PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

1 June 2000

(extract from Book 9)

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

By authority of the Victorian Government Printer

The Governor

His Excellency the Honourable Sir JAMES AUGUSTINE GOBBO, AC

The Lieutenant-Governor

Professor ADRIENNE E. CLARKE, AO

The Ministry

Premier and Minister for Multicultural Affairs	The Hon. S. P. Bracks, MP
Deputy Premier, Minister for Health and Minister for Planning	The Hon. J. W. Thwaites, MP
Minister for Industrial Relations and Minister assisting the Minister for Workcover	The Hon. M. M. Gould, MLC
Minister for Transport	The Hon. P. Batchelor, MP
Minister for Energy and Resources, Minister for Ports and Minister assisting the Minister for State and Regional Development	The Hon. C. C. Broad, MLC
Minister for State and Regional Development and Treasurer	The Hon. J. M. Brumby, MP
Minister for Local Government, Minister for Workcover and Minister assisting the Minister for Transport regarding Roads	The Hon. R. G. Cameron, MP
Minister for Community Services	The Hon. C. M. Campbell, MP
Minister for Education and Minister for the Arts	The Hon. M. E. Delahunty, MP
Minister for Environment and Conservation and Minister for Women's Affairs	The Hon. S. M. Garbutt, MP
Minister for Police and Emergency Services and Minister for Corrections	The Hon. A. Haermeyer, MP
Minister for Agriculture and Minister for Aboriginal Affairs	The Hon. K. G. Hamilton, MP
Attorney-General, Minister for Manufacturing Industry and Minister for Racing	The Hon. R. J. Hulls, MP
Minister for Post Compulsory Education, Training and Employment and Minister for Finance	The Hon. L. J. Kosky, MP
Minister for Sport and Recreation, Minister for Youth Affairs and Minister assisting the Minister for Planning	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Major Projects and Tourism and Minister assisting the Premier on Multicultural Affairs	The Hon. J. Pandazopoulos, MP
Minister for Housing, Minister for Aged Care and Minister assisting the Minister for Health	The Hon. B. J. Pike, MP
Minister for Small Business and Minister for Consumer Affairs	The Hon. M. R. Thomson, MLC
Parliamentary Secretary of the Cabinet	The Hon. G. W. Jennings

Legislative Council Committees

Economic Development Committee — The Honourables R. A. Best, Andrea Coote G. R. Craige, Kaye Darveniza, N. B. Lucas, J. M. McQuilten and T. C. Theophanous.

Privileges Committee — The Honourables W. R. Baxter, D. McL. Davis, C. A. Furletti, M. M. Gould and G. W. Jennings.

Standing Orders Committee — The Honourables the President, G. B. Ashman, B. W. Bishop, G. W. Jennings, Jenny Mikakos, G. D. Romanes and K. M. Smith.

Joint Committees

Drugs and Crime Prevention Committee — (*Council*): The Honourables B. C. Boardman and S. M. Nguyen. (*Assembly):* Mr Jasper, Mr Lupton, Mr Mildenhall, Mr Wells and Mr Wynne.

Environment and Natural Resources Committee — (*Council*): The Honourables R. F. Smith and E. G. Stoney. (*Assembly*): Mr Delahunty, Ms Duncan, Mr Ingram, Ms Lindell, Mr Mulder and Mr Seitz.

Family and Community Development Committee — (*Council*): The Honourables E. J. Powell and G. D. Romanes. (*Assembly*): Mr Hardman, Mr Lim, Mr Nardella, Mrs Peulich and Mr Wilson.

House Committee — (*Council*): The Honourables the President (*ex officio*), G. B. Ashman, R. A. Best, J. M. McQuilten, Jenny Mikakos and R. F. Smith. (*Assembly*): Mr Speaker (*ex officio*), Ms Beattie, Mr Kilgour, Mr Leighton, Ms McCall, Mr Rowe and Mr Savage.

Law Reform Committee — (*Council*): The Honourables D. G. Hadden and P. A. Katsambanis. (*Assembly*): Mr Languiller, Mr McIntosh, Mr Stensholt and Mr Thompson.

Library Committee — (*Council*): The Honourables the President, E. C. Carbines, M. T. Luckins, E. J. Powell and C. A. Strong. (*Assembly*): Mr Speaker, Ms Duncan, Mr Languiller, Mrs Peulich and Mr Seitz.

Printing Committee — (*Council*): The Honourables the President, Andrea Coote, Kaye Darveniza and E. J. Powell. (*Assembly*): Mr Speaker, Ms Gillett, Mr Nardella and Mr Richardson.

Public Accounts and Estimates Committee — (*Council*): The Honourables D. McL. Davis, R. M. Hallam, G. K. Rich-Phillips and T. C. Theophanous. (*Assembly*): Ms Asher, Ms Barker, Ms Davies, Mr Holding, Mr Loney and Mrs Maddigan.

Road Safety Committee — (*Council*): The Honourables Andrew Brideson and E. C. Carbines. (*Assembly*): Mr Kilgour, Mr Langdon, Mr Plowman, Mr Spry and Mr Trezise.

Scrutiny of Acts and Regulations Committee — (*Council*): The Honourables M. A. Birrell, M. T. Luckins, Jenny Mikakos and C. A. Strong. (*Assembly*): Ms Beattie, Mr Carli, Mr Dixon, Ms Gillett and Mr Robinson.

Heads of Parliamentary Departments

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

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

Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Mr B. J. Davidson

Parliamentary Services — Secretary: Ms C. M. Haydon

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT — FIRST SESSION

President: The Hon. B. A. CHAMBERLAIN

Deputy President and Chairman of Committees: The Hon. B. W. BISHOP

Temporary Chairmen of Committees: The Honourables G. B. Ashman, R. A. Best, Kaye Darveniza, D. G. Hadden, P. R. Hall, Jenny Mikakos, R. F. Smith, E. G. Stoney and C. A. Strong

Leader of the Government:
The Hon. M. M. GOULD

Deputy Leader of the Government:
The Hon. G. W. JENNINGS

Leader of the Opposition:
The Hon. M. A. BIRRELL

Deputy Leader of the Opposition:
The Hon. BILL FORWOOD

Leader of the National Party:
The Hon. R. M. HALLAM

Deputy Leader of the National Party:
The Hon. P. R. HALL

Member	Province	Party	Member	Province	Party
Ashman, Hon. Gerald Barry	Koonung	LP	Hall, Hon. Peter Ronald	Gippsland	NP
Atkinson, Hon. Bruce Norman	Koonung	LP	Hallam, Hon. Roger Murray	Western	NP
Baxter, Hon. William Robert	North Eastern	NP	Jennings, Hon. Gavin Wayne	Melbourne	ALP
Best, Hon. Ronald Alexander	North Western	NP	Katsambanis, Hon. Peter Argyris	Monash	LP
Birrell, Hon. Mark Alexander	East Yarra	LP	Lucas, Hon. Neil Bedford, PSM	Eumemmerring	LP
Bishop, Hon. Barry Wilfred	North Western	NP	Luckins, Hon. Maree Therese	Waverley	LP
Boardman, Hon. Blair Cameron	Chelsea	LP	McQuilten, Hon. John Martin	Ballarat	ALP
Bowden, Hon. Ronald Henry	South Eastern	LP	Madden, Hon. Justin Mark	Doutta Galla	ALP
Brideson, Hon. Andrew Ronald	Waverley	LP	Mikakos, Hon. Jenny	Jika Jika	ALP
Broad, Hon. Candy Celeste	Melbourne North	ALP	Nguyen, Hon. Sang Minh	Melbourne West	ALP
Carbines, Hon. Elaine Cafferty	Geelong	ALP	Olexander, Hon. Andrew Phillip	Silvan	LP
Chamberlain, Hon. Bruce Anthony	Western	LP	Powell, Hon. Elizabeth Jeanette	North Eastern	NP
Coote, Hon. Andrea	Monash	LP	Rich-Phillips, Hon. Gordon Kenneth	Eumemmerring	LP
Cover, Hon. Ian James	Geelong	LP	Romanes, Hon. Glenyys Dorothy	Melbourne	ALP
Craige, Hon. Geoffrey Ronald	Central Highlands	LP	Ross, Hon. John William Gamaliel	Higinbotham	LP
Darveniza, Hon. Kaye	Melbourne West	ALP	Smith, Hon. Kenneth Maurice	South Eastern	LP
Davis, Hon. David McLean	East Yarra	LP	Smith, Hon. Robert Fredrick	Chelsea	ALP
Davis, Hon. Philip Rivers	Gippsland	LP	Smith, Hon. Wendy Irene	Silvan	LP
Forwood, Hon. Bill	Templestowe	LP	Stoney, Hon. Eadley Graeme	Central Highlands	LP
Furletti, Hon. Carlo Angelo	Templestowe	LP	Strong, Hon. Christopher Arthur	Higinbotham	LP
Gould, Hon. Monica Mary	Doutta Galla	ALP	Theophanous, Hon. Theo Charles	Jika Jika	ALP
Hadden, Hon. Dianne Gladys	Ballarat	ALP	Thomson, Hon. Marsha Rose	Melbourne North	ALP

CONTENTS

THURSDAY, 1 JUNE 2000

Thursday, 1 June 2000

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 11.03 a.m. and read the prayer.

GOVERNOR'S SPEECH

Address-in-reply

The PRESIDENT — Order! I have to report that, accompanied by honourable members, I waited upon His Excellency the Governor this day and presented to him the Address of the Legislative Council adopted on 9 May 2000 in reply to His Excellency the Governor's speech at the opening of Parliament. His Excellency was pleased to make the following reply:

> MR PRESIDENT AND HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL:
>
> In the name and on behalf of Her Majesty the Queen I thank you for your expressions of loyalty to our Most Gracious Sovereign contained in the address you have just presented to me.
>
> I fully rely on your wisdom in deliberating upon the important measures to be brought under your consideration, and I earnestly hope that the results of your labours will be conducive to the advancement and prosperity of this state.

ENVIRONMENT PROTECTION (ENFORCEMENT AND PENALTIES) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. C. C. BROAD (Minister for Energy and Resources).

[Second-reading speech subsequently expunged by order of the house.]

The PRESIDENT — Order! Before putting the second-reading question, I am concerned whether the bill incorporates the amendments in the lower house. The bill appears to be the wrong bill and does not incorporate the amendments from the other place. The other issue is whether the second-reading speech should be amended.

Hon. G. D. Romanes — I have been informed that the second-reading speech is correct.

The PRESIDENT — Order! With leave of the house I suggest that the second reading be not adjourned at this stage until the position is clarified.

Hon. P. R. Hall — On a point of order, Mr President, I direct your attention to a minor but important inaccuracy in the second-reading speech. On page 5 it states:

> These business plans will be submitted to me as Minister for Environment and Conservation.

The minister who delivered the speech in this place is not the Minister for Environment and Conservation. It would be for the benefit of the house if the amendment were incorporated when the bill is read later this day.

Hon. C. C. Broad — On the point of order, Mr President, it should read:

> These business plans will be submitted to the Minister for Environment and Conservation.

Hon. Bill Forwood — On the point of order, Mr President, I seek clarification as to what is likely to happen. What will be the procedure from here on?

The PRESIDENT — Order! This is not the first time that this has happened. Some time ago I recall a minister making a great second-reading speech on the wrong bill. It took a while before the house worked out that the bill and the second-reading speech did not match. In this case the normal notation is on the title page of the bill, which was initiated in the Legislative Assembly on 12 April. As amendments were made there should have been a notation under that date. I will have inquiries made as to whether the print of the bill which was circulated and the second-reading speech are correct, and advise the house in due course.

I am advised that the proceedings are correct up to the second-reading stage, because we have a certified copy of the bill, including amendments, but by leave of the house the second-reading speech could be treated as not having been made and the minister could give a second-reading speech later this day when we have a bill in the correct form. The second-reading speech already given could be expunged.

Hon. Bill Forwood — On the point of order, Mr President, will that mean that *Hansard* will not show any of what has happened this morning?

The PRESIDENT — Order! That is a matter for the house. The second-reading speech can be expunged. It is in the hands of the house.

Hon. Bill Forwood — Further on this issue, Sir, my question relates not only to this issue but also to Mr Hall's remarks. He asked that the second-reading speech be altered in a particular way from what the

minister read. How will Mr Hall's comments be dealt with?

The PRESIDENT — Order! The simplest way might be to leave the record as it is and later in the day the house will take some remedial action. You are right, Mr Forwood, the record would look unusual if it were taken out. It will probably mean the minister will give another second-reading speech later in the day which will be the second-reading speech, and that will accompany the amendments to the bill. The minister will make that other slight adjustment, even if verbally.

Hon. M. A. Birrell — The opposition would prefer a fresh second-reading speech, an essential element of which would be a preamble distinguishing it from the previous second-reading speech which is on the record.

From a personal point of view, I have always found it awkward to expunge anything from *Hansard*, which is meant to be a record of the debate. I know it is technically possible but it is highly undesirable, even if by agreement. A second attempt at the second-reading speech should be made with a preamble to distinguish it from the previous document, which takes into account the amendments that have been made to the bill by the government in the Legislative Assembly.

BUSINESS OF THE HOUSE

Sessional orders

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

> That so much of the sessional orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Motion agreed to.

BLF CUSTODIAN

47th report

Hon. M. M. GOULD (Minister for Industrial Relations) presented report dated 1 May 2000 given to Mr President pursuant to section 7A of BLF (De-recognition) Act 1985 by the custodian appointed under section 7(1) of that act.

Laid on table.

VICTORIAN CHILD DEATH REVIEW COMMITTEE

Annual report

Hon. M. R. THOMSON (Minister for Small Business) presented report of inquiries into child deaths: protection and care 2000.

Laid on table.

PAPERS

Laid on table by Clerk:

> Auditor-General — Report on Ministerial Portfolios, June 2000.
>
> Auditor-General's Office — Report, 2000–01.
>
> Forensic Leave Panel — Report, 1999.
>
> Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Returns, May 2000 and Summary of Variations notified between 16 December 1999 and 31 May 2000.
>
> Parliamentary Committees Act 1968 — Minister's response to the Road Safety Committee's Inquiry into the Incidence and Prevention of Pedestrian Accidents.

DAIRY BILL

Second reading

Debate resumed from 30 May; motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Hon. B. W. BISHOP (North Western) — It is with much pleasure that I speak on the Dairy Bill. It is important for honourable members to ask: what is the dairy industry? I have no doubt that anyone who has any idea of the dairy industry would know it is huge by any standards. In Victoria the dairy industry is second only to tourism in size.

Victoria has a highly efficient dairy industry. It produces about 60 per cent of Australia's milk and manufactures and exports about 83 per cent of Australia's dairy products, which now total almost $2 billion. Almost 8000 Victorian dairy farm licences have been issued. However, the dairy industry is a bit like the grain industry — some of the dairy farmers may have their farms over the border and deliver into the Victorian system. Therefore some of those 8000 licences would be held by farms over the border or over the river.

The dairy industry includes a huge number of manufacturers. My research shows there are about 114 manufacturers ranging from the smallest cheese makers to the big cooperatives and others. To give honourable members an idea of the size and complexity of the industry, I point out that there are 203 dairy product distributors throughout the state. Milk travels well. The Yelta Dairy used to be in Mildura where my office is. Now there are no dairy farms in that area. That shows how the industry has changed over the years. All the milk for those areas is delivered directly.

Without doubt the dairy industry is one of the best industries in the state. It offers employment in regional, rural and metropolitan areas. It is therefore a very good income earner for the state. It also plays a very strong part in Victoria's investment industry. Considerable investment has been poured into the dairy industry. Although it has changed substantially over a number of years, it has always been a strong industry. It is one of the classical value-adding primary industries. Farmers often struggle over value adding. Because Australia has a comparatively small population and a strong agricultural production base, many of its products are exported. A few products are exported raw. The classic examples are grain and wool. However, the dairy industry is different. It is a good value adder for Victoria in particular and Australia in general.

My research also shows that the dairy industry contributes about $7 billion a year to Victoria's economy. The statistics are interesting in the context of value adding, employment and investment. A dairy farmer employs — either directly or indirectly — 14 or 15 people. That is the flow-on effect of the dairy industry and the strength of its service organisations.

The process the house will be discussing this morning started in 1986 with the Kerin plan. I think back then the federal primary industries minister was also called the resources minister.

Hon. W. R. Baxter — Yes, I believe so.

Hon. B. W. BISHOP — John Kerin put his name to the plan that started large developments in the dairy industry.

Since then the level of research and development in the dairy industry has increased, with much knowledge gained along the way. Big changes in the dairy industry have been accompanied by large increases in milk production on all dairy farms, and a strong appreciation of quality control on those farms.

We have seen good government support. One example is the Target 10 program. It is probably one of the best examples I have seen of a cooperative effort between industry and government. Next week, together with a number of my colleagues, I will attend the Target 10 conference to be held by the dairy industry in Bendigo. Such conferences provide a sound knowledge of the current state of the industry, but they also provide a tremendous opportunity for industry members to mix among themselves and create the linkages necessary to keep up to speed with the latest technology in the industry.

Many of the successes and benefits of the dairy industry have been gained over time by strong leadership, which every industry requires. A good example last year was when Pat Rowley, the chairman of the Australian Dairy Industry Council, approached the federal government, urging a restructuring package to support the dairy industry through the period of change, particularly over the next six to eight years.

Pat was highly successful. He convinced the federal government to implement a restructuring package of $1.63 billion for Australia— big numbers in anyone's language. It was a tough time for the dairy industry and a real test of leadership by the national organisation. I commend Pat Rowley for ensuring that the dairy industry was well cared for during this time of change. The package will be distributed over eight years to Victorian dairy farmers, and has been paid for by an 11-cent-a-litre levy on liquid milk products, both domestic and imported.

I also put on record the house's appreciation to Max Fehring, the head of the United Dairyfarmers of Victoria, its general council, and the Victorian dairy farmers for working their way through this difficult time and for managing the deregulation changes that will take place over the next eight years.

In the past the dairy industry has faced challenges, but I give it full credit. It has turned those challenges into opportunities and it is a sign of the leadership throughout the industry that that has worked. It was not an easy issue, particularly when Victoria played such a pivotal role in the Australian dairy industry.

The bill proposes a full package of reforms. It allows an orderly and managed deregulation program. While doing so, it also encourages strong growth and a focus on world and domestic markets. In the future those markets will be regarded by the industry as a single market.

The old catchcry of being market driven was not followed by primary production in Australia in the early years, but primary production has changed. We

are now one of the most market-driven production areas in the world. We are highly responsive to what the market wants and for which it pays top dollar. The bill will provide the dairy industry with a framework in which to compete strongly across all those markets.

The bill provides for a $763 million adjustment package over eight years, which gives the dairy industry time to adjust as the deregulation program comes into effect. It also establishes a new dairy food authority called Dairy Food Safety Victoria. Its sole task will be to maintain the dairy industry's very strong record and reputation for food safety.

Finally, it establishes a new entity to manage and distribute the surplus funds after the Victorian Dairy Industry Authority is wound up. The competitive framework implemented by the bill will work well for Victoria, which is extremely well placed nationally to take the best advantage of the package as it is implemented.

Victoria produces about 63 per cent of Australia's milk, which represents 6.5 billion litres of milk from 1.4 million cows. They are pretty strong statistics. It is the first time the industry has traded freely between the states, allowing it to grow and become more profitable.

The commonwealth government has accepted the responsibility for dairy farm registration, for calculating and allocating milk volumes, distributing the money as it goes through that restructuring process, and, importantly, dealing with any appeals made within the industry.

I can remember structural changes in other parts of the industry. It is most important that an appeal process is in place, and the right people are involved to ensure all members of the industry get what in Australia is called a fair go.

The commonwealth will establish the Dairy Adjustment Authority to carry out those tasks. The authority will have five members, one of whom, Terry O'Callaghan, is a well-known Victorian who has been in agropolitics for many years. He is well known throughout the dairy industry and extremely capable. He will represent the interests not only of Victorian dairy farmers but dairy farmers throughout Australia.

The third feature I refer to is Dairy Food Safety Victoria, which will pick up responsibility for food safety. After working through the bill it became clear that Victoria may move away slightly from the national standard. There is no doubt a need for uniform Australian laws, particularly in light of the United Kingdom experience with bovine spongiform encephalopathy (BSE) when the country lost control of its food safety regime and suffered huge industry losses. It is important to have strong, practical and uniform laws to allow food safety procedures to continue in the manner they have in the past. I urge the organisation and the people involved to consider carefully a national uniform approach to food safety.

During the bill committee process the opposition parties became concerned about the cost effectiveness of the new authority. They understand it will have a 7-person board with between 17 and 20 employees. The current food safety measures are funded from the market milk levy. When that disappears the resources will come from the licence fees paid by dairy farmers, manufacturers and processors. In reality, dairy farmers will be paying for food safety, which was the subject of some debate, so it is important that efficiency levels and programs are adequate and practical. The industry must be vigilant to ensure that the new authority stays on track and concentrates only on that task to ensure that the costs of the organisation do not blow out.

The fourth issue relates to clause 65, which creates a new entity. When the opposition bill committee went through the bill the entity had not been named. It has now been decided it will be called the Geoffrey Gardiner Dairy Foundation.

Hon. P. R. Hall — A great man.

Hon. B. W. BISHOP — Indeed. It is great that the foundation has been named after Geoffrey Gardiner. I congratulate United Dairyfarmers Victoria (UDV) on putting his name forward. It comes as no surprise. I have spent much of my time in agropolitics. Regardless of whether one is involved in the grain, pastoral or dairy industry there is nothing tougher than change. The dairy industry has seen considerable change over the past few years, and it will see further change as this program is put in place.

It is fitting that it has been called the Geoffrey Gardiner Dairy Foundation because he put a huge amount of work into the industry. Everyone was saddened by his death some time ago, and I am sure his family will be delighted with the recognition and honour associated with his name being linked to the foundation. I am certain the Honourable Peter Hall will say more about that in his contribution.

The foundation has five members who will be responsible for distributing funds when the Victorian Dairy Industry Authority (VDIA) is wound up. It is unclear which, but it will manage either the sale or the

proceeds of the sale of well-known brands such as Big M, Country Milk and Farm House Milk.

I shall reminisce about those brands for a moment. I am reminded of Des Cooper, who was a leader and launched many dairy products through innovative advertising and marketing. I am in no doubt the Honourable Bill Baxter remembers him as the chief executive and chairman of the former Victorian oat pool. I recall his visiting a number of small country towns and attending meetings in local halls. He and officers of the oat pool raised the money to build the oat sheds that stand in country Victoria. At those meetings he raised money from the farmers who proudly contributed. He was a marketer of products and ideas. Dozens of oat sheds, as we call them, were built and stand throughout Victoria. When they were swallowed up by the former Grain Elevators Board, Des Cooper was upset. That was during a time of rationalisation of storages, but they are still known throughout Victoria as the oat sheds.

I remember having many spirited discussions with Des Cooper about grain marketing, which I was involved in at the time. To some degree his strength was his undoing in some areas. For example, he held the view that he and his senior people at the Victorian Dairy Industry Authority should have cars of a certain standard, a policy with which the Premier of the day, John Cain, disagreed.

Hon. W. R. Baxter — One must admit that he had peculiar views about motor vehicles.

Hon. B. W. BISHOP — I can distinctly remember that Des Cooper pressed on with his choice of car and was sacked from the authority by the Premier of the day because of those strong views. That typified Des Cooper.

Hon. P. R. Hall — What sort of car did he want?

Hon. B. W. BISHOP — I recollect that he wanted a V8, but he was knocked back. Such was the strength of Des Cooper that he went ahead and bought the car. I remember seeing the letter of only a few lines that removed him from the authority. He was a leader and a character, and that is what we see today in the dairy industry — real leadership.

We do not know what the brands are worth — that will be up to the organisation to decide. It is uncertain what funding the new Geoffrey Gardiner Dairy Foundation, will have to manage the organisation. The figure may well be between $5 million and $20 million. That is a wide band, but it is unknown at the moment.

The brief of the foundation is clear — to invest in dairy industry development activities and maximise the benefits to the dairy industry. A constitution will be drawn up to give it direction. That has been the subject of substantial negotiation in the drafting of the bill.

The minister has said that he would use $3 million of those funds to assist dairy communities. A number of opposition members are not sure what that means. We would be satisfied if the minister were to establish strong consulting mechanisms throughout the industry to ensure that over time the $3 million would over time go to the right areas. As I have said, the constitution will provide the foundation with the necessary guidelines.

I am pleased to have been advised over the past few days that as a result of the consultation and negotiation process the Dairy Herd Improvement Association will continue to be funded by the foundation for the first two years. That will give all the organisations involved in the dairy industry the opportunity to work out where they will go after that.

The organisations that have been involved in developing the dairy industry have done a great job. Given what has happened they have created an industry that is a real success story. They have assisted greatly in improving dairy herd genetics, herd recording and various other techniques that have grown up over time. The milk meter, which is about to be commercialised, is another example of the good job those organisations have done.

The negotiations between the government and the opposition's bill committee were led by Barry Steggall, the honourable member for Swan Hill in the other place, in his capacity as shadow Minister for Agriculture. The details on how the changes in the bill were to be managed were supposed to have been tightened up in the minister's second-reading speech. For whatever the reason — it is not worth going into that now — the speech did not have the required rigour.

Following further negotiation, the Minister for Agriculture, the Honourable Keith Hamilton in the other place, wrote to the shadow Minister for Agriculture, who, along with John Vogels, the honourable member for Warrnambool in the other place, has been negotiating on this aspect of the legislation with the National Dairy Herd Improvement Association. I seek leave to have the letter the minister wrote to the shadow Minister for Agriculture on 31 May incorporated in *Hansard*.

Leave granted; letter as follows:

FAX

OFFICE OF THE MINISTER FOR AGRICULTURE

Natural Resources and Environment

To:	**Barry Steggall**	From:	**Keith Hamilton**
Fax:	9651 8511	Fax:	9637 8930
Date:	31 May 2000	Phone:	9637 8980
Pages:	1	Email:	

Barry,

With regard to dairy herd improvement services provided directly to farmers, the Government will ensure that there are no additional direct costs to farmers over the next two years from the changes proposed in the Bill. This will be achieved by including a clause in the constitution of the new industry-owned company to obligate it to fund projects that provide dairy herd improvement services directly to farmers up to a maximum of $300,000 per year for two years, subject to consultation with the UDV as is presently the case. It will be appropriate for herd improvement research and development projects to be funded through the reserves of the Dairy Herd Improvement Fund or through the normal funding application processes required by the new company.

In short, our aim is to enable the Dairy Herd Improvement Fund to access up to $300,000 a year for the next two years for services delivered to farmers, This will be carried out through a process that is as similar, as is practically possible, to the previous process.

Section 20 of the *Dairy Industry Act* 1992 states that:

"The Authority (the Victorian Dairy lndustry Authority) may, after consulting the United Dairyfarmers of Victoria, make an annual grant of money to the Herd lmprovement Organisation Inc. …

From this section the following process emerged for managing the Dairy Herd Improvement Fund (DHIF) budget:

1. The DHIF manager (the National Herd Improvement Association) prepared a program of projects (R&D and services direct to farmers).

2. The UDV Central Council empowered a DHIF Management Commitee to examine the proposed program in detail and makes recommendations to the Central Council.

3. UDV Central Council approved the program and wrote to the VDIA.

4. The VDIA made a grant to DHIF.

This process for funding dairy herd improvement services direct to farmers will continue except that the new entity, the Geoffrey Gardiner Dairy Foundation, will be the source of funds, not the VDIA. The UDV have indicated that the Management Committee would continue to examine the detail and make recommendations to the Central Council.

Please contact Steve Gartland from my office if you have further queries.

Regards

Keith Hamilton.

Hon. B. W. BISHOP — I also understand from discussions with the minister who has the carriage of the bill, the Minister for Energy and Resources, that she will confirm the contents of the letter in her summing up of the debate.

The drafting of the bill has been interesting. I commend the people I have worked with. The opposition agriculture bills committee is chaired by Tony Plowman, the honourable member for Benambra in the other place, but the strength in the negotiations has lain with the shadow Minister for Agriculture. As I said, the committee also received great assistance from the honourable member for Warrnambool in the other place.

The bill deals with a complicated industry. Most industries are complicated, but the dairy industry is more complicated than most. The government has been able to bring the industry with it by negotiating on the industry's requirements. It has been a good exercise, one that I have enjoyed being part of. The government deserves a lot of credit for the way it has worked through the process.

I conclude by congratulating the leadership of the dairy organisations. From the national perspective, I compliment Pat Rowley, who has done a great job; and I compliment Max Fehring for his heading up of the United Dairyfarmers of Victoria general council. I also compliment the dairy industry itself for the maturity it has shown. Times of change are always tough for the leadership. As I said, Max Fehring, with whom the opposition has had many dealings as the process has followed its course, has done an extremely good job. I extend every compliment to him. I commend the bill to the house.

Hon. P. R. HALL (Gippsland) — It gives me great pleasure to speak on the Dairy Bill. History tends to catch up with us all over time, and in preparing for the debate I retired to the parliamentary library to read the report of one of the early all-party parliamentary committee inquiries I was involved in.

When I was first elected to this place in October 1988 I was appointed to the all-party Public Bodies Review Committee. At that point, the committee was in the process of inquiring into the Victorian Dairy Industry Authority. I was pleased to be part of that committee because it gave me a good insight into the dairy industry, which is extremely important in my electorate. It is interesting to cast one's mind back to recall the membership of that committee, and I note that many of the committee members are no longer members of Parliament. It was characterised perhaps by having among its members both a former Speaker and the current Speaker, and I note that my colleague the Honourable Ken Smith was also a member.

Hon. W. R. Baxter — Are you the only two remaining?

Hon. P. R. HALL — No. The honourable member for Keilor in another place, Mr George Seitz, was also a member of that committee, as was an honourable member for Koonung Province, Mr Gerald Ashman. A few of the members of the committee are still members of Parliament.

It was a great introduction to committee inquiries for me as a member of Parliament, and the inquiry into the dairy industry provided me with the opportunity to submit a minority report. Last night I re-read that minority report to refresh my memory of my thoughts some 11 years ago. As I said, history catches up with us all. In my minority report I argued strongly for the continuation of regulation at the farm gate and also at the retail end. I am not embarrassed to stand in the house today and say that I have been proven to be incorrect in some of the views I held 11 years ago when the committee inquired into the dairy industry.

Some of the predictions I made in the minority report have proven to be incorrect, such as that about the retail price of milk, and I am pleased I have been proven to be incorrect. It was my view at the time that deregulation of the retail pricing of milk would lead to a situation analogous to the situation with petrol prices where there is a great difference between the price of the commodity in rural and in city areas. I am pleased that that has not turned out to be the case with the dairy industry and that there is very little, if any, price difference between milk in country areas and city areas. That applies across all brands.

If a solution could be found to the petrol pricing situation, that would be even better. I am not sure why there is such disparity between the milk and petroleum industries and why there needs to be such price disparity with fuel.

In my minority report I also stated that deregulation of retail prices would have a profound effect on the operation of milk bars in country towns. I asked where we would purchase our milk on Sundays if milk bars went out of business because supermarkets were closed on Sundays. Certainly small milk bars are under some

pressure, not purely because of the deregulated retail price of milk but because of other factors as well. However, I was proven to be incorrect in my assumption that supermarkets would be closed on Sundays. That was the case 11 years ago, but not today.

I highlight those issues to demonstrate what my colleague the Honourable Barry Bishop said: a great deal of change has taken place, both within the dairy industry and with consumer access across Victoria since the time I wrote that report.

As part of the Victorian Dairy Industry Authority review process I gained some degree of understanding of the complex pricing structure of milk. No-one has been able to give me a simple and clear explanation of what that pricing structure returns to dairy farmers for their product. One anomaly that will be addressed with deregulation is the different payments made for what in simple language is called table milk as opposed to manufacturing milk. Some people refer to it as the premium paid to farmers. Farmers receive different prices for the quantity of their milk that goes into the milk we purchase in cartons or containers and the quantity of their milk that goes into processing butter, cheese or yoghurt. It is exactly the same quality milk, so to the layman is seems strange they are paid differently for milk that is used for different purposes. That situation will be redressed with deregulation on 1 July.

Because of the efficiency of the dairy industry in Victoria only approximately 5 or 6 per cent of the milk from Victorian farms goes to table milk and the rest goes towards manufacturing milk. In New South Wales and Queensland as much as 50 per cent of the milk produced goes to table milk, with the other 50 per cent going to manufacturing milk. Those figures illustrate, firstly, the quantity of milk produced in Victoria and, secondly, the fact that Victorian dairy farmers rely less on the premium payment than farmers in New South Wales, Queensland and other states.

The report also highlighted what I believe is a serious anomaly in the marketing of milk in Australia — that is, the interstate barriers that currently exist. It seems odd that milk produced in Victoria cannot be sold in retail outlets in New South Wales or in other states. I do not know of any other industry where such barriers to interstate trade exist. That restriction on trade could well be challenged through the courts if anyone were to get serious about it. I know that at various times manufacturing companies have considered taking action to break down the interstate trade barriers. Again, deregulation on 1 July will address the anomaly.

The greatest change the dairy industry will experience is the move to complete deregulation from 1 July. I share the concerns that have been expressed to me by some of my constituents about the change to deregulation. With change comes uncertainty. There is undoubtedly a great deal of fear about the future. No-one can accurately predict what the returns for dairy farmers will be in a deregulated environment. We can estimate, but we cannot predict an accurate figure. Time will tell.

Some dairy farmers believe the move to deregulation may not be all that positive for them. However, many others approach the change with a great deal of confidence. Most members of Parliament would now be convinced that the industry sees the move to deregulation as a necessary step for its advancement. On this subject I need to take advice from people who know more than me, and the United Dairyfarmers of Victoria is an organisation from which I am happy to take advice. Mr Peter Owen, a local delegate of the United Dairyfarmers of Victoria, lives at Yinnar in my electorate, and I accept his advice. I will quote from a recent statement from Mr Owen on the challenges and opportunities of deregulation:

> The dairy industry in Gippsland is among the most efficient in the world. It is structured to respond quickly to market needs. But price and milk supply controls currently prevent the region's dairy producers from realising the full potential of their competitive advantages.
>
> In a deregulated environment, Gippsland producers could compete equitably in the national market and supply markets overseas — as well as beat off foreign competition at home.
>
> …
>
> For the sake of the prosperity of the local community, the dairy industry in Gippsland urges local government and politicians to support the federal government in approving the proposed adjustment package.

I have had many meetings with dairy farmers across my electorate, and a small number of them have some concerns about the uncertainty of deregulation. However, the vast majority recognise that it is a natural progression for the expansion of the industry in Victoria.

That view was supported by the government's questionnaire that was sent to all dairy farmers, asking them whether they would support deregulation and the associated transition package.

The change has been big. For many years the dairy industry has debated the merits of deregulation long and hard. I join my colleague the Honourable Barry Bishop in commending people in the dairy industry, particularly people like Max Fehring, Peter Owen and

Pat Rowley, who have worked hard to ensure that dairy farmers are informed and in the best position to take advantage of deregulation in the industry.

I refer to the importance of the dairy industry in Gippsland. As has already been said during the debate, Victoria produces about 60 per cent of the nation's milk; of that, about 33 per cent is produced in Gippsland, where 2800 dairy farmers produce 1.7 billion litres of milk annually. The farm-gate value of that milk in 1997–98 — the most recent statistics available — was $465 million. It has been estimated that the dairy industry in the region contributes $1.5 billion to the local economy. Those figures demonstrate the strength of the dairy industry in Gippsland. It is probably the region's most important industry and the biggest employer of any Gippsland industry.

As well as the production of milk, the processing of the product is also important to the Gippsland region. It has a strong presence of several processors, notably Murray Goulburn Cooperative Company Ltd, Bonlac Foods Ltd and National Foods Ltd. All have substantial manufacturing plants within the Gippsland region. Murray Goulburn has been operating plants at Maffra and Leongatha for many years. In the past few years the company has expanded its operations at both plants.

Recently Bonlac completed the biggest capital expenditure by any dairy company when it established a modern and efficient processing plant at Darnum; I understand about $135 million was invested in that plant. Unfortunately, Bonlac has now decided to scale down some of its operations in Gippsland through its closure of a plant at Drouin and the partial closure of its Toora plant. The closure of those processing plants will impact on the communities and I hope the government will do all it can to work with the local communities to address that impact.

It is important to realise that although jobs will be lost in the processing of milk products at the plants, I hope the decision by Bonlac to close the two processing operations secures the future of their suppliers. I do not have the figures with me, but I know Bonlac has a large number of milk suppliers in Gippsland. The returns to Bonlac suppliers compared with those to Murray Goulburn have been significantly less for some time. Unless that trend can be reversed, or the financial returns at least matched, many dairy farmers will be in financial difficulties because of the lower milk prices. I hope it is not all downside with the restructuring being undertaken by Bonlac. I hope the decision to restructure its manufacturing plant will ensure the future for all dairy farm suppliers.

Clause 65 establishes an industry-owned company to be called the Geoffrey Gardiner Dairy Foundation. I am particularly pleased that the late Geoff Gardiner has been honoured by having the foundation named after him. Geoff Gardiner was formerly a resident of the South Gippsland area. He lived near Foster and for many years contributed to the local community in a number of ways.

He was a proud member of the Foster branch of the National Party. He worked hard to promote the interests of the party and, perhaps more importantly, to make National Party members aware of the importance of the dairy industry. He provided advice to National Party members of Parliament about where the dairy industry should head. Geoff Gardiner was vice-president of the UDV and worked assiduously with such people as Max Fehring to ensure the deregulation of the industry proceeded in the manner it has proceeded.

Geoff worked hard to obtain the benefits of the dairy industry adjustment package which has been announced by the federal government. Without people like Geoff Gardiner the industry would not have progressed at the same rate it has; without his advocating for that advancement there would be greater uncertainty among many dairy farmers, particularly in Gippsland. I have the greatest respect for the work of the late Geoff Gardiner. It is fitting that the industry-owned foundation has been named after Geoffrey Gardiner, as a tribute to a great man who proudly served the industry in South Gippsland.

One further issue about the bill relates to the Dairy Herd Improvement Fund. Concern was expressed that the bill will change the work of dairy herd improvement companies across Victoria and that all the good work they have done in improving the genetics of Victorian herds would be lost under the new structure.

I have received correspondence from the West Gippsland Herd Improvement Cooperative and the Herd Improvement Organisation. They have sought assurances that the excellent work being done by the herd improvement companies will be improved under the new structure. I was pleased to hear of the latest in the negotiations between the opposition parties and the government about that issue. I welcome the letter incorporated into *Hansard* by the Honourable Barry Bishop from the Minister for Agriculture in the other place to the shadow Minister for Agriculture, the honourable member for Swan Hill in that place.

The opposition welcomes that commitment and trusts that it will ensure the excellent work being undertaken

by herd improvement companies will not be lost but will be continued into the future.

As I said when I commenced my contribution, much has changed in the dairy industry. The 1989 parliamentary Public Bodies Review Committee report on the dairy industry is an informative document. It recommended that a review of the industry be taken five years after the tabling of its report. A new Dairy Act was gazetted in 1992 but there has been little change in the marketing and milk payment structure flowing from the 1992 legislation. The passage of the bill demonstrates that the dairy industry recognises the decision to completely deregulate the industry. The best advice I have been able to receive as a member of Parliament is that it will ensure the dairy industry in Victoria has the opportunity to grow, to strengthen and to be a player in the world market.

Let us hope all those potentials are realised through deregulation. It may be tough for some, but for the vast majority and the strength of the industry overall the measure will have positive effects. With those few words I am pleased to support the bill and trust that the dairy industry will continue to grow in Victoria and provide the wealth it has already provided, particularly for my electorate, for many years to come.

Hon. E. G. STONEY (Central Highlands) — I shall say a few words on the Dairy Bill. In my early days I milked cows, so I have some knowledge of the industry. Milking cows is one of the world's oldest rural pursuits. Cows have given many farmers a start in life. They have given farmers a cash flow, which is terribly important to keep things moving. The regular cheques from milking cows have allowed farmers to develop their farms. Often they would get up early, milk the cows, work another job outside the farm, come back late and milk the cows, or perhaps the wife would get the cows in and milk them in the evenings. Dairy farming became a very family-oriented business. Everyone used to get the cows in and everyone used to milk the cows because it was a seven-day-a-week, morning-and-night job. The work was intense and one was always required to get home in time to milk the cows.

My grandfather and then my father and mother got their start milking cows in the north-east and Gippsland. As Mr Hall mentioned, Gippsland is one of the best dairying areas in Australia, if not the world. When I left school I milked 120 cows on shares with my family and bought my first paddock from the proceeds. I could not wait to give up milking cows because I hated it, but it provided a cash flow and gave me a start in life, and for that I am most thankful.

In the early days in the outlying farms cream was important and not milk, because cream would keep for days. You would put the cream in a cream can with your name on the lid, put it on the cart, take it to the train, and the train would take it to the butter factory. Every month the cheque would arrive, and that was wonderful. As time went on, trucks were introduced and the cream truck used to arrive twice a week. That was great because it opened up the opportunity for outlying dairy farms to get fresh bread, meat and ice twice a week. Newfangled ice chests came in. The cream truck brought the ice wrapped in a wet bag and it went into the ice chest. If the cream truck was a little late and the ice at home ran out, mother was most concerned that her few precious cold things would deteriorate.

The cream truck also brought us news, including when the dairy inspector was at the adjoining farm. When that happened it was all hands to the dairy, to clean up the dairy and make it spic and span. Just as the inspector drove up the drive we would walk around the back and invite him in for a cup of tea and to have a look at the sparkling dairy. He would be a bit suspicious because it had obviously just been cleaned because steam was rising. That was the start of the modern dairy industry.

It is important to note that in the early days the industry began to be regulated because people understood the need for public health, that it would be a big industry and required regulation so that it would not get a bad reputation. The long journey began towards regulation and legislation, towards protecting public health and the good name of the industry. The bill is the latest progression in that long journey to continually meet modern conditions and market forces. As Mr Bishop outlined in his contribution, the dairy industry is a huge industry that continually keeps upgrading itself to meet modern demands in this ever-changing world.

The minister's second-reading speech refers to the commonwealth government's $1.7 billion dairy industry adjustment package. The second-reading speech also notates the repeal of the Victorian legislation controlling the farm-gate price and the supply of milk. It outlines the obvious support of the bill by the dairy industry and dairy farmers.

I note that forums are to be held throughout Victoria, from Corryong, through the north-east, northern Victoria and Gippsland. The forums will be conducted by the Department of Natural Resources and Environment in conjunction with the United Dairyfarmers of Victoria and regional dairy boards to assist farmers to make the transition to this

post-deregulation period. I also note the UDV president, Mr Max Fehring, will address many of the 25 sessions. I pay tribute, as others have in this chamber, to the efforts of Mr Fehring over the past years. Rural leaders such as Mr Fehring put a solid base into rural politics. I add my congratulations to those of other speakers. It is important that the forums are successful because the deregulation begins on 1 July.

The bill was extensively debated in the other place and most issues were covered. However, as referred to by Mr Bishop, there was a glitch in the process. I understand that the minister has given a commitment that the glitch will be remedied. Mr Bishop incorporated into *Hansard* a letter from the minister which gave me great heart. However, without the intense interest of the shadow Minister for Agriculture and honourable member for Swan Hill, Mr Barry Steggall, and the interest of the opposition's agricultural committee chaired by Mr Tony Plowman, the honourable member for Benambra in the other place, that glitch would not have been rectified.

Further, if Victoria did not have an upper house there would be no forum in which that glitch could be rectified. This house is now providing a forum. I do not know whether it was an oversight, deliberate or just carelessness. We will not go into it. Mr Bishop quite rightly said, 'Let's move on'. The upper house will provide a forum in which a guarantee can be given for something that is very important to the industry. It may not appear important to city people who buy their milk at a corner shop, but I assure honourable members it is important to the industry and to dairy farmers. I am pleased we have been able to provide the forum in this house. On the basis that that will be remedied, I am delighted with the bill and its progress to date.

Hon. S. M. NGUYEN (Melbourne West) — I am delighted to contribute to the debate on the Dairy Bill. I join opposition members and speak in favour of the bill. Since the election of the Bracks government, a review has been conducted of the Victorian dairy industry. The government believes it is important to meet the national standard.

The bill provides for the repeal of the market milk price and supply control provisions of the Dairy Industry Act 1992. The dairy industry is one of the most important industries in Victoria. Many farmers work part time to support their families in this industry. The industry is worth about $1.74 billion and the commonwealth government's package is to support the change to farmers.

The government conducted a poll recently. About 84 per cent of the 9000-odd farmers eligible to vote took that opportunity, of which 89 per cent agreed to the deregulation of the market milk arrangements.

The dairy industry will be deregulated throughout Australia, although Victoria has the largest and most efficient dairy industry in the country. Exports are extremely important for the industry. During my travels throughout South-East Asia I have seen many Australian dairy products in restaurants and on sale elsewhere. The export industry should be encouraged, especially to South-East Asia, and there are also great opportunities for Australian expertise and technology to be made available in Asian countries.

When I was overseas recently, I spoke with a range of officials about importing dairy products from Victoria, particularly cheeses and fresh milk. Asian countries do not have those products and Australia has the opportunity to assist Asian countries to develop their dairy industries and create new markets. People now want fresh milk and other dairy products rather than tinned or canned milk, but fresh milk is not readily available in Asia. Australia has an opportunity to export its products, technologies and expertise.

Victorian dairy farmers will be provided with an additional $740 million over eight years through the dairy industry adjustment package. Farmers who do not want to continue in the industry can gain assistance through the package, and the commonwealth has developed a $45 million package to assist Victorian dairy farmers who are in that position. Farmers in northern Victoria will receive $305 million, those in western Victoria will receive $234 million and Gippsland farmers will receive $224 million, which will bring much-needed stability to the industry.

The program will be paid for through a levy of 11 cents a litre on Australian milk products and all imported liquid milk products, such as whole milk, modified milk and Australian flavoured milk. Under the restructuring program the federal government will pay $1.63 billion to Australian dairy farmers over the next eight years to help them through the adjustment process that the globalised market milk operations will bring. The state government will encourage dairy farmers to use the assistance packages because that will lead to a stronger industry. The government will organise conferences and seminars with international industry experts to increase knowledge in the Australian industry. I commend the bill to the house.

Hon. E. J. POWELL (North Eastern) — I am pleased to speak on the Dairy Bill, an important bill for

the electorate of North Eastern Province, which Mr Baxter and I represent and which has a strong dairy community. The bill affects not just that part of Victoria, but all of Victoria and Australia.

The decision to deregulate the dairy industry by 1 July 2000 has brought to an end two years of uncertainty. The main purposes of the bill are to repeal the Dairy Industry Act 1992, to provide for a new dairy food safety authority to replace the Victorian Dairy Industry Authority, and to transfer residual VDIA assets to the Victorian dairy industry.

The bill deregulates price and supply controls on Victorian market milk. Victoria is a huge supplier of dairy products. Dairying is one of Victoria's biggest industries, and Victoria's industry is recognised throughout the world as one of the most efficient. It meets strict health and safety guidelines with the support and guidance of the VDIA. Victoria supplies 60 per cent of Australia's production of milk products and 80 per cent of Australian exports. According to the 1997–98 statistics Victoria's 8084 dairy farms produce 6 billion litres of milk a year. The industry employs about 31 000 people and there is a flow-on to associated industries, such as factories and the transport industry. I have a large number of factories in my electorate that add value to dairy industry products. They are huge employers across country Victoria.

Those factories, which are probably known worldwide, include Bonlac, Murray Goulburn, Kraft, Nestlé, Snowbrand, Tatura Milk Industries, Ducat's Milk and Parmalat, which services the Albury Wodonga area.

When enacted the bill will probably put to a stop the uncertainty being felt in the dairy farming community. During the past two years the majority of people in the industry have shown that they want deregulation. It has not been forced on them by the government; the decision has come from the grassroots. Now we as a Parliament are supporting it as the coalition supported it when it was in government.

When it took office the Labor government took account of the decision made by the former government. It decided to conduct a ballot on whether there was grassroots acceptance of deregulation. Of the 9262 dairy farmers enrolled to vote an astronomical 84 per cent responded — an unusually strong response to such a census. A total of 89 per cent agreed that Victoria should deregulate its market milk arrangements, but with the dairy adjustment compensation package — which is $1.7 billion Australian wide, $740 million of which is for Victoria. The package will provide a boon for those in the dairy community who need to make decisions about their future.

The results justified the decision made by the United Dairy Farmers of Victoria (UDV) and the dairy industry as a whole to support deregulation. The UDV played a vital role in organising briefings and so on, and I congratulate the President of the UDV, Mr Max Fehring, who I understand has recently been reappointed. That justifies the stand he took a number of years ago to promote deregulation and work with the farming community, members of Parliament and others to understand what is happening in the dairy industry and what would happen under deregulation. He has worked tirelessly over the past two years.

During that time the UDV had many public meetings. Those that were held in the electorate were attended by the Honourable Bill Baxter and me. Max Fehring also made himself available by giving numerous briefings to the media; it has been a great burden on his time. I guess he will be pleased to see the bill pass through Parliament.

Mr Fehring has also spoken to a number of individual dairy farmers. In 1999 he provided a briefing to members of Parliament in the National Party room. I congratulate and thank the shadow Minister for Agriculture, Mr Barry Steggall, on organising that meeting and helping honourable members come to grips with what is happening in the dairy industry. I also thank him for all the work he has done to ensure honourable members understand what deregulation means not just to the industry but to the community as part of a trading country.

The dairy industry has been deregulated for the past 13 years. Some honourable members have spoken about the implementation of the Kerin plan, and phase out of support for manufacturing milk. During that time production in Victoria has increased 67 per cent compared with a national increase of 36 per cent. That figure includes Victoria's increase. That is why I said Victoria is seen as one of the most efficient dairy producers in the world.

Like other honourable members I commend the work of the chairman of the Australian Dairy Industry Council, Mr Pat Rowley, for securing the package for the Victorian dairy farmers. He knows the industry well. He was reported in the *Weekly Times* of 29 December 1999 as saying the Australian dairy industry had been through a number of adjustments over the past 30 years. From 1975 to 1980 nearly a third of dairy farmers left the industry and that was without the adjustment package; they left the industry

with no compensation at all. Today's legislation is historic. It will enable farmers to make decisions about their futures without the pressure of not knowing where the money will come from.

During the past two years I, too, have dealt with dairy deregulation as an issue. Not coming from a farming background I found it interesting to talk to a number of farmers in my electorate. Some were for deregulation and others were against it. The farmers who were less secure about their futures were the smaller farmers milking 100 to about 130 cows.

Many farmers were in favour of deregulation. In April 1999 UDV members Mr Geoff Akers and Ian Carkeek, respected dairy farmers, talked to me about the impact of deregulation on the industry. I was told that the UDV had spoken to approximately 6000 dairy farmers over the past two years and that public meetings had been held across Victoria. Out of the 87 branches the UDV represents only two dissented. There was widespread consensus and strong support from the dairy farmers themselves in favour of deregulation.

I also received a number of phone calls from dairy farmers in favour of deregulation. One I remember well was from a 37-year-old farmer who had just moved into the industry. He told me that I had to very strongly support deregulation, that he could see a very strong future for the industry in creating demand for milk products and that the industry should not be propped up. He said that world markets dictate demand, and that is what we are now witnessing. Australia is a very strong exporting nation and the world market will always dictate demand. He said that Australia needed to be much more competitive and that although it already is competitive, improvements can be made to make it even more so. He suggested that places such as Argentina and New Zealand produce goods at much lower costs, so Australia must be careful to maintain high food safety standards and remain competitive.

He spoke to me about how Victoria is strong on food safety but other states might not be as strong. For example, on a holiday in Queensland he passed a number of dairy farms that he was ashamed to say did not provide a good visual impact to the outside world. He took a route that tourists often take. Australia relies on its exports and his concern was that people from other countries would think those dairies were examples of how Australian dairy farms are run, and that is certainly not the case. If tourists came to Victoria they would see a different scenario. His concern was that overseas visitors might look at the standards of farms in other states and assume those standards are the same in Victoria. I therefore applaud Victoria's very strong food safety measures. Victoria has the competitive edge against many other Australian states.

Dairy farmers will be able to use the package for all sorts of reasons. Some might decide to improve their herds. Some might need to increase their infrastructure to increase production or put in more crops. Others might decide to leave the industry altogether. I know a dairy farmer who had been in the industry for many years. He was about 60 years of age and was a little concerned that his children might not want to become dairy farmers. He thought he might be able to continue for another 10 years. He was milking 120 cows so the dairy was not large. However, he saw that he would not be able to pursue a future in the dairy industry. He will use the dairy package to leave the farm and allow somebody else to take over. New blood will come into the industry and have an opportunity to combine that farm into a much bigger and more efficient entity.

A group of women who came into my office were concerned about government assistance. They wanted to know what would happen if farmers wanted to stay on their farms, but not as dairy farmers. They expressed concern that dairy farming under deregulation may not be as competitive, and on that basis they wondered whether there would be assistance from the government to diversify their farms to put in crops or olives or something else. These women wanted to know where they stood if they said, 'The irrigated land is available, we have the knowledge and skills to stay on the land, but we want to move into another market. Is there assistance for us?'.

I suggest that the $3 million of Victorian Dairy Industry Authority residual assets could be used to assist dairy communities to adjust to the impact of deregulation of the dairy industry. I hope those people who want to get out of dairying but stay on farms could be assisted in changing the focus on their farms.

They were also concerned that the changes were being run by big industry. They were saying the grassroots people did not understand what it was all about and that they had not been asked about it. On that issue I simply referred to the vote taken at the ballot, which completely puts that point to rest. The vote concluded undeniably that the grassroots people totally understood what deregulation meant. But more than that, it understood that there was a big future for the dairy industry to deregulate and be more competitive on the open market. They also had the opportunity to vote secretly — it was not a matter of going to a public meeting and raising their hands; 89 per cent of the farming community voted strongly in favour of deregulation. I applaud the dairy industry for securing

its own future in dairying. The bill will enable it to be more competitive not just across Australia but around the world. I am pleased to support the Dairy Bill, which has been strongly endorsed by all governments and accepted by the dairy industry.

Hon. W. R. BAXTER (North Eastern) — Dairy deregulation is an idea whose time has come. Like Mr Hall, I have had reason over a period to change my views on it. That is not to say that my views previously were incorrect or mistaken; it is more to take account of the changes occurring around the world, but particularly in the dairy industry. That may well have been appropriate at the time Mr Hall prepared his minority report for the Public Bodies Review Committee in 1988 — I certainly supported his sentiments then — but it is now 12 years on and the environment is entirely different. The time for deregulation is definitely upon us. It has come about because of the changes that have occurred, particularly in technology, which have enabled milk and butter production to become much more than what was originally a cottage industry. They are now part of a national industry, where state borders have become meaningless and international borders are less important as well. We are now able to take the product anywhere in the world in a high quality form.

I refer honourable members to a recently published history of the Murray Goulburn Cooperative called *Just a Bunch of Cow Cockies*. It is a good read for those who want a history of the dairy industry. I was fascinated by this particular excerpt on page 9, which gives a potted history of the industry. It states:

> Towards the end of the 1800s, cooperative factories and creameries sprouted like mushrooms all over Victoria. The rule of thumb was that you needed a school every 5 miles, so the children did not have to walk more than 2.5 miles to school, and a dairy factory every 10 miles because a horse could cover 5 miles in an hour and that was the limit before the cream began to turn in summer.

Fantastic as that might be to contemplate, it is absolutely true. That would have been the circumstance 100 years ago. If you were to turn that cream into choicest grade butter you needed to have a creamery close by. Those of us representing country electorates can identity with either creameries which are now derelict buildings, or sites where creameries were once established because this history indicates that that was an absolute necessity in those days. Victorians then did not have the transport capability, the refrigeration and the know-how to do anything else.

But now distance means little in terms of the dairy industry, with refrigeration, good roads and good motor vehicles. State borders mean very little also. I am fascinated by the way section 92 of the constitution has been tested on a number of occasions in relation to the trading of numerous products, but only one or two companies have ever got close to testing it in the dairy industry. Therefore, we do not know how it would hold up if tested in the courts.

No-one would suggest we ought to continue running the dairy industry in this country based on state borders. We should not be relying on constitutional provisions such as section 92 to put up barriers around various states, to try to preserve some sort of domestic industry inside the state borders regardless of how inefficient it might be.

It is leadership in the dairy industry in Victoria that has put the pressure on to move away from that fortress mentality, because the Victorian dairy industry, as alluded to by Mr Hall and Mrs Powell, is the most efficient part of the dairy industry in the nation. Victoria has seen extraordinary increases in dairy productivity. Despite the fact that the number of dairy farmers has declined dramatically, production has continued to expand.

It has to be acknowledged that some of our counterparts in other states do not much like the fact that we are efficient in the dairy industry. I have with me a speech made by the New South Wales Minister for Agriculture when introducing a similar bill into the New South Wales Parliament. Coincidentally, it was today. He said this, among other things:

> And it is not by choice that I move to deregulate the dairy industry today. I move this legislation because of the market forces in Victoria and the pressure put on us by the federal government.
>
> Victoria is producing cheaper milk than New South Wales and has voted to deregulate.
>
> Under the current system, if left unchanged, it would not be able to compete with Victorian prices, and before long we would see cheap Victorian milk flooding north across the state border.

I would have to say the New South Wales minister has suddenly addressed reality. That was exactly what would have happened unless we had some form of deregulation on a nationwide basis.

I am pleased to see that that has come about. But I am alarmed by reports in today's newspapers, notably the *Australian*, and also by the same minister in his speech in New South Wales Parliament today, calling for the implementation of some form of national floor price for milk products. I notice that yesterday at Parliament House in Queensland two members of the former One Nation party were spilling milk on the front steps of

Parliament. That is typical of what you would expect populist-type rabblerousers to do — to ignore the facts to make a point in that regard. I would be alarmed if there were any moves to implement a national floor price in the dairy industry in Australia. That is why the industry is being deregulated and why compensation packages are being introduced.

I noticed that Mr Amery, the New South Wales agriculture minister, in his second-reading speech in Sydney today stated:

> I believe a floor price is a very valid and very possible way forward. But it can only be implemented nationwide if it is to have any effect.

He said he wrote to the federal minister two weeks ago but had not received a reply. I am not surprised that he has not received a reply. Clearly the federal Minister for Agriculture, Fisheries and Forestry, Mr Truss, knows it is a harebrained idea. Clearly Mr Truss knows Mr Amery is trying to pass the buck and tell New South Wales dairy farmers, who I acknowledge will be detrimentally affected by deregulation because they are not efficient, that the federal government should do something about it.

Hon. R. A. Best — It sounds familiar!

Hon. W. R. BAXTER — It does sounds familiar. I opposed a floor price for wool in 1969 when a referendum was held. I was done over on that vote. I have lost a few votes in my political career, and for a long time it looked as though I was wrong and that the floor price scheme for wool was great. It gives me no pleasure to point out that eventually I was proved right. It turned out to be a total disaster. That would happen if a floor price were introduced in the milk industry.

I reject the moves by the New South Wales minister to set hares running that somehow he is in favour of it when really he has no intention of taking the matter forward. He simply wants to score political points.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.02 p.m. until 2.07 p.m.

QUESTIONS WITHOUT NOTICE

Electricity: Basslink

Hon. PHILIP DAVIS (Gippsland) — The Minister for Energy and Resources has twice been given the opportunity and failed in recent days to respond to community concerns about Basslink pylons. Will the minister now confirm that she will not rule out the use of pylons for the Basslink interconnect?

Hon. C. C. BROAD (Minister for Energy and Resources) — I am well aware that this is an issue of considerable community concern, including in the honourable member's province. Various interested parties are conducting campaigns and positioning themselves on the matter.

Hon. Bill Forwood interjected.

Hon. C. C. BROAD — I have no problem with the honourable member positioning himself in that debate. However, as a minister in the government I have already indicated to the house that it is not appropriate in the course of an ongoing planning process to take a position on the matter. I will not do so.

Firstrate: house energy rating

Hon. KAYE DARVENIZA (Melbourne West) — Will the Minister for Energy and Resources advise the house to what extent the housing industry is supporting the Victorian government's groundbreaking Firstrate house energy rating software as a means of promoting energy-efficient housing?

Hon. C. C. BROAD (Minister for Energy and Resources) — The Firstrate house energy rating software was developed by Sustainable Energy Authority Victoria, formerly Energy Efficiency Victoria, as a means of assessing the energy efficiency of housing design. It rates the energy efficiency of a house on a five-star scale, taking into account a range of design and construction features, and provides consumers with a means of independently verifying the energy efficiency of homes.

Firstrate was designed specifically to be used as a tool in the house design process. It can be used to assess the energy impact of potential design modifications for example, in the case of renovations, and provides measures that could significantly improve energy efficiency for homes.

There are currently 150 users of the Firstrate house energy rating software in the Victorian housing industry. Rating services are provided to the building industry and home purchasers by Sustainable Energy Authority Victoria and through a network of accredited house energy raters. The Firstrate software has also been used by a number of architecture and building design courses to help teach energy-efficient housing design. It has been endorsed and recommended by all major housing industry associations.

In recognition of its important work on the Firstrate housing energy rating software, Sustainable Energy Authority Victoria has recently been awarded the Housing Industry Association's national product innovation award. The award acknowledges the importance of the product in achieving more energy-efficient housing as well as recognising the potential influence of house energy ratings in the marketplace.

It is estimated that improving the rating level of a typical new home from two to four stars, for example, will save the householder over $200 a year in central heating bills. That translates to a reduction in greenhouse emissions of around 1.4 tonnes of CO_2 gas each year over the lifetime of the home.

Public sector: wages growth

Hon. M. A. BIRRELL (East Yarra) — In view of the government's budgeted forward estimates for wage growth of 3.5 per cent over each of the next few years, will the Minister for Industrial Relations ensure that through her activities public sector wage growth will not exceed 3.5 per cent per annum?

Hon. M. M. GOULD (Minister for Industrial Relations) — The government has put out those figures, and the government will take a fair and reasonable approach to all the negotiations it enters into with public servants to ensure that the outcomes of those negotiations come within the measured budget arrangements.

Fuel: prices

Hon. D. G. HADDEN (Ballarat) — I ask the Minister for Consumer Affairs to inform the house of the progress made to date on the government's fuel monitoring initiative.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I thank the honourable member for her question, which provides a good opportunity to update honourable members on the price monitoring. I can inform the house that the government is gaining an understanding of some of the problems in the liquefied petroleum gas (LPG) market.

I am pleased to advise the house that the government has received a good response from the Victorian community to its request for pricing information. Between 30 April and 30 May the government received 3855 recorded messages on the 1800 number, 133 email messages and 406 faxes. There have also been 1634 hits on the LPG web site. That adds up to more than 6000 responses from Victorians.

When first raising this issue I spoke of the volatility and lack of transparency in LPG pricing. That has been reinforced by the figures the government is now gaining. In Melbourne on Monday of this week the price of LPG was 30.7 cents a litre, and on Wednesday it rose to 40.7 cents a litre. In Geelong the price jumped from 33.9 cents a litre on Monday to 42.6 cents a litre on Wednesday.

In areas like Swan Hill, Horsham, Mildura and Ararat, where they are consistently higher than they are in Melbourne and Geelong, prices have remained basically the same, at around 45.9 cents a litre. However, in areas like Mildura they are up around 47 to 49 cents a litre.

The government is yet to receive a response from the federal government about whether it will authorise the Australian Competition and Consumer Commission (ACCC) to investigate the pricing of liquefied petroleum gas and the way the LPG market works.

Hon. C. A. Furletti — You can do that yourself!

Hon. M. R. THOMSON — As a matter of fact we cannot do it ourselves. It is not just an issue for Victorians, it is an issue for motorists Australia wide. In recent times the Queensland government has withdrawn its 8-cent-a-litre subsidy because it has not been passed on to consumers.

I reiterate that fuel pricing has been a responsibility of the federal government since 1984, when that power was handed over to it. The ACCC has stated as recently as yesterday that it cannot guarantee that the country fuel excise subsidies planned for July will be passed on to motorists. Therefore, it cannot guarantee there will not be a rise in the price of petrol with the introduction of the goods and services tax (GST). I have already talked about the projected LPG price rise of up to 8.8 per cent under the GST. As of yesterday the price of LPG in Mildura was 47.1 cents a litre; with the GST added that will rise to 51.2 cents a litre!

The government has also been collecting evidence of fuel prices, which I have already said it would be doing.

The PRESIDENT — Order! The question relates to LPG.

Hon. M. R. THOMSON — I am saying that the price monitoring includes petrol. The price of petrol in Castlemaine rose from 83.9 cents a litre on Monday to 93.9 cents a litre on Wednesday. The Honourable Roger Hallam asked on Tuesday what was happening in Buangor, and — —

Opposition members interjecting.

The PRESIDENT — Order! That is an entirely different matter. I suggest the minister leave Buangor to another occasion.

Hon. M. R. THOMSON — I ask honourable members to use the winter recess to encourage their constituents to become price monitors and to phone in the prices they observe.

Honourable members interjecting.

Hon. M. R. THOMSON — Mr President, I would have thought fuel pricing issues were of concern to all honourable members. If the government is to address those issues, it needs accurate and effective data that it can pass on and utilise. Honourable members who genuinely care — —

Honourable members interjecting.

The PRESIDENT — Order! I know some members have an interest in the answer coming to an end; however, that is not helped by the constant noise because it encourages the minister to go even further. The minister has been speaking for a long time; I ask her to wind up so the house can move on to the next question.

Hon. M. R. THOMSON — I suggest to all honourable members who are genuinely interested in doing something about the issue that they pass on the number to their constituents. It is 1800 656 393.

Unions: picket lines

Hon. D. McL. DAVIS (East Yarra) — In light of the Gordon and Gotch industrial dispute and similar disputes, does the Minister for Industrial Relations have any policy in place to deal with violence on illegal picket lines?

Hon. M. M. GOULD (Minister for Industrial Relations) — The government is always concerned about ensuring that picket lines or any other form of industrial action are conducted in a peaceful and lawful way. The government has consulted with and continues to consult with the police liaison officer and the Victorian Trades Hall Council. A code of practice on the monitoring and running of picket lines has been established with the police, and that code is constantly looked at to ensure it is adhered to. The government encourages that constant monitoring and will continue to talk to trades hall and the police to ensure picket lines are conducted in a lawful, peaceful and safe manner.

Olympic Games: training

Hon. R. F. SMITH (Chelsea) — In light of the Minister for Sport and Recreation's recent answers to the house on pre-Olympic training in Victoria, can the minister advise the house how many national teams are expected to train in Victoria prior to the Sydney Olympic Games.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Victoria is set to capitalise on the Olympic Games by hosting the pre-Olympic training of more than 1500 overseas athletes, officials and media personnel.

Some 81 teams representing 16 sports have confirmed their intention to train in Victoria prior to the Sydney Olympics. Total team numbers are yet to be confirmed because qualification rounds are still taking place for a number of sports. At this stage in the process it is estimated that in excess of 1500 international athletes, accompanying officials and media personnel will be based in Victoria. The economic value of those visits is estimated at $4 million.

Regional Victoria continues to be a feature of the international promotion program. Pre-Olympic table tennis training activities will take place in Ballarat and Mildura, and Wodonga will host the entire Ukrainian Olympic squad. Those cities will host international pre-Olympic training in the three-week period prior to the Olympics.

The government has funded a number of initiatives to ensure that a large percentage of Australian and overseas competitors are based in Victoria in the lead-up to the 2000 Olympic Games. The commitment includes $52 000 to assist state sporting associations with servicing visiting teams, including the provision of support equipment, the appointment of volunteer coordinators and the establishment of pre-Olympic events, and allocations for the purchase of sporting equipment that can initially be used by visiting teams and then retained as an ongoing legacy for Victorian sport in general.

In the past month the Melbourne Sports Training Coordination Centre has successfully negotiated with the Polish weight-lifting and badminton teams, Australian Weight-lifting and Badminton and Danish Women's Handball to base their training camps in Victoria prior to the Olympics. The success is the result of the cooperative efforts of Sport and Recreation Victoria, the MSTCC, state and national sporting associations, the management of Victorian sporting

venues and accommodation providers and local government.

Ford Motor Company

Hon. P. A. KATSAMBANIS (Monash) — The Australian Manufacturing Workers Union has served a log of claims against the Ford Motor Company that includes a claim for a 24 per cent pay rise and a 35-hour week. Does the Minister for Industrial Relations support that claim, or will she intervene to achieve a more responsible outcome?

Hon. M. M. GOULD (Minister for Industrial Relations) — If the honourable member had any understanding of industrial relations, which obviously he does not, he would know that if the union has served a log of claims on the employer the employer will sit down and negotiate with the employees and their representative, the union, an outcome that is beneficial to both parties.

Honourable members interjecting.

The PRESIDENT — Order! I ask honourable members to keep quiet to allow the resumption of questions.

Job Watch: funding

Hon. JENNY MIKAKOS (Jika Jika) — Has the Minister for Industrial Relations received a proposal from the employment and training watchdog Job Watch for enhanced funding from the government, and if so what is her response?

Hon. M. M. GOULD (Minister for Industrial Relations) — I can confirm that I have been contacted by Job Watch with a view to renegotiating its funding agreement, which expires on 30 June. For honourable members who may not be aware of Job Watch, it is an independent community legal centre that plays a watchdog role in the areas of employment and training.

The organisation has a longstanding funding relationship with the Victorian government dating back to the early 1980s. The current work program targets disadvantaged workers and job seekers, who need Job Watch to deliver information on programs developed to raise awareness of workers' concerns and issues. It does a great deal of research on specific employment issues, such as workplace violence, recovery of unpaid wages and superannuation. A telephone advisory service is provided. Job Watch provides a legal casework service on industrial relations matters and also looks at community education and policy development.

Following the referral of Victoria's industrial relations powers to the commonwealth and in light of the commonwealth's chronic underfunding of award compliance and information services in Victoria, that work was referred to Job Watch. Even the previous Kennett government recognised that Job Watch had a right to deliver that service to workers and did not cut its funding. However, in 1991–92 the former government froze the funding at $337 000. Job Watch had to accommodate that funding freeze by reducing its services to the community and reducing the number of paid staff.

However, Job Watch has survived. I found its case for additional funding to be compelling. Its record of achievement for disadvantaged workers could be put at risk if the funding is not increased. The proposal will be given favourable consideration and I expect shortly to make an announcement about the Bracks government's moves to sharpen the teeth of the watchdog, Job Watch.

Avonwood Homes

Hon. R. A. BEST (North Western) — As a result of serious differences in the approach of the insurers and liquidators of Avonwood Homes there is potential for families to be severely financially disadvantaged. I ask the Minister for Consumer Affairs to outline what action she is taking to protect the financial interests of the unfortunate people caught by the demise of this company.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — Yesterday I met with the liquidator of Avonwood Homes and have previously met with the Dexta insurance people. The government was concerned by reports yesterday that there was a difference of opinion about how matters would be dealt with. As I understand it, Dexta and the liquidator are meeting today to try to resolve differences and come up with a common response. I have asked them to deal with it speedily. We have offered to assist in any way we can.

Hon. Bill Forwood — Did they accept your offer?

Hon. M. R. THOMSON — They said at this time they could deal with it themselves. I hope that is the case. I hope there will be a speedy outcome on that matter. In relation to the other insurance company, HIH Insurance, I believe that will come to a conclusion shortly and there will be a quick response to the need to complete homes that are covered by HIH.

Hon. Bill Forwood — Are you telling the people about this?

Hon. M. R. THOMSON — I met with the liquidator only late last night. I hope the liquidator will make a statement together with Dexta today in relation to the — —

Hon. R. A. Best — Are there any safety nets for families?

Hon. M. R. THOMSON — We believe at this time that everybody should be adequately covered and it should be all right. Until we hear differently we will continue discussions with both the insurance company and the liquidator to try to make sure the issue is dealt with speedily, because it is important that people have the construction of their homes completed. We are conscious that it is a burden to them.

Sport: women's lacrosse

Hon. G. D. ROMANES (Melbourne) — Will the Minister for Sport and Recreation inform the house what steps he is taking to ensure the forthcoming international women's lacrosse test matches in Melbourne are able to proceed next July?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Victorian Women's Lacrosse Association (VWLA) will host four international women's lacrosse test matches next July as part of a test series to be held around Australia in the build-up to the 2001 Lacrosse World Cup. The Melbourne games will provide rare opportunities to see top international teams play.

Two games will be held: the first on 11 July at McIvor Reserve, Footscray; the second, at night on 12 July at the John Cain Memorial Park in Northcote. The VWLA has requested that funds be made available from Sport and Recreation Victoria because of lighting difficulties at the second venue, at Northcote.

Accordingly, I have agreed to assist the VWLA and the City of Darebin by providing money to enable the repair of the lighting system so the event may be conducted. I am again pleased to be able to demonstrate at an international and local level the commitment of the government to women in sport.

QUESTIONS ON NOTICE

Answers

Hon. M. M. GOULD (Minister for Industrial Relations) — By leave, I move:

> That so much of the standing orders as require answers to questions on notice to be delivered verbally in the house be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in *Hansard*.

The question numbers are: 428–31, 438, 439, 440, 444–48, 451, 454, 458, 461, 468–70, 474–78, 481, 484, 488, 491, 498, 499, 500, 504–08, 511, 514, 518, 521, 528–30, 534–38, 541, 544, 548, 551 and 617.

Motion agreed to.

DAIRY BILL

Second reading

Debate resumed.

Hon. W. R. BAXTER (North Eastern) — Prior to the suspension of the sitting I was spelling out to the house the situation with deregulation, particularly in New South Wales, and the difficulties being experienced by its government and some dairy farmers in accepting deregulation. I note the call in the past day or two from certain quarters for some form of floor price to be instituted on a nationwide basis. I was expressing the fervent hope that the idea would not gain any groundswell of support from either governments or dairy farmers at large because it would be a totally impractical proposal; there is no indication of how it would be funded.

I referred to the wool price reserve scheme as an example of the danger one can fall into if one tries to orchestrate the markets, build up stock, stockpile and so on. It is one thing to put wool in a warehouse and get it out when you are ready, because it does not cost much to store and it comes out in the same condition as when it was stored. But the same cannot be said for dairy products that are expensive to store and are subject to deterioration over time.

I understand that at the third-reading stage of the bill the minister will read into *Hansard* replies on matters to which the Honourable Barry Bishop alluded. The minister may also take that opportunity to say that, unlike the New South Wales Labor government, the Victorian Labor government is not interested in supporting any floor price for dairy products.

I shall convey to the house the sentiments of the New South Wales agriculture minister, as delivered to the New South Wales Legislative Assembly this morning. He spoke about the changes that deregulation would bring to the industry in New South Wales and stated:

> … yes, our dairy farmers will face many changes over the next few months. I would like to be able to say that the New South Wales government can prevent those changes. But

> reality tells us that we can't. The Australian constitution tells us that we can't.
>
> Victorian milk could flood over the New South Wales border from [1 July] regardless of whether or not we retain regulations in this state. But that has not stopped us exploring all legal avenues which may have enabled us to prevent that influx.
>
> Only last week we received legal advice on behalf of the Australian Milk Producers Association. This legal advice suggested that we could alter the current quota system which would open up New South Wales quotas to other states while still protecting the New South Wales market. Unfortunately, our own legal advice — from Bob Ellicott QC —

a well-known giver of sound advice —

> tells us that this would be unconstitutional.

There we have it: the New South Wales minister is endeavouring to cuddle up to some disaffected New South Wales dairy farmers but he knows in his own heart that he is indulging in a political exercise. I ask the minister to tell the house that the Victorian government will not be attracted to that concept and will not give it any credence.

One reason for a compensation package is that it is acknowledged by dairy farmers and governments that some dairy farmers in other states who have led a fairly sheltered life in their markets for many years will be adversely affected by deregulation. Nobody runs away from that; it is a fact of life.

The compensation package has been negotiated to ease the dairy farmers through the restructure process. It is extraordinary to reach the situation where $1.7 billion can be made available over eight years to enable deregulation to be accomplished in a measured way. I pay tribute to the then federal primary industry minister, Mark Vaile, and his successor, the Honourable Warren Truss, for their good work not only in having dairy farmers accept the package but for negotiating it past federal Treasury. It is an extraordinary achievement on their part that they could come up with a mechanism involving $1.7 billion, yet have the federal Treasury — which is well known for its parsimonious attitude particularly when it comes to any situation outside Sydney and Melbourne — agree. I place on record my admiration for both ministers and their cabinet colleagues.

As has been noted, even by the Honourable Sang Nguyen, Victoria's share from the package is $740 million. The Honourable Jeanette Powell alluded to how some dairy farmers might use that money. Some may use it to repay debt. Others may use it to invest in further productivity increases on their properties, such as renewing their pastures, laser grading, installing a new rotary dairy, putting in feed pads or, in the current environment, buying additional secure supplies of irrigation water so they are less reliant on the sales allocation, especially when this year on the Goulburn system sales have been nonexistent. The capital moneys may be attractive to some farmers to buy additional water on the market so they are less reliant on sales which obviously are not secure and are not available every year.

Some farmers will use the assistance they receive from the package to leave the industry. We should not be too distressed about that. Throughout its history, the dairy industry has seen people come into the industry and gain a foothold in agriculture through hard work — and there is no question that dairy farming is hard work, consistent work and a tie. No-one else that I know of is required twice a day, seven days a week, to be on site at their place of business. That is the tie of dairy farming. Regardless of the weather, regardless of how fit or otherwise one might feel, the cows need attention twice a day. It is hard work. As with many primary industries, over the years as technology has developed it has become somewhat easier. One does not now sit on a stool and hand milk into a bucket. Nevertheless, it is not that pleasant an activity, particularly during the weather we have experienced in country Victoria over the past week.

Many people gained a financial foothold because it gave them a cash flow and a cheque from the dairy factory every month. They were able to pull themselves up by the bootstraps, as many did who came into the industry with nothing financially behind them. They borrowed from the banks, were carried by the local farm merchandise store and so on through tough times. As they got their finances together they were able to move out of the industry into other primary industries, whether beef, wool or grain growing. That will happen this time. Some will go into other enterprises because this package will give them the capital. However, some will take the opportunity to leave farming. I do not decry or have any objection to that. I welcome the opportunity it provides for those people to leave the industry with dignity and with some cash in their pockets. We should commend the federal government for showing leadership and in providing those funds.

I endorse the remarks made by other honourable members about the leadership shown by the dairy industry leaders during the deregulation debate. We all know how difficult it is to get change in our society. Human beings seem to have a psychological, in-built resistance to change. We have all experienced that in various walks of life. For the totality of its existence the dairy industry has been accustomed to regulation and

direction. It has taken someone with the vision to know that the industry could not move into the new millennium in the way it had gone in the past to convince farmers that this was the way to go and to seize the initiative.

Max Fehring, who has been mentioned many times today, deserves much of the credit. Others from the United Dairyfarmers of Victoria who have helped Max Fehring also deserve our thanks. A fortnight ago I attended the annual conference of the UDV in Albury. It was its silver anniversary and it styled its conference with the slogan, 'Silver anniversary, golden opportunities'. That was an apt slogan to use. I have attended many dairymen's conferences over the years where often the agenda consisted of 50 or 60 motions, many of them in conflict, many critical and many terse. At this conference there were only seven agenda items and a couple of those went to issues that were not directly related to dairying at all. That was an indication of how comfortable the industry was with the prospect of change, that at the annual conference the agenda was as sparse as seven motions and was not crowded with a range of demands and motions critical of the executive. That indicated to me that there is a great deal of unity and common purpose in the UDV at present, and long may it continue.

Other speakers have noted the extraordinary productivity increases that have been achieved in the industry over the past 20 to 30 years. The number of dairy farmers has declined dramatically, yet the production has doubled. No other industry in this country can demonstrate that sort of productivity expansion. However, it has occurred not only on farms, where there has been tremendous investment, but also in regional Victoria with investment by the milk processors — for example, Kraft at Strathmerton, where over the past three or four years $150 million has been invested in a state-of-the-art, world-class processing plant. Last night Kraft executives referred the Honourable Jeanette Powell and me to an interesting statistic. Kraft sells 380 million slices of cheese to McDonalds for hamburgers per annum. I found that a staggering statistic — 380 million slices of cheese for hamburgers in Australia! That is an indication of how many people go to McDonalds. It is a good market for our dairy farmers, a market that did not exist 25 years ago.

Murray Goulburn, our major cooperative company, made an extraordinary investment in Cobram. It built Cobram from a small, dusty, country town to the town it is now. Murray Goulburn has invested in many places around the state. Bonlac was mentioned by the Honourable Mark Birrell yesterday in another context. A year or so ago it probably made the largest single investment in a food processing plant in Australia at Darnum in Gippsland. Those are extraordinary investments in country Victoria which are value adding, generating jobs and underwriting the future prosperity of country Victoria.

I pay tribute to the leaders of the dairy industry. Never having been a dairy farmer myself — and I confess I have never wanted to be a dairy farmer — I admire dairy farmers for their commitment and the way they have built their industry into the world leader it is today. I consider myself fortunate to have been able to work with and learn from many of the outstanding leaders of the dairy industry. J. J. McGuire is famous in the annals of the dairy industry, particularly in terms of Murray Goulburn. The late Ross Coulthard, manager of north-eastern dairies at Tallangatta, was one of the soundest and wisest counsels I have known. Frank Hamilton is now 88 and was formerly manager of the Eskdale butter factory, long since gone, but he managed dairy factories on King Island and in Scottsdale, Tasmania, and then came to north-eastern Victoria and lent his skills to the industry.

I also mention Rod Barton and Bob Reid in north-eastern Victoria. I turn to a company that is probably closest to my heart, Murray Goulburn at Cobram, coming as I do from Nathalia, which had the first butter factory absorbed by Murray Goulburn. Murray Goulburn was one of the last of the cooperative companies founded in the 1950s and it has gone on to be one of the premier dairy companies. After the Second World War many men and women in soldier settlement developments in northern Victoria — in Numurkah, Katunga, Cobram and Nathalia — struggled to carve out dairy farms from what had been sheep farms prior to the introduction of irrigation. They then established a company which grew in 50 years to what we know as Murray Goulburn today. About 18 months ago I was pleased to attend the 50th commemoration of the first meeting at Katunga which took the decision to establish the Murray Valley Dairy and Trading Cooperative Company Limited. Just a few months ago in Cobram I was present at a book launch about the story of the Murray Goulburn company, which I mentioned in my opening remarks. I am pleased to count among my friends the first chairman of Murray Goulburn, Jim Gemmell, now an elderly man living in Cobram. He is one of the great stalwarts of the district, a shire councillor for 20 years, a former chairman of the Murray Valley Development League and a great community citizen.

I conclude my remarks by quoting Jim Gemmell because his comment sums up the dairy industry and

what it has achieved. When interviewed by Kathryn Watson, the author of the book on the Murray Goulburn company, he made this very apt comment that he can be proud of:

> You know, we were as rough as guts when we started out. We were just a bunch of cow cockies who did our best. But look at what we have now!

That is a fitting summing up of today's debate. The dairy industry has come a long way in the 50 years since the war. The bill will be a mighty step forward, and it is one the dairy industry deserves.

Hon. R. H. BOWDEN (South Eastern) — I wish to contribute to the debate on this important bill for the Victorian agricultural industry. The provisions in the bill are relevant to a large portion of the South Eastern Province, particularly Gippsland West. Victoria is well placed to benefit from the changes proposed in the bill and is blessed with a climate and rainfall pattern in typical years that positions the producers of dairy products extremely well to make an efficient and fine contribution to an important agricultural product, milk and its derived products.

The importance of the dairy industry has been stressed by previous speakers. I remind honourable members that in addition to the excellent quality and quantity of milk produced in Victoria, the economics of the industry are vital for our economy. I am particularly concerned to make sure that the entire community is participating in the economic benefits and as legislators we are charged to make sure the economic benefits that are available to the dairy community are spread as best they can be throughout the state.

One of the vital and beneficial aspects of the dairy industry is that it is essentially a decentralised industry. In rural and regional Victoria we have efficient, highly productive and committed producers. That is extremely important. The weather patterns and the profile of Victoria's geography position the state well. Deregulation of the industry is taking place throughout Australia, but Victoria is best placed to derive benefits from deregulation. Apart from the benefits flowing through to Victoria's economy it is making a significant contribution to strengthening the economic performance of this wonderful country.

I am concerned that as the changes flow through the industry, the income pattern of individual dairy farmers is maintained. It should be the goal of deregulation to have that impact because the economic viability and maintenance of the standard of living for many rural and regional towns and cities is contributed to by the income derived from the dairy industry. I refer to Korumburra and Wonthaggi, just two of the many significant townships of Victoria, which towns greatly depend on the wellbeing of the dairy industry. Victoria is well placed to gain the benefits of deregulation. The $1.63 billion federal compensation package will flow through to the national economy in the proportions the industry would expect. Victoria will receive $740 million from the adjustment package and is well placed to make sure producers are catered for.

I note that the acceptance and implementation of the deregulation program and its expected impact has the support of dairy farmers. The second-reading speech states that Victoria has 9262 dairy farmers and that 84 per cent took the opportunity to participate in the discussions that preceded the commitment to deregulation. As technology and communication improve and as the influences of worldwide opportunities and economies flow through, it is important to position Victoria's industries and activities in which it has a comparative advantage. Although the dairy industry can be improved it is an extremely efficient, valuable and high-contribution activity to Victoria's economy, but as governments look beyond the state borders, both nationally and internationally, the careful implementation of the benefits of deregulation will assist in an orderly and industry-supported process to further equip the state to expand the opportunities, incomes and long-term viability of rural and regional cities and towns.

I anticipate that will be the outcome of deregulation. In the early stages I had my doubts, but as the communication process went forward and the information became available, I became convinced that there was every expectation that the outcomes from deregulation would be beneficial. I am optimistic that will take place. In the national program each state is required to deregulate its markets and marketing programs. This is a cooperative bill in the national landscape, and it is hoped national participation will be carried through.

The removal of state-based marketing arrangements will enable Victoria's very efficient producers to participate more widely in opportunities than otherwise. I emphasise that I hope and expect that the income patterns for individual dairy farmers will be maintained — as they should and must be for the welfare of both the state economy and the industry itself. The proposals and reforms contained in the bill will assist that process.

I was pleased to see that considerable thought had been put into the various changes and the licensing and other fees to ensure that the cost of the arrangements in the

bill does not negatively affect the income profile. Although that is my expectation and hope, I note after careful study that that sentiment is not expressed in the second-reading speech.

The interesting thing is that the industry has always had a high commitment to maintaining Victoria's reputation as a source of high-quality products. The bill makes it very clear that even with the significant changes taking place there will be no compromise whatsoever and no intention to diminish in the slightest the commitment and the maintenance of those very high food safety standards everyone expects.

I was particularly pleased to see that the national consistency of the dairy industry is respected, as is its importance. I was also pleased to see the inclusion of ice-cream as a dairy food. It is possible to have all sorts of variations of ice-cream, which is a high-volume and well-accepted product in the community. The bill's emphasis on national consistency and the importance of recognising that is most important for milk producers. It means there will no unnecessary expenditure on new compliance requirements and ongoing simplification to ensure that all dairy producers can provide raw materials for a commodity as widely known as ice-cream.

The new safety arrangements will maintain the existing valuable high-volume export pattern for Victorian dairy products. The provisions of the bill make it clear to Australia's international customers that although Australia's marketing and organisational arrangements are changing dramatically there will be no diminution or negative change in the standard on which its export customers have come to rely.

I conclude by saying that the dairy industry and milk products are vital components of the state and national economies. The impact of the bill at both state and national levels will equip Victorian producers with the skills to continue their progressive and important contribution to the economy. I will be particularly concerned to observe as time goes by that the economies of regional and rural towns and cities are maintained and improved and that the economic activity of rural and regional Victoria as typified by the positive aspects of the dairy industry continues as a valuable contribution to the economy of the rest of the nation. The proposed changes will significantly enhance the dairy industry. I wish all the dairy farmers who participate in the outcome of the bill the very best. I hope the outcomes of the deregulation process meet their economic expectations.

Hon. M. A. BIRRELL (East Yarra) — I have much pleasure in supporting the bill. As someone not associated in an electoral sense with rural Victoria but who has had a keen if distant interest in the reforms I want to mark this historic moment. The reforms that pass through the house today are of considerable scale. They are of national importance and will have beneficial international ramifications.

I place on record my appreciation as an outsider to the individuals who have put in so much selfless work to achieve this reform. Over the past few years I have been particularly struck by the leadership displayed by dairy farmers and their elected leaders. They have been selfless and dedicated towards achieving a good outcome for Australia as well as for themselves. That has required enormous persistence and a great capacity to argue the case, often among doubting audiences.

Unlike my colleagues Mr Baxter, Mr Bishop, Mr Hall, Mr Stoney, Mr Philip Davis, Mrs Powell and Mr Bowden, I cannot speak from the perspective of representing the dairy industry or speak from a great deal of agricultural knowledge. However, as a former industry minister I can say that the change has been one of the most significant things that can be done to advance the state. Victoria has a natural advantage in the production of dairy products; it is already a world leader in many sectors and is well regarded overseas for its value-added products. However, there is no doubt that the constraints that governments of all persuasions have historically placed on the industry would in 21st century terms be indefensible and would hold back industry not only in its national but also in its international importance.

I admire the fact that the industry has largely done that itself. It has been outward looking and has had some tough debates. I place on record my recognition of individuals such as Max Fehring from the United Dairyfarmers of Victoria. I also recognise the work of senior members of the UDV who have fought for this case and must be thrilled with the outcome. Individuals in the field such as Paul Weller from Lockington and Alan Burgess from Shepparton deserve recognition. Although they may never read *Hansard* I hope they will receive the credit they are due and that certain members of this Parliament recognise. I place on record the names of individuals with whom I had the pleasure of working to assist the industry in a broader business sense who also deserve thanks. I refer to Bill Hill and John Dainton of Bonlac and to others such as Ian Macaulay from the Murray Goulburn company.

I hope that all we expect from the industry materialises over the coming decades, and I have no doubt it will.

Even though there will be a shake-out period, because of its natural advantage and the added advantage of the skills of its producers, the Victorian dairy industry will be the national leader. The open market will enable Australia to export products throughout the world. I have much pleasure in congratulating the individuals involved.

Motion agreed to.

Read second time.

Third reading

Hon. C. C. BROAD (Minister for Energy and Resources) — By leave, I move:

That this bill be read a third time.

In moving the third reading of the bill to deregulate the price and supply controls to the dairy industry and to establish a new dairy food safety authority, I wish to make a number of remarks. As someone who spent quite a lot of time as a young child on my grandparent's dairy farm, it is remarkable to see the changes that have occurred since that time in the industry, and to which dairy farmers have had to adjust.

Mr Bishop, in his contribution, referred to a letter which has been incorporated in *Hansard* from the Minister for Agriculture, Keith Hamilton, to Barry Steggall. I wish to confirm the contents of that letter and to make a further statement about the matters canvassed in the letter. The statements direct the attention of the house to the government's commitments to the Dairy Herd Improvement Fund.

In negotiation with the Independents and the opposition, the government has agreed to ensure that there are no additional direct costs to farmers over the next two years from the changes proposed in the bill for dairy herd improvement services. That will be achieved by including a clause in the constitution of the newly owned company, the Geoffrey Gardiner Dairy Foundation. The clause will direct the foundation to provide dairy herd improvement services directly to farmers, up to a maximum of $300 000 per year for two years, subject to consultation with the United Dairyfarmers of Victoria (UDV), as is currently the case.

Herd improvement research and development projects will be funded through the reserves of the Dairy Herd Improvement Fund or through the normal funding application processes required by the new company. In short, the government's aim is to enable the Dairy Herd Improvement Fund access to $300 000 a year for the next two years for services delivered to farmers. That will be carried out through a process that is as similar as is practically possible to the previous process.

The current process for managing the Dairy Herd Improvement Fund has a number of stages. They are, firstly, the DHIF manager, the National Herd Improvement Association, prepares a program of projects. Secondly, the UDV Central Council empowers the DHIF management committee to examine the proposed program in detail and to make recommendations to the UDV Central Council. Thirdly, the UDV Central Council approves the program and writes to the Victorian Dairy Industry Authority. Finally, the Victorian Dairy Industry Authority makes a grant to the DHIF.

This process for funding dairy herd improvement services direct to farmers will continue except that the new entity, the Geoffrey Gardiner Dairy Foundation, will be the source of the funds, not the Victorian Dairy Industry Authority. The UDV has indicated that the management committee will continue to examine the detail and make recommendations to the central council. That process has been negotiated with the Independents and the opposition, and will assist farmers with the transition to a deregulated market.

One further matter I wish to refer to relates to the slight confusion that arose about the second-reading speech. I understand that Hansard inadvertently included in the Council *Hansard* the Legislative Assembly second-reading speech rather than the one I delivered to this house. I am confident that that will be corrected in the final version of *Hansard*.

In conclusion, I thank those who contributed to the debate — Mr Bishop, Mr Hall, Mr Stoney, Mr Nguyen, Mrs Powell, Mr Baxter, Mr Bowden and Mr Birrell — and I thank the opposition for its support for the bill.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

MINISTERIAL STATEMENT

Minerals and petroleum for the 21st century

Hon. C. C. BROAD (Minister for Energy and Resources) — As Minister for Energy and Resources it gives me great pleasure to present the ministerial

statement 'Pillars for balanced growth – minerals and petroleum for the 21st century'.

The Bracks Labor government is committed to delivering to the people of Victoria government based on four key pillars. These being:

responsible financial management;

providing growth across the whole state;

delivering improved services; and

restoring democracy.

In delivering these commitments our approach is to work in a consultative way with the community whilst building partnerships with industry.

The Bracks Labor government also came to power with a clear view of the importance of the energy and resources sector and the particular challenges that must be met if the industry is to continue to make a valuable contribution to the wealth and wellbeing of all Victorians.

Since forming government we have created the integrated portfolio of energy and resources, including responsibility for greenhouse policy, and moved to consolidate all the related policy functions within one department — the Department of Natural Resources and Environment. This structure will mean, for the first time, that policies for minerals and petroleum, energy and greenhouse can be developed in an efficient and coherent manner.

Given the importance of the energy and resources industry, globally as well as regionally, and the complexity of the policy challenges that face all the world's governments this integrated approach is essential to achieving the right outcomes.

The success and quality of life enjoyed by the citizens of the state of Victoria is, in large part, built on three great, world-class geological inheritances:

the discovery of gold at Clunes in 1851;

the development of the vast brown coal energy reserves of the Latrobe Valley in the 1920s;

the discovery of Australia's first world-scale oil and gas field in Bass Strait in the mid-1960s.

Today these industries have a combined annual production value of greater than $3.5 billion and employ about 2200 people directly. Direct government charges and royalties from these industries total more than $1062 million, of which over $1040 million is received by the commonwealth government. In addition, the downstream processing activities — electricity generation, petrochemicals, smelting et cetera — contribute about $29 billion to Victoria's economy and provide some 92 000 jobs.

At the start of the 21st century Victorians face a number of economic, social and environmental challenges. Victoria's ongoing geological inheritances have a major part to play in meeting these challenges. However, the way they are developed and used must be appropriate to current and future needs, not those of the past.

While much of the future development will be undertaken by the private sector, it will be essential that government plays its part in ensuring that the broad direction followed and standards delivered meet the needs of all Victorians. In particular, the overall balance of the government's policy settings will be the critical determinant in creating an investment climate that attracts industry while providing a regulatory and approvals framework meeting community expectations.

The government has already issued comprehensive election policies covering downstream energy, greenhouse and the environment. The policies proposed in this ministerial statement will complement existing and future policies and, together, they will form an overall coherent, integrated blueprint for the future.

This minerals and petroleum policy will provide the framework for future government service delivery in the minerals and petroleum sectors. Of equal importance it provides the policy and regulatory foundation to enable the community and industry to plan with certainty.

The Victorian government's vision for the minerals and petroleum industry is as follows:

> The government is committed to developing a minerals and petroleum industry that contributes substantially to the wealth and wellbeing of all Victorians, while meeting contemporary community expectations for social and environmental outcomes.

Any development in the 21st century must be assessed against more than economic parameters. While wealth creation and jobs are obviously critical to the overall wellbeing of our communities, development should not be pursued without proper consideration of social and environmental factors.

The Victorian community clearly wants our society to progress economically, socially and environmentally. Increasingly leading private sector companies are

following a vision that demonstrates this 'triple bottom line' — targeting and measuring economic, social and environmental outcomes — is not only possible, but also essential for their survival and ongoing prosperity.

The government must also show the way in achieving the win–win solutions required for society to progress.

Market forces cannot always be relied upon to produce outcomes that are balanced in economic, social and environmental terms. Government has a clear role in ensuring that there are appropriate checks and balances where the potential for market failure exists.

Given the extent of environmental impacts that past community and industrial practices have wrought on our atmosphere, land and waters there are abundant opportunities and a clear imperative to find new ways of working. By combining approaches that minimise current impacts and rectify past impacts within an economically viable package, the best outcomes can be achieved. This will require government, enterprises and communities to work in partnership in realising such a vision.

The development of our future energy supplies and the management of energy demand are of great importance to the state.

Hon. R. M. Hallam — Are you going to leave off the heading?

Hon. C. C. BROAD — That's my business.

Locally produced brown coal and natural gas together provide nearly 70 per cent of the energy used by the Victorian economy. They have provided a major part of the competitive advantage that has seen Victoria established as Australia's leading manufacturing state.

A failure to consider all the options for the long-term supply of energy for the Victorian economy or to create an environment in which identification of as yet undiscovered gas resources is inhibited would lead to a suboptimal long-term energy mix. In the extreme, this outcome might see Victoria lose competitive advantage to other locations, both within Australia or overseas, and consumers pay more for the energy that sustains their quality of life.

The major challenges include:

increasing the level and diversity of oil and gas exploration leading to increased production and supply diversity;

encouraging the development and adoption of clean new technologies by electricity generating companies so that brown coal remains a viable feedstock;

continuing protection of brown coal resources through effective planning processes.

To ensure that the best outcome is achieved requires a detailed understanding of the trends in technology development for brown-coal based power production and the factors that will impact upon oil and gas exploration and development in the future. Such an understanding will support detailed policy development to ensure appropriate outcomes. In gaining this understanding government will work closely with industry to ensure that the respective roles are clear and that each party's actions are appropriate to their role.

The promotion of energy demand management and renewable energy supply options is already covered in a comprehensive manner by the government's policy commitment to the Sustainable Energy Authority. Policies in this area will be developed further with the release of a Victorian greenhouse strategy later this year.

Fossil fuels are very much a part of the state and nation's energy infrastructure and it will be some time before renewable forms of energy can take a more significant share of the energy load. Environmental, social and economic outcomes must be jointly considered as well as security of supply to the community. Increased efficiency of appliances, cogeneration, provision of sinks and research into emissions management as well as encouragement of renewable energy research are some of the options that will be pursued. The key to an optimised outcome will be flexibility, enabling Victoria to adapt its energy mix to the emerging global environmental and economic imperatives of the day.

The gas reserves of Bass Strait have supplied Victorians with low-cost, clean and versatile natural gas for over 30 years. In that time about one half of the currently discovered commercial gas reserves have been used. The majority of these reserves were discovered in the mid-1960s.

With the growth of natural gas consumption over the last three decades and the extension of the national gas grid to New South Wales, the known reserves may not last another three decades and will require supplementation by new sources. Given the positioning of natural gas as the premium transition fuel between a carbon-emission-intensive past and a

low-carbon-emission future, demand growth rates are likely to exceed past levels.

Many years are required to mature a gas project from exploration through discovery to production. Action, therefore, needs to start now to ensure that Victoria's oil and gas potential is identified and developed.

As a world-class petroleum basin Gippsland will continue to yield new fields but the new reserves will be harder to find and demand the world's best exploration and development methodologies. The Otway Basin is only just beginning to yield its potential, supplying gas to regional centres in the west of Victoria and more recently in the metropolitan areas. The extension of gas supply into regional centres such as Horsham and Mildura will stimulate local industry and provide clean energy for domestic use.

Although at this time there is no evidence of any coastal subsidence, scientific studies have indicated that there is a potential for such subsidence due to fluid extraction from the aquifer that underlies the Gippsland coast. The government is determined to fully evaluate this risk and to develop strategies to minimise this risk from future operations.

The major Esso–BHP production licences are due for renewal in the latter half of this decade. This will be the first opportunity for the Victorian government to have a major influence on how operations are to be undertaken over the future decades. Any changes in licence conditions will need to properly balance the legal rights and obligations of existing producers with the long-term interests of the consumers. Changes in conditions will require commonwealth cooperation as the fields are licensed under commonwealth legislation. Early information generation, analysis, development of options, consultation and agreement to a strategic approach will be essential if the benefits of this once-in-a-generation opportunity are to be maximised.

Policy actions proposed by the Bracks Labor government to address these challenges are:

to prepare a comprehensive analysis of the state's actual and potential oil and gas reserves together with a long-term strategic plan to facilitate the timely and appropriate development of these resources to meet the community's needs and broaden the options for ongoing gas supply;

to encourage world class exploration for new gas reserves through provision of information to the global investment community;

to ensure that the large volume of critical petroleum data held by government is properly protected and provided to industry in added-value formats;

to replace the current, outdated Pipelines Act 1967.

The vast energy resources of brown coal in the Latrobe Valley have provided reliable, low-cost, base-load electricity for many decades. Known, currently economic coal resources are sufficient for many centuries of supply. This fuel is amongst the cleanest, low-sulphur, low-metals coals in the world.

With the developing recognition of the threat of climate change over the latter decades of the 20th century, concerns have been raised about the relatively high carbon dioxide emissions associated with brown coal. However, this impact can be progressively reduced through technological innovation. Some of this technology is known today and some may emerge in the future. Low temperature coal drying processes, integrated coal drying and gasification and geosequestration of carbon are examples of such technologies.

Once proven commercially viable, such technologies could be progressively applied to meet the ongoing greenhouse challenge. It would be premature to ignore the possible key role that a renewed 21st century Latrobe Valley electricity industry could play in Victoria's energy future.

The policy action proposed by the Bracks Labor government to address this challenge is:

to develop, in partnership with industry, a strategic analysis of technology options and development pathways for realising the value of Victoria's vast brown coal resources while also meeting the current and future greenhouse challenges.

The extractive industry has provided Victoria with abundant supplies of low cost sand and stone for use in the construction of roads, bridges and buildings. The nature of this industry is that output is largely controlled by local demand with limited opportunities for the growth of export or import competing production.

The main development role for government lies in ensuring that the industry has long-term access to well-located, high-quality resources. This strategic approach to resource protection will include being watchful to ensure that a proper balance is achieved between legitimate concerns about the local community impact of quarry operations and the need of the whole community to have access to low-cost industry products.

To achieve this, resource protection strategies will need to be adopted to prevent resource sterilisation and future conflict over land use. Industry regulation will need to ensure that community and environmental impacts are within acceptable levels.

In order to keep the price of these products at the lowest possible level it is essential that large volumes of well-located resources are identified and made available for development and that there are sufficient companies in the marketplace to ensure competition. Location is a critical factor in keeping prices down, as transport is a major cost component.

In common with all resource-based industries, quarries must be located where the resource lies. However, unlike many resource industries, quarries tend to operate for considerable periods with economic lives measured in decades and, occasionally, centuries. The continuous expansion of residential suburbs means that quarries that were once located well away from houses have the buffer of distance reduced over time. The occupiers of these residences then press for closure of these quarries.

The Environment and Natural Resources Committee (ENRC) of Parliament reported on these and other quarrying issues in 1994. The then government recommended that quarries be approved on the basis of performance limits which were to apply at nearby residences rather than the 200-metre buffer distances recommended by the ENRC. Further, they recommended that quarry companies were accountable for meeting the specified quarry performance limits over time.

For new quarries, companies could then choose the most economic way of meeting these limits through measures such as purchasing buffer land, modifying the operation or closing down. Provided the quarry met the performance limits its right to continue operation could not be removed.

In implementing the ENRC report findings, many hundreds of quarries were brought under the government's regulatory control. Under the previous government no additional resourcing was provided to enable the administration of these additional sites. Proper regulation of these quarries will require increased regulatory services and the action proposed to address this issue is mentioned later in this statement.

The government already proposes to undertake a planning review of the current approach to buffer zones for quarrying in proximity to residential zones and significant conservation areas.

The further action proposed by the Bracks Labor government to maintain this essential industry is:

> to review and update the planning protection for strategic extractive industry resources.

The minerals exploration and mining industry that contributed so much to Victoria's beginning has the potential to contribute substantially in the future.

Detailed analysis of the cost of minerals exploration and mining in Victoria, published in the Department of Natural Resources and Environment — Victorian Chamber of Mines report *Competitive Victoria* has shown that the state has a distinctly advantageous cost structure compared to the larger mining states, such as Western Australia.

This is due to such factors as the ready availability of support infrastructure in roads, rail, power and gas as well as the social infrastructure of schools, hospitals and developed communities. The same project will be considerably more profitable in Victoria than in the remote areas of other competitor states. Families are far happier living in this environment rather than in some remote outback mining town or operating on a fly in, fly out basis.

The Competitive Victoria study demonstrated the attractiveness of Victoria as a location for exploration and mining. If the mineral development potential of Victoria is to be realised it is essential that the industry throughout Australia and overseas continue to regard Victoria as an attractive place to invest.

A key part of this confidence is created by government support for an effective, innovative, industry-focused geological survey. With this in mind a review of the role and resourcing of the Geological Survey of Victoria has been undertaken. This review provides the basis for consideration of the future contribution the GSV can make to mineral development in Victoria.

One further area of competitive advantage is the potential partnership between government and the universities in ensuring that Victoria is a place of excellence for earth science research and teaching. The government will actively develop this opportunity.

In considering the contribution that mining can play to Victoria's future it is essential that this is in the context of contemporary community expectations with regard to social and environmental outcomes.

As a result of the clearly articulated concerns of the Australian community, the mining industry has been through a major change in relation to the standards

expected for environmental management and rehabilitation. Symbolic of this trend is the comprehensive Australian minerals industry code for environmental management launched by the Minerals Council of Australia in December 1996. This code has been recently updated for the start of a new century.

Relative to the mining provinces and the major towns and cities of the major mining states in Australia, Victoria is close settled with a more diverse range of economic activities and lifestyles. This situation raises the potential for clashes of culture and belief between the industry and sectors of the community.

Some individual companies have recognised this fundamental difference and have successfully established strategies to work with communities. In other situations this has not happened. This is generally to do with a combination of local community and company factors. The need to invest management time in understanding and solving community issues is offset by the cost savings that accrue because of the ready availability of infrastructure and skilled staff mentioned previously.

With increased experience of mining activities government agencies have learnt the true cost of rehabilitating abandoned mine sites. This has resulted in substantially tightened processes and procedures. These procedures are essential to ensure potential liabilities are fully understood and to guarantee a properly assessed rehabilitation bond is in place before work commences.

Over the last several years many communities and companies have gone through approval processes for mining. These have involved either planning permits administered by local government or the state government's Environment Effects Act processes. This has given both the community and industry experience in the effectiveness of these processes. While many such processes have worked effectively in meeting both community and industry needs there have been other occasions when this has clearly not been the case. It is a government election commitment to undertake a review of the environment effects statement process and this will be an appropriate way for any changes to the process to be considered.

Given that resource industries can only be located where commercial ore-bodies are found, local community concerns will always be a factor in assessing the merits of any particular proposal. Often the local objections to a particular activity can be strongly held and vigorously expressed. The applicability of the activity at a particular location must be an issue for the approval process. Just as certain selected activities may be proscribed by legislation, no invasive extractive and mining activity can be undertaken as of right at any location.

The Bracks Labor government is committed to ensuring that the approval processes for resource industries operate in a fully open and transparent manner. These processes will be followed to completion and any decision on the proposal made on the merits of the economic, social and environmental analysis. All members of society, including the indigenous community, and industry will be encouraged to participate fully in these assessment processes. In partnership, the government, communities and industry should seek to find win–win outcomes.

The number of minerals exploration, mining and extractive operations under active government regulation, including the new extractive industry sites, has increased by over 30 per cent since 1995. As well, the complexity of such regulation has increased due to raised community expectations. There was no recognition of these changes in the regulatory budgets set by the previous government. If industry standards and community confidence are to be maintained, increased funding of the government's regulatory services will be required.

Goldmining was Victoria's first major industry. The industry produced about 2480 tonnes of gold worth about $35 billion at today's gold price. Most of this production had occurred by the end of the 19th century using the exploration and mining techniques of the time. Goldmining activity virtually ceased for most of the 20th century and the state lost the mining culture that had been so important to its development.

In Western Australia goldmining followed a similar trend, however the trough never reached the nadir of Victoria and the mining culture was retained. In 1980 Victorian annual gold production was less than 1 tonne while Western Australia's production was around 20 tonnes.

Changes in gold price, exploration technology and production techniques saw Western Australia's annual gold production increase to about 200 tonnes by 1990 and 280 tonnes by 1998. The vast majority of this gold came from the same goldfields of the original 19th century production. Only in the second half of the 1990s did significant production levels begin to occur from new locations.

This second wave of gold production has resulted in at least as much gold being mined by modern means as

was produced in the first wave of mining. Victoria has the potential to increase production from the current annual level of 5 tonnes to over 50 tonnes contributing $700 million to the economy and creating about 4000 jobs in regional locations.

Bendigo Mining NL is currently investing about $43 million of risk capital in Victoria's historically most productive goldfield — Bendigo. Success in this venture will be a major milestone in realising Victoria's gold potential.

While the initial activity has focused on redeveloping historic goldfields within the Golden Triangle the government's airborne geophysical surveys have indicated a vast area with similar geology continuing under shallow sedimentary cover to the north west. This area is largely unexplored and offers the potential for many new developments outside regional centres and in rural areas.

The complex nature of Victorian geology and ore bodies has proven to be more amenable to development by small and medium sized companies than large companies. The exploration activities of these small and medium sized companies are usually funded by equity raisings on the stock market rather than from operational cash flow. The collapse in gold price over the last few years, triggered largely by Central Bank selling, has made such fund raisings very difficult.

If funding for gold exploration continues to be extremely scarce then competition between jurisdictions will be even stronger than in the past. government's policies and processes are a critical part of risk assessment that investors will undertake before making their commitment.

Of particular concern to some sectors of the community are the issue of open-pit goldmining and the question of backfilling. Open-pit goldmining is of fundamental strategic importance to the development of goldmining in Victoria, or indeed any jurisdiction. The economics of exploration and the funding of mine development generally mean that near surface, low-entry cost oxide resources are identified first and provide an economic bridge to high-entry cost underground resources. The open pit also provides the access infrastructure to deeper ore resources.

With much of the legislative framework about a decade old it is timely to consider some finetuning of the legislation to ensure that it remains relevant to today's needs for all stakeholders. These needs are:

for the government — to provide a framework to enable the industry to develop and achieve appropriate economic, social and environmental outcomes within an acceptable level of community risk;

for the community — to provide employment while not unduly affecting their day-to-day living and while protecting the environment;

for the industry — to provide practical, timely and certain processes and to limit open-ended risks enabling investments to be made against a known spectrum of commercial risks.

The actions proposed by the Bracks Labor Government to meet these challenges include:

to implement the key recommendations of the review of the Geological Survey of Victoria to ensure that the agency continues to provide regional geological information in the latest added-value format to the minerals industry;

to increase funding of the minerals and petroleum regulatory unit to ensure that the expanding and changing industry meets or exceeds contemporary standards for safety, social and environmental outcomes;

to expand joint industry and Victorian universities cooperation in which the strategic interest of all parties in the earth sciences can be better integrated for mutual and public benefit, and to preserve and enhance the intellectual capital and expertise fostered by the state;

to amend the Mineral Resources Development Act 1990 to ensure it continues to provide Australia's best and most contemporary legislative framework for the development and regulation of the mineral exploration and mining industry;

to review and implement a process to ensure that purchasers of rural residential properties and land are made aware of existing approvals for mining and extractive projects that may not have commenced operation;

to investigate a process for ensuring that private land with high environmental value is given similar protection to equivalent Crown land in resource exploration and development proposals.

Australia has been a major supplier of mineral sands to the world's consumers, however, the resources that underpinned these developments are being progressively consumed.

In north-west Victoria we are seeing the early stages of the development of mineral sands as a fourth major world-scale geological inheritance for the state. With the recent announcement by RZM — Sons of Gwalia of the first mineral sands production operation at Wemen near Robinvale and the continued exploration successes of various companies throughout the Murray Basin, a major new industry is being created in rural Victoria.

With clear infrastructure and land tenure advantages there is an excellent opportunity for Victorian communities to benefit from the production, processing and transportation of mineral sands.

While we are still in the early stages of exploration and production of mineral sands the challenging issues are of a very different nature to those of the gold industry described previously. The mineral sands industry has relatively few players, each company has existing operations in various parts of Australia or overseas. They are well-experienced in mining and rehabilitating land back to its former productive use. In one case such land has been incorporated in a national park. The temporary use of what is generally freehold farmland means that landowner issues are mainly about the appropriate level of economic rent and the effectiveness of rehabilitation.

The nature of the industry dictates that a key part of any company's strategy is securing a known economic resource for future decades. Once established this resource base may not be brought into production for many years until resources elsewhere are exhausted. Given that the Murray Basin is the world's newest large-scale mineral sands province the probability that exploration success will be added to this resource bank is high. Corporate takeover activity has already led to one project being delayed because of changed company strategic needs. This aspect will need to be carefully managed by government to ensure that development opportunities are maximised within the realities and constraints of a well-developed global industry.

The Murray Basin mineral sands province extends into New South Wales and South Australia and exploration results have already uncovered resources in those states. Therefore, Victoria is in competition with those states to get the maximum benefit for rural and regional Victoria. Benefits come from the mining operation, primary processing into marketable mineral sands products, transportation and, ultimately, the possibility of downstream processing to end-use products — titanium dioxide and titanium.

A Murray Basin infrastructure study has been established under the commonwealth's Mineral Provinces Infrastructure program. This study involves the three states, commonwealth and industry in identifying the infrastructure needs to support a future major mineral sands industry. However, Victoria will need a comprehensive approach to ensure that the benefits are maximised in this state.

The action proposed by the Bracks Labor government to meet this challenge is:

> to establish a working group to help guide the development of Victoria's Murray Basin mineral sands resources and ensure that the benefits for Victorians are maximised.

In seeking to develop resource-based industry in Victoria it is essential that we focus on capturing all the potential benefits.

The government will encourage industry development, investment, recruitment and skills development initiatives within the resource industry sectors to maximise the benefits to Victoria of development of these resources. In particular, we will actively seek to maximise local industry participation in major resource development projects.

The benefits derived from this government's actions will be additional jobs, increased investment, increased exports, reduced imports, technology transfer, creating new manufacturing opportunities, upskilling the workforce and increasing the capabilities and international competitiveness of local companies. It is important to note that many of these benefits will be accrued to regions in which the resources are based.

A number of business assistance programs are already available to assist companies in these sectors.

In addition to the actions outlined above and in order to provide clarity and certainty to industry, the community and public sector agencies, the government has adopted clear policy positions on a number of key issues. These are:

> the government is committed to ensuring that all the lessons learnt from the tragic Longford fire and explosion are properly passed on to the offshore and onshore petroleum exploration and production industries;
>
> the government is committed to ensuring that all oil and gas resources that can economically provide supplies to Victoria should be actively explored and developed in a timely manner to provide continued

access to abundant, competitively priced, clean and flexible energy;

the government will maintain a stringent regime for managing exploration and mining impacts on land with high conservation value, including prohibition of mineral exploration and mining in national, state and wilderness parks and reference areas;

open-pit mining must be subject to approval, on a case-by-case basis as required under the Mineral Resources Development Act. Approvals will take into account, amongst other factors, the strategic value of the proposed operation to the state of Victoria existing economic value of any land affected, the economics and practicality of backfilling, risk evaluation and any local social and environmental impacts;

taking into account the developing nature of the gold industry in Victoria and the current difficulties in raising risk funding the government has no intention of implementing a royalty on gold;

the government is committed to ensuring that all new or expanding mining and extractive sites have a rehabilitation bond which properly covers the maximum potential rehabilitation liability of any operation, based upon the currently approved work plan;

for existing mining and extractive sites the government is committed to reviewing all rehabilitation bonds every three to five years based upon the assessed site risks. For sites that are genuinely unable to afford a revised bond level a specific plan is to be developed for lodging the required bond level over an appropriate time period and for progressive site rehabilitation;

the government is committed to having an effective Office of the Mining Warden to undertake the determination or resolution of disputes as provided for in the Mineral Resources Development Act.

In conclusion, I reiterate that the Bracks Labor government is committed to ensuring strong extractive, minerals and petroleum industries continue to be pillars for Victoria's growth.

However, we are also committed to ensuring that this is balanced growth. It must only happen with the full involvement of all stakeholders, the community, industry and government in assessing proposals in an open and transparent manner.

The vision, actions and policies outlined in this ministerial statement will provide a competitive investment environment as well as ensuring that social and environmental impacts are properly assessed and regulated.

I look forward to working with the industry and communities in implementing this policy for the benefit of all Victorians.

Hon. PHILIP DAVIS (Gippsland) — I move:

That the Council take note of the ministerial statement.

I am pleased to have the opportunity to make general remarks on the ministerial statement just read to the house. The minerals and petroleum industry in Victoria is vitally important not just to the rural and regional communities within which it is predominantly located but also to the economy of the state as a whole. Critically, most of the direct employment that occurs in the minerals and petroleum industry occurs in rural and regional centres. That will continue to be the case because by and large projects, by definition, must be located approximate to the resource base.

However, there are additional significant employment opportunities in the service industries, particularly in the area of the intellectual support provided to the industry, which is often focused in Melbourne and reflected, in part, through about 50 per cent of the principal mining houses in Australia having their headquarters in Melbourne.

Statewide it is a significant industry. It adds the much-needed feed source for many additional industries, such as petrochemicals, the construction industry and the energy industry on which the whole state economy is dependent. The people involved in the industry are dedicated with high skill levels. They work in difficult conditions, from both environmental and socially difficult perspectives. Projects are often not in areas where there are infrastructure supports that employees on the projects would like to see. It is not as challenging in Victoria as it is in other states. However, there are many parts of this state where projects have commenced without ready access to the social infrastructure. The projects often are of a short duration so that the employees involved in the project do not have an interface with the local community.

The most challenging role for the government, as detailed in the minister's statement today, is the regulatory regime within which the minerals and petroleum industry works. I noted the inference in the ministerial statement reflected the emphasis the minister places on regulation. To some degree I was

alarmed that the inference seems to reflect a regulatory view rather than an industry facilitation perspective.

At the outset I congratulate the minister on doing today what the opposition and industry have been urging since the change of government.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! That is enough cross-chamber conversation.

Hon. PHILIP DAVIS — Mr Deputy President, I am enjoying it!

On 8 December the house invited the minister to outline the government's minerals and petroleum policies. It has taken almost nine months since the election for the policy to be delivered. Perhaps that is the appropriate gestation period for a policy, but I am surprised and disappointed that the Labor Party has taken such a long time to deliver this policy.

Hon. Bill Forwood — Lucky we got it today; otherwise it would not be here until September!

Hon. PHILIP DAVIS — Indeed. The government's actions relating to the industry seem to be at odds with its rhetoric. I want to understand the minister's perspective and ambition to be the minister responsible for the minerals and petroleum industry. It is disappointing to see this emphasis on the rhetoric being undermined by the action — for example, the discussions the house has heard over the past months about the effective downgrading of the Mining Warden's position; the disappointment that was widely expressed by the industry about the termination of the position of the manager of Geological Survey of Victoria; and more recently the effective reduction in funding for that area from $3.3 million to $2.85 million. That action speaks louder than the words contained in the ministerial statement.

However, taken as a whole the statement is an attempt to balance the development issues against what the government sees to be the social and environmental issues. How well it achieves that will be assessed only by the actions and the outcomes. At the end of the day it will be the industry that makes the judgment. Certainly opposition members will test the minister on those issues.

I am happy to acknowledge where I think the minister has got it right, but I will refer to what I see to be some risks. The minister has got right her reference to the importance of an integrated portfolio. The government can be congratulated on trying to bring together, in an integrated way, the responsibilities that relate to the industry, particularly to greenhouse and energy, and getting those into the one portfolio. That will certainly lead to more coherent policy outcomes.

I was interested to observe the rhetoric in the speech, and this was a little bit of back to the future. The line that really grabbed me was:

> Government has a clear role in ensuring that there are appropriate checks and balances where the potential for 'market failure' exists.

It caused me some alarm. However, I immediately came to the view that in order to satisfy the various constituencies the minister is trying to satisfy with her statement, she was obliged to make some philosophical statement that would gain some support in areas that perhaps the industry might not ordinarily endorse.

I acknowledge the minister's attempt to reflect on the importance of the community to deal with the Gippsland coastal subsidence issue. It is a critically important issue not just for the local community, which feels anxious about the issues because they have been raised generally in the media in recent times, but more particularly it is a vital environmental issue. There are significant potential risks, particularly risks to the Gippsland Lakes, as well as to the general coastal environment. It is pleasing that the minister is prepared to make an emphatic statement about dealing with that challenge, and I congratulate her on that.

It is useful to observe the importance of the gas industry to Victoria. It is of critical importance that we recognise the potential for promoting further exploration activities in our gas basins. Unfortunately, I did not get a sense from the minister's statement that she recognised the need to drive that beyond simply emphasising information, which is a necessary adjunct to promoting exploration activities, and to actively promote Victoria at an international investment level as a place to explore. The world petroleum industries are conscious about Australia's northern opportunities. However, I suspect that Bass Strait has long been taken as being pretty well dominated by existing interests and, therefore, there has not been a great deal of encouragement for international firms to look more closely at it. At least it is acknowledged, but I hope there will be more emphasis on that in the future.

I am relieved, certainly for the existing electricity generation industry in Victoria which feels under particular threat because of the greenhouse debate, that the minister has acknowledged the merit of brown coal as an important fuel source for the future.

It is acknowledged there are opportunities to improve the environmental acceptance and utilisation of brown coal as an energy source. That should be encouraged, especially given the vast resources of brown coal in the Latrobe Valley. However, I note that the minister clearly made the point that the government is committed to reviewing the environment effects statement (EES) process and that that will be the appropriate way for any changes to the process to be considered.

One of the issues to which I ask the minister to respond so that Parliament and industry can understand it is how the minister proposes the review of the EES will be integrated with the joint jurisdictional arrangements for the management of biodiversity issues, particularly the implementation from 16 July of the commonwealth's environment protection and biodiversity conservation act. A joint jurisdictional issue will have to be dealt with, and given the complexities projects face in dealing with the regulatory process one of the significant things that can be done in assisting industry is simplifying issues that become overly complex because of the desires of different jurisdictions to have an emphasis and control. Although there are delegations regarding what will be joint arrangements the reality is that it is not clear to the industry how the Victorian review of the EES process will overlay the commonwealth arrangements.

I was concerned about the emphatic statement that extractive and mining activity can no longer look forward to as-of-right approval in respect to that activity. I am not sure what was intended by that aspect of the minister's statement. I was alarmed by the reference to the importance that has in the past been placed in mining development on the implied reduction in entitlements of explorers and miners. I am unclear what the purpose of that statement was. It could cause some concern to people who read the statement.

It is useful to note that in regard to the Geological Survey that although the minister has said there was a need to review and improve the performance of the agency — a review was undertaken at the initiation of the former coalition government — and although it has been settled more recently the minister has not committed to a full implementation of the recommendations. She referred to implementation of key recommendations but I am uncertain whether that means all the recommendations are to be implemented in their entirety. Given that the review was a joint study undertaken by the Department of Natural Resources and Environment and the Victorian Chamber of Mines I am concerned to know which of the key recommendations will be implemented.

Probably the most alarming aspect of the ministerial statement, not just for the minerals and petroleum industry at large but because it will send shock waves around the state to private landowners, is that the minister says the government will investigate a process to ensure that private land with a high environmental value will be given similar protection to equivalent Crown land in respect of resource exploration and development proposals. I take the statement to mean that private land-holders will not be able to do with their land as they would choose in respect to a proposal to extract a resource from their private property. If that is the case it will change dramatically the status of all freehold land.

I ask the minister to expand on that statement. I am certain that without significant explanation it will cause considerable apprehension, firstly, to those who have proposals which they wish to proceed where there are clear and agreed arrangements with the private land-holder, and indeed if they are the land-holders themselves. Secondly, I am confident it will also engender concern among those people who hold freehold land and who gain the perception that they will no longer be able to deal with their property as they have in the past.

I understand the emphasis in the statement on the balance between the environment and industry — it is a difficult issue for any government — but where the government says it will maintain a stringent regime for managing exploration and the impact of mining on land with high conservation values, including the prohibition of mineral exploration and mining in parks — national, state, rural and wilderness — and in reference areas, there is a problem with restricted Crown land and the real situation of with whom the industry has to deal in progressing any permit application.

I note in relation to the exclusion proposed to be provided under the review in respect of box-ironbark conducted by the Environment Conservation Council that as recently as this week the Chamber of Mines has expressed concern about:

> … the claim that the restricted Crown land is still available for exploration and mining is erroneous, as experience indicates that very few, if any, applications for exploration or mining licences are approved.

Inevitably finding a balance is difficult for the government. I would be concerned if in giving emphasis to the environmental protections the ministerial statement is not recognising the difficulty the industry faces, has faced for some time and will continue to face in terms of access to Crown land. Modern mining techniques that will ensure there is a

low impact on the areas being explored are available, certainly in the exploration field, and generally speaking in this millennium there should be arrangements in place to ensure proper rehabilitation.

Further, I note with some concern the minister's remarks about open-pit mining. On one hand the minister emphasised a recognition that open-pit mining is a critical path in a mine's project development. However, it is implicit in her later remarks that approvals be on a case-by-case basis, under which status a large number of matters will have to be taken into account. I suspect that the emphasis has been placed on it by the minister, who will effectively proscribe the opportunity for many of the projects that have been vital to developing long-term mining operations in the past to proceed.

The industry is important to the state, and particularly to regional Victoria. It is important for local economies because of the creation of local jobs. It is surprising that it has taken such a long time for the government to announce its policy position about the industry. Having said that, I congratulate the minister on at least making that effort and doing so on the penultimate sitting day of the autumn session. At least I will not have to come back into this place in the spring and say to the minister, 'Where is the government's mining policy?'.

Motion agreed to.

APPROPRIATION (PARLIAMENT 2000/2001) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. C. C. BROAD (Minister for Energy and Resources).

NATIONAL PARKS (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. C. C. BROAD (Minister for Energy and Resources).

EMERGENCY MANAGEMENT (AMENDMENT) BILL

Second reading

Debate resumed from 30 May; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation)

Hon. B. C. BOARDMAN (Chelsea) — This is a curious piece of legislation. Unfortunately in the circumstances leading up to its introduction the opposition was not given appropriate or sufficient opportunity to liase with the department to ascertain its justification, direction and operational effect.

The standing practice when a government introduces legislation is to allow an opposition a technical briefing from the relevant departmental official. After an amount of consternation and toing-and-froing from the minister's office, which was less than cooperative, a briefing was organised for 8.30 a.m. on 10 May.

Unfortunately the government's policy is that ministerial advisers must be present at technical briefings for opposition members. After consultation with a number of previous government ministers I conclude that it seems to be the exclusive domain of this government. The situation became absurd on 10 May because I and my fellow committee members were punctual and ready to go; the appropriate departmental individuals were notified and were ready to go but due to an unforeseen circumstance the ministerial adviser who was to be present at the meeting was detained.

I am not focusing any blame on the particular adviser or on any individual; I am merely enlightening the minister that this policy is wrong and impractical. Obviously an 8.30 a.m. meeting requires some effort from people to get there on time. I hope the minister will comment on that. It is unsatisfactory if individuals are detained and opposition members are left waiting for 25 minutes, staring at each other in the room, wondering if they should say anything and not getting appropriate answers. For that reason and because the purpose of the meeting was to discuss two bills, the Control of Weapons Bill and this bill, the opposition did not receive a full and satisfactory briefing.

Hon. G. D. Romanes — On a point of order, Mr Deputy President, the circumstances the Honourable Cameron Boardman is referring to relate to the Control of Weapons briefing and not to the bill the house is dealing with now.

Hon. B. C. BOARDMAN — On the point of order, Mr Deputy President, if the honourable member had listened to my last sentence she would realise the briefing was for both bills, as per the direction of the minister's office.

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

Hon. B. C. BOARDMAN — For that reason only a small amount of time was allocated to discuss the bill, and the opposition is not satisfied about a number of issues. That is why it is appropriate to deal with the bill in committee to seek full and frank explanations to certain clauses.

The opposition acknowledges that the bill and the appointment of the Emergency Services Commissioner is government policy. It also acknowledge that the appointment of Mr Bruce Esplin has been made. He has a degree of capability and credibility and is reasonably well respected in the emergency services agencies he will represent in his new position. However, opposition members also acknowledge that previously that announcement — it was made on a weekend with a degree of fanfare because it was a slow news day — was interpreted as being a great initiative for Victoria in emergency services management. From a closer examination it appears that some of the bill's operational and administrative issues are literally being forced upon the agencies, and that claim may not necessarily be the case.

After establishing during the briefing that the commissioner will have a staff representative from each agency, that he will have to provide a quarterly report and that he is also the executive officer of the Victorian Emergency Management Council the opposition was provided with little else. Once again I must reaffirm that I am in no way critical of the officers who were involved in the briefing; I am critical of the government's policy that ministerial advisers must be present during all briefings. It was certainly not the policy of the previous government and it should be reviewed forthwith.

The justification of the bill is questionable and requires some further explanation. The second-reading speech states, in part:

> … more effective utilisation of the common resources of the Metropolitan Fire and Emergency Services Board, the Country Fire Authority and the State Emergency Services of Victoria.

That implies that there may be some discrepancies or problems with the allocation of resources and the cooperation between those agencies. Certainly there are a number of staffing levels and operational performance issues in the marketplace, but because of the amount of misleading information and union-dominated rhetoric that is becoming all too apparent when referring to state emergency management that may not be a fair statement. The statement reflects on the operational credentials, independence and performance of all three services mentioned in the second-reading speech, and it also impinges on the morale of the members of those services in carrying out their duties.

I turn to the Labor policy, 'A safe and just society', which was released at the last election. Paragraph 7.12, headed 'Keeping Victorians safe and encouraging volunteerism', states:

> Labor is committed to a well-resourced, better coordinated, community-based network of professional and volunteer emergency services dedicated to provide Victorians with the assurance of rapid assistance in all kinds of emergencies.
>
> Labor will facilitate the greater coordination of all of Victoria's fire and emergency services to increase their level of cooperation.

In theory that sounds quite respectable. It seems that any improvement made to providing Victorians with a better-resourced allocation of emergency services should be encouraged, but it also is the common line and the philosophical argument that we are becoming all too frequently accustomed to hearing from the United Firefighters Union. For some time that union has embarked upon a campaign against volunteerism in the Country Fire Authority, against performance management in the CFA, and the perceived yet unjustified vilification, particularly in the outer metropolitan areas of Melbourne, of volunteer firefighting services.

On 15 December last year, I moved in this house a motion requesting that the Leader of the Government, the Minister for Industrial Relations, demonstrate leadership in the disruptive and unnecessary industrial dispute between the United Firefighters Union (UFU) and the Country Fire Authority. Speakers included the minister and the Honourable Bob Smith, but unfortunately their contributions were less than adequate. The minister advised the house that she had made a telephone call to the union on 14 December and that there were no bans in place.

Obviously the union would say that. The bans were lifted temporarily, but a series of new and equally disruptive bans were later introduced. The UFU also embarked on a campaign relating to community support facilitators and several administrative functions

completely within the domain of the Country Fire Authority.

The response from the minister and her colleagues was disgraceful. The minister did not demonstrate any leadership; she did not demonstrate any commitment to volunteerism in those services; and she certainly did not contribute to any progressive debate that might be considered necessary to overcome some of the difficulties in those organisations.

In the second-reading debate in the other place on this bill the Minister for Police and Emergency Services made some points about volunteerism. He used the term 'volatile'. He also went on to say that at the end of the day the service, support, dedication and commitment given by volunteers must not be taken for granted. It must be respected, treasured and held dear.

Although I appreciate the minister's sentiments, they are nothing but lip-service because so far he has not shown any conclusive or realistic attitude to solving some of the difficulties that exist between the UFU and the CFA, and he has not shown that he is 100 per cent dedicated and committed to volunteer services in the state of Victoria.

The UFU has for possibly some philosophically based reason embarked on this campaign to show in an unjustified and unnecessary way perceived shortcomings of the CFA; but its campaign has fallen flat a number of times. I am hopeful and optimistic that the campaign will continue to do so. Although I do not have any disregard for the United Firefighters Union as an entity and the services it provides its membership base, I hold the union in contempt when it starts impinging on the committed professional work of Victoria's volunteers to ensure that emergency services are represented to the best of their ability and that Victorians are provided with the best possible service.

The UFU repeatedly intervenes in the operations of the CFA for the simple reason that it is about union numbers. If the union can undermine volunteers and the level of services that volunteers deliver, and force the CFA and management to provide full-time services, the union will increase its numbers. That is exactly what has happened with the community support facilitators debate. As honourable members will be aware — and I am sure government members have received numerous correspondence on this issue — community support facilitators are an invaluable asset of the Country Fire Authority. They provide proactive public relations, educative and fire prevention advice to the general community. Their actions should be applauded and encouraged. Yet the UFU argues that they are unjustified and a waste of time. It believes they should not be able to serve in the dual role, with the necessary qualifications to fight as a volunteer firefighter, and that their existence is somewhat questionable.

Recently the government announced that the current status of community support facilitators will be split into two roles. One role will be as a brigade administration support officer and the other as an area community education support officer. That seems to be completely bureaucratic and unnecessary. Community support facilitators do a significant amount of work for the community. The splitting of their roles will create another level of unnecessary bureaucracy and added expense for emergency service resources. It will simply create additional personnel.

It also indicates to volunteers that the Country Fire Authority and the government, in particular, is pandering to the United Firefighters Union's request because that is exactly what the union was after. Part of the union's overall objective was to get community support facilitators out of their current role, and to split the tasks so that individuals could qualify for union membership. There is no real justification for splitting the two roles. When two people provide services that were previously provided by one, there is complete and unnecessary bureaucracy.

The UFU has also become increasingly influential within the Metropolitan Fire Brigade. While I support both volunteers and professional or full-time firefighters within the Country Fire Authority, I have equal respect and admiration for firefighters within the MFB. Their role is equally as important. It is somewhat different in selective areas, but they provide an excellent service and their members should be proud of their job.

But when there is UFU influence as currently exists within the Metropolitan Fire Brigade it creates an almost unworkable situation. Recently I was approached by a Country Fire Authority brigade captain who was applying for selection to be a full-time professional firefighter with the Metropolitan Fire Brigade. He was given an unduly hard and unjustifiable time at a recent selection board hearing. The individual who gave this person such a hard time was the UFU representative, although the individual, whom I will not name, did not identity himself as the representative.

The campaign by the UFU against volunteers has to stop. It has to acknowledge that volunteers are part of the Victorian landscape, their services are invaluable and that Victoria has one of the best firefighting volunteer services in the world. Their continual

attempts to undermine it are both professionally and personally becoming a joke.

There is an ongoing campaign in the City of Banyule. The United Firefighters Union has attempted on numerous occasions to criticise the performance of the Country Fire Authority within its boundaries. It is an attempt to persuade the government to change the outer metropolitan boundaries. It is clear the UFU wants MFB stations in the City of Banyule, which is currently covered by the CFA. The only reason the opposition can find to justify that activity is that it would give the UFU additional union members.

The performance of volunteer firefighters in the CFA brigades in the City of Banyule is better than that of the MFB brigades. I am not one to become completely overwhelmed by performance criteria and response times because I believe the methodology applied in some instances is misguided. However, the facts remain that under current standards set by both the Metropolitan Fire Brigade and the Country Fire Authority, the CFA has performed better. That is confirmed in the Diamond Valley *News* of 30 June last under the headline 'Push for the MFB', which reports:

> Union secretary Peter Marshall said he wrote to the City of Banyule last week seeking meetings with councillors. 'The union would contact the Nillumbik council in the year', he said.

That was for the sole reason of discussing the possibility of getting the boundaries changed. There are seven Labor councillors on the council. It is extraordinary that the new full-time mayor, Cr Dale Peters, was the electorate officer for the Minister for Police and Emergency Services. That is an extraordinary connection.

Hon. R. F. Smith interjected.

Hon. B. C. BOARDMAN — Mr Smith says there is no connection whatsoever. The UFU in the City of Banyule is saying it wants to change the boundaries because it wants the MFB out there. There is no operational reason or justification for it because the CFA is performing above what is deemed adequate, yet the new mayor of the City of Banyule, a member of the Labor Party and a former employee of the Minister for Police and Emergency Services, is congratulating the UFU on its campaign. He thinks it is fantastic!

He wants to help his union mates in his municipality. He can get on the telephone to Peter Marshall and say, 'Pete, we're behind you 100 per cent of the way. Don't worry about that. I've got the numbers on council and I'll get the people to back this proposal because the MFB will take over the boundaries and that means more union members. That eventually means more funds for the local ALP campaign'. One has to give Cr Dale Peters a pat on the back for his attempt, but zero out of 10 for stupidity.

The Diamond Valley *News* of 3 April carries the headline 'CFA wins firefight'. At page 5 the headline states 'CFA review has positive impact'. It proves the CFA has responded to community concerns. It has taken on some of the issues that were evident in the City of Banyule and developed a comprehensive community strategy to address community concerns. It totally negated the concerns and the misguided and hypocritical push of the City of Banyule, its mayor and the UFU in an attempt to change the boundaries.

The reason it is relevant to the bill is because the situations to which I have just alluded may now become the domain of the Emergency Services Commissioner, Mr Bruce Esplin. His powers and standards will be broad. He will have the ability to request information from all the services in relation to issues that are non-specific and:

> … to establish and monitor standards for the prevention and management of emergencies to be adopted by all emergency services agencies.

That could be translated to the example of the City of Banyule where there is a dispute, misguided as it is. The Emergency Services Commissioner may have the discretion to examine the situation and report to the Minister for Police and Emergency Services about possible implementation. I shall not criticise or suggest that Mr Esplin is in any way partial, he is not. He has a distinguished career in the public service and all the agencies that will be affected by the bill believe he will do a good job.

However, at some time in the future he will be replaced. If his replacement does not have Mr Esplin's level of prudence the minister may become a quasi emergency services commissioner and could direct and influence unnecessarily. I would not like to see the situation arise where the commissioner benchmarks one agency against another in municipalities with boundary concerns, such as those occurring in the City of Banyule and other areas. That would give rise to politicisation, to pandering to minority groups whose arguments are misguided, and would create the potential for the minister to intervene in the operation of those statutory authorities.

Proposed section 21D provides for the commissioner to prepare standards that are reasonably necessary. He must consult and ensure that the standards that are

prepared or reviewed are reasonable. I am certain that honourable members would acknowledge that that section is broad. It does not go into sufficient detail to ascertain how the standards will be implemented. It creates another issue. Once the standards are prepared there does not appear to be any legislative authority to implement them.

The Metropolitan Fire Brigades Act and the Country Fire Authority Act allow the minister to direct those authorities or agencies to take note of certain conditions and instructions. The commissioner does not have a similar power. The commissioner prepares standards and reports for the minister and the minister makes the direction if it is appropriate to do so. Yet when a question about the separation of powers was asked of the minister during the second-reading debate in the other place he said, as reported at page 23 of the Legislative Assembly *Daily Hansard* of 30 May:

> … I believe the bill removes the minister one step from some operational issues …

He goes on to say, which is a complete contradiction:

> … Ultimately under the legislation the organisations have a statutory obligation. If they do not comply with that, the power of the direction of the minister may be used, if the minister deems fit, on recommendation of the Emergency Services Commissioner.

On one hand the minister is saying that he is removed one step from influencing operational issues, yet on the other hand two paragraphs later he said he has the power to direct the authorities. The minister has confirmed the opposition's concern that the Emergency Services Commissioner can potentially be used as a political pawn. If the minister has a point about the performance of a certain agency this is the minister's partial, or so-called impartial, justification to deal with it. That provision distances the minister from any blame, responsibility or acceptance of the proposal. That is the opposition's key concern about the bill.

The opposition will go into some detail about those issues in the committee stage. It is concerned about the lack of briefing from the department due to the time constraints I referred to earlier. It is therefore inappropriate to do so now. I hope the minister will address the matter of the justification for the bill before it is dealt with in committee.

If the minister is in a position to do so I ask him to analyse in detail the justification for having an Emergency Services Commissioner. I also ask him to outline any discrepancies that exist between the agencies concerned.

On the topic of emergency services agencies, the definition includes the Country Fire Authority, the Metropolitan Fire and Emergency Services Board, the Victorian State Emergency Services and any other prescribed agency, which is a broad definition within which a number of other agencies could or could not be included. That is one of the issues the opposition will pursue during the committee stage.

As I said in my opening remarks, I acknowledge that it is the new government's policy to establish the position of commissioner. The announcement has already been made and it has been heavily publicised. The opposition has some concerns about the bill's implementation; and even though the reasoning behind the bill is unknown, that does not give the opposition cause to oppose it. However, the opposition will make some definite points about that during the committee stage.

Hon. R. F. SMITH (Chelsea) — It is a pleasure to support the bill, which is another election promise the Bracks government is delivering on. In the policy document called 'Community protection action plan', which it took to the last election, Labor clearly said it would establish the position of Emergency Services Commissioner in the Department of Justice.

The role of the commissioner will be to establish and monitor performance standards in the emergency services. The commissioner will oversee the use of the common resources of the Metropolitan Fire and Emergency Services Board, the Country Fire Authority and the State Emergency Services of Victoria. Before I go into detail, I will comment on what could almost be described as the previous speaker's diatribe.

Hon. B. C. Boardman — You are just so good!

Hon. R. F. SMITH — Mr Boardman just cannot help himself when it comes to a bill that has anything to do with unions. His union-bashing views have reached the point where they are simply boring. I will enlighten him.

Mr Boardman commented on the lack of consultation in his briefing, which was strange. There were no limits placed on the briefing, and the good Peter Ryan, Leader of the National Party in the other place, was so satisfied with the briefing he received that he left early!

Hon. B. C. Boardman — That is one of the reasons why we did not have enough time.

Hon. R. F. SMITH — No-one else left early, just Mr Ryan. The rest were there to answer any questions Mr Boardman may have had.

Hon. B. C. Boardman interjected.

Hon. R. F. SMITH — That hurt!

Mr Boardman's other comments regarding the community support facilitators (CSFs) — —

Hon. Bill Forwood — Do you acknowledge he had to leave to go to Parliament?

The ACTING PRESIDENT (Hon. P. R. Hall) — Order!

Hon. R. F. SMITH — The changes being considered by the Country Fire Authority (CFA) include, firstly, the provision of administrative support officers and community education officers — —

Hon. Bill Forwood interjected.

The ACTING PRESIDENT (Hon. P. R. Hall) — Order! The level of interjection from my left-hand side is unacceptable and does not allow for a proper debate. The house will control itself, and Mr Smith will continue on the bill.

Hon. R. F. SMITH — The changes being considered by the CFA are about providing more support for the volunteer brigades in the areas of administration, recruitment and community liaison. They are about providing a wider reach right across Victoria through awareness education and support for CFA volunteers in outer urban areas, provincial centres and country communities, not just for the 59 brigades served by the CSF arrangement. There are over 1200 brigades across Victoria. The government wants to support many more of the volunteers than the Kennett government supported. The former government ignored their needs and the needs of emergency services volunteers in general.

The role of the commissioner will be to advise, make recommendations and report to the minister on matters pertaining to emergency management. The role will also include establishing and monitoring performance standards for emergency service organisations as well as encouraging cooperation and the effective utilisation of resources. The commissioner will act as the executive officer of the Victorian Emergency Management Council and carry out any other function given to him or her.

The new commissioner will be Mr Bruce Esplin. As even Mr Boardman conceded, Mr Esplin is a highly regarded appointment. He is the former director of emergency management in the Department of Justice. His appointment is welcomed by all organisations and agencies.

The proposed performance standards will be developed through consultation. The organisations referred to will have a statutory obligation to comply with those standards to the best of their ability. As well, under the act the minister can direct the agencies to comply with the performance standards.

At the end of the day the bill is designed to bring consistency to the way firefighting services are delivered in Victoria. The bill is supported by both sides of the house, and I wish it speedy passage.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 3 agreed to.

Clause 4

Hon. B. C. BOARDMAN (Chelsea) — I invite the minister to respond to some of the issues I raised during the second-reading debate. Otherwise, the opposition will pursue them at a later time.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — It might be easier for all of us if we go through the bill clause by clause, as required.

Hon. B. C. BOARDMAN (Chelsea) — Thank you, Minister. I was trying to simplify the process and save some time; however, I understand what you said.

As I mentioned during the second-reading debate, proposed section 4, which is inserted by clause 4, says 'emergency services agency' means the Country Fire Authority, the Metropolitan Fire and Emergency Services Board and the Victorian State Emergency Service — and, as subsection (d) says, 'any other prescribed agency'.

The minister will be aware that the Department of Natural Resources and Environment (DNRE) is the sole responsible authority for the coordination of fire prevention and firefighting management in Victoria's national parks, which account for 30 per cent of the geographic area of the state. That is one example of what the opposition would consider to be a prescribed agency. I ask the minister to confirm that the Department of Natural Resources and Environment will

be subject to the standards the Emergency Services Commissioner will set.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the Department of Natural Resources and Environment (DNRE) is not expressly covered. Proposed section 4 defines the Country Fire Authority, the Metropolitan Fire and Emergency Services Board and the Victorian State Emergency Service as emergency services agencies and therefore subject to the standards. Provision is made for organisations to be added as prescribed by legislation, and they can then be covered. The DNRE is part of the wider emergency management arrangements. The commissioner has reported full cooperation with the DNRE; it is already occurring. The legislation is new so only agencies under the portfolio of the Minister for Police and Emergency Services have been included. If the commissioner recommended such a course ministerial discussion would take place and the addition could be made.

Hon. B. C. BOARDMAN (Chelsea) — That is quite a strange response, because we are discussing a bill that has not yet been enacted. We acknowledge that the commissioner has been announced, but until the bill is passed you do not have, for want of a better description, an Emergency Services Commissioner. The minister says that the DNRE has agreed to be part of it, but I am wondering on what basis that agreement has been made in light of the fact that the legislative framework to formulate that agreement has not yet been enacted.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that that is a future course of action.

Hon. B. C. BOARDMAN (Chelsea) — How can the minister say that that is a future course of action when in his previous response he said that an agreement has been formulated between the appointed commissioner and the DNRE. It is either one or the other — you either have an agreement or it will be a future response. Following on from that, if there has been agreement when the legislative framework does not exist why do we need a legislative framework when these agreements have already hypothetically been drafted?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the commissioner has already been appointed at an administrative level and there is cooperation at this time.

Hon. B. C. BOARDMAN (Chelsea) — The opposition will be pursuing this issue, because the minister is developing a legislative framework. Under what authority is the commissioner discussing these possibilities at the moment if he has an administrative role?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the bill is creating an independent statutory position.

Hon. B. C. BOARDMAN (Chelsea) — We are aware of that, but the minister is suggesting that deliberations and communication between the potentially appointed commissioner and the department have already taken place. I would like the minister to explain on what level those discussions are taking place and to comment on the formality of those discussions.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that they are taking place at an administrative level at this time, and once the legislation has been assented to the position will exist under the legislation.

Hon. B. C. BOARDMAN (Chelsea) — That is a presumptuous statement. If the committee decides that the legislation will not pass, what happens to those agreements?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I recognise the honourable member's comment. As I said in my previous answer, it is currently an administrative position, and not an independent, statutory position as will be the case when and if the legislation passes.

Hon. B. C. BOARDMAN (Chelsea) — We can assume, then, from the minister's answer that the legislation is unnecessary. The government already has the capability to come up with a statewide emergency management plan because the individual concerned is already communicating with the department.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I refer to my previous answer in which I indicated that the position is currently an administrative position and the new position, should the bill pass, will be an independent position.

Hon. B. C. BOARDMAN (Chelsea) — I ask the minister to provide examples of other agencies that potentially have some communication with this administrator at the moment.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that no other agencies are currently under consideration.

Hon. B. C. BOARDMAN (Chelsea) — What is the situation in regard to forest industry brigades? Section 23AA of the Country Fire Authority Act gives the CFA designated areas in which it is appropriate to establish industry brigades. They are at the expense of the relevant owner or owners and they must comply with the requirements dictated by the authority. They are virtually private firefighting services. Will they potentially be considered as prescribed agencies?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that they would exist within the current regulatory framework, and that is not likely to be the case.

Hon. B. C. BOARDMAN (Chelsea) — If we have a current regulatory framework, why do we need the legislation?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the legislation creates the position of an independent commissioner, and that would be the needed in that circumstance.

Hon. B. C. BOARDMAN (Chelsea) — I am aware of what the legislation does. I do not think we are going to get an answer to the question, but I refer to the response of the Minister for Police and Emergency Services in summing up the debate in the other place. He said — —

The CHAIRMAN — Order! The honourable member may not quote that debate. He may paraphrase.

Hon. B. C. BOARDMAN — The minister in the other place said he was not talking about one standard of fire cover but rather many models of fire cover. Considering that the forest industry has a definite role to play when it comes to fire management on its own land, will an industry brigade be considered a prescribed agency for the purposes of this commissioner monitoring its standards of fire cover?

Hon. J. M. Madden — Can I ask the honourable member to repeat the question in a more concise way?

Hon. B. C. BOARDMAN — I do not think I need rephrase the question, but since the minister has asked: I refer to section 23AA of the Country Fire Authority Act. It refers to industry brigades and states:

> The authority may from time to time in accordance with the regulations designate areas in the country area of Victoria in which it is appropriate to establish industry brigades.

Those brigades would be at the expense of the relevant owner, who must comply with the directions of the authority. Certain private stretches of land that are owned and cultivated by the forestry industry for the production of wood and related products have their own fire prevention and management programs; the areas extend to quite sizeable pieces of land across Victoria. Does the potential exist for those industry brigades to come under the auspices of a prescribed agency as described in clause 4?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that because they are under the cover of the Country Fire Authority Act they could be considered by the minister.

Hon. B. C. BOARDMAN (Chelsea) — I also bring to the minister's attention the situation regarding privately owned airports such as Melbourne Airport at Tullamarine. It has its own firefighting services. Will Melbourne Airport or privately owned airports be deemed prescribed agencies for the purposes of the legislation?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that it is not likely that they would be covered under the legislation.

Hon. B. C. BOARDMAN (Chelsea) — Is the committee to interpret the words 'it is not likely' as meaning the potential does exist?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that I cannot give an answer to that on the basis that it is new legislation and has not been trialled.

Hon. BILL FORWOOD (Templestowe) — That is the most extraordinary response a committee has heard in a long time. The minister said it is new legislation and then, Minister, I think you said it 'has not been trialled'. The committee needs to consider what is proposed to be passed. As the Honourable Bob Smith said during the second-reading debate, the bill is important. It was part of the program upon which your party, Minister, went to the people of Victoria last year. You cannot introduce legislation so poorly drafted that you do not know how to answer a question asked of you. I suggest the committee should pause briefly while the minister gets the answer to the question asked by Mr Boardman.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that it is not likely, but the commissioner could consider that at a later date.

Hon. I. J. COVER (Geelong) — I shall follow Mr Boardman's line of questioning, which I have found incisive — and I wish I could say the same for the answers. Mr Boardman referred to airports. I am interested in knowing whether the provision could be applied to seaports. In case the minister is unaware, the port of Geelong is a privatised port and has emergency management programs of its own. Would the definition of 'any other prescribed agency' in clause 4(d) specifically apply to the port of Geelong and its emergency management plan?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that that would be a matter for later consideration by the commissioner.

Hon. I. J. COVER (Geelong) — That is an interesting response given that the committee heard earlier that the commissioner is already doing things. The minister said it would be left until later; therefore, I presume it is not ruled out. Is it possible?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that is the case, should the commissioner consider it.

Clause agreed to; clause 5 agreed to.

Clause 6

Hon. B. C. BOARDMAN (Chelsea) — I refer to proposed section 21B to be inserted by the clause. Will the minister inform the house about the budget of the commissioner's office and the number of staff to be appointed?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that I do not have the details at this point.

Hon. Bill Forwood — But you will get them and make them available?

Hon. J. M. MADDEN — I will ask the relevant minister to supply those to you.

Hon. BILL FORWOOD (Templestowe) — I am pleased the minister will ask his colleague to make them available. I hope the answer is yes.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am not the responsible minister who can give you a yes answer. I will give it my best endeavours to try to accommodate the honourable member.

Hon. B. C. BOARDMAN (Chelsea) — I refer to proposed section 21C to be inserted by clause 6 concerning the functions and powers of the commissioner. Subclause (1)(a) refers to establishing and monitoring standards. What model standards does the commissioner deem to be appropriate?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the commissioner's powers are broad and the emphasis is on a cooperative and coordinated approach — which is the key in this instance — to emergency management. The commissioner's role is in relation to the standards setting and policy advice. The commissioner does not have an operational role in the detailed direction of any emergency service.

The emergency service agencies for which the standards may be set are the Country Fire Authority, the Metropolitan Fire and Emergency Services Board and the Victoria State Emergency Service.

Hon. B. C. BOARDMAN (Chelsea) — Bearing that in mind, will the Emergency Services Commissioner take into account international standards of fire cover?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that he will consider all models of best practice.

Hon. B. C. BOARDMAN (Chelsea) — Will the commissioner take into account standards dictated to him by the United Firefighters Union?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that he will not be dictated to by anybody, and that he must consult with the relevant emergency services agency, using the words of the bill:

> … before arranging for the preparation or the review of the standards.

Hon. B. C. BOARDMAN (Chelsea) — Considering that response was non-definitive, is the United Firefighters Union considered to be an appropriate emergency services agency?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the relevant agencies are defined in clause 4.

Hon. B. C. BOARDMAN (Chelsea) — The minister may be aware that the last documented standard fire cover was in 1980. Is there a proposal for those standards to be updated in the implementation of the legislation?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised the commissioner will review and consider the relevant standards on a regular basis.

Hon. B. C. BOARDMAN (Chelsea) — The Metropolitan Fire Brigade standard is a 7.7 minute response time and the Country Fire Authority standard is an 8 minute response time. Does the minister deem those to be appropriate standards and will the commissioner review the individual benchmarks?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that those standards will be reviewed, considered and monitored accordingly.

Hon. B. C. BOARDMAN (Chelsea) — I refer the Minister to the annual report of the Metropolitan Fire and Emergency Services Board 1997–98, which is the latest I have been able to obtain, and also to the Country Fire Authority annual report for 1998–99. Page 14 of the CFA report refers to risk management. The objective is to implement sound risk management principles across the CFA. It lists intended outputs, key results and key future directions. Page 2 of the MFESB report refers to the mission of the Metropolitan Fire and Emergency Services Board to provide for fire suppression and fire prevention services in the metropolitan fire district. It refers to what I consider to be standards of those two independent autonomous statutory authorities.

Will the Emergency Services Commissioner now dictate the standards that should apply to the complete autonomy of the statutory authorities once the legislation is enacted?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the answer is yes. If you are in the same sort of area you should have the same sort of fire cover.

Hon. B. C. BOARDMAN (Chelsea) — I have already established from the second-reading speech, and as acknowledged by the minister, that the commissioner does not have any legislative jurisdiction to inform or direct the authorities or the agencies to comply with his recommendation. That is the power of the minister under the act. From the minister's answer it can be assumed that he is in a dubious position about separation of powers and that now it will be the minister dictating the standards to independent autonomous statutory authorities.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that your assumption is that they would not comply in that instance. I am advised that they would comply and the minister's direction would only be required in the very last instance.

Hon. B. C. BOARDMAN (Chelsea) — I am not assuming anything here; I am merely asking how the act will operate in practice. I want to make it clear that there are no assumptions about the issues I am pursuing. There seems to be a degree of perceived cooperation between the agencies and the Emergency Services Commissioner. What is the situation if the agencies disagree with a decision of the commissioner?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that they have a statutory obligation to comply with that.

Hon. B. C. BOARDMAN (Chelsea) — Will the minister point that out to me in the bill?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised they are located in a number of clauses. Clause 7 inserts proposed section 6B in the Country Fire Authority Act:

> Compliance with standards of Commissioner
>
> The Authority must use its best endeavours to carry out its functions in accordance with the standards by the Emergency Services Commissioner under Part 4A of the Emergency Management Act 1986.

I am advised the next clause in which it appears is clause 8 which inserts proposed section 7(4) in the Metropolitan Fire Brigades Act:

> The Board must use its best endeavours to carry out its functions in accordance with the standards prepared by the Emergency Services Commissioner under Part 4A of the Emergency Management Act 1986.

I am advised the next provision is clause 9 which inserts proposed section 5(4) into the Victoria State Emergency Service Act:

> The Service must use its best endeavours to carry out its functions in accordance with the standards prepared by the Emergency Services Commissioner under Part 4A of the Emergency Management Act 1986.

Hon. B. C. BOARDMAN (Chelsea) — I appreciate that response, Minister. The wording used in the provision is, 'must use its best endeavours', so it is not a statutory obligation. The Emergency Services Commissioner may make a recommendation about a standard, but the agency could deem that standard to be impractical. What will be the process if that situation occurs?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the emphasis is not on confrontation, but on consultation. I refer the committee to proposed section 21D(1) which states:

> The Commissioner must arrange for the preparation and review from time to time of standards which are reasonably necessary for the prevention and management of emergencies and which all emergency services agencies are to adopt and to use their best endeavours to comply with.

The emphasis is on 'preparation and review'. Proposed section 21D(2) states:

> The Commissioner must consult with the emergency services agencies before arranging for the preparation or review of the standards.

The emphasis is on 'must consult'. Proposed section 21D(3) states:

> The Commissioner must ensure that the manner in which any standard is prepared or reviewed is reasonable.

The emphasis is on 'reasonable'.

Hon. B. C. BOARDMAN (Chelsea) — I will give an example to the committee. The City of Banyule has boundaries between the Metropolitan Fire Brigade and the Country Fire Authority. In the event of an emergency the commissioner may recommend that an area operated by the CFA is not operating to its full potential. What avenue of appeal does the CFA have to either the commissioner or the minister to demonstrate that it is meeting the community's needs?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the bill does not change the boundaries or processes that currently exist.

Hon. B. C. BOARDMAN (Chelsea) — I dispute your comment, Minister, because the provision refers to standards, prevention and management of emergencies. The City of Banyule has an ongoing issue regarding the United Firefighters Union and elected councillors who are criticising the standards of responsible agencies. Is the minister saying that issue will not be considered by the commissioner?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the change of boundaries is not an issue covered by the bill.

Hon. B. C. BOARDMAN (Chelsea) — I know it is not, but the potential exists for the commissioner in monitoring standards to initiate some action. Proposed section 21C(1)(b) states:

> to advise, make recommendations and report to the Minister …

What form will the reports to the minister take?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that it is a matter for the commissioner to develop after consultation.

Hon. B. C. BOARDMAN (Chelsea) — Is the minister saying that the commissioner will have a discretion as to how he interprets the legislation? I would have thought the words 'and report' are definite and specific.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the commissioner will report on matters he deems necessary to report on. I refer the committee to proposed section 21I, which refers to the annual report and states:

> The Commissioner must submit, as part of the annual report of the Department of Justice made under Part 7 of the Financial Management Act 1994, a report on the operation of this Part.

Hon. B. C. BOARDMAN (Chelsea) — There is a distinction between an annual report and a report to the minister as described in proposed section 21C(b). Is it proposed that the commissioner will make recommendations on any issue in relation to emergency management in the annual report?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I believe I qualified my previous response when I said that reports will be made from time to time as determined by the commissioner depending on the matters involved, but that other matters will be reported in the annual report.

Hon. B. C. BOARDMAN (Chelsea) — The annual report is issued once a year. Is the minister saying that before any recommendations can be made by the relevant agencies they will have to wait until they appear in the commissioner's annual report?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Mr Boardman may have misunderstood what I said previously. I qualified my answer by saying that relevant issues would be reported on from time to time depending on the matters at hand. I also said that other issues may be reported on in the annual report as referred to in proposed section 21I.

Hon. B. C. BOARDMAN (Chelsea) — The committee may need to define what 'appropriate from time to time' means. Is it envisaged that the reports referred to in proposed section 21C(1)(b) be tabled in Parliament, published in the *Government Gazette* or made public?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that those reports would be, as would normally be the case in an instance like this, statutory reports, and would also, as mentioned, relate to the matters at hand, whether they were minor or major issues, and how they might be reported, in writing or depending on the relevant circumstances at the time.

Hon. B. C. BOARDMAN (Chelsea) — I take it from what the minister is saying that there are no formal reporting procedures and it is up to the direction of the minister through the commissioner as to how these things are reported?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that these matters would be determined according to normal practice and protocol in this instance.

Hon. B. C. BOARDMAN (Chelsea) — I seek an undertaking from the minister this afternoon that all reports will be made public.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that those reports will be available in the normal manner, as any other departmental reports would be made available.

Hon. B. C. BOARDMAN (Chelsea) — What does the minister mean by any other departmental reports? I seek an undertaking that the specific reports under this act about the standards of emergency management of Victoria will be made public.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that this information would be accessible in the normal ways as per freedom of information requests.

Hon. B. C. BOARDMAN (Chelsea) — Thank you. So they are not to be made public; we have to get them by FOI.

New section 21C(1)(c) inserted by clause 6 provides that one of the functions of the commissioner is:

> to encourage and facilitate cooperation between all agencies to achieve the most effective utilisation of all services;

I bring the minister to the point we raised in clause 4 regarding agencies. The minister said a privatised airport such as Tullamarine could potentially be deemed an agency. Minister, Tullamarine airport, like all international airports, is subject to federal legislation regarding emergency services management issues. It is also subject to international treaties. Without complying with those very strict and regimented requirements the airport does not have a licence to operate. Because Melbourne Airport potentially could be classified as an agency under the act, I would like you to explain how the commissioner will achieve this task.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that this would be done in consultation with those groups.

Hon. B. C. BOARDMAN (Chelsea) — In consultation. Can the minister explain to the house how the Emergency Services Commissioner can override or intervene in commonwealth legislation or an international treaty?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the commissioner would not override, but this is about cooperation, not confrontation.

Hon. B. C. BOARDMAN (Chelsea) — That goes to the point of the relevancy of the commissioner, because when you have existing emergency services plans, whether for the fire brigades or airports or seaports, the commissioner's role is completely irrelevant.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am not sure if that was a statement or a question.

Hon. B. C. BOARDMAN (Chelsea) — It is a statement.

Hon. I. J. COVER (Geelong) — I follow on from the Honourable Cameron Boardman who was dealing with airports. I am dealing with seaports. Earlier in discussion of clause 4 we agreed that at some stage down the track the Emergency Services Commissioner may seek to get himself involved with emergency service management and planning at the port of Geelong. The minister has also mentioned that there will be a process of consultation and cooperation. Has there been any consultation to this point with, say, the port of Geelong about its existing emergency management plan?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that they are currently involved in a process of negotiation, as would be the case under the existing act, but I am also advised that at this time they are not included in this legislation.

Hon. I. J. COVER (Geelong) — 'They' being the commissioner?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Sorry, no, the Port of Geelong Authority. So it is not at this time included in the legislation but, as I have mentioned previously, there is potential for them to be considered by the commissioner.

Hon. I. J. COVER (Geelong) — Perhaps I can give the commissioner a bit of a kick-start in his job should the legislation pass. My advice is that the port of Geelong is currently developing an emergency plan with all the stakeholders, including emergency services and industries that surround the port such as the Shell Refinery — God forbid that some emergency might occur there, but it is one of the things that is a fact of life with an industry such as that. A range of stakeholders, including emergency services, are involved in devising an emergency plan, so perhaps the minister might pass that on to the Emergency Services Commissioner if he wants to get involved. If they finalise this plan and the commissioner decides to go down and get involved, do they start all over again?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I assume that is a question. I am advised that it would be appropriate to consider that in relation to the Port of Geelong Authority or any other instance of that nature if the commissioner were to consider that it should be included under the auspices of this legislation.

Hon. I. J. COVER (Geelong) — I thank the minister for that bit of assistance. I just make the comment that the minister pointed out that the commissioner will play a consulting role. It might be an opportunity for him to consult with the port of Geelong in developing an emergency management plan — which is already being developed. My advice is that the port of Geelong is not even aware of the proposed legislation, and in coming on board the Emergency Services Commissioner will have an opportunity to do some instant consulting.

Hon. B. C. BOARDMAN (Chelsea) — On that point, I mentioned earlier in the context of new section 21C(1)(c) inserted by clause 6 that a function of the commissioner is to encourage cooperation between all agencies:

> to achieve the most effective utilisation of all services …

Can the minister outline any existing potential discrepancies that might affect the utilisation of all services in an act of Parliament?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Can I qualify the question, Mr Chairman? I am just paraphrasing the question. You are asking me to identify where there currently may be ineffective utilisation of services, is that correct?

Hon. B. C. Boardman — Correct.

Hon. J. M. MADDEN — I am advised that that relates to overlaps in existing usage of equipment and the services.

Hon. B. C. BOARDMAN (Chelsea) — In a previous answer, when the minister was talking about overlaps, I assumed he was talking about boundaries. He said this has nothing to do with boundaries. Can the minister qualify his answer?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the use of the word 'overlap' in this instance is not in relation to boundaries but in relation to the use of equipment and some services.

Hon. B. C. BOARDMAN (Chelsea) — I will interpret that the minister is talking inter-service, where the State Emergency Service might form one role and the MFB might form a dual role.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that that relates to the effective use of service in terms of dovetailing those services so that the best service can be provided.

Hon. B. C. BOARDMAN (Chelsea) — Thank you, Minister, but I return to my initial question: can the minister inform the committee of any examples where this is not currently taking place?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that these are hypothetical questions and we could be here all night if I am drawn into that area by identifying them. Obviously there are some that may exist. I do not have that information in front of me, but I am advised that they do exist and that this bill seeks to overcome that situation.

Hon. B. C. BOARDMAN (Chelsea) — I am sure the relevant agencies would be interested in the minister's answer, because if he is implying that they are not performing to their optimum capabilities I would dispute that. They are doing so, and currently the mechanisms exist for them to initiate cooperation between the services to ensure no duplication, which makes this legislation even more irrelevant than we thought.

I move on to proposed section 21D, which refers to standards:

The Commissioner must arrange for the preparation and review from time to time of standards which are reasonably necessary for the prevention —

and so on. Considering my previous statement, whose task is it now to ensure that if there are discrepancies or issues that require intervention from one agency or another the uniform delivery of services is not compromised?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I ask Mr Boardman to repeat the question. There are two angles to it.

Hon. B. C. BOARDMAN (Chelsea) — In terms of the commissioner preparing standards, I am asking about the justification for this particular power because currently, if one agency has duplication with another agency, there are existing mechanisms to ensure that the resources are best allocated to the tasks of those respective agencies. I want the minister to justify why the clause is necessary when that situation is currently taking place.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that an independent person will ensure that they exist. They may well exist at this point in time, but having an independent person to assess it will ensure that they do exist or that they are improved.

Hon. B. C. BOARDMAN (Chelsea) — Considering that this person has a degree of independence, in the situation that will realistically occur with emergency service agencies — for example, a tragedy that is subject to a coronial investigation — whose responsibility is it if the coroner criticises the standards that are in place?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that it is expected that it would be best practice and that that would already have been determined in consultation with the coroner as distinct from other instances where that may not have been the case.

Hon. B. C. BOARDMAN (Chelsea) — Is the minister saying that the Emergency Services Commissioner will consult with the coroner on standards?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the Emergency Services Commissioner is already consulted in that type of instance by the coroner.

Hon. B. C. BOARDMAN (Chelsea) — He does not exist at the moment, so how could he be consulted?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — In that instance — and this is hypothetical — it would be the commissioner who would be the expert on those standards.

Hon. B. C. BOARDMAN (Chelsea) — That comes down to a serious issue of accountability. The current situation regarding coronial inquiries is that the coroner makes recommendations based on the facts presented on that inquiry. Those recommendations are specifically targeted at the responsible authority.

The point I am making is that, by interpretation of the minister's answer, in future coronial inquiries it will become the Emergency Services Commissioner's responsibility to ensure that the recommendations of the coroner are enacted.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that if the coroner were to identify an instance where best practice had not taken place, those recommendations would be made to the commissioner and they would have to be considered accordingly.

Hon. B. C. BOARDMAN (Chelsea) — That is in complete contradiction to the Coroners Act because the coroner, in finding or making recommendations as a result of an inquiry, has to make those recommendations to a specific agency. By interpretation of the minister's answer, he is suggesting that that specific agency now becomes the Emergency Services Commissioner, which removes the relevancy of operational decisions of those agencies, and I suggest that that is a very dangerous precedent.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I ask Mr Boardman to clarify that again. I take it that was a statement, but I ask him to clarify it.

Hon. B. C. BOARDMAN (Chelsea) — It was a statement, but I am sure the minister would appreciate the severity of the situation. A coroner cannot advise a bureaucrat on how to run independent statutory authorities.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that a coroner would hand down a finding and if there was an issue that the commissioner should take on board, he would be obliged to take it on board.

Hon. B. C. BOARDMAN (Chelsea) — Are you therefore saying that the coroner must direct his or her findings to an individual?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that this does not change the role that currently exists for the coroner, but it would be an obligation, as previously mentioned in terms of best practice, that the commissioner would take those findings on board. In circumstances where those practices or standards may have to be readjusted, the obligation would fall upon the commissioner to consider them accordingly.

Hon. B. C. BOARDMAN (Chelsea) — That is a separation of powers issue, because you have effectively dictated to whom the coroner makes his or her findings or recommendations. That is a dangerous situation.

Will the commissioner be able to comment on or prepare standards in relation to existing insurance obligations and contracts that exist between the authorities and insurance companies, and will the commissioner have the ability to prepare standards and make recommendations on existing municipal agreements?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the bill is about fire response and cover, not those issues.

Hon. B. C. BOARDMAN (Chelsea) — New section 21E inserted by clause 6 refers to the commissioner monitoring standards, and states:

> The Commissioner must arrange for the monitoring from time to time of the adoption and compliance with the standards prepared under section 21D.

'From time to time' seems to be a throwaway line and, by definition, is broad. Will the minister give a more formalised response on how it will occur?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised it would be expected to occur on a regular basis and to be determined in some formalised way.

Hon. B. C. BOARDMAN (Chelsea) — Terms such as 'on a regular basis' and 'to be determined in a formalised way' are unsatisfactory. The legislative provision says that the commissioner's findings on the standards must be met. On that basis there must be a more formalised response.

New section 21F deals with the power to require agencies to provide information. What are the legislative or other ramifications of these conditions regarding the 28 days not being complied with by the agencies?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised to direct your attention to clause 7 inserting new section 6C 'Report on compliance with standards of Commissioner', which states:

> The Authority must, at the expiration of each period of three months, report on the action it has taken during the preceding three months to comply with the standards prepared by the Emergency Services Commissioner under Part 4A of the Emergency Management Act 1986.

Hon. B. C. BOARDMAN (Chelsea) — That is the commissioner reporting on the standards. I am asking about the obligation of the agencies. Agencies have received recommendations and standards from the commissioner via the minister, because we identified the fact that that is the legislative imperative, but what is the situation if those standards are not acted upon within the specified time?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the existing acts already cover those issues of compliance.

Hon. B. C. BOARDMAN (Chelsea) — Returning to clause 6, I point out that the provisions of new section 21G(1) and (2), 'Constraints on access to information not to apply', are ambiguous and difficult to interpret. Will the minister give a layman's interpretation?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — New section 21G provides that secrecy obligations do not prevent the disclosure of information to the commissioner. The provision enables agencies to release information to the commissioner, despite any secrecy provision imposed by law. The information released must of course be pursuant to a request by the commissioner and be relevant to the commissioner's functions and powers, and the commissioner is under an obligation not to release such information further except in the course of duty to a person performing duties under this new part of the act.

Hon. B. C. BOARDMAN (Chelsea) — What does the expression 'except in the course of duty' mean? Does that mean that if the minister wants information from an agency and the commissioner has requested it, the minister is entitled to get that information relevant to an ongoing inquiry?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that it is effectively somebody working under delegation to the commissioner.

Hon. B. C. BOARDMAN (Chelsea) — With respect, I should like further clarification of the words 'under delegation'. Is it his or her personal staff or is it other individuals?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised the commissioner has broad delegation powers, and therefore it may be staff or a relevant specialist consultant.

Hon. B. C. BOARDMAN (Chelsea) — I believe that answer refers to new section 21H inserted by clause 6. If the delegation powers are so broad and there is a secrecy provision, how does the secrecy provision come into effect? What level of confidentiality clauses and contracts will be entered into between the people who are under delegation of the commissioner?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that the secrecy provision would apply to the delegate.

Hon. B. C. BOARDMAN (Chelsea) — Is it a formal contractual obligation?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that as those powers are delegated, the obligations that go with them are also delegated, and in this instance that includes secrecy.

Hon. B. C. BOARDMAN (Chelsea) — Proposed section 21I stipulates that the commissioner's report forms part of the annual report of the Department of Justice. I seek an explanation of why the Emergency Services Commissioner does not have to issue an individual annual report of his department.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised it is because his position is part of the Department of Justice.

Hon. B. C. BOARDMAN (Chelsea) — The legislative framework of the now abolished Police Review Board, for example — which had a specific role similar to that proposed for the Emergency Services Commissioner and which also came under the Department of Justice — was such that it had a responsibility to present a separate annual report. I once again ask why the Emergency Services Commissioner does not have the same responsibility.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that he will be adopting the reporting procedures in the Department of Justice as a matter of convenience.

Clause agreed to.

Clause 7

Hon. B. C. BOARDMAN (Chelsea) — I will canvass clauses 8 and 9 in discussing clause 7. I have previously discussed the matter with the minister.

Each clause has the same effect, except that each applies to a different act. The clauses amend the Country Fire Authority Act, the Metropolitan Fire Brigades Act and the Victorian State Emergency Services Act to allow the authority, board or service to use its best endeavours to carry out its functions in accordance with the standards prepared by the Emergency Services Commissioner. The clauses also stipulate that the Country Fire Authority, the Metropolitan Fire and Emergency Services Board or the Victorian State Emergency Services:

> … must, at the expiration of each three-month period, report on the action it has taken during the preceding three months to comply with the standards prepared by the Emergency Services Commissioner …

Clause 7 inserts proposed sections 6B and 6C in the Country Fire Authority Act after section 6A, which refers to the accountability of the authority. Section 6A gives the minister the authority from time to time to make written directions to the authority. It also makes the authority responsible for ensuring that the performance of its functions and the exercise of its powers are subject to the general direction of the minister.

It has been established that the powers, responsibilities and role of the Emergency Services Commissioner are wide, but the manner in which the recommendations and standards are to be implemented is yet to be determined. It has also been established that the responsibility lies not with the Emergency Services Commissioner but with the minister.

I ask the minister to comment on that separation of powers, because although the performance standards and management programs are developed by the commissioner the minister may have to direct the responsible agency to implement them.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that under the previous government those powers were given to the minister to professionalise the arrangement and to ensure an arms-length relationship between the minister and the various authorities.

Hon. B. C. BOARDMAN (Chelsea) — I acknowledge that the powers were initiated by the

previous government. However, I point out that at no stage did the previous minister ever interfere in the operations of the respective agencies. Can the minister comment on my suggestion that the standards required by the minister could have the effect of his being seen to interfere in the agencies' operations?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am advised that although under the previous arrangements the minister had the ability to advise the authorities accordingly, that option may not have been adopted by the minister. I have also been advised to reaffirm that the bill introduces an arms-length relationship and that although it is anticipated that the minister will not interfere, I cannot necessarily give that guarantee in this instance.

Hon. B. C. BOARDMAN (Chelsea) — I thank the minister for his assistance. The Minister for Police and Emergency Services in the other house said words to the effect that the legislation was designed to enable the agency to look after the whole state. However, given that private operators may have different requirements, the relevance of the Emergency Services Commissioner is questionable.

It has also been established that it is the minister's role to ensure that the appropriate agencies are fulfilling their responsibilities and adopting the recommendations made under the Emergency Management Act. I disagree with the explanation given by the Minister for Sport and Recreation, although I appreciate him expressing his views. Rather than the bill keeping the minister at arm's length, it says that the Emergency Services Commissioner has to prepare the directions and that the minister has to tick them off and direct their implementation. That means the minister could find himself embroiled in operational decisions.

It has also been established that the provisions the bill has been designed to meet already exist in the agencies concerned. It is also true that there is a spirit of goodwill between the agencies, despite undue and unfortunate interference from outside bodies, which also gives rise to questions about the relevance of the bill. However, I acknowledge the decency of philosophy behind the bill, which is designed to streamline its effect. I again thank the minister for his assistance during the committee stage.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I thank the honourable member for his comments. I reiterate that the bill requires substantial consultation and that it is based on the goodwill that already exists. The expectation is that the bill will help maintain that goodwill.

Clause agreed to; clauses 8 and 9 agreed to.

Reported to house without amendment.

Remaining stages

Passed remaining stages.

ENVIRONMENT PROTECTION (ENFORCEMENT AND PENALTIES) BILL

The PRESIDENT — Order! Honourable members will recall that earlier today at the completion of the second-reading speech on the Environment Protection (Enforcement and Penalties) Bill I queried whether, in view of the fact that the bill had been amended in the Legislative Assembly, the copies of both the bill circulated in the chamber and the second-reading speech reflected the bill passed by the Assembly.

I have now received advice from the Clerk confirming that an incorrect print of the bill was circulated in the house. This print was of the bill as initiated in the Assembly, and therefore did not contain the amendments made there. The minister has also advised that the second-reading speech did not fully reflect certain amendments made in the Assembly. To correct the record the minister proposes to again move the second reading.

However, to facilitate that I believe an appropriate course of action would be for the house to formally resolve to expunge from the *Hansard* record the second-reading speech that has already been given and suspend the standing orders to enable the second-reading speech to be again moved. The *Hansard* record would then show that the second-reading speech has been expunged but the proceedings following the second-reading speech when this issue was raised would remain on the record.

If the house is agreeable to that course of action, I now call the minister to move the appropriate motion.

Hon. C. C. BROAD (Minister for Energy and Resources) — By leave, I move:

> That the proceedings of the Council immediately following upon the calling of the order of the day for the second reading of the Environment Protection (Enforcement and Penalties) Bill up to the completion of the second-reading speech be expunged from the *Hansard* record, and that so much of standing orders be suspended as would prevent the motion for the second reading of the bill being again moved.

Motion agreed to.

The PRESIDENT — Order! I now call upon the minister to move the second-reading motion. The correct prints of the bill, as it passed the Assembly, will now be circulated in the house.

Second reading

Hon. C. C. BROAD (Minister for Energy and Resources) — In relation to the proceedings that took place this morning on the Environment Protection (Enforcement and Penalties) Bill, I have been advised that the second-reading speech on the bill did not reflect the amendments made in the Assembly, and I now propose to make available the revised second-reading speech. I move:

That this bill be now read a second time.

This bill represents a major step in delivering the government's Greener Cities environmental policy commitments.

The Bracks government is committed to revitalising the Environment Protection Authority. In particular, the government is determined to strengthen the EPA so that it can carry out its fundamental responsibility to the community as an environmental watchdog.

The primary aim of the bill is to strengthen the Environment Protection Act by substantially increasing penalties and enhancing the enforcement capabilities of the EPA.

We have already provided the EPA with an extra $4 million in funding which the EPA is using to establish a specialist audit task force to improve its ability to investigate and catch environmental offenders in Victoria.

But increased enforcement resources on their own are not enough. The Environment Protection Act must contain adequate deterrents to potential environmental offenders.

Accordingly, this bill will raise the financial penalties for general environmental offences in Victoria by an order of magnitude. This bill will bring environmental penalties in Victoria into line with community values.

In implementing our environmental policy commitments, the Bracks government is taking a number of actions to support and encourage the majority of Victorian businesses which do the right thing. We are strongly committed to encouraging businesses which are striving to develop innovative and efficient ways of acting in an environmentally sustainable manner.

However, we also recognise that a small proportion will still, unfortunately, try to make short-term profits by taking environmental shortcuts. These people will fail to live up to the community's expectations for responsible environmental behaviour unless there is effective enforcement of environmental laws.

The key to ensuring that environmental laws provide effective deterrence is to have appropriately tough environmental penalties and visible and effective enforcement.

Recent comments by several Victorian magistrates have emphasised the fundamental deficiencies in the penalties awarded for significant environmental offences. Victoria's current environmental penalties do little to deter environmental offenders. There has been no increase in Victorian penalties since 1990. Victoria's penalties are now significantly lower than those of other states.

For example, a typical pollution offence in New South Wales attracts a maximum penalty of $250 000. In contrast, the maximum Victorian penalty for an equivalent offence is a mere $20 000. Victoria's penalties are so low that some polluters simply treat them as a standard cost of doing business. This illustrates how the Kennett government allowed Victoria's environmental penalties to fall behind the rest of Australia. This bill will redress these gross disparities in financial penalties.

In addition, the bill will also establish some innovative alternative penalty mechanisms. These alternative non-financial penalties can also be used as a deterrent mechanism. Similar alternative penalty mechanisms have been successfully adopted, for example, in trade practices regimes in other jurisdictions.

The bill will ensure that Victorian courts, as well as being able to impose much higher financial penalties, will also be able to apply alternative penalty mechanisms. This will include ordering the offender to publicise the offence and its consequences or to undertake a specified environmental project for the public benefit. The changes introduced by this bill will give Victorian courts the flexibility to impose such penalties.

The bill also includes a number of miscellaneous amendments which will further implement the government's environment policy.

The Bracks government is committed to improving waste management in Victoria. The bill will help achieve this in two ways. First, it will help drive waste recycling and reuse by extending the current landfill

levy to cover all wastes going to landfill. It will replace the current exemption from landfill levy for cover materials with a flat 15 per cent allowance for the use of cover.

Second, the bill will require all regional waste management groups to produce annual business plans.

Regional waste management groups already develop comprehensive long-term regional plans for dealing with all aspects of waste management. The requirement to prepare an annual business plan will assist the groups to translate their long-term waste management frameworks into effective short-term actions.

These business plans will be submitted to the Minister for Environment and Conservation. Ecorecycle Victoria will provide assistance to the groups in preparing their business plans, especially smaller regional groups. This process will allow the groups adequate time and support to prepare their plans. It will also help to ensure sound funding of the groups and their member councils.

Finally, the bill helps deliver the government's commitment to enable EPA to operate as an effective environmental watchdog by enhancing EPA's regulation-making powers.

The existing regulation-making powers as set out in the act do not provide the necessary flexibility for EPA to administer regulations sensibly to protect the environment. The bill will enable EPA to, for example, develop regulations with flexibility to set tailored controls for hay-carting vehicles in rural Victoria rather than applying inappropriate general requirements for trucks.

The bill will also allow EPA to develop regulations to meet the government's commitment to prohibit the supply of solid fuel — wood — combustion heaters that do not meet Australian standard emission requirements. All Australian jurisdictions have agreed to these regulations to protect air quality and most have already implemented them.

The bill also contains some other miscellaneous amendments which will improve the administration of the Environment Protection Act.

In conclusion, the bill I have outlined for you today represents a clear example of the Bracks government's strong commitment to the environment, to a strong environmental watchdog and to delivering our environmental policy commitments.

The bill represents a critical step in re-establishing Victoria as an environmental leader and in giving legislative effect to some key commitments in our Greener Cities platform.

Once again, Victorians can be confident that polluters will pay in this state.

I commend the bill to the house.

Debate adjourned for Hon. P. A. KATSAMBANIS (Monash) on motion of Hon. Bill Forwood.

Debate adjourned until later this day.

APPROPRIATION (2000/2001) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Sitting suspended 6.32 p.m. until 8.05 p.m.

CONTROL OF WEAPONS (AMENDMENT) BILL

Second reading

Debate resumed from 30 May; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. B. C. BOARDMAN (Chelsea) — The proposed legislation lives up to an election commitment of the government where it went to the marketplace and said it would do all sorts of things about community safety, one of which was tightening Victoria's weapons laws to lessen the number of knives on the streets and reduce attacks and violent crimes involving weapons.

Honourable members will recall the recent press conference organised by the Bracks government. The Premier and the Minister for Police and Emergency Services spoke about the new style of leadership. They stood in front of large placards and all sorts of menacing-looking weapons lay on the table in front of them. During the press conference the minister would pick up a weapon and say, 'Look at that; we don't want our kids walking around carrying those things'. The Premier would also pick up a weapon and say, 'It is disgraceful that those types of weapons are available in shops for legal purchase'.

One remembers the fanfare, the degree of public angst and the encouragement given to the government because of its attempt to reduce the number of weapons

on the streets. Suddenly the house has before it for debate the Control of Weapons (Amendment) Bill. But the opposition is awake up to the bill. Although it completely agrees with its merits and supports the legislation in its full context, the bill is nothing more than window-dressing.

Will the minister explain how the amendments prescribed in the bill will do one thing to reduce the number of knives and other offensive weapons on the streets? The bill is a definitional amendment only. It makes the change from 'prescribed weapons' to 'prohibited weapons' and changes 'regulated weapons' to controlled weapons'.

In addition to those small definitional changes, there are amendments that will restrict the sale and distribution of weapons, and also some administrative changes to the granting of approvals for people to have those types of weapons. The bill also makes some administrative changes relating to the return of weapons to people after the weapons have been seized. Those are administrative changes only and will not achieve the government's objectives to reduce the number of weapons on the streets.

Clearly the only way legislation such as this can be effective is through enforcement. The search provisions under section 10 of the principal act are adequate. There is some potential to try to improve on the search-without-warrant provisions, but at this stage they are adequate and serve the purpose and intent of the legislation.

However, mere definitional and administrative changes are not enough to meet the government's well-publicised objective to reduce the number of weapons on the street. I will be interested to hear the minister's response, because the Labor Party used the law-and-order issue as a relevant and definite topic of government administration that it would pursue on election. It is not good enough for the government to introduce a bill like this and say it will have the desired effect. In reality, it will not.

Hon. J. M. McQuilten — This is what the police wanted.

Hon. B. C. BOARDMAN — That might be what the police wanted, Mr McQuilten, but the bill does not do anything to change the administration of the act. It contains the same provisions allowing people to walk around with knives. The knives that are already out there are the problem. It is not the ones that can potentially be sold. I welcome the provisions focusing on lessening the potential of offensive-type weapons on the street. However, solving the existing problem probably requires more than simple legislation. That is the real issue.

In response to the honourable member's interjection, which I acknowledge was genuine, I point out that the police might want those provisions, but it is not the only solution. The police need other provisions to deal with the current situation. Knives are a problem. I speak from personal experience because I was a member of the police force when the principal act was enacted in 1990. I recall the consultation process the former Cain Labor government went through prior to the passage of the control of weapons legislation. The original bill was good. A few administrative issues had to be sorted out, but the bill was a step in the right direction to try to deal with the situation.

It should also be acknowledged that the 'prescribed' and 'regulated' definitions were ones that the Cain government introduced. By changing those definitions this bill will amend a previous Labor government's policy. It is welcome legislation. I acknowledge that the government's intention is reasonable, but the mechanics it is trying to use to justify its intention require further exploration.

During the third-reading stage of the bill I ask the minister to comment on a concern I have about the potential separation of powers issue that may exist for approvals of exemptions of weapons and also of prohibited body armour and so on. Under the existing act, the control of body armour is at the sole discretion of the Chief Commissioner of Police. The chief commissioner can, by way of recommendation to the Governor in Council, exempt any class of persons or individuals who may need to use body armour for whatever reasons. That is in no way limited. There are plenty of examples, particularly with law enforcement agencies that may need to use armour.

The bill is unusual in that proposed section 8C(2) limits the chief commissioner's independence. A prohibited person is one category, and that is reasonable. The bill also limits the chief commissioner's involvement with corrections officers, military officers and police officers in their official duties. The Chief Commissioner of Police must be given autonomy in how he runs his department. Operational independence is integral to the overall independence and efficient operation of Victoria Police. Therefore it should be for the chief commissioner alone, without any influence from government, to decide what resources, equipment and facilities are provided for his officers.

The clear distinction in the bill warns me that the Minister for Police and Emergency Services could potentially dictate to the chief commissioner the type of equipment his members are entitled to use in their operations. I am not suggesting that the minister will not grant a collective exemption for members of the police wearing body armour but it is a warning signal. If the government is heading in the direction of limiting the operational independence of the chief commissioner, in the future the police minister and the government may become even more interventionist and start dictating operational terms to the chief commissioner.

Before the suspension of the sitting honourable members were debating the arguably undue operational influence the Emergency Services Commissioner could have. The current Minister for Police and Emergency Services in the other place recently attempted to intervene in what should have been an independent decision of the Chief Commissioner of Police — that is, the appointment of senior management personnel — and that is a warning sign.

The opposition puts the Minister for Police and Emergency Services on notice. It will not tolerate any further attempts to undermine the independence of the Victoria Police and the chief commissioner in any way. The opposition will highlight any potential conflicts and expose the minister as being interventionist if he tries to have influence which he does not deserve. The bill is a small warning sign for potential conflict of interest. I put the Minister for Sport and Recreation, representing the Minister for Police and Emergency Services, on notice and request a response about that issue.

As I said in my opening remarks, the opposition supports the bill. Moves to control weapons and diminish the potential for injury to be caused by weapons and violent confrontation must be encouraged and supported. The opposition supports the guidelines contained in the bill.

One other small issue relates to the ministerial guidelines in proposed new section 8D, inserted by clause 9. In the principal act the ministerial guidelines on the granting of approvals were general in their application and the minister was always quite responsible in drafting those guidelines. Under proposed new section 8D the guidelines will be quite specific. I ask the minister to explain in the third-reading stage why those guidelines will change from being general to specific under proposed new section 8D(1) and (2).

Overall, the philosophy surrounding the legislation should be encouraged, although honourable members must recognise that the bill is window-dressing and will not do anything in an operational sense to rid the streets of offensive, dangerous and unnecessary weapons.

Hon. D. G. HADDEN (Ballarat) — I support the Control of Weapons (Amendment) Bill. The principle of the bill is to amend the Control of Weapons Act to deliver on the government's pre-election commitments to toughen Victoria's weapons laws and to take one step further towards making Victoria safer in respect of the number of weapons in the community.

Knives are the state's most popular and silent weapons. In the past financial year knives were used in 2137 crimes, which represents an increase of 113 per cent over the past five years. The bill gives effect to the government's pre-election commitments and promises to reduce the number of weapons in the community by implementing the recommendations of a recent review of the legislation undertaken by the Department of Justice.

The bill makes the following changes. It changes the description of the most dangerous category of weapons, such as knives and knuckledusters, from 'prescribed' weapons to 'prohibited' weapons. The change will assist in avoiding confusion between the statutory category of weapons and will better reflect the offensive nature of the most dangerous types of weapons.

Clause 5 more accurately describes the second category of weapons by changing the description from 'regulated' weapons to 'controlled' weapons, and in doing so better reflects the offensive nature of the most dangerous class of weapons. Again this description will assist the community to understand how weapons are categorised. Clause 5, the definitions clause, also incorporates the concept of prohibited person as defined in the Firearms Act into the Control of Weapons Act. As a result prohibited persons, who cannot apply for approval to carry a firearm, will not be permitted to apply for approval to possess, use or carry a prohibited weapon. Prohibited persons include any person who has served a term of imprisonment for a serious offence or a person who is the subject of a family violence intervention order or a supervised community-based order.

Clause 6 further restricts the sale, display and marketing of the most dangerous category of weapons. Proposed section 8C(7), which is inserted by clause 9, will severely restrict the sale of prohibited weapons to people under the age of 18 years. Clause 6 makes it an

offence to sell a prohibited weapon to a person who does not have approval or exemption under the act. It requires a purchaser of a prohibited weapon to prove that he or she has an approval or exemption. Clause 6 also inserts proposed section 5A, which requires a seller of prohibited weapons to ensure that a person attempting to purchase such weapons proves his or her identity. Proposed section 5B requires persons who sell prohibited weapons to record certain details about each weapon sold and to keep those records for three years after the sale.

Proposed section 6(4), which is inserted by clause 7, clarifies the position in relation to a lawful excuse for possessing a controlled weapon by directing the court's attention to the circumstances in which the weapon is carried or used at a particular time.

The penalties for any breach of the act concerning the importation, sale, manufacture, advertisement, and so on of prohibited weapons that contravene the act are to be doubled.

The bill tightens the procedure for the return of seized weapons. Clause 10(7) includes a requirement that any person under 18 years of age be accompanied by a parent or guardian at the police station where the weapon is to be returned. The weapon must be returned within three months of seizure if proceedings for an offence are not commenced or if a decision is made not to commence such proceedings.

The bill also makes a number of important administrative changes. As Mr Boardman mentioned, they include moving the function of granting individual approvals from the Governor in Council to the Chief Commissioner of Police. The change will bring the regulatory regime for non-firearm weapons into line with the firearms licensing system and will be more efficient than the current practice. Importantly, under proposed section 8C, which is inserted by clause 9, the power to grant exemptions for groups or classes of persons including police, corrections officers and military officers will remain with the Governor in Council. That arrangement will ensure that the government retains control over weapons such as capsicum spray, extendable batons and air tasers employed in the administration of the criminal justice system, including the security industry.

Clause 9 also provides for the levying of an administrative fee to cover the costs of processing approvals and exemptions.

Clause 4 transfers the prescription of types of prohibited body armour from the act to the regulations. That change will make the approach to body armour consistent with that of prohibited and controlled weapons. It will also allow for a more accurate and prescriptive definition of body armour, which will assist in addressing legitimate industry concerns about the extent of the current statutory definition of products.

I turn to touch on a couple of matters in relation to the safety of complainants who apply to the Magistrates Court for intervention orders under the Crimes (Family Violence) Act. Under that act it is possible for firearms to be excluded from the prohibitive clauses in intervention orders. It is a relatively complex area of legislation, and I will explain it briefly to honourable members opposite because they do not understand.

In summary, prohibited persons under the Firearms Act include persons who are subject to intervention orders under the Crimes (Family Violence) Act. That is provided for in section 3(c) of the Firearms Act. Under section 189 of the Firearms Act persons who are prohibited persons because they are subject to an intervention order can apply to the court to have their prohibited status waived. In order to have their prohibited person status removed some defendants apply to the court under section 16 of the Crimes (Family Violence) Act to vary, revoke or alter the intervention order.

If the original intervention order includes a specific condition preventing the person from having access to firearms, as provided for in section 5(1)(h) of the Crimes (Family Violence) Act, then the ban on firearms still remains in force until a court removes that specific condition. However, in rural Victoria defendants often apply to the court to vary the prohibited persons status so as not to have their firearms confiscated by the police. That is done by making an application to the court under section 16 of the Crimes (Family Violence) Act.

It is important to note the legal manoeuvring by persons in the community who wish to retain their firearms despite provisions in various acts that are there to protect the most vulnerable in our community — namely women, young people and children. The basic presumption under the Firearms Act is that a person who is subject to an intervention order is a prohibited person who is not allowed to have firearms. To obtain access to firearms such persons need to actively seek a court ruling in accordance with section 16 of the Crimes (Family Violence) Act to overturn their status. The legislation makes the courts responsible for determining whether it is appropriate for such individuals to have access to firearms, and the courts are expected to take into account the specific

circumstances of each case when making a decision on what prohibitions vis-a-vis firearms to place on a person who is subject to an intervention order.

The bill proposes to incorporate the prohibited person definition in the Firearms Act directly into the Control of Weapons Act, which means a prohibited person applying for a prohibited weapons approval will be denied such approval. That is a significant new feature of the bill that should assist the police to more effectively screen out individuals who are considered totally inappropriate persons to possess, carry and use firearms, whether or not they are licensed and registered, and to remove them from the system. It needs to be recognised that is a major advance on the current weapons laws and goes a long way to addressing the issue of dangerous weapons in the community.

As the minister in the other place has said, there will be a review of the schedules, and the government will need to look carefully at the question of which knives should fall under which headings. The legislation and the new regulations will be proclaimed simultaneously, and the fines relating to some categories of offences will be increased. On that basis I support the bill and commend it to the house.

Hon. S. M. NGUYEN (Melbourne West) — I am delighted to enter the debate on the Control of Weapons (Amendment) Bill. I have listened to honourable members from both sides debate the bill, which is one of the most important to be considered during this session.

The bill is about the control of weapons. Before the election the Labor Party promised the Victorian community it would control weapons and make Victoria a safer place in which to live.

If you watch television in the United States of America you see young students carrying weapons such as guns and knives to school. We do not want to see that in Victorian schools. Parents and students want schools to be places to study. In the United States young students carry knives to stab their peers or their teachers. That happens in America, but I am sure it will not happen in Victoria, because the Bracks government is tightening the law on controlled weapons.

Many places around Melbourne are not safe. The government wants to make Melbourne a safe place to live so that people can feel free to go out in the streets or travel on public transport at 10.00 p.m. without fear of people asking them for money or trying to rob them. Many people who work late at night use public transport, and they want to be able to go to bus and tram stops after work and feel safe while they wait for their bus or their tram.

Australia has learnt that people use guns to shoot other people, and the Victorian community feels safer because this state has gun controls. That was a step forward, and the government is now taking Victoria another step forward by tightening the law on people carrying controlled weapons.

People have to take responsibility for the use of weapons. The government will not allow someone who has a record of violence — domestic violence or any other kind of violence — to carry weapons such as knives. The government will ensure that the people who sell knives take responsibility and do not sell weapons to people who may use them to injure others.

The government wants Victoria to become one of the safest places in the world. In Victoria in the past four or five years many young adults under 18 years of age have been involved in taking drugs; they ask people for money to feed their drug habits. Time and again people out doing their shopping or just walking down the footpath feel frightened because they know they could become victims of violence. Therefore, the bill will tighten the control of weapons and ensure the police have more power to control weapons. The bill also ensures that knives kept by parents are kept somewhere safe so that young children cannot use them or even know where they are kept. The bill prescribes a heavy fine for those who breach the law. The Victorian community does not need the violence seen daily throughout the world.

I am pleased that the opposition will support the bill, and I am sure many other people outside this place will support it because they know how important it is to the Victorian community. The bill includes exemptions for certain classes of people to possess prohibited weapons. Those exemptions remain the responsibility of the Governor in Council. Groups that can seek exemption include police and corrections and military officers.

The Honourable Dianne Hadden highlighted the fact that the bill doubles the existing penalty for any breach of the law associated with the importation, sale, manufacture, advertisement, display, purchase or careless use of a weapon.

The bill also tightens the procedure for returning seized weapons where no charges are laid and includes the requirement that any person under 18 years of age be accompanied by his or her parents or guardians at the police station when the weapon is to be returned. The

government encourages the people in possession of, for example, knives to return them to the police, as many Victorians did with measures to control guns in society.

It is important to stress that the bill needs to be debated not only here but also out in the community. I am sure it will be explained in schools to ensure that students understand they cannot carry dangerous objects in their schoolbags. It has happened before. I see many young people going out late at night, attending nightclubs and getting home late. Many carry weapons because they believe the only way to protect themselves and not be attacked is to carry knives.

The bill will stop people thinking they have to carry knives to protect themselves because no-one else will be allowed to carry a knives or other controlled weapons. The police will be in control, and the law will protect all young people who choose to go out at night.

I see many incidents happen, sometimes outside discos, in pubs or at major events. The bill will be of assistance to organisers, who will be able to prepare for functions without fear. We have many festivals in Victoria, as well as many entertainment centres. The government wants people to be able to go to those festivals and centres without fear that someone might harm them with a knife. People are afraid of being stabbed.

The bill will avoid the problem of young people feeling they need to carry knives to protect themselves. The government will try to educate the community so that people understand that it is not right or legal to carry certain weapons. The bill follows the line of what was done with gun control, so action under this legislation will not be unlike what was done in the past.

People know prohibited weapons should not be used anywhere at all. Knives, on the other hand, might be carried at picnics or when going fishing by people who intend to use them for proper purposes. They are not to be used for other than their proper purposes. The bill tightens the provisions on the matter of intention.

In conclusion, the government has moved to deliver on its promise to Victorians. I am happy to say Victoria is already one of the safest places in Australia. The government wants to ensure that no Victorians and no tourists visiting Victoria ever feel frightened about people attempting to do the wrong thing. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

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

That this bill be now read a third time.

I thank the Honourables Dianne Hadden, Sang Nguyen and Cameron Boardman for their contributions. In his contribution Mr Boardman reinforced the intentions of the act and pointed out that knives are more difficult to regulate than firearms because they have a variety of legal and useful purposes.

The bill will provide that possessing and carrying any knife not classified under the stricter category of prohibited weapons must be in accordance with the circumstances in which it is being carried.

The key to the bill is the context in which the carriage of knives takes place. It also gives police more power to address issues involving the possession of knives in certain circumstances. The bill also relates to the sale and marketing of knives and increases the accountability of people who sell knives.

With regard to the role of the Chief Commissioner of Police and the separation of powers, which was also raised in the committee stage of the Emergency Management (Amendment) Bill, the government is committed to maintaining the separation of powers and the transparency of government.

To clarify the role of the Chief Commissioner of Police I point out that exempt classes of persons such as police and corrections officers who use prohibited weapons such as capsicum spray and extendable batons will still require Governor in Council approval. That is not at the discretion of the chief commissioner but must be approved by Governor in Council, recognising again that the government is committed to the separation of powers.

I again thank honourable members for their contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

ENVIRONMENT PROTECTION (ENFORCEMENT AND PENALTIES) BILL

Second reading

Debate resumed from earlier this day; motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Hon. P. A. KATSAMBANIS (Monash) — In speaking on the Environment Protection (Enforcement and Penalties) Bill I point out that the government did not win a majority in its own right in the other place but relied upon a signed compact and agreement with a number of Independents. One of the major tenets of that agreement was open and accountable government. Once more, for the umpteenth time, the government has introduced a bill that is poorly conceived and poorly drafted. It is a bill without a legitimate, fair and open consultation process. As a result, once again legislation has been introduced that is flawed.

We have seen the spectre of a government when legislation has been introduced running around chasing its tail to minimise the legitimate angst and concern in the community over significant changes to the environment protection legislation. The bill affects a large number of stakeholders and business operators, yet neither stakeholders nor operators were properly consulted by the government before the bill was introduced. The government should be condemned for that. I remind the Labor Party of its commitment not only to the people of Victoria but also to the Independents when it signed its response to the Independents charter — the Independents having gifted government to those who now sit on the government benches.

It is important that Victorians be reminded of Labor's commitment. The actions of the government since making that commitment are proof that it has been unfaithful to its word. It has not provided open and accountable government. It has certainly not consulted with the people who need to be consulted before legislation like this is introduced into Parliament.

Having said that, I point out that the bill provides for a wide range of changes to the Environment Protection Act, none of which seem complementary. In many ways the bill is more of an omnibus bill. There is little rationale behind it. It increases penalties, tries to prohibit products with environmental impacts, increases landfill levies and makes all sorts of other changes, but there is no overriding rationale for the legislation as a whole. It is probably fairer to consider the bill an omnibus bill that makes various changes to different parts of the Environment Protection Act rather than as highlighting a direction the government wants to take.

In the area of environment protection the house should be reminded that it was Sir Henry Bolte who, as Premier of Victoria, created the Environment Protection Authority (EPA) and for the first time brought together the various agencies with responsibility for environmental issues within government departments. In 1970 he brought together those agencies to ensure that one authority oversaw the protection of Victoria's environment in an effort to provide the people of Victoria with what all honourable members would agree are the fundamental environmental protections — clean air, clean water and generally a clean environment. Sir Henry Bolte established that authority and appointed a former honourable member for Monbulk in the other place, the Honourable Bill Borthwick, as the responsible minister.

Over the 30 years since Sir Henry took that visionary step governments have acted in a bipartisan way, ensuring that the Environment Protection Authority is properly resourced to police and protect the Victorian environment for the benefit of all Victorians. It should not be underplayed that that support has been from governments of various ilk, but at all times the most beneficial changes and protections have come about when significant consultation has taken place and the Victorian public and stakeholders have been aware of the changes being made.

The government should not lose sight of that as its term in office passes. For environment protection legislation to be effective the public must have confidence in the legislation and understand the direction of and rationale for that legislation. The government would be well advised not to introduce changes such as those in the bill under the cover of darkness.

In case government members believe only opposition members are concerned at the lack of consultation, I will point out some industry concerns. In a letter to Jennifer Wolcott of the Environment Protection Authority, the Australian Industry Group states:

> The AI Group is concerned by the short consultation time allowed for this process.

It further states:

> … 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.
>
> … 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.

That is condemnation of the process undertaken by the government and the responsible minister, Sherryl Garbutt, in the other place from the peak industry group in Victoria, the AI Group.

Western Recycling Pty Ltd in Brooklyn also wrote to me and said:

> The government has expressed surprise that the industry at this late hour is questioning the contents of this bill. The facts are that the landfill operators (key stakeholders) were not consulted on the contents of the bill and only learnt of it indirectly in the last two weeks.

There was no consultation, no direct advice. It is left to the key stakeholders to find out from the media and other interested groups what the government is doing to their industry; what legislative changes the government is bringing in to affect those stakeholders. That is not a good way to conduct government and not a good way to legislate.

The government should understand that the opposition does not oppose responsible, rational and well-thought-out environment protection measures. Over the past 30 years the opposition has shown when in government — under the Bolte regime, the Hamer government, the Thompson government and the Kennett government — that it is prepared to act to protect Victoria's environment.

However, the opposition is concerned about the lack of consultation process and the direction the government has set in its early days. The opposition hopes that given the concern, angst, and negative publicity generated towards the government from the introduction of the bill it has seen the error of its ways and will change and consult with industry and other key stakeholders before producing further legislative changes in this and other areas.

The provisions are well covered in the second-reading speech so I do not propose to labour the house with a lengthy explanation of all the issues. Suffice it to say that part 2 of the bill significantly increases penalties for breaches of many provisions of the Environment Protection Act. It makes significant changes to the penalties — —

Hon. W. R. Baxter — Sixfold.

Hon. P. A. KATSAMBANIS — Mr Baxter says the penalties are increased sixfold, and that is true. There is not just a doubling but increases of 600 per cent, 700 per cent or 800 per cent in some penalties. Some may argue that is good. I would like the government to explain to the people of Victoria how the increase in penalties will provide any real protection for the environment. How will the increase in penalties prove an effective deterrent?

I do not think the government has made out the case strongly enough. I understand that if an organisation transgresses significantly it should suffer more than a slap on the wrist. In actuality it is better to work with industry, to bring in measures in individual industries and businesses that will ensure environmental protection before there is a breach, whether advertent or inadvertent.

It is time the government considered working together with industry to bring in environment protection rather than just considering the other end when breaches have already occurred. It is a matter of education, working with stakeholders and introducing correct procedures. Then it can impose severe penalties. If the government does not work at educating stakeholders all it will be doing is imposing penalties after the horse has bolted.

In many of the areas where significant environmental degradation can occur, no monetary penalty will be good enough. Often it is impossible to reverse environmental damage once it has happened; or if it is able to be reversed it is either extremely costly or takes a significant time. The penalties may be appropriate but I want the government and the authority to demonstrate a commitment to working on the prevention side of breaches of the Environment Protection Act as well as increasing penalties.

Another provision I will examine relates to — as the government has euphemistically termed it in clause 19 — 'change concerning landfill levy'. That is the provision by which the government attempted to impose a new tax of $4 million on the people of Victoria under the cover of darkness. This is not described as an increase in the landfill levy or a new landfill levy but as a 'change concerning landfill levy'. All that clause — of one and a half lines — does is repeal section 50S(4) of the Environment Protection Act. Yet that change will result in the introduction of a new impost on waste disposal, on landfill, of approximately $4 million a year. It was brought in with no consultation with the industry, the effective stakeholders, local government or with any of the private operators of landfills or waste disposal facilities. There has been no consultation whatsoever.

The government had hoped the bill would be passed without people realising it was there, but it was found out. The industry found the provision and made strong

representations to both the minister and opposition members. The Municipal Association of Victoria wrote to the minister on 12 May saying:

> The association strongly supports the view of the ARWMG —

the Association of Regional Waste Management Groups —

> that any changes to the landfill levy should be cost neutral. The bill simply makes all daily cover subject to the landfill levy. It is our view that the proposed amendment is ill-conceived and counterproductive to lifting landfill standards.

The Municipal Association of Victoria said the bill will not do what it is attempting to do. After significant industry and opposition comment on the measure, the bill that was introduced into the other place sought to impose a landfill levy on clean fill that is put over the top of fill in the waste facilities. The concept behind putting clean fill over the top of other sorts of waste in a waste facility is that it will cover the waste to stop further environment degradation, odours, air pollution and birds picking up waste, moving it on and dropping it onto other more sensitive areas, whether they be wilderness areas, forests, people's homes, or wherever. It has a proper environmental purpose. Yet the government wanted to impose a $4 million tax on landfill, which undoubtedly was going to be passed on to the ultimate consumers of waste facilities — that is, the public of Victoria.

A letter dated 19 May and addressed to me by Epping Waste Disposal Enterprises states:

> The use of soils as daily cover has a positive environmental impact and it is quite properly required under our landfill licences. Any policy designed to put an additional impost on daily cover would therefore seem at odds with good environmental outcomes.

Not only is the government taxing the cover but the industry is saying that it is defeating the purpose of the bill. It is not providing for good environmental outcomes — it is defeating them because what is encouraged when fees for waste disposal are increased?

An Honourable Member — Dumping it somewhere else.

Hon. P. A. KATSAMBANIS — Yes; as those who drive around the suburbs and through country Victoria will often see, it encourages illegal disposal of waste into gullies, streams, rivers or creeks or onto the sides of roads or any other waste area. When costs are increased the desire of some people to avoid those costs by dumping waste illegally is also increased. The industry has pointed out that the government's actions will lead to negative rather than positive environmental outcomes.

I have had other submissions from many groups about that provision. In a letter from rural Victoria, the Highlands Regional Waste Management Group of Ballarat said:

> Moreover, this legislative change will adversely affect landfills in regional and rural Victoria, the vast majority of which are operated by local government.
>
> Leviable landfills in our region — and rural Victoria in general — do not import material for daily cover. An important criterion in site selection has been the availability of cover material, usually from the excavation to construct cells of modern design. Repeal of section 50S(4) will effectively penalise councils and other operators that have selected — a usually more expensive site — on the basis of better resource management.

The people who have thought about what they were doing and about positive environmental outcomes and proper resource management would be adversely penalised by the government. I fail to see what positive environmental outcome the government is aiming to achieve.

I was told in a briefing by the Environment Protection Authority that in effect the government was trying to stop waste management facility operators from claiming they were using clean fill when they were filling their site with waste. I have had representations from many groups including the peak body, the Association of Victorian Regional Waste Management Groups. Its president, Cr Bob Beynon, said that if the government and the EPA wanted to achieve that outcome it would not do so by levying a further fee on clean fill because the authority receives a fair proportion of landfill levies anyway — that is, approximately 20 per cent of the $12 million collected to enforce the system.

A letter dated 8 May to the Minister for Environment and Conservation from Cr Bob Beynon states:

> A system of on-site auditing and spot checking would ensure compliance with the existing legislation. There would be no need to amend the current act.

The peak body is saying to the minister, 'You don't need to change the act, repeal the section or levy a $4-million tax. Use some of the money the authority collects to properly audit and police landfills, and you will achieve your aim!'. Of course, the minister would not have found out about it when she introduced the bill because she chose not to consult with those groups. That again highlights what good outcomes the government might get if it left its ivory tower and

comfortable ministerial offices and went out to talk to the affected groups and key stakeholders.

Hon. N. B. Lucas interjected.

Hon. P. A. KATSAMBANIS — As my colleague Mr Lucas says, the government should talk to the real people in the industry.

After introducing clause 19 under the cover of darkness yesterday in the other place, to save face the government had to come in with its tail between its legs, so to speak, and introduce new clauses 20 and 21 in the as-sent print of the bill which were not included in the circulated print tabled this morning by the minister. Those clauses create a new effective rebate of 15 per cent which it is hoped will address the issue I have outlined.

The opposition and the industry will monitor the situation. If any problems arise they will be brought to the attention of the minister, who will I hope heed them and again move to correct them. Once again, the government has learnt the lesson of what happens when it does not consult.

Clause 22 inserts proposed part IXC in the Environment Protection Act and relates to the regulation of waste-emitting products. In a ministerial and authority briefing the opposition was advised that the provision will ensure that wood fire burners or wood heaters in Victoria meet certain prescribed standards. I have major concerns with that provision, as does the opposition generally, because the standards are not spelt out in the bill. What sorts of standards will they be? Whose standards will they be — the minister's, the authority's, or someone else's?

We were told at the briefing that they would be set at Australian standards. I am glad they will be prescribed by regulation, because then the Scrutiny of Acts and Regulations Committee of the Parliament will ensure that the standards are appropriate and subjected to regulatory impact statements. That process will establish the exact impact of the standards on the people of Victoria before they are introduced.

A fear is held by members of the general public that the provision may be used to extend the ban to all solid-fuel stoves — perhaps even to open fireplaces. Although that is a real fear I have had expressed to me, it is to be hoped that it will not be the case. If the government or the authority wants to extend the ban in that fashion it will have to follow the proper regulatory process, which would include a regulatory impact statement being prepared and made available to the house in the usual manner by the Scrutiny of Acts and Regulations Committee.

I will take the government at its word that it is trying to apply appropriate Australian safety standards to wood fire burners and wood heaters generally. That would be a good thing as it would reduce the emission of pollutants into the air. However, because the provision is widely worded, if it were misused it could create significant problems in years to come.

On that note I again put on record that the opposition does not oppose environmental protection measures that are legitimate, properly thought out, well researched and publicised — it supports them. The opposition condemns the government because the bill demonstrates that its commitment to open and accountable government and community consultation was an opportunistic power grab to ensure that it got the signatures of the three Independents on a piece of paper that gifted it government.

Unless the government starts taking heed of those words in practice, in a few years time it will be held to account by the people of Victoria. I hope that when it introduces further similar legislation the government will consult first rather than later so that the house will have good legislation from the start.

Hon. G. D. ROMANES (Melbourne) — In the past couple of weeks much media attention has focused on the dumping of hazardous wastes. That highlights the need for the Environment Protection (Enforcement and Penalties) Bill to strengthen the Environment Protection Authority (EPA) and make it a more effective watchdog.

In answer to the Honourable Peter Katsambanis's accusation about reasons for agreements entered into in the charter with the Independents, I point out that the Bracks government has already shown its commitment by increasing the funding to the EPA by $4 million to enhance its enforcement capabilities. That money has been allocated for a specialist audit task force and to assist the EPA with the extra resources necessary for it to carry out its important functions.

The EPA needs the bill to strengthen it and give it teeth. It has been starved of resources for the past seven years and that has left it far short of the capability it needs to protect the environment. The resources of the EPA have been sorely stretched over that time. On many occasions the buck was passed to local authorities to pick up the tab for enforcement responsibilities.

The past few years has been an era of minimum regulation. Industry has been asked to self-regulate to

protect the environment. Important tasks such as environmental audits have been privatised and left in the hands of contractors. A reasonable direction for the EPA would have been to oversight environmental audits of contractors and non-compliance with legislative requirements. That has not happened to the necessary degree.

As a result, because of its lack of resources in that area, in many cases the EPA has put in place its own operating protocols. It established its own boundaries on investigations and actions it was prepared to take, despite its legislative responsibilities. Local government was left hanging and the buck was passed. Although the EPA could deal with certain situations swiftly and in a timely manner because of its powers, it often failed to act.

My experience as a ward councillor in the City of Moreland from 1996 to 1999 was that in many situations local communities and councils were caught in the middle when the EPA that had been empowered to act failed to do so. Suspected breaches of environmental laws involving, for instance, noise pollution, spray painting and industry emissions, were often left unchecked for long periods, leaving councils with fewer powers and stretched resources to try to work through difficult conflict situations.

If the EPA had had the resources, it could have taken decisive enforcement action to resolve the matter in a timely way. Because of the blurring of responsibilities and the lack of resources, the EPA bowed out of many situations and left councils to struggle through and try to work out resolutions. That situation encouraged some unscrupulous offenders to try to play off the various stakeholders — the council, the Victorian Civil and Administrative Tribunal, neighbours, industry and the EPA. The lack of clarity was used to delay and frustrate compliance and enforcement action and allowed offenders to get away with practices that should not have been tolerated, and the degradation of the environment was allowed to continue.

The bill deals with enforcement and penalties. It is important to acknowledge how difficult the enforcement role is for agencies like the EPA and local government. Agencies that are required to take enforcement action also often have a responsibility to educate communities, businesses and various industry players and to promote, support and encourage good environmental practices.

Under the charters of local councils and the EPA enforcement is usually the last resort, so there can be a conflict of objectives. Those agencies are expected to negotiate with the players, and that can be difficult when the agency is confronted with intransigence or when legal action is required to get results from major offenders.

It is important that in the context of enforcement and penalties the separation of functions within local councils and the EPA is understood as important. I believe the specialist audit task force will go some way towards meeting that need.

The bill substantially increases penalties and the enforcement powers of the EPA. It also provides for a range of alternative penalties so that the Magistrates Court can choose an appropriate penalty. The penalty may include support for other environmental programs of benefit to the community or may require that an offender publicise the offence and the consequences of the offence. The bill gives the Magistrates Court more flexibility in dealing with indictable offences.

By increasing the range of penalties and substantially increasing the maximum penalty the bill puts in place measures designed to act as a deterrent. As I said earlier, developing the matrix that will in the end provide for effective enforcement can also be achieved by providing certainty of follow-up — certainty that offenders will be found out; certainty that someone, and in this case the expectation is that it will be the EPA, will act; certainty that fines will be imposed if after negotiation there is no change in practices; and certainty that charges will be laid if an indictable offence is committed. So, for action and certainty in the community it is important that the environmental offenders be found and dealt with.

The bill also has a range of miscellaneous amendments, one of which relates to clause 19 and the landfill levy referred to by Mr Katsambanis. The intention of extending the levy to cover all waste, including clean fill, is an extension of a waste management program that has developed over many years. It was put in the bill because many waste discarders have rorted the system by putting in general waste while claiming it was clean fill. The measure was put in place to deal with that problem and the compromise by means of a house amendment changes the situation by the insertion of a 15 per cent rebate on clean fill.

The bill was not introduced under the cover of darkness. The number of letters received by members of Parliament over the past few weeks suggests many people have been involved in the debate. It is not an issue that has suddenly been introduced into Parliament and kept from the general public. The objective of extending the landfill levy to cover clean fill and to try

and weed out the waste discarders rorting the system should be borne in mind. The landfill levy was introduced to provide incentives for waste recycling and the reuse of waste. Those incentives apply to clean fill as much as they apply to general waste.

Over the past few years we have seen a bipartisan approach to the issue. Since the days of a former Minister for Conservation and Environment, Steve Crabb, all governments have been committed to cleaning up landfills and encouraging waste recycling and reuse. Victoria has made enormous strides particularly with domestic and municipal waste, and industry is beginning to follow. Victorians are starting to deliver on the objective of substantially decreasing the amount of waste going to landfill. The levies have assisted with the process and have encouraged the diversion from the waste stream of most paper, a substantial amount of plastic drink bottles and other containers, glass, aluminium and steel cans for reuse by recycling.

The various groups concerned in the further improvement of Victoria's performance in waste management, including Ecorecycle Victoria, regional waste groups, local governments and many other industries and stakeholders in the community are looking at a range of ways to further decrease the amount of waste going to landfill.

A major target for the coming year is to examine domestic waste. A third of Victoria's waste is domestic and 40 per cent of that is food. This issue will come under greater scrutiny in the next year to try to encourage the further reuse and composting of food which represents a substantial amount of waste going to landfill.

A big commitment of the Bracks Labor government which will further assist this process is to buy recycled materials. No honourable member would dissent from the fact that a successful recycling program is dependent on creating markets for the products. Therefore, the commitment of the Bracks Labor government to buy recycled materials whenever it can is important.

As I said, the desire to clean up landfills has been a bipartisan one for many years and nonconforming landfill sites have been closed down. Much emphasis has been placed on weighing what is going in and putting in place better management regimes to prevent harmful leachate and other dangerous substances from further polluting the surrounding environment.

The bill provides for further improvements in the management of the waste stream, and that is a requirement for annual business plans of regional waste management groups in Victoria. Those regional waste management groups already have long-term plans, but if we are to seriously tackle some of the environmental issues in the state, those groups need to establish annual business plans and action plans, and therefore make further strides in waste recycling and reuse.

Finally, the bill further enhances the Environment Protection Authority's regulation-making powers by providing for labelling and installation of appliances and other things capable of emitting waste. It provides for tailored controls or regulations relating to hay carting in rural areas — and I am sure Mr Baxter will tell us all about what that can mean for country communities. Wood heaters will be prohibited if they do not meet Australian emission standards.
Mr Katsambanis has mentioned that the Scrutiny of Acts and Regulations Committee will assist in distinguishing between wood heaters and combustion heaters that do or do not meet standards so that we can be sure the regulations introduced complement the legislation and assist with the implementation of its provisions.

This important bill provides for a number of measures that, in conjunction with many other initiatives of the Bracks Labor government, are designed to strengthen environmental controls and ensure that everything possible is being done to clean up the environment and give young Victorians a future.

Hon. W. R. BAXTER (North Eastern) — I briefly join the debate on the Environment Protection (Enforcement and Penalties) Bill to put on record that it is clearly a foretaste of what is to come from the Labor government with its typical attitude of wielding the big stick, not working cooperatively and introducing all sorts of ideological notions such as the house has just heard from Ms Romanes.

I was thoroughly disappointed with the tenor of the minister's second-reading speech. It was Labor Party ideology through and through. The second-reading speech made a gratuitous and unnecessary reference to profits. It reflects the typical Labor hatred of someone making a profit. Members of the Labor Party consider there is something wrong with that, but they fail to understand that employment dries up if businesses do not make profits.

The record of the previous government in terms of the Environment Protection Authority was quite good, particularly if one looks at the emphasis put on

recycling from domestic residences, the formation of Ecorecycle Victoria and the good work done by persons appointed to that body. I am disappointed that so early in her career the Minister for Environment and Conservation in another place has taken the opportunity to replace all bar one member of that council — I fully support the retention of Cr Chambers. That move is an indication of the Labor government's attitude: it does not matter how good people are, Labor will stack those organisations with its friends.

In my home town of Wodonga the increase in household recycling has been dramatic. Seven or eight years ago my household did not have a separate recycling bin, so I used to make frequent trips to the landfill site in Beechworth Road, Wodonga. I hardly ever go there now. My household recycles all paper, cans, plastic bottles, glass jars and the like. I am not claiming to be unique in that regard. The take-up of the recycling concept has been fantastic and that is largely due to the very good work done by the previous government in inculcating that attitude. Of course there is more to be done. There are still some recalcitrants who fail to accept that they have a responsibility to conduct themselves in a certain way in our society. There is nothing new about that and we need to continue working on it.

I am especially concerned about the proposed increase in penalties. When the Honourable Peter Katsambanis was speaking I referred by interjection to sixfold increases. That was just an example. There are also examples of 12-fold increases in penalties. That is an extraordinary increase and no justification for it is provided in the second-reading speech except for some throwaway lines about people rorting the system. We were not given any practical examples. The Honourable Glenyys Romanes referred to the front-page stories in last week's *Herald Sun*. Surprise, surprise! Of course there was a beat-up by the Environment Protection Authority and certain people in the Labor Party when the legislation was before the house. Some fairly grisly photographs were produced but we all know there have been such incidents. We all believe those people should be caught and penalised. To suggest that industry at large behaves in that manner is totally erroneous. I reject the attempt to beat up the issue in that way.

With reference to penalties and the big stick, over the years I have had some unfortunate experiences with some EPA inspectors in country areas. Some of them act like tin gods or jumped-up little Hitlers. I am afraid that that behaviour will be encouraged in those inspectors because of the attitude expressed by the government. I recall one case where an infringement notice for some $600 was issued against a dairy farmer on what I believed were unnecessary grounds.

It would have been far better to negotiate with that dairy farmer and come to a practical solution. To the credit of those in the senior echelons of the Environment Protection Authority they agreed with me and lifted the fine, but it took a bit of work. I am afraid that Victoria will return to the days when those attitudes were prevalent — the Cain–Kirner period. I am not looking forward with any relish to having to intervene because inspectors believe simply because this government is in power they can apply the regulations ruthlessly with a big stick and without working cooperatively with people by pointing them in the right direction and having them behave responsibly.

I reiterate and endorse the remarks of Mr Katsambanis about the total lack of consultation. The minister does not know what consultation means. The same thing is clearly evident in respect of a bill that will come before the house tomorrow. The lack of consultation is evident in respect of the levy on clean fill because I again agree with Mr Katsambanis that what is proposed is totally contrary to what the government is endeavouring to achieve. The EPA regulations require landfill operators to cover each day with clean fill, yet the government was proposing to charge a levy on all clean fill — that is, it was directly contrary to what it is trying to achieve.

The government's approach again indicates a Big Brother, big stick attitude that says, 'We know best and will tell you what to do!'. Fortunately people like Mr Bishop and members of the industry peak groups, such as the Municipal Association of Victoria, got into gear and persuaded members of the government, and eventually the minister, that the minister was wrong. I am pleased to note she has conceded a rebate system, which will help. I say again that the concept was wrong. I hope in future more thought will be given to the best way to achieve what all honourable members agree are laudable aims. If there had been proper consultation the minister would not have fallen into a big hole; she would not have had to dig the hole herself and would not have had to embarrass herself climbing out of it.

I commend Mr Bishop for the work he did. I trust the minister has learned a valuable lesson from this unfortunate exercise and that in future she will take a more conciliatory and consultative approach.

Hon. E. C. CARBINES (Geelong) — I support the Environment Protection (Enforcement and Penalties) Bill. As are many Victorians I am committed to

ensuring the state's environment is protected and its amenity is retained and preserved for future generations. Like many Victorians I am a custodian of the environment and I consider it essential that government take a lead role in continually reassessing legislation that protects it.

The bill delivers on promises that the Labor Party made prior to the state election in its Greener Cities document. It is erroneous to say that the government did not consult with the community. It consulted widely with the Victorian people, who gave it the thumbs up at the election last year.

The bill seeks to strengthen the Environment Protection Authority by increasing penalties under the Environment Protection Act and improving enforcement procedures. The last time penalties were increased was under a previous Labor government. As a decade has elapsed since they were increased obviously the penalties have not kept pace with penalties imposed for similar offences in other states. In Victoria the maximum penalty for an environmental offence is $20 000 whereas a comparable offence in New South Wales carries a maximum penalty of $250 000. The bill brings penalties for environmental offences into line with those in other states and territories.

I consider the increase in penalties will be a powerful disincentive — a deterrent — to people who seek to offend environmentally. The message is very strong. It is unequivocal. It says, 'You pollute, you pay'. The bill also allows for the ability for offenders to be ordered to publicise their offences and the consequences of the offences.

In the recent state budget the Bracks government showed its further commitment to the Environment Protection Authority (EPA) through the allocation of an extra $4 million in funding.

An important part of the bill concerns wood fire combustion heaters. Thousands of Victorians possess and enjoy the warmth and ambience of wood heaters and the bill provides for the implementation of the government's policy on emissions from such heaters. There is clear evidence that wood heaters contribute significantly to air pollution in Australia, and that is certainly the case in Melbourne. One need only drive up the road from Geelong and over the West Gate Bridge on a hazy day, as I do, to see the blanket of smog that covers the city and realise that wood heaters contribute significantly to that. The passage of this bill will prohibit the supply of wood heaters that do not comply with the Australian standards regarding emission requirements. The bill will provide a positive outcome for the quality of air and the environment generally in Victoria, and in doing so will improve the health of its citizens.

Honourable members have heard a lot from the opposition about the part of the bill that pertains to landfill. Under current legislation tip operators are required to cover the material deposited at their sites at the close of operation each night. That is a very good idea because it reduces the chance of any of the deposited material dispersing across the environment and minimises the odour emitted. Currently the material used to cover landfill each night is exempt from the levy imposed on other deposited material. The bill will remove that general exemption and impose a 15 per cent limit on the exemption for cover material. That has been deemed necessary because the EPA advises that some landfill operators are unscrupulous. They claim that huge amounts of material are required to cover their landfill each night and thereby avoid paying the appropriate amount of levy.

The funds that will be generated by the change brought about by the passage of this bill will be used to support Victoria's waste management programs. In addition, the fact that less cover material will be able to be used will cause people to think more carefully about recycling.

Mr Baxter talked about recycling. I have to tell Mr Baxter that the Kennett government had no mortgage on recycling. Recycling was well promoted by the former Cain and Kirner governments and was used in the 1980s. I can remember recycling paper and bottles in the 1980s when I lived in Epping

The Environment Protection (Enforcement and Penalties) Bill also requires regional waste management groups to produce annual business plans. That requirement will aid regional waste management groups to translate their long-term goals and waste management plans into realistic short-term action. Ecorecycle Victoria will assist those groups to develop their plans, which will be submitted to the Minister for Environment and Conservation.

The bill sends a clear and unequivocal message to Victorians that the Bracks government is committed to Victoria's environment. It delivers on Labor's election promises to the Victorian people as a necessary step to ensuring that Victoria once again leads the nation environmentally and takes environment protection seriously. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Hon. C. C. BROAD (Minister for Energy and Resources) — By leave, I move:

That this bill be now read a third time.

I shall address a number of matters that were raised in the second-reading debate. Much was made in this place and in the other place about consultation. I would like to point out that in the briefings on the bill that I have received as the responsible minister it is clear that there has been consultation. Correspondence regarding consultation on the matters the bill addresses goes back to February of this year. Consultation has been extensive and has involved organisations ranging from industry groups and municipal groups to environmental organisations, who have responded on matters covered in the bill over a period of several months following that consultation.

Another matter raised in the second-reading debate was the standards that will apply to wood heaters. In response I will say that the standards that will apply are the same standards that the previous Kennett government indicated would apply but failed to regulate to do anything about.

The other matter raised was penalties. I believe the Honourable Elaine Carbines satisfactorily dealt with that issue in her contribution. In closing, I thank honourable members for their contribution to the debate and thank the opposition for not opposing the bill.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

APPROPRIATION (PARLIAMENT 2000/2001) BILL

Second reading

Hon. C. C. BROAD (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

The bill provides appropriation authority for payments from the consolidated fund to the Parliament in respect of the 2000–01 financial year including ongoing liabilities incurred by the Parliament such as employee entitlements that may be realised in the future.

Honourable members will be aware that other funds are appropriated for parliamentary purposes by way of special appropriations contained in other legislation. In addition, unapplied appropriations under the Appropriation (Parliament 1999/2000) Act 1999 have been estimated and included in the budget papers. Prior to 30 June actual unapplied appropriation will be finalised and the 2000–01 appropriations adjusted by the approved carryover amounts pursuant to the provisions of section 32 of the Financial Management Act 1994.

In line with the wishes of the Presiding Officers, appropriations in the bill are made to the departments of the Parliament.

The total appropriation authority sought in this bill is $68.3 million — clause 3 of the bill — for Parliament in respect of the 2000–01 financial year.

I commend the bill to the house.

Debate adjourned for Hon. R. M. HALLAM (Western) on motion of Hon. Bill Forwood.

Debate adjourned until next day.

NATIONAL PARKS (AMENDMENT) BILL

Second reading

Hon. C. C. BROAD (Minister for Energy and Resources) — I move:

That this bill be now read a second time.

I am delighted to be able to introduce the first bill of this government to amend the National Parks Act 1975 to implement several of its key policy commitments in relation to national parks, in particular the Alpine National Park. The bill reinforces the government's commitment to protecting and enhancing Victoria's outstanding parks system, which plays a key role in the conservation of the state's rich natural heritage and biodiversity. It also reflects the government's commitment to the commonwealth Native Title Act.

In summary, the key elements of the bill are:

to add 285 hectares on the slopes of Mount McKay and the northern shore of Rocky Valley storage, and the Wongungarra area to the Alpine National Park — two key policy commitments;

to add over 100 hectares of former freehold land to Organ Pipes and Yarra Ranges national parks, Kamarooka State Park and Gippsland Lakes Coastal Park; and

to empower the National Parks Advisory Council to advise on proposed park excisions.

Additions to the Alpine National Park

The Alpine National Park is Victoria's largest national park and one of its most significant. The addition of the two areas mentioned above, which total over 13 000 hectares, will enhance the conservation significance of the park.

Mount McKay/Rocky Valley addition

This addition covers 285 hectares and extends from the west of Mount McKay to the northern shore of Rocky Valley storage. It includes some of the undeveloped slopes of Mount McKay, a significant area of undisturbed alpine bog community and significant landscape and recreation values.

The area was recommended for inclusion in the Alpine National Park by the former Land Conservation Council in 1983 after an extensive public consultation process, and legislation to effect this was passed in 1989. However, in 1997, without any prior public consultation or proper explanation, a bill was introduced into Parliament to excise the area from the park and include it in Falls Creek Alpine Resort. The current bill will restore the area's rightful national park status.

Later in this speech I shall outline the government's approach to park excisions and refer to additional measures which aim to ensure that such an excision never happens again.

Wongungarra addition

The Upper Wongungarra addition is an essentially undisturbed, remote and deeply dissected valley located south of the Great Dividing Range south-west of Mount Hotham. The addition covers nearly 13 000 hectares and comprises areas which are recognised as part of the reserve system in the north-east and Gippsland regional forest agreements. It includes high quality stands of old growth forest, important flora and fauna habitat, and the nationally endangered spotted tree frog. The valley also has high landscape values, being visible from the higher ridges of the surrounding park.

The bill provides for deer hunting by stalking to occur in the area, recognising that this activity is permitted in contiguous areas of the surrounding park. The bill also provides that the interests of the current grazing licensees will be unaffected by the inclusion of the Wongungarra area in the park.

Other park additions

Several areas of former freehold land will be added to four parks, as follows:

Organ Pipes National Park — the addition of 13 hectares of land along Jackson Creek, which has been generously donated to the Crown by the City of Brimbank, will consolidate the 1997 park additions in the eastern section of the park. In addition to the City of Brimbank's generous donation, I would also like to acknowledge the extensive revegetation and other work which the Friends of Organ Pipes National Park have carried out on this land.

Yarra Ranges National Park — the addition of four small areas in or on the boundary of the Armstrong Creek and Upper Yarra catchments will increase the protection afforded to those water supply catchments. The bill includes these additions in the designated water supply catchment area of the park.

Kamarooka State Park — the addition of 94 hectares, which was purchased with the generous assistance of the City of Greater Bendigo, will further enhance the value of this significant park on the edge of the northern plains.

Gippsland Lakes Coastal Park — the addition of 16 hectares on the Boole Poole Peninsula will add a further area of purchased land to this part of the park.

Excisions

As previously stated, the bill provides for the inclusion in the Alpine National Park of an area of 285 hectares that was excised in 1997. The government's policy is to prevent such excisions from parks and my government, when in opposition, strongly opposed the excision of the 285 hectares from the Alpine National Park.

This excision by the former government was a significant attack on the integrity of the National Parks Act. It struck at one of the fundamental principles of national parks — that they should, in the words of the preamble to the act, be reserved and preserved and protected permanently. Furthermore, the proposal was developed without any public consultation, and the second-reading speech for the Alpine Resorts

(Management) Bill did not even mention that the bill provided for land to be excised from a national park.

I now wish to state this government's position on excisions from parks under the National Parks Act and set the approach that my government will follow when dealing with any proposed park excision. It does recognise that from time to time there may be justifiable reasons for excising small areas from parks. For example, previous excisions have included small, modified sites containing government houses on park boundaries; areas in connection with the realignment of major roads through part of a park; and the correction of small errors on park plans.

The government is therefore committed to:

dealing with any proposed park excision openly and through a proper process; and

limiting excisions to those that can be clearly justified as minor and as having minimal impact on the park.

To ensure that any proposed excision is properly considered, the minister responsible for the National Parks Act will:

seek the advice of the National Parks Advisory Council on any proposed excision;

table that advice in Parliament; and

include a proper justification for any proposed excision in the second-reading speech for the relevant bill.

This bill assists in implementing those commitments by providing for the National Parks Advisory Council to advise on any proposed excision which the minister may refer to it and for the tabling of the council's advice in Parliament.

Conclusion

The bill will enhance the state's outstanding parks system by adding several significant areas, particularly to the Alpine National Park. It also provides a role for the National Parks Advisory Council in relation to proposed park excisions so that there is greater transparency in dealing with such matters in the future.

I commend the bill to the house.

Debate adjourned on motion of Hon. PHILIP DAVIS (Gippsland).

Debate adjourned until next day.

BUSINESS OF THE HOUSE

Adjournment

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That the Council, at its rising, adjourn until tomorrow at 10.00 a.m.

Motion agreed to.

ADJOURNMENT

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That the house do now adjourn.

Goulburn Valley U3A

Hon. E. J. POWELL (North Eastern) — I raise an issue with the Minister for Small Business, representing the Minister for Aged Care in another place.

The president of the Goulburn Valley University of the Third Age (U3A) recently approached me and asked if any funding was available from the government for a permanent home, with large rooms, for the U3A. At the moment the Goulburn Valley U3A has 90 members across the Goulburn Valley and its classes are held in a number of places. One meets at Vision Australia, a venue that costs U3A $100 a month. Another is held at the North Shepparton Community House and also, out of necessity, in various private homes.

U3A has many and varied classes ranging from art appreciation, book groups, geology and Australian history to theatre groups, jazz appreciation and creative writing. The importance of life-long learning is something I understand and appreciate. I was a member of an all-party parliamentary committee that conducted an inquiry into positive ageing, and I learnt from my involvement in that committee about the importance of life-long learning and, in particular, the value of U3A. It was an excellent committee. The committee found that learning is indeed a life-long process and that it enhances health and wellbeing in everyone. One of the older U3A members, aged about 90, said about the brain, 'If you don't use it, you'll lose it'.

I understand there is funding in the budget to go to the central U3A network for a two-year program to increase its establishment and courses, particularly in rural Victoria. I ask the minister to advise the house how that funding can be made available for accommodation and infrastructure for the Goulburn

Valley U3A to enable it to attract new members and run its courses in one venue.

Security: industry regulations

Hon. D. G. HADDEN (Ballarat) — I raise with the Minister for Sport and Recreation, representing the Minister for Police and Emergency Services in another place, the important issue of ensuring that persons performing the duties of private agents, inquiry agents, security guards and crowd controllers in various venues, whether licensed premises or not, are of good character.

In my electorate some young people, their parents and other adults are afraid to go out after dark because of the incidence of muggings, bashings, assaults and inappropriate behaviour in nightclubs and concerts as well as in the vicinity of such premises as patrons leave. I ask the minister to advise what processes are in place to ensure that persons granted private agents licences are of good character.

Industrial relations: Hume Freeway blockade

Hon. W. R. BAXTER (North Eastern) — I raise with the Minister for Transport in another place, through the Minister for Energy and Resources, a matter I raised in question time earlier this week: the truck blockade on the Hume Freeway near Wodonga. My concern at that time was the impact of the blockade on small businesses and the like.

Tonight I raise the impact of the blockade on some minor roads and the severe damage being done to them by heavy transports seeking to avoid the blockade by taking a detour up minor roads. Those roads are not constructed to carry heavy vehicles, and the recent wet weather, welcome as it is for other reasons, has made the roads even more susceptible to damage.

I refer in particular to Indigo Creek Road in the Shire of Indigo. Trucks have been turning off the Hume Freeway at Barnawartha and using Indigo Creek Road, then entering Wodonga from the direction of Beechworth. The shire engineer estimates that more than $1 million damage has already been caused by the detouring trucks, to say nothing of the safety hazards as the trucks cross bridges not designed to carry such heavy loads.

The ratepayers of the Shire of Indigo and the Rural City of Wodonga are the innocent victims of the dispute. They should not have to shoulder responsibility for repairing the damage to local roads. I call upon the Minister for Transport to negotiate with the municipalities some means of alleviating the burden of repair costs. If the minister believes it is not possible to fund the repairs from his budget, he might consider working cooperatively with the federal government to ensure that ratepayers are not unduly penalised because of an action for which they cannot be held responsible or in any way avoid.

Women: rural summit

Hon. KAYE DARVENIZA (Melbourne West) — I raise a matter with the Minister for Small Business for the attention of the Minister for Women's Affairs in the other place. The Victorian women's summit with the theme 'Growing the whole of the state — issues for regional and rural women' was held in Ballarat on 17 May this year. The summit was a tremendous success with more than 200 women attending. I was pleased to attend the women's summit together with the Premier and nine ministers.

The women who attended the summit developed a number of recommendations and worked in a number of workshops throughout the day and came up with a list of recommendations for the government in the areas of health, education, economic security and employment, community strengthening, safety, and women's leadership.

What action is being taken by the government on the recommendations that came out of the Victorian women's summit held in Ballarat?

Preschools: resources

Hon. B. W. BISHOP (North Western) — I raise for the attention of the Minister for Small Business, who represents the Minister for Community Services in the other place, a matter about kindergartens. We all agree that the children in the state should have access to kindergartens. I know every member in the house has a huge amount of admiration for the young parents, mostly women, who work and fundraise on a voluntary basis to make those kindergartens work. While it is a tough job fundraising for kindergartens, I believe the administration job is much tougher, particularly in the areas that the Honourable Ron Best and I represent where we have small isolated and large regional kindergartens. They range from Swan Hill to Bendigo and from Hopetoun to Mildura. We have received a wide range of representation from kindergartens in those areas.

While it is tough to have a go at fundraising, the toughest issues are the administration areas. More support should be provided by the department on the complex issues of contracts and other administration

areas and files that parents need to go through and check off.

I have had a number of requests for help from the department and also for the provision of office equipment such as computers which would help the young parents to administer the kindergartens. The assistance would be a huge help to those young parents, the volunteers.

Will the minister advise me that those two issues can be addressed as soon as possible so young parents can receive much-needed assistance and relief from the workload in supporting their kindergartens in this area?

Electoral Commissioner: administration

Hon. T. C. THEOPHANOUS (Jika Jika) — I raise a matter for the attention of the Minister for Small Business for referral to the Attorney–General about a recent report by Mr Colin Barry, the Victorian Electoral Commissioner, on the administration of the 1999 Victorian state election which was recently tabled in Parliament in which Mr Barry is critical about a number of people who may have voted outside their electorates. The basis of Mr Barry's highlighting of those issues in his report arises from the fact that Mr Boardman — —

Hon. B. C. Boardman — On a point of order, Mr President — —

The PRESIDENT — Order! Mr Theophanous has tried this before. He is entitled to explore an issue but not in a way that represents an attack on Mr Boardman and in any way impugns him in respect of a wrong action. The honourable member has heard me say that previously. If he wants to make remarks regarding a member there is a procedure for doing so. I give the honourable member that advice based on previous experience.

Hon. T. C. THEOPHANOUS — I thank you for your ruling, Mr President.

The PRESIDENT — Order! Advice.

Hon. T. C. THEOPHANOUS — It is the case that a number of people, potentially including members of Parliament, may have voted outside their electorates in a way that — —

Hon. M. A. Birrell — On a point of order, Mr President, there is no place in this chamber for lazy defamation — that is, for Mr Theophanous, having named Mr Boardman and having been warned by you, to then make comments clearly designed to defame that individual. Mr President, I ask you not to ask him to withdraw — that is for Mr Boardman to do — but to desist. His action is an abuse of parliamentary privilege and an abuse of the adjournment debate. The honourable member should adhere to your ruling, yet in a sly and deceptive way he is clearly trying to get around it. It is improper for him to use the adjournment debate for that and if he wants to make such allegations he should do so by way of substantive motion. If he deals with the matter in that way the opposition will deal with him at that time. There is no opportunity for him to raise such matters during the adjournment debate.

Hon. T. C. THEOPHANOUS — On the point of order, Mr President, I have not made any allegations against Mr Boardman. There was a public debate regarding actions Mr Boardman may or may not have taken in voting, which I do not intend to go into in the adjournment debate. It is also on the public record that as a result of that the matter was referred to the Victorian Electoral Commissioner. The commissioner has brought down a report, which makes a set of recommendations. It is that set of recommendations to which I refer in my adjournment matter. I do not want to go to the issue of what Mr Boardman may or may not have done. I want to go only to the question of what arose in the report as a result of that action.

The PRESIDENT — Order! I made my point. The house procedures provide the opportunity for honourable members to note reports on Thursdays. I will become upset with the honourable member if he transgresses the spirit of what I have said.
Mr Theophanous may make his point but should bear in mind what I have said.

Hon. T. C. THEOPHANOUS — The report brought down by the Victorian Electoral Commissioner states, in part:

> A cornerstone of an electoral system based on multiple, geographically defined electorates is that only those electors who are enrolled and continue to live in the electorate should be permitted to vote for that electorate.
>
> Current electoral law provides that an elector who changes address must enrol at their new address one month after changing address. In practice, however, if an elector does not change their enrolment to the new address, and the elector's name remains on the electoral roll for their 'old' address, then the elector will vote in the 'old' electorate. This is the case even though the elector may have long since left the electorate.

I ask the minister to inquire of the Attorney-General whether the state of affairs whereby people are not pursued when they vote outside their electorate can be rectified in some way so that people cannot vote outside

their electorate and try to obtain an advantage of one sort or another for a particular candidate as a result.

The PRESIDENT — Order! The honourable member seems to ask whether a matter can be rectified. He cannot ask for the amendment of legislation, so I am not sure how he envisages the situation will be rectified. The house will wait for the advice of the minister.

Trucks: licence exemptions

Hon. G. R. CRAIGE (Central Highlands) — I wish to raise a question for the Minister for Energy and Resources, representing the Minister for Transport. The issue I wish to raise concerns a primary producer heavy combination licence exemption for James Taylor from Humevale. Mr Taylor had an exemption approved by Vicroads on 22 May subject to certain conditions. Mr Taylor is willing to undertake the full training course and assessment with a Vicroads accredited provider.

Some exemptions and conditions are listed in the attached documents which will apply until he has held a heavy combination licence for a period of four months. One of those conditions is:

> not to drive outside a 100-kilometre radius of Humevale and not outside of the state of Victoria.

The Vicroads document goes on to say that

> The 100-kilometre radius restriction applied to your licence is a condition of the Vicroads guidelines for exemptions. Consideration may be given to vary the 100-kilometre restriction after you have held the HC licence for three months.

I ask the Minister for Transport to consider shortening the exemption period for one of the other conditions, that is:

> not to drive on a length of road within a built-up area

As most people would know, Humevale is situated in a built-up area and Mr Taylor will find it difficult driving his heavy vehicle at all. He has to go through suburbs to go to either the western area or the eastern area. I seek from the minister an exemption exactly the same as for the other condition of driving on a length of road within a built-up area.

Orbost education centre

Hon. P. R. HALL (Gippsland) — I raise a matter with the Minister for Sport and Recreation representing the Minister for Post Compulsory Education, Training and Employment. It concerns the Orbost education centre, which provides a range of training and support facilities for the Orbost and district community. Operating out of the facility in Orbost are such organisations as the East Gippsland Institute of TAFE outreach, the Centrelink agency, Orbost Telecentre and the country education project. The Far East Gippsland Country Education Project manages the facility.

The current facility is over 20 years old and is in desperate need of major upgrade and maintenance work. It is estimated the cost of the work will be in the vicinity of $80 000 to $100 000.

I ask the minister to convey to the minister in the other place a request that she investigate the possibility of providing government assistance to upgrade the facility, which services a great need for education, training and support facilities to the Orbost and far east Gippsland community.

Dandenong: Hub arcade

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I wish to raise an issue for the Minister for Small Business of importance to Eumemmerring Province which I have raised in this place on a number of previous occasions. It relates to the Dandenong Hub arcade — a significant retail precinct in Dandenong which has recently fallen on hard times and is in need of revitalisation.

On 28 February I wrote to the Minister for Small Business seeking an outline of what programs were available from the government to assist with the revitalisation of the Dandenong Hub and requesting a meeting between the minister and the hub arcade's committee of management. On 12 April I raised the issue in the house because I had not received a reply from the minister to my letter. I have subsequently received a reply on 10 May — some nine weeks after my initial inquiry.

The minister's letter outlines some programs which are available for small business and which would be suitable for the hub arcade, such as the Streetlife program, which I understand was initiated by the Kennett government —

An honourable member interjected.

Hon. G. K. RICH-PHILLIPS — It is one of former Minister Birrell's programs; it would be helpful for the hub arcade. In the penultimate sentence of the minister's letter she states — —

Hon. Bill Forwood — The second last?

Hon. G. K. RICH-PHILLIPS — The second last, Mr Forwood. The minister states in reference to my letter:

> I have also received representations from Mr John Lenders, MLA, and have arranged with the Dandenong Hub management to meet with them.

I am somewhat perplexed by that. In the first instance, the Dandenong hub arcade is not located in the electorate Mr Lenders represents; it is in the area notionally represented by the honourable member for Dandenong, who is now a minister with a number of portfolios and who spends more time in his Collins Street office than his electorate office.

Following the receipt of the letter from the Minister for Small Business I contacted the hub arcade committee of management, which informed me that it had had no contact from Mr Lenders. Therefore, I do not know the basis of the representations that have been made to the Minister for Small Business. More importantly, the committee of management has not been contacted about a meeting, despite what the minister says in her letter about having arranged a meeting with Dandenong Hub management.

Given that the minister stated in her letter that she has arranged a meeting with the management committee, would the minister inform the committee when the meeting will take place, and will she consent to my attending that meeting?

Lake Eildon

Hon. E. G. STONEY (Central Highlands) — I raise with the Minister for Small Business a letter of 9 May that the Minister for Agriculture wrote to her outlining the problems operators around Lake Eildon are having with low water levels and with their tourism businesses. What assistance has the minister been able to offer the operators who have been hit by low water levels through a very difficult season?

Mobile phones

Hon. N. B. LUCAS (Eumemmerring) — On 11 May in this house I raised with the Minister for Small Business the issue of mobile phones and the fact that they emit radiation. At that time the minister advised me that there is uncertainty in the community about the effects of using mobile phones and that it would be a good idea to let the community have some advice on what they should do.

I have noted a further newspaper article on the matter. An article in the *Sunday Herald Sun* of 28 May states:

> Melbourne researchers believe a businessman has suffered permanent nerve damage from a mobile phone.
>
> They say the man … has suffered an unpleasant bruised feeling on the side of his head since making two 1-hour mobile phone calls …

It goes on to say:

> The study has been rejected by the industry-backed Australian Mobile Telecommunications Association.

I have not heard anything further from the minister, and I am concerned that the community needs to be advised about what is going to happen. The minister previously indicated to the house that she would raise the matter with the Ministerial Council on Consumer Affairs.

Given the opinion expressed by Dr Bruce Hocking in this week's newspaper, users of mobile phones are looking to the government for advice about the safety or otherwise of using them. I ask the minister to indicate to the house what action she took as a result of my previous question so that I can feel that something is happening and happening quickly.

Minister assisting the Minister for Workcover: responsibilities

Hon. P. A. KATSAMBANIS (Monash) — I direct a matter to the attention of the Minister for Industrial Relations in her capacity as Minister assisting the Minister for Workcover. During the committee stage of the Accident Compensation (Common Law and Benefits) Bill on last Wednesday evening and into Thursday morning, the minister was asked a series of questions to which, despite significant consultation with her advisers, she was unable to provide answers.

The minister made a commitment to the house that she would seek those answers and provide them to me at an appropriate time. When I questioned her about what an appropriate time was, she volunteered that it would be a week. It has been more than a week since the minister made that statement but I have not received those answers. I request an explanation from the minister as to why those answers have not been provided, and when she is likely to provide them.

Heineken golf tournament

Hon. I. J. COVER (Geelong) — I again raise with the Minister for Sport and Recreation the Heineken Golf Classic, more particularly the public funding outlaid to secure the event. I do so with some trepidation as the minister's responses thus far have been very confusing.

To backtrack, on 15 March the minister said that while he did not have the figures to hand he would 'bring them to the house'. Six days later on 21 March, when pressed, the minister said:

> Those figures will be provided to the house as part of the normal process of departmental reporting through the Department of State and Regional Development.

My question last Tuesday, which was the third attempt, produced this gem from the minister — and I am being complimentary. He said:

> Not unlike the other events that have been secured by the Victorian Major Events Company, many issues associated with the securing of an event are competitive and some are long-range forecasts which I believe are being determined at present.

It is important in seeking a clarification that we — —

Hon. J. M. Madden — On a point of order, Mr President, I am trying to work out whether the honourable member is paraphrasing or quoting because my understanding is that he is not able to quote.

The PRESIDENT — Order! The issue has been raised before. There is an embargo against quoting from a debate in the current session. In this case, the honourable member was quoting from question time, which is really not a debate on a bill, and his question arises from previous answers given. In order to accurately represent what the minister said before, it is reasonable to quote the minister's words because if the honourable member misquoted him, he would be the first to object.

Hon. I. J. COVER — Thank you for your ruling, Mr President, which is not unexpected, I would have thought, because as you quite rightly pointed out, I am seeking clarification.

I am a bit confused by some of the events that have been portrayed by the minister in the lead-up to my question tonight. Yesterday the minister offered the house the following elucidation which, at the risk of his taking another point of order and being overruled again, I will quote. He said of the Heineken Golf Classic:

> It will take place in 2002 and up until 2005. As I indicated in previous answers to similar questions, the expenditure for that event will be in the budget papers in the years in which that money is expended.

I have looked again at table B10 at page 286 of budget paper no. 2, which lists the government's new initiatives costed out to the year 2003–04, and can find no mention of the Heineken Golf Classic. What are we to make of all that? Did Victoria get the event free of charge or did the government forget to include the costing in the budget documents or — —

Hon. T. C. Theophanous — What is the question?

Hon. I. J. COVER — This is the question.

Hon. Kaye Darveniza — Thank God!

Hon. I. J. COVER — You do not have to be so complimentary. Are we to make of it that the cost is too secret to even tell us which program it is hidden in?

Commonwealth Games: shooting

Hon. R. A. BEST (North Western) — I refer the Minister for Sport and Recreation to an issue I have raised with him before relating to the Wellsford Forest area which is used for a number of shooting pursuits. I understand that the government has identified the Wellsford Forest rifle range as the site for shooting events of the 2006 Commonwealth Games and that substantial funding, appropriated under the former government, is being provided for the upgrade of the facility.

I am also aware that because of the template for the rifle range the Bendigo branch of the Victoria Field and Game Association has had to relocate at a significant dollar cost to the club. Having raised the issue previously with the minister, I was delighted when he saw fit last week to add another $25 000 to the funding provided to the Bendigo branch of the field and game association.

However, the problem arises that the future of two other shooting clubs — the Bendigo Pistol Club and the Bendigo Bowhunters — remains uncertain. They have checked with the City of Greater Bendigo and are still unsure where they will be located and what their future may be.

In his previous answers to me on this matter the minister has undertaken to provide the house with information, but it has not been forthcoming. I ask him to provide information urgently to allow the clubs to know where they stand in staging future shooting events.

Port Phillip: skate park

Hon. ANDREA COOTE (Monash) — I direct a matter to the attention of the Minister for Sport and Recreation. An excellent boardwalk extends from Port Melbourne almost continuously to Brighton. A number of homeless people, many of whom have drug

problems, live and sleep in the streets of the City of Port Phillip.

However, not all the children and young people in the area suffer from disabilities or addictions. On weekends many can be seen cycling, skating and scooter riding along the boardwalk. It is a terrific facility, but it does not challenge young people. They want a skate park.

There is a popular skate park in Prahran. The residents of the City of Port Phillip want to establish one in Elwood, with barbecue facilities and a beginners rink. Its construction has been estimated to cost $1.5 million. The City of Port Phillip is seeking dollar-for-dollar funding from the government through the minor grants facility program administered by Sport and Recreation Victoria. I urge the minister to support an excellent project.

PTC: retail lease

Hon. J. W. G. ROSS (Higinbotham) — I raise a matter for the attention of the Minister for Energy and Resources representing the Minister for Transport in another place on behalf of Mr Gerald Wakefield who, at 63 years of age, is employed at the Moorabbin Hub Tattslotto agency near my electorate office.
Mr Wakefield has pursued his problem up every available avenue and has turned to me in desperation. He is not a constituent of mine.

Some years ago Mr Wakefield and a business partner constructed a Tattslotto agency on the concourse at Spencer Street railway station. His partner put up the cash and Mr Wakefield contributed to the enterprise by working up to 72 hours a week for a nominal weekly wage of about $510. I understand that the partnership obtained a six-year lease from the Public Transport Corporation. In accordance with his retirement plans, Mr Wakefield and his partner sold the business. His partner recovered his capital. Unfortunately, the contract they had initially signed required the purchaser to get a five-year lease.

Mr Wakefield has written to the minister, who replied that the matter was out of his control. Mr Wakefield admits his naivety and lack of attention to detail. Nevertheless, at the time of signing the contract the lease had about three years and eight months to run; in other words, the lease needs to be extended by about 16 months.

Mr Wakefield is a decent, hardworking older Victorian who is devastated by the prospect of losing the $65 000 needed to fund his retirement. I predict that the Tattslotto agency will still be operating in years to come. I ask the minister whether he can intervene to exercise some compassion in the case of Mr Wakefield.

Industrial relations: disputes

Hon. D. McL. DAVIS (East Yarra) — I refer the Minister for Industrial Relations to her answer to my question without notice earlier today regarding the government's policy on dealing with violence on illegal picket lines. In the minister's answer to my question — —

Hon. T. C. Theophanous interjected.

Hon. D. McL. DAVIS — Would you be quiet? Just be patient, Mr Theophanous. In answer to my question, the minister indicated that she relied in part on a Trades Hall Council code of practice or conduct on picket lines.

After question time I took the opportunity to telephone the head of the Trades Hall Council, Mr Hubbard, to get some details and a copy of the alleged code.

Hon. T. C. Theophanous interjected.

Hon. D. McL. DAVIS — I told him exactly who I was and had a lengthy conversation with him. I was surprised by what Mr Hubbard had to say, and I seek the minister's assistance to reconcile what Mr Hubbard told me and what the minister said earlier today.

I want to tell the house what Mr Hubbard said about the alleged code of conduct or practice. He said there was no such code of conduct or code of practice. He said he had been meaning to establish one and that my call had jolted his memory. He said, and I paraphrase, 'This is something we should do so that union officials are clear about who must be notified and consulted about picket lines'.

Hon. T. C. Theophanous interjected.

Hon. D. McL. DAVIS — I am quoting Mr Hubbard. I have raised this in good faith to try to gain an understanding of the minister's management of picket lines as the Minister for Industrial Relations. The issue of violence at picket lines has been raised in the house on earlier occasions.

Hon. T. C. Theophanous — Are you sure it was Leigh Hubbard?

Hon. D. McL. DAVIS — Absolutely. Mr Hubbard also said the management of these issues boils down to a situation-by-situation arrangement. I seek the minister's assistance to reconcile what I have been told

by the head of Victorian Trades Hall Council this afternoon and — —

Hon. T. C. Theophanous — Did you tape it?

Hon. D. McL. DAVIS — I had a witness there. I seek the assistance of the minister to reconcile what she told the house today and what Mr Hubbard told me shortly afterwards.

Eastern ring-road

Hon. BILL FORWOOD (Templestowe) — I direct a matter to the attention of the Leader of the Government as the representative in this place of the Premier. I have before me a media release from the Office of the Minister for Transport that states:

> The minister told Parliament that the member for Mitcham, Mr Tony Robinson, had brought to his attention Mr Barresi's push to revive plans for the eastern ring-road freeway, which was originally put forward by the Hamer government in the 1970s.

The long, proposed freeway is commonly known as the missing link. It would run between Greensborough and Ringwood, through my electorate. In the press release the minister refers to what he describes as a Liberal Party proposal to revive plans for a freeway to be built through environmentally sensitive residential areas between Greensborough and Ringwood.

I have consulted with the honourable member for Eltham in the other place, Mr Phillips, and his colleague the honourable member for Warrandyte, Mr Honeywood, and my colleague Mr Furletti, through whose electorates the proposed road is allegedly intended to run. I say to honourable members — and I am sure the previous Minister for Roads and Ports will agree with me, as will the shadow minister for roads in the other place — there is no Liberal Party proposal to build this road. That is what Mr Barresi said in the federal Parliament late last night, and in a media release he put out today he said:

> Mr Batchelor is completely and utterly wrong to assert that I have advocated the construction of a freeway between Ringwood and Greensborough.

The statement refers to Mr Barresi talking about another road that should be built — the Scoresby freeway! Be that as it may, the issue I wish the Leader of the Government to take up with the Premier goes to ministerial and parliamentary standards. I am aware that the Minister for Transport has a track record going back to Nunawading — —

Honourable members interjecting.

The PRESIDENT — Order! I suggest Mr Forwood get off that subject and go on with the question.

Hon. BILL FORWOOD — Thank you for your guidance, Mr President. I ask the Leader of the Government to take up with the Premier the issue of ministerial standards and request that he make guidelines available to enable the Minister for Transport to decide what is true and what is not true.

Burgundy Street–Rosanna Road intersection: traffic management

Hon. C. A. FURLETTI (Templestowe) — I regret that I must commence my issue on the same basis as other honourable members — that is, by referring to the dalliance of the government in responding to issues previously raised. I raise a matter with the Minister for Energy and Resources, as the representative in this house of the Minister for Transport.

Three months ago, on 1 March — a not inconsequential time — I raised with the Minister for Transport the issue of severe traffic congestion that occurs at the intersection of Burgundy Street and Jika Street near the intersection of Burgundy Street and Rosanna Road in Heidelberg. I raised with the minister the grave concerns of my constituents who daily pass through the intersection and of the dangerous conditions caused by the heavy traffic and bottleneck for residents and motorists alike. I raised the fact that in the mornings and mid-afternoons when parents are couriering their children to and from school, creches and the like, the conditions are particularly bad and parents feel exposed to danger.

I appreciate that the issue may involve the Department of Infrastructure making some inquiries and conducting research before responding to my concerns. I also accept the minister's rudeness — —

Honourable members interjecting.

Hon. C. A. FURLETTI — I also accept the minister's rudeness in not acknowledging — —

Hon. C. C. Broad — You cannot expect a response if you carry on like that.

Hon. C. A. FURLETTI — Do you want me to sit down?

Honourable members interjecting.

The PRESIDENT — Order! This is the time of the evening for matters to be put in certain forms to ministers and the time for ministers to respond.

Mr Furletti should continue with the finalisation of his question.

Hon. C. A. FURLETTI — Thank you, Mr President. I fear I now know why I have not had a response.

Hon. C. C. Broad — Why should he respond if you are abusing him?

Hon. C. A. FURLETTI — Minister, I have constituents who are concerned — —

Hon. C. C. Broad interjected.

Hon. C. A. FURLETTI — I am not abusing the minister. I am raising — —

Honourable members interjecting.

The PRESIDENT — Order! We were going well for a while! I suggest that Mr Furletti should succinctly finish his question.

Hon. C. A. FURLETTI — I accept what you say, Mr President, but I am passionate about issues raised by my constituents who are seriously concerned about what could happen to the children who are passengers in their vehicles when driving through this intersection. I an not talking about anything other than a traffic problem. For the Minister for Energy and Resources to say that I am being rude to the Minister for Transport — —

Hon. C. C. Broad interjected.

Hon. C. A. FURLETTI — I accept the minister's rudeness in not acknowledging my question. Over the past three months I have not received an acknowledgment as is customary from most other ministers who say, 'Thank you, Mr Furletti, we acknowledge your concern and we are investigating'.

I am unable to accept the deafening silence that has gone on for three months. It is common knowledge that the ministers in this government work from 9.00 a.m. to 5.00 p.m. They work minimal hours — —

The PRESIDENT — Order! Mr Furletti, we will regard that as being a question to the minister urging him to respond as quickly as possible to your original representation.

Petrol: Buangor garage supply

Hon. R. M. HALLAM (Western) — I refer the Minister for Consumer Affairs to her answer to my question on Tuesday this week about what support she has been able to offer to Mr Oliver, who conducts the general store in Buangor. The minister will be well aware that Mr Oliver has received some notoriety, some fame perhaps, in respect of fuel pricing and is having some difficulty with current fuel supplies. In responding to me the minister reported that her department was having difficulty locating Mr Oliver's telephone number. I ask the minister whether her department has had any more success in locating the appropriate telephone directory, whether she has been able to locate Mr Oliver and have any contact with him, and whether she has been able to offer him any support.

Fireworks regulation

Hon. K. M. SMITH (South Eastern) — I address a matter to the current Leader of the Government and the Minister assisting the Minister for Workcover.

Honourable members interjecting.

Hon. K. M. SMITH — I ask the minister to raise with the Minister for Workcover a serious matter concerning the indiscriminate use of dangerous fireworks. Honourable members are aware of the wonderful legal fireworks displays at events such as New Year's Eve and other major attractions. I am sure the minister is aware that fireworks are being brought into Victoria by the truckload from the Australian Capital Territory, Tasmania, and the Northern Territory. My concern is that fireworks are being used as weapons against people and the police. A number of serious accidents have occurred on Phillip Island and the Mornington Peninsula. Some of the ratbags who use fireworks put skyrockets in bottles and fire them at people.

I ask the Minister for Workcover, who I believe is responsible for this area, to speak to his equivalent state and federal ministers about introducing federal laws that will ban the use of those illegal fireworks, particularly in Victoria. It is an important issue and something that should be addressed very soon before far more serious accidents occur.

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — The Honourable Peter Katsambanis raised with me the fact that last week in the debate on Workcover I gave an undertaking to ask the Minister for Workcover to respond to him within seven days. At the time I raised that matter with the Minister for Workcover, who assured me that he would do that. I apologise for his not having done so. I will speak to the

minister tomorrow and try to get the answer to Mr Katsambanis by the close of business tomorrow.

The Honourable David Davis raised with me an answer I gave to a question today. I stand by that response.

The Honourable Bill Forwood raised for referral to the Premier an issue about the eastern ring-road. I will pass that on to the Premier and ask him to respond to Mr Forwood.

The Honourable Ken Smith raised for me to refer to the Minister for Workcover the serious issue of the importation of fireworks from other states. I know the minister is reviewing those regulations. Mr Smith referred also to trying to get a national approach to the issue. I will ask the Minister for Workcover to respond to him on that matter. Mr Smith may be aware that Victoria has the tightest regulations in Australia for fireworks. However, as he said, there is a problem with their illegal importation. I will ask the Minister for Workcover to take up that matter. He may report to Mr Smith on any progress.

Hon. C. C. BROAD (Minister for Energy and Resources) — Mr Baxter raised with me for the Minister for Transport the truck blockade at Wodonga and the damage being done to minor roads as a consequence. He asked the Minister for Transport to negotiate with the local municipality the alleviation of the associated costs and to seek, if necessary, a contribution from the federal government. I will refer that matter to the Minister for Transport.

Mr Craige requested that the Minister for Transport give consideration to varying certain conditions of a Mr James Taylor's heavy vehicle licence, in particular the 100-kilometre-radius restriction. Mr Craige provided information about that matter and I will pass that on to the Minister for Transport.

Dr Ross also had a matter for the Minister for Transport. Dr Ross asked that the minister consider intervening in Mr Gerald Wakefield's case on compassionate grounds. I will refer that matter to the Minister for Transport.

I will refer Mr Furletti's question, as succinctly put by Mr President, to the Minister for Transport.

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Jeanette Powell raised the need of the Goulburn Valley University of the Third Age for accommodation and infrastructure support. I will raise that matter with the Minister for Aged Care in another place on her behalf.

The Honourable Kaye Darveniza raised for the attention of the Minister for Women's Affairs in another place the recommendations arising from the recent women's summit and asked what measures the government will take to implement those recommendations. I will raise that matter with the minister.

The Honourable Barry Bishop raised the administrative burden being placed on parent volunteers who assist in the running of kindergartens and the need for assistance with administration and office equipment. I will raise that matter with the Minister for Community Services in another place.

The Honourable Theo Theophanous asked a question for the Attorney-General about the appropriateness of voting places. I will raise that matter with the Attorney-General.

The Honourable Gordon Rich-Phillips raised the issue of the Dandenong Hub Arcade and my intention to meet with the manager of that arcade. As I understand it, discussions will be held with the manager of the Hub and if the honourable member would like to attend the deputation he would be more than welcome.

The Honourable Graeme Stoney raised the question of a letter I received from the Minister for Agriculture in another place about Lake Eildon. Everyone feels for not only the businesses but also the residents around Lake Eildon. The Department of Natural Resources and Environment is looking at ways it can assist people around Lake Eildon.

The Honourable Neil Lucas raised the issue of mobile phones, something he has raised with me previously, and a further article that appeared on 28 May regarding a man who suffered bruising on the side of his face, the belief being that it was caused by his mobile phone. My department has been requested to provide agenda items for the ministerial conference and that item will be included.

The Honourable Roger Hallam raised the issue of Mr Oliver of Buangor and his capacity to sell petrol. The government has had a number of conversations with Mr Oliver and I hope to be able to report back to the honourable member very soon.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Dianne Hadden raised the issue of private agents and security personnel being of good character. I will refer that issue to the Minister for Police and Emergency Services in the other place.

The Honourable Peter Hall sought funding for the upgrading of the Orbost education centre. I will refer that to the Minister for Post Compulsory Education, Training and Employment in the other place.

The Honourable Ian Cover referred to the Heineken Golf Classic. Based on the competitive environment in which these events are secured those figures will be reported to the house in the years in which the expenditure has occurred.

The Honourable Ron Best raised the Wellsford Forest shooting range and acknowledged the increased funding of $25 000 for the project. I encourage the members of the pistol and bow hunters clubs to contact Sport and Recreation Victoria to clarify the position.

The Honourable Andrea Coote referred to the issue of a skateboard park along the boardwalk from St Kilda to Brighton. I encourage the City of Port Phillip to seek funding through the normal grant processes.

Motion agreed to.

House adjourned 11.13 p.m.