PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

16 December 1999

(extract from Book 6)

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THURSDAY, 16 DECEMBER 1999

QUESTION ON NOTICE

TUESDAY, 14 DECEMBER 1999

Thursday, 16 December 1999

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 10.02 a.m. and read the prayer.

HEALTH SERVICES COMMISSIONER

Annual report

Hon. M. M. GOULD (Minister for Industrial Relations) presented report for 1998–99.

Laid on table.

PAPERS

Laid on table by Clerk:

Advanced Dental Technicians Qualifications Board — Minister for Health's report of 15 December 1999 of receipt of the 1998–99 report.

Dental Technicians Licensing Committee — Minister for Health's report of 15 December 1999 of receipt of the 1998–99 report.

Freedom of Information Act 1982 — Report of the Attorney-General on the operation of the Act, 1998–99.

Intellectually Disabled Persons' Services Act 1986 — Report of Community Visitors, 1998–99.

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Returns, November 1999 and Summary of Variations notified between 1 October 1999 and 15 December 1999.

Mental Health Act 1986 — Report of Community Visitors, 1998–99.

Met Train 1 — Report, 1998–99.

Met Tram 1 — Report, 1998–99.

Met Tram 2 — Report, 1998–99.

Mt Buller Alpine Resort Management Board — Minister for Environment and Conservation's report 15 December 1999 of receipt of the report for the period 30 April 1998 to 31 October 1998.

Mt Hotham Alpine Resort Management Board — Minister for Environment and Conservation's report of 15 December 1999 of receipt of the report for the period 30 April 1998 to 31 October 1998.

Municipal Association of Victoria Mutual Liability Insurance Scheme — Report, 1998–99.

Optometrists Registration Board — Minister for Health's report of 15 December 1999 of receipt of the 1998–99 report.

Queen Elizabeth Centre — Minister for Health's report of receipt of the 1998–99 report.

Tattersall's — Financial statements, 1998–99.

Transport Accident Commission — Report, 1998–99.

V/Line Freight Corporation — Report, 1998–99.

V/Line Passenger Corporation — Report, 1998–99.

Yarra Bend Park Trust — Minister for Environment and Conservation's report of 15 December 1999 of receipt of the 1998–99 report.

WATER (WATERWAY MANAGEMENT TARIFFS) BILL

Second reading

Debate resumed from 14 December; motion of Hon. C. C. BROAD (Minister for Energy and Resources).

Hon. PHILIP DAVIS (Gippsland) — In speaking on the Water (Waterway Management Tariffs) Bill I express at the outset the opposition's concern at the minority Labor government's peremptory behaviour, which does not accord with the traditions of parliamentary respect.

The bill is a sham. It is unnecessary in achieving the objectives the government set out in the policy statement it took to the 18 September general election and, more particularly, in the minister's second-reading speech. During the course of the debate it will become evident that the minority Labor government is holding Parliament in contempt.

The opposition is concerned at the government's attitude to the legislative process. At an appropriate time the shadow minister, the honourable member for Monbulk in the other place, arranged a briefing for himself, members of the opposition's policy and bills committee and me as the person responsible for dealing with the bill in this chamber.

Members of the policy committee were surprised when advised that a briefing would not be provided. The government's refusal displayed its enormous contempt for the appropriate processes that enable proper debate to occur in Parliament. In the past it has been common practice for opposition members to seek briefings on legislation to enable them to be properly informed. I am disappointed with the government's attitude. Its action shows its contempt for the opposition's position in the parliamentary process. Inevitably the opposition will have to deal with the bill in the committee stage because no briefing was provided prior to its introduction.

I note that one of my colleagues was given a similar rebuff on an earlier occasion. There will be an inevitable consequence of any action on the part of the government in choosing to avoid proper scrutiny or to provide the open and accountable government it has undertaken to provide as part of its pledge to the Victorian community. I am sure other honourable members will remark further on the issue.

The bill is unnecessary. It is an admission by the government that the measures proposed in it can be achieved without recourse to legislation. The minister has already indicated to catchment management authorities (CMAs) that she would issue a direction to them not to collect their waterway management tariffs for this financial year and would also require authorities to reimburse previously collected amounts.

Consequently the bill will deliver by way of parliamentary fiat a symbolic rather than meaningful legislative outcome. That is disappointing. Over many years in this Parliament there has been a bipartisan approach to matters concerning water management. It could be said almost without reservation that regardless of which party has been in government both sides of the house have ultimately concurred on the objective of improving the way land and water resources are managed. The bill demonstrates a remarkable turn of events at a time when the awareness of the community and the concern of the public about these matters is at a heightened level, particularly in rural areas. The existing level of bipartisanship seems to be dissipating in favour of political opportunism. It was opportunism that in the lead-up to the 18 September election led to the waging of a campaign in western Victoria by the Australian Labor Party to undermine the good work carried out by CMAs.

The CMAs are successor organisations to institutional arrangements that had existed in Victoria for many years. The River Improvement Act was the basis on which the original river improvement trusts were established and empowered to manage waterways. The trusts required and were given the support of the community to implement management initiatives to better improve the security of streams and protect them from the long-term environmental damage that was obviously perceived to be a danger from Victoria's early years, particularly in north-eastern Victoria — as Mr Baxter would be aware — and Gippsland.

The bill will have considerable long-term implications because it demonstrates that the minority Labor government does not understand the implications of its actions. It does not understand how the whole-of-catchment management principles have been established or the history of the evolution of the management of Victoria's land and water resources. It does not understand that approximately one-third of all farmers have made very significant financial commitments through Landcare organisations by participating in Landcare groups and doing ongoing work. It does not understand that using their own funds probably about two-thirds — say 65 per cent — of all farmers are actively involved in land management activities on private land that have been supported by the government. It is clear that the minority Labor government completely fails to understand there is a requirement for the proprietors of the 54 per cent of land in Victoria that is under private ownership and management to also make a commitment.

The work that has been undertaken through the evolving nature of whole-of-catchment management arrangements, which include the very modest financial contributions that have been made by the community in Victoria in places where CMA tariffs have been levied, has been a significant fillip to private land-holders who have been investing thousands of dollars of their own resources over time. It is of great concern that the minority Labor government simply does not understand the consequence of its actions.

The legislation is of great concern to land and waterway managers and has created enormous uncertainty about programs. Catchment management authorities are in limbo — in suspended animation — and have no idea how the bills will be paid. The government has denied at least one of them access to more than 60 per cent of its annual revenue — the West Gippsland Catchment Management Authority has no revenue as a result of the proposal. The funds promised by the government to the authorities are inadequate. Opposition members will return to that in detail later in the debate. The replacement of the $17 million collected in the past financial year with $5.35 million this financial year is inadequate.

The programs cannot deliver for three reasons: firstly, the inadequate level of funding proposed for the 1999–2000 financial year; secondly, and more importantly, the funds are not yet available; thirdly, funding among the authorities is uncertain. Authorities are expending funds assigned to project work on paying staff and keeping the doors open. It is a disgrace from a government administrative perspective.

The Australian Labor Party (ALP) announced a policy prior to the election and the government is determined to implement it; and within the constraints of the legislation it has the power to do so, notwithstanding the inadequacies of the policy. Despite its having the

administrative capacity to implement the policy the minority Labor government has no idea of the uncertainty that has come into the lives of authority managers and employees, and contractors anticipating the maintenance work required for waterway management, as a result of its actions. Equipment is idle. The enormous investment in plant and equipment that would ordinarily be used on significant works during the lower rainfall months — this time of the year — when access to streams and rivers is possible is not being utilised. The government's actions are hypocritical and smack of political opportunism.

In 1992 the outgoing Kirner government was committing $3 million a year to waterway management. From 1998 the Kennett government increased the state commitment to $8 million and gave it direct to waterway management authorities. It was part of the total state and national commitment of about $140 million to catchment management, and it was boosted to the tune of about $17 million by the tariffs CMAs collected from private property owners. It was a partnership between the community and the government.

If the government determines to fund the works in a different way it will inevitably have to compare its priorities, including what it wants to spend on schools, hospitals, law and order and other matters. People who believe in a long-term commitment by the minority Labor government to sustaining the effort in waterway management achieved over the past seven years are deluding themselves. The evidence before us today is that that is not the intention. Given that the government is allocating $5.35 million for waterway management when the levy collected $17 million, how will the effort be sustained?

I refer to the remarkable second-reading speech. I cannot believe that any minister, even when reading a second-reading speech on behalf of a minister in another place, would repeat such a shambles. The minister said the catchment management levy was 'a completely new tax imposed on Victorians outside the metropolitan area'. That statement displays the most surprising ignorance.

Hon. R. A. Best — Not surprising ignorance.

Hon. PHILIP DAVIS — It surprises me, Mr Best, that a minister representing another minister would read that out, demonstrating that she does not comprehend what she is reading!

Her statement is clearly wrong: it was not a new tax. The levy was collected based on the contributions of the people who live in catchments. The arrangements have been in place since 1948, when the first river improvement trusts were established following the enactment of legislation in the same year. The improvement trusts focused on Gippsland and the north-east. As I said, the levy was not a new tax; it was a charge the community was prepared to pay. They were keen participants in river management and were therefore prepared to make a contribution to it.

I refer again to the second-reading speech which states:

> Funding for catchment health should be provided from whole-of-government funds, not from levies imposed on local communities.

That abrogates the partnership role that is critical to the success of Landcare. About 11 years ago a former Premier and then the Minister for Conservation, Forests and Lands, Joan Kirner, and my great friend Heather Mitchell, who regrettably died three weeks ago but who was then the president of the Victorian Farmers Federation, were instrumental in introducing an important initiative that became a national concept. Those two women had the vision and the foresight to use the patronage to which they had access to create what has been a successful program involving a partnership between individual communities and government — from the grassroots to the national government level. The program has achieved great improvements in attitudes to and action on land management.

That leads me to my next point. In the second-reading speech, the minister also said:

> It is the responsibility of government to set the strategic direction for catchment management in Victoria …

That is a complete contradiction of the ethos of land and waterway management that has evolved in this state over 100 years, particularly since 1948 and latterly with the establishment of Landcare. The ethos is based on the notion that the improvements in land and waterway management are achieved not through a top-down or a centralist bureaucratic approach but through a bottom-up approach — that is, through people at the grassroots, those who have an active and personal interest in the land and the catchment, driving the initiatives. The 870 Landcare groups in Victoria are an inspiration, and they should be acknowledged as such by city-based members of Parliament, who clearly do not recognise the importance of the partnership between the community and government.

Later in the second-reading speech, which displays a good deal of ignorance about issues of principle, the minister said:

> The bill before the house ensures that a tariff may only be set in respect of properties to which a direct service is provided.

For heaven's sake, how on earth can anybody in a catchment deny that he or she shares in the consequences his or her actions have for the riverine environment? The consequences of the bill, which are alluded to in the second-reading speech, include removing the legislative base that gives those within a catchment who share responsibility for the impacts they have on the riverine environment the opportunity to also share the cost. The only people who will have to meet the expense of the 'direct service' will be the owners of properties on the banks of the streams. The consequences of the proposal are horrendous.

The government's arbitrary action will impose a significant charge on individuals who happen by chance to be the occupiers of properties within a riverine environment. They are not necessarily the people who should be bearing the significant part of the costs resulting from actions in the catchment as a whole. The importance of whole-of-catchment management is lost on this minority city-based Labor government.

Hon. C. C. Broad — What about all our country members? Have you forgotten about all those seats you lost in the last election?

Hon. PHILIP DAVIS — I am not sure where the minister's seat is, but I did not realise it was a rural electorate.

I refer further to the second-reading speech, which contains the amazing admission:

> I can advise the house that using powers as minister administering the Water Act, the minister has advised catchment management authorities of an intention to issue a direction that they are to suspend the proposed catchment management levy for the current financial year.

There is the admission that the bill is not necessary, because the action can be taken by administrative order. It is surprising that the Parliament should be used in such a way. The second-reading speech further states:

> The government has undertaken to provide funding to support the continued work of the authorities and discussions are taking place with each authority to determine its works priorities for the remainder of the financial year.

I say to the minister and the government, 'For heaven's sake, $5.35 million is insufficient to replace the $17 million in levies collected in the past financial year. It is a sham and a disgrace!'.

Hon. W. R. Baxter — People were conned; they were promised a total replacement.

Hon. PHILIP DAVIS — That can be added to an already long litany of lies. It was a lie to say the funds collected would be replaced; they will clearly not be replaced.

The second-reading speech refers to comments made during the last Parliament by the then Minister for Conservation and Environment, the Honourable Marie Tehan, when she appeared before the Public Accounts and Estimates Committee. She said the catchment management levy contributed only 10 per cent of the total amount spent on catchment management services. It is referred to as if it were a major reason for abolishing the levy. The then minister was clearly making the point that the levy was a point of leverage that enabled local communities to go to both state and federal governments to put a strong argument in favour of funding important, high-priority works in their catchment. That is exactly what occurred.

Victoria has a proud record of gaining significant support from the commonwealth, not on the back of initiatives taken by important bureaucrats who run departments and advise ministers but as a result of initiatives taken by community groups such as Landcare, the catchment management authorities and the CMA implementation committees.

Those groups made strong representations and achieved significant funding contributions from the commonwealth through the National Heritage Trust. It has been achieved as a consequence of funds being committed by local community organisations through the catchment management authority levy which has led to protection work within the catchment. The commonwealth government has supported that through its trust funding. Without the concept of community participation it will be more difficult for the Victorian government to make representations to the commonwealth for matching funds.

The minister's second-reading speech alluded to revenue already collected from this year's assessments being refunded to ensure that the benefits of the government's decision would apply across the state. I have no problem with that principle, because it is important to be consistent. I accept that it was Labor Party policy to suspend the catchment management authority levy and I accept that by administrative decision that can be achieved. It is important that consistency is achieved, but I am worried about the cost of implementing the policy for those authorities that have already collected the levy and now have no

operating funds because they have to return it. The cost of collection is significant and there is no proposal to reimburse those authorities for the cost of collection.

I will be interested during the committee stage to hear the response of the Minister for Energy and Resources to some of the points I have made about the minister's second-reading speech. I have raised serious questions that require answers, and I am confident the minister will agree with me that for posterity the parliamentary record should contain the basis on which the policies were implemented. I do not see any evidence of the basis for the decision in the policy statements made so far.

At this stage the concerns of the house should be directed to what is occurring in some waterway districts. I refer to the *Border Mail* of 1 December which has the headline, 'Waterway Projects Scrapped'. Mr Baxter will be aware of this article because it goes to the heart of the problems I have alluded to about the actions of the government. The article states:

> More than $760 000 of waterway works in the Ovens River and Blackdog Creek will be scrapped because of Victorian government funding cuts, the North East Catchment Management Authority implementation committee chairwoman has said.
>
> The head of the Ovens, King and Blackdog implementation committee, Mrs Judy Griffiths, said the catchment authority had expected to receive $826 000 from its waterway tariff but that had been abolished by the government and replaced with a $413 000 grant.
>
> 'It's made us stop a huge amount of work because we don't have our money,' she said.
>
> Mrs Griffiths said three waterway projects along the Ovens River and Blackdog Creek, valued at more than $200 000, would not proceed.
>
> 'As well $110 000 worth of further maintenance works in Wangaratta, Beechworth, Myrtleford and Bright will not be able to be done'.

The comments in the article are an indication of what is occurring throughout rural Victoria.

Hon. W. R. Baxter — A very graphic one.

Hon. PHILIP DAVIS — Yes. It illustrates my point that it is an entirely inadequate approach to public policy to go to an election, make a promise and then not deliver in the first month! It is an absolute failure and a disgrace. I personally feel aggrieved by it. Many people have put in considerable work to develop proper land and water management systems over many years. Government members would not appreciate that most of the work is voluntary or honorary. Not only is most of the work undertaken by volunteers, but also many of them pay for equipment hire, use their own equipment to do the work, or buy the material. It is appalling. The actions of the Labor government and the minister demonstrate that they do not understand what they are doing in rural Victoria, notwithstanding that they perceive they touched a chord at the election in rural Victoria — a decisive result for some seats in central Victoria. The reality is the government does not understand the nature of the issues that are important to rural Victoria.

An article in the *South Gippsland Sentinel-Times* of 23 November headed 'Matching grants' refers to a Mr Ashton, the chief executive officer of the authority in the region, and states:

> Mr Ashton said a waterway management tariff had been in place in the area for many, many years.
>
> He also said he was concerned that the region had now lost the ability to attract matching grants.
>
> 'Through federal and state grants, we turned $1 into $3', Mr Ashton said.

The evidence is there in north-eastern Victoria and west Gippsland. The article further states:

> Asked if the board was now in limbo, Mr Ashton said, 'Only in a funding sense'.
>
> 'We're operating on a minimal type works situation, and we're hesitant to go into overdraft', he said.

That is a polite way of saying, 'We cannot do any work because we have no money, have no security and we will have trouble paying the bills'. I feel for Mr Ashton, who as the chief executive officer of an authority, has a public duty to care for the catchment, but is unable to effect his obligation.

I refer to an article in the *Latrobe Valley Express* of 6 November headed 'WGCMA rates staff redundant'. We are seeing not only the impact of reduced catchment works but also the effect on people's lives by this high-handed approach to public policy. The Labor Party does not care about the effect its policy decisions will have on people's lives. Reduced funding will affect the jobs of people employed by authorities to ensure the work is done. The article states:

> Four staff in the rates office at the West Gippsland Catchment Management Authority (WGCMA) have been made redundant as a result of the state government's decision to scrap the compulsory water levy.
>
> Two staff remain (a supervisor and manager) to tie up loose ends; however both have also been told they will finish up as will a contract computer employee.

I cannot understand how anyone can accept this is a proper state of affairs — it is a sham and a disgrace. An article by Genevieve Barlow in the *Weekly Times* of 17 November states:

> Fears also remain widespread that on-ground revegetation and other environmental works funded by the levy may still face the chop, despite government assurances to the contrary.

Of course there is concern about that! On the one hand the government says, 'We will replace the funding you lose', but on the other hand it says, 'We are going to divide it by about four'. What's the story? I look forward to the government giving a commitment to reinstate in full the funding required this year.

The article in the *Weekly Times* continues:

> But Labor's pre-election promise to replace the levy with general revenue funds of $5.3 million for the rest of this financial year and $10.7 million for the next year have left doubts among CMA boards.

It is hardly surprising they have left doubts!

> Last year, the levy raised $17 million …

It is somewhat surprising that the government thinks it can treat rural Victoria so shabbily when it knows that it owes its position on the Treasury benches to the support of a number of rural electorates at the recent election.

One of the interesting items I found when looking for background material for the debate was a press release from the Minister for Environment and Conservation dated 16 November, which says:

> The Bracks Labor government is committed to ensuring that there is no reduction in essential works and services, particularly during the summer and autumn months when many of these activities were normally carried out.

The suggestion that there is something peculiar about delivering services to the catchment in summer months displays the appalling extent to which the minority government and the minister responsible for implementing the policy are ill-informed about catchment management! The reality is that the works required in catchment management have an indefinite impact — day by day, week by week and month by month, all year round. I do not know how one can say it more clearly. The minister's statement signifies an inadequate understanding of the services delivered by catchment management authorities. It is as though the minister has never read an annual report of a catchment management authority, has never had a briefing or sought to inform herself on the subject — and it is clear that the government has not done so. The minister who has the carriage of the bill in this place is also ill-informed, which surprises me, given that I understand she has a personal interest in the environment.

In considering the impact the bill will have on the authorities, it is useful to try to grasp the implications of the funding cuts the changes will deliver. The impacts include significant job losses; the economic flow-on to contractors and suppliers; the abandonment of catchment works, which has already occurred in some instances; a significant reduction in community involvement; and severely reduced on-ground works outcomes.

Approximately half of the part of Victoria I represent is taken up by the Gippsland lakes catchment. Many programs of great importance to water quality in the Gippsland lakes will be put at risk as a result of the government's appalling decision to implement the changes outlined in the bill. As a result Victoria will be unable to develop an integrated catchment management approach in cooperation with landowners and other stakeholders. If no funds are available to do the work, it will be hard for the authorities to act as catalysts in ensuring a continued commitment to programs that until now have been shared or joint partnership agreements.

It is clear that the funding requirements will impact differently on each authority. In the case of the West Gippsland Catchment Management Authority, the funds required to replace in full the tariff levy less the cost of collection is $3.4 million — that is net, after collection costs. Using simple arithmetic the opposition estimates that of the Australian Labor Party's $10.7 million commitment for a full year — even if it were funded at the full-year level, which it will not be — the authority's share will be only $2.2 million, which represents a shortfall of $1.2 million. To put it another way, notwithstanding the fact that funding has been slashed this year from $17 million to $5.35 million, even if one accepts that the catchment management authorities will somehow survive financially beyond this financial year, they will still have funding deficiencies next year. For example, as I said, the funding deficiency for the West Gippsland Catchment Management Authority will be $1.2 million. The consequences of year-by-year ongoing deficiencies such as that will be significant. I am surprised the government demonstrates such ignorance on the matter.

Based on what is currently proposed, on my estimate the revenue of the East Gippsland Catchment Management Authority could fall by $414 000. That authority has a much smaller revenue base than the West Gippsland authority because it has fewer rateable properties. Although it is a smaller business, the impact

is in proportion. Given the loss of revenue, the authority will cease to be viable, which will have employment implications. The number of permanent staff could be reduced by at least four, and the employment of six casual employees could also be terminated.

All the catchment management authorities, including the East Gippsland authority, have business commitments that include the leasing of plant and equipment and buildings. If the staff reductions occur, that plant and equipment and those buildings will be under-used. What will that achieve? The answer is not a great deal! That is the consequence of implementing a deficient proposal.

In referring to Australian Labor Party (ALP) policy I do not want the minister to misunderstand my point. I am not arguing that the minority Labor government does not have the right or the capacity by administrative decision to change the way in which catchment management authorities collect revenue. That power exists, and I have no problem with the responsible minister exercising her authority in that regard and implementing ALP policy. But the problem is that the policy is deficient. The government should say, 'Yes, the opposition is right. The information we were provided with when we formed our policy was inadequate', or 'We just can't do our own arithmetic'. I suspect the latter might be more accurate, given the two references on page 19 of the policy document under the heading 'Our Natural Assets', which state that the ALP will abolish the tariff.

That is fine, but it misses the point. I return to my earlier comment about hypocrisy. Before 1992, when Labor was in government, it was contributing only $3 million a year of state government funds to waterway management. The Kennett government increased that figure to $8 million a year, paid directly to waterway management authorities. That was part of the comprehensive package of $140 million from state and federal funding. In its policy document Labor sets out its view that the catchment management levy would be abolished, but it does not talk about funding. It states:

> The funding profile for this policy is detailed in Labor's Reviving Regional Rural Victoria policy.

Labor's policy clearly sets out the deficiency I alluded to earlier in funding estimates. It is obvious that the Labor Party, going into the election, somehow presumed that tariffs would be collected for the first six months. That is to say, in the estimates provided in the funding arrangements on the line item 'Regional and rural development policy — Abolition of catchment management authority tax', the estimates provided for 1999–2000 were $5.35 million; for 2000–01, $10.7 million; for 2001–02, $10.7 million, and so on to 2003.

Not only has Labor underestimated the requisite funds required for the net replacement of the catchment management tariff, it has stupidly — because there is no other word for it — made a presumption that somehow mysteriously half of the tariff would be collected in the first half year, and if the government abolished the tariff for the second half year everything would be okay and you'd get a net outcome. I think that is what Labor was trying to say. If it is not, the government is more deceitful than I thought.

Labor members have said to Victorians, 'We will replace the catchment management authority tariff in full', but they are not even trying to do that. I can draw only two conclusions and I am not sure which is correct. The first is that, through ignorance, they cannot understand and comprehend how the tariff measures actually work; and the second is that they have been duplicitous, and that is regrettable.

I refer the house to the history of waterway management in Victoria. Prior to 1980, 28 river improvement trusts were formed as a result of the implementation of the River Improvement Act 1948. Those trusts covered districts including the flood plains of most major rivers in Gippsland and the north-east.

The Water Act 1989 — the current legislation — had a level of bipartisanship in that negotiations took place over the two or three years leading up to the adoption of that act. During the committee stage on that legislation amendments were moved by both the government and the opposition, which eventually led to the statute under which we now operate. A high level of cooperation led to good legislative framework, which provided for better management of our waterways in this state. It is important that we maintain that level of bipartisan support.

The Water Act broadened the responsibilities of the river improvement trusts so that they could undertake works to improve river health, including erosion control, water quality enhancement, stream bank revegetation, drainage, and flood plain management. It is also important to note that waterway district boundaries were designed by ministerial orders, and over the past decade waterway management authorities have been encouraged by successive governments to expand their districts to the whole catchment and cover all land-holders, including regional centres. That approach implies an evolving approach to the management of our waterways.

The first whole-of-catchment tariffs were not instituted by a coalition government but rather, in 1987, by the then Labor government. The first whole-of-catchment tariff was in the Mitchell catchment in 1987 followed by the Ovens, East Gippsland and the Tarwin catchments in the late 1980s and early 1990s. Therefore, we are seeing an act of gross hypocrisy. The evidence presented in the introductory comments on the bill support my proposition that the government has acted with significant hypocrisy in trying to win the support of country Victorians on the basis of an ill-informed and ill-founded approach to exploiting, through a perception of ignorance about the issues, some fears and concerns by rural voters.

The campaign by the then Labor opposition of winding people up and trying to create a concern about the tariff was without question a successful political strategy. But was it responsible? Was it in the interests of the community or the management of our catchments? Clearly it was not. It was straight-out political opportunism of the worst kind, the sort of thing that we have come to expect from political parties with no interest in the fundamental issues that affect rural Victoria.

In the event that the bill receives the support of Parliament, I hope at the very least the government will reconsider its promotion of divisive opinions on catchment and waterways management, as they are critical and fundamental to the health, wealth and wellbeing of our rural communities.

With an objective to achieve $12 billion by 2010 for agricultural exports, it goes without saying that the health of our catchments and the health and cleanliness of our waterways are critical to those objectives. We must have an adequate clean water supply, a water supply that is available for both residential and domestic consumption, but importantly for manufacture, and we should be able to preserve and restore the harmony of our catchments for our children and future generations.

The actions Parliament takes now may be beneficial in an opportunistic and partisan political sense, but I believe they will cause great detriment to the interests of all Victorians.

Hon. E. C. CARBINES (Geelong) — I am pleased to speak in support of the Water (Waterway Management Tariffs) Bill. The passing of the bill will be warmly received in Geelong Province, the electorate I represent, because the bill seeks to abolish the levy that was imposed on all property owners in catchment management districts by the former Kennett government. Geelong Province comes under the auspices of the Corangamite Catchment Management Authority, which levied all property owners in my electorate $32. Geelong Province residents were extremely angry about the levy from its inception. It was unpopular. They resented paying it because it was unfair, unnecessary and regressive.

Mr Philip Davis was quite right in saying I took part in a campaign. However, it was initiated by residents of Geelong Province who came to me and asked, ‘What can you do to help us to try to get rid of the levy?’. A petition bearing 8000 signatures and calling for the Kennett government to abolish the levy was circulated throughout the province and was served on the former government earlier this year. That residents were prepared to commit themselves to signing the petition demonstrated their opposition to the levy.

So hated was the levy that I received many phone calls from residents — even Colac residents, and Colac is not in Geelong Province — who wanted access to the petition. Property owners, landlords and businesspeople wanted to register their protest by signing the petition to the Kennett government to ensure that it listened to what rural and regional people were saying.

The anger of Geelong Province residents was also demonstrated at a public meeting held in May this year at the Geelong West town hall. It was a massive public meeting — the town hall was packed to capacity and there was standing room only. Contrary to the suggestion of the Honourable Philip Davis there was no need to wind people up because they wanted their concerns to be heard, they wanted to be represented and they wanted a campaign conducted to abolish the levy. A variety of speakers spoke at the meeting. One of the most poignant speeches was given by an elderly lady who represented the local senior citizens club, the Geelong West Senior Citizens. She told the packed meeting of the difficulty pensioners were having finding the $32 from their budgets to pay the levy, and was at pains to point out that $32 is a lot of money to people who do not have much money at their disposal.

In addition to various speakers from environmental groups the meeting was addressed by the then Leader of the Opposition, Mr Brumby, who is now Minister for State and Regional Development in another place. He pledged that if Labor were elected to government it would abolish the catchment management levy. In introducing the bill the government is fulfilling an election promise. I am pleased Mr Phillip Davis recognised that in his speech.

The bill abolishes the right of catchment management authorities (CMAs) to levy a general charge on all properties that fall within a catchment management district. It also provides for authorities to level a specific charge on properties that will receive a direct benefit from any drainage or flood plain management schemes.

I turn to the clauses of the bill. Clause 3 constrains catchment management authorities so they may charge a levy only on properties that benefit directly from regional drainage or flood plain management services. I understand that three schemes fall into the category: the Pental Island levee banks scheme, the Lough Calvert drainage scheme and the Snowy Brodribb drainage scheme.

Clause 4 proposes to insert a new section to follow section 260 of the Water Act. The clause clarifies the mechanism by which the catchment management authorities may levy a charge. Clause 5 inserts a new section to follow section 329 of the Water Act. It provides that the CMAs will no longer have the right to levy a general charge on all properties that fall within their management districts. Subsection (2) of proposed section 330 establishes that the catchment management authorities will have the right to pursue any unpaid fee that was levied before 1 July 1999 — that is, in the previous financial year. It will be up to the catchment management authorities themselves to decide whether to pursue the outstanding levies. Subsection (3) of proposed section 330 provides that if a CMA has already levied a charge for this financial year, it must repay it. I understand that two authorities were organised and quick off the mark, and levied a charge. If the bill passes they will need to repay the levies. Subsection (4) of proposed section 330 establishes an avenue of recourse for property owners to pursue the repayment of any levies that have been charged this financial year.

It is important to stress that the proposed legislation will change only the funding arrangements for CMAs; it will not change the important work carried out by the authorities. I place on the record my appreciation of the work of the Corangamite Catchment Management Authority, particularly — —

An honourable member interjected.

Hon. E. C. CARBINES — Opposition members may care to take note, because the Corangamite Catchment Management Authority has been active in the debate surrounding the proposal for a water sports complex on the Belmont Common — together with Geelong residents and interest groups, I have also been involved — and has made a submission on the proposal.

Opposition members will be interested to learn that the Corangamite authority had grave concerns about the proposal and warned the Geelong community that the water sports complex development would lead to the development of toxic algal blooms on the Barwon River. Opposition members are prepared to say they support the work of catchment management authorities but choose to ignore the advice the authority has provided to the community and continue to support the proposal to build a water sports complex on the Belmont Common.

The bill deserves support from both sides of the chamber. Labor went to Victorians with a policy to abolish this inequitable levy, and seat after seat in rural and regional Victoria supported that policy. The government now holds more seats than the coalition parties in rural and regional Victoria.

Honourable members interjecting.

Hon. E. C. CARBINES — Rural and regional Victorians clearly understood the policy and voted accordingly. I am staggered that honourable members opposite seem to be in favour of continuing to impose the levy on those people. I will be happy to ensure that people living in Geelong Province know that the opposition wants to retain the levy when clearly they do not want it themselves. The bill will remove an unnecessary and unfair tax that was imposed on rural and regional Victorians by the Kennett government. I commend the bill to the house.

Hon. K. M. SMITH (South Eastern) — I have some difficulties with the Water (Waterway Management Tariffs) Bill in that the government is removing the tariffs and using money out of consolidated revenue to offset tariffs that were collected from people around Victoria. I can talk with some experience about the West Gippsland Catchment Management Authority, the work it did and the difficulties experienced at times with the collection of the levies. Arguments were put forward by the honourable member for Gippsland West in another place, Ms Davies, inciting people not to pay their bills, to complain, and with the fear that the money would from time to time be increased dramatically. But the honourable member did not say that the works undertaken were for the benefit of the people paying the levies.

Over a long time the Gippsland area has been degraded by overuse and poor management practices by some

farmers in allowing weeds, willow trees, and sand and soil to block up some streams and rivers. That has created problems with flooding and stock unable to get down to the rivers and streams. For the interest of honourable members, the area levy was $25 a property. Initially, a farmer with a number of properties was charged $25 a property but then it was worked out on the basis if the properties were contiguous there would only be one payment if that was the way councils charged rates on those properties.

The water management authority was extremely efficient in looking after the rivers and streams in the best possible way. During the uproar that occurred after the first levy was imposed, I joined a number of officers from Traralgon to inspect the magnificent works that had been undertaken. My colleague Mr Philip Davis, a member for Gippsland Province, was also in attendance on that day. I was amazed at the works that had been undertaken by the authority. They included the restoration of some streams, the removal of willow trees, the improvements to the banks, the use of rocks in some places to improve the flow of the river, and the removal of some of the bends in the streams that had been artificially created by farmers who thought it was best to improve their properties by changing the course of the river. That caused some problems when flooding occurred because the rivers were blocked off and the water was not able to flow as freely as it should.

The works were costing people $25 a year, or 50 cents a week. Unfortunately, the campaign of misinformation and the troublemaking of the honourable member for Gippsland West resulted in people being scared into thinking that over time there would be huge charges. It was unnecessary. The first time the levy was imposed the water management authority, through its chief executive officer, Ken Ashton, informed local members that there would be a publicity campaign and the authority would be talking to people about why the levy was being imposed, what sorts of works would be done, and how much it would be. The expectation was the authority would discuss the issue in the newspapers and on local television. The fact is two or three notices were put in the public notices sections of the local newspapers that nobody saw. Then suddenly, in the same week, people received bills out of the blue.

The levy was considered a new tax. Ms Davies said it was a new tax from the Kennett government. It was not a new tax. For many years the former Lake Wellington Rivers Authority had done a lot of work and had expanded its area geographically and taken in areas right up to Western Port. The damage the authority did to itself was never repaired. Unfortunately, the second levy was imposed about 6 and not 12 months later. As a result I received two or three complaints from people who came into my office at Wonthaggi and asked me to explain the good works undertaken by the catchment management authority. They went away contended that their $25 was well spent. But the campaign left a dirty taste in people's mouths.

I was disappointed at the government's dropping of the levy. It is a concern because it was local money that was being spent in the local area. It was employing local people, doing local work on local properties. That was important because people had some ownership of the works that were being carried out across the catchment area. As I said before, the $25 was not a large amount from each of the property owners. There were people who were not in a position to find $25 and we negotiated with the catchment authority so that people could either pay that money off or the levy was waived because of the problems it may have caused.

I have some concerns with the minister's second-reading speech where she said:

> I can advise the house that using powers as minister administering the Water Act, the minister has advised catchment management authorities of an intention to issue a direction that they are to suspend the proposed catchment management levy for the current financial year.

How can the minister possibly have come to a position where she can say to the catchment management authorities that they are not to charge that levy?

What would have happened had the opposition rejected the bill, which it has the right to do? The government had no mandate to abolish the levy yet the Minister for Environment and Conservation in the other place took it upon herself to write to the management authorities advising them that the levy could not be charged. The authorities now have employees but no money, yet in the same paragraph the minister states:

> The government has undertaken to provide funding to support the continued work of the authorities and discussions are taking place with each authority to determine its works priorities for the remainder of the financial year.

No discussions are taking place. The authorities have no funding. Staffs are probably sitting in sheds with nothing to do because the authorities have no funds to continue the great works they have been doing. That is happening across Victoria.

I know of two authorities that have already sent out notices for the collection of levies and expense will now be incurred in returning those funds. The bill does not undertake to reimburse the authorities for costs incurred. In committee the opposition will seek such an undertaking. For how long will the government

continue to finance the water catchment management authorities? I could find no guarantee in the second-reading speech. Again, the opposition will seek that guarantee in committee.

The responsible minister in this place is probably a city dweller and would be aware that her rates bill contains a parks levy of some $48. Those funds allow councils to care for the parks, rivers and streams in Melbourne and its suburbs. Will the government also relieve metropolitan residents of the need to pay the levy? If that happened from where would councils obtain the funds to carry out the necessary work? From where will the government obtain the funds to reimburse the Victorian water catchment authorities?

The second-reading speech refers to the former minister appearing before the Public Accounts and Estimates Committee and advising that the catchment management levy contributed only some 10 per cent of the total amount spent on services. However, at the time everything went into one big boiling pot so far as catchment management authorities were concerned. Funds included Landcare payments and money from the federal and state government so, yes, probably only 10 per cent of the money was collected from levies. Although there was a proposal to go ahead, Victoria did not have all the other water catchment areas when the former minister appeared before the committee.

I have a publicly available document from the West Gippsland Catchment Management Authority stating that 59 per cent of tariffs collected went into the pot in the West Gippsland area. Tariffs accounted for 59 per cent not 10 per cent as stated in the second-reading speech. In a way the minister's second-reading speech has misled the house. The opposition does not believe the minister has been truthful in the second-reading speech.

The government has several concerns about the bill in respect of catchment management authorities. Where good work was once carried out there will now be no work. The minister has many questions to answer in committee and I hope she is prepared to answer them as honestly as she can. The opposition hopes the people of rural Victoria will be treated fairly by the government. It hopes it will not play politics by relieving rural Victorians of the need to pay the catchment management levy but offset its costs by creating a new tax somewhere else.

Although the opposition is not comfortable with the bill, it does not oppose it. The catchment management authorities were doing a good job. The worst thing the government can do is play politics; if it does, somewhere along the line it will come unstuck.

Hon. D. G. HADDEN (Ballarat) — I rise to speak in support of the Water (Waterway Management Tariffs) Bill. The legislation should be supported unanimously by this house because the people of Victoria have spoken. They did so when they voted at the state election on 18 September, a month later at the Frankston East supplementary election and again at the Burwood by-election. Opposition members should start taking heed of that fact.

Catchment management authorities (CMAs) were established in 1998 when the Water Act and the Catchment and Land Protection Act were amended to combine existing catchment and land protection boards with the waterway management authorities. The functions of the CMAs are conferred by section 13 of the Catchment and Land Protection Act and proposed new section 260A, which is inserted by clause 4.

Under clause 4 CMAs are prohibited from setting tariffs other than with respect to specific functions of regional drainage and flood plain management services. The Honourable Elaine Carbines referred to the three particular services that are covered by that definition. Regional drainage and flood plain management services are of direct benefit to land that falls within those areas. The tariffs for those services are targeted to those land-holders who directly benefit under such a tariff, and they are specific local benefits.

Clause 5 gives CMAs power to collect and discretion in collecting outstanding charges imposed by them prior to 1 July 1999. The word 'may' denotes the discretion given to authorities on whether to collect unpaid fees. Proposed section 330(2) states:

> … and the Authority may continue to collect any unpaid fee under a tariff …

Proposed section 330(3) provides that a catchment management authority must refund any fee paid to it in respect of the period beginning on 1 July 1999 to the person who paid it. The word 'must' denotes that it is mandatory that the authority do so. This affects two of the nine CMAs, and of those nine, the Wimmera and Mallee authorities declined to set a tariff in the first instance.

Many concerned Victorians affected by the tariffs signed petitions, and I will mention those known to me as a member for Ballarat Province. A petition protesting against the tariff and bearing some 8000 signatures was collected in Geelong. The Honourable Elaine Carbines has spoken of the protestors who were present at the

Geelong West town hall in May protesting against the impost. Approximately 5500 signatures were collected by the now member for Bendigo East in the other place, Ms Jacinta Allan, and in the electorates of Ballarat East and Ballarat West more than of 7500 signatures were collected. People were not forced to sign. The petitions were handled in a democratic fashion and people volunteered their signatures. People were very angry and upset about the impost because they had not been consulted or given a choice.

The Bracks Labor government gave pre-election commitment to abolish the tariff in its policy document 'Reviving Regional and Rural Victoria'. The tax is anti-country Victoria. It is unfair, punitive and an impost — —

Hon. Philip Davis interjected.

Hon. D. G. HADDEN — The voters told you so, Mr Davis, on 18 September.

Victoria's catchments are a statewide responsibility that is administered for the benefit of all Victorians. The Bracks Labor government has stated that the funding for that responsibility should come from the Victorian budget, the consolidated revenue. The government is committed to maintaining healthy rivers and catchments throughout Victoria.

Although applications under freedom of information were lodged earlier this year in an attempt to discover the cost of the television advertisements featuring Denise Drysdale, or Ding-Dong, that were imposed on viewers by the former Kennett government, that information has not been made available.

I know $20 000 was deducted from each of the nine CMAs — that is a total of $180 000 towards the cost of the media advertisements.

The former Kennett government slashed over $20 million from the budget of the Department of Natural Resources and Environment in the 1998–1999 year. How much of that was given to the CMAs?

The Bracks Labor government recognises the vital work done by the CMAs and the communities since 1997. The work is not being denigrated but it is a community responsibility and volunteers are doing the work on streams and rivers — they are not being paid $200 a day to sit on implementation committees but working because of their own volition

Hon. K. M. Smith interjected.

Hon. D. G. HADDEN — They are not volunteers. They are paid volunteers. There is a difference!

The tariff was not needed to give communities ownership of catchment programs. On 18 September the Victorian voters let the opposition know that loud and clear. Mrs Tehan, the former Minister for Conservation and Land Management, got it wrong! The CMAs provide a valuable link between rural and regional communities and the government, but they must be accountable. On this basis I support the speedy passage of the bill.

Hon. B. W. BISHOP (North Western) — It is with much pleasure that I speak today on the Water (Waterway Management Tariffs) Bill, which many of us have had much to do with over the past few years. First, I compliment the Honourable Philip Davis on a good contribution taking a wide-ranging view across the issues affecting the catchment areas and exposing the government's lack of knowledge of the philosophy of the previous government and its requirements of the catchment management authorities (CMAs). I congratulate Mr Davis on his grasp of the concept, philosophy and operations of the CMAs created some years ago, as he stated, from a number of the river management trusts.

Like others I wonder why we are discussing the bill. By ministerial direction, the minister in the other place has removed the opportunity for levies to be applied across a number of CMAs. Are we here for publicity or something else I have missed? However, the bill is here and I wish to make a relatively short contribution to it.

I have two major concerns about the bill. Now that the opportunity to levy the people living in the catchment areas has been removed, I want an assurance from the government that funding will be maintained. As Mr Philip Davis said, many projects are already badged and up and running. In other words, people in the community can look at, see, touch and feel them, and they can be involved in them — and that involvement is tremendously important. It will be a sad day for Victoria, and certainly for land and water management and the environment in general, if those projects cannot continue because the government does not provide compensating funding. It is more important than ever to ensure the continuation of the good work the catchment management authorities have done through whole-of-catchment planning, which is a term I will continue to use because the concept is well established.

I am sure honourable members will pardon the pun, but from that flows community ownership. Other members

have spoken about community rejection. My understanding is that communities were becoming interested in the part they were playing in managing our land and water resources and, in particular, in ensuring the sustainability of resources throughout the state. I respect the right of the Labor government to remove the rating capacity based on an election promise, but I emphasis those two major points.

My electorate has three catchment management authorities. I put on the public record my acknowledgment that they have not only faced the challenge but grasped the opportunity. I also refer to how well they have performed in driving the necessary programs, projects and developments that will ensure, if they are properly funded, that our land is cared for. The fact that each of the three catchment areas is different has driven the concept that has been in place for many years — but it was more focused under the previous government. There are 10 groups in Victoria. One of them, Port Phillip, is still a catchment and land protection board, but the other nine have moved into the catchment management authority process.

Of the three CMAs in my electorate I refer firstly to the North Central Catchment Management Authority, which is based in Bendigo. It is the only CMA in my electorate that can apply the levy fully, because it is the only one that is fully rateable. The catchment area, which is large and complex, is encompassed by a line stretching along the Murray from Swan Hill down to Echuca, past Heathcote and Kyneton, across to Trentham, Creswick, Avoca and Donald, and back up to Swan Hill.

I shall correct something a previous speaker said. Although the North Central Catchment Management Authority is the only one that can technically apply the levy, the other two — that is, the Mallee and Wimmera CMAs, to which I shall refer shortly — did not choose not to apply it. Although substantial consultation has taken place and there is some community expectation about it, I make it clear that it is not technically possible to apply the levy in those areas because their coverage under the Water Act has been removed.

The task that the north central CMA is addressing and, I am sure, will continue to address is complicated by the fact that there are four catchments in the area. They are the Avon–Richardson, Avoca, Loddon and Campaspe catchments. That gives members some idea of the complexity of the issues that the organisation has addressed well in the past and needs to address well in the future.

The board of the management authority does a good job. Its chairman, Drew English, is a farmer in Kerang.

Hon. R. A. Best — A quality man.

Hon. B. W. BISHOP — He is well known to Mr Best and me. Mr English is experienced in water and land management and in local government. He is an expert chairperson who does the job well, together with the other members of that good board. The current chief executive officer is Carsten Nannestad. The former CEO was Jan Boynton, who has moved on to the natural resources and environment area.

As Mr Best and I know, the board and management of the catchment authority are well aware of the complexity of the area. They have a wide range of responsibilities across every imaginable sector of land and water management, although that does not apply in all the other CMA areas.

The North Central Catchment Management Authority did a lot of innovative work on the tariff. The members of the authority should be recognised for taking on the responsibility and getting on with the job. They did a lot of modelling to ensure their catchment would be well served not only by the method they use to strike the rate but also by the way they put the money into much-needed projects. At the end of a long modelling and consultative process, they came out with a flat rate with a capital improved value component over a certain figure. Later, following a review, that was reduced to a flat rate. The north central CMA, which as I said is the only CMA in the electorate Mr Best and I represent that can apply the rate fully, has done a lot for the area.

The other CMA that Mr Best and I share is the Wimmera Catchment Management Authority, which also has a good board. I will refer shortly to the philosophy underlying the boards. The Wimmera CMA is chaired by Lance Netherway, a local farmer who is also experienced in land and water management. The chief executive officer is John Young. The Wimmera faces a different set of challenges from those in the north central area, because it extends from Halls Gap and the mountains to the deserts in the west.

The Mallee CMA has another good board, chaired by Gerald Leach, a farmer from Walpeup, which is right in the Mallee. He has always been interested in land and water management and pest plants, and he is experienced in weed control and eradication. He has led the board well since he took over the chairmanship back in the days of the catchment and land protection board. The chief executive officer is a young man

named Scott Glyde, who comes from New South Wales and who has shown great enthusiasm for the task.

The Mallee CMA is different from the others because it mostly comprises dry land in the large broadacre areas, similar to the Wimmera. It includes the huge Sunraysia and Robinvale irrigation areas, which have seen enormous expansion following the Deakin project and others. Innovative investors have been prepared to put up their money and take steps to double the irrigation area, which will be great for employment, value adding and creating transport opportunities.

The Mallee CMA also covers a huge area, which can be seen if you draw a line on a map from just south of Birchip up to Nyah West and along the Murray to the South Australian border. That authority has also been innovative. For example, on the cover of its annual report, it has cleverly included a photograph of a Mallee fowl in the hole in the 'a' in Mallee. That innovative design has captured everyone's imagination!

I have observed the excellent work of the staff of the CMAs. When Mr Best and I visit our local authorities we find the staff enthusiastic and competent, and able to give us some idea of their vision of land management. I hope government members take the time to visit the authorities in their areas. I congratulate staff members on their enthusiasm and commitment to land management. Many are young, and although I am sure they will stay for some time, I am also sure that when they move on they will retain their enthusiasm and commitment, wherever they might go.

The management of the authorities is excellent. The skills-based boards comprise people from the catchment area involved, and the members therefore understand the advantages and opportunities that are available, as well as the responsibilities and challenges they face. The authorities deal with huge numbers of issues but grasp the opportunities and face the challenges enthusiastically. Implementation committees provide on-the-ground representation, understanding and knowledge. I am surprised to hear that members of those committees receive $200 a day, and question whether that is correct. I will check later, but I believe they are worth $200 a day. They do their work extremely well. I understand many of them do it for a much lower figure; in fact, many work voluntarily, although that should not detract from their expertise and the commitment they show. They deserve the highest commendation and I have always argued that they should be remunerated appropriately.

Prior to the establishment of catchment management authorities smaller groups, such as river management trusts, looked after sections of rivers. They were dedicated to their task but usually gave little thought to the flow-on effects downstream. The concept of whole-of-management planning is important in the process we are discussing. Mr Best and I are aware of debates in the Bendigo region about waste water from Bendigo. The North Central Catchment Management Authority has a whole-of-catchment approach and has made decisions based on what is best for the whole region. It is important that representatives of catchment management authorities play a major role in state assessment panels for National Heritage Trust funding.

Mr Philip Davis said earlier that every dollar generated through state funding is more than matched by the contribution from the commonwealth. That benefits Victoria's environment. It is good for CMAs to play a strong role in the process because they have a clear understanding of their whole-of-management approach, and a vision for the future. Honourable members who represent rural areas have observed the involvement in and commitment to programs such as Rabbit Buster by representatives of authorities. They have seen the way those representatives have encouraged the formation of small groups to concentrate on the task of eradicating rabbits, particularly in local areas.

Honourable members who live in the country know that if your neighbour does not look after his rabbit problem much of the good work is undone. The small groups I referred to have performed a major task in almost eradicating the rabbit population in many parts of rural Victoria. An indication of how successful the rabbit program has been can be found in a letter I received from the Manangatang Landcare group — a very active group that is never frightened of putting forward innovative ideas. The letter says that the area had a fox problem and had suffered substantial losses while ewes were lambing. The group proposed a bounty program or the taking of a statewide approach to the Rabbit Buster program. I will assist it on that issue.

Catchment management authorities play an important role in controlling pest plants and weeds by applying strategies that reflect local requirements. The area represented by Mr Baxter and Mrs Powell may have different requirements from the area Mr Best and I represent. The development of a roadside weed strategy has been important. I was a member of the former Environment and Natural Resources Committee, an all-party parliamentary committee that examined the issues and made some excellent and innovative recommendations. I may put those recommendations to the Labor government in the New Year. The Minister for Environment and Conservation was also a member of the committee, so I should get a good hearing.

Flood plain management has always been difficult. In times of flood those who manage flood plain areas have to be experienced, sure and, more importantly, fair in what they do.

Catchment management authorities have played a leading role in tree planting, promoting the activities of tree planting groups in catchment areas right around the state. They have done a magnificent job, not only in encouraging tree planting but also in ensuring the right trees are planted in the right places for salinity control. Victoria can be proud of the salinity plans it has in place. It is not an exaggeration to say that the state leads the world in salinity control.

The widely held belief that irrigation causes all the ills associated with salinity is a fallacy. I assure honourable members that in my experience it does not. The CMAs are managing well the salinity challenges they face with dry land as well as with irrigation. A good example of that is the Mallee Catchment Management Authority, which has shown great leadership in Murrayville. In the past, ground water from a large aquifer that extends over the border into South Australia was used solely for stock and domestic water supplies. As time went by research was done on the potential to grow lucerne and other products using irrigation water from the aquifer, and ultimately a program was put in place.

During the past couple of dry years the bore levels went down substantially, which caused concern. With the help of the catchment management authority and a lot of enthusiastic locals, the Department of Natural Resources and Environment established the Murrayville Ground Water Protection Area, which protects the interests of people living in the area and allows them to work cooperatively with our friends in South Australia. Other programs also cover native vegetation protection in the agricultural area, which is often a sensitive issue, drainage and water quality. It also covers weed control and the management of native vegetation on roadways, which are important.

The most important issue the CMAs address is the sustainable use of Victoria's land for all purposes. They face some real challenges given the agronomic practices that are being applied across the state, whether they be dry-land, irrigation, minimum-tillage or long-fallow practices. Practical farmers have often challenged the agronomic advice they have been given, arguing that they wish to try other ways. Ensuring the sustainability of Victoria's land management and agriculture will be a great challenge, but I am sure the catchment management authorities will be able to manage. The communication that exists among the municipalities and the other organisations involved in land management such as water authorities has enabled them all to work cooperatively. I commend them on that initiative.

Catchment management authorities often work closely with schools. I note that the Mallee Catchment Management Authority has worked closely with all the schools in its area — in particular, the Mildura West Primary School. The school and the authority have established a nature trail at Lock Island. A little bridge at lock 11 provides access to the island. Parents can take their children there at any time of the day and accompany them on the well-marked trail around the island. It is great to see the results of that sort of coordination and communication. Richard Wood, the principal of the Mildura West Primary School, who Mr Best and I know well, has done an excellent job with his students. They have applied themselves to that environmental recognition task. Arron Wood, a young CMA officer, has put a lot of effort into the project.

Catchment management authorities have done and will continue to do a great job. However, despite its interference, I want the government to assure the house that the CMAs will be compensated for the funding they have lost so they can continue the projects that are badly needed for the proper management of the state's land and water. I want a further assurance that the government will support the continued growth in the sense of community ownership that has resulted from the work done by the catchment management authorities.

Hon. W. R. BAXTER (North Eastern) — The bill ought to be retitled: it should be called the Catchment Management Authority (Undermining Confidence Therein) Bill, because that is precisely what it does. For a long time all Victorians, especially those living in rural communities, have struggled to understand and accept the philosophy that wherever we live, whether it be on a farm or in a town, what we do in our everyday lives impacts on water catchments. That includes where we obtain our drinking water from, how we dispose of the grey waste water that leaves our properties and what we do about native vegetation clearance. That realisation has been a long time coming.

The history of water catchment in Victoria has been outlined by the Honourable Philip Davis. It includes the formation of the river improvement trusts in 1948, which were the precursors to the catchment management authorities. The pioneers of those organisations did a tremendous amount of work, and I pay tribute to them. I refer to people such as Jack Reid in north-eastern Victoria, who for years struggled to make Victorians understand that the responsibility for

caring for the state's rivers and streams was wider than that which attached to the land-holders living adjacent to those waterways.

That philosophy was adopted, and in the north-east — the area I represent — the concept of residents paying rates to gain some community ownership of projects has been accepted for many years. The catchment management authority (CMA) levy has been in place in north-eastern Victoria for three or four years without anyone giving so much as a whimper. The community has accepted it as a reasonable way of giving communities ownership of projects that are being undertaken for community-wide benefit. One has only to look at the work being done on creeks in the City of Wodonga, which has been paid for by the local ratepayers and levy-payers, to see that the community is getting value for money, even if some are unable to see the wider scene.

It is unfortunate that instead of showing leadership, keeping that catchment-wide philosophy going and convincing those who had doubts that it was the way to manage for the future, the government has allowed itself to be swayed into adopting a populist mode by one or two malcontents around the state who see it as being in their interests to oppose local residents making modest contributions to the work being done in their communities.

The house has heard Ms Hadden quote petitions signed by people who are against the CMA levy. Of course people will sign a petition if it is against the imposition of a levy, a tax or an impost. I could go out in the street with a petition to abolish payroll tax, financial institutions duty, bank account debit tax or whatever, and people would flock to sign it!

However, honourable members who have been elected to Parliament or those who are contesting elections have a responsibility to show a bit more leadership than just taking a populist line. But that is what Labor candidates did. They are now part of the government, despite the fact that it was a total non-issue in north-eastern Victoria and the Goulburn Valley. Labor Party members conned the people by saying they would abolish the levy but replace the deficiency from the general revenue of the state — from the taxes paid by others. In the circumstances that would have been acceptable. It would not have been the best way of doing it because it would have severed the community ownership principle, but it would have been one way of doing it.

But is that what we have got? No, it is not. Mr Philip Davis has already advised the house that this year, in lieu of the levy, the government is putting in receipts of $5.3 million as compared with the $17 million the levy would have generated. The effect of this measure is that the North East Catchment Management Authority has had to reduce its works funded by the levy by about 50 per cent. Worse still, catchment management authorities do not know what the future holds. They cannot do any forward planning because they do not know what will happen in subsequent years. Will the government make up the levy, year on year, to the full amount, despite the fact that it is not doing so this year; or will this be part of the budgetary process every year? Presumably that is what will occur, leading to indecision. The budget will be whittled away, bit by it, as the government increasingly gets into financial trouble, which we all fear and know it will. Of course, that will lead to even less work being done on the ground in country Victoria. That is where the government is undermining the confidence of the catchment management authorities — they simply will not be able to do the work for which they were set up, and for which we all had such high expectations.

I am disappointed in the sentiments expressed by Mrs Carbines and Ms Hadden, because they have indicated clearly that their principal objection is to the levy being paid by town dwellers. Clearly they are unable to make the connection that people who live in the towns also benefit from work done in the catchment. They were prepared to denigrate the work being done by the catchment management authorities. Ms Hadden even suggested that the people who serve on implementation committees are not worthy citizens. She alleges that some of them are being paid $200 a day — although I doubt it. That is certainly not the case in north-eastern Victoria where the committees are composed of dedicated, local community representatives, including one of our former colleagues, Mrs Powell's predecessor, Mr David Evans. They are not being paid $200 a day, but even if they were, I share Mr Bishop's sentiment that they are worth it. If someone is prepared to give their time, dedication and expertise to serve in the interests of the community while the rest of us get on with earning our income, they ought to be properly reimbursed.

Hon. D. G. Hadden — On that basis we would pay all volunteers!

Hon. W. R. BAXTER — That is an erroneous assumption to make. I am not accepting her view that those people are getting $200 a day; but if they are on implementation committees, which are expected to meet for full-day meetings, travel long distances and make policy decisions on behalf of us all, I do not object to some reimbursement. But the way Ms Hadden

put it, there was a suggestion that those people were not worthy, that they were doing it simply because they were getting $200 a day. I reject that and say that the people I know who serve on implementation committees do it because they have a commitment to their community and an understanding of the work that needs to be done to maintain the environment in which they live.

The progress made in my area since the formation of catchment management authorities has been dramatic. They have proved they can obtain community agreement for projects that have been languishing for years. One example is the Muckatah scheme in northern Victoria. I checked my file, and the first entry I have on my file about Muckatah is 1973. We had 25 years of argy-bargy, procrastination and failure to get agreement. What happened? The Goulburn Broken Catchment Management Authority formed, a board was appointed, it was representative of the community, and included people with extremely good skills and a wide range of disciplines. It was a consultative process. What is the result? The Prime Minister opened the Muckatah scheme earlier this year. After 25 years of inability to progress any way other than two steps forward and one step back, catchment management authorities were implemented within a couple of years and the Muckatah scheme is a reality. That is proof, if anyone wanted it, of the value of this concept.

I am looking forward to a similar result on the lower Goulburn, where for years I have been fighting to have the flooding situation properly addressed. It also has a great impact on the City of Greater Shepparton. The system of catchment management authorities and the levy was giving the citizens of Shepparton some ownership and interest in the lower Goulburn problems. Again, in arguing about it for years, the authority has come up with a proposal that is currently out for public consultation. Will it be undermined? Will it fail? Will it be shelved because the government is showing lack of confidence in catchment management authorities? I certainly hope not, but I fear so.

I place on record my great appreciation of some of the people who work so hard in the CMA process, and in particular Mr John Dainton, the chairman of the Goulburn Broken Catchment Management Authority. Because of his long-time work in salinity and environmental matters generally he has been a great driver in this process, and he must be feeling somewhat battered and bruised because of the government's lack of confidence in the ability of authorities to properly manage their own affairs.

One or two speakers have alluded to refunds for the two catchment management authority ratepayers who have already been levied, and they are the two in my electorate — the North East Catchment Management Authority and the Goulburn Broken Catchment Management Authority. Mrs Carbines suggested that they were quick off the mark and perhaps greedy in doing it. That is far from the truth. They have actually been levying for years. The community accepts it. The community has willingly paid. Ignorance abounds! If the levy is to be abolished those who have already paid it should be reimbursed — I have no argument about that — but my concern is: who will pay the administrative costs? In both cases the levy was collected as a line item by the municipalities — Towong, Wodonga, Indigo, Wangaratta, Moira, and Greater Shepparton — and clearly it will be somewhat difficult to work out, bearing in mind we are talking about an average charge of, probably, $30.

In the municipalities that charge their rates quarterly, such as Moira shire, some people will have paid the whole levy because they paid their rates up front, some people pay quarterly and because two quarters have elapsed will have paid half, and one or two people will not have paid at all. Who will pay for the teasing out of who deserves a refund of $10, who deserves a refund of $20 and who deserves something else? It will be mightily expensive.

Hon. R. A. Best — But it was a good idea at the time.

Hon. W. R. BAXTER — Yes, the government thought it was a good idea at the time. The last thing I want is for the ratepayers of the Shire of Moira, for one, to be lumbered with a cost that has nothing to do with them. They were simply collecting the money as a grace-and-favour act on behalf of the catchment management authority (CMA), which was rightly charging a fee. I want to know who will pay the administrative costs if the shire is now expected to implement the refunds. Will the government pick them up? Will the CMA have its funds even further dissipated because it will have to pick them up? Or will the poor old shire be lumbered with them? I invite the minister to give us assurances on the matter during the committee stage.

I have great confidence in the CMAs. The concept the previous government fought and argued for for so long was just getting into stride when it was undermined by a government that could not resist a populist crusade. The ball is now in the government's court to restore the confidence of CMAs, and more particularly to fully

reimburse them in accordance with the commitments it gave before the election.

Hon. E. J. POWELL (North Eastern) — I am pleased to make a brief contribution to the debate, mainly because I want to put on record my strong support for catchment management authorities (CMAs) and the vital work they do. Although the opposition does not oppose the bill it will put on record a number of its concerns about some aspects of it and hopes it will get some answers when those concerns are raised in the committee stage.

CMAs were established formally in 1998 to combine the roles of the then existing catchment and land protection boards and waterway management authorities. I acknowledge the work that was done by the former boards and authorities, most of which was done voluntarily for many long years. Members of those boards wanted to see sustainable agriculture in the north-east region the Honourable Bill Baxter and I represent because that is vital in maintaining the food supply for both Victoria and the rest of Australia. Other groups, such as river improvement groups, were also important. I believe the north-east catchment area has about seven rivers, which in context is a huge number.

Some honourable members from urban areas may not understand the level of diversity surrounding the environmental issues facing country Victoria. It is important to realise that CMAs have brought all various interest groups together under one banner. They have worked hard with Landcare committees and other groups. Board members have skills and experience gained over many years of having an interest in the land. I congratulate the implementation committees. I was not aware until today that they were paid for their work; I am sure they are pleased they have been paid.

Members of authority boards have a high level of expertise because they come from areas such as primary industries, land protection and water resource management. As Mr Baxter said, three CMAs are responsible for land in North Eastern Province: the Goulburn Broken Catchment Management Authority, the North Eastern Catchment Management Authority and the North Central Catchment Management Authority. I record my thanks to the chief executive officers, chairmen and members of boards for their work. Mr Bishop spoke about Jan Boyton, the chief executive officer of the North Central Catchment Management Authority, and I also recognise her work. Before undertaking that role, Jan was an officer of the Shire of Campaspe, where I had the honour of being a commissioner.

The Goulburn Broken Catchment Management Authority looks after the land and water resources in a region stretching from close to the outskirts of Melbourne in the south, right up to the Murray River in the north. The North Central Catchment Management Authority has a huge responsibility — it covers about 3 million hectares, or 13 per cent of the state of Victoria, with a population of about 220 000 — but looks after its area well and in a sustainable way.

Clause 1 of the bill sets out the purpose of the legislation, which is to amend the Water Act to remove the power of catchment management authorities to set tariffs. Government members spoke about petitions and public meetings, and how much the people of Victoria hated the tariffs. However, only about two concerns about the tariff were raised with me through my office and in discussions with constituents. I must admit that they were from the north-central catchment area, which had a levy of $31 as compared with $20 in other areas. The concerns were about the amount. However, when you think about it $31 a year does not seem a lot when you are talking about sustaining Victoria's environment, rivers, land and soil — the whole environment.

Most people in my electorate said the levy was not an issue — it certainly was not an issue during the election. I direct the government to the fact that none of the members on this side who represent electorates in those catchment areas lost their seats. The levy was not an issue but the good work of the board was. People in the north-east are particularly reliant on the catchment management authorities because the area has a strong horticultural and agricultural base and land and water management are vital for its clean, green image. That image is essential if the area is to sell the fruit and other food it produces in both domestic and overseas export markets. It is important for the government to understand how vital a sustainable environment is to Victoria's country regions.

Clause 4 will have the effect of preventing CMAs from setting tariffs on properties unless there are defined benefits to those properties. During the committee stage I will ask what a defined benefit is. How do you define the benefit of having a healthy river? How do you define the benefit of river banks not eroding and logs and willows in streams being taken away? How do you define a benefit for good land care management? Who will get the benefit? Will it be just the farmers, or will it be people in urban areas? I am interested in finding out how the government defines a benefit and who will have to pay the tariff.

Clause 5 provides that an authority must repay all fees or parts of fees paid in respect of a tariff for the period commencing 1 July 1999. As Mr Baxter said, that will be a huge cost to local authorities in the north-east area, which have already sent out their notices and have received payments. Most of the notices have come from the local municipalities, and there will be a huge cost involved in refunding the money.

Most people in my electorate were willing and happy to pay because when the former government imposed the levy it explained its purpose. Somebody in the community has to pay. If a levy is collected in a local community the benefit will go to that community. The former government was able to tell people who asked exactly what they were getting for their $20. When it was explained it was for the sustainability of the environment and for the work being done by the catchment management authorities, most people said, 'That's fine; I would willingly give up $20 a year'. I have another question. Will the government ask the CMAs in the north-east, as I think it has done with other areas, whether they want the funding back or whether they will give over the money willingly?

A number of discussions have taken place about the farming practices, salinity and soil conservation practices of the early days. I am pleased to say that farming practices have come a long way since those days. Farmers previously used flood irrigation on orchards just because the water was available. In those days it was not seen as the high-value commodity it is considered to be today. These days farmers are using new practices such as drip irrigation and are using water more effectively and efficiently. It is pleasing that CMAs and their committees have done a lot of work with local organisations, helping them set out programs and work through how they can conserve water by using it more wisely.

The water authorities are also looking at different ways to use water wisely and, more importantly, how to discharge waste water more responsibly, which affects our rivers. For example, the Goulburn Valley Region Water Authority discharges waste water onto land it bought a number of years ago. The authority planted trees on the land and its waste water is used on those trees, which are growing each year. The authority is monitoring the soil to ensure the waste water is not a detriment to the soil. That program is working exceptionally well. Other authorities around the state are also implementing similar programs.

It is important that the funding of catchment management authorities is continued. A number of issues have been brought forward by honourable members during the debate. In his contribution the Honourable Ken Smith raised some concerns about funding cuts. If there is a need to cut funding in the years ahead it should not come from CMAs because they need that funding to allow them to do works on the ground in the local areas. Although the opposition does not oppose the bill, opposition members have put on the record some of their concerns about proposed legislation.

Motion agreed to.

Read second time.

Ordered to be committed later this day.

POLICE REGULATION (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Second reading

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

That this bill be now read a second time.

This bill will amend the Police Regulation Act 1958 and deliver on a number of the government's key policy commitments on policing. These measures are designed to build confidence within Victoria Police and also the community's confidence in Victoria Police.

The bill will abolish the Police Review Commission and replace it with a Police Appeals Board. The key change is that the new appeals board will have a binding determinative power on not only promotion and transfer appeals, but also applications for review of police disciplinary and other staffing decisions.

The reinstatement of a binding power for an external review body is an important reform. The current arrangements under which the chief commissioner has the final decision-making power are unique in Australia. The dismissal decisions of all other employers and police commissioners are subject to review and determination by an independent tribunal. The International Labor Organisation's Convention on Termination of Employment requires that all dismissed workers should be able to appeal to an impartial body. In addition, the provisions give protection to the chief commissioner from suggestions of bias or favouritism.

The new appeals board will be able to:

affirm the original decision;

set aside the original decision and substitute any other decision available to the original decision maker;

set aside the original decision and refer it back to the chief commissioner for determination in accordance with its recommendations or directions; or

in cases involving termination or dismissal, order the reinstatement of the member or, where it considers reinstatement to be impracticable, order a compensation payment of up to one year's remuneration in lieu of reinstatement — it should be noted that these remedies will not be available where a member has been dismissed following a criminal offence punishable by imprisonment being found proven against them.

In conducting a review, the appeals board is required to have regard to both the public interest and the applicant's interests. Importantly, the public interest is defined to include maintaining the integrity of, and community confidence in, Victoria Police.

Promotion and transfer appeals will be conducted by way of a complete rehearing. By contrast, reviews will involve a process of oversight — a checking of what has taken place to ensure the issues have been considered in a careful and proper fashion and there has been no denial of natural justice. However, should it consider it necessary, the appeals board will have the discretion to conduct a review as a complete rehearing.

The bill will also abolish the Police Board of Victoria, whose current functions the government considers are better undertaken within Victoria Police and the Department of Justice. The new appeals board will assume responsibility for conducting reviews of unsuitability dismissal decisions, which are currently conducted by the Police Board.

The bill also provides immunity to police officers from personal liability for civil action arising from any act or omission undertaken in good faith while on duty. This measure will free responsible police members from the worry of legal proceedings while performing their duties and is consistent with the protection already afforded police officers in New South Wales and South Australia.

The bill also imposes an obligation on the chief commissioner to consult with the Director of Public Prosecutions before laying any discipline charges against a police member in circumstances where the disciplinary investigation has revealed a possible criminal offence. This provision formalises current administrative practice and is designed to avoid any community perception that police officers may be dealt with under the softer discipline regime rather than through the criminal law when appropriate.

I commend the bill to the house.

Debate adjourned on motion of Hon. B. C. BOARDMAN (Chelsea).

Debate adjourned until later this day.

WATER (WATERWAY MANAGEMENT TARIFFS) BILL

Committed.

Committee

Clauses 1 and 2 agreed to.

Clause 3

Hon. M. M. GOULD (Minister for Industrial Relations) — I seek leave to have Ms Mikakos sit at the table.

The CHAIRMAN — Leave is granted.

Hon. PHILIP DAVIS (Gippsland) — I will outline why the opposition believes the bill needs to be considered in committee. In the event that she did not understand what I said earlier, I remind the Minister for Energy and Resources that the legislation contains provisions that the opposition would have sought to clarify at a proper departmental briefing. In other words, if the opposition had been given an appropriate briefing it probably would not be necessary to consider the bill in committee.

Notwithstanding the briefing arrangement made by the shadow minister in another place, members of the opposition were refused that courtesy. I want to speak about that refusal, but because I do not want to waste the time of committee I will not do so now. However, I place on the record my personal disgust that members of Parliament could be treated so ignorantly. If the government wishes to have its legislation pass through both houses opposition members should be shown the courtesy of being given proper departmental briefings. I look forward to them being available in the future.

Several issues of relevance to the bill were referred to in the second-reading debate. The opposition seeks a

clarification of the effect of government policy on the funding arrangements, given the legislative outcome proposed in clause 3.

In the absence of a detailed briefing the opposition has had to make some presumptions about the consequences of the legislation. The north east and Goulburn–Broken authorities have already collected the levy through an arrangement with local government, and those payments must now be refunded. Before the creation of catchment management authorities the river management trusts worked in partnership with local councils, which collected the rates on their behalf. That is how the river improvement trusts were able to function financially.

The information provided by the government does not specify the implications the bill will have for those two catchment management authorities. The opposition wishes to know why the clause is required when the same result could be achieved by administrative action, which the government acknowledged. The second-reading speech makes it clear that the authorities have received a ministerial direction on tariffs. In that context the opposition sees no need for Parliament to consider the bill.

The opposition is interested to know specifically what clause 3 will do, how will it operate and what implications it will have. The clause highlights the fact that government members, essentially urban-based members with no practical knowledge of catchment management arrangements, do not understand that the clause will affect only a few ratepayers. From the opposition's reading of the bill they will bear sole responsibility for paying the tariff for the management of the riverine environment where local contributions are needed because the clause specifically precludes any cost-sharing arrangement within the catchment.

The clause is deficient in that it narrows the definition of a rateable property so that where local contributions require to be made the only contributors will be property owners who are effectively adjacent to the river, stream or waterway. The consequence is that instead of the impact of the environmental damage to a waterway being shared by all those who contribute — that is, all who have an interest in a particular catchment — rehabilitation will not be able to proceed.

Hon. C. C. BROAD (Minister for Energy and Resources) — A great many issues have been raised in a series of questions, and I will endeavour to work through them. Some of them relate to clause 3 and some relate to later clauses. I ask your advice, Mr Chairman, as to whether it is acceptable to deal with those issues now.

The CHAIRMAN — Order! The committee must deal with clause 3 before dealing with other clauses.

Hon. C. C. BROAD — A question was asked about whether legislation is necessary, and the same issue was raised when the bill was debated in the other place. The government has made it very plain that it considers it is appropriate to legislate because the bill includes powers to tax. Considering the previous government's experience in endeavouring to set up catchment management authorities (CMAs) through administrative action and subsequently being required to pass retrospective legislation to resolve matters that could not be resolved administratively, one would think the opposition would appreciate why it is preferable to proceed via legislation rather than administrative arrangement.

The ministerial directive was intended to place CMAs on notice that the government intended to proceed in accordance with its stated election policies in this area. It was never intended that that should be seen as a substitute for legislation. That is why the government has introduced the bill and why it believes it is the preferable way to deal with the implementation of that important election commitment.

I am advised that the clause is necessary because it amends the Water Act to effectively remove the capacity of CMAs to set levies. It is necessary to go to the act to make sense of the amendments. For example, subclause (1) refers to section 144(1)(d) of the Water Act, which deals with the declaration of serviced properties and provides for authorities to declare by notice that land is to be serviced land for the purposes of the act where the authority provides the services one would expect to satisfy the requirement, such as water supply, sewerage and irrigation.

Adding to that the requirement that the authority provide regional drainage or floodplain management services that are of direct benefit to the land — a matter the committee will deal with later — means the CMAs are not able by notice to set a levy solely because it relates to land within an area even though no services are provided. The advice to the government is that that is a perfectly appropriate way to deal with implementation of the policy of preventing CMAs setting charges such as the current levy simply because land is within their districts.

Clause 3(2) amends section 144(2)(a) of the Water Act and deletes the exception in the case of land within the

authority's waterway management district. Again, it goes to the issue of simply putting a levy in place by notice purely because land is within a district.

Clause 3(3) amends section 144(4)(c) of the principal act, which also deals with notice and provides that the notice must:

> generally identify the properties to which the services are available, or which are within the waterway management district, …

The provision is to be extended to cover services through the insertion in clause 3(3), which reads:

> and which are directly benefited by regional drainage or floodplain management services provided by the Authority.

In combination the amendments will remove the capacity of CMAs to set charges for properties within their districts for which they do not provide services.

Some issues raised about funding arrangements arise in relation to subsequent clauses, but I am happy to deal with them now.

Hon. PHILIP DAVIS (Gippsland) — I am trying to clarify why the clause is necessary when it is within the gift of the minister to determine what is a waterway district. The CMA waterway management districts were an extension of the previous river management districts and provided the basis on which a wider catchment district could be promulgated.

The previous government went through elaborate consultation processes provided for in the act to enable a water management district to be declared over the whole of the catchment. Given that it is within the gift of the government to declare waterway districts, why is 'district' not simply redefined according to the principles just espoused?

Hon. C. C. BROAD (Minister for Energy and Resources) — The government is not seeking to change the districts. The government has no intention of changing the arrangements for CMAs because of its strongly stated support of the important work they undertake. As I have indicated, the clause is to remove the capacity of CMAs to put levies in place across the entire district, including properties for which they provide no services. The government has no need or desire to change the districts CMAs are responsible for.

Hon. PHILIP DAVIS (Gippsland) — I want to have the matter absolutely clear. It is not the intention of the government through the clause to narrow the basis upon which works within a catchment will be done, but to narrow the basis on which people will be charged for the works.

Hon. C. C. BROAD (Minister for Energy and Resources) — As the opposition is aware, CMAs receive funding which is greatly in excess of what they were raising under the levy. The government has given undertakings that the funding arrangements will continue, in addition to replacing the funds raised under the levy.

Hon. Philip Davis — That is not correct.

Hon. C. C. BROAD — We will come to that. Accordingly, the CMAs and the districts for which they are responsible will remain the same and they will charge the same for conducting those responsibilities.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.02 p.m.

QUESTIONS WITHOUT NOTICE

Mining Warden

Hon. PHILIP DAVIS (Gippsland) — Yesterday in response to a question on the office of Mining Warden the Minister for Energy and Resources misled the house. Will the minister now advise the house whether she authorised the advertisement downgrading the office of Mining Warden to a part-time position before the series of discussions at which she claims to have been provided with a range of advice by the Mining Warden and her department? If not, how did she forget the discussions and her decision?

Hon. C. C. BROAD (Minister for Energy and Resources) — I have given a clear, straightforward personal explanation. I had an inaccurate recollection, which I have now corrected on the record. To go over the events again, as part of that inaccurate recollection I believed that I had resolved the competing advice from the Mining Warden and my department in a particular way. That recollection was incorrect, and as I said I have corrected that.

The sequence of events to which I have referred was that I received advice from my department. I then met with the Mining Warden to discuss a range of matters, including that advice. I then concluded, after that meeting and after discussing that advice, that the appropriate course of action was to resolve the matter in the way I have indicated — in light of the support that the position clearly enjoys from the industry, particularly the smaller scale end of the industry, and in

light of the department's advice that in the event of the industry becoming more professional the position could quite adequately deal with any disputes in a shorter time without the downgrading or diminution that has been suggested. In other words, the new appointment would be advertised as a part-time position with the proviso that if the advice from the department turned out not to be satisfactory — —

Hon. Bill Forwood — Mr President, on a point of order, Mr Davis's question was quite specific: we are interested to know the order in which the events took place.

The PRESIDENT — Order! The minister is in the middle of her answer.

Hon. C. C. BROAD — That is the decision that ultimately was implemented — that the position would be advertised by the department. It is not a matter that required my personal action but in the course of implementing my decision it was decided that the position would be advertised in that way, with the rider that if it was inadequate it could be extended to become full time, which I considered to be a perfectly reasonable compromise. There is no issue about the timing of this. There was simply an inaccurate recollection of the compromise that was arrived at and subsequently implemented by the department. I have corrected that on the record already.

Industrial relations: employer insolvency

Hon. KAYE DARVENIZA (Melbourne West) — Will the Minister for Industrial Relations advise the house of the representations she has made to the federal government to protect employee entitlements in the event of employer insolvency?

Honourable members interjecting.

Hon. M. M. GOULD (Minister for Industrial Relations) — As the house will be aware, the Victorian government is concerned about the plight of workers and their families in the event of an employer becoming insolvent. The federal government released a discussion paper on the issues proposing two alternative schemes and inviting responses from the states. As I have previously informed the house, Victoria raised its concerns at the most recent workplace relations ministers council. Those concerns have now been put in writing and formally sent to the commonwealth.

Our response also makes clear Victoria's position that any scheme must provide employees with 100 per cent coverage of their entitlements. As I have previously informed the house, neither scheme proposed by the commonwealth does that. The commonwealth's proposals are too limited. They require further development and information, especially regarding the cost impact on the respective states.

The Victorian submission also suggests the consideration of a number of issues, including the introduction of industry-based schemes such as those applying in the building and construction industry, as well as additional Corporations Law enhancements to make companies and not just directors responsible where they seek to avoid their financial responsibilities to employees by restructuring their operations. Victoria is keen to continue progressing the matter with all the states and the commonwealth.

Mining Warden

Hon. M. A. BIRRELL (East Yarra) — I refer the Minister for Energy and Resources to her previous answers, her personal explanation for misleading the house and her comments during the adjournment debate last night. During last night's adjournment debate the minister said she had had a series of discussions with the Mining Warden and her department and as a result had reached a conclusion. But in her answer to a question earlier yesterday she made no mention of the discussions and gave no information at all about any conclusion, and as a result she misled the house.

Given her statement that there were long discussions, is it not a fact that far from forgetting them the minister simply signed off on the downgrading of the Mining Warden's position because she did not understand the document and she did not know what she was doing?

Hon. C. C. BROAD (Minister for Energy and Resources) — I have well and truly canvassed these matters. The answer is no. I did understand the issue; I have not downgraded the position; and I have accepted considerable advice from the department, including that it is possible that the duties will be completed in less than full time. If that turns out not to be the case, I will review the situation.

ARBIAS recreational grant

Hon. R. F. SMITH (Chelsea) — Will the Minister for Sport and Recreation indicate what action his department is taking to assist people with acquired brain injuries to access recreational programs?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Sport and Recreation Victoria has provided a grant of $60 000 to ARBIAS, a provider of alcohol-related brain injury assessment accommodation support, to assist people with acquired brain injury or

illness caused by alcohol or drug abuse to access community recreation programs and opportunities.

The grant assists with payment of a coordinator and the costs of participating in recreation programs. Activities include angling, billiards, excursions, camps, swimming, crafts and a range of other social and recreational activities. The people targeted in this program reside in special residential services and are extremely isolated from the broader community. The program, therefore, not only develops personal skills but also assists in integrating these socially isolated individuals in the community.

Mining Warden

Hon. M. A. BIRRELL (East Yarra) — I refer the Minister for Energy and Resources to her statements regarding the Mining Warden. The minister said she knew what she was doing; that she had detailed discussions; and that she had made an explicit decision — all of which occurred in the past few weeks. How is it possible that the minister could forget every one of those issues and, therefore, mislead the house?

Hon. C. C. BROAD (Minister for Energy and Resources) — I have dealt with this matter in a personal explanation. My understanding is that personal explanations cannot be debated. I have been responsible and have corrected the record. It is a simple matter of wrong recollection, which I have corrected.

Fishing: abalone

Hon. D. G. HADDEN (Ballarat) — Will the Minister for Ports inform the house what action the Bracks Labor government has taken to protect Victoria's abalone industry from unlawful abalone suppliers?

Hon. C. C. BROAD (Minister for Ports) — I thank Ms Hadden for her interest in this important industry worth approximately $220 million, so it is certainly worth protecting.

Fisheries Victoria has been involved in developing a docketing system for fish, including abalone, that allows it to track abalone from the time of catch to the point of sale. The system has been adopted nationally to protect the industry from illegal operators who have, in the past, avoided strict quotas, management and marketing controls, stringent processing and consumer health requirements.

In a demonstration of how the newly introduced national docketing system for fish works, Fisheries Victoria was asked to lead the first ever joint-compliance operation to crack down on unlawful processing and sale of abalone in Queensland. The operation was undertaken with a team of 25 officers from all states across Australia, with up to six warrants being served on fish processors and wholesalers for illegal operations.

Surveillance was carried out on a number of illegal operations in other states that involved large quantities of illegal abalone being sold to Queensland operators. Investigations under the new system will continue in all states, including Victoria. The investigations are important in helping to stop the illegal taking of abalone in Victoria and selling them to other states. The system is also important in protecting the health of consumers who may eat the products that have not been correctly processed.

The Department of Natural Resources and Environment is significantly increasing its efforts in this area so that its fisheries enforcement capacity has an improved ability to prevent such crimes, with a particular focus on planned operations in conjunction with the Victoria Police.

Snowy River

Hon. R. M. HALLAM (Western) — I direct my question to the Minister for Energy and Resources. In view of the specific commitment given by the Bracks government to environmental flows down the Snowy River, will the minister confirm that any negotiated outcome of less than 28 per cent is unacceptable.

Hon. C. C. BROAD (Minister for Energy and Resources) — I am pleased to confirm, as I have done on a number of occasions, that the objective I have been charged with by the Premier on behalf of the state of Victoria is to obtain a 28 per cent environmental flow for the Snowy River, which will be a considerable improvement on the maximum of 15 per cent that the former Kennett government was only ever interested in and could never achieve. The Bracks Labor government has made it clear that its goal is to achieve environmental flows of 28 per cent.

Ice-skating: international centre

Hon. G. D. ROMANES (Melbourne) — Will the Minister for Sport and Recreation inform the house what action the Bracks Labor government has undertaken to develop an international ice-skating facility in Melbourne?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — Unfortunately, Melbourne does not have an international ice-skating facility to encourage the

development of ice sports such as figure skating, speed skating, ice hockey and curling. In addition to those sports, an ice-skating complex would provide a major recreational venue for young people and families; the greatest users of this type of facility.

I am pleased to advise the house that Sport and Recreation Victoria has combined with the City of Melbourne to facilitate a feasibility study for an ice-skating centre for Melbourne. As well as investigating potential sites and the operational viability of an ice-skating centre, the study will also investigate the level of public investment required in such a facility. In addition, a range of public and private sector development models such as build, own, operate and transfer (BOOT) schemes will be investigated.

Mineral sands deposits

Hon. G. R. CRAIGE (Central Highlands) — Given the importance of mineral sands mining, especially in north-western Victoria, and given the significant employment and transport opportunities that the Minister for Energy and Resources outlined in an answer to a dorothy dixer on 24 November, and given — —

Hon. B. N. Atkinson — She won't remember that!

Hon. G. R. CRAIGE — I am giving her time to go back to it so she can read it while I ask the question. Given also that the state government has allocated resources for two strategic studies on the transport requirement for mineral sands mining in the area, can the minister inform the house why the government has rejected the use of world best practice road transport equipment, which is essential to the competitive operation of the project?

Hon. C. C. BROAD (Minister for Energy and Resources) — I assume that is a question for the Minister for Transport. I have not received — —

Hon. G. R. Craige — No, for you!

Hon. Bill Forwood — On a point of order, Mr President, the opposition has had enough of the government's slipping and sliding on this issue. It is a relevant question for the Minister for Energy and Resources because it is about the mining of mineral sands. The minister raised the issue and said she supported it. The dorothy dixer was asked to give the minister the opportunity to put on the record what she was doing to support that important development. It is time the minister was relevant!

The PRESIDENT — Order! It is clearly a question directed to the minister's portfolio, and she is capable of answering it.

Hon. C. C. BROAD — I have said that the government supports the important mineral sands developments — including those studies — and I have no difficulty in reiterating its support for those areas. The question asked about best-practice road transport, which is not a matter I have received advice on. I will seek advice from the Minister for Transport on that matter.

Retail industry: consumer confidence

Hon. T. C. THEOPHANOUS (Jika Jika) — It is a pleasure to ask the last question without notice of the millennium in the Victorian upper house — not that I am advocating that the house will still be here in another 1000 years, Mr President. My question of the Minister for Small Business will be the last of more than 15 000 questions asked in the house since the Second World War — and there were many more before that!

Will the minister advise the house of the information she has about the level of consumer confidence in Victoria and the effect that has had on small business in the lead-up to the next millennium?

Hon. M. R. THOMSON (Minister for Small Business) — As reported in recent surveys, the level of consumer confidence in Victoria is very high. The Australian Retailers Association has said it expects the level of retail sales to jump by 7 per cent in this festive season. BIS Shrapnel has reported a similar figure of about 7 per cent for retail trade, with no immediate change likely. That will mean real benefits for the retail sector and for those small businesses that supply to it.

Like most Victorians, small business operators have welcomed the new Labor government's commitments to open and accountable government, to economic growth and to taking care of small business. That is reflected not only in the current level of consumer confidence but also in the stunning electoral support the government received in the Burwood by-election last Saturday. The Victorian government will continue to get on with the job of looking after all Victorians.

WATER (WATERWAY MANAGEMENT TARIFFS) BILL

Committee

Resumed from earlier this day; further discussion of clause 3.

Hon. PHILIP DAVIS (Gippsland) — Before question time I was trying to elicit some clarification from the minister on the intent of clause 3, but I was not making much progress. I will try to put a different perspective on the matter. Perhaps giving the committee a little history of the matter will help me make the point better than I have been able to so far.

I refer to a book called *Watering the Garden State* by J. M. Powell, which was commissioned by a secretary of the former Department of Water Resources. The book is a history of the water industry from 1834 to 1988. Reference is made on page 207 to work undertaken by H. G. Strom, who was active in water management in Victoria. His credentials include being the author of a report to the former State Rivers and Water Supply Commission. He was the former commission's divisional engineer for rivers and reclamation for about six years and served on the former Victorian Soil Erosion Committee, the former Interstate Committee for the River Murray Levees, and the former Victorian Rivers and Streams Committee.

Mr Strom made some international investigations, after which he wrote a report that was discussed extensively within the water industry. He laid down six fundamental conditions for an improved system of river control, which I will recite for the information of the house:

1. There should be one central authority having general control and jurisdiction over rivers.

2. Adequate funding and an efficient organisation would be required to ensure the 'regular and systematic maintenance' of the rivers.

3. There should also be sufficient funds for the construction and maintenance of special works.

The next is the most salient of the six points:

4. For those works that were strictly designed for local protection or benefit, arrangements should be made to ensure the local recovery of some of the costs from those directly benefited; on the other hand, the general maintenance costs of the river system itself should be spread over the whole area draining into the river.

I repeat that. He said they:

> … should be spread over the whole area draining into the river.

5. All works should be efficiently planned, 'both for the special purpose for which they are designed, and with regard to all the other interests affected'.

6. Finances should be assured and regular.

Those six points were germane to the subsequent debate among land and water managers in the water industry that led to the River Improvement Act of 1948.

The CHAIRMAN — Order! There is too much conversation in the air. I suspect the minister is having difficulty hearing the honourable member.

Hon. PHILIP DAVIS — It is instructive to refer to the debate on the River Improvement Bill, which after Parliament's consideration was enacted in 1948. Without reciting the entirety of the debate, I will highlight a few key points that are as pertinent today as they were in 1948. The principle concepts we are considering in discussing clause 3 derive from the 1948 legislation.

I refer the house to *Hansard* of 20 July 1948 in the Assembly and the second-reading speech of the then Minister for Water Supply, Mr McDonald, which states:

> Water conservation has always received the endorsement of all political parties.

Up until now that has been the case. Previously it was clear that members of this place had an affinity with and understanding of water and land management issues. Victoria, like all the colonies, progressively lost touch with the issue as it developed. The people responsible for serious decision making in the state have less of a connection with those issues. Certainly government members have a deficiency in their education on these matters, so it is not surprising that they do not understand the important nature of integrated catchment management.

In the course of the 1948 debate, Mr Fulton — who was a fine member representing Gippsland North and later one of my predecessors in the seat of Gippsland Province — states:

> It is possible that a man living 100 miles from a river would get greater advantage from works of this kind than would the landowner on the river bank; but the distant owner will not be required to pay.

That is the essence of what the government is trying to achieve with this clause — to impose a liability in terms of the legislative framework that will fall entirely on those who are adjacent to the river on the flood plain,

but to relieve entirely, within a catchment, those people who contribute to the impact on the catchment from any contribution through cost-saving arrangements.

It is sometimes instructive to refer to what has gone before us. In that context I refer to the debate in *Hansard* of 10 August 1948, when Mr Ireland, the member for Mernda, states:

> I contend that the work will be of benefit to the whole state. In many cases property owners many miles from a river will derive great benefit from drainage schemes.

I do not believe the minister has properly qualified her point about the benefit derived by the community as a whole from restricting the base, narrowly, to those landowners who will be charged only because they reside or have property adjacent to the riverine environment when it is clear that the specific purpose of the clause is to so narrowly define that ability to strike a rate that ultimately where there is a local contribution required for works to be done it will fall to a select group within the catchment and all of the others within the catchment will be relieved.

Hon. C. C. BROAD (Minister for Energy and Resources) — I will leave the lengthy speeches to Mr Davis and try to give some brief answers to these points. The government has been explicit in saying that it continues to support the role of catchment management authorities with appropriate funding. The bill does not seek to change those arrangements. Clause 3 sets out the mechanism by which catchment management authorities in future will be prevented from setting charges, such as the catchment management levy, across the whole of their district, which is completely unrelated to any services that they may provide to land-holders in their district.

The view of the government, which has been stated in both houses, is that the whole-of-catchment management is the responsibility of the entire Victorian community, and accordingly funds should be set aside through general appropriations to fund those works. That is what the government has committed itself to doing, in addition to a commitment to continuing the funding which catchment management authorities receive for those types of works — already in the order of more than $20 million.

Hon. PHILIP DAVIS (Gippsland) — Before lunch the minister indicated that the funds received by the catchment management authorities from government were in excess of those raised by the levy. If we are discussing waterway management arrangements, that is an incorrect statement. The levy collection arrangements in 1998–99 were $17 million, and the contribution from government to waterway management arrangements specifically as a cost share was $8 million, and that was an ongoing commitment by government.

The reason the opposition is concerned about the measures proposed in the bill is that it has a long-running interest in ensuring that the catchment management arrangements and waterway functions have security of resourcing. Clause 3 substantially negates the ability to deliver outcomes. It is already on the record in terms of what the government is proposing to do this financial year, which is so inadequate it is pathetic — $5.3 million in lieu of $17 million in rates that would otherwise have been collected. The impact on the catchment management processes will be disastrous, yet the minister has just reiterated the rhetoric that the government is committed to funding catchment management arrangements.

Given the published commitments of the government, how can we believe this commitment will ever be delivered? The minister simply has not responded appropriately to the issue. The government, by inserting and adopting this clause, will strictly limit the ability to collect a tariff from anybody in a catchment other than those in the riverine environment. The consequence, therefore, is that for every action in the catchment that impacts on the riverine environment, notwithstanding whether it was caused by the land-holders adjacent to the riverine environment, only those land-holders will be compelled to meet the full cost without being able to share it across the catchment. Those who contribute — that is, the polluters — should be paying as well.

Hon. C. C. BROAD (Minister for Energy and Resources) — There is obviously a disagreement with the opposition about this point. I reiterate the government's position: the funding that it will replace for these works, which previously came from the catchment management levy, is more appropriately funded by the entire community through general budget revenues. That will ensure catchment management authorities are able to continue with the works that they would have in any event put in place. The only thing that will change will be the source of the funding. Rather than coming from individual land-holders through the catchment management authority levy it will come from general revenue.

Hon. PHILIP DAVIS (Gippsland) — It is a little frustrating. It is like drawing teeth. My approach is to work constructively to make some sense of the legislation. However, given that is an impossibility because of the attitude of the government, I would at least like to get on the record a clarification of the

measure so that the stakeholders who will be directly affected by it will understand the rationale of the government. It is nonsense. The government has clearly said that this financial year only approximately a quarter of the funds previously collected in a full financial year will be available to replace those funds. Even the Minister for Energy and Resources will understand that that will have a detrimental effect on the opportunity catchment management authorities will have to undertake the environmental works that need to be undertaken in catchments, because the authorities depend on the funds to deal with those issues.

I have created an opportunity for the minister, on behalf of the government, to expressly set out how the government expects the authorities to be able to operate this financial year — let us not get beyond 1999–2000 for the moment — with the limited funding arrangement. The minister's unwillingness to provide any clarification about the matter indicates to me a contempt for the catchment management authorities and the members of their boards, who give far more of their time, effort and intellectual contribution to the process than they are remunerated for.

Hon. C. C. BROAD (Minister for Energy and Resources) — Before the suspension of the sitting for lunch I sought guidance on dealing with a series of matters raised by the honourable member. The response I was given indicated the matters would be dealt with in sequence. As I have already said, the clause deals purely with preventing CMAs from putting in place CMA levies. That is all that it deals with. Later clauses deal with the transitional funding arrangements. I would be more than happy to deal with those, either now or when we get to them. I am more than willing to provide to the committee the information on the government's view about past, present and future funding arrangements that will apply flowing from the implementation of the legislation.

The CHAIRMAN — Order! We will do them as we come to them.

Hon. PHILIP DAVIS (Gippsland) — The reason I pursue the matter is that the minister's response elicits a further question. The reality is that the provisions of the bill, which go to limiting the ability of the authority to implement a tariff arrangement, cannot be separated. The minister responds along the lines that the government shall provide — that is, magnanimously from taxpayers' resources. That being the case it would be enormously helpful to me to understand how the clause will have an impact. The minister could at least outline if her response foreshadows some further proposal being given in detail later in the discussions. I am interested to know whether the government has considered what the immediate impact of the measure will be when it is promulgated.

Hon. C. C. BROAD (Minister for Energy and Resources) — Again, Mr Chairman, I seek your advice. The clause deals only with removing the mechanism for CMAs to collect a levy. If we can move on from that I can deal with the other matters, or I can deal with them now. I am purely in your hands.

Hon. PHILIP DAVIS (Gippsland) — Mr Chairman, on the basis that the minister is not able to contemplate revealing in any part any advice on whether or not the government has any appropriate strategy for dealing with the burden it is imposing on catchment management authorities this financial year and into the future, at this point I will leave clause 3.

Clause agreed to.

Clause 4

Hon. PHILIP DAVIS (Gippsland) — I should be interested in a comment from the minister about how the charges outlined in clause 4 will be applied. I want to understand the practical mechanisms — as has been discussed — that allude to the ability of the authority to strike a rate. I need some clarification about how the measure will be applied in meeting the expectations of what a serviced property is. The bill refers to properties included in the definition of 'serviced property' receiving services specifically. I would like the minister to embellish that a little so the house can be clear about how the measure will be implemented.

Hon. C. C. BROAD (Minister for Energy and Resources) — Clause 4 is a mechanical provision which is to follow section 260 of the Water Act, the section that deals with setting a tariff. The intent of the clause is to further prevent CMAs from setting levies by describing the nature of the authority and the prohibitions applying to it. As the honourable member has correctly indicated, it does that by referring back to the requirement that the properties be properties that have services provided to them.

Hon. PHILIP DAVIS (Gippsland) — The only issue then is in relation to clause 3 and the relationship to there being a service provider. As has been discussed, under the minister's narrower definition of where a tariff can be applied, the effect of that is simply to ensure that only properties that meet the criteria of having a specific service applied — that is, in terms of a drainage or flood management program — can become part of the base for revenue collection for a waterway district. Is that right?

Hon. C. C. BROAD (Minister for Energy and Resources) — That is my understanding, Mr Chairman.

Clause agreed to.

Clause 5

Hon. PHILIP DAVIS (Gippsland) — I hope at this point the opposition may get an explanation about the proposed funding arrangements that are of vital significance to the government's being able to honour its pledge to rural Victoria in terms of ongoing programs. Would the minister like to make an observation?

Hon. C. C. BROAD (Minister for Energy and Resources) — Yes. The clause relates to various transitional arrangements, and most importantly the arrangements in relation to previous tariffs that have been applied. To deal with the overall funding arrangements I will take a moment to refer to a number of matters.

A figure of $17 million has been referred to by a number of opposition speakers. That figure refers to the year 1998–99. Following that year, and more particularly following the reaction of the land-holders the funds were collected from, CMAs reduced tariffs of their own volition. The projected amount to be collected in the current financial year is in the order of $14 million. Therefore, it was quite misleading for the opposition to refer back to the historical figure of $17 million as the amount collected in relation to the situation the government is now dealing with.

It is also worth noting that the state allocation to CMAs from consolidated revenue for corporate waterway and flood plain costs is over $21 million.

Bearing in mind only two catchment management authorities have sent out notices about the projected revenues to be collected from the CMA tariff, it is the government's view that after deducting the costs of collection of the tariff, and the costs also incurred in advertising and publicity, that the commitment the government has made to more than $10 million to CMAs to replace funds previously collected through the tariff is a comparable amount.

The opposition has referred to the election statements that in the first year there will be half-year funding and in subsequent years full-year funding. The government has reconsidered that funding. It was made clear in the lower house that for this financial year the full amount will be provided, so it is not half-year funding but is full-year funding to replace revenues collected from the tariff.

Clause 5 inserts proposed section 330 which deals with transitional arrangements and provides CMAs with the ability to collect fees owing from previous years if they so desire. The West Gippsland Catchment Management Authority was referred to earlier in the debate as having significant outstanding debts from power companies for the 1998–99 financial year. It will be a matter for that CMA to decide whether it wishes to pursue those debts. The bill does not in any way affect the right of CMAs to set charges prior to 1 July 1999 and debts that are outstanding for charges set in 1998–99 can be pursued by CMAs if they so wish.

As has been outlined, the bill prevents CMAs from proceeding to collect fees for the current financial year 1999–2000. The government has indicated that fees already collected will be repaid. Following a suitable process to establish what costs have been incurred by CMAs which have already distributed notices — for example, the Goulburn Broken and north-east CMAs — the government will meet those costs. That was indicated in the lower house. However, that is not a blank cheque. Those CMAs will need to go through a process with the Department of Natural Resources and Environment to establish those costs. Following that process, which I expect they will be happy to engage in, the costs will be met.

To be even more specific, statements were made in the lower house that the government would guarantee funds for existing projects in addition to its overall projects to ensure that no works will be set back in any way. Equally, the government will ensure that funds are provided for grants that CMAs may have received that require matching components — for example, from the commonwealth — so that CMAs will not in any way, shape or form be forced to reduce any of those works.

Those are the main points about the funding arrangements. However, I will be happy to clarify any further matters honourable members may wish to raise.

Hon. PHILIP DAVIS (Gippsland) — I am relieved to hear the minister's commitments about funding arrangements. It enlightens us as to the government's intention. I wish to clarify a few points on detail. I am curious about the reimbursements to those two authorities that have already collected tariffs. Will the reimbursement include both the cost of the collection and the cost of the refund? In other words, there are collection costs that would need to be met to collect the tariff in the first instance. The tariff will have to be refunded and there will be costs in addition to refunding the collection.

Hon. C. C. BROAD (Minister for Energy and Resources) — It is my advice that following a suitable process of establishing what those costs are they will be met.

Hon. PHILIP DAVIS (Gippsland) — I am pleased with the minister's response. I do not want to be pedantic about this but I need to clarify the matter. My references to the $8 million a year that the previous government was committing to waterway management works were in the context of a comparative amount to the CMA tariff — that is to say, the $17 million collected by way of a waterway management tariff in 1998–99 was matched by $8 million of state money for waterway management works. We are talking about that function of the CMA rather than its global budgets, so it is a pedantic point.

The minister alluded to the corporate waterways and flood program of more than $20 million. I am not disputing that is the government commitment. I suggest it is a misrepresentation of the way funds are available for project work to think there is not a considerable impact in not having those additional funds available from levies because they are dedicated to waterway management functions as distinct from the other functions of the authorities. Bearing in mind the minister's explanation and the commitment she has given about meeting in a full year — that is, 1999–2000 — the full $10.7 million that had previously been estimated, I still argue it is inadequate and I will not concede the point. I am concerned that a lot of administrative costs, such as the reimbursement of the costs of collection and costs of refund and so on, will be met out of the $10.7 million that the government is committing.

Hon. C. C. BROAD (Minister for Energy and Resources) — To clarify that point, I am advised that the $10.7 million full-year commitment is to replace funds that would have otherwise been collected through the levy and will not be used to cover the interim arrangements to repay levies collected, which are no longer lawful once the bill is passed, and to meet the costs involved in sending out those notices and so forth. That is a separate commitment the government has given in the lower house. Following a suitable process of verifying those costs, they will be met separately.

Hon. PHILIP DAVIS (Gippsland) — That again is useful information for honourable members. Perhaps the minister can help me because I am curious about the provision that requires an authority to repay all fees or parts of fees paid for a tariff that is set. Why cannot the minister direct the authorities to make the refunds, notwithstanding any legislative provision? The minister could do that by ministerial direction. I thought it would have already been done.

Hon. C. C. BROAD (Minister for Energy and Resources) — The ministerial direction put the catchment management authorities on notice that the government intended to proceed with the implementation of its policy. The business plans the CMAs are required to submit for the minister's approval would normally contain financial arrangements, including a provision for estimated receipts from levies. It was the intention that when the ministerial direction was received the CMAs could amend their business plans. As I said earlier the government does not believe in any way that that detracts from the importance and necessity to legislate.

Hon. E. J. POWELL (North Eastern) — At the moment the CMAs plan their work program and then set their tariffs. Will the catchment management authorities receive set amounts from the $10.7 million allocation or can they set a works program and then ask for funding? The problem I have is that if the $10.7 million runs out some CMAs will be unable to complete their works programs.

Hon. C. C. BROAD (Minister for Energy and Resources) — Although I do not have all the details before me, I understand that the $10.7 million in the current financial year will replace funds the CMAs would otherwise have collected from levies. That should not in any way affect works budgeted for in the business plans of CMAs that were reliant on funds from levies, since the government is directly replacing them in the current financial year. Over and above that, the government gave a commitment in the lower house that no works will be affected by the passage of the bill.

Hon. R. A. BEST (North Western) — My question relates to the contracts entered into by the CMAs. The North Central Catchment Management Authority has a two-year contract with George Laurens & Co., which is the collection agency. Because of the legislation George Laurens & Co. now has no role to play, thus exposing the CMA to costs. Does the government intend to pick up those costs of the second year associated with the contract between the catchment management authority and the collection agency?

Hon. C. C. BROAD (Minister for Energy and Resources) — I am not in a position to give a categorical answer to that question. The government has indicated that upon following a suitable process of verifying costs, which would include contracts entered

into, the government will meet those costs. On verification, and providing the costs cannot be avoided, the government's commitment is that it will meet costs associated with transitional arrangements.

Hon. R. A. BEST (North Western) — I am not trying to put words into the minister's mouth. However, is the minister saying that if a legally binding contract exists and given that legitimate and transparent financial arrangements have been entered into by the CMAs, the government will honour its commitment to reimburse those costs to the CMAs?

Hon. C. C. BROAD (Minister for Energy and Resources) — That is the government's intention.

Hon. PHILIP DAVIS (Gippsland) — Although most of the issues have been covered, the opposition is concerned that it has not received any government acknowledgment of the important principles of cost sharing. It is surprising, to say the least, that the government has been extraordinarily reluctant to acknowledge the benefit derived for the whole of a catchment community from waterway management works.

The government's intention to limit those who will in future contribute to the whole-of-catchment waterway management to only those immediately adjacent to the riverine environment — coincidentally the land-holders through whose land the waterway proceeds — will ensure that they are punished in the long run.

As was said earlier, the priorities of government change over time and, if the whole of a catchment community does not have ownership of and a long-term commitment to the process, interest will wane.

The minister has not adequately addressed the matter. It is clear that the government intends to proceed with the bill, and in doing so it is failing to acknowledge or signify any comprehensive understanding about where the state has come from.

Preceding the debate I outlined to the house the evolution of the development of waterway management arrangements in Victoria, which in itself is a model. In the second-reading debate I had intended to have the house consider a World Bank technical paper launched earlier this year that acknowledges Victoria's great strength as a manager of water systems. The report is entitled 'Toward a Financially Sustainable Irrigation System' and alludes to a range of waterway management issues. It is interesting that not only can the Victorian Parliament be proud of the arrangements which have been in place and on which there has generally been a bipartisan view, but that the arrangements have been recognised and lauded nationally and internationally. It is a great pity that the government has set out on a course to undo much of that good work that over time has been the subject of a bipartisan approach.

To conclude I refer to a discussion paper entitled 'Managing Natural Resources in Rural Australia for a Sustainable Future' that was released a couple of weeks ago. It proposes the development of a national policy, which the commonwealth and the states have signified they wish to pursue and upon which comments are now sought. The Victorian government has a commitment to that approach. At page 33 the paper states:

> It is now recognised that — along with improved practices at the property level — regions and catchments are the most suitable focal points for managing natural resources in rural Australia. Regional and catchment-level strategies are seen as most effective when they are generated and overseen by the community with appropriate levels of government support.

That quotation reinforces the ongoing development of public policy in focusing on the requirement on local communities to ensure they demonstrate ownership, cost sharing, commitment and drive because they may be the beneficiaries of the outcomes of those activities. At page 42 there is reference to levies and subsidies. It states:

> Regions could decide to use levies and subsidies to encourage improved natural resource management and reduce off-site effects. Many different arrangements are possible. For example, to encourage producers to reduce infiltration to ground water, subsidies could be provided to retain native vegetation or to plant trees. This could be combined with, say, low levies on land used for lucerne production and high levies on land used for annual crops. Levies may also be targeted at all residents (for example, a local government environment levy) or at a particular industry. They may be voluntary or involuntary. Changes in state or territory legislation may be necessary if levies are to be introduced at the regional scale.

At the national level Victoria is running a case that basically says that the achievements of our forebears in the 1940s in initial river improvement legislation led the world at the time, and that the evolution of waterway and catchment management arrangements in Victoria has always been so. Notwithstanding the recognition of the importance of those arrangements at an international level, the government is failing to meet the test of empowering rural communities.

Hon. C. C. BROAD (Minister for Energy and Resources) — Given that the government and the opposition substantially agree on the importance of waterways management on a whole-of-catchment basis and that the Bracks Labor government acknowledges the importance of community involvement and community approaches, indeed partnership approaches,

and that a great strength of CMAs has been their capacity to engender that type of community action, the only disagreement that exists is the method by which funding should be provided to CMAs for waterways management on a whole-of-catchment basis.

Whereas the opposition argues it should be the responsibility of land-holders within a particular district to contribute to that through levies, the government's view is that that responsibility should be shared across the entire Victorian community. That will not in any shape or form undermine the role of CMAs or community participation in the important works undertaken by CMAs.

Clause agreed to.

Reported to house without amendment.

Report adopted.

Remaining stages

Passed remaining stages.

POLICE REGULATION (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. B. C. BOARDMAN (Chelsea) — The opposition does not oppose the bill or its introduction. I thank the government, particularly the Department of Justice, for its cooperation in providing a briefing on the legislation. I thank the minister. I put on record that it is important for the government to realise that briefings by the department relating to forthcoming legislation receive attention and are treated with respect, so I ask the minister to pass that message on to his counterpart.

The purpose of the bill is to abolish the Police Board of Victoria and the Police Review Commission; to establish the Police Appeals Board in place of the Police Review Commission to protect members from civil action arising from the performance of their duties; and to ensure that where members are to be charged over disciplinary matters those briefs are referred to the Director of Public Prosecutions before charges are laid.

In the first paragraph of the second-reading speech the minister stated:

> These measures are designed to build confidence within Victoria Police and also the community's confidence in Victoria Police.

While on the surface the issues seem valid, the statement creates an element of doubt relating to the community's confidence in the Victoria Police.

On 16 August 1998, just over 12 months ago, tragic circumstances in Moorabbin resulted in the death of Sergeant Gary Silk and Senior Constable Rod Miller. I had worked with Senior Constable Rod Miller at Caulfield police station. He was a terrific guy and dedicated and committed to Victoria Police. The callous, cowardly and tragic act that unfolded on that day resulted in Victoria Police and the Victorian community losing two fine men.

A positive outcome was the increased confidence of the community — to an unprecedented level — in Victoria Police. Honourable members would be aware that Blue Ribbon Day, initiated after the events in Moorabbin on 29 September, is now part of Melbourne folklore. It is now part of our history and proves that the vital guaranteed link to the community is strong.

Consistently for the past three years, studies have shown the highest level of satisfaction with the Victoria Police compared to forces in other states and territories around Australia. In hindsight we realise that government comments may be poorly worded: we need clarification and a guarantee that there is no doubt about the community's confidence in, relationship with and attitude to the police force. If there is an agency in Victoria that harmed that confidence it is the Victorian Labor Party.

During the election campaign, the Labor Party mischievously and misleadingly used the policing issue, including police numbers and the safety and welfare situation, for political purposes. Not only did that affect the morale of the police force, but it created a completely unjustified and unfortunate sense of fear and suspicion in the community. It was used only to substantiate the ALP's election policies.

I vehemently make the point that police officers are not political pawns. They provide an important service to the community and should not be used for political purposes in an election campaign. Although policing is an essential part of government administration, using it as Labor Party members did in the Frankston East supplementary election by waving placards with 'Vote for more police numbers' and including the blue chequered police symbol on how-to-vote cards should not be tolerated. I make the clear point that if any organisation contributed to the public losing confidence

in the Victoria Police by putting out false, misleading and inappropriate information, it was the Victorian Labor Party.

The bill abolishes the Police Board of Victoria, which comes as no surprise. If anything it demonstrates the consistent attitude of the government and the Minister for Police and Emergency Services in the other place, Mr Haermeyer. On 27 November 1998, when he was the shadow Minister for Police and Emergency Services, the minister was reported in the *Herald Sun* in the following terms:

> … [he] branded the board a waste of money but said its apparent abandonment without recourse to Parliament was an outrage.

I am not sure what he meant by 'without recourse to Parliament' because along with other bodies the board was created by an act of Parliament — in this case, the Police Regulation Act — and reports annually to it. Those bodies are not autonomous. They exist only because they receive references from ministers, and they report to them. The statement by the then shadow minister was silly. The Minister for Police and Emergency Services has a right to act on the recommendations of the board and to refer additional recommendations to the Chief Commissioner of Police for implementation.

The same article quotes the then shadow minister as saying:

> It's extremely sloppy and indicative of the absolute mess that this government and this minister have inflicted on the police …
>
> You have to ask what useful function the board serves if we can go two months without it and no-one notices.

I refer to annual report no. 7 of the Police Board of Victoria for the year ended 30 June 1999. It contains details about some of the references the board has addressed. Reference 3, which entailed a review of the Police Regulation Act, was one of the most challenging the board undertook. It resulted in the amendments which were introduced in April and passed in May but which are unfortunately being repealed today.

I understand that the current references — that is, reference 4, on market research program; reference 5, on contemporary developments; and reference 6, on the development of a long-range strategic planning program — will not be neglected but will be referred back to the Department of Justice and force command and that the tasks will be completed.

I also understand that the current $1 million budget of the Police Board of Victoria will be returned to the department. It will be used to contribute to the establishment of the crime prevention agency, which the Labor Party announced as a key policy initiative during the last election campaign. The ALP policy, entitled 'No More Excuses on Crime', states:

> Labor will restructure the Department of Justice to establish a crime prevention agency responsible for identifying, developing, promoting and evaluating effective crime prevention ideas, programs and initiatives.

That seems a bit duplicitous because under its current structure the police board could easily have been given the terms of reference to fulfil those roles. It could consult with police, evaluate and implement a crime prevention program, and report to the Chief Commissioner on what the crime prevention agency was doing. The minority Labor government is doing the same thing in every department — that is, removing one committee or board and establishing another. It seems to be somewhat hypocritical and cumbersome.

One disappointing aspect of the Police Board of Victoria is that members of the force do not have a good grasp of how it has operated. The common perception among police officers is that the board is a committee that advises on operational matters and has a strong influence on policy and the way operational decisions are made. That misunderstanding has led to police members not having much confidence in the police board. Its abolition will receive the strong and wholehearted support of members of the force.

The abolition of the Police Review Commission must be carefully considered. I refer to the statistical information in appendix 1 of the commission's annual report for 1998–99, which shows that a considerable number of appeals have been lodged with the review commission. They include appeals against non-selection for vacancies of the same rank and appeals involving promotion and disciplinary matters.

It is interesting to note the number of appeals involving the dismissal of members under disciplinary provisions. During the period covered by the annual report — that is, 1 July 1998 to 30 June 1999 — 14 such applications were lodged. Of those, nine were heard and one was withdrawn. The five applications on hand at 30 June included one that was outstanding at 1 July 1998. The results of those appeals from decisions of the chief commissioner — I understand that under the current act the Chief Commissioner of Police has the discretion to accept recommendations — are that 5 dismissals were confirmed; 1 was set aside; 1 was set aside with a reduction in rank and a fine imposed; 1 was set aside and a loss of remuneration imposed; and 1 was set aside and a fine imposed.

The point I am making is that the Police Review Commission performs an exceptionally important task on behalf of the members of the Victoria Police Force. The second-reading speech states:

> The International Labour Organisation's Convention on Termination of Employment requires that all dismissed workers should be able to appeal to an impartial body.

From the feedback I have had from the Victoria Police and its representative bodies I understand that the Police Review Commission is viewed as an impartial and independent body that carries out its task with professionalism, integrity and commitment and that the overwhelming majority of members of the force believe its role should not be compromised.

The bill will replace the Police Review Commission with a Police Appeals Board. I hope that will not jeopardise or compromise that role in any way. The only concern I have — I have discussed it with the department and the minister — is about the structure and membership of the Police Appeals Board. I urge the minister to pass on to his colleague in the other place the comments I have made about the role of the chair and the deputy chair of the board.

Although at least one member of the board will have to be a legal practitioner of five years standing, I suggest that strong consideration be given to having no less than a County Court judge chair the appeals board. Not only will that add to the impartiality and professionalism of the board, but it will send the right signal to members of the police force that when they appeal disciplinary, promotional or related matters their cases will be heard by a board chaired by someone who is expert, impartial and has the professional integrity and qualifications to make decisions without the influence or involvement of outside agencies or personnel. I have raised that issue with the minister previously and I again ask that he take note of it.

The bill will ensure that the Chief Commissioner of Police consults the Director of Public Prosecutions before laying charges against a member of the force. I raised with the minister and departmental officers my concerns about proposed section 71(2), which states:

> If the Chief Commissioner or authorised officer reasonably believes that the member may have committed an offence, the Chief Commissioner or authorised officer must not charge him or her with the commission of a breach of discipline until the Chief Commissioner or authorised officer has consulted the Director of Public Prosecutions.

I asked for clarification of the meaning of 'offence', because it has a broad definition in the Police Regulation Act. I acknowledge the response by the Minister for Police and Emergency Services to the shadow minister in the other place in a letter of 13 December. It states:

> … the only form of 'offence' known at common law is a 'criminal offence';
>
> the term 'offence' is used in various other provisions within the Police Regulation Act 1958, see e.g. sections 69(1)(i) and 79(1), and other statutes … To introduce a new expression, 'criminal offence' may cause some uncertainty in the law in the sense of raising the question as to what type of offence an 'offence' is.

I accept the minister's explanation. I understand the Chief Commissioner is obliged to consult with the Director of Public Prosecutions only when the offence involved may be of a criminal nature. It has been the practice in the past that an investigating officer will refer the matter to the Director of Public Prosecutions before considering the laying of charges, and I welcome this legislative prescription.

Members of the Victoria Police are extremely troubled when investigating officers act as hearing officers after they have initiated an investigation and laid a charge. That has happened on a number of occasions. Surely the practice is unfair and is not appropriate under the normal provisions of natural justice. No individual should act as judge, jury and executioner. Many of my former colleagues in the police force believe that is untenable. Sometimes issues such as undue bias may arise with the authorised officer.

I deal now with the immunity provision. Members of the force acting in good faith in the course of executing their duties should be given immunity from charges that may arise. Early this year four members of the force at Warrnambool were sued after they arrested and charged a suspect for possession of cannabis and resisting arrest. The charges were withdrawn following a direction from force command, and as a result the suspect successfully sued the police officers concerned and the judge awarded compensation of $60 000. The issue had a significant impact on police morale because of the direction from command that the individual members would be liable for the damages. It resulted in considerable disrespect for the command, and disunity, among members of the force. The state will now become the responsible agency if it is accepted that a member acted in the best interests of the force and the community.

I note the difference in the burden of proof for civil and criminal matters. Members of the force who have been charged with criminal matters are often found not guilty because the burden of proof is beyond a reasonable doubt. However, members who are sued for civil

matters face a different level of proof, and courts often find against them. I welcome the provision because I know it has extremely strong support among the members of the police force. It will do a lot to arrest the fears many police officers have when carrying out their duty.

I will put on the record some comments made by police officers on the issue:

> 'If I get sued and lose then at least I will not have any assets they can take from me' … 'We shouldn't have to go to such lengths, surely the department has a responsibility to fund us at least until a court decides guilt or innocence.' …
>
> 'We are working flat chat on the divi vans, out their at the sharp end and many of us have to do the paperwork in our own time' … 'Yet at the same time we have this bogey man hanging over our shoulders that if we stuff up the department isn't going to back us'.

They are negative and unresponsive comments, but they are relevant because it is worrying when dedicated professional and committed police officers who are held in high regard have such concerns.

Members of the force are anxious about the passage of the legislation. I acknowledge the consultative process that has occurred in developing the bill. The opposition does not oppose it.

Hon. D. G. HADDEN (Ballarat) — I support the Police Regulation (Amendment) Bill, the main objective of which is to create a Police Appeals Board. The proposed board will have the power to determine promotions, transfers and undertake disciplinary reviews. Its specific functions are set out in proposed new section 88. The bill delivers the government's key election commitments on police. The abolition of the Police Board of Victoria will save the state some $1 million annually.

The bill establishes the Police Appeals Board, which will have responsibility for all promotion and discipline reviews currently conducted by the Police Review Commission. The Police Appeals Board will conduct any reviews of what are termed 'commissioner's confidence' dismissal decisions, which are currently within the police board's jurisdiction.

One of the key reforms is that the new appeals board will have binding determinative powers to review police discipline decisions. That is specifically set out in clause 10, which inserts proposed new section 88. Proposed new section 89 sets out the composition of the appeals board, which will consist of three members, one of whom must be a legal practitioner of five years standing.

Currently the Police Review Commission can only make recommendations to the Chief Commissioner of Police, who has the final decision. That gives the chief commissioner an unfettered power, which could be open to possible misuse in the future and should not be allowed to continue. When the bill is enacted, it will put the Victorian Chief Commissioner of Police, Mr Neil Comrie, on a similar footing to his counterparts in other states.

The new Police Appeals Board will have responsibility for the external scrutiny of dismissal decisions made by the appeals board, which will bring Victorian police into line with other employees and police commissioners throughout Australia. The bill is consistent with the International Labor Organisation's convention on the termination of employment by giving all employees the right to appeal to an impartial body in respect of dismissal.

Proposed sections 91J and 91K, which are inserted by clause 14, are important because they provide that the appeals board must have regard to the public interest as well as applicants' interests. Clause 7, which inserts proposed section 71(2), places an obligation on the Chief Commissioner of Police to consult with the Director of Public Prosecutions before charging a police member. It is in the public interest that police members are treated in the same way as the rest of the community.

Proposed section 123(1), which is inserted by clause 16, is also important. It provides police members with immunity from personal liability in civil litigation for anything that is reasonably done or omitted to be done in good faith in the course of his or her duty. Those provisions are, in my respectful submission, extremely important and need to be introduced.

Hon. Bill Forwood — You are not making a respectful submission, you are making a speech in the Parliament. You are not in the law courts now!

Hon. M. M. Gould — She can tell. It is not as civilised!

Hon. D. G. HADDEN — That is correct. That immunity from personal liability brings Victorian police members into line with their colleagues in New South Wales and South Australia.

The bill is yet another example of the Bracks Labor government honouring its pre-election commitment to providing open, transparent and accountable government for the people of Victoria. I commend the bill to the house.

Hon. ANDREW BRIDESON (Waverley) — In supporting the Police Regulation (Amendment) Bill I endorse the comments made by the Honourables Cameron Boardman and Dianne Hadden. The purpose of the bill is to establish the Police Appeals Board, abolish the Police Board of Victoria and the Police Review Commission and protect members of the police force from civil action arising from the performance of their duties.

As honourable members have heard, the bill will produce savings of about $1 million a year for the police department through the abolition of the Police Board of Victoria. I am not sure whether that saving will be subsumed into the police department, but it will be subsumed into the policy planning section of the Department of Justice.

The Police Board of Victoria has served a useful purpose over the years. As part of my research for the debate I looked through the board's annual reports. I will list some of the useful functions it has fulfilled in line with its charter from Parliament. It has reviewed the management of the Victoria Police; reviewed the Police Regulation Act of 1958, which established the principles for the development of modern policing services in Victoria; conducted an extensive market research program, as a result of which positive changes have been made in the force; examined contemporary developments in policing, not just around Australia but internationally; and developed long-range strategic plans. I sincerely hope the work undertaken by the police board will be continued. The benefits of that research enhance the standing of the police and increase Victorians' confidence in their police force.

I have a couple of concerns about the bill that I will briefly outline. One relates to the membership of the new appeals board, which has already been touched on by the Honourable Cameron Boardman. As a layperson on legal issues, I always wonder about the requirement that any person appointed to an appeals boards must be a legal practitioner of at least five years standing. I do not know why five years is selected. After all, six years experience is better than five, and so on. Perhaps the stipulation should be that the person be a QC or have 10 years experience. However, I would go along with the suggestion of the Honourable Cameron Boardman that the government give serious consideration to appointing a person of no lesser status than a County Court judge. The most important attributes of appeals board members are that they have no political affiliations, are totally impartial and do not bring any bias to their deliberations. If the government keeps those criteria in mind when making any appointments, the appeals board will be successful.

The other concern I have, which was also addressed by the Honourable Cameron Boardman, relates to proposed section 91Q, under which the chief commissioner must give effect to an order or decision of the appeals board. To appreciate the change made by the bill, one needs to look at the current act. The act states that following a review the Police Review Commission can recommend to the Chief Commissioner of Police that a certain course of action be taken. The chief commissioner is obliged only to have regard to that recommendation. The bill proposes that the chief commissioner must implement a decision of the appeals board. I have no reason to disagree with that, as it can only benefit those whose cases are heard before the board.

The proposed Police Appeals Board process is not dissimilar to processes that are followed by other boards in other parts of the public service. My background is in the teaching service. When I taught many years ago teachers had a similar process available to them, and I cannot see too much difference between what was available to the teaching service in the 1960s, 1970s and 1980s and what is being proposed today.

The key area of reform would be the chief commissioner giving effect to decisions. The other area of major change is proposed section 123. I certainly have no problem with that. In fact, it reflects current policy, where a policeman is now not personally liable for anything:

> … necessarily or reasonably done or omitted to be done in good faith in the course of his or her duty.

That is an important provision and can only add to the morale and confidence of the Victorian police force. I emphasise that if police do anything in good faith, they have nothing to worry about. Essentially it is a sound, solid bill. The measure of its success will be seen if two things occur: firstly, if confidence within the Victoria Police itself is improved; and secondly, as a by-product of that, if the community's confidence in the Victoria Police also improves.

I make a passing reference to the differences of opinion currently occurring between police command and the Police Association. It would be an admirable goal for next year if both police command and the association sat down and improved their dialogue. There would be a great community benefit to the citizens of Victoria if that occurred. I have no hesitation in supporting the bill and wishing it a speedy passage.

Hon. R. F. SMITH (Chelsea) — I support the Police Regulation (Amendment) Bill. The Bracks government has nothing but pride and confidence in our

Victorian police force. It is the equal of any in the country. The bill will support the police force and strengthen its morale. I contest the statement made by Mr Boardman about police numbers — —

Hon. B. C. Boardman interjected.

Hon. R. F. SMITH — I agree with Mr Boardman that the police ought not to be politicised and involve themselves in any political campaign, but he does not understand the difference between a political and an industrial campaign and he never will. The bill delivers on a number of key policy commitments given at the last election. Those commitments require legislative change.

The purpose of the bill is to establish a Police Appeals Board, to abolish the Police Board and Police Review Commission, to protect members of the police force from civil action arising from the performance of their lawful duties, and to amend the Juries Act 1967 and the Ombudsman Act 1973.

The Police Regulation Act will be called the principal act. In abolishing the Police Board and the Police Review Commission Victorian taxpayers will save about $1 million annually. The Police Appeals Board will be responsible for all promotional appeals and disciplinary reviews. It will conduct any reviews of commissioner-confidence-type dismissal decisions. Those decisions are currently performed by the Police Board.

A key reform in the bill is that the new appeals board will have the final say on police disciplinary decisions. At the moment the commissioner makes the final decision. The bill brings external scrutiny to dismissal in line with the International Labor Organisation's convention relating to the termination of employment and the right to an independent review. The bill should not be seen as a criticism of the Chief Commissioner of Police. It is not. It simply brings us into line with the other states of Australia, and enables us to meet our commitments internationally.

The chief commissioner will have to consult the Director of Public Prosecutions before charging a member of the police force with a disciplinary breach where a disciplinary investigation has revealed a possible criminal offence. This will reassure the community that police officers are not treated more or less favourably than any other citizen. The bill provides immunity for police while officers are performing their duties in good faith. This will not provide a Nuremberg-type defence as it emphasises good faith. It will provide a similar protection to that which is afforded to police in New South Wales and South Australia.

The functions of the appeals board are, firstly, to determine promotion and transfer appeals of police members; secondly, to conduct reviews of police discipline and other staffing decisions; and thirdly, to conduct reviews of any unsuitable dismissals by the chief commissioner. They say the devil is in the detail. Previous speakers have already explained the detail in great length, so that will suffice in terms of my support for the bill. 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 Cameron Boardman, Dianne Hadden, Andrew Brideson and Bob Smith for the speedy passage of the bill.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from 15 December; motion of Hon. C. C. BROAD (Minister for Energy and Resources) for adoption of address-in-reply.

Hon. T. C. THEOPHANOUS (Jika Jika) — It is a great pleasure for me to speak on the last day of the last session of the millennium to give what might be the last speech of the millennium. Indeed, it might be a double whammy! It is a pleasure also to do so in the context that Victoria now has a Labor government, which is a source of great pride for me, and will be a great thing for all Victorians.

I listened to many of the contributions of the opposition, and I must say the thing that struck me most was the attempt to rewrite the history of the past seven years. They were sad speeches in many ways because they encapsulated a notion of a fundamental refusal to

accept the people's verdict at the recent elections. Politicians often get it wrong, but the electorate rarely does — and the electorate certainly did not get it wrong at the last state election. The previous government forgot a fundamental reason why we are members of this place — to be servants of and accountable to the people. Forgetting that is the greatest mistake any of us could make. The previous government forgot it, and paid the price.

I want to set the record straight about what has occurred over the past seven years. In their contributions to the debate opposition members attempted to glorify the Kennett years. They did so on a number of bases, the most repeated of which was that they believe the previous government was responsible for the economic recovery of Victoria. They still believe they were accountable, despite the fact that the electorate does not; they still believe they governed for all, despite the fact the electorate does not agree. The former government was wrong on all those counts.

I will turn to the question of Victoria's economic recovery. The truth about the state's economic recovery is that it was part of an overall Australian economic recovery driven mainly by Labor policies federally and a changed international economic environment.

Hon. R. M. Hallam — So who is rewriting history now?

Hon. T. C. THEOPHANOUS — Mr Hallam, the truth is that the international economic environment changed and improved. Australia gained the benefit of that and experienced an economic recovery, as a whole, after the 1991–92 recession. The changed economic circumstances internationally and the targeted policies of the federal government helped change the state's economic environment.

If one looks at figures for Victoria one will find that the state lagged behind for many years in its economic recovery and had the highest unemployment rates and the highest taxes and charges in the land. One of the legacies of the Kennett government was that it was one of the highest taxing governments in Victoria's history.

A second myth the opposition tried to perpetrate is that the Kennett government was somehow responsible for the changed financial status of the Victorian government because of its better management of the Victorian economy. The opposition often talks about debt reduction, which is really a code word for privatisation and asset sales. It is time people clearly understood that. When the opposition talks about a reduction in state debt it is also talking about the sale of assets. Members of the government do not take issue with the fact that debt has been reduced, but state assets have also been reduced. It is important to put the issue into context and to put on the record the fact that both have been reduced.

While the sale of state assets and privatisation may have improved the state's accounts, debt reduction has transferred debt from the public sector — or, to put it a different way, from taxpayers — to electricity and gas consumers. The massive debts of the private electricity and gas companies, which are now private and no longer public debts, will be paid for in electricity and gas bills for many years to come.

No real benefits have been gained by Victorian electricity and gas consumers. In fact, another of the legacies of the Kennett government is that in its initial years in office there was an 18 per cent increase in the cost of electricity and gas. While there has been a legislative reduction in electricity prices over the past few years, it still does not bring gas prices back to where they were before the increases incurred under the previous government.

The only way to look at the pricing of electricity and other services is to compare them with the prices for the same services in other states. The fact remains that the yearly cost of electricity for an average Victorian household is about $200 more than the cost per annum to an average New South Wales household using the same amount of electricity. That is a test of whether Victorian consumers are better off.

I have already indicated in previous contributions to this place that I am of the view that the so-called competition in electricity and gas will be illusory. Fixed charges and fixed networking costs will not be subject to competitive pressures. That will mean that regional Victoria will be disadvantaged and that people living in areas covered by some distribution companies will have to pay more than those living in areas covered by other companies. When talking about debt reduction it is important to put it into context — members on this side of the house will continue to do so — by referring to what has been lost as well as what has been gained. A balance is required.

I cannot give a speech at the end of such a historic session without mentioning Workcover. The opposition still does not see that it did anything wrong with respect to Workcover.

Hon. Bill Forwood — On the contrary; we improved it out of all sight. It was a basket case under you blokes!

Hon. T. C. THEOPHANOUS — Mr Hallam and Mr Forwood pronounce it as one of their great achievements. They have never accepted that the test of a successful workers compensation scheme is two-fold — that is, on the one hand, the scheme's finances must be affordable and employers' premiums must be reasonable and, on the other hand, the scheme must be fair to injured workers and must deliver.

Hon. Bill Forwood interjected.

Hon. T. C. THEOPHANOUS — I am happy to discuss that because that is the third area in which the Kennett government failed: in the protection of workers and occupational safety.

Under the Workcover system, which was forced through Parliament during all-night sessions in 1992, workers have suffered while administrative and other costs have increased. I will trace a little of the history of those events. The effects back in 1992 were devastating to injured workers. There were delays in the courts. There were delays in processing claims. Some 16 000 workers were dumped from the scheme without any recourse to appeal or consideration of their particular circumstances, and no attempt was made to find jobs for them. Some 3000 government workers who were on the former Workcare system were dumped. The government did not even make an effort to find jobs for them. Nine former Workcare judges were sacked, an action which was condemned by the Chief Justice of the Supreme Court and by the law fraternity in general. More than 30 per cent of employers, despite the changes, particularly in the small business sector and in manufacturing, saw their premiums increased every year when they did not even have any claims.

The Kennett government's failure to implement effective accident prevention and rehabilitation strategies, or to contain administrative and claims management costs, resulted in another set of callous proposals introduced in November 1997. Without referring to the detail of those, two are worth mentioning. Firstly, the government removed workers' common-law rights to sue negligent employers; secondly, the government introduced a tough new lump sum payment regime, including a 10 per cent whole-of-body threshold which meant that most people could not even get a lump sum payment for their injuries.

Mr Forwood, by interjection, mentioned occupational health and safety. It is important to examine what took place in occupational health and safety. The former Labor government introduced the most progressive occupational health and safety legislation in Australia. It was based on a clear distinction between the occupational health and safety organisation and the Workcare authority. The number of and role of inspectors was increased. Under the Kennett government they were subsequently reduced. In 1994 the Auditor-General noted that at the rate of inspection being pursued, the chance of an inspection for most employers was once in every 23 years. Prosecutions declined under the Kennett government. Notwithstanding what the opposition may say, prosecutions declined from a high of 95 to as low as 54 while the occupational health and safety organisation was controlled by the Honourable Mark Birrell.

The electorate saw Workcover as an issue and has put faith in Labor to repair it on three levels: firstly, to maintain a financially viable scheme with premiums at the lowest possible level; secondly, a scheme that is fair to workers and delivers common law for seriously injured workers; and thirdly, a separate occupational health and safety arm whose representatives go out to try to stop accidents occurring in the workplace. Labor is committed to those three approaches and said so in its policies.

Far from Workcover being a positive for the previous government, it is a negative and shows more than anything else the heartlessness of that government and its inability to understand that what government is about is people — first and fundamentally. Its inability to understand that and the head-in-the-sand approach which now accompanies it will mean it will be in opposition for a long time.

I will also mention the Auditor-General because the previous government hounded the Auditor-General and sought to nobble him. It reduced his staff by 90 per cent and took away his power to conduct performance audits. I mentioned that the Auditor-General was made an officer of the Parliament, which Mr Forwood supported, and I have congratulated him on that.

Hon. R. M. Hallam — It was not just Mr Forwood; it was the entire government. It was a policy decision.

Hon. T. C. THEOPHANOUS — If you want to argue about who takes the credit, I will leave it to you two.

Alongside that, the previous government took away the powers of the Auditor-General, and that is something the current government is redressing. The actions of the former government were condemned by the media, churches, accounting organisations and some brave members of the then government who paid the price for

standing up for principle. The opposition still believes, as is evident from its speeches, that the only thing it did wrong was fail to sell its changes. So long as it continues to believe that it will remain in opposition.

Cuts in health and education have left a legacy that Labor must now rebuild to ensure services are made available to the sick and to people requiring education and other services throughout Victoria. Rural Victoria was devastated by the reforms of the Kennett government. The city-centric approach, the failure to look after the needs, requirements and services of this important constituency, was another failure. The opposition says, 'We did not sell our reforms well enough. That is all we did wrong'. Again, it has failed to get the message.

I refer to what Labor did to get the confidence of Victorians and to win the election. The past seven years have been characterised by a process within the Labor Party of renewal and the development of relevant and exciting policies within the party. The conservatives did not just lose the last election, Labor won the last election and did so because it went through a process of renewal. Labor made itself relevant to the constituency and developed policies that the electorate believed were relevant to their real requirements and needs.

At times the process of renewal was difficult. Given the nature of Labor's defeat in 1992 its achievement in returning to government in seven years is magnificent. The first thing it did in 1992 was accept the verdict of the people and reflect seriously on why it had lost government, something which the opposition seems incapable of doing. Speech after speech made by opposition members reflected how the Liberal Party failed to sell its policies to the people of Victoria.

The second thing Labor did was to restore both its economic creditability and the confidence of Victorians in its ability to manage the economy in a responsible way. That was not an easy process, but it was what the party had to do.

The third thing was to renew the party in terms of new, exciting and relevant policies and new, quality candidates who now sit in this place representing the Labor Party.

I give credit to John Brumby who led the party through much of its transition. Under his leadership for the first time in its history Labor developed a set of stringent financial management principles that were adopted by a state conference of the Labor Party. Those principles were built on by Premier Steve Bracks and included an overseeing role for the Auditor-General.

Labor accepted the challenge to convince Victorians that it could manage the economy by placing on itself a set of stringent financial management principles. The challenge Labor faced was more than the simple question of adopting financial management principles or restoring its economic credibility; in a rapidly changing society and economy with globalisation, economic rationalism, an increasingly exposed trade sector, restructuring in both the public and private sectors, many people were left behind as casualties of those changes.

Labor identified that the role of government was to ensure that where monumental and structural changes occur in our society and economy no-one is left on the scrap heap and everyone benefits from additional productivity, increased growth and a better environment. Labor tapped into the needs and aspirations of the majority of Victorians who were subjected to those changes; it identified the unease felt by many Victorians at the changes that had occurred during the seven years of the Kennett regime, including the erosion of our democratic institution as ultimate protection for us all.

Whether one speaks about the sacking of judges, attacks on the Director of Public Prosecutions and the Equal Opportunity Commissioner, the closing up of information or a variety of other matters, they were all key issues for Victorians. Associated with those issues was the nobbling of the Auditor-General, which in a sense was the last straw in the erosion of democratic institutions in Victoria. That was something the people were not prepared to cop and they said so in their thousands at the election.

The decline in health services with people subjected to many hours on a trolley unable to receive the services expected from a community and society of the sort we have in Victoria was also an issue, as was the poor educational outcomes of the past seven years, including reduced retention rates. During the Labor Party's previous time in power student retention rates reached an historic high. Those rates reduced dramatically during the Kennett regime. Health and education were issues of concern to Victorians that were not delivered by the Kennett government.

The development of what has broadly been called a casino culture with the emphasis on gambling, gaming and mates assisted and propped up by the former government was another issue.

Again Victorians recognised there were two sides to the equation — there were victims associated with the rapid expansion of gaming in our communities — and

that the previous government had shown no desire to take account of those victims and treat them humanely, as would be expected in a society such as ours.

The neglect of regional and rural Victoria was obvious in the removal of infrastructure such as rail lines and the cutting of a whole range of services. The previous government made no attempt to stem the flow of bank closures or take account of the effect of the closing of schools in rural Victoria. Everything was done in accordance with the previous government's desire to look after the bottom line — that is, look at the state's finances in a narrow way and not consider people. The electorate responded to the previous government's neglect at the state election.

I have already mentioned the loss of common-law rights under Workcover, by which, where injured workers were treated in a second-class way. There were appalling situations of people being injured through no fault of their own while driving during the course of their employment and not being able to sue at common law, even though their passengers had that right. The people of Victoria recognised that people should be treated equally and fairly. The election result is not and never was about the previous government's selling of its policies; it was about responding to the needs of ordinary people in a changing environment.

The community believed the secrecy of the previous government was inappropriate. Everything was hidden under the cloak of commercial in confidence, freedom of information was attacked and obstacles were placed in the path of open government. It is amusing to see the now opposition members seeking increased accountability from the present government, given their absolute rejection of that accountability when in government. It is important to put on the record in a balanced way the pain the community went through during seven dark years of Kennett government.

I challenge the now opposition parties to understand what they did wrong when they were in office as a coalition government, because the people of Victoria will not trust them again to deliver their services and be accountable until there is recognition of the error of their past actions.

In conclusion, given that this is the last speech, I wish all honourable members a safe Christmas and New Year. I hope that the house will be able to continue its deliberations next year. I look forward to the coming debates. I look forward particularly to the debate on reform of this house, because it is part of attempting to ensure Victoria has a democratic set of institutions. I hope the opposition has the foresight to recognise that in 2000.

Debate adjourned for Hon. C. A. FURLETTI (Templestowe) on motion of Hon. Bill Forwood.

Debate adjourned until next day.

COMMONWEALTH TREATY DOCUMENTS

Hon. M. M. GOULD (Minister for Industrial Relations), by leave, presented the following treaty documents:

(a) bilateral agreements tabled in the commonwealth Parliament on 11 August 1999, together with national interest analyses, dealing with:

mutual antitrust enforcement assistance, between Australia and the United States of America

scientific and technical cooperation, between Australia and the European Community

social security, between Australia and the United Kingdom of Great Britain and Northern Ireland

(b) bilateral agreements tabled in the commonwealth Parliament on 11 August 1999, together with national interest analyses and regulation impact statements, dealing with:

avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and protocol, between Australia and the Republic of South Africa

avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, between Australia and Malaysia

(c) multilateral agreements tabled in the commonwealth Parliament on 11 August 1999, together with national interest analyses, dealing with:

International Monetary Fund

Food Aid Convention

International Plant Protection Convention

(d) multilateral agreements tabled in the commonwealth Parliament on 11 August 1999, together with national interest analysis and regulation impact statement, dealing with:

adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or used on wheeled vehicles and the conditions for recognition of approvals granted on the basis of these prescriptions

(e) bilateral agreements tabled in the commonwealth Parliament on 12 October 1999, together with national interest analysis, dealing with:

cultural cooperation, between Australia and Germany

avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, between Australia and the Slovak Republic

avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and protocol, between Australia and the Argentine Republic

continuation of the consular functions by Australia in the Macau Special Administrative Region of the People's Republic of China, between Australia and the People's Republic of China

consular relations between Australia and the People's Republic of China

cooperation in the peaceful uses of nuclear energy, between Australia and Japan

mutual assistance in criminal matters, between Australia and His Serene Highness the Prince of Monaco

transfer of uranium, between Australia and New Zealand

use of Shoalwater Bay training area and the associated use of storage facilities in Australia, between Australia and the Republic of Singapore

judicial assistance in civil and commercial matters, between Australia and the Republic of Korea

Australia's participation in the multinational force and observers, between Australia and the multinational force and observers

treaty on development cooperation between Australia and Papua New Guinea

(f) multilateral agreements tabled in the commonwealth Parliament on 12 October 1999, together with national interest analyses, dealing with:

protection of new varieties of plants

law of the sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks

constitution and convention of the International Telecommunication Union

(g) multilateral agreements tabled in the commonwealth Parliament on 12 October 1999, together with national interest analyses and regulation impact statement, dealing with:

partial revision of the radio regulations of 5 December 1979, and final protocol

International Maritime Satellite Organisation

(h) bilateral agreement tabled in the commonwealth Parliament on 8 December 1999, together with national interest analysis, dealing with:

scientific and technological cooperation, between Australia and the Republic of Korea

(i) multilateral agreements tabled in the commonwealth Parliament on 8 December 1999, together with national interest analyses, dealing with:

establishment of the International Development Law Institute

damage caused by foreign aircraft to third parties on the surface

(j) multilateral agreement tabled in the commonwealth Parliament on 9 December 1999, together with national interest analysis, dealing with:

desertification in those countries experiencing serious drought and/or desertification, particularly in Africa.

Laid on table.

PAPERS

Laid on table by Clerk:

Arts Centre Trust — Report, 1998–99

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 121/1999.

Youth Parole Board and Youth Residential Board — Report, 1998–99.

BUSINESS OF THE HOUSE

Adjournment

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

> That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each honourable member.

Christmas felicitations

Hon. M. M. GOULD (Minister for Industrial Relations) — On behalf of the government I am pleased to wish everyone the very best for the festive season. The session is ending in the way that many on this side of the house thought might have occurred four years ago. From my point of view I am pleased to be here as the government — a change from this time last year when I sat on the other side of the house.

All honourable members should make the most of the break and take advantage of it to get in touch with family again. It has been a tiring year for all of us and next year will also be hectic.

On behalf of members on this side of the house, Mr President, I thank you for your work throughout the year. All members would agree you have served your office with distinction throughout the year and since your re-election. To my delight you have helped a number of the new members of the house in settling into their new roles as government members.

I also congratulate the Honourable Peter Hall, Deputy President for the first part of the year, and the Honourable Barry Bishop, who has taken over the role of Deputy President and fulfils it very well.

This year of 1999 has been a momentous one, and the chamber today is different from the way it was previously. As was mentioned during the address-in-reply to the Governor's speech, a number of former members have left or been defeated. Staff have also left.

On behalf of the government I thank the former Clerk, Allan Bray, for services provided to Parliament. I also congratulate the new Clerk in the Council, Wayne Tunnecliffe, and Matthew Tricarico on his appointment as Assistant Clerk — positions filled with distinction.

I also thank Ray Wright, who is currently acting Usher of the Black Rod. Like his predecessor, he has served the office with distinction in the short time he has been in the position, as well as in his former position.

I also thank the staff of the Council papers office for their excellent work. I thank Anne Sargent for her professionalism when she was manager of the Council papers office. She has now left, but the Council's loss is a gain to the office of the Serjeant-at-Arms in the Legislative Assembly. I congratulate also Felicity Ryan, who has taken over the role of manager.

I thank Mary Martin and Sarah Davey in the Council papers office. They have assisted all honourable members, not just those on this side of the house, during this busy session. This is the first time in the six years I have been a member of this place that we have debated a piece of legislation, amended it, sent it back to the other side and had it returned by the Assembly for our consideration. I know Mary and Sarah and others had to dust off the rule book to ensure it was all done correctly. People ask what those in the papers office do — they do extraordinary work in assisting all members.

I thank Bill Jarrett, the housekeeper, and Russel, Phillip, Peter, Michael, Greg and Geoff — and Mary, who is a great addition to the Council attendants' staff. I hope to see her working in the chamber soon and I am sure my female colleagues would especially appreciate that. We have had one change in personnel this year, so who knows what could happen?

I thank all the attendants. They have done a fantastic job, given the many new members who have come into this place for the first time in the past five or six weeks. Accommodation has been sorted out, with members moving from one office to another and telephone extensions being allocated or changed. If a member has a problem the first person he or she goes to is an attendant. All the attendants have displayed great patience in assisting members.

I also thank Bill Schober, whose duties in the car park have changed a tad as a result of new technology. There are now boom gates at the entrances at the back of Parliament House, but Bill still works hard to ensure that members' cars are not boxed in so we can get in and out easily.

I thank Bruce, Gail, Jon and Patrick and the other staff of the library. They gave us great assistance during our time in opposition, and they have continued to do so now that we are in government. Now that their roles have changed, I know members of the opposition will draw more heavily than they have on the resources of the library and assistance of the staff.

Given the age of Parliament House, when things go wrong you cannot do much without calling on Brian

Bourke and his team, who know better than most the problems we have. The attendants are the first people we approach, but invariably they have to go to Brian and his people to fix up speakers that are not working or make other adjustments in their offices. They have also had a trying time but they have assisted us no end, and I thank them for that.

I thank members of the opposition for their cooperation during this session of Parliament in allowing the government to fulfil its promises to the community of Victoria by passing the legislation that was on our agenda. I particularly thank the Honourable Bill Forwood for his ability to manage the opposition — and in some cases the government. Bill's assistance has helped us in achieving our goal of getting our legislative program through. The session has been tiring in that we have had four sitting weeks in a row. This is the first time that has happened in my time in this place. Until now three weeks was the worst — and if I have anything to do it with it, it will not happen again!

The Honourable Bill Forwood has performed his role in the same style as the Honourable Rob Knowles, who was cooperative whenever I had to deal with him.

Hon. M. A. Birrell — Look what happened to him!

Hon. Bill Forwood — Look what happened to her!

Hon. M. M. GOULD — I'm happy! I take this opportunity to thank my staff. Danny Pearson, the Premier's upper house adviser, has also assisted me as my adviser. I also thank Nada Delavec for her outstanding support and assistance.

I thank all the members of my parliamentary team for their assistance throughout the past few weeks. I thank Glenyys Romanes, who as a new member has taken on the role of Government Whip and performed extremely well. In getting members into the house on time and being aware of what is going on, she is following in the footsteps of Caroline Hogg, and she is doing it well.

I thank my deputy Gavin Jennings for his support. I am sure a number of ministers would also like to thank him for his assistance during various debates. I thank my ministerial colleagues, the Honourables Candy Broad, Marsha Thomson and Justin Madden, for their assistance over the past few weeks. It goes without saying that they have been on a steep learning curve as they have come into this place not only as new members of Parliament but as ministers. Marsha, Candy and Justin were commissioned as ministers before they were sworn in as members of Parliament.

I thank the Hansard staff for their assistance and wish them all the very best. We would have a very boring question time without Hansard.

Finally, I wish everybody a safe and happy Christmas break. I hope everyone will enjoy the festive session and spend time with their families and friends. I look forward to seeing everyone in the new year.

Hon. M. A. BIRRELL (East Yarra) — It is a pleasure to join with the minister in extending Christmas felicitations. I certainly wish everyone the best for Christmas and the new year. I hope that everyone has a good break over the coming weeks. There is no doubt that, whichever way you look at it, this has been an exhausting year, so a holiday is well deserved. I hope all honourable members have fantastic times with their families. I certainly plan to!

It has been an extraordinary past four weeks. I have been in this place 16 or 17 years and I cannot recall sitting four weeks in a row. It is a death-defying experience, both in comical terms and, sadly, in factual terms. We have done well to get through the past four weeks, especially during the heat wave, without any altercations that we would have regretted. I commend everyone for that.

I particularly commend the staff for tolerating four sitting weeks in a row. Although they do not work as hard for many weeks of the year, four weeks in a row is a long time for them to be together in this environment. They have done very well.

I remark on some changes in the chamber. The percentage of women in this place is among the highest of any parliamentary chamber in any democracy in the Western world. It is about 27 per cent — —

Hon. E. G. Stoney — Not 28 per cent?

Hon. M. A. BIRRELL — Not 28 per cent, no. I think we worked it out to be 27.2 per cent.
Mr Katsambanis's mental calculations could not stretch to more than one decimal point. Nevertheless, it is something that should be remarked upon.

The other thing to remark on is that this place has in its ranks the youngest member of this Parliament and probably the youngest member of any Parliament in Australia. That also reflects well on the diversity of this place.

I thank the Deputy Leader of the Opposition, the Honourable Bill Forwood, for the work he has done. I also thank my shadow ministers for the way they have settled into their new roles. I thank the Opposition

Whip, the Honourable Ken Smith, for his excellent work. I thank the Leader of the Government and the Deputy Leader of the Government for their cooperation in what we do behind the scenes. The fact that the past four weeks has worked smoothly is because beneath the tension and the absolute politics of a parliamentary chamber there must be some organisation. Ms Gould and Mr Jennings have conducted themselves in a professional manner in negotiations. I also thank Danny Pearson, whose communication has been useful.

Mr President, I thank you for your impartiality, professionalism and guidance. I thank the new Deputy President who, like his predecessor, has arrived and settled into the job well. It is a learning game, Mr President, and I know you would agree that you get into your straps after about 12 months into the job. I also thank honourable members who have chaired some of the sessions.

Mr President, I thank your orderly, Geoff Barnett, for the communications he has given to us and the work he has done. There has been a change of guard with the Clerks. I thank Wayne, Matthew and Ray for their efforts. I understand Ray has yet to take over as the Usher of the Black Rod, but I know that will happen shortly. I thank those who make the operation of this place hum and make it a pleasure to come to work. They pick up on a lot of the things that would otherwise stuff up our day.

I thank Bill Jarrett for his professionalism. He is unflappable; but sometimes he is mistakenly treated in an abrupt manner by honourable members. We all appreciate his selfless and practical approach as Housekeeper. I thank Russel Bowman for the work he has done for members in this chamber. The work of the Housekeeper and his staff is a rich tradition. I include Peter, Phillip, Mary and Michael in those remarks.

I congratulate Felicity Ryan on her appointment to the papers office and for her work. I also thank Anne Sargent, who has ratted on us and left to go to the Legislative Assembly. We can be polite and say that she has been trained in this place and perhaps there will be a promotion opportunity that will see her come back to the administration of this chamber. To Mary and to Sarah, who has just joined us and is about to do her articles, I hope you settle well into your tasks.

I thank the Speaker, someone we do not normally thank in this chamber. I am delighted with the appointment of the new Speaker. He is willing to listen to all sides of the Parliament, including members in this chamber. He has shown an eagerness to contribute by making some practical changes to the benefit of the professionalism of the service, which I find utterly refreshing. I do not wish to build him up too much because sometimes things get rough, but the effort and commitment he is making to Parliament, because in practice he runs the entire building, is one we all welcome. I hope everyone has a good holiday and a good break.

Hon. R. M. HALLAM (Western) — I am pleased to join in the Christmas felicitations debate and I endorse much of what has already been said. I intended to make the point that 1999 has been a big year, but the Leader of the Government said that it was momentous. I will not argue with that.

It has been exciting for everyone in the chamber. I understand that for the new members of the government that excitement may have come from an adrenaline rush that goes with new-found responsibility. I know that applies to many on my side of the chamber, but for some of us the adrenaline has been driven by trauma as much as anything else. I make the point that we have all survived, and survived well.

It is appropriate to mention those who contribute to that survival. In my case, at the top of the list is my wife and family. Nineteen ninety-nine has been a tough year and I am not sure I would have survived but for my family, and my wife in particular. If I have any wind left under my wings I put it down to my wife, Marlene.

I pay tribute to my colleagues, particularly those in the National Party. I hope they are still relaxed about the decision to appoint me as their leader. I will give it everything I have in the future. I pay special mention to my colleagues in the Liberal Party for the superb cooperation we have had on this side of the house. I know it has been tough and that the establishment of the partnership raised some significant issues, but I believe we can face the future with a great deal of confidence given the cooperation that has come to the surface at almost every turn, and on that basis I look forward to next year.

Parliament has been mentioned by both leaders as the stabilising influence, the beacon, if you like, in the sea of politics. Although members come and go and governments come and go, the institution of Parliament goes on. It is as well to remember exactly what it is that makes that tradition. I extend my congratulations to you, Mr President, for your professionalism and the even-handed and pleasant way you have exercised your authority. We have a relatively quaint tradition. We appoint someone as President from among our ranks, notwithstanding the partisan process that delivered that person to this place, and then we say to that person, 'We expect you to be independent'. The President must

then deny his previous role, whatever that may have been. I am happy to put on the record that you have delivered that. It is worthy of note. You demonstrate time and again complete impartiality. From my perspective, and I know I speak for all members, the fact that there has been a change of government has not made one skerrick of difference to the way you have administered the house. That does not mean we will agree or have agreed with every ruling you make, but you have earned the respect of all sides of the chamber.

I thank the Chairman of Committees, particularly the former chairman, the Honourable Peter Hall, who had that role in the previous Parliament. I am delighted that Mr Bishop is continuing the high standard that has been set by previous chairmen. I thank the Clerks, Wayne, Matthew and Ray, and Allan Bray who retired recently, for their professionalism and patience, as well as their readiness to assist. I do not remember ever having a cross word with any of the officers of this chamber. I mention the chamber staff under the direction of Bill Jarrett. I do not think we could find a more cheerful and supportive team. I acknowledge the support we get from the library, the papers office, the dining room, the maintenance staff, the cleaners, the engineers, the tradesmen, the gardeners and our security officers. Recently I found the need to ask for some special favours from the security officers late at night and found them most cooperative.

I thank the Hansard staff for taking our often unintelligible ramblings and turning them into pearls of wisdom.

As I said, the Victorian Parliament has become something of a beacon in politics. To the extent that I have retained my good humour and sanity, I want to thank each of the members of that support team for their contribution, and I know that all members of the chamber would share that appreciation.

Christmas is a special time for the Hallam family. Five of our six boys have gone out to make their way in the world, and at Christmas time we all come together and our house really rocks. We get to celebrate the anniversary of the birth of Christ and we get a chance to give thanks for all our blessings. But we do so as a family, and it is a singular joy.

We then get a chance to plan the year ahead, and, in terms of politics, to plot somewhat. However, we also get to laze and to recharge our batteries. I cannot think of a better wish to extend to each member of the chamber than that they take the opportunity to do exactly the same.

As the Leader of the Government promises us, the year 2000 will be hectic. I have no doubt that will be the case, and we should make the most of the break. If I had one small piece of advice to offer members of the chamber it would be that in this crazy world you should do what you can to get to know your family and your special friends just that bit better.

Wherever you sit in the chamber, whether it be in government, in opposition, or in an administrative or support role, I hope to see you next year safe, well, in good health and in good heart, ready to join the fray with even greater gusto. I extend my best wishes for a blessed and safe Christmas.

The PRESIDENT — Order! I thank all honourable members for the remarks they directed toward me. As a servant of the house, I enjoy tremendous support throughout this great institution, particularly from my deputy, Barry Bishop, and my former deputy, Peter Hall. I have been very well served by their friendly cooperation.

In 1999 we said farewell to Allan Bray, who was an outstanding parliamentary officer, and we welcomed Wayne Tunnecliffe and Matthew Tricarico to their new roles. We said goodbye to 14 members of the house, all of whom made a contribution in one way or another to the people of this state. I will not go into detail, but the contributions of some were outstanding, and all used their attributes to the public benefit.

As Mr Birrell noted, we sent Anne Sargent to the Legislative Assembly, and we raised the IQ of that place! We said farewell to Ches Baragwanath, the Auditor-General and an independent officer of the Parliament. I wish him well in his new ventures; he was an outstanding servant of Victoria.

I again thank all those who have been enumerated by other honourable members: Carolyn Williams and all the Hansard staff; the Department of Parliamentary Services staff; the gardeners; the refreshment room staff; the papers office staff; Bill Jarrett and the professional team he leads; and the outstanding team in the Parliamentary Library. As chairman of the Library Committee I get to visit libraries in every other Australian parliament, and I can say that the team led by Bruce Davidson and Gail Dunston is outstanding.

I thank my executive assistant, Yolande Meerwald, and my orderly, Geoff Barnett. Geoff has developed flu and gone home, but the last thing he said to me was, ‘Don’t forget to give me a mention in the felicitations!’.

I thank the protective service officers, the car parking attendant, Bill Schober, and all the many people behind

the scenes who make sure this institution works well and that we are protected in our roles.

In that context we must remember the work of our electorate officers. Honourable members are probably like me — you get thanked for many things you do not know anything about. The trick is to develop the system of saying to your constituents, 'I am glad it worked out okay', giving them the impression you know all about it when you have not a clue about what your electoral officer has been doing!

I reiterate the remarks of Mr Birrell about the new Speaker of the Legislative Assembly, Alex Andrianopoulos. He has started out in an outstanding manner. There is absolute cooperation between us; there has been no issue on which party differences have had any manifestation, and I do not expect there will be.

In the year 2000 the Parliament will be making major preparations for the centenary of federation. Those preparations will lead us to a very exciting centenary in 2001. On 10 May next year both houses of the Parliament will come together and invite the federal Parliament to again meet in the Parliament of Victoria 12 months from that day on 10 May 2001. I know that Mr Birrell, who was the minister in charge of the federation program, also joins in that exciting anticipation. I look forward to welcoming all honourable members back to the house in the new millennium.

Motion agreed to.

House adjourned 5.06 p.m.

QUESTION ON NOTICE

Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Council.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.

Tuesday, 14 December 1999

Premier: questions on notice 30-day rule

37. THE HON. M. A. BIRRELL — To ask the Honourable the Minister for Industrial Relations (for the Honourable the Premier): Does the government intend to propose a change to the Legislative Assembly standing orders or sessional orders to establish a requirement that questions on notice placed by members of the Legislative Assembly must be answered by ministers within 30 days and incorporated in *Hansard*, as has long been required in the Legislative Council; if not, why does the Premier disagree with holding ministers to account in this manner.

ANSWER:

The government does not have any intentions at this time to alter the sessional orders of the Legislative Assembly.