Let’s do it in the usual Big Brother way’, which is what the Socialists are all about. Wait until people wake up to what the government is up to! The government knows it has been caught out. Members opposite have said the Bracks government is open, accountable and transparent; but the government has been caught out on this issue.

The honourable member for Gisborne talked about the use of open fires. My family has a place down near Philip Island in a street that ordinary battlers live in. They all have open fires. When the story gets out into that area that they might not be allowed to use their wood fires, just imagine how that news will be treated! I have half a garage full of wood. I collected all the spare wood that was lying around the area, got out the power saw, cut up the wood and lined it up in the garage. What will happen when the other people who have done the same thing in that area discover they are not allowed to use wood fires because of the provisions covering wood combustion heaters? Who will police such laws? Will the government employ a whole new

lot of Labor Party officials to go around inspecting whether people are using their wood combustion stoves or open fires?

Again, the government has not sold the proposal properly. The bill will also allow the EPA to develop regulations to prohibit the supply of wood combustion heaters that do not meet Australian emission requirements. How many ordinary people's houses will have the correct material? None! When the information comes out and people are frightened they will not be able to use their wood fires any more the government will discover that it has another problem on its hands.

The government is all about introducing legislation on which it does not consult properly. The government brings its Labor mates into every sort of area one could possibly imagine. Are they usually competent? Of course they are not. The fascinating part will be how long it will take for confidence to run down further than it has already.

What are the confidence stakes of the Labor Party in this state showing currently?

Honourable members interjecting.

Mr SMITH — We know what it is, all right. They are not showing up very well with you mob!

They are not showing up very well because the government introduces legislation such as this without having consulted on it. I hope the minister has seen the letter from Mr Newton in which the Australian Industry Group, the peak industry body, accuses the government of sneakiness, not consulting properly, not taking its members into its confidence, and introducing penalties quite out of proportion to what they should be at this stage.

Mr Newton is saying in his letter that provisions in the legislation should be introduced in steps. He is not saying, 'Don't bring it in'; he is saying, 'Bring it in in steps, not in one fell swoop'. The bill provides for a 1200 per cent increase in penalties, which is incredible!

When the government is exposed for what it is up to, it will start to realise it does not have the running support it thought it had. That is typical. I refer to that letter and what honourable members have said in this debate. The opposition does not oppose the bill, but this mob should be listening to what the people out there are saying instead of believing their own — —

Mr Trezise interjected.

The ACTING SPEAKER (Mrs Peulich) — Order! If the honourable member for Geelong wishes an opportunity to contribute to the debate I suggest he wait patiently until the conclusion of the contribution of the honourable member for Glen Waverley.

Mr SMITH — It is obvious the poor fellow has been in the bar all night with the fellow beside him. They should go back to the bar, because that is all they are good for at this stage.

Honourable members interjecting.

Mr SMITH — Poor fellows, it is sad that they cannot keep quiet.

The point is that this bill is just another attempt by a government that claims to be open, accountable and transparent, to be the dead opposite. The government has been caught out. It is not as if I am quoting people off the street, I am quoting the peak body that represents private industry in Australia. If the peak body's submission to the government reflects what it thinks of the government, woe betide the government because the fun and games will start soon. The proper response would be for the minister to give to the people of country Victoria who use wood fires and have used them for generations an unequivocal undertaking that she will not endanger the use of those appliances.

Although the opposition does not oppose the bill, it hopes to see the start of consultations so that the people of Victoria can be reassured that they will not be duped yet again by this sneaky, socialist government.

Ms GARBUTT (Minister for Environment and Conservation) — I am pleased we are all in such vigorous agreement with the Environment Protection (Enforcement and Penalties) Bill. I am happy to give the unequivocal undertaking asked for by the previous speaker in the debate. It was never the government's intention to outlaw wood heaters or open wood fires. It is outrageous that Victoria has not yet implemented the agreement reached by all the Australian environment ministers. Victoria is the only state of Australia that has not implemented that agreement to ensure that solid fuel heaters meet appropriate Australian environmental standards. All the other states except South Australia have met that performance standard, and it is important for Victoria to also meet that standard.

We must improve the air quality in Victoria. The use of wood heaters can contribute greatly to that end, and by simply implementing that performance standard the improvement in air quality will be greatly facilitated. Victoria is the dinosaur in this area; it has been left behind by all the other states except South Australia.

The previous government did absolutely nothing to implement that standard, and over the past few weeks we have seen an extraordinary scare campaign being run by opposition members who have been suggesting that all open wood fires would be banned. That is totally irresponsible. The bill simply gives a head of power to the Environment Protection Authority (EPA) to enable it to make regulations.

For the benefit of the members opposite I advise that all regulations go through a regulatory impact statement process, which includes public consultation, so introducing measures to ensure that the Victorian standards are in line with the rest of Australia will also need to go through that process. The scare campaign run by the opposition is absolute nonsense.

I shall deal with the penalties imposed by the bill. Victoria is a full 10 years behind in increasing the penalties. It has been 10 years since they were increased. The penalties for such things as oil spills have been criticised by the public and some magistrates as being totally inadequate and some newspapers have recently published articles saying that the penalties for the illegal dumping of dangerous chemicals are inadequate.

The circulated amendments will address some of the major concerns of the local councils, regional waste management groups and landfill operators about the landfill levy. The amendments provide for the exemption of cover material up to a cap of 15 per cent. They also address the issue of operators avoiding the levy by claiming excessive amounts of material as cover material.

I was pleased to receive a press release issued by the Municipal Association of Victoria welcoming the changes and quoting the MAV chief executive officer, Rob Spence, as saying that the announcement about the levy is good news. It states:

'The minister's willingness to consult with local government and industry on this matter has resulted in a positive outcome that will lead to better management practices at our landfills and tips', Mr Spence said.

The press release also quotes him as saying:

We are particularly pleased with the minister's assurances that there is no financial impact on responsible landfill operators who are complying with EPA conditions.

It is pleasing to have that support.

The shadow minister was a bit rich when he talked about the proud record of the Liberal and National parties on environmental issues in Victoria. The

honourable member for Werribee suitably reminded him of the not-so-good record of the previous government in Werribee. The honourable member for Niddrie could also have reminded him of some of the more outrageous proposals by the previous government. The bill is testimony to the neglect of the environment under the previous government, as is the fact that the penalties for pollution and serious environmental damage have not increased at all over the past seven years.

All sorts of illegal dumping was allowed to continue unabated while the penalties got more and more out of step with the rest of the country and with common business practice.

The Labor government is committed to protecting the environment, and part of that commitment involves strengthening the EPA to make it a real environmental watchdog, not the lap-dog it was under the previous government. The government has already boosted funding by putting \$4 million into the EPA's audit task force, which will crack down on illegal dumping. As a result of the passage of the bill there will be suitable penalties.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 agreed to.

Clause 2

Ms GARBUTT (Minister for Environment and Conservation) — I move:

1. Clause 2, lines 20 and 21, omit "20, 21 and 23 to 27" and insert "22, 23 and 25 to 29".
2. Clause 2, line 24, omit "Section 19" and insert "Sections 19, 20 and 21".
3. Clause 2, line 25, omit "22" and insert "24".

The three amendments to clause 2 are consequential on the insertion of two new clauses in the bill, which I will move later. Clause 2 needs to be amended to reflect the renumbering.

Amendments agreed to; amended clause agreed to; clause 3 agreed to.

Clause 4

Ms GARBUTT (Minister for Environment and Conservation) — I move:

4. Clause 4, after line 25 insert —
 - “(1) In the **Magistrates’ Court Act 1989**, in Schedule 4, in item 55, for “400 penalty units” substitute “1000 penalty units”.
5. Clause 4, line 27, before “In” insert “(2)”.

These two amendments increase to \$100 000 and/or two years imprisonment the maximum penalty that can be imposed in the Magistrates Court for the most serious offence against the environment of aggravated pollution. That will bring the Magistrates Court jurisdiction for that offence into line with the new penalty scheme established in the bill.

Amendments agreed to; amended clause agreed to; clauses 5 to 12 agreed to.

Clause 13

Ms GARBUTT (Minister for Environment and Conservation) — I move:

6. Clause 13, for line 23 substitute —
 - “(1) In this section —
 - “**authorisation**” means — “.
7. Clause 13, page 15, after line 5 insert —
 - “**relevant offence**” means —
 - (a) an indictable offence;
 - (b) an offence committed outside Victoria that would have been an indictable offence if it had been committed in Victoria on the date it was committed;
 - (c) a summary offence under this Act, the **Dangerous Goods Act 1985**, the **Occupational Health and Safety Act 1985** or the **Equipment (Public Safety) Act 1995**.’
8. Clause 13, page 15, lines 26–29, omit proposed sub-paragraph (i) and insert —
 - “(i) has been found guilty of one or more relevant offences in the 10 years immediately before the date the Authority received the application; and”.
9. Clause 13, page 16, lines 8–11, omit proposed sub-paragraph (i) and insert —
 - “(i) has been found guilty of one or more relevant offences in the 10 years immediately before the date the Authority received the application; and”.

These four amendments define and limit the offences that can be considered in the proposed fit-and-proper-person test in clause 13. Only environmental and workplace safety offences and serious criminal offences committed in the previous 10 years would be considered under the amended test. In administering this provision the EPA will not require applicants to disclose relevant offences committed by a company or by any manager. The changes will allow the EPA to properly consider relevant offences known to it in its statutory decision making.

Amendments agreed to; amended clause agreed to; clauses 14 to 25 agreed to.

Clause 26

Ms GARBUTT (Minister for Environment and Conservation) — I move:

10. Clause 26, page 24, in line 4, after “district” insert “(except for the purposes of section 52B(4) of the **Environment Protection Act 1970**)”.

This amendment addresses an anomaly in the distribution of the landfill levy that would otherwise result from clause 26. It addresses problems from the previous government’s excision in 1997 of alpine resorts from municipal districts. However, the distribution of the landfill levy among regional waste management groups is related to the number of municipal districts in each group. Without the amendment some groups may receive an unjustified increase in levy receipts at the expense of all the other groups.

Mr PERTON (Doncaster) — The opposition will not oppose the amendment on the basis of assurances it received in the briefing that it would be anomalous to allow additional payments to go to waste management organisations within whose areas ski resorts exist. If a problem arises in the administration of the change I hope the minister will be prepared to revisit the amended clause.

Amendment agreed to; amended clause agreed to; clause 27 agreed to.

New clauses AA and BB

Ms GARBUTT (Minister for Environment and Conservation) — I move:

Insert the following new clauses to follow clause 19 —

‘AA. Insertion of section 50SAB

After section 50SAA of the Environment Protection Act 1970 insert —

“50SAB. Rebate for cover material

- (1) A person who is liable to pay a landfill levy under section 50S is entitled to a rebate for each tonne of waste that is deposited on to land at the premises.
- (2) The amount of the rebate is —

$$\text{Rebate} = \frac{15}{100} \times W \times LR$$

where —

W is the amount of waste (in tonnes) deposited on to land at the premises in the relevant period;

LR is —

- (i) \$3 in the case of a premises that is in a municipal district listed in Schedule C if the waste in respect of which the rebate is to apply was deposited at the premises after 30 June 2002;
- (ii) \$4 in the case of a premises that is in a municipal district listed in Schedule C if the waste in respect of which the rebate is to apply was deposited at the premises on or before 30 June 2002;
- (iii) \$2 in any other case.”.

BB. Consequential amendment concerning payment of the levy

- (1) For section 50SB(2) of the **Environment Protection Act 1970** substitute —

“(2) In calculating an amount under sub-section (1), the holder of the licence —

 - (a) must not take into account any rebate that he, she or it is entitled to under section 50SA or 50SAA; but
 - (b) must deduct the rebate that he, she or it is entitled to under section 50SAB.”.
- (2) After section 50SB(5)(b)(ii) of the Environment Protection Act 1970 insert —

“(iii) the amount of the rebate that the licence holder calculates he, she or it is entitled to under section 50SAB in respect of the April–June quarter; and”.

That is the final amendment I wish to move. It inserts two new clauses that will ensure that changes to the landfill levy in clause 19 do not have any financial impact on responsible landfill operators who are meeting the daily cover requirements of their licences. It will allow 15 per cent of cover material to be free of a levy, while retaining the advantages of the simpler levy administration resulting from clause 19.

The ACTING SPEAKER (Mr Nardella) —
Order! The time for me to report progress under the sessional orders has now arrived.

Progress reported.

Debate interrupted pursuant to sessional orders.

Sitting continued on motion of Mr BATCHELOR (Minister for Transport).

ENVIRONMENT PROTECTION (ENFORCEMENT AND PENALTIES) BILL

Committee

Resumed from earlier this day; further discussion of new clauses AA and BB.

Mr PERTON (Doncaster) — The new clauses are a great source of annoyance to the industry — to the government sector, the semi-government sector and the private sector. The original clause 19 was introduced after the worst and most inappropriate consultation. That has already been referred to in the second-reading debate by me and other honourable members and was made clear in correspondence from the Australian Industry Group and waste management companies.

The original clause removed the exemption for clean landfill, which was to ensure that companies complied with their obligation to keep landfill safe. The original justification for the provision was that companies were rorting the system. As has been pointed out by waste management operators and their association, that was untrue. The minister has in her possession audits that demonstrate there is no demonstrable cheating or rorting of the system. The minister now comes into the house and says the reason for the change is to allow companies to access an easier form of accounting and for those who are well managed to get the benefit of the 15 per cent rebate.

The minister’s adviser in the briefing last night agreed that the minister, in the course of the committee debate, would acknowledge and make clear that the interpretation of those sections would be that fill that is obtained on site and modern covers such as pulped paper, which is sprayed on the site, would not be taxed and that material used in the construction of the landfill would also not be taxed. I ask the minister to deliver that interpretation and that assurance to the house.

Ms GARBUTT (Minister for Environment and Conservation) — The 15 per cent relates to the average amount of cover claimed in 1998–99 across the state. If there are more excessive claims — and there certainly

have been much more excessive claims of 50 per cent and more — that will reduce back to the 15 per cent. I am happy to give the assurances that the honourable member has asked for. That was never the case. I think he has tricked that out of his imagination.

New clauses agreed to; schedule agreed to.

Reported to house with amendments.

Remaining stages

Passed remaining stages.

NATIONAL PARKS (AMENDMENT) BILL

Government amendments circulated by Ms GARBUTT (Minister for Environment and Conservation) pursuant to sessional orders.

Second reading

Debate resumed from 4 May; motion of Ms GARBUTT (Minister for Environment and Conservation).

Mr PERTON (Doncaster) — This is a piece of legislation with a number of purposes to it. I refer the house to the purposes set out in clause 1 of the bill:

The purposes of this Act are —

- (a) to amend the National Parks Act 1975 —
 - (i) to provide for land to be included in the Alpine National Park; and
 - (ii) to make further provision for parks in that Act; and
- (b) to make other miscellaneous amendments to the National Parks Act 1975; and
- (c) to amend the Alpine Resorts Act 1983 and the Alpine Resorts (Management) Act 1997.

The pieces of land being incorporated into the parks vary widely. Firstly, the land being added to the Organ Pipes National Park is a 13-hectare addition. It was donated by the City of Brimbank on 12 May 1998 during the term of the previous government. The land joins 1997 park additions and consolidates the eastern section of the park south of Jacksons Creek. The Organ Pipes National Park is well known to you, Mr Acting Speaker — in another role you spoke about it in the house today. It is close to the Calder Highway 20 kilometres north-west of Melbourne and is a convenient park open on a daily basis.

In the words of the pamphlet which I picked up in the park, a set of basalt columns as straight and regular as Organ Pipes is the central feature of the existing

121-hectare park in a deep gorge in the bare Keilor Plains. There are other rock phenomena — both you and I, Mr Acting Speaker, have had the pleasure of passing through the area — and the park is worth visiting for its native vegetation and variety of birds.

As you said in an earlier speech, Mr Acting Speaker, the viewing platform, established during the course of the previous government, enables one to see the basalt Keilor Plains, part of one of the world's largest lava flows. One can walk down the path to view the Organ Pipes — a set of basalt columns formed by lava. There are yellowish sandstones and mudstones across the creek 200 metres downstream from the Organ Pipes, and fossils in those rocks suggest they are sedimentary rocks laid down under the sea about 400 million years ago. Another feature is called the Rosette Rock — a radial array of basalt columns like the spokes of a wheel. Other interesting features include the Tessellated Pavement, formed by the tops of basalt columns.

The heritage value of the area is undoubted and the park is well supported by both sides of politics, as has been the case in respect of national parks since they were first created under the National Parks Act introduced by the Liberal government in the 1970s. For the interest of members of the house — —

The ACTING SPEAKER (Mr Seitz) — Order! Will members lower their voices? It is very rude to the member speaking to the house.

Mr PERTON — The Organ Pipes were formed about a million years ago when a massive lava flow, about 70 metres thick, spread over the plains from nearby volcanic hills. A surface crust formed and the lava beneath cooled very slowly and contracted. Vertical surface cracks developed and, as the lava continued to harden, the cracks lengthened until the basaltic mass was divided into columns. Over the next million years, Jacksons Creek — a feature in the park — cut a deep valley through the thick basalt layer to expose the formation known as the Organ Pipes.

Important in the context of today's ceremony, the Keilor Plains were among the first parts of Victoria to be occupied by settlers when they came north from Tasmania in the 1830s. Aborigines had camped and hunted on the open, grassy plains for thousands of years with little adverse effect on the environment. At this time the plains supported kangaroos, dingoes, tiger cats, bandicoots, gliders and platypuses, but with settlement and the introduction of domestic plants and animals the number of native animals diminished.

After more than a century of settlement, pressure mounted among naturalists to protect the remaining native flora and fauna and unusual basalt formations along Jacksons Creek. However, it was not until 1972 that land for a national park was set aside by the Liberal government.

In respect of vegetation I point out that since 1972 volunteers have spent thousands of hours removing weeds — mainly thistles and boxthorn — planting and tending trees, searching surrounding areas for seed and propagating plants to restore the indigenous vegetation. Species of native plants number 145 and, sadly, 106 species of weeds have been recorded in the park.

In respect of the additions there has been extensive work by Friends of the Organ Pipes and others to re-establish the original native vegetation communities such as she-oaks. The area includes part of a proposed walking track down Jacksons Creek, which has been a feature of the area for millions of years.

It is a terrific park, and most members in the house who have travelled down the Calder Highway — whether alone or with families — have taken the opportunity to visit it. As I mentioned earlier, the land was obtained under the previous coalition government and donated by the City of Brimbank with the intention that it be incorporated as a national park.

The partnership wishes both the Friends of the Organ Pipes and the local rangers the best in the management of the additional land. The management has been terrific. The number and variety of native birds recorded has increased greatly since the park was established. Some mammals, such as possums, wallabies and echidnas, can be seen and reptiles are abundant. Sugar gliders were released early in 1989 and other species are being reintroduced as native vegetation develops and the habitat becomes suitable.

It is a very accessible park not just by car — many tour groups also stop there. As a local member representing the area you, Mr Acting Speaker, must be very proud of that park and I know you take every opportunity to visit it. I have talked to the former Minister for Conservation and Land Management, the Honourable Marie Tehan, who is very pleased to see the changes. As the park proceeds and improves and the flora and fauna returns to some of its earlier values, it will be a terrific resource for recreation, education, conservation, preservation and the enhancement of wild animals and wild places.

The second component of additional land being added includes some additions to the Yarra Ranges National Park, which many honourable members have taken the

opportunity to visit. Several pieces of freehold land are being added to the park. Their acquisition has been negotiated for some time, and they have now been acquired by the state. One piece of land was transferred on 1 April 1999 for the sum of \$15 000 and three of the other sites were transferred to the Crown on 30 September 1999. It is my understanding from the briefings received by the opposition that compensation to the previous owners is still being negotiated.

The main purpose for the addition to the Yarra Ranges National Park is the protection of catchment and park values, and the briefings indicated that the first three allotments were compulsorily acquired for the technical reason that the occupier did not hold title. The allotments were apparently subject to an adverse possession claim.

I visited the park about four weeks ago and a large number of people were there. By coincidence, I met the honourable member for Glen Waverley who was enjoying the park with his family and international visitors he had taken to see a part of the park very rich in flora and fauna. It was terrific to see him there. The Honourable Andrew Olexander, a member for Silvan Province in the other place, was also in the park. It really has caught the imagination of Victorians.

It was only in 1987 that the areas of Sherbrooke Forest, the Doongalla Reserve and Ferntree Gully were combined to form the Dandenong Ranges National Park. Covering 3215 hectares, the park plays an important role in protecting the population of famous lyrebirds. Since June 1997, during the term of the coalition government, the Olinda State Forest and the Mount Evelyn Forest have also been included in the Dandenong Ranges National Park.

Having regard to today's important events, that area was originally used by the Boonerwung people — who were represented in the Parliament today — and the Woewurrong Aboriginal tribes. Sadly, as in so many other parts of Australia, the ranges became an important source of timber for early settlers in Melbourne and much of the forest was cleared. Farming became established late last century as roads and railways were built. The area became popular with tourists from the 1870s onwards; Ferntree Gully was first reserved in 1882 and other areas followed. As I indicated earlier, the present national park was established in 1987.

I shall not go through all of the material, but I commend Parks Victoria for the establishment of an excellent web site accessed through the government web site. For those students of national parks and history and for the purposes of *Hansard*, the address is

www.parkweb.vic.gov.au. It provides good information.

In essence the Yarra Ranges National Park has six major vegetation communities in which about 400 indigenous plant species occur. The park is particularly well known for spectacular Mountain Ash forests and ferns. It really is quite spectacular. The Yarra Ranges National Park, which was declared a national park in 1995, is a vital catchment for Melbourne's water supply and is home to forests of Mountain Ash, rainforest and fern gullies and the endangered Leadbeater's possum. There are very important values in the park, stretching from Healesville to Warburton, from the headwaters of the Yarra River to Marysville.

The next significant piece of land is the Kamarooka State Park, a 94-hectare addition that is costing the state some \$47 000, \$10 000 of which will be funded by the City of Greater Bendigo. The significant vegetation includes a stand of Kamarooka mallee, a species of national and state significance because of its rarity; a sandstone rise broombush community, which has a limited distribution and reaches its eastern limit in the park; and a box-ironbark woodland community. It adjoins an area added in 1997. The area is subject to the box-ironbark report of the Environment Conservation Council, which was released on Tuesday.

The Victorian Chamber of Mines raised a query about the addition of that piece of land pending the completion of the report. However, it conceded that the land was freehold that had been obtained by the state, and that while it had a query about it, it was prepared to accept that at this stage it was appropriate that the land be inserted. It just raised the question with a little greater urgency than was really needed.

The next piece of land referred to is a 16-hectare addition of land to the Gippsland Lakes Coastal Park, which is part of a larger acquisition. The area is predominantly salt marsh vegetation with some coast banksia woodland. Its purpose is to consolidate management of Crown land in this part of the Boole Poole Peninsula. It was purchased along with an adjoining allotment to the south, which was added to the park in 1997. The opposition's consultation with the community indicated that it is an appropriate addition to the park. Again the addition of land has the full support of the opposition.

The next area of land I would like to deal with is the Wongungarra addition. That is an important addition and has been very much supported not just by the conservation movement as a whole but particularly

among organisations such as the Wilderness Society. I will read to the house from a press release dated 21 April 1999 in which the Wilderness Society praised the work of the previous coalition government on what was at that stage the draft regional forest agreement for north-eastern Victoria that had been released by the commonwealth and state governments.

The press release states:

... the pristine Wongungarra Valley is lined with ancient snowgums and surrounded on three sides by the Alpine National Park, plunging 800 metres through alpine heathland, ash forests and an extraordinary range of vegetation communities. The area is home for the endangered spotted tree frog and other animals like the peregrine falcon, the white-footed dunnart and the smokey mouse.

The government's proposed addition of much Wongungarra to the reserve system follows the Victorian Land Conservation Council's recommendations to protect the area from 1992.

Wongungarra is the 'jewel in the Crown' of this expanded reserve system, and the commonwealth and Victorian governments are to be congratulated for protecting the most valuable areas in the Wongungarra wilderness.

Commonwealth and Victorian ministers for the environment Robert Hill and Marie Tehan have positioned themselves to be remembered as the ministers who protected Wongungarra — Victoria's last unprotected wilderness area.

The addition of Wongungarra to the national parks legislation follows the fine work of the Honourable Marie Tehan and Senator Robert Hill. Not only the Wilderness Society but a range of conservation organisations have paid tribute to them in that respect. The opposition is pleased to see the piece of land become part of the national park.

There are some matters that need to be tidied up. Until recently the question of the Mount Beauty timber company still remained outstanding. The week before last the honourable member for Benambra and I visited the company and met with its managing director. He is a modern and far-sighted businessman who obviously wants to be in the industry for keeps and wants the industry to be sustainable. As a result of the changes brought about by the then coalition government he lost some of the stock of trees that had been part of his operation.

Under the regional forest agreement (RFA) funds are available to compensate a company that is required to modernise its equipment and add value. Apparently by last week the commonwealth government had come good with its one-third, which the company was prepared to spend, but the state's contribution was delayed. I have not been able to follow up my pager messages because I have been in the house. I note that I

have received a pager message this evening that Minister Garbutt has sent a letter to Mount Beauty indicating that the funds will now be paid.

Mr Dixon — Table it, of course.

Mr PERTON — It is suggested that I table the paged message, but I will refer to it instead. It was received on 31 May at 6.07 p.m.

Mr Plowman interjected.

Mr PERTON — I have not checked it since then. However, I am pleased to say that it appears —

The ACTING SPEAKER (Mr Seitz) — Order! Back to the bill.

Mr PERTON — This is very much in relation to the bill, Mr Acting Speaker. I am pleased to say that it appears that the Mount Beauty timber company has now been appropriately compensated so it can go forward and undertake its work. That has resulted from the work of the local member, and I thank him for that. However, it really has been a cooperative effort. I am pleased to see that with a bit of additional pressure the minister has apparently signed off and that the Mount Beauty timber company can face the future with confidence.

A second issue arises in respect of Wongungarra. It relates to timber licences that still exist over the area. The background is that parts of two licences cover about two-thirds of the Wongungarra addition to the Alpine National Park. From the minister's briefing I understand that the annual licences were granted under the Land Act to descendants of the Treasure family — but I understand that that does not accurately describe all the licence holders — and under the Forests Act to Coolungubra Station.

In referring to the agreement by the minister in response to the opposition I will quote from an undated letter from the minister addressed to me, which arrived on Monday. I will read the last paragraph into the record.

Mr Smith interjected.

Mr PERTON — I can assure —

The ACTING SPEAKER (Mr Seitz) — Order! Interjections are disorderly and the honourable member will ignore them.

Mr PERTON — It is just a bit of lightheartedness at this time of night, Mr Acting Speaker. The last paragraph of the letter states:

In regards to another matter you raised in a briefing with departmental officers concerning portions of grazing licences in the Wongungarra area proposed to be included in the Alpine National Park, I am introducing a house amendment to the National Parks (Amendment) Bill that will save these licences in their current form.

This will ensure that the interests of the licensees will be unaffected by the inclusion of this area into the Alpine National Park.

This is very important. The matter has been raised by the Honourable Graeme Stoney, a member for Central Highlands Province in the other place, who has this evening spoken to one of the licence holders. In the course of the committee debate I will be looking to the minister for her assurance that nothing untoward is happening.

It appears from the briefing that the Honourable Graeme Stoney received today that there are two pieces of land. I will have to describe them as it is probably a bit late in the evening to have the details incorporated. There is a portion of the licence which is in the current national park and there is a portion of the licence in the reserve area. There appears to have been some action by a ranger to exclude a portion of the licensed land from being grazed.

My discussions this evening with Ms Rosemary Barker in the minister's office indicated that it is the minister's intention that all rights and entitlements of current licence holders be preserved by the amendments to the legislation. I have again looked at those amendments. It appears to give a clear intention, but I ask that during the committee stage the minister reaffirm to the house and to the economic interests involved that there will be no shenanigans or funny business — that is, it will be a straight transfer of licence entitlements.

Before I reach the last portion of land to which I want to refer, I need to deal with another amendment to the National Parks Act that is incorporated in this act — namely, a provision that gives additional power to the National Parks Advisory Council. Clause 5(1) provides for the insertion of a new power to:

... advise the Minister on any proposed excision from a park referred to it by the Minister ...

Clause 5(2) provides that a report from the National Parks Advisory Council will need to be tabled. It states:

The Minister must cause a copy of any advice received under sub-section (1)(aa) to be laid before both Houses of Parliament within 10 sitting days after it is received.

It is odd that although in her policy the minister indicated that the consultation would be compulsory there is no provision in the bill to make it compulsory. I

asked the briefing officers that question and their only answer was that parliamentary counsel had advised that if the government excised some land without seeking that advice the excision would be invalid. I would have thought that was precisely what was intended by giving power to the National Parks Advisory Council and providing that a copy of advice be laid before both houses. It should be mandatory. The conservation movement should be knocking on the minister's door because it is clear to me from the briefings, which were open and explicit, that the minister intends to give herself power to excise land from national parks without necessarily seeking the advice of the advisory council.

What is the National Parks Advisory Council? It is a group of people, all of whom are well known in the community and are of high repute. They are Mr Tom Guthrie, the convenor and a community representative, rural, who is a grazier; Mrs Bray, a community representative, rural; Mr Durham, the Victorian National Parks Association nominee, who we all know is an active conservationist; Ms Foster, a community representative, metropolitan; Mr Heislars, the Environment Victoria nominee; Mr Nicholson, a community representative, metropolitan; Mr Pollock, the Municipal Association of Victoria nominee; Associate Professor Westbrooke, a university professor; and Mr Gowans, the Director of National Parks. The role of the council is to advise the minister generally in relation to the administration of the National Parks Act and on particular matters in relation to that administration on which its advice is sought by the minister.

The opposition supports the amendment. I have no problems in committing a future Liberal–National coalition government to taking the advice of the National Parks Advisory Council, not just on the matters that have been set out here — that is, to advise of any proposed excision from a park referred to by the minister, which is not such a common activity — but on the boundaries of parks, because everyone knows that occasionally there needs to be a rearrangement of boundaries. In my talks with the Victoria National Parks Association, Environment Victoria and the Wilderness Society it was readily acknowledged that there is a need for work from time to time. I have no problem in indicating that should the Liberal and National parties be compelled to go down that path they will seek the advice of the National Parks Advisory Council. Given the high quality of the people who are already members of the council I am certain it would take the advice offered. A future coalition government would give the advisory council a lot of work to do.

As I have travelled through the state in my role as shadow minister it has become clear to me that many national parks need a lot of work done to them. The best way of doing that is to have cooperation between the government and private citizens. The friends groups and the Victorian National Parks Association do so much fine work in the parks that there is a need for a partnership between government and those groups in order to make national parks a success.

The last matter covers the inclusion in the Alpine National Park of 285 hectares in the area near the Rocky Valley Dam and Mount McKay, which caused some controversy during the election. The controversy arose because under the Kennett government the former Minister for Conservation and Land Management added many large tracts of land to the state's parks and reserves. During my early meetings with the conservation movement the Wilderness Society for one was complimentary of the work done by the former minister.

It was decided that the land referred to in the bill would be excised to provide for the further development of the Falls Creek Alpine Resort for both winter and summer activities. The decision having been made, legislation was passed and the land was excised. In its election policy the Bracks government promised it would return the land to the park. All honourable members know the result of the election, which is the reason for that part of the bill being before the house.

Views on the issue are mixed. The Victorian National Parks Association and Environment Victoria have both urged the opposition to support the return of the land to the park. On the other hand, strong representations have been made by the local community. I have received much correspondence on the issue from decent people on both sides of the argument. It would be unfair to name individuals because many of them have written to me setting out their experiences. A student leader at Melbourne University speaks in these terms:

I have been both a downhill skier and a Nordic skier, I have skied Falls Creek, Buller, Baw Baw and Hotham and I have spent many days and nights in tents, huts and even snow caves in the alps. I love both aspects of skiing ...

He goes on to say:

I would not like to see the natural beauty of the alps destroyed by additional development in that area. We have enough development up there. We need to maintain as much of the pristine natural beauty of the area as we can so that those who come after us will have the chance of experiencing the exhilaration and inspiration and natural world which is diminishing in every corner of the world.

Many letters were written in those terms. A significant letter was written under the signature of David Scott, the former chairman of the Land Conservation Council, who also signed on behalf of Dr Mick Lumb, director of the Land Conservation Council, John Landy, a member of Land Conservation Council and Don Saunders, a former director of national parks from 1979 to 1994, chairman of the Land Conservation Council from 1994 to 1997 and chairman of the Environment Conservation Council from 1997 to 1998. In a letter forwarded to all coalition members they wrote:

It is our view and we believe the view of conservationists and all who use and value Victoria's national parks that the entire 285 hectares of the Alpine National Park, excised from the park in 1997, should be restored to the Alpine National Park as proposed in draft legislation now before the Legislative Assembly.

They go on to explain why they think it is important. When I asked them additional questions about the land they were helpful in setting out the reasons for the original decision to recommend that that land be part of the national park.

Weighed against those well-thought-out views were the views of members of the local community. I read out the names of David Scott, Mick Lumb, John Landy and Don Saunders because they were central to the original decision-making process, as were the conservationists. I will not name the local community members, but a business person from Slalom Street, Falls Creek, writes:

The small areas of former SEC land which were included in the resort when that organisation departed the area are very important to the future viability of the resort, for which long-term planning has been ongoing for many years. They are areas already widely used all year by fishermen, sporting bodies such as rowers and runners for high altitude training, bike riding, et cetera. They have been used as part of the resort for 40 years — why take them away without sufficient consideration.

A farmer in the vicinity writes:

I have been actively involved with the Falls Creek Chamber of Commerce for over 10 years.

... The development of skiing on Mount McKay would be a great development for the Falls Creek resort. Anyone who knows the area is well aware that this is the only possible area that could ever logically be used to expand and improve the downhill skiing facilities at Falls Creek. This development I believe is essential to the sustainability of skiing tourism in the area. We need this development to be able to compete with the improvements at other mountains, especially New South Wales resorts.

From the conservationist perspective, this development will not in any way affect, in the long term, the natural beauty or ecosystem of Mount McKay. It will certainly not endanger any native flora or fauna, as there are no species unique to the proposed area.

Another letter from a lodge owner urges:

The Mount McKay area that is presently developed within the resort boundary be given government support with regard to recreational skiing, and any EES requirement be undertaken in the context of existing exhaustive research accompanying development plans. Lengthy delays for fair and reasonable development simply push costs to a point where investment opportunities are lost to other states, and with it significant employment opportunities in regional Victoria. Mr Premier, the businesses in alpine areas are hurting, and we simply ask that your government respond with understanding and speed to a country region that needs your help.

There are two clear lines of thought. The first is that all the 285 hectares should be returned to the park and the second is that they should not. However, those in the middle range say, 'We accept that the 285 hectares will be returned to the national park as a result of government policy, but in those circumstances there must be proper consideration of the interface between the Falls Creek resort and the park'. The discussions have been moving at snail's pace. Given the hour, I will not go through the entire history of the land. It is readily available.

Honourable members interjecting.

Mr PERTON — I am happy to make the submission from the Falls Creek Alpine Resort management board dated 24 February available to the house. It might be appropriate for me to table the document by leave rather than read the history set out in the submission.

Ms Garbutt interjected.

Mr PERTON — It is the submission to the Minister for Environment and Conservation from the Falls Creek Alpine Resort, dated 24 February 2000.

Leave refused.

Mr PERTON — That is all right. The minister is being secretive and uncooperative but I am prepared to make the document available to members of this house. It is a probably a bit long to put on the web site but we will try to do that for anyone who wants to read it.

I also have a very extensive report by the Land Conservation Council of Victoria dated November 1983. That is available in the parliamentary library and I am sure in other libraries across the state.

Let's consider the issues. The honourable members for Dromana, Benambra, Murray Valley and I visited the mountain on the Friday before last. Our visit was made with the active cooperation of the director of the Victorian National Parks Association, who made

herself available during the trip. We were accompanied by Mr Ron Bassett, the managing director of the development company BCR, and Dean Heinze who is probably the most active researcher into the mountain pygmy possum in that area. It was a terrific trip. We met members of the Mount Beauty and Falls Creek chambers of commerce and the Fall Creeks management committee.

We traversed the Rocky Valley Dam area and talked through the issues. The land in the vicinity of the Rocky Valley Dam has been the subject of great controversy. It was included in the national park in 1989 as a result of the recommendations of the Land Conservation Council. It was then excised in 1997 by the Alpine Resorts Management Act. When one looks at that piece of land, one sees buildings from Southern Hydro and a lease to Southern Hydro and wonders why that is so. The Land Conservation Council's answer is that not every part of every national park is pristine. Earlier I referred to the Dandenong Ranges National Park. The timber in that area was cut down before the land was turned into a national park.

The Land Conservation Council decided to include that land in the national park to create a boundary between the resort and the lake. It wanted to ensure that the lake was totally within the area of the national park. That being the case, let us consider the local community's needs, which are not great. The local community would like Falls Creek to be a proper summer and winter resort. There are rowing and water activities on the lake, but the people are nervous that some of their rights might be taken away under the administration of Parks Victoria. As we travelled with those people on the Friday before last they pointed out the resort facilities that pass through there — the pipes for water, electricity equipment and snow-making machines. In that context, there is a nervousness about the administration of Parks Victoria.

The second anxiety is about a legitimate desire to build an interpretive centre. I am not sure how far advanced that plan is, but with the resort working with Parks Victoria the sort of interpretive centre that exists in so many of our national parks might be appropriate to educate the community.

If the land is to be included in the park as provided for in the bill, a level of understanding will be required on the part of the Minister for Environment and Conservation of the need of the local community to have some security.

The last area I touch on is Mount McKay. As honourable members know, most of Mount McKay has

come within the Falls Creek envelope since the creation of the Falls Creek management committee. It is part of the southern face that was introduced to the national park in 1989 and removed in 1997 and is very much part of the debate. The Falls Creek ski-tow company has proposed building a ski tow down that face to produce an international double black diamond run. Last Friday, the honourable member for Benambra and I were accompanied by my colleagues Dean Heinze and Mitch Dodson of BCR on a walk down that slope and up the other side. It is the view of those people that we were the first members of Parliament to do so. If the minister had gone there, she would have seen how complicated the issue is. Straight lines do not make perfect sense in that sort of terrain. One can understand the anxiety of the local community about those matters.

As I have indicated, it is not the intention of the opposition to oppose those provisions. But the plot thickens. The policy states that 285 hectares is to return to the national park and that is accepted by most of the players in the game. However, the ski-tow company put to the minister the idea that it would build the ski tows within the existing Fall Creeks envelope. That is all very well and honourable and those are appropriate discussions between a developer and a minister. Then, without warning, in March there was slapped into the process a letter requiring an environment effects statement.

The EES has set the community abuzz because a technical advisory group has been working in the area for more than 12 months. That technical advisory group is made up of a very good set of people. It was put in place by former Minister Maclellan and is respected by Minister Thwaites, who indicated that on completion of their work the members of the technical advisory group would be appointed to the environmental effects committee. That certainly indicates that they are proper people.

The difficulty is that the technical advisory group could have completed its work some time in September or October of last year but Minister Thwaites and/or Minister Garbutt determined that it would not complete its work. Now we are left with the technical advisory group not having completed its work and an environment effects statement process having been put in place, but nobody knows where the resort development is to go. That is the source of anger in the Falls Creek and Mount Beauty communities.

We know the developer is meeting with Minister Thwaites and Minister Brumby on Thursday. Perhaps that will resolve the matter and then there will be a clear timetable. The community wants an assurance that the

development will be sensible and appropriate. If an area ought to be national park and an area is appropriate to be in the Falls Creek envelope, the Falls Creek envelope must be designated as being for the purpose of skiing.

I know that the Minister for Environment and Conservation has said to anyone who has cared to ask that she is prepared to allow skiing into the national park. We do not know where she stands with respect to ski tows in the national park. We know she has said yes not only to the developer but to others who have cared to ask — the opposition has certainly asked the advisers during the briefings — about whether skiing would be allowed into the national park. That makes sense.

Mount Buffalo is already a national park within which full skiing facilities are allowed. In New South Wales all skiing takes place within national parks. We need some very clear answers from the ministers — not just from Minister Garbutt but also from Minister Thwaites.

The opposition does not oppose this part of the bill but recognises that the 285 hectares that will be incorporated into the park — be it Falls Creek, Mount McKay, or the entire area — is an area from which the local community earns a living. Their children come home to work in the park, and they are concerned about the development process. Therefore, I move:

That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this house refuses to read this bill a second time until a copy of the report of the technical advisory group examining the Mount McKay ski field is provided to each member of the Legislative Assembly, in order that this house can be fully informed on the issues and consultation can take place which is designed to secure an outcome in the best interests of the protection of the environment and rare and threatened species, as well as regional social and economic development.'

The ACTING SPEAKER (Mr Kilgour) — Order! I remind the honourable member for Doncaster and future speakers that they will be addressing the bill and the reasoned amendment.

Mr PERTON — The technical advisory group was appointed by former Minister Maclellan. It is a group of the highest repute. Its meetings have included the department, the Victorian National Parks Association and ski associations, and it has worked very well indeed.

The highest quality material has been provided to it by experts and the proponent of the development. The opposition is advised that the technical advisory group obtained all the material it needs, that the chairman has prepared his draft report and that it is merely a matter of

Minister Thwaites requesting a copy of the report and making it available to the house.

We are not talking about a long time. The house should have a copy of the report of the technical advisory group to enable it to debate the bill properly. The report will be the core of the material made available to the environment effects statement inquiry. The purpose of the reasoned amendment is to ensure that the house is fully informed on the issues and that consultation takes place to secure an outcome in the best interests of the environment and the rare and threatened species and also in the best interests of regional, social and economic development.

The members of Parliament who travelled with me, such as an honourable member for Central Highlands Province in the other place, the Honourable Graeme Stoney, are fully aware of the environmental significance of the area. We have walked it — the honourable member for Central Highlands has probably ridden it — and we are conscious of its values. We are conscious of the rare species, of which the mountain pygmy possum is the most significant. I owe a debt of gratitude to Dean Heinze for taking the time and trouble to travel there to show us the traps and to talk to us about the fact — —

Mr Plowman interjected.

Mr PERTON — As the honourable member for Benambra points out, we found a trap that Dean had lost, so we hope that helped.

It was a good, explicit discussion. Many of the local people find the situation difficult because the mountain pygmy possum lives in the middle of ski runs. The reality is that the geography of the area makes it a suitable habitat for the possums; they live in rock scree, which is typically found on ski runs. As we know, the population of mountain pygmy possums is threatened. The federal government is monitoring the situation closely, as did the former coalition government. The Liberal Party is still doing that in opposition, because it is concerned to ensure that the mountain pygmy possum is protected. It is an interesting species. I learnt from Mr Heinze that the mountain pygmy possum hibernates throughout the winter and makes its home at Mount Buller. I understand two of them live in the Melbourne University ski club lodge. They can be a bit of a social animal — —

Mr Hamilton — They must be if they live in the Melbourne University ski club.

Mr PERTON — As the honourable member for Morwell said, an animal that is prepared to live in the

Melbourne University ski club lodge — he should have more experience of that than most of us — is certainly a social beast.

The Liberal Party was committed to the preservation of the species when in government and it is committed to its preservation when in opposition. The broad-toothed rat is listed as a rare species in Victoria and lives in the area — —

Ms Pike interjected.

Mr PERTON — The Minister for Aged Care is laughing at the idea of the broad-toothed rat. I hesitate to think that she mentioned the word 'Bracks' as she was giggling.

The alpine water skink is also listed under the Flora and Fauna Guarantee Act, as is the alpine bog skink. The alpine she-oak skink is also a resident of the area and is listed under the act. There are also significant aquatic fauna in the area. The opposition recognises that there are rare and threatened species in the area that need to be protected. But it also believes the regional, social and economic development of the area needs to be protected.

The correspondence I have received is interesting. A large number of the letters are from members of the Victorian National Parks Association who enjoy cross-country skiing. The rights and entitlements of skiers should be accommodated in the park and other parts of the Falls Creek area.

I will summarise the attitude of the opposition to the second-reading of the bill and the amendment I have proposed. The opposition accepts that 285 hectares will be reincorporated into the national park, but in so doing the government should not impede the legitimate interests of the skiing community or the legitimate need for the Falls Creek management committee to be able to expand the development. The environment effects statement should be conducted properly and effectively, but expeditiously.

I notice one of the departmental officers who gave the opposition its briefing is in the adviser's box. I must thank those officers. Many opposition members attended the briefing sessions given by officers of the Department of Natural Resources and the Department of Infrastructure, who bent over backwards to be helpful.

Mr Hamilton interjected.

Mr PERTON — As the Minister for Agriculture says, they deserve medals because they prepared the

documents that were sent to the opposition within 24 to 48 hours of their receiving the request.

It was absurd that the request sat on the minister's desk until Monday. On Monday I received an unsigned letter from the minister, together with the documents I asked for four weeks earlier. I must say those officers deserve a medal. Crikey.com reports that 750 letters are waiting on the minister's desk.

When opposition members visited Falls Creek we met a young man who had signed a contract to purchase the Aurora Ski Club. We are now in May and the ski season has started. In January he sought a new lease. He experienced no problems with the management committee. However, last Friday, five months after the request for a new lease and three weeks after the start of the season, his solicitors finally received a letter from the minister asking for some new conditions to be put in the lease. That is absolutely hopeless, and there is evidence that the lease of the Aurora Ski Club is not the only one that has been terminated.

In conclusion, Mr Acting Speaker, the opposition is pleased with the addition of the Wongungarra area to the Alpine National Park. As the Wilderness Society has indicated, that inclusion is a tribute to Senator Hill and former Minister Tehan, and the opposition is delighted about that. The additions to the Organ Pipes and Yarra Ranges national parks as well as those to the state and coastal parks are also well supported on this side of the house, but in respect of the Mount McKay and Falls Creek areas legitimate local community interests are not being served by the bill.

The government claims to govern for all Victorians and to support development, but by adopting the position it does in relation to Mount McKay the government shows that that claim is an absurdity. The developer, after accepting the fact that the land would go back into the park, has now had an extraordinary impediment thrown in front of him and the community.

I speak on behalf of the Falls Creek and Mount Beauty communities on this matter, and I draw the attention of the house to the 80 or so letters in my hand and the almost 100 emails I have received from those communities. Those people say, 'Okay, the 285 hectares goes back in, but what happens to our community in that event?'. I believe they deserve a proper answer from the minister and the government. They have all put a hell of a lot of work into the report of the technical advisory group.

As parliamentarians we should not be required to vote on the second reading of the bill until that report is

prepared. All Minister Thwaites needs to do is give the chairman a call. It's not too late for him to do it now, and to tell him to finalise the report so it can be presented to honourable members, thereby showing the Parliament the respect it deserves.

Mr HOWARD (Ballarat East) — I am pleased to speak on the National Parks (Amendment) Bill, which is a significant bill and another example of the government moving forward to enact a policy commitment made before the last election.

The proposed legislation recognises the value of maintaining areas of significance and considerable biodiversity and ensures that they will be protected by being brought within the national park system. It also makes them available to Victorians and to people from other parts of the country and the world to see and enjoy for many years to come.

The bill adds several significant areas of land to national parks, including adding 285 hectares in the Mount McKay, Rocky Valley and Wongungarra areas to the Alpine National Park. Those areas were identified as being especially significant. Four other areas totalling more than 100 hectares are also to be added to the Organ Pipes, Yarra Ranges, Kamarooka and Gippsland Lakes parks. They will be of great value to the people of Victoria for many years to come.

We have heard claims from many honourable members opposite, including the honourable member for Doncaster, who is the shadow minister, and the honourable member for Glen Waverley, about lack of consultation. They do not seem to understand that the bill is necessary because under the former Kennett government, in which they all served, in 1997 a great deal of the land in the Mount McKay area was suddenly taken out of the national park without any consultation at all. It is only now that the government is able to respond by returning those areas to the national park.

Mr Mulder interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Polwarth is out of his place and disorderly.

Mr HOWARD — The bill aims not only to put those areas back into the national park system but to strengthen the National Parks Advisory Council so it can take action in years to come to further protect our national parks.

This is a valuable bill with which people across Victoria and the country will be very pleased in years to come. I commend it to the house.

Mr DIXON (Dromana) — I support the reasoned amendment moved by the honourable member for Doncaster, and I also support the bulk of the bill. In particular I support the additions to the national parks, as all honourable members must do. Two years ago my electorate was the beneficiary of a similar action when areas of the Arthurs Seat State Park were added to the Mornington Peninsula National Park.

The Liberal Party has a proud history of encouraging the development and expansion of national parks in Victoria. Indeed, the Land Conservation Council, which was established by the former Bolte government, acted to create a number of national parks including the Bogong National Park, which is quite close to the area we are talking about.

In that general area under the Bolte government and successive governments our national parks have expanded significantly. Even when the Liberal Party was in opposition during the 1980s in a bipartisan way we supported all those additions to national parks. We have the runs on the board.

I am a member of the conservation and environment policy committee. As the honourable member for Doncaster mentioned, committee members recently visited the area of concern around Falls Creek and Mount McKay. We consulted extensively with the locals, including residents, people with a business interest in the area, the major developers, people with environmental concerns and the Victorian National Parks Association.

I pay tribute to the consultation that this side of the house has carried out in coming to grips with the legislation before the house, especially that carried out by the local member, the honourable member for Benambra. He is absolutely assiduous in looking for detail, conducting consultation and acting with fairness. The people of Benambra are lucky to have a conscientious member like the honourable member for Benambra.

The shadow minister for conservation and environment dropped the small detail that he had walked down the slope in the Mount McKay area. He did not just look at a map in Spring Street; he walked it. I must confess that I did not walk it but flew over it. Not only did the honourable member walk the area; he has driven around it and consulted with many people — people who have emailed him, spoken to him over the phone

and met with him face to face. Honourable members on this side of the house have not gone into the legislation at all lightly. We have considered it seriously because of the nature of the proposed development and the additions to the national park.

There are many unanswered questions on both sides of the argument. Much of the technical detail is still unavailable, and I hope the technical advisory group will be able to provide that to us. Of the many conflicting arguments, some are on an emotional level, some scientific and some factual. It is hard to weigh up those arguments and come to a fair conclusion.

There are two significant arguments. One side of the argument is that the area is of great environmental significance. The landscape is magnificent and unique. It is the highest area in Victoria and is certainly a beautiful area to visit. The flora and fauna of the area are prolific, but also some rare species are represented. The various ecosystems are unique and well worth protecting.

The other side of the argument is the economic, tourist and recreational argument. The area offers snowfields in winter and recreation in summer. Such activities make up a significant component of local, Victorian and Australian tourism. The area provides Victorians and the wider community with many recreational opportunities. Most importantly, the huge investment in tourism and recreational facilities provides an important source of jobs and investment for country Victoria. That has to be an important part of the balance of the argument.

The development of seasonal resorts into year-round resorts is important. On the Mornington Peninsula the seasons are the other way around. Summer is the high season, and tourism developers are looking to enhance year-round tourism. In the highland area winter is the main tourist season. Developers, investors and locals are looking to make the area a year-round recreational destination.

I will mention the Rocky Valley Dam area and the year-round recreational opportunities it provides. The Rocky Valley Dam area is unique because of its high altitude and the undulating surrounding land. It has been used by many athletic groups — by people training for high-altitude running, cycling and canoeing. It is an ideal place for training for high-altitude sports. It is also a wonderful area for leisure in the summer months — for sightseeing and especially hiking.

One other planned aspect the honourable member for Doncaster alluded to is the development of a major day

facility, including an interpretative centre. That would be useful in meeting the concerns of those on both sides of the argument. It would help people recognise and appreciate the environmental sensitivities and assets of the area. That information is well balanced with the general man-made local history. Anyone interested in the area would support such a centre.

I was impressed when flying over the area by how different the development of snowfields infrastructure is these days. The old way of developing a ski run was to set a bulldozer loose at the top of a mountain and run it down. The land would be cleared, and then you have a ski run. Things are done differently now. Ski runs these days follow the natural contours of the land. Few if any trees are removed. Ski runs are restricted to areas of low grasses so trees do not have to be removed. The installation of infrastructure such as ski tows and snow-making equipment is handled sensitively. Any equipment must be taken in by foot and holes dug manually using shovels. Major equipment is brought in by helicopter.

The footprint of a modern ski run — two weeks ago there was no snow on the ski runs, but that is not the case now — and that of a ski run constructed 30 or 40 years ago are not comparable. To the credit of those developing the ski fields, development is carried out in an environmentally sensitive way. An interesting new computerised snow-making system now in place is totally pollution free. Snow crystals are formed around a microwaved bacterial enzyme so there is no residual pollution. It is a natural and clean way of enhancing snow cover.

The general environmental principles of alpine area development are good and have developed incredibly, in the planning, monitoring and construction of the area and in everyday operation. Further development must go ahead for economic and tourist regions, whether within the resort area or outside it. That can be done in an environmentally sensitive way. Compromises can and must be made for the total good of the state.

I am concerned that an environment effects statement requirement has been slapped on the developer, as environmental considerations are not linked to that requirement. That is just an idealistic impediment. The bill is bound by idealism and does not look to development. It is not a fair way of operating. If an EES is conducted, I recommend that it be done expeditiously. The majority of the work has been covered in the TAG report, which opposition members want to see. There is no need for the duplication of the TAG report. Access to that report will help the house

have a more informed debate on the important legislation before the house.

Ms DUNCAN (Gisborne) — I am thrilled to speak on the National Parks (Amendment) Bill. One would never have thought that the honourable member for Doncaster, who can be described only as a born-again greenie, was a member of the government that created the need for the amendment. The bill reinforces the Bracks government's commitment to protect and enhance Victoria's outstanding park system, which is still magnificent despite the efforts of the previous government to destroy it.

I will speak firstly about the addition of 285 hectares from Mount McKay to the Rocky Valley, which was included in the Alpine National Park in a recommendation of the former Land Conservation Council and came into effect in 1989.

Mr Smith — On a point of order, Mr Acting Speaker, I have trouble hearing the honourable member because the honourable member for Melton is snoring in the corner.

The ACTING SPEAKER (Mr Kilgour) — Order! I do not uphold the point of order, but I am sure the honourable member for Melton is aware of the issue.

Ms DUNCAN — I am sure he does not snore as loudly as some of the honourable members on the other side! They need alarm clocks to remind them get up to speak on bills.

The legislation that created that part of the Alpine National Park came into effect in 1989. In 1997, without any consultation or explanation — one can assume why — the previous government excised the area from the Alpine National Park. The bill will restore the status of the area, which is why I am thrilled to speak on it.

Secondly, I highlight the addition of 13 hectares of land donated by the Brimbank City Council to the Organ Pipes National Park. I am very familiar with that national park. When I was growing up in Keilor I was completely unaware of it until dad came home from work one day and said he had spoken to some American visitors at work who said, 'Oh, you live near the famous Organ Pipes National Park'. Dad felt embarrassed that as a Victorian, a Melburnian and a Keilor resident he was unaware of the national parks near where he lived. Needless to say the next weekend he dragged us out to visit the national park. On that visit I fell into the water, which was pretty messy at the time. I am pleased to say the park is in much better condition today than it was 20-odd years ago when I first visited.

The bill represents another commitment of the government to restore the integrity of the national parks system. As the fundamental principles of national parks state that they be reserved and preserved and protected permanently, I commend the bill to the house.

Debate adjourned on motion of Mr PLOWMAN (Benambra).

Debate adjourned until next day.

Remaining business postponed on motion of Mr HAMILTON (Minister for Agriculture).

ADJOURNMENT

Mr HAMILTON (Minister for Agriculture) — I move:

That the house do now adjourn.

Beach Road: traffic volume

Mr THOMPSON (Sandringham) — I raise for the attention of the Minister for Transport concern about the volume of traffic on Beach Road in the electorate of Sandringham and, in particular, in Beaumaris. A constituent, Mr Ted Schirman, has been a long-time observer of the volume and nature of traffic on Beach Road. He has a particular concern with the volume of truck traffic on Beach Road and seeks clarification as to what entitlement there is for a range of trucks to travel along that road.

It is his understanding that B-doubles are precluded from travelling along the thoroughfare. As his property is situated on Beach Road he is concerned about vehicles he believes to be precluded travelling towards the city or towards Frankston delivering freight. A related concern is the appropriate regulation of truck traffic in compliance with the curfew hours for the Beach Road precinct.

Allied to that concern is the issue of speed infringements. It is Mr Schirman's concern that trucks regularly travel at speeds above the authorised speed limit. Albeit the size and vibrations of such vehicles might cause some distraction, he is an astute observer of the movement of vehicles and believes his concerns are well founded.

Essentially the matter I wish to raise with the Minister for Transport relates to the prescriptions that govern the nature of vehicles on Beach Road and the statistics kept by Vicroads and the appropriate government department regarding vehicle usage on Beach Road so the matter can be appropriately dealt with.

A number of new freeways are being constructed in Melbourne — some slower than others. A new Westfield Southland shopping precinct has been established at Cheltenham and the movement of traffic is a matter of concern for local residents who wish to continue their quiet enjoyment of the existing neighbourhood character, which the minister would appreciate, having a first-hand knowledge of the amenity and the environment.

McIvor Highway: Strathdale traffic

Ms ALLAN (Bendigo East) — I raise a matter for the attention and action of the Minister for Transport. It concerns an accident black spot on the McIvor Highway in my electorate of Bendigo East.

I raise the matter on behalf of residents in the Strathdale area following a meeting with a representative of residents in the area. On 9 April a tragic accident occurred on this section of road, resulting in the death of a 12-year-old boy who had been riding his bicycle across McIvor Highway.

For some time residents have been concerned about the section of the road between Harpin and Crook streets in Bendigo. McIvor Highway is an important arterial route consisting of a divided road with a median strip; it has a 70-kilometre-an-hour speed limit and is a dual carriageway both ways. Along the median strip there are a number of large trees and shrubs. The traffic is also impeded by the surrounding hills coming on to McIvor Road and going up to Crook Street, and in recent times the traffic in the area has increased significantly. This is partly due to the All Seasons International Hotel, an important hospitality venue in the electorate that has expanded and attracts an increasing number of patrons for dining and functions all nights of the week.

There have been a number of changes to the road along the McIvor Highway. Residents travelling north from Bendigo towards Heathcote wanting to turn into Button Street now have to do a U-turn at Quick Street. For these reasons residents believe the area is a hazard and requires investigation.

I commend the minister for his recent announcement as part of the budget that the Bracks Labor government is committing \$240 million to black spot funding throughout Victoria, of which \$120 million is being targeted at country areas.

This is much needed throughout country Victoria. I raise the matter on behalf of Strathdale residents, particularly those near the McIvor Highway. The tragic accident that occurred earlier this year caused great

distress to everyone in Bendigo. My constituents have been concerned about this matter for some time, and I seek the minister's response.

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

Police: Camberwell, Hawthorn and Kew

Mr BAILLIEU (Hawthorn) — I raise for the attention of the Minister for Police and Emergency Services, and in his absence the Minister for Transport, a matter concerning police infrastructure and facilities in the City of Boroondara, particularly in Kew, Hawthorn and Camberwell. The honourable member for Kew has raised this matter on several occasions, mostly to do with the replacement of the Kew police station. In the course of raising the matter he has received very little other than platitudes and jokes from the minister. Unfortunately, nothing has occurred.

The former government had assigned \$7.5 million for the provision of new policing facilities in the City of Boroondara and had engaged in an active consultation process. The recently presented budget documents have not clarified the future of policing infrastructure in Boroondara and the matter remains in limbo. The asset investment program recently released and signed off by the Premier simply indicated that that \$7.5 million had been converted into a jail facility in Hawthorn.

One thing is abundantly clear: police facilities in Camberwell, Kew and Hawthorn all need a significant upgrade. Despite the urgings, no action has been taken by the minister. I have worked closely with the honourable member for Kew on this issue and he has continued to raise the matter. We have been patient with the minister, but in the face of the lack of action we are now urgently seeking some indication from him.

Yesterday during debate on the appropriation bill the honourable member for Kew advised the house of talk that the minister had determined that the traffic operations group in Nunawading would be shifting to Kew. If that is so, the minister should explain to the community exactly what the situation is. Kew, Camberwell and Hawthorn have needs beyond traffic operations. Hawthorn in particular, with its high density, high level of activity and 24-hour shopping, as well as being a dormitory suburb, has needs beyond traffic operations. We ask the minister to urgently clarify for those communities, particularly Hawthorn and Camberwell, what the position will be. The sooner that is done the sooner those communities will be satisfied.

Intellectual Disability Review Panel

Mr MAXFIELD (Narracan) — In the absence of the Minister for Community Services I have a question for the Minister for Transport. Will the minister inform the house of activities undertaken by the Intellectual Disability Review Panel?

Mrs Peulich — On a point of order, Mr Acting Speaker, I direct your attention to the fact that the rules of the adjournment debate do not allow honourable members to ask questions; they should actually ask for action to be taken.

The ACTING SPEAKER (Mr Nardella) — Order! I uphold the point of order. I ask the honourable member to ask for action.

Mr MAXFIELD — I note that I have been going for only about 10 seconds, and it appears that certain people cannot wait. I wanted to make sure that the minister ensured that the activities undertaken by the disability panel were the appropriate activities for it to undertake. But obviously some honourable members cannot wait. It seems they have nothing better to do with their time than to raise points of order. It is a bit sad that opposition members are not willing to listen. In fact, that is probably why I am a member of Parliament today and Labor is in government!

I remind the house that the Intellectual Disability Review Panel is part of the legal system set up to help people with intellectual disabilities protect their rights. Everybody in this state has rights. We know that over the past seven years many of those rights were systematically removed from various groups and organisations in Victoria. One of the wonderful things about the Bracks government is that it looks after the rights of all sections of the community. People with disabilities certainly have rights as well, and they are entitled to have those rights protected. The review panel was set up with the intention of looking after their rights.

Certainly I am keen to hear from the minister on this issue because it is important to have regard to the rights of those with disabilities.

Industrial relations: Hume Freeway blockade

Mr JASPER (Murray Valley) — I refer the Minister for Transport to the enormous problems being created for the north-south passage of trucks as a result of the blockade of the Hume Freeway just south of Wodonga. I am informed that the freeway is blocked for approximately 3 kilometres in each direction and that municipalities are experiencing difficulties as a

result of trucks using back roads and alternative routes to bypass the freeway and maintain the movement of freight.

I will read a couple of paragraphs from the media release put out by Denis Gallagher, the manager of technical services for the Indigo Shire Council. It states:

Indigo Shire Council is very concerned at the cost and potential danger caused by trucks desperately detouring to avoid the blockage of the Hume Freeway.

Denis Gallagher, manager of technical services said, 'Council is particularly concerned at the use of the Indigo Creek Road by freeway truck numbers and B-doubles. This road is not an authorised B-double route and there are bridges on this road which have not been constructed to carry B-doubles'.

The blockade commenced at lunchtime yesterday and is now extending into a second day. The government needs to take action to move the trucks. I suggest that the minister consider taking strong action, including invoking the Emergency Services Act to shift the trucks and make sure that people get appropriate access to the freeway.

Alternatively, the minister must assure councils in north-eastern Victoria that they will be appropriately recompensed for the damage caused by the trucks using alternate routes to the Hume Freeway. In my discussions with him this evening Mr Gallagher informed me that he believes that as much as \$1 million damage has already been caused to the side roads. The major and minor roads — which are the full responsibility of councils — are not made to take semitrailers, B-doubles and large trucks of similar dimensions.

I ask the minister to conduct a full investigation into the actions of the truck drivers in blocking the Hume Freeway and to examine how they can be moved to allow proper access to the freeway. If necessary, he should talk to the Premier about invoking the Emergency Services Act. I also ask him to consider how the municipalities can be recompensed for the damage that has been caused.

Drugs: supervised injecting facilities

Mr MILDENHALL (Footscray) — In the absence of the Minister for Health I raise a matter for the attention of the Minister for Transport. I ask him to seek the minister's participation in the drugs debate in the Footscray community and to provide resources to ensure that all points of view are taken into account in the preparation of local strategy plans.

The debate has taken an interesting turn in recent times with the entry of new players. I congratulate Marian

Burford, a local constituent, and her colleagues for initiating a community group called Footscray Cares. The group is rightly concerned about the dreadful death toll — there were 29 deaths in Footscray last year — as a result of heroin overdoses. Like the Victorian Employers Chamber of Commerce and Industry (VECCI), they are also concerned about the incidence of drug use in business areas. They want supervised injecting facilities for users to help rid the community of the public blight of heroin abuse.

Like the coalition-dominated former parliamentary Drugs and Crime Prevention Committee, they believe that evidence from overseas jurisdictions points to supervised injecting facilities lowering the death toll and reducing the incidence of users injecting themselves in public and inappropriately disposed of syringes.

The committee concluded that the proposal was worth a trial. Footscray Cares is publicly supporting the Bracks government's drugs policy. It wants the government to follow the decisions of the governments of the Australian Capital Territory and New South Wales to trial injecting facilities.

In the other corner is the Not in My Backyard Footscray Matters group, which apparently supports injecting facilities if they are provided in another area. It hopes that with sufficient police activity the problem will go to someone else's community. Despite managing to attract large numbers to noisy protest meetings, a Vichealth poll indicated that the majority support a trial of injecting facilities. This is a divisive and emotional issue. Another major public meeting will be held on the weekend which I look forward with great interest to attending. The issue must be faced squarely. I seek the minister's assistance to provide resources to allow us to do so.

Eastmoor Primary School site

Mrs PEULICH (Bentleigh) — In the absence of the Minister for Housing, who is also the Minister for Aged Care, I direct a matter to the Minister for Transport. It concerns plans for the former Eastmoor Primary School site. The school merged voluntarily with the Tucker Road Primary School which provided the opportunity to put the land to much-needed use. The house would know of plans to relocate the Mentone autistic school to the site.

However, a portion of the site was acquired by the department for older person units. I understand a budget allocation has been made for the development of the units, which is an appropriate use given that the

Bentleigh electorate has the third-highest percentage of Victorians aged over 65. The need for older persons units is paramount. However, to date nothing has happened with the site. A number of local constituents have contacted my office inquiring about whether the plans will proceed or whether they have been changed.

One constituent in particular, Mr Geoff Arthur of 412 Chesterville Road, East Bentleigh, sent me an email about the matter. After making inquiries with a number of government departments and public servants he had become anxious about the potential uses for the site. Given that it will be adjacent to an autistic school that has educational purposes, the development of older persons units would be complementary. Residents fear that the plans may have changed. They seek reassurance from the minister that the land will be used for the purpose that was publicly announced. I understand funds have been allocated in the Office of Housing budget and that seven older persons units will be developed and built. My constituents would like to see some significant progress made. I seek an assurance that the project will continue and be speedily concluded.

Kilvington Girls Grammar School

Ms BARKER (Oakleigh) — I raise a matter for the attention of the Minister for Transport and seek action on a request that I have passed on to him previously to provide traffic calming measures in the vicinity of Kilvington Girls Grammar School in Katandra Road, Ormond.

I visited the school in March this year. It is a great school in the Oakleigh electorate that services other electorates. It has a dynamic and caring principal in Di Fleming. Both she and head of the junior school, John Dryden, raised with me concerns about the safety aspect of Katandra Road. They have worked hard to educate parents on responsible parking and supervising times of pick-up in the morning and afternoon to ensure that accidents do not occur.

However, because of the type of road and the rather large corner there was concern that further traffic measures were needed. I contacted the council, which promptly got back to me to say that in previous months it had also consulted with the Kilvington Girls Grammar School and that it was looking at putting in speed humps to reduce the traffic speed in Katandra Road. It also said it had put in place other measures, such as relocating the existing school crossing and increasing short-term parking zones in Lillimur Road and on the east side of Katandra Road. However, it shared my concern and that of the school that the speed

of vehicles on Katandra Road was a real problem, and it asked me to assist it in addressing the concern.

Subsequently it carried out further studies. In May it contacted me to say that the speed of vehicles and the volume of traffic using Katandra Road is above average. Its engineers suggested there was a need to install at least two speed humps on the road, one of them adjacent to the school. The measure would provide a great deal of safety to the students at the school. I seek action from the minister to ensure that this small but significant traffic measure is undertaken in Katandra Road, Ormond. I look forward to his early response.

Autism

Mr WILSON (Bennettswood) — In the absence of the Minister for Community Services I raise a matter for the attention of the Minister for Transport. The matter concerns a document entitled *Children With Autism — Parents' Expectations of Services Report*. I ask the minister to reconsider her decision not to release the full report.

The minister will be aware that I have written to her twice about the matter, first on 22 November 1999 and again on 25 January. In my first letter to the minister I wrote:

I have been contacted by constituents with an ongoing interest in autism and allied services and programs with a request to obtain a copy of the above report. I am advised that the full report was never released and that release of any associated information was limited to the executive summary and the department's response to recommendations of the report.

In her response to me the minister claimed:

At this stage, there are a number of issues that prevent the release of the full report including confidentiality and privacy principles relating to families and children. In addition, it is likely that information about service provision agencies, treatment practices for autism and autism specific research may be out of date and misleading to the public. Current legal advice is now being sought prior to further consideration about release of the report at this late stage.

The minister concluded that she would seek further legal advice. Subsequently the minister advised me by letter as follows:

The legal advice now received recommends the full report not be released because of the possibility that families and children who participated in case studies described in the report could be identified. In addition there are concerns that much of the information contained in the report is out of date and could be misleading.

The minister will accept that the last thing I want to do is play party politics with this very important issue that

affects the lives of too many Victorians and their families. I accept fully that the confidentiality of every child and family associated with the report must be protected. That can be done most adequately and should not be a barrier to the release of the report. I ask the minister to personally look at the report and make a decision about its release. I encourage her to use her own judgment and not to rely on bureaucratic advice.

Autism is a distressing and heartbreaking condition that affects too many Victorian children. I ask the minister to take a small but important step to finding solutions by releasing the full findings of the report.

Lower Plenty Road: pedestrian overpass

Mr LANGDON (Ivanhoe) — I raise for the attention of the Minister for Transport a longstanding issue concerning the electorate of Ivanhoe. The previous government committed funds to widen Lower Plenty Road between the Greensborough Road and Rosanna Road intersections. However, it failed to put any funds into improving the overpass. The overpass, which has been there since the 1960s, can be accessed by steps on either side. However, it is adjacent to St Martin's Catholic Church and the Catholic primary school and is also used by the local state primary school.

In the previous Parliament I raised the issue at least three or four times during the adjournment debate, as well as during debates on several bills. I asked the former government to allocate additional funds to make the overpass accessible to the elderly, the frail, the disabled and mothers and fathers with young children, including children in prams. As we all know, the elderly and the frail often attend church, and mothers and fathers with young children in prams or strollers will often visit the schools. Many people need access to the overpass.

Vicroads would not accede to putting ramps on the overpass because the former government did not allocate any additional funds for the purpose. I believe Vicroads would have liked to assist, but the previous government was not into helping the disabled, the elderly or the frail cross Lower Plenty Road, which currently has four lanes and is to be widened to eight lanes. For some reason the former government believed children and frail, elderly or disabled people could cross four lanes of traffic each way by using the traffic lights.

Ms Allan interjected.

Mr LANGDON — Indeed, lives are in the balance.

I ask the minister to take action to solve the problem once and for all. I ask him to make certain that the steps to the overpass, which have been there since the 1960s, are removed and that ramps are installed to provide access to all who wish to cross the road to the schools or the church.

My upper house colleagues Bill Forwood and Carlo Furlletti, the honourable members for Templestowe Province, know I have raised the issue time and again, but they have failed to resolve it. My previous Liberal opponent believed he could not do a thing about it, so he did nothing. I ask the minister to see what this government can do.

Eastern Freeway: exit congestion

Mr PERTON (Doncaster) — I refer the Minister for Transport to the traffic problems at the western end of the Eastern Freeway. Honourable members who live in the eastern suburbs and who had to travel to Parliament by car through the recent rain would know that the morning traffic jam at the western end of the freeway continues to worsen.

Mr Smith interjected.

Mr PERTON — As the honourable member for Glen Waverley says, Springvale Road is terrible both in the morning and in the evening. Clearly something is wrong with the traffic lights in the vicinity of Johnston Street, because cars moving off the freeway are constantly getting stuck in traffic jams on Hoddle Street.

Mr Wilson interjected.

Mr PERTON — As the honourable member for Bennettswood says, it is a nightmare. The people of the eastern suburbs are wasting anything from 45 minutes to an hour in getting to work in the mornings. In an answer to a question on notice the minister told me money would be spent on works on the Eastern Freeway. To this stage, there has been no evidence of that work or of improved traffic flows.

When the former government was in power a promise was made to provide a free flow of traffic for drivers coming from the eastern suburbs towards the city and across to the western suburbs. Nothing has happened under the Bracks government. It has utterly abandoned the eastern suburbs — not just in transport, but in education, health, and even in its shameless pork-barrelling of the Benalla electorate. Labor has ignored the people of the eastern suburbs.

Responses

Mr BATCHELOR (Minister for Transport) — The honourable member for Bennettswood raised for the attention of the Minister for Community Services a request to release a report on autism. He indicated that he had written to the minister and had made a number of attempts to have the report released. He further advised of the difficulties that the minister had following her receipt of legal advice in that a release of the report would be contrary to the legal advice and would create difficulties for the families and children concerned who could be identified by the text of the report if it were released. This raises a whole array of privacy issues on a very delicate matter.

The honourable member asked the minister to disregard the legal advice and to release the report notwithstanding. I will ask the minister to have a look at the matter and to review the circumstances, but I am sure that having received legal advice she has very little room to manoeuvre.

In some respects I am surprised that the honourable member for Bennettswood would suggest that a minister of the Crown should reject legal advice provided by the department, given his previous role as an adviser in the health department. He has distanced himself from being a bureaucrat — he was only a political adviser to the defeated former health minister at the last elections. Nevertheless, I will take up the matter with the Minister for Community Services and ask her to respond directly.

The honourable member for Hawthorn raised a matter for the attention of the Minister for Police and Emergency Services relating to police infrastructure in the City of Boroondara. He outlined a list of infrastructure logs of claim that he and the honourable member for Kew would like to see implemented in this sitting. Interestingly, the request comes shortly after the election of the Bracks government — requests that were unable to be satisfied during the seven years of the former government. I guess the honourable member's request is an indictment of the previous members for Hawthorn and Kew for failing to deliver what he regards should have been delivered under the previous Liberal Party administration. The Liberal Party had the opportunity. It failed to do it in its seven years in office but now expects the Bracks government to have it delivered within seven months.

The honourable member for Hawthorn will have to understand that the government will always act in a financially responsible way. It will identify the community's needs and within the constraints of the

budget will work to meet them. I will have the matter raised for the attention of the Minister for Police and Emergency Services and the minister will get back to the honourable member for Hawthorn directly.

The honourable member for Narracan raised a matter for the attention of the Minister for Community Services relating to the issues surrounding the Intellectual Disability Review Panel. I will have those matters taken up with the minister and have her get back to the member directly.

His raising of this and other similar issues in the past clearly indicates the high level of concern of the honourable member for Narracan about issues of this sort and his desire to look after people in our community who are less able to look after themselves. The honourable member is to be commended for his action on this occasion and in the past.

The honourable member for Bentleigh raised for the attention of the Minister for Housing the Eastmoor primary school site. She wants an indication from the minister as to what will happen with land apparently acquired by the housing ministry on the former school site in East Bentleigh. I will ask the minister to investigate the situation and get back to the honourable member for Bentleigh.

The honourable member for Footscray raised a matter for the attention of the Minister for Health. He sought additional resources to allow all points of view to be properly heard in the debate about supervised injecting facilities in the Footscray area. The honourable member seeks a balanced and reasoned debate, which is a laudable aim. It is clear from my observations of media reports that a lopsided, shrill debate is taking place, and it would be entirely appropriate for more balance to be brought into that important debate. Although the matter will be before Parliament in the spring sessional period, I will ask the Minister for Health to look at the honourable member's reasonable request. The debate should centre on the issue of looking after members of the community who are in need or in trouble.

The honourable member for Sandringham raised with me the matter of trucks travelling on Beach Road, having had the issue brought to his attention by a constituent, Ted Schirrmann. The honourable member raised a number of issues Mr Schirrmann sees as representing a conflict between the needs of the residents and the needs of people using Beach Road as a vehicle route, and in particular the problems experienced by residents because of certain types of trucks using Beach Road.

A range of issues flow from this matter, issues such as curfew hours and infringement notices. The honourable member also referred to the traffic-use statistics kept by Vicroads and, by inference, the hours during which trucks use Beach Road and the types of trucks that use it, because different types of trucks have different consequences for the residential amenity. The matter is not new. It has been around for some time.

The honourable member for Brighton raised with me a similar matter concerning her electorate. The flow of traffic coming into the city comes through the electorate of the honourable member for Sandringham and on through the electorate of the honourable member for Brighton.

I will ask Vicroads to look at the issue. If it is an enforcement matter I will ask that it be taken up by Vicroads and that comments be passed on to the Victoria Police, which is in independent control of its operational issues. I will find out what statistical information is available and ask Vicroads to pass that information on to the honourable member for Sandringham. I will also find out whether community information can be provided to the local media to explain what is required of trucks using the area so that people are properly informed of the regulations and conditions. I will make that information directly available to the honourable member for Sandringham so that he can pass it on to his constituent.

The government wants people to understand the conditions and regulations so as to make a well-informed complaint should a breach of those conditions occur rather than raising general issues without a direct knowledge of what is required of truck drivers. Local areas must receive their deliveries, and there is often confusion about through traffic and trucks making local deliveries. The confusion about delivery trucks and through traffic along Beach Road is of long standing.

The honourable member for Bendigo East referred to McIvor Highway road safety issues raised by residents of Strathdale. A particular accident black spot was identified at which an accident on 9 April resulted in the loss of the life of a young child. The honourable member outlined several physical features of that particular part of the highway, which has a speed limit of 70 kilometres an hour. Residents have difficulty negotiating their way across, around and along the highway. There is conflict between the use of the highway by through traffic and the needs of local residents.

I undertake to have Vicroads examine the area to identify any problems and suggest appropriate methods of solving them in future funding rounds. The honourable member for Bendigo East referred to the accident black spot program. The government hopes to make an announcement in the next couple of weeks about the guidelines for the program. I encourage the honourable member to take up the issue directly with the local council to identify spots on the McIvor Highway in her electorate that ought to be considered under the \$240 million program.

The honourable member for Murray Valley referred to the blockade of the Hume Highway and the problems created by the degrading of local roads because of traffic bypassing the blockade. He offered several suggestions as to what the government might consider in dealing with the issue.

As the honourable member for Murray Valley would know, the issue arose earlier this week and has resurfaced. As I understand it, requests for negotiations and discussions with the federal Minister for Transport and Regional Services have been made in an attempt to resolve the dispute, which does not directly involve the Victorian government. The truck drivers involved in the blockade have requested that negotiations take place with the federal minister, John Anderson, who, with his rural background and knowledge of what is happening with rural road freight transport, is best placed to solve some of the complaints listed by the truck drivers.

I will raise the matter with the federal Minister for Transport and Regional Services and ask him to do whatever he can to facilitate a resolution of the dispute the truck drivers have with the federal government.

Mr Jasper interjected.

Mr BATCHELOR — The honourable member for Murray Valley asks, ‘What about the road damage?’. I will take that up with the federal minister.

The federal government makes money available to local councils for road maintenance. The disappointment of the last federal budget is that the quantum of money going to local councils for road maintenance was increased only marginally. If electorates such as Indi have unexpected damage to their local roads it is reasonable for Indi and any affected neighbouring municipalities to lodge special claims with the federal government for either one-off payments or increased funds to help them through that particular set of circumstances. Had the blockade not occurred, the need for road repairs would not be

necessary and it would not have placed a drain on the municipality.

The honourable member for Ivanhoe raised with me an issue on which he has been campaigning for some time. It has been brought to a head as Lower Plenty Road, Rosanna, is being widened. The issue relates to an overhead pedestrian crossing adjacent to St Martin de Tours Primary School. The honourable member wants the pedestrian overpass to be brought up to modern-day standards and made accessible to local residents. The overpass over busy Lower Plenty Road is accessible only by steps and therefore, in effect, can be used only by able-bodied pedestrians.

It is ironic that members of the community who are not able bodied cannot take themselves, their shopping or other personal belongings up a steep flight of steps. They cannot take advantage of the safety of the pedestrian overpass and are forced to cross a busy road to go about their ordinary business. The honourable member identified the problems the frail, the disabled and mothers with young children have in using the steps and the difficulties they face in crossing the road if they cannot use the pedestrian overpass. Not only are the students from St Martin’s school affected, but another two primary schools and a church are located close to the overpass. We need to look at how society can best protect members of the community.

I will take up the matter urgently. As the honourable member said, he has been campaigning on the issue for a long time — he has been something of a lone warrior on the issue — but he has received no support in the past or at present from his upper house counterparts. That exposes a problem in that a member of the lower house who is of one political complexion is not receiving the support of members of a different political complexion in the upper house. I would have thought that during the life of the previous government Liberal members in the other place would have been keen to gain improved accessibility and road safety for local residents.

I will take that up as a matter of urgency. I will have discussions with Vicroads to see whether we can have this matter satisfactorily resolved, not just for the honourable member for Ivanhoe but for all the people who need an accessible way of crossing Lower Plenty Road.

The honourable member for Doncaster raised problems of traffic congestion at the western or city end of the Eastern Freeway. In particular he referred to traffic difficulties along Hoddle Street. In his contribution, as I understood it, the honourable member confused the

previous Liberal government's commitment to address issues in Hoddle Street with some unannounced proposal to deal with traffic on the Eastern Freeway.

I know from my own observations that there is an increasing problem with traffic congestion at the city end of the Eastern Freeway. That occurs when people are turning off the Eastern Freeway onto Hoddle Street or when they continue on to Alexandra Parade and whether they are turning left into the city through Wellington Street or Smith Street or are aiming to find their way through North Carlton or Parkville to other parts of the inner city. It is an increasing problem that the government will want to thoroughly and comprehensively investigate in its first term in office.

The government has given a commitment to investigating all the issues associated with the traffic problems and congestion at the city end of the Eastern Freeway. The government will do that in a way that looks after the interests of inner suburban residents and the needs of those travelling through and into the city from the middle and outer suburbs. It will do it in an integrated way and consider not just road-based solutions but also alternatives that might involve an integrated public transport and road-based solution.

However, it is obvious that the problem is not new — it has not arisen over recent weeks or months. If my memory is correct, the honourable member for Doncaster raised the matter during the term of the previous government. He has consistently raised the issue over a number of years and he has consistently been unable to get a satisfactory result, particularly under the stewardship of his own party in government. It surprises me that the member for Doncaster would choose to expose his political impotence but that is what he has done. He has been grappling with the matter for a number of years and now seeks to raise it as an apparently new issue under this government.

However, there is a very significant difference between the Bracks Labor government and the previous Liberal government. This government cares and is very concerned about what happens in the eastern suburbs of Melbourne just as it is concerned about what happens in the northern suburbs of Melbourne. The government will not walk away from this difficult issue. It will undertake a comprehensive and thorough study which will try to identify the problems and the solutions, rather than squawk about it as the honourable member for Doncaster has.

The government will work out what needs to be done and will make that information available to the public. I repeat that we want a solution that will look after the

inner suburban residents and people from the middle and outer suburbs.

The honourable member for Oakleigh raised a local traffic problem in her electorate related to Katandra Road, Ormond, and associated with Kilvington Girls Grammar School. Because the honourable member for Oakleigh is an active and energetic local member who talks to her local community she is able to identify practical solutions to local problems. She has suggested that to help calm traffic in Katandra Road there need to be at least three speed humps. She has identified a number of measures she wishes the government to take. We will look at those suggestions and get back to the honourable member. I am impressed by her dedication, her action and her preparedness to go out and talk with her community, and then to take up in this house the issues raised by her community. I encourage that sort of activity. I will look at the matter as quickly as I can.

Motion agreed to.

House adjourned 12.32 a.m. (Thursday).