

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

8 November 2001

(extract from Book 8)

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

By authority of the Victorian Government Printer

The Governor

JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

The Ministry

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

Legislative Assembly Committees

Privileges Committee — Mr Cooper, Mr Holding, Mr Hulls, Mr Loney, Mr Maclellan, Mr Maughan, Mr Nardella, Mr Plowman and Mr Thwaites.

Standing Orders Committee — Mr Speaker, Mr Jasper, Mr Langdon, Mr Lenders, Mr McArthur, Mrs Maddigan and Mr Perton.

Joint Committees

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

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

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

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

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

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

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

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

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

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

Heads of Parliamentary Departments

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

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

Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Mr B. J. Davidson

Joint Services — Director, Corporate Services: Mr S. N. Aird
Director, Infrastructure Services: Mr G. C. Spurr

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. ALEX ANDRIANOPOULOS

Deputy Speaker and Chairman of Committees: Mrs J. M. MADDIGAN

Temporary Chairmen of Committees: Ms Barker, Ms Davies, Mr Jasper, Mr Kilgour, Mr Loney, Mr Lupton, Mr Nardella,
Mrs Peulich, Mr Phillips, Mr Plowman, Mr Richardson, Mr Savage, Mr Seitz

Leader of the Parliamentary Labor Party and Premier:

The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

The Hon. D. V. NAPHTHINE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. LOUISE ASHER

Leader of the Parliamentary National Party:

Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:

Mr B. E. H. STEGGALL

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Leighton, Mr Michael Andrew	Preston	ALP
Allen, Ms Denise Margret ⁴	Benalla	ALP	Lenders, Mr John Johannes Joseph	Dandenong North	ALP
Andrianopoulos, Mr Alex	Mill Park	ALP	Lim, Mr Hong Muy	Clayton	ALP
Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Ashley, Mr Gordon Wetzel	Bayswater	LP	Loney, Mr Peter James	Geelong North	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Hurtle Reginald, OAM, JP	Knox	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	McArthur, Mr Stephen James	Monbulk	LP
Batchelor, Mr Peter	Thomastown	ALP	McCall, Ms Andrea Lea	Frankston	LP
Beattie, Ms Elizabeth Jean	Tullamarine	ALP	McIntosh, Mr Andrew John	Kew	LP
Bracks, Mr Stephen Phillip	Williamstown	ALP	Maclellan, Mr Robert Roy Cameron	Pakenham	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McNamara, Mr Patrick John ³	Benalla	NP
Burke, Ms Leonie Therese	Prahran	LP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Maughan, Mr Noel John	Rodney	NP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Napthine, Dr Denis Vincent	Portland	LP
Davies, Ms Susan Margaret	Gippsland West	Ind	Nardella, Mr Donato Antonio	Melton	ALP
Dean, Dr Robert Logan	Berwick	LP	Overington, Ms Karen Marie	Ballarat West	ALP
Delahunty, Mr Hugh Francis	Wimmera	NP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Paterson, Mr Alister Irvine	South Barwon	LP
Dixon, Mr Martin Francis	Dromana	LP	Perton, Mr Victor John	Doncaster	LP
Doyle, Robert Keith Bennett	Malvern	LP	Peulich, Mrs Inga	Bentleigh	LP
Duncan, Ms Joanne Therese	Gisborne	ALP	Phillips, Mr Wayne	Eltham	LP
Elliott, Mrs Lorraine Clare	Mooroolbark	LP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Plowman, Mr Antony Fulton	Benambra	LP
Garbutt, Ms Sherryl Maree	Bundoora	ALP	Richardson, Mr John Ingles	Forest Hill	LP
Gillett, Ms Mary Jane	Werribee	ALP	Robinson, Mr Anthony Gerard Peter	Mitcham	ALP
Haermeyer, Mr André	Yan Yean	ALP	Rowe, Mr Gary James	Cranbourne	LP
Hamilton, Mr Keith Graeme	Morwell	ALP	Ryan, Mr Peter Julian	Gippsland South	NP
Hardman, Mr Benedict Paul	Seymour	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Helper, Mr Jochen	Ripon	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Springvale	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Ernest Ross	Glen Waverley	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Spry, Mr Garry Howard	Bellarine	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Steggall, Mr Barry Edward Hector	Swan Hill	NP
Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar ²	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb ¹	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Treize, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantima	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 3 November 1999

² Elected 11 December 1999

³ Resigned 12 April 2000

⁴ Elected 13 May 2000

CONTENTS

THURSDAY, 8 NOVEMBER 2001

PAPERS	1645
BUSINESS OF THE HOUSE	
<i>Adjournment</i>	1645
MEMBERS STATEMENTS	
<i>Australian flag stickers</i>	1645
<i>Teachers: jury service</i>	1645
<i>Victorious Quilt Connection expo</i>	1645
<i>Berwick hospital</i>	1646
<i>Aged care: funding</i>	1646
<i>Kow Plains Homestead</i>	1646
<i>Childers Cove Road—Great Ocean Road,</i> <i>Nirranda: traffic control</i>	1646
<i>Chelsea Concert Band</i>	1647
<i>Schools: head lice</i>	1647
<i>Colombia: human rights</i>	1647
<i>ALP: local government policy</i>	1648
VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL BILL	
<i>Council's amendments</i>	1648
MELBOURNE CITY LINK (FURTHER AMENDMENT) BILL	
<i>Second reading</i>	1668
<i>Remaining stages</i>	1674
MARINE (FURTHER AMENDMENT) BILL	
<i>Second reading</i>	1674, 1686
<i>Remaining stages</i>	1690
QUESTIONS WITHOUT NOTICE	
<i>Employment: government policy</i>	1678
<i>Motorway Tyres</i>	1678
<i>Health: Medicare alliance</i>	1680, 1681
<i>Tipstar: revenue</i>	1680
<i>Forests: timber workers</i>	1682
<i>Gaming: venue lighting</i>	1683, 1685
<i>ALP: federal education policy</i>	1684
<i>Insurance: public liability</i>	1686
DISTINGUISHED VISITOR	1682
JUDICIAL REMUNERATION TRIBUNAL (AMENDMENT) BILL	
<i>Second reading</i>	1690
<i>Third reading</i>	1695
<i>Remaining stages</i>	1695
SENTENCING (EMERGENCY SERVICE COSTS) BILL	
<i>Second reading</i>	1695
WILDLIFE (AMENDMENT) BILL	
<i>Second reading</i>	1696

ADJOURNMENT

<i>Rescode: Queenscliffe</i>	1697
<i>Financial counselling: funding</i>	1697
<i>Preschools: Burwood</i>	1698
<i>Aged care: places</i>	1698
<i>Calder Highway: upgrade</i>	1699
<i>Bridges: Bena—Kongwak Road</i>	1699
<i>Yarraville: toxic site</i>	1700
<i>YWCA: Asista program</i>	1700
<i>Colac: airfield</i>	1701
<i>Kildonan Child and Family Services</i>	1701
<i>Rail: Hampton crossing</i>	1702
<i>Responses</i>	1702

QUESTIONS ON NOTICE

WEDNESDAY, 7 NOVEMBER 2001

433(j). <i>Arts: ministerial officers' pecuniary</i> <i>interests</i>	1705
433(l). <i>Women's Affairs: ministerial officers'</i> <i>pecuniary interests</i>	1705
433(u). <i>Finance: ministerial officers' pecuniary</i> <i>interests</i>	1705
433(w). <i>Major Projects and Tourism:</i> <i>ministerial officers' pecuniary</i> <i>interests</i>	1705
433(x). <i>Housing: ministerial officers' pecuniary</i> <i>interests</i>	1706
433(y). <i>Aged Care: ministerial officers'</i> <i>pecuniary interests</i>	1706
433(aa). <i>Planning: ministerial officers'</i> <i>pecuniary interests</i>	1706
433(ae). <i>Youth Affairs: ministerial officers'</i> <i>pecuniary interests</i>	1706
433(af). <i>Small Business: ministerial officers'</i> <i>pecuniary interests</i>	1707
484. <i>Transport: Melbourne—Geelong line</i> <i>electrification</i>	1707
493. <i>Transport: railway land fire hazards</i>	1707
496. <i>Multicultural Affairs: staff bonuses</i>	1708
498. <i>Health: Sandringham — Royal Dental</i> <i>Hospital waiting list</i>	1708

MEMBERS INDEX.....	i
--------------------	---

Thursday, 8 November 2001

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.35 a.m. and read the prayer.

PAPERS

Laid on table by Clerk:

Dental Health Services Victoria — Report for the year 2000–2001

Financial Management Act 1994:

Report from the Minister for Health that he had received the 2000–2001 annual report of the Tweddle Child and Family Health Service

Footy Consortium Pty Ltd — Report for the period 13 September 2000 to 30 June 2001

Health Services Act 1988 — Report of the Community Visitors for the year 2000–2001 — Ordered to be printed

Mental Health Act 1986 — Report of the Community Visitors for the year 2000–2001

Tattersall's Club Keno Pty Ltd — Report for the year 2000–2001

Tattersall's Sweeps Pty Ltd — Report for the year 2000–2001

Victorian Arts Centre Trust — Report for the year 2000–2001.

BUSINESS OF THE HOUSE

Adjournment

Mr BATCHELOR (Minister for Transport) — I move:

That the house, at its rising, adjourn until Tuesday, 20 November.

Motion agreed to.

MEMBERS STATEMENTS

Australian flag stickers

Dr NAPHTHINE (Leader of the Opposition) — I urge all Victorians to show support for members of the Australian Defence Force and their families by joining the campaign to put an Australian flag sticker on their cars. The sticker features an Australian flag and the words 'Young and free'. The stickers provide a real way for Victorians to show their pride in Australia, their support for our defence force personnel and their commitment to freedom and democracy. I will be

proudly putting this sticker on my car, and I urge all Victorians to join me and show their support for and pride in their country and also show their support for Australian Defence Force personnel and their families.

Teachers: jury service

Mr KILGOUR (Shepparton) — I raise an issue that has been raised with me by primary and secondary school teachers as a result of a change in the act governing jury service. As teachers are no longer exempt from jury service some schools have had teachers absent for an extended time while serving on a jury, yet the department has done nothing to ensure that somebody is paid to cover the absence of those teachers. It costs \$180 per day for schools to replace a teacher on jury duty. If it is only for a day or two I am sure schools can handle that sum, but there is a major problem looming if a number of teachers are called up for jury duty and there is no money in the school budgets to pay for their replacement.

I urge the Minister for Education and the department to have a good look at this issue to ensure that schools are not disadvantaged financially simply because of jury service.

Victorious Quilt Connection expo

Ms CAMPBELL (Minister for Community Services) — I draw to the attention of honourable members an expo entitled 'Victorious Quilt Connection — Threading together women's experiences of family violence', which will be displayed in Queen's Hall during the next sitting week.

Victorious Quilt Connection exemplifies the opportunities that exist for local communities and local government to meet and work together for survivors of family violence in highlighting the ugliness of family violence.

I pay tribute to Kirsty Jungwirth, the council community safety officer at the Maroondah City Council; Barb Younger, an eastern family violence networker; Janine Evans, a community development student from Swinburne University; and Sue Millet-Taylor, a student and community educator on family violence issues. I also pay tribute to the quilters who worked with solidarity and humour for the survivors of family violence to put together the wonderful squares for this quilt. The quilters' creativity inspired family violence survivors to continue educating the community, and some of them formed a group to continue quilting.

At the launch of this quilt expo I had the pleasure of joining many women and saw a mixture of emotions, the overriding one being a celebration of the women in knowing they were still alive and that there was a sense of hope. Two of the squares in the quilt showed survivors, stars and an angel, which is another word for a domestic violence worker — —

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

Berwick hospital

Mr MACLELLAN (Pakenham) — If the state of Victoria were to have a patron saint I have long argued it should be St Thomas, because he was called St Thomas the Doubter. Why do people have their doubts? Because they cannot trust this government. The government offered bipartisan support for the construction of a hospital at Berwick, but it seems to have been totally unable to bring it to any form of conclusion in the last two years.

The adult electors of the Berwick, Cranbourne and Pakenham electorates, which total over 100 000 adults, including the largest number of young people of any three electorates in the state, have no public hospital beds. Public hospital services are only available to us if we travel to Dandenong. But what is the situation at Dandenong Hospital? Operation after operation and surgical procedure after surgical procedure are being cancelled. It is a weekly experience for me to have electors coming to my office and saying, 'Can you help? My surgical procedures are being cancelled again at Dandenong'. When we ring Dandenong Hospital we hear the usual thing — there are no practitioners here on Tuesdays — —

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

Aged care: funding

Mr LEIGHTON (Preston) — Last Wednesday the mayors of a number of local councils and government members of Parliament gathered on the steps of Parliament House to highlight the crisis in aged care funding in both nursing homes and residential beds. On the federal government's own figures Victoria is 5000 aged care beds short of the national benchmark. This is compounded by the failure of the federal government to adequately fund home and community care (HACC) programs.

I congratulate the mayor of Darebin, Cr Marlene Kairouz, for highlighting the grave situation in Darebin. Darebin is a low socioeconomic area with additional

needs because of an ageing demographic and many residents, including new settlers who were born overseas. As Cr Kairouz point out, in Darebin there are 575 people waiting for high-care nursing home places and 229 people waiting for low-care or hostel places. However, the Howard government has said that Darebin has a surplus of 36 high-care beds.

The council has been contributing an increasing amount of funding in both absolute and percentage terms to HACC services each year. Last year it provided \$3.9 million or 46 per cent of total funding, which was up from the \$2.1 million or 36 per cent of total funding which was provided in 1995–96. The Bracks government has committed an additional \$41 million in funding for HACC and HACC-related programs, such as Meals on Wheels and adult day programs, which the Howard government has refused to match. The Howard government has betrayed — —

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

Kow Plains Homestead

Mr SAVAGE (Mildura) — I wish to bring to the attention of the house the significant heritage building at Kow Plains, near Cowangie. I acknowledge the remarkable work of Jocelyn Lindner, a local resident, and her committee. The Kow Plains Homestead was built in 1859 and was one of the first structures built in north-western Victoria. With a Heritage Victoria grant, the assistance of the Mildura Rural City Council and a wonderful band of local people it has now been restored to its former glory.

I had the privilege of opening stage 1 a couple of weeks ago. This is a remarkable example of early pioneering settlement and building, and it is one thing that we are very proud of in north-west Victoria. I acknowledge the generosity of the Minister for Planning in providing the money that was necessary to make this possible. The locals have contributed remarkably generously to this project. Terry Gibson, the local builder, was the coordinator and restorer of the structure. If anybody is at Cowangie, have a visit to Kow Plains. It is a remarkable example of pioneering in north-west Victoria.

Childers Cove Road—Great Ocean Road, Nirranda: traffic control

Mr VOGELS (Warrnambool) — I have received the following petition, addressed to the Honourable Peter Batchelor, Minister for Transport:

We the undersigned petition you to expedite the black spot funding application for the Great Ocean Road, Childers Cove Road and Mathiesons Road intersection. Although this intersection has a low fatal accident rate the intersection has almost weekly minor unrecorded accidents. The intersection by design is extremely dangerous. With the proposed construction of the Stanwell Corporation \$85 million wind farm planned for 2002 and the extra tourists this will bring with it, as well as the expected 8 per cent per annum growth in tourism, and the predicted 10 per cent growth per annum in the dairying industry highlights the urgent need to upgrade this intersection as soon as possible.

I urge the minister to work closely with the Moyneg Shire Council, local residents and Stanwell Corporation to ensure that when the construction of the \$85 million wind farm commences in June 2002 the intersection meets the safety standards required.

Chelsea Concert Band

Ms LINDELL (Carrum) — I urge all honourable members to join with me and congratulate and encourage the Chelsea Concert Band on a contribution of fine musical excellence to the Chelsea community since it was formed in 1986.

On Sunday 21 October the band presented its 15th annual concert under the musical directorship of Howard Coleman and deputy director Trevor Cartwright. At the annual concert an audience of over 300 people enjoyed such items as 'Rainy Day Rock', 'Outback Adventure', and 'Begin the Beguine', to mention just a few.

A junior encouragement award was made to clarinettist Lauren Binge and a senior encouragement award was presented to flautist Diane Lowry for their contributions to the band throughout the year. I offer my wholehearted congratulations to the band and its voluntary committee of management, particularly last year's president, Ron Jacobs, and secretary Carmel Hanna.

About 35 members play in the Chelsea Concert Band, covering all ages and abilities, and they perform a wide range of music. It is a non-competitive band and performs throughout the year at concerts, fetes, retirement villages and promotional events. I and all regular supporters of the band look forward to next year's concert.

Schools: head lice

Mr PLOWMAN (Benambra) — I raise the issue of head lice in primary schoolchildren for the attention of the Minister for Health.

School nurses used to be available via local government, free of charge, to visit local schools on a regular basis. In 1990 section 17 of the Health (Infectious Diseases) Regulations no. 85 gave municipal officers the authority to make inspections. School nurses were then excluded. In 1992 a state government subsidy program to local government stopped. After that each council adopted a different method of inspection. Regulation 41 of the 2001 regulations removed the provision regarding municipal officers. Now anyone with parental consent can inspect children.

I have recently been contacted by a primary school principal in Wodonga who is calling for a review of the new regulations concerning head lice control. His main area of concern is that checks can only be carried out with parental consent. The majority of parents are angry about the withdrawal of council support. The principal has already had a number of instances of parents refusing to have their children's hair checked for lice or eggs. This is an intolerable situation and must be changed.

Colombia: human rights

Mr LANGUILLER (Sunshine) — Today I rise to condemn the violations of human rights and trade union rights in Colombia. I also wish to commend the statement adopted by the Labor government of New South Wales, including Premier Carr, the Construction, Forestry, Mining and Energy Union, the metal workers union and other unions in support of Colombian workers and trade unionists.

Colombia is still the most dangerous country in the world for trade unionists. So far this year over 300 trade unionists have been murdered for organising workers in Colombia. In 2000 more trade unionists were killed in Colombia than were killed in the whole world in 1999. The great majority of assassinations have been attributed to the paramilitaries: 76 per cent, according to the United Nations Commission on Human Rights. Reports by the United Nations High Commissioner for Human Rights have shown that despite numerous complaints there is blatant collusion between paramilitary groups and the authorities.

The New South Wales ALP parliamentarians expressed deep concern at the deteriorating human rights situation in Colombia. They expressed outrage at the fact that trade unionists are targeted by death squads in Colombia, with over 300 murdered so far this year. The New South Wales ALP expressed support for the Colombian Trade Union Congress, human rights

supporters and the Colombian people in their struggle for social justice.

I urge the federal government to put pressure on the Colombian government to crack down on private militias and death squads which routinely target, kidnap, bash, torture and kill elected labour representatives, human rights defenders, journalists and community leaders. I commend the New South Wales Labor parliamentarians for their commitment to human rights. I encourage the Victorian Parliament to adopt similar statements in support of Colombian workers and trade unionists.

The SPEAKER — Order! The honourable member for Prahran has 1 minute and 10 seconds.

ALP: local government policy

Ms BURKE (Prahran) — Local government beware! Kim Beazley's plan for local government is the same sort of rhetoric that came from the state government on its plan for local government. In his policy he also recognises that local government must have constitutional recognition, yet the hypocrisy of the Labor Party is unbelievable. The convention in November of last year clearly defined that what local government wants is what the Labor Party promised. Yet now we have a Victorian constitutional commission that does not even have it as a term of reference, and Kim Beazley thinks he is going to change Australia at the same time.

The other piece of rhetoric in the ALP policy is about building stronger communities. All I have seen is the splitting of communities. It talks about working together, but I can see that even the regions are being split from the small towns. Bendigo has greater relevance than Warrnambool; Wodonga gets lesser treatment than Ballarat.

Kim Beazley's plan for local government is as bad as the state government's plan for local government. It will do no council any good and no community any good until the government understands the true needs of the community — that is, unity.

The SPEAKER — Order! The time set down for members statements has expired.

VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL BILL

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 1, page 2, line 2, omit "the State of Victoria" and insert "public land".
2. Clause 3, line 14, omit "8(4)" and insert "8(5)".
3. Clause 3, after line 22 insert —

“public land” means —

- (a) any unalienated land of the Crown, including land temporarily or permanently reserved under the **Crown Land (Reserves) Act 1978**;
- (b) State forest within the meaning of the **Forests Act 1958**;
- (c) park, within the meaning of the **National Parks Act 1975**;
- (d) land under the ownership or control of Melbourne Parks and Waterways, established under the **Water Industry Act 1994**;
- (e) land vested in any public authority, other than —
 - (i) a municipal council; or
 - (ii) an Authority under the **Water Act 1989**, to the extent that the land vested in the Authority is within a sewerage district listed in column 3 of Schedule 12 of that Act.

4. Clause 3, after line 23 insert —

“(2) Before the Minister can make any request under section 15, the Minister must by notice published in the *Government Gazette* declare —

- (a) organisations which the Minister considers represents environment protection and conservation interests; and
- (c) organisations which the Minister considers represents the interests of recreational users of public land; and
- (d) organisations which the Minister considers represents the interests of holders of licences or leases on public land —

to be recognised peak bodies.”

5. Clause 5, line 12, omit "the State of Victoria" and insert "public land".
6. Clause 6, line 23, omit "the State of Victoria" and insert "public land".

7. Clause 8, after line 18 insert —
“(c) tourism and recreation;”.
8. Clause 8, after line 24 insert —
“(3) Before making a recommendation under sub-section (1), the Minister must consult with the recognised peak bodies.”.
9. Clause 8, page 6, line 2, omit “(4)” and insert “(5)”.
10. Clause 8, page 6, after line 5 insert —
“(6) If the Minister proposes to make a request under section 15 which is likely to impact upon the rights of any class of leaseholders or licenceholders or recreational users of public land, the Minister must request in writing —
- (a) the recognised peak bodies representing leaseholders or licenceholders and recreational users of public land to nominate a panel of between 2 and 5 names of persons expert in the issues relevant to the request; and
 - (b) the recognised peak bodies representing environment protection and conservation interests in the subject matter of the request to nominate a panel of between 2 and 5 names of persons expert in the issue relevant to the request.
- (7) The recognised peak bodies may submit the panels of names to the Minister in writing within 28 days of receipt of the request from the Minister or such longer period as the Minister may allow.
- (8) If a recognised peak body advises the Minister that it does not wish to nominate or does not respond to the request, the Minister may seek nominations from another comparable body in the state of Victoria.
- (9) If the recognised peak bodies requested under sub-section (6)(a) and the recognised peak bodies requested under sub-section (6)(b) nominate panels of names which include the name of the same person, the Minister must appoint that person as a member of the Council for the purposes of the particular investigation.
- (10) If the recognised peak bodies nominate panels of names which do not include a commonly nominated person, the Minister must appoint one from the panel of names submitted by the recognised peak bodies requested under sub-section(6)(a) and one from the panel of names submitted by the recognised peak bodies requested under sub-section (6)(b).”.
11. Clause 13, line 25, omit “unions” and insert “employees”.
12. Clause 15, after line 4 insert —
- “(2) Before the Minister can make a request to the Council under sub-section (1), the Minister must consult the recognised peak bodies as to the contents of the request and whether or not any appointments should be made under sections 8(4) and 8(5) for the purposes of the investigation.
- (3) The Minister must not make a request to the Council unless —
- (a) The Minister has caused an advertisement to be published in a newspaper circulating generally throughout Victoria which sets out the proposed terms of reference; and
 - (b) 28 days has elapsed since the date of publication of the advertisement.”.

13. Clause 15, line 12, omit “(3)” and insert “(5)”.

14. Clause 15, line 17, omit “(2)” and insert “(4)”.

15. Clause 18, line 15, omit “geological or geomorphological”.

16. Clause 20, page 15, after line 4 insert —
“(4) If an investigation is likely to affect the existing rights of a licenceholder or leaseholder, the Council must make reasonable efforts to advise each person affected in writing where it is practicable to do so.

(5) If an investigation is likely to impact upon the existing rights of any identified recreational user of the land or area in question, the Council must make reasonable efforts to advise the recognised peak body representing the users in writing.

(6) If any investigation is undertaken into a particular identified area of public land, the Council must cause notices to be placed on bulletin boards and government offices in and around the area of public land.”.

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That amendment 1 be agreed to.

By way of explanation to the house, these amendments from the upper house focus on three main areas. We did not have these amendments moved in the lower house; we had one set of amendments from the National Party only and they are the subject of amendment 1. While the bill was between this place and the upper house a swag of amendments was proposed by the Liberal Party.

There are three main areas of amendments. The first is about the ambit of the Victorian Environmental Assessment Council (VEAC) in dealing with private and public land. I am disappointed that the opposition parties do not understand that environmental issues go right across all land tenures — it does not matter to

salinity whether it occurs on private or public land — however, the opposition is moving amendments and the government is prepared to accept them.

The second group of amendments we have received from the Legislative Council relates to membership of the Victorian Environmental Assessment Council and its associated community reference groups. The government intends largely to accept that group of amendments, which expand the specific membership of the two bodies.

There is a third group of amendments relating to consultation. This government is one that consults, and the opposition has frequently criticised it for doing so. We support greater transparency in the operations of environmental bodies such as these and we included great improvements in the establishment of the VEAC compared to the Environment Conservation Council, which it replaces. However, the opposition did seek further amendments to broaden consultation and to enhance notification of specific, predefined and peak bodies. The government is prepared to accept more general amendments about consultation rather than consultation with specific peak bodies.

As I have said, the government agrees to amendment 1. We had this argument to some extent in the lower house when it was debated the first time round. In the second-reading speech and the bill that it presented the government put the view that the council should be able to investigate matters holistically and that environmental issues cross boundaries — they do not respect fences, boundaries or the fact that land is public or private. The government has always said very clearly that the council would not be able to make specific recommendations on particular properties and that nobody would find the council making a recommendation about their particular property that would affect them in a disadvantageous way.

The government believes catchment management authorities being able to have strategies that cross boundaries that apply to both public and private land would be a big advance on what this state had under the Environment Conservation Council and, before it, the Land Conservation Council. However, a scare campaign was mounting and people were concerned that their particular properties would be the subject of recommendations that would disadvantage them. Quite clearly that was never the government's intention, and it is now prepared to pull back the ambit of the VEAC to public land only. That limitation is unnecessary, but in the interests of the environment, moving this bill forward and establishing the VEAC, the government is

prepared to accept that and limit the scope of the VEAC to public land only.

Mr PERTON (Doncaster) — It is sad that the minister, as always, has tried to grab a narrow political advantage instead of acting with the gravity of a minister. Her office has been so lacking in competence and coherence that this relatively simple set of amendments has taken almost six months to be presented. It is only through the intervention of the Premier, the restructuring of the minister's office and the appointment of a new chief of staff that this has taken place. Honourable members will recall that this was debated in the Parliament in May; it is now November.

This is the minister who destroyed the consensus in this state in respect of bipartisan acceptance of Land Conservation Council and Environment Conservation Council recommendations.

This is a minister the *Age* editorial described as having destroyed the marine parks proposal because of her inability to negotiate matters. I am utterly disappointed by the comments made by the minister — —

Ms Garbutt — On a point of order, Mr Speaker, we are talking about a fairly narrow range of amendments that have been forced on us by the obstacle — that is, the shadow minister — that has held this bill up now — —

Mr Perton interjected.

The SPEAKER — Order! the honourable member for Doncaster! I will not allow the minister to continue with her point of order as she is attempting to make her point in debate. In regard to the contribution by the honourable member for Doncaster, the Chair allowed the minister to make some general comments on the amendments that have been made by the upper house. The Chair will do the same with the honourable member for Doncaster. However, the Chair will not tolerate the honourable member indulging in a wide-ranging second-reading debate.

Mr PERTON — Indeed, Mr Speaker, I accept your ruling. But you did allow the minister to engage in some second-rate comments from a fairly second-rate minister.

The SPEAKER — Order! As I said, I will allow the honourable member for Doncaster to make some general comments.

Mr PERTON — These amendments were negotiated with courtesy and good humour, not with the minister but with her chief of staff — —

Ms Garbutt interjected.

The SPEAKER — Order! The minister should cease interjecting and the honourable member for Doncaster should ignore interjections!

Mr PERTON — Mr Speaker, you have a minister shrilly making catcalls across the table on what ought to be a dignified and respectful debate where amendments from all three parties have been accepted and are in this package. The reason that private land has been exempted from the ambit of this bill is that the Victorian Farmers Federation has been treated with the utmost discourtesy and contempt during the consultation that took place on this bill. The federation has rightly pointed out that the minister's comments about private land were ambiguous. As I said in my speech in the second-reading debate there are good arguments for a coordinated approach to examining environmental issues that affect both public and private land. Given the performance of this minister, that will have to wait until after the next election, and the election of a Liberal government working cooperatively with the National Party.

The minister indicated that there were three sets of amendments. One, relating to distinctions of public and private land, essentially arises from the reality that this minister failed to negotiate or talk with or to treat with respect the owners of the overwhelming majority of private land holdings, and as I indicated, these matters will probably have to be dealt with after the election of a new government.

The second set of amendments the minister referred to is in respect of the membership of the Victorian Environmental Assessment Council. What I find extraordinary about the minister's comments on that is that it was this minister who in the speech on the Environment Conservation Council legislation said that the replacement body should be representative. She has wriggled away from that commitment and we have an Environment Conservation Council with two extra members appointed by the minister. This is not a minister who is consistent, who is logical or who even complies with her own undertakings to the community.

And so to say, 'Oh yes, this is pretty much what I wanted', is an extraordinary statement. We recognise that the minister does not want the body to operate at its most effective level. We note that she has failed to live up to the undertakings she made — —

The SPEAKER — Order! The Chair has been most tolerant with the opening contribution from the honourable member for Doncaster. I remind him that the house is dealing with the amendments of the Legislative Council, and in particular amendment 1. I now ask him to come back to talking on amendment 1.

Mr PERTON — I made very close notes, Mr Speaker, and I am responding directly to comments the minister made on amendment 1. If you want me to make these comments in respect of other amendments I will, but you gave the minister the indulgence so I will take a minute if you will give me that indulgence.

In respect of consultation, what is extraordinary is that the minister did not want consultation.

Ms Barker interjected.

Mr PERTON — Perhaps I will make my comments when that clause comes up. The original clause in the bill provided that the minister alone make a reference or so-called request to the Victorian Environment Assessment Council, and the amendments that have been made by the Liberal Party in conjunction with the National Party have ensured that there will be a proper process of advertisement and consultation, and the tabling of a document. As I have indicated, this could have been just a courteous, appropriate debate, but this minister is not capable of doing that. The Liberal and National parties have, as I have indicated, had good dealings with the chief of staff of the minister, but I am afraid in this process the minister has demonstrated that she is second rate and ought to be replaced.

Mr STEGGALL (Swan Hill) — Firstly, I thank the government for accepting dealing with our amendment on the public and private land issue. We spoke on it rather strongly in the debate in this house and acceptance of the amendment proposed by us is a good outcome for an area that is one of the most difficult for our society to handle — namely, the management of public land. I acknowledge the minister's point about the exclusion of private land — that the environment does run across boundaries.

At this point in our history we are probably concentrating on environmental matters as they impact on the land, on waterways and on the sea, but we are not concentrating enough on the management of them. For the Victorian Environmental Assessment Council to operate in respect of private land when public land management in this state leaves a lot to be desired was, I thought, entirely the wrong way to go. At the moment putting power over private land into the hands of

organisations like the VEAC is not welcome. There is a lack of confidence in our public land managers, and some classic debates on the matter have taken place in this chamber. The debate on the north-western national parks some years ago — in about 1990 or 1991 — was one of the classic debates and had a main focus on the management of our agreed goal. Since those days we have not been able to get the function of management back on for debate.

In our commentary on marine national parks we were looking more at management and how to achieve that end goal, and the approach of the National Party will be similar when it comes to the issue of box-ironbark forests. Applying the VEAC concept to public land is fine, but I think we are getting more of the same, with some changes at the margins that need improvement. I hope the improvement will come from management and not from the lockup of or from the theoretical approach to the management of our land that comes from reports.

The catchment management authorities (CMAs), which the former government introduced, have now been changed by the removal of the levy — and I reiterate that the levy on the CMA areas was there to make sure our people appreciated and understood the responsibility we all have to the environment and to the issues that impact on our quality of life and standard of living. Unfortunately when that levy was taken off for political purposes — and I admit it achieved a political victory for the Labor Party — it took with it the link between the environment and the ordinary people, particularly those living in provincial cities and towns.

I remember listening to the honourable member for Ballarat West in a speech following mine in this place in which she said, 'How dare you say that Ballarat is part of a catchment!'. The people of northern Victoria have been very careful to include the people of Ballarat in the environmental issues of the Avoca and Loddon rivers. That link is now gone. I accept that and assure honourable members there is no way it could come back. What I am saying, however, is that our management of the environment and our linking of people to it is a very important role for the Parliament and for the people.

Ms Davies interjected.

Mr STEGGALL — I notice the honourable member for Gippsland West is chattering away. May I just say that many of our areas in northern Victoria have had environmental levies on them for many years, and we have paid our share for the salinity programs.

Mr Plowman — And they work very well.

Mr STEGGALL — They work extremely well. Our people have been part of the battle for the environment in most of our northern regions and have paid through their local government rates on properties. It has been very good. Our communities, our farmers, our scientists and indigenous people — the whole lot — have been involved in the management of public land and the concept of land-use practice that we have used on our private lands, our farms. There has been a marrying of those together.

One of the big problems for our country areas is the perceptions that exist in the community. The debate the house completed last evening on the Water (Irrigation Farm Dams) Bill is a classic example of that. The perception of the country that exists, particularly in Melbourne and also in many of our provincial centres, is one of doom, gloom and disaster. The issue of irrigation is now looked on as being something terrible that is being downgraded. I had a discussion this week with a gentleman who told me that saline impacts were leaving a white carpet over northern Victoria. I said, 'Listen, fella, I'm actually driving right now between Kerang and Swan Hill, which would have to be one of the most difficult areas for salinity in the state of Victoria, and I can't see a white crystal anywhere!'

There is a problem, but the problem is people's perceptions. The division between people living in the country and people living in a city environment is becoming very wide. That applies to people's perceptions about issues relating to salinity, water, irrigation, grazing, the timber industry and the fishing industry. Let us not forget the way people perceive the debates that are going on about that industry. They are management issues which the government must handle.

I support the changes that are now being made to the Victorian Environmental Assessment Council. I am pleased the government has accepted our suggestions, and I suggest to the Minister for Environment and Conservation that she use that body to do some work on the management of the public land. This place might pass lockup laws and talk about things that sound good and feel good, and the people of Melbourne and the journalists — who do not have the faintest idea of what happens in the country — might support them and say, 'Isn't this good! Doesn't it feel good!', but those things are not hitting the mark. We hit the mark with the catchment management authority concept, we hit the mark with the salinity programs of the 1980s and 1990s and we all really hit the mark with Landcare; and we did well. Our challenge now is to go the next step. I believe we would have gone backwards if the functions

of the VEAC had applied to private land. That concept has now been withdrawn, and that is good. The retention of management of our natural resources in public hands needs a boost and Victorians need to have confidence in that in the future.

I am pleased this amendment has been supported. I look forward to the changes in the management of public land for the future good of this state.

Ms DAVIES (Gippsland West) — I wish to speak against this amendment that removes private land from consideration by the Victorian Environment Assessment Council (VEAC). I stated very clearly during debate on the original bill, and I restate it now, that all issues of land management, conservation, ecologically sustainable development and repair of the damage done to our land do not differentiate between private and public land. None of those issues stops at artificially created fence lines. It is nonsense — —

Mr Ingram interjected.

The SPEAKER — Order! The honourable member for Gippsland East is not assisting proceedings.

Ms DAVIES — It is nonsense to restrict this body to public land. I noted the comments of the honourable member for Swan Hill, who stated that he believes there is a lack of trust by farmers and other landowners in the capacity of bodies such as the VEAC to look after their interests and deal properly with them. However, I do not believe isolating farmers is the way to get over this lack of trust. I believe trust is increased by increasing engagement and involvement, not by withdrawing it.

The fact that issues of land management do not respect artificial fence lines was recognised by the government in the passage of the original bill through this house. It was also recognised by the Liberal opposition, which voted clearly in favour of the bill when the VEAC was designed to deal with both public and private land. At that time the honourable member for Doncaster stated clearly that he accepted the legitimacy of this organisation dealing with public and private land. He acknowledged that the VEAC would be able to examine issues relating to private land and that many of the biggest issues, such as salinity and pest and weed management, cross over from Crown land onto private land. The honourable member for Doncaster also quoted the Victorian Farmers Federation as accepting the appropriateness of the VEAC dealing with public and private land. Somehow the Liberal Party changed its mind as the legislation crossed between the lower and the upper houses.

Government members, Liberal members, National Party members and all other members in this house recognise the legitimacy of the government having an overview and management of private land in many, many areas. We recognise that the catchment management authorities (CMAs) must deal with Crown land and private land, because all land-holders within a catchment have common issues.

The house has just spent considerable time discussing the Water (Irrigation Farm Dams) Bill, which all parties have recognised covers a legitimate area in relation to which government and society as a whole must have an overview of issues relating to private land. We all recognise that the Landcare movement must look at private and public land. We have to acknowledge that no block of land can be seen as an island; what happens on one block of land as a result of the actions of one owner can and does have very significant effects on somebody else's block of land.

Under the bill the Victorian Environmental Assessment Council would have had the capacity to look at land management and catchment issues on a much wider scale than the CMAs are capable of doing. It is not enough just to say that the CMAs can have the capacity to look at private and public land; we need that overview. It is nonsense to stop at fence lines.

In practical terms, the change proposed by amendment 1 — that is, that the Victorian Environment Assessment Council can look only at public land — will mean that the organisation will be completely useless in south-west Gippsland because we have hardly any public land. It will also mean that it will be absolutely useless as a body that was offering the opportunity to deal with the privatised forests of the Strzeleckis, on which the Liberal Party and the National Party colluded to ensure they would be sold off to private interests under the previous government. Those forests were excluded by that action — —

Mr Perton — On a point of order, Mr Speaker, you required both the minister and me to remain close to these amendments, and the Deputy Leader of the National Party certainly stayed within those guidelines. The honourable member is now straying well beyond the ambit of this bill.

The SPEAKER — Order! On the point of order raised by the honourable member for Doncaster, the Chair has previously indicated on two occasions that this is a narrow debate. However, I have allowed some leniency to the lead speakers in expressing their views on the bringing forward of these amendments. I have allowed the honourable member for Gippsland West

leniency along similar lines. I now ask her to return to what is before the Chair, which is essentially the motion on amendment 1 moved by the minister.

Ms DAVIES — I wish to clearly state that I am discussing amendment 1. The impact of the change that will result from this amendment will be that the forests of the Strzeleckis, which were to be one of the first references dealt with by the Victorian Environmental Assessment Council, will no longer be able to be dealt with by the VEAC. The issue of the Strzelecki forests, which have no protection under the regional forest agreement, is very relevant to this first amendment because a direct consequence of the rejection of private land as being a relevant issue for the VEAC will mean the Strzeleckis cannot be dealt with.

I have heard the argument that we need to make sure that the VEAC deals only with public land because the proper management of public land has become more and more of an issue over the years. I completely agree with that point. I am aware that our national parks, state forests and public land generally have been undermanaged and there have been insufficient resources to manage them properly. I completely agree with that point, and I urge the government to put in more resources to properly manage public land.

However, in no way does that point exclude the need to look at, to understand, to know and to consider all land within a region. To exclude private land from a study area is to remain wilfully blind when it is obvious that what happens on public land impacts on private land and what happens on private land impacts on public land.

I believe the main opposition to this part of the bill began with the National Party's desperate hunt to be seen as relevant and to be seen as listening eagerly, which is a new lesson that it has only just started learning. It was jumped on by the Liberal Party, which is aiming to supplant the National Party in rural areas, so it is interested in — —

The SPEAKER — Order! I have said that I will not allow the honourable member to regurgitate some of the second-reading debate that has already taken place in this chamber. She should confine her remarks to amendment 1.

Ms DAVIES — The government has caved in when it knows that it should not have. It is a bit sad that this amendment will be passed. It will severely limit the types of issues that the VEAC can usefully explore, particularly the big issues of salinity, pest animals and weed control, and sustainable land management.

I fully and completely accept that politics is about numbers and I do not have the numbers on this one, but I stand on the principles that I espoused and I reject the removal of private land from the VEAC's overview.

Mr HOWARD (Ballarat East) — It is not with any great pleasure that I speak on this amendment but with some disappointment, because six months ago when the government introduced the Victorian Environmental Assessment Council Bill into this house it believed, and still believes, the bill was well developed. The government was keen for the Victorian Environmental Assessment Council to do some useful assessment work on significant sites around the state.

The minister will support the amendment because she knows it is the only way that the Victorian Environmental Assessment Council (VEAC) can continue in any way at all. However, the government is disappointed because this part was initially supported by the honourable member for Doncaster. It is amazing that when the bill came before the house the honourable member for Doncaster and the Liberal Party supported this part of the bill, yet now we are dealing with this amendment which seems to indicate that the environment has narrow boundaries within the state, which is not the case. As the minister and the honourable member for Gippsland West pointed out, the environment covers the whole of the state. The study and development by the VEAC of some useful management guidelines should involve the whole of the state and not just be confined to public lands. A great opportunity has been missed with this bill.

It is disappointing that the honourable member for Doncaster was rolled in his party room on this issue because when he last spoke on the bill he seemed to support the view that the environment affected the whole of the state and that by assessing whole sections of the state we could move forward much faster than we will be able to given that this amendment will be passed.

It also amazes me to hear the honourable member for Swan Hill, as the honourable member for Gippsland West pointed out, talking about the value of catchment management authorities (CMAs) and saying that the National Party recognises whole of catchments as the way to plan stream management and to deal with issues across a catchment, such as those vital environmental issues that do not just relate to environments and conservation of ecosystems and other important things but affect the economic and social lives of the communities. CMAs have been supported by all parties in the house in recognising that environments cover

large areas and that planning of some of those issues needs to be done on whole-of-catchment areas.

For the Liberal Party to suddenly turn around and say that it does not support the Victorian Environmental Assessment Council doing work on any land other than public land misses a great opportunity for this state. That is a great disappointment to me, as it is for the government. However, we want to see the VEAC get under way, even if it is in a weaker form than it would have been under the proposed legislation. We want to see it in place and not waste any more time.

It is sad that these backflips and somersaults within the Liberal Party have taken six months out of the lifetime of the VEAC. The government is keen to see the VEAC in place as soon as possible. It is disappointing that Liberal Party members have done this backflip and that the honourable member for Doncaster was not able to get them to hold the line on this.

Mr Cooper interjected.

Mr HOWARD — We know what the realities are here. It does not matter what the honourable member for Mornington says by way of interjection. He is out of his place and is making several comments, but clearly he knows the realities. He was there in the Liberal Party room when the honourable member for Doncaster was rolled on this issue, and he knows what happened. The fact is if we are to get a VEAC we have to accept —

The SPEAKER — Order! As I have with previous speakers I ask the honourable member to come back to debating amendment 1.

Mr Perton — Perhaps he can tell us which way he is voting.

Mr Cooper interjected.

The SPEAKER — Order! The honourable member for Mornington!

Mr HOWARD — We heard from the honourable member for Gippsland West of one example of a lost opportunity through the acceptance of this amendment, that the Strzelecki forest area which is now on private land cannot be under the evaluation of the Victorian Environmental Assessment Council. That is another specific example of an opportunity lost. There are many examples of opportunities lost by restricting the authority of the VEAC. However, if we want to get the VEAC in place, and this government is committed to getting it in place and seeing some work done to improve environmental management on public lands, there is something to be gained by accepting this

amendment. However, it is a disappointing limitation on the overall operations of the Victorian Environmental Assessment Council.

Mr Plowman — On a point of order, Mr Speaker, despite some confusion in the mind of the honourable member for Ballarat East as to how he will vote, there have effectively been two speeches against the amendment. Therefore, I ask that you give two members who are for the amendment the opportunity to speak.

The SPEAKER — Order! The Chair is endeavouring under difficult circumstances to give the call so that the house can hear all opinions that are being expressed.

The honourable member has concluded his remarks.

Mr MACLELLAN (Pakenham) — I am anxious to state briefly that as a former minister who had responsibility for the organisation when it was called the Land Conservation Council, and as a member of Parliament when the whole process was introduced by a former minister, the Honourable Bill Borthwick, it was always the intention that this organisation restrain itself to public lands; it has never had a role beyond public lands.

Indeed, when the Land Conservation Council was first introduced it only looked at public lands in rural areas, but not in boroughs or towns. Its role was later extended to look at those additional areas. The honourable member for Gippsland West should understand that initially the Borough of Wonthaggi was highly resistant to the idea that industry and housing development in the borough might be restrained simply because the land was publicly owned.

We got the balance right when we allowed a specialist organisation to look at the specialist needs of conservation on public lands. Farmers and owners of land have a private responsibility to look after environmental issues on their land — that is clear to all. The farmers of Gippsland West will be extraordinarily interested to discover that their elected member actually thinks that this organisation should be able to tell every farmer in Gippsland West what to do with their farms.

The honourable member for Ballarat East apparently has had a mid-life crisis in which he was telling us that he will support the amendment, but that he really does not support the amendment. I understand that; it happens to some people — they do not believe in the amendment, yet they will support it because their minister moved that it be agreed with. But he seemed

innocent of that fact and thinks he will get away with it by saying that he does not really believe in it.

He then speculated about other things that are not relevant to the amendment, but the amendment says that it is public land that is the target of the work of this organisation. It is not a statewide organisation, and I say to the honourable member for Ballarat East that if it were to look at private land, then what would be the normal response of this Parliament? It would be to say the Victorian Farmers Federation should nominate at least 50 per cent of the members, because if it is to look at private land, then private landowners should be represented on it directly.

The Environment Conservation Council is a highly technical organisation that produces a highly valuable series of reports and examinations of public land. Its work has been outstanding and its contribution environmentally in this state has been outstanding in nominating new national parks, new reserves and new ways of doing things. But if we are to ask an organisation like that to look at how a privately owned farm is operating and whether it is operating in an appropriate way environmentally, I have to say that we are into a completely different approach, one which has not been the tradition of this organisation and one which does not have public support in rural Victoria.

Mr RYAN (Leader of the National Party) — What a couple of extraordinary performances by the honourable members for Gippsland West and Ballarat East! Let us get back to the basics: we have here an organisation that has been developed under the terms of the bill and which is designed intrinsically to accommodate the needs of environmental assessment on public land.

I adopt the comments of the honourable member for Pakenham, who has a rich history in this area and is able to recite it in the manner he just has as to the development of pre-existing legislation. At the outset of discussing this you have to make the practical distinction between public land and private land. That has to be done in this day and age because this organisation — the Victorian Environmental Assessment Council — has been cast with the responsibility which is structured in a way best enabling it to assess the position with regard to public land. For all the reasons the honourable member for Pakenham outlined, it is not a private land issue. That is the first thing. The second thing is that the very proud achievements of private landowners, particularly in the farming community, ought to be applauded.

In an age where we have developed catchment management authorities; where the Landcare movement is as successful as it is, and where on a daily basis in country Victoria we are able to witness the extraordinary degree to which over the past two decades in particular the farming community has come to grips with its responsibilities environmentally, there is a plethora of activity on private land across Victoria in a manner which is reflective of the responsible attitude being taken by those who have the private ownership of it.

I emphasise that it is private ownership. These people do not want some instrumentality created under this legislation sticking its nose into private matters and areas of responsibility which fall within the direct ambit of private landowners.

We already have an enormous number of organisations which in one way or another are serving the purpose of fulfilling the very appropriate needs of acting as our environmental guardians. Our farming community, in particular, is leading the charge in that regard. It is offering the leadership which enables so many of these organisations to function. The circumstance of enabling the entity set up under this legislation to have a first responsibility for public land is ridiculously at odds with having it stamping over the private grounds and ownership of our farming community around Victoria.

The third point is we cannot even look after the public land that we have under consideration in Victoria now, for heavens sake! You only need to hear the commentaries from those of us who live in the country parts of the state to do with the good neighbour programs and the consistent endeavours made to try and bring public land management into order to know that we are not able to manage that which we have on the plate already.

An honourable member interjected.

Mr RYAN — The wild dogs issue is one example, and only last evening I had a passing conversation with the honourable member for Gippsland East, when we talked about this very issue and the difficulties we have in trying to manage in a sustainable way the public land presently under our purview without for one moment getting into the business of having this organisation trampling around privately owned land to try and achieve similar sorts of ends which cannot be satisfied in the public environment anyway.

We heard the honourable member for Ballarat East ramble on in a manner which would suggest he will vote against the amendment. Presumably, someone will

call a division on this, and I will be interested to see where he goes to sit.

At the end of the day, this amendment was proposed by the National Party because it respects the fact that private landowners should not be subject to the ramifications of what is contemplated by the Victorian Environmental Assessment Council's work on public land. That is why we started this debate all those months ago. When the honourable member for Ballarat East talks about delays, the delay has been on the basis of the government having to eventually come to the grips with the fact that out there beyond metropolitan Melbourne, country people are very concerned about the prospect of what this legislation would otherwise have carried with it in its terms. I am pleased to see that the government has very sensibly adopted the proposals advanced by the National Party. In that regard we have ultimately been supported by the Liberal Party, for which I am also grateful. The honourable member for Gippsland West has made her position clear, and I am sure her constituents will be interested to read of it. I will be interested to hear the views of the other two Independent members about it.

Mr VOGELS (Warrnambool) — I am pleased that the government has clearly acknowledged and addressed the concerns expressed by many when the bill was introduced — —

Honourable members interjecting.

Mr VOGELS — I did not — regarding private land. The major concerns of farming communities were always that the Victorian Environmental Assessment Council, with the powers and resources of government behind it, would enter private land and tell people how to run their farms; pointing out native grass and saying that they cannot put fertiliser on it or that they should fence it off. Many farmers were concerned about that and have raised the issue with me and, I am sure, with other honourable members.

As previous speakers in the debate have said, the government is flat out looking after public land they are in charge of now; in fact, it cannot do it. Victoria's public land is full of noxious weeds and feral animals; it is disgraceful. It is to the detriment of farmers whose properties adjoin public land.

Throughout Victoria Landcare groups do a great job. Not only do they look after their farms and private land, but in many cases they assist the Department of Natural Resources and Environment in doing its job looking after roadsides and the noxious weeds or vegetation that is out of control.

I am pleased that the upper house has made these amendments, because it is an example of the importance of the other place. It gives the Liberal Party the opportunity to curb the excesses of this socialist government.

Mr INGRAM (Gippsland East) — I would like to put my position on the record in the debate on the amendment, which removes the right of the Victorian Environmental Assessment Council to carry out investigations on private land.

In the earlier debate in this place seven members sat on this side of the house voting against the bill. My position at the time was that I did not believe the council should have the power to carry out investigations on private land. I note from the *Hansard* report that some members abstained from voting during the division.

Mr Mulder — Name them!

Mr INGRAM — The honourable member for Polwarth was one of those members who abstained. I am glad opposition members have convinced their parties to change their position while the bill was between here and another place.

I will explain the reasoning for my position on this issue. Last evening I had a discussion with a former member of this place, the former Deputy Premier and former Leader of the National Party, and his position in relation to the Water (Irrigation Farm Dams) Bill that the house debated last week and yesterday is that government has the opportunity to inquire into issues on private land. The previous government appointed the Baxter committee to inquire into the issue of farm dams. It appointed a member of the other place as chairman of a panel that heard about the impact on stakeholders. That report was a precursor to the Blackmore report, so there are methods by which governments can look at environmental impacts on private land. The other option they have is through the Environment and Natural Resources Committee; that is another method by which Parliament can examine environmental decisions affecting private land. Decisions and recommendations made by those bodies can be scrutinised because many of those bodies have members who are members of Parliament. If the users of the resource or farmers are impacted on, it falls back on the government or Parliament to be accountable.

Memberships of bodies such as the Environment Conservation Council or the Land Conservation Council before it or the Victorian Environmental Assessment Council often comprise community

representatives, but they often are a barrier between the Parliament, the government of the day and the community. The community is disappointed with bodies that make decisions that affect their livelihood and their land, because they do not believe they have adequate opportunity to put their views to these bodies and have them listened to.

Honourable members have referred to the current management of public land. We should look at what the Victorian Environmental Assessment Council can investigate regarding the management of public land. In my area there are issues such as the management of wild dogs, an issue that has been raised before, and the impact that pest animals like wild dogs, foxes and cats have on native animals. Those issues need to be investigated. Another issue is fire management — ecological burning in national parks. It is obvious that we are not doing enough ecological burning. Fire management is based on how many people we can get in there. A number of essential things could be looked at — critical issues for the long-term viability of our national parks and the sustainability of biodiversity in those areas.

A number of bodies can carry out the inquiries or investigations. The Department of Natural Resources and Environment could conduct the investigations itself. It is accountable to the government and ultimately to the Parliament and the people. People distrust the managers of public land because in my area they believe they are not doing a good enough job and are not accountable to the people. That is why I will not support the Victorian Environmental Assessment Council conducting investigations on private land.

Mr MULDER (Polwarth) — I support the amendment because to me this issue is of grave concern. Yesterday the house debated the Water (Irrigation Farm Dams) Bill, which was all about a minister pushing her socialist views into rural Victoria and trying to interfere with the day-to-date lives of people living in rural Victoria and who operate farms. It was never intended that the Victorian Environmental Assessment Council would have access to private land and that its investigators could crawl through fences and dictate to farmers how they could operate their properties. That was never intended when the reports were conducted. This deceptive wording in this legislation almost slipped through both houses of Parliament. The minister was very deceptive in framing the legislation in such a manner that persons who examined it were not totally aware of the implications immediately.

The minister raises issues about salinity control and says that it should be investigated on both public and private land. Obviously the minister has not spent much time in rural Victoria. If the minister looked at the work being carried out by local government, Landcare groups and catchment management authorities she would be aware what is happening in rural Victoria regarding salinity control. Obviously there is a belief out there that the minister is not pro-farming or pro-rural Victoria.

With this legislation and the earlier farm dams legislation I have often thought, 'Where is the Minister for Agriculture?'. He is hiding under the skirt of the Minister for Conservation and Environment!

Honourable members interjecting.

The SPEAKER — Order! Will the house come to order!

Mr MULDER — He should come out and talk to farmers. I ask metropolitan members to consider the issue in this light. What you have here is the neighbour from hell who has a backyard full of dogs, feral cats, weeds and pests, and over the fence you have a neighbour with a beautifully tended garden and a nice establishment. The neighbour from hell is saying, 'I want to come into your backyard and tell you how to look after your property'. That is what the legislation is about and that is the trickery of it.

Ms Duncan interjected.

The SPEAKER — Order! The honourable member for Gisborne!

Mr MULDER — The neighbour from hell, as she is known in rural Victoria, cannot look after her own land. She cannot control her own weed pests and dogs. She wants to turn up on farmland and tell farmers how to operate. It will not be accepted — it will never be accepted. Liberal members will continue to fight that type of legislation, which allows the government to interfere in farmers' lives and in rural Victoria. The government is well known as the neighbour from hell. It should get out there and clean up its own act first. When you have your back garden in order you can talk to the rest of us!

Mr SAVAGE (Mildura) — I rise to congratulate the government on accepting amendment 1 — and to show that I am consistent. Unlike some members I voted against the private land provision on the first occasion. I think there were seven of us on one side of the house. The amendments put up by the National Party should have been voted on at the time. Sessional orders should

be changed so we do not lose amendments that come up from somebody who is a non-government member and so we do not have the situation where we revisit history.

Mr Ryan interjected.

Mr SAVAGE — I am happy to say the National Party had some good amendments, and I would have supported those amendments had they been voted on. However, we had the bill going through the house in its totality.

The honourable member for Polwarth has some difficulty remembering exactly what happened in here. It was the Liberal Party on that side of the house, voting with the government — not the honourable member for Polwarth, but his colleagues — although some honourable members were missing.

Mr Mulder — You implied that I was there.

Mr SAVAGE — I am not saying you were there, because you abstained.

Mr Mulder — On a point of order, Mr Speaker, the honourable member implied that I voted on this piece of legislation when I did not.

The SPEAKER — Order! It appears to the Chair that the honourable member is making a personal explanation and not raising a point of order. I will not hear it.

Mr SAVAGE — I will make myself clear. I did not suggest that the honourable member for Polwarth voted for the bill, although I did indicate that he abstained. However, the Liberal Party supported the legislation, with provisions for private land. So it is no good coming back here now and saying that was not the case. Private land provisions were clearly in the bill, and that is why — —

Mr Mulder — Trickery!

Mr SAVAGE — If you are too stupid to understand when a bill comes into this place and talks about private land, it is a bit rich to come in now and say you were deluded by it.

Mr Perton — On a point of order Mr Speaker, you indicated that leeway is given to the lead speakers. But the honourable member for Gippsland West has already spoken as lead speaker for the Independents. If you — —

Mr Maxfield interjected.

Mr Perton — Shut up you dill!

The SPEAKER — Order! The honourable member for Narracan!

Mr Perton — You have already ruled that this is a narrow debate, and I ask you to bring the honourable member for Mildura back to order.

The SPEAKER — Order! The Chair has intervened a number of times during the debate. I have asked honourable members to confine their remarks to amendment 1, and I do the same with the honourable member for Mildura.

Mr SAVAGE — I rose to congratulate the government on changing the legislation and accepting the amendment and the Liberal Party on having a bit of foresight on the issue of private land.

Mr Ryan — What about the National Party?

Mr SAVAGE — The National Party has been consistent. It does not have to be congratulated. It was there from the start.

The SPEAKER — Order! The Leader of the National Party should cease interjecting.

Mr SAVAGE — I support the legislation in its current form. I again congratulate the minister and the Liberal Party on seeing the light and making this good legislation. That is what this place is for: to change direction when it is realised that a mistake has been made.

Mr PLOWMAN (Benambra) — The amendment is clearly about the delineation between and the different responsibilities for private and public land. To follow up the honourable member for Mildura, I give credit to the National Party, because it picked up on the fact that this was private land. I agree with the honourable member for Polwarth: it was trickery on the part of the minister — —

Honourable members interjecting.

The SPEAKER — Order! I ask the honourable members for Gippsland West and Ballarat East to cease interjecting.

Mr PLOWMAN — I give credit to the National Party for picking this up early in the piece. Once the Liberal Party realised this we recognised how stupid it was. As the honourable member for Polwarth pointed out so eloquently, if you cannot manage your own backyard why try to manage someone else's. We have always had the Land Conservation Council, and then

the Environment Conservation Council, having responsibility for public land, and they have done a damn good job over the years. Why then would you want to take that a step further and say that private land needs the same sort of regulation and management when we already have catchment management authorities? We also have the Victorian Catchment Management Council; we have Landcare groups right across private land; and until 1984 we had the extraordinary work done by the Soil Conservation Authority and the Vermin and Noxious Weeds Board.

I suggest it is commonsense to agree to the amendment going through. I would like to thank the government for accepting the amendment. It is important that the Victorian Environmental Assessment Council (VEAC) is restricted to public land management.

I go back to what the honourable member for Polwarth said. At the moment public land is not well managed. It needs all the resources available to it to ensure it is better managed. I instance one issue in my patch, and it is the same issue that affects the honourable member for Gippsland East. Wild dogs create havoc on private land, but they come from public land. That problem has to be managed on public land, not managed on private land. It is up to the VEAC to look at the issue and determine how it should be managed better. It is obviously of real concern to the minister. She has not been able to get on top of the wild dog problem, which has certainly grown demonstrably in the past two years.

You have only to look at the reports in the *Border Mail*, the paper that reports throughout northern Victoria, to see how serious this problem is and how it is exploding. I use this as only one of the many examples with weeds and all sorts of other management problems on public land that are not being properly addressed. That is what the Victorian Environmental Assessment Council's job is and that is what it should be here to do.

Motion agreed to.

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That amendment 2 be disagreed with.

This is a consequential amendment related to later amendments and that is probably the appropriate place to discuss the main thrust of that amendment.

Motion agreed to.

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That amendment 3 be agreed to.

This is a further amendment relating to the limitation of the VEAC to public land. I think we have just had that debate so I do not propose to restart it. The definition that is being introduced into the bill by this amendment is the same as that in the current Environment Conservation Council Act.

Motion agreed to.

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That amendment 4 be disagreed with.

Amendment 4 proposes that each peak body be defined prior to the VEAC undertaking its reference. The Victorian Environmental Assessment Council Bill does allow numerous additional opportunities for community consultation. That is built into it. If it is compared to the Environment Conservation Council (ECC) there are additional opportunities for public consultation but attempts to define each and every public body are cumbersome and unnecessary.

The amendment presumes that all the key stakeholders can be identified before the investigation starts. If honourable members have a look at the ECC's investigation into box-ironbark forests and woodlands, they will see that a peak body was formed during the investigation, and clearly it would have been impossible to have defined that before it started. Therefore the government disagrees with amendment 4.

Mr PERTON (Doncaster) — This is an interesting provision. The purpose of this amendment was to deal with the concern of many organisations in the community that they were not being consulted appropriately. That included, for instance, the Victorian Farmers Federation, the Victorian Public Lands Council and other groups which were not adequately consulted during the course of the establishment of this bill but which also do not believe this minister consults with them.

I think the minister has misunderstood what this amendment would have done — it would have required her to provide a list of organisations which were peak bodies which could then have an expectation that they would be consulted. The opposition has agreed to the deletion of this amendment on the government's undertaking that all of those groups will be consulted before the appointment of the new council, before the appointment of the advisory committees and before a new reference is made.

We have other protective devices now, including advertisement, but we agree to the deletion of this

amendment because the minister's office indicated that her department was utterly opposed to enumerating those groups. Clearly it is a dog being led by the tail — this is not the minister's view; it is the department's view that you cannot list the group of people who can expect at the very least to be consulted on those matters. Given we have an undertaking from the minister and the government that the groups that were referred to in the debate are going to be consulted, we will accept this deletion.

Mr PLOWMAN (Benambra) — In support of the comments made by the previous speaker, it is clear that for the VEAC to have the correct representation, it needs to have representation that has a clear knowledge of the policy of those two eminent bodies, the Victorian Public Land Council and the Victorian Farmers Federation. If that is not the case and if that does not come through into the new membership of the VEAC then we will not be served well in public land management. Therefore I support the comments of the honourable member for Doncaster.

Motion agreed to.

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That amendment 5 be agreed to.

This is another amendment about limiting the scope of the VEAC to investigating public land only.

Motion agreed to.

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That amendment 6 be agreed to.

Again, this is about limiting the VEAC to public land.

Motion agreed to.

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That amendment 7 be agreed to.

Amendment 7 inserts tourism and recreation into the list of experience and skills that members of the VEAC would need to have. Given it is being limited to public land and the VEAC will investigate public land only, it is quite valuable to have skills and knowledge in tourism and recreation as part of the skills mix, so the government is prepared to support that addition through this amendment.

Probably tourism and recreation would have been well and truly covered by several of the others already listed in the bill. However, I am happy to make that clear and obvious.

Mr PERTON (Doncaster) — The opposition is pleased that the government accepts this amendment, which was suggested by a wide range of groups. It surprised me that the minister did not incorporate the provision into the original bill. It says something about the level of consultation and the exposure of the bill prior to the original debate.

This amendment was wanted not just by the tourism and recreation industries but also by a wide range of groups that operate in the vicinity of national parks and in metropolitan Melbourne. Oftentimes the Environment Conservation Council, which has done a fine job, has been criticised for the inadequacy of its analysis of the potential value of ecotourism in the establishment of new categories of public land. To ensure that the proposed Victorian Environmental Assessment Council is beyond reproach in that regard it is necessary that someone with expertise in these matters be appointed to the council.

The shadow Minister for Major Projects and Tourism has often told me about the sorts of problems that exist for operations in the vicinity of and on public land. For instance, there is now a bit of a stand-off between some of these groups and Parks Victoria about public liability insurance and their own appropriate levels of liability insurance. Greater expertise in these matters on the council will serve the environmental movement, land users and the people of Victoria very well.

Motion agreed to.

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That amendment 8 be disagreed with but the following amendment be made in the bill:

Clause 8, page 6, after line 5 insert —

“(6) Before an appointment can be made under this section, the Minister must publish notice of the vacancy in newspapers circulating generally throughout Victoria.”

Given the original amendment naming recognised peak bodies that must be consulted with, the government believes the Council's amendment is cumbersome, lengthy and difficult. The government does not believe it is appropriate to identify recognised peak bodies. However, it is certainly the government's intention that people should understand what is happening, and it was always my intention and the intention of the

government to advertise for positions on the Victorian Environmental Assessment Council (VEAC) so as to provide openness and transparency in the process.

It will now be a requirement under the legislation that a notice of a vacancy must be published in newspapers circulating throughout Victoria. It will serve the same purpose; in fact it will serve a broader purpose than merely consulting with recognised peak bodies, in that the entire public will be advised of the availability of positions, which will provide for openness and transparency in the process. I am disagreeing with the original amendment but proposing a substitute amendment.

Mr PERTON (Doncaster) — The original amendment arose because of the disappointment of many organisations in the state at the minister's failure to implement the promises she made during her time as shadow minister. On many occasions the minister made the statement in Parliament that the successor body to the Land Conservation Council should be a representative body. On any interpretation of her words it was quite clear that the model she was supporting and proposing was the model of the Land Conservation Council with many named bodies. When the minister introduced the bill the form of the council was identical to that of the Environment Conservation Council, a form she had roundly criticised because she said it left the minister as the only person who was able to have a say in making an appointment; but that is what the minister is now proposing.

The opposition recognises there are various environmental organisations, land-user groups, scientists and public servants who could make a great contribution to this body. Had the minister carried out her promise we may have seen quite a different model. Instead what we have is the modern government model of the 1990s that was certainly a model the opposition used when in government — that is, an expert committee appointed by a minister — but it is not the representative body that the minister, when in opposition, said she wanted to have and would support.

The opposition says to organisations like the Public Lands Council that took the minister at her word that they will probably have to wait for the election of a new government to have a more representative structure in the area of the environment. What the Liberal and National parties have been able to extract from negotiations with the Labor Party is an assurance that the organisations that took the minister at her word will at least be represented on the advisory committees to the council.

As I look to preparing a policy for the next election I note that people like Alex Arbuthnot, a leader in both the environmental movement and the farming movement, have said that there is a plethora of organisations with overlapping responsibilities but separate research components, libraries and consultants. It seems to me from my talks with the environmental movement, the farmers movement and the Public Lands Council that we need to bring these things together and that there needs to be more cooperation. It would appear to me that after the next election there ought to be a more representative body providing advice to the government and the minister to bring the environmental movement, the farmers and the public lands groups together.

The minister has lost an opportunity in this, but at the very least there is now the requirement that there be notice in the newspapers of a vacancy. Again we accept the amendment on the assurance from the minister and her government that the groups that would expect and want to be consulted on appointments to this body will be consulted in that way.

Motion agreed to.

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That amendment 9 be disagreed with.

This is a consequential amendment. It is not required due to other amendments having already been dealt with.

Motion agreed to.

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That amendment 10 be disagreed with.

This amendment was another one which required consultation with recognised peak bodies. I believe that the compromise we have made in amendment 8 will also ensure that any additional positions on the council will be advertised so that anyone who meets the criteria and is interested in the position will be able to apply for it. What we have agreed to in amendment 8 covers this as well. I am suggesting that we disagree with amendment 10.

Mr PERTON (Doncaster) — As I have already said in my comments on amendment 8, we accept this on the basis that there are assurances. This is the area that provides that additional members are appointed to the council for specific reference. It would seem to me only appropriate and just that should there be a reference, for

instance, on beekeeping on public land or prospecting or mining on public land, that people with expertise in those areas be appointed and that to some extent the minister implement her previously given promise of a representative council.

My expectation would be that on the giving of a reference, if after consultation it appeared there ought to be appointed to the council for that reference additional members with expertise in that particular area, that that would be done in a consultative way and that the minister would ask for nominations, whether on beekeeping or prospecting, from the appropriate bodies. Those bodies would probably nominate a scientist or other expert in that area. In that instance we and the community in general would be very disappointed if the minister did not take into account nominations from affected bodies who nominated or suggested an expert who had the confidence of both the environmental movement and the appropriate land-user group.

Mr PLOWMAN (Benambra) — Having dealt with the issue of private land, the matter of community reference groups is probably the most important issue in this legislation. The points made by the honourable member for Doncaster are relevant. When we have a reference which is singular to one area it is imperative that we have the right people giving advice on it. Again, as I said last night in the debate on the Water (Irrigation Farm Dams) Bill, you cannot beat local knowledge. You must have on the committees the right people who have the background knowledge so that they are able to impart it to the minister or the department. That is what they are there for, and it is essential.

Clause 13(2) provides:

The members of the Community Reference Group should include representatives who have an interest relevant to the investigation.

That should have been ‘must have an interest’. I would certainly have preferred that, because it is that important. Unless we have on those committees people with that background and local knowledge we are not going to get the right information and the right advice. It is important that this amendment be accepted as it is, with the proviso that I would have far sooner seen it with a ‘must’ in there.

Motion agreed to.

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That amendment 11 be disagreed with but the following amendment be made in the bill:

Clause 13, omit line 25 and insert —

- “(d) unions and employees;
- (e) tourism industry;
- (f) lease holders of relevant public land;
- (g) licence holders of relevant public land;
- (h) recreational users of relevant public land;”.

This amendment refers to the community reference group that must be established by the Victorian Environmental Assessment Council for each of its investigations. Its purpose will be to provide advice to the VEAC. For each investigation you would expect there would be a different community reference group providing coverage of different interest groups, expertise and skills putting in to provide advice to the council.

The original bill provided a list of groups from which the community reference groups should include representatives, but it was not limited to those groups. It was very broad and it concluded with the phrase ‘other community interests’. The clause in the original bill named a number of groups and interests and then added ‘other community interests’, so I think it covered nearly everybody you could think of. However, the opposition’s amendment sought to change that by dropping ‘unions’ and inserting ‘employees’.

The amendment I am proposing includes both ‘unions’ and ‘employees’, and we add other groups: the tourism industry, leaseholders of relevant public land, licence-holders of relevant public land and recreational users of relevant public land. Since we are now limiting the VEAC to investigating matters only on public land it is appropriate that those groups be added. I add that it is only for the sake of clarity, because all of those groups would have been caught up in either other groups already listed or in the final one — that is, ‘other community interests’. We are happy to make it obvious and to move the amendment.

Mr PERTON (Doncaster) — In this amendment the government picks up the views of the opposition. It is interesting that the minister says that the tourism industry is one of ‘other community interests’ and that ‘leaseholders of relevant public land’ are ‘other community interests’. It is quite clear that the minister and the government never intended to treat leaseholders, licence-holders or recreational users of relevant public land with the respect which they believe they are owed, and certainly which I and my party believe they are owed.

It says a lot about the difference between Liberal and Labor that the Labor Party was prepared to have unions represented but not employees. As you know, Madam Deputy Speaker, over the past 20 years the membership of unions in Victoria has declined dramatically, and now they represent only 1 in 4 workers and are very much in decline. It was our view that a much larger section of the community should be represented in the negotiations. The government was saying 'unions', and we wanted employees in general to be represented. With humour and due courtesy I say to the minister that we have agreed to split the difference and include both unions and employees. Our expectation would be that in the reference group unions as well as other employees ought to be represented.

On the question of unions, I am not sure which unions would be picked. For instance, I see in the gallery a former member of the Construction, Forestry, Mining and Energy Union, which is an anti-environmentalist union. Recently a beating was handed out to green protesters in the Otways forests. The press release which emanated from the Construction, Forestry, Mining and Energy Union after that claimed victory over the Greens. I do not think that any environmentalists or many people in the community would be happy about the CFMEU being the relevant body, nor would they think it appropriate that the Electrical Trades Union, with its green bans, be represented. It is an interesting question as to how and which unions would fit into this process.

The tourism industry is an important stakeholder in this issue, and the industry merits more than being referred to as 'other community interests'. Quite crucially, if you are a leaseholder, licence-holder or recreational user of the relevant public land you ought to be on a community reference group, because the decisions that are made, as in the decisions on the box-ironbark, will mean that some people will lose their jobs just as other people will receive them. It is important that those discussions be carried out and determined during the course of inquiry rather than leaving the political parties in the position of having to argue about what the appropriate compensation is or what the appropriate transitional arrangements are. It is much better if a community affected by a reference is in there from the beginning and able to make a contribution on the impact on their livelihoods and on the livelihoods of those sorts of people generally.

Mr PLOWMAN (Benambra) — I support two issues with this amendment: first, the inclusion of leaseholders of relevant public land; and second, the inclusion of licence-holders of relevant public land.

These two groups are essential ingredients if the committees are to be relevant to the areas where those licences are held or where leaseholders hold leases on public land.

I cite in particular the issue of mountain cattlemen. This Labor government is hell-bent on getting cattlemen out of the high country. When issues about public land and cattlemen's licences are debated, it is essential that the committee have representatives of those licence-holders to put forward their points of view. If that were not the case the minister would not get even-handed advice. I am grateful that the minister has agreed to accept that those two reference groups will be included on the committees.

Motion agreed to.

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That amendment 12 be disagreed with but the following amendments be made in the bill:

Clause 15, after line 4 insert —

- “(2) The Minister may make a request to the Council under sub-section (1) after the Minister has —
- (a) caused a notice of the investigation to be published in newspapers circulating generally throughout Victoria which specifies the proposed terms of reference for the investigation;
 - (b) complied with sub-section (3).
- (3) The Minister must allow 28 days for the notification period under sub-section (2).”.

Clause 16, after line 13 insert —

- “(2) Within 7 sitting days of each House of the Parliament after the period specified in section 15(3), the Minister must cause to be laid before each House of the Parliament a statement specifying how any comments received on the proposed terms of reference have been dealt with.”.

This is a compromise amendment. Again the original one recognised peak bodies and required that the minister consult with them prior to making a request or giving a reference to the new council, and on appointments. However, this compromise simplifies that. It streamlines the process and will involve a much shorter period of time. The amendment simply says that a notice has to be published in a newspaper that circulates right across the state and that the minister must allow 28 days for people to respond. Within seven days of the sitting of each house of Parliament the minister has to explain what comments were received and how those comments have been dealt with.

The substitute amendment is more straightforward. It will take less time and allow everybody to know, not just peak bodies. It really follows the pattern of the previous amendments that we have just dealt with. It provides the required openness and accountability and is a better amendment than the original. I propose that original amendment 12 be disagreed with, but that it be substituted with the new amendments.

Mr PERTON (Doncaster) — As the Minister for Environment and Conservation indicates, this is a compromise amendment. However, both the original and this compromise amendment were made necessary by the minister's failure to comply with the promises that she had made in opposition.

In opposition — and you, Madam Deputy Speaker, were in the house on the day that the Environment Conservation Council bill was debated — the minister railed against the idea that a reference to the Environment Conservation Council would be made by the minister alone. Yet curiously, when the VEAC bill was introduced it contained precisely those provisions — that is, a reference was to be made, but it was called a request by the minister. 'Request' is a curious word when in fact the request is a command; nevertheless, it may be the newspeak the minister or her department uses. It is quite clear that any request made by the minister must be complied with by the VEAC.

It was certainly my view and the view of the Liberal Party that peak organisations representing the environment, land users and recreational users should be consulted on terms of reference. That is open, democratic and accountable methodology. Our amendment included not only that but also a requirement that it be advertised and that there be 28 days before the minister could make a request, obviously making sure that there was public notice about the matter.

This new amendment follows the model of the Subordinate Legislation Act in that it has to be advertised. Twenty-eight days is therefore a genuine period of consultation. It is implied by the new addition that requires the minister to table a consultation document in the house — in much the same way as a consultation document must be produced under the Subordinate Legislation Act — that she tell us of the submissions she has received and how she dealt with them. Our expectation would be, for instance, that if there were some reference to native fish and the honourable member for Gippsland East or friends of his in native fish societies made a suggestion that they would not simply be observed and reported on but there was a better way of conducting the reference or better

terms of reference, their views would be taken into account.

For instance, the honourable member for Benambra has expertise in the management of weeds, wild dogs and pests. If there were a reference we thought was important on the management of pest animals on public land, we would expect the views of farmers and those who are affected by predators living on private land would be taken into account in the terms of reference. We would also expect — and the environmental movement has indicated to us this same expectation — some ability of the council or outside bodies to make suggestions to the minister on new references.

As I look around the chamber I see the honourable member for Benambra, who has a great interest in the problem of predators and weeds coming from public land onto private land. We expect that there would be references of that sort, and if they were not generated by the minister they should be able to be generated by the suggestions of individual members of Parliament, organisations or individuals in the community.

I see the honourable members for Bellarine, Sandringham and Frankston in the chamber. There are marine pests such as the northern Pacific seastar, which the honourable member for Frankston is indicating is a serious problem. This sort of body ought to be able to deal with those problems, and if the minister will not make that suggestion herself it ought to be able to be generated by the community or by community groups. The minister in her original criticism of the Environment Conservation Council said there ought not to be merely a power in the minister to make references, that the minister should take into account the view of the community, which has a good idea of what this body ought to do.

Motion agreed to.

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That amendments 13 and 14 be agreed to.

These are both consequential amendments.

Motion agreed to.

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That amendment 15 be disagreed with.

This amendment would remove a specific requirement for the VEAC to consider areas that have similar significance — the Grampians, the Twelve Apostles or

the Organ Pipes National Park — where there is significant geological or geomorphological significance. They should be considered. The VEAC should be able to consider them and make recommendations about them. If we did not have those sorts of issues included in the bill the VEAC would not be able to make recommendations about such areas of geological or geomorphological significance. We do want the VEAC to be able to consider those issues.

Mr PERTON (Doncaster) — This minor amendment relates to a concern raised by the mining industry and others. The minister has already named a number of significant features — for example, the Twelve Apostles, the Organ Pipes and the Grampians, and there are others that are preserved in state parks and national parks. I find it interesting that nothing is newly named in the minister's list; all the features she has talked about have been protected. This amendment was proposed by the National Party, and in the spirit of cooperation it has said that to ensure that the agreed package passes it will not stand by the amendment. These are matters that we will have to examine.

Given that this bill has been laid over for six months, the environmental movement came to us with another amendment, which was that these matters ought to be looked at through time and space. To my mind that is a logical approach and certainly adds something to the debate. I am sure that if the mining industry had been able to express its concerns more directly to the minister or had been included in a consultative process it would not be opposed to protecting geological or geomorphological items of significance such as the Twelve Apostles, the Grampians or the Organ Pipes. Obviously the concern is something different.

There is time, and we could have introduced the environment movement's amendment on time and space. When amendments to this legislation are moved we will be open to looking at those matters. It was the advice of the Clerks that those matters were too far outside the ambit of the upper house amendments, and that is a pity. Maybe the Standing Orders Committee, or whatever is the appropriate rule-making body in this Parliament, ought to look at this situation. If all three major political parties and the Independents want to accept a new amendment to a bill that has been to the upper house and has been around for six months, they should not be bound by some archaic rules that prevent Parliament from exercising its power.

I hope we are not in such a position again where the major parties and the Independents are able to agree on amendments to amendments coming from the upper house and new amendments that came into existence as

a result of further deliberations on a bill. It seems remarkably stupid that the rules of this house do not allow us to do that. I am sure the minister would have looked to these amendments on time and space with favour too. It is a pity we could not have included them.

Next time this legislation is amended or dealt with perhaps we will be able to implement some change to accommodate people on both sides of the fence — that is, those who are concerned about precisely how geological and geomorphological matters are to be dealt with and those in the environment movement who believe these matters should be looked at through time and space.

Mr INGRAM (Gippsland East) — Had the house been able to go into the committee stage when the bill was first before it without the guillotine being applied I would then have said I disagreed with this. I disagree because my electorate contains the limestone areas around Buchan that have some quite spectacular caves in areas of national park and state forest.

Any inquiry involving those areas should take into account the special significance of the caves. Some limestone formations have great archaeological history, and they deserve to be treated specially. The evidence is that one cave contains the remains of what may have been the last thylacine on the mainland in fairly recent history. We should be able to look at those areas, not only areas such as the Grampians although they too should be considered. That is why I believe a provision about geological or geomorphological features should be included in the bill so that when other aspects of public land are looked at the special significance of the geological and geomorphological features of those sites may also be examined.

Mr PLOWMAN (Benambra) — I take up the point made by the honourable member for Gippsland East. I agree with him, and there is no doubt in anyone's mind that those geological and geomorphological areas of significance should be protected at all costs. However, I think the reason the mining industry raised the issue is that it does not want to see mining precluded purely because of those features if they can be properly protected. Mining exploration can be done at an angle so that — as is the case with Bendigo Mining — you can get right under a site such as the city of Bendigo without necessarily drilling through the city to find mineral deposits.

It is most important that those areas of geological and geomorphological significance are protected, but equally it should not be a reason why mining — and

particularly mining exploration — cannot go ahead, provided those areas are properly protected.

Motion agreed to.

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That amendment 16 be disagreed with but the following amendment be made in the bill:

Clause 20, page 15, after line 4 insert —

“(4) If an investigation is likely to affect the existing rights in the relevant public land of any lease holder, licence holder or recreational user, the Council must —

- (a) make reasonable efforts to advise those persons and peak bodies representing those persons; and
- (b) where practicable, cause notices to be placed on Department of Natural Resources and Environment notice boards in and around the relevant public land.”.

Again, this is a compromise amendment. The original amendment passed by the upper house was very cumbersome and asked the VEAC to advise each person affected in writing if they were a licence-holder or a leaseholder and for any recreational user to be identified and advised in writing as well.

The compromise amendment streamlines that process but still allows for a notification procedure. It provides for openness and accountability and makes the legislation known as far and as wide as possible.

The government suggests that the original amendment 16 be disagreed with and that the compromise amendment be substituted.

Mr PERTON (Doncaster) — As the minister indicates, this is a compromise amendment. I disagree that the original amendment was all that cumbersome. It seems to me that if the government does not have a database of licence-holders or leaseholders it can utilise with email addresses and fax numbers, and with hard copy where appropriate, it must be very derelict in its duty. If it cannot write to the peak bodies representing recreational users of land it must again be very derelict in its use of its databases. The provision in the original amendment that notices be placed on bulletin boards in government offices in and around the area of public land did not seem too onerous to me, and the government has now accepted that.

We often get letters and phone calls from people who say, ‘I wasn’t consulted’, or, ‘I didn’t know’, or, ‘the LCC didn’t tell me’, or, ‘the ECC didn’t tell me’, and we can go on and include the catchment management

authorities. That accusatory manner is expressed even where the matter may have been notorious in newspapers, on radio and in conversation. The idea is that it is a democratic process that recognises there are lots of people out there who do not have a great interest in public life or government decision making and who only really become aware of something when it impacts directly on their conduct or their rights — and often after the fact.

Someone recently came into my office complaining about changes in regulations to body corporates and saying it had been a dreadful secret. In fact that regulation had been in place for two years after a seven-year consultation period. That person was derelict in their professional duty, but still tried to hold the political system in some disrepute, even though we tried to engage in some consultation. It seems to me that if you put the signs up on the public land the people can see them and have an opportunity to have some input. Reasonable efforts can also be made through advertisements and by letter.

Recently the minister used the personal information on fishing licences stored on government databases to send out government propaganda on marine national parks, perhaps in breach of the new privacy legislation and certainly in breach of what the people who had given the information perceived as a proper use of their personal information. If the government can use it for that purpose it can certainly use it for the purpose of letting people know an investigation is being conducted by the VEAC into an area of interest to them.

Mr PLOWMAN (Benambra) — I spoke last time about the licence-holders and their need to be represented on those committees. In this case I make reference to leaseholders. As the honourable member for Doncaster has rightly pointed out, there are farmers all around the state with small leases on public land, whether it be a creek frontage, disused roads or other parts of public land. Licence-holders usually keep alert to what is happening on that public land but leaseholders do not; they simply get on with their work. Many have had those leases for umpteen years and are not interested in or aware of changes. Therefore it is a very valuable inclusion and again I thank the minister for it.

It is most important to make every reasonable effort to advise those people and the peak bodies representing them, because if the people do not happen to be there the peak bodies have a chance to inform them. Unfortunately the peak bodies do not represent all farmers in the state, and indeed the number represented by them might be declining. That is unfortunate. It is

therefore essential that every reasonable effort be made to advise people, and not just the peak bodies. The amendment is a very welcome inclusion in the bill.

Motion agreed to.

Ordered to be returned to Council with message intimating decision of house.

MELBOURNE CITY LINK (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 7 November; motion of Mr BATCHELOR (Minister for Transport).

Mr SPRY (Bellarine) — I have pleasure in joining the debate on the Melbourne City Link (Further Amendment) Bill. As the honourable member for Mordialloc explained in an earlier contribution, the opposition does not oppose the broad objectives of the bill despite some serious misgivings about the government's ability to develop and achieve optimum results from this incredibly important piece of infrastructure.

I do not think anyone would doubt or contradict the statement that Melbourne City Link is an example of the former coalition government's ability to implement major infrastructure projects in the state. In a conversation I had this morning with the executive officer of the Victorian Road Transport Association he described City Link as the backbone of Melbourne's freight and forwarding infrastructure and an absolutely vital component of the Victorian economy's ability to flourish and prosper. Compared with Labor's efforts in that direction the former coalition government demonstrated its unique ability to get on with the job and get things going.

By contrast Labor is adrift in a fog of indecision. It was interesting yesterday to reflect on the comments of the honourable member for Coburg. I respect the honourable member and his expertise, but his contribution exposed Labor's penchant for claiming results at the same time as expressing ideological distaste for the modus operandi. In this case I am talking about Labor claiming the credit for City Link while at the same time the honourable member for Coburg is quite clearly saying he does not like tolls. He also put his party on the record as saying it will not finance future developments which involve tolls of private motorists and commercial freight operators.

That reminds me to a great extent of the honourable member's federal Labor comrades, who condemn the revenue system of the GST and the financial autonomy it is able to deliver to the states. They pretend they will roll back the GST if elected but at the same time they are quite happy to accept the benefits of the GST and the relief it will provide to the federal government's financial coffers. I point out to the house and to anybody listening to this debate what a fraud that attitude of the chardonnay socialists in Canberra is.

There are two major components of this bill: the first is to make provision for recharge wells and the second is to establish the office of the director of Melbourne City Link. I will make a couple of remarks about the recharge wells. I was interested to get hold of a copy of Melbourne Water's monthly magazine called *Source*, dated October 2001, which features an article on recycling entitled 'Recycling breaks new ground'. The article examines the benefits of establishing these recharge wells to take the pressure off the environment by reducing the amount of Melbourne's drinking water used to recharge the aquifers. The recharge wells enable the water that leaks through the City Link tunnels to be collected in a drainage system, pumped up to a treatment plant and then distributed through recharge bores in a completely clean and acceptable form which does not contaminate the aquifers.

Most constituents would wonder, 'If it is fair enough to have to recharge the aquifers around the tunnels, why don't we simply use the water from the Yarra River?'. The fact is that that water is too contaminated to be seriously considered, as the recharge water has to be of a very pure grade. The water is reinjected through these nine bores back into the substrata below the water table. I commend this action by Transurban through the efforts of people like its managing director, Kim Edwards, to find a solution to this very pressing problem.

The second component I mentioned which is seminal to this bill is the establishment of the office of director of Melbourne City Link. In my view the government is simply rebadging the Melbourne City Link Authority. I am not quite certain whether that is deliberate or ad hoc, but the disappointing feature of this element of the bill is that clearly some of the funds from the Better Roads program will be redirected to cover the expected \$12 million cost of setting up the directorate. That \$12 million would have been far better spent on improvements to rural roads in Victoria and to city roads as well. I am aware that the Royal Automobile Club of Victoria, for example, takes a very dim view of this aspect of the bill.

The City Link project has been a boon for people from rural areas like mine. I mentioned earlier the key function it plays in freight forwarding in this state, particularly around the city of Melbourne. City Link manages to cut travel times by a factor of several, and the improvements in the economies of manufacturing industries, importers and exporters in this area of the state are significant.

The time savings alone for tourists or for motorists trying to get from the west of the city, for example, through to the east are significant. In addition to the time saved by motorists as a result of City Link, the environment receives considerable benefits because of the absence of pollution that would have emanated from those cars had they been stuck in traffic jams throughout the city.

Some difficulties were initially experienced by people without e-tags trying to get hold of day passes and other products developed by Transurban to assist people using City Link. I believe those problems are gradually being straightened out, although the opposition would have liked to see them straightened out by the government in collaboration with Transurban far more quickly than they were. However, I believe we will eventually see the sorts of outcomes needed for travelling country Victorians.

I will conclude by reiterating that Liberal opposition members are not opposing this bill. We believe the legislation is moving in the right direction to maximise the benefits of this major piece of infrastructure.

As always, I am critical of Labor's ability to deliver on these very important projects. Its record after two years in government reveals a do-nothing mentality that does not exactly inspire the people of Victoria with a great deal of confidence. The Premier himself is adrift in a fog of indecision on major infrastructure projects. The comparison between the Bracks Labor government and the former coalition government is exemplified by their attitudes to City Link, given what can only be described as the current government's ideological constipation in claiming credit for a project that it could not possibly ever have delivered itself.

Mrs MADDIGAN (Essendon) — I must agree with one point made by the honourable member for Bellarine, that there is a strong ideological difference between the Labor Party and the Liberal Party. The difference is that the Labor government does not believe in tolls on roads, which is a policy the previous Liberal government adopted with enthusiasm!

I was even more amazed than usual when listening to the honourable member for Mordialloc giving the government's response yesterday. He suggested that he was going to give us the history of the City Link project, but in fact he made a definite attempt to rewrite the history of what happened with City Link. I was even more surprised that the honourable member for Swan Hill, who has some credibility in this house, seemed to be supporting him in this attempt to rewrite history.

It seems the Liberal opposition is now trying to distance itself somewhat from the project it was so keen to support when it was in government. The honourable member for Mordialloc seemed to be in a bit of a time warp in linking the passing of the original Melbourne City Link Bill through this house to elections. He tried to tell the house that when his party came to power in 1992 the previous Labor government had reduced the state of Victoria to such a terrible financial situation that it was forced to get the private industry to fund this road.

What a load of nonsense! In fact the Melbourne City Link Bill was passed in 1995, just prior to the 1996 election. As a candidate in that election I remember hearing the then Premier, Mr Kennett, telling us many times how the Victorian government had already solved any financial problems the state may have had and that it was a testimony to his great financial management that by the end of 1995 the government had solved any economic problems that may have been perceived in this state.

The suggestion that a project which did not start until 1996 was of necessity relating to the finances of 1992 is absolute nonsense. All the residents in my electorate are well aware of that, even if honourable members opposite are not. All honourable members who were here in 1996, including the honourable member for Bellarine, listened to the Premier telling us on many occasions what a wonderful project this was, that it was greater than the Snowy Mountains and it could only be done because of his great relationship with the private sector, and what a great build, own, operate and transfer project this was, showing the way for Australia.

It is a little late for the honourable member for Mordialloc to now suggest that the Liberal opposition's view is different. He also suggests that the Labor government now strongly endorses the City Link project and is strongly supportive of all that the former Liberal government did. That is equally nonsense. This bill is one of many we have had to introduce to try to fix some of the problems left by the parent bill put through by the then Liberal government. All the

advantages of that bill went to Transurban and developers; none of the benefits went to the consumers.

If the honourable member for Mordialloc and members of the former government care to look at the bills that have come through the house since Labor was elected to government, they will see that those bills give the consumer a better go, improve the relationship between the state government and the operators of City Link and ease some of the burdens put upon my constituents, particularly by the provisions of the City Link bill that was passed with such enthusiasm by Liberal members when they were in government.

The bill we are debating addresses three areas of problems that have arisen out of City Link, and continues to provide improvements for consumers. I will deal firstly with water recycling. The bill provides for nine recharge wells to be built to overcome a problem about which people have known since before the project was completed, although the previous government kept that knowledge very quiet, especially before the 1999 election. It concerns ground water levels in the City Link project.

The community has recently expressed considerable concern about the amount of water that is used for the project, especially during this year when it looked as if water restrictions would be imposed upon residential properties because of the drought conditions. It was irritating, but what made it even more irritating for residents was to know that Transurban used such a high amount of water each day.

The bill requires Transurban to take control of the problem of the changing ground water table. All honourable members and indeed many members of the community were very pleased that at the same time that the bill was introduced in the house — 18 October — the Minister for Transport, the Minister for Environment and Conservation and Transurban's managing director, Kim Edwards, announced that Transurban will invest \$1.2 million to set up a recycling plant and reticulation system to pipe in water to up to seven points, where it will be recharged into the ground.

The attempt to recycle water in the Burnley and Domain tunnels is very much appreciated by the community and is seen as a positive way of making the project more amenable, especially for the residents in the Swan Street area. The new water recycling plant will be built at the Transurban operation in Swan Street and it is hoped that it will be operational by May next year. Part of the deal will be the laying of almost

5 kilometres of pipe to carry the recycled water from the Swan Street plant to seven recharge points.

Most of the nine sites where the recharge wells may be required are situated in parks and on Crown land or on roads. The bill ensures that the positions of the recharge wells will not impede public access to those parks. The physical appearance of the recharge wells is equivalent to manhole covers on the ground, and people will be pleased to know there will be no effect on Crown land or parks.

The second part of the bill to which I will refer relates to consumer protection. One of the concerns about the original bill was the former state government's attempt to seek agreement for funding from banks. The government had to agree to a number of issues, which gave Transurban almost total rights over the project, and certainly consumers were concerned that this left them with little opportunity to be fairly represented in any discussions between Transurban and the community. Since achieving office the Labor government has been pulling those back continually to give the consumer a better deal, trying to fix some of the problems set up by the previous government's haste.

That example is very much like the recent proposal for the Broadmeadows rail link to the airport. The opposition reaffirmed only this week that it does not believe in consultation processes or in listening to what the community has to say; when in government it simply made its policy and pushed it through as hard as it could. So just as residents were very pleased with the consultation process over the airport rail link, they are very pleased that the Bracks Labor government has substantially improved the deal for people who are required to use the tollway.

Pulling back those toll measures is not an indication, as opposition members would like the community to believe, that the government supports tolls on City Link. It is because we are stuck with them arising from the contracts entered into by the Kennett government that we are doing all we can to ameliorate their effect on tollway users. At the same time we are reaffirming that we do not believe tolls are an appropriate method of road funding.

The previous legislation gave very little in the way of off-peak concessions or other concessions for tollway users, which particularly irritated my constituents who use the Tullamarine section because, as they rightly said at the time and still rightly say to me frequently, why do they have to pay a toll to use a road that was already there and which they paid for through their

rates and taxes 20 years ago? Unfortunately the great promises made by the previous Kennett government that this would solve all traffic problems for people using the Tullamarine Freeway to get to the city can daily be seen to be untrue, because the queues to join the tollway at Bulla Road to go to the city are as long as they were when using the road was free. People are having to pay to use a road which does not give them better travelling time to the city.

Mr Spry interjected.

Mrs MADDIGAN — I hear the honourable member for Bellarine interjecting. I invite him to speak to the residents of Essendon, who will be more than happy to tell him at length about their experiences of driving to the city on any day. If he likes to make the time to come out to see me, I will be more than happy to organise a number of them to tell him about their problems in getting to the city!

Ever since achieving office the Bracks government has negotiated with Transurban to reduce prices and extend the hours of purchase for City Link customers. That has helped some people, particularly those in regional Victoria. I am sure the honourable member for Bellarine is delighted with the concessions that have been given to country Victoria, as he would have heard from his country residents who, at the time of the first City Link bill, were concerned about how the excessive cost of driving into the city would affect them. I am glad to have his support for government measures to ameliorate those concerns.

The Bracks government has brought in the Tulla pass for the unlimited use, over a 24-hour period, of the Tullamarine section of City Link. The government has brought about a half-price day pass at \$3.50 for use over a period of almost 12 months up to December 2001, but unfortunately the GST, with which we are all familiar, has affected the price of those passes. Since tolling commenced on the Burnley Tunnel a new 24-hour pass and a weekend pass have been introduced, and the hours available for paying the City Link pass have been extended. Customers used to have only until 12 noon the following day to pay their toll; the government has extended that to midnight the following day. The honourable member for Bellarine agrees, and I think we all agree, that they are all good measures and they do help. Regardless of our political persuasion we can all agree that those measures help users of Melbourne City Link to at least get something back and to have some amelioration of the cost of using the tollway. The bill is important and extends those provisions to registered vehicles. The honourable

member for Coburg referred extensively to the effect that will have on people in the future.

The third main area covered in the bill is the establishment of the director, Melbourne City Link, as a consequential change as the project goes forward. By establishing a statutory function the government has ensured clear accountability of the state's interest in the project, including public safety. Obviously public safety on tollways or freeways is a major concern to the community. There is still concern that people can end up driving the wrong way down freeways and tollways, and there are still accidents involving pedestrians on major roads, so it is an important amendment. The Director, Melbourne City Link, will be responsible for the state management of the concession to ensure that not only public safety but commercial issues are addressed.

Once again I am speaking on another Melbourne City Link bill. Since the government was elected to office it has been a pleasure for me to note that the provisions introduced by its bills have been positive for the community, unlike the many bills the house debated under the previous government. I assure the opposition, through its spokesperson on transport, the honourable member for Mordialloc, that the community is well aware of who introduced this project. It is well aware of the enthusiasm with which the previous government greeted it and its enthusiasm for tolling roads. It will be many years before the residents of my electorate forget who imposed tolls on the Tullamarine section of the Melbourne City Link.

Mr ASHLEY (Bayswater) — I join the debate on the Melbourne City Link (Further Amendment) Bill after a long run of discussions in this place on water over the past few days. I do so because there are aspects of the bill that are extremely important and pertinent to the issue of water, water conservation and water quality, and all the great things of life that come from the fact that there is this substance called water.

I shall confine my remarks to those provisions of the bill that provide for the building of the nine recharge wells, because they address the issue of water. Once recycled waters are in daily use the bill will have achieved some palpable environmental and conservation gains for the Victorian people. At the very least, the bill will have helped activate a great example of corporate social responsibility, initiated by the management of Transurban.

The construction of tunnels in many river valleys and estuaries frequently has the unfortunate effect of geomorphologically puncturing sealed aquifer systems

which exist as the underground components of vast or macro waterways. Major construction projects like tunnels often result in the creation of permanent leakages from these aquifer systems, which is precisely what happened with both the Burnley and Domain tunnels.

Leakages from aquifers are particularly serious when the rate of loss from an aquifer exceeds its natural rates of replenishment. When that happens, sooner or later the depletion of the aquifer will lead to surface subsidence and structural damage not dissimilar to what happens when there are earth tremors or when mine works sink.

In the absence of an alternative, it was this kind of fear that triggered the previous government's willingness to permit Transurban to use 1 million litres of drinking water each day to compensate for the aquifer ground water lost through leakages associated with the tunnel systems. However, this solution was nothing more than temporary. Finally, with the combination of new technology and corporate commitment, an opportunity has eventuated that will give a reliable and durable alternative solution to the use of fresh water.

Transurban's managing director, Kim Edwards, expressed his company's direction in these words:

Businesses have a responsibility to reduce their call on limited natural resources. If individual people are willing to cut their water use, we have to be willing to do the same.

Melbourne Water's managing director, Brian Bayley, was quick to recognise the leadership demonstrated by Transurban when he commented that:

Transurban deserves to be congratulated because they have shown leadership in developing a solution to what was a very complex situation. They acknowledged it was an inappropriate use of drinking water, and did something about it.

It is true that in addition to the waste of 1 million litres a day from what is arguably the world's best domestic water supply, at a daily cost of \$770 and an annual cost of \$280 000 or more, the incidental costs of dealing with escaping ground waters have also been adding up over the years. Currently drain water is collected in sumps, aerated to increase dissolved oxygen levels and to remove iron, and is then discharged into the Yarra River according to the terms and conditions of Environment Protection Authority endorsed pollution abatement notices. The new process will render that redundant.

The recycling plant is to be constructed at Olympic Park with 5 kilometres of pipes feeding recycled water

to at least seven reinjection points or wells. Recharge activities will be conducted under the terms of the licence authorised by the Southern Rural Water Authority. The recycling process and monitoring standards demanded by the Southern Rural Water Authority aim to ensure that the quality of the reinjected water will be physically, biologically and chemically compatible with undisturbed aquifer ground waters.

Water treatment processing aims to achieve the three compatibility objectives I have mentioned. The first is to eliminate pollution of the aquifers by ensuring that the reinjected recharge waters meet class 3 water standards. Class 3 water is not drinkable. Although it is brackish, particulate matter is restricted to between 8000 and 13 000 milligrams per litre. That is the water standard of the recharge waters that will be physically pumped back into the aquifer. This should avoid the possibility of the aquifers being clogged and polluted by physical deposits and suspended sediments, which inevitably contaminate the fresh aquifer waters as they reach ground level.

Secondly, the recycling process aims to eliminate both bacterial and nutrient accumulations from recharge waters before they are reinjected. Underground bacterial explosions and fungal growth feeding on introduced nutrients would also destroy the aquifers by progressively blocking them with organic gunk. If we think it is unimportant that the aquifer is destroyed, we would soon come to terms with the consequences as the ground began subsiding!

Thirdly, the recycling process aims to eliminate the possibility of the aquifers being destroyed by a steady accumulation of precipitates, which would result from chemical reactions taking place if unexposed aquifer waters mixed with reinjected ground water in the event that the ground water had not been treated to remove chemical residues and heavy metal pollution.

To sum up, there is high expectation that this legislation will virtually eliminate the bad practice of pouring a precious supply of high-quality water literally into the ground, and that is great news for us all. Environmentally it should maintain the equilibrium of the two Yarra Basin aquifers which have been adversely affected by the major engineering works undertaken in relation to City Link.

It is also likely that a decade or so down the track Transurban may gain financially from its recycling investment. The total recycling project is estimated at \$1.2 million, which seems to be evenly split between the processing plant at \$600 000 on the one hand and the reticulation and environmental monitoring systems

on the other. Water treatment operating costs are put at \$165 000 per year, which compares favourably with the \$280 000 or more which it must be costing Transurban to buy water from Melbourne Water. There is every chance, then, that in terms of the City Link aspect of the bill Victoria may well end up with a good triple-bottom-line outcome on this project.

Finally I would like to say that the new work being done in water recycling should be extra encouragement to Melbourne Water to do further water recycling as well. I think there is great opportunity in and around the metropolitan area to recycle water, and perhaps even more than once, so that it can then be used beyond the southern suburbs and down into the peninsula for market gardens and other sorts of activities without people necessarily having to go to dammed waters.

I will leave the house with this reflection. It is said that the water in central London has been used eight times before it gets there. That is why you cannot get a lather on your hands when you wash them in central London. But at least Londoners know how to reuse water in a country that is nowhere near as dry as ours. I think we have yet to fully learn that lesson. I, with other opposition members, see some good things in this bill. To that extent, it has my support.

Ms BEATTIE (Tullamarine) — In my brief contribution I wish to touch on all three points of this very important bill. They are that it establishes a power to further license land for the purposes of the project — in particular, it provides for the installation and operation of recharge wells for the purpose of minimising ground settlement; that it provides further information provisions in relation to toll-exempt vehicles; and that it establishes the office of director, Melbourne City Link, within the Department of Infrastructure. They are certainly three very important amendments.

However, I cannot continue my contribution without referring to matters raised yesterday by the honourable member for Mordialloc. Like the honourable member for Essendon, I was astonished at the rewriting of the history of City Link. It seemed that a former member of the upper house, David White, was blamed for all the ills of and everything to do with City Link. While the honourable member for Mordialloc touched on a table bought at a fundraiser by City Link, he neglected to mention the \$90 000 contributed to the Liberal Party by Transurban when nothing was contributed to the Labor Party. However, I will go to the very important issue of water recycling.

There has been a lot of community concern regarding the amount of drinking water being used for discharge with the City Link project. That concern is well based. Along with probably many other members of the house, I have had many emails from various schools around the area where children who are doing projects are demanding to know why City Link should have preference over ordinary consumers with the use of water.

Of course the Bracks government is committed to water conservation. That is particularly important given the possibility of water restrictions later this year. As part of the Bracks government's commitment to water conservation, in the area of Sunbury where I live a grant was given for a water reuse project. That should be up and running very shortly, when we will perhaps see arid land turned into beautiful olive groves and vineyards. I certainly hope to taste the benefits of the fruits of those vines shortly. That is a demonstration of the Bracks government's commitment to water recycling.

I am personally very committed to reuse projects. My area was burdened with water restrictions for approximately four years, and our storage dam level went down to 9 per cent. But as with City Link, that was again a product of the previous government. What happened with water in my area is that a \$3.5-million pipeline was put in and given the stamp by the previous government — but it was not to supply all of Sunbury; it was to supply three-quarters of the area with water from the Greenvale Reservoir for part of the year, not all of the year. So we had a real mess. Some water came from the Greenvale Reservoir for part of the year, some came from the Rosslynne Reservoir for part of the year, some of Sunbury had water from one water supply and some of Sunbury had water from another.

That was a mess I had to contend with when I got in. I think it was a turkey, with pinfeathers and all! Certainly there was great rejoicing in the area when I solved the problem by working with a community consultative group. As is so often the style of the Bracks government, I worked with the community and we installed a break station, which solved all the water problems. Now the same water system provides water for the whole of Sunbury; it can now come from the Greenvale Reservoir for all of the year. That is a terrific outcome.

As I said, the Bracks government is extremely concerned about the use of precious drinking water for the tunnels. The ground water and the gravel that were above the tunnels flowed into the excavation, and certain areas in the vicinity of the Burnley Tunnel have

a layer of Coode Island silt below the ground surface. In those areas the permanent lowering of the ground water table would result in an increased rate of ground settlement and consequential damage to the assets, such as bridges and roads. Some of that Coode Island silt from the Burnley Tunnel has made its way into my electorate of Tullamarine, even onto private land. So the impacts of City Link have certainly been felt in my area.

Contrary to the views expressed in the community, the recharging is not being done to prevent cracking in or to support the Burnley Tunnel. I just want to allay those fears. Many other honourable members want to speak on this bill, particularly on this side of the house, because City Link has impacted particularly on the northern suburbs. Many of my constituents in the northern suburbs, particularly those low-income earners or families with one income, are still feeling the weight of the tolls in their area. We are now seeing the GST on tolls, so as well as paying their water bills people now have to pay GST on their tolls. That all impacts badly. Any processes by this government to straighten out the concession deed and make it more accountable and open are a boon for my electorate.

We are stuck with City Link; it was not our idea. Regardless of what the honourable member for Mordialloc says, it was not David White pictured with 80 cents in his hand; it was the previous honourable member for Tullamarine, who said it would cost 80 cents. I do not know what he was going to do with the 80 cents he was pictured with — presumably throw it at the gantry as he went by. He should have known that it was an electronic tolling system, not a money-in-the-bucket-type system. But as did the honourable member for Mordialloc, he seemed to gloss over that.

The honourable member for Mordialloc also seems to have a bee in his bonnet about ABC presenters. Perhaps those on the far right enjoy looking at ABC presenters and really getting stuck into them, calling them left-wing feminist radicals and what have you.

The recharge wells will only be small — about the size of a manhole cover — and will be on public land. As I have said, we are stuck with City Link, but we will manage it, and we will give consumers their rights and act as advocates for those consumers.

We support this bill, and I commend it to the house. It is not the last City Link bill that will come to the house, and it is not the last bill I will speak on. But I will maintain my stance that the tolling affects residents of

my electorate very badly and that I do not support the tolling of freeways.

Mr CAMERON (Minister for Local Government) — I thank the honourable members for Mordialloc, Coburg, Essendon, Bellarine, Bayswater, Swan Hill and Tullamarine for their contributions. As previously outlined the bill is needed, and the government thanks the opposition for its support.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

MARINE (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 7 November; motion of Mr BATCHELOR (Minister for Transport).

Mr COOPER (Mornington) — The bill puts out of its misery the Marine Board of Victoria, which has been in operation since 1898, and establishes an Office of the Director of Marine Safety. The bill is not being opposed by the opposition; however, there are some matters to which I want to refer, and in particular some matters that have a direct impact on an important part of my electorate.

Firstly I address the amendment to section 83A, which is a worthwhile amendment. It enables inspectors to pursue matters relating to infringements, which they have been inhibited in pursuing so far. That is, it enables inspectors to go on board vessels and, importantly, to stop vessels. With the authorisation of a magistrate they can detain those vessels for up to 48 hours or longer for the purposes of the investigation.

There have been many instances in the past where incidents have not been pursued by inspectors because the ships have been under weigh, and once a ship has left its moorings the only way it can be stopped is by the master agreeing to stop. In some cases the masters have not agreed to stop, therefore the situation is about to be changed. That is certainly a matter worthy of the support of the house.

Work on the bill was commenced by my good friend and previous ministerial colleague the Honourable Geoff Craige, as Minister for Roads and Ports in the previous government. The former minister started this process, and the present minister has kept it going,

which is why we have the bill before us, so it certainly has the support of the opposition.

During the briefing provided to members of the opposition I raised some matters concerning the powers of the marine board versus the powers of bodies that are created to look after minor ports. In so doing I took note of the last paragraph in the minister's second-reading speech, which states:

The bill is important in ensuring that Victorian waters are safer for the operation of vessels, their operators, passengers, other water users and the marine environment.

I particularly draw attention to that part of the sentence which talks about waters being safer for the operation of vessels and their operators. I direct the attention of the house to the fact that in the case of minor jetties and ports the new authority, as has happened in the past with the marine board, delegates its powers to other bodies. In some cases the other body is a local council, and in a number of cases — including the one I will refer to, looking after the jetty at Tankerton on French Island — it is Parks Victoria.

Parks Victoria has literally no skills at all with regard to the safe operation of vessels — after all, it has land-based responsibilities. It looks after parks. I doubt whether anybody could find a person in Parks Victoria who knows how to operate a vessel safely; and if someone could, those are certainly not the skills that person was employed to use in Parks Victoria.

However, the Tankerton jetty is in a peculiar situation. It is unique so far as Victoria is concerned because we are talking about the only inhabited island in Victoria that does not have a bridge to it. The only way people can get to and from the mainland and French Island is by passenger ferry or on the other side of the island, the Bass Coast side, by a vehicle ferry or by air.

Most of the people on French Island go to and from by passenger ferry. They take their goods and chattels with them, their shopping, and the children go to and from school on the passenger ferry. Therefore the passenger ferry operates as a road between French Island and Stoney Point on the mainland.

There is a channel to the new Tankerton jetty that was constructed about four or five years ago to allow vessels to dock at the jetty. Because of the tides that run in Western Port — and the tides are very strong, whether they are going in or out — once vessels have headed into that channel and are going to moor at the jetty they have to maintain a safe speed to get there.

The reality the skippers of the ferry now have to face is that Parks Victoria, as the manager of the jetty area, has imposed on any vessel attempting to enter and moor at the new jetty a maximum speed limit of 5 knots when another vessel is moored at the old jetty.

The two or three skippers that operate the passenger ferry are very skilled seamen. They know more about the safe operation of vessels than the people who have put the speed limit on — that is, the people at Parks Victoria. Not many months ago, with the tide running strongly, a skipper entered the channel and for safety reasons exceeded the speed limit. His speed was up around 8 or 9 knots. He was apprehended by Parks Victoria, and he was fined many hundreds of dollars for having disobeyed the speed limit. The skipper maintains to this day — and I know he is quite right — that if he had travelled at the speed set by Parks Victoria he would have put the vessel and the passengers in danger.

This matter was taken up with the Marine Board of Victoria. The board had some negotiations with Parks Victoria and the speed limit was lifted when there was a question of vessel safety being at risk. It is my understanding that there is some kind of unofficial agreement that the speed limit will not be imposed if the tide is running and a skipper believes it is necessary to go at a faster speed. However, it is unofficial, and the skippers of this ferry are concerned that at any time of its choosing Parks Victoria could step in and again start fining people. If you get fined two or three times you could end up losing your skippers licence, so their livelihood is at stake.

It is an important matter not only for me to raise but for this government to address, because we have a situation which is unique to Victoria, with the only access to French Island being basically by passenger ferry. We have to maintain the safety of that vessel and maintain the operators' rights to go about their business. Parks Victoria does not seem to have any idea about what is right and what is wrong with regard to vessel safety and appropriate speeds in the tide conditions that apply in Western Port.

I raised this matter with the people who were kindly sent by the minister to brief opposition members of Parliament, and I was informed, having raised it in some detail, that we would get a response on it. No response has so far reached me, and I do not know whether a response has been given. I do not believe a response has been given to my colleague the shadow minister, the Honourable Philip Davis in the other place, but certainly it has not reached me. I again raise this matter and earnestly request that the government

address the issue and make sure that the new body, the Director of Marine Safety, has total and complete control over issues relating to vessel safety and the safety of the passengers on board those vessels.

If it is left to bodies that like Parks Victoria have no expertise but have all the power, we are simply going to have a continuation of bad practices that will not be in the best interests of what the minister has said in the second-reading speech — that is, that the government is intent upon ensuring that Victorian waters are safer for the operation of vessels, including their operators and passengers.

That is a point I wanted to make, and I believe I have made it in enough detail to ensure that those who will be reading my speech — because as I look around there are very few listening to it; but I thank those who are — will understand that this issue should not be swept away and ignored, and needs to be given considerable weight by those who are going to be settling the new office of the Director of Marine Safety into place.

Finally I want to say a few words on the issue of marine pollution, which this bill also addresses, in regard to the provisions of the Marine Act and their relationship to this new office of the Director of Marine Safety. I note in the minister's second-reading speech that the provisions that are extended in this bill are to cover maritime chemical spills of noxious and hazardous substances in addition to oil spills, which are covered under the Marine Act. The second-reading speech goes on to say:

This is consistent with national marine pollution response arrangements and contingency plans.

All that is very fine indeed and highly supportable — it is certainly supported by me — but one of the issues that I wish to raise and emphasise is the enormous effect of the bilge water which is being discharged illegally both in Port Phillip Bay and to a lesser extent in Western Port Bay. When I say 'a lesser extent' I mean that the effects of the contaminated bilge water on Western Port Bay do not appear to have been as bad as they have been on Port Phillip Bay.

In addressing this issue I again emphasise how vital this is to the environment of both of these very important pieces of water, not only to the health of that water but also because we must remember that both of these areas of water are enormous resources in regard to fishing, particularly recreational fishing, and that if we do not crack down hard on the discharge of contaminated bilge water from overseas ships — or from any ship, but particularly from overseas ships — we are going to see a magnification of the infestations that are already

causing grave concern in the recreational fishing areas — and I would suggest in some parts of government.

In supporting this bill I urge the government to do everything it can, and in fact increase dramatically the activities that have been going on over the past few years, to address this issue of bilge water being pumped out illegally by ships. While we can all concentrate on and tut-tut over oil spills or other chemical spills, the fact is that bilge water can go out and not be seen and what it is dumping into our waters, particularly in our bays, is causing huge damage, and perhaps even greater long-term damage than oil spills. With those few words, I support the bill.

Ms DUNCAN (Gisborne) — It gives me great pleasure to speak on the Marine (Further Amendment) Bill 2001. I have to say I can only support wholeheartedly the statements made by the honourable member for Mordialloc.

Mr Cooper — Mornington!

Ms DUNCAN — Mornington! I am sorry for that. I do not always agree with the honourable member for Mornington, but in this instance I certainly do. That is the good part about this bill. I will run through a few of the many elements of the bill. They are to abolish the Marine Board of Victoria and create the office of the Director of Marine Safety; to provide the minister with powers to establish any number of advisory committees to advise the minister and the director on any marine safety related matters referred to the committees; to provide improved powers related to marine safety inspections and investigations; to provide improved powers for the effective administration of local ports; to provide improved powers for the control of marine pollution; and to make other amendments to improve the operation of the act.

This bill is consistent with the recent changes the government has made in regard to marine safety in a number of ways. It is part of this government's intention to create a broad and coherent legislative framework for marine safety, to put in place appropriate institutional arrangements and to make sure that those given the task of managing these statutory functions have the appropriate powers to enable them to do so. This bill does a number of things in that regard.

Providing the minister with powers to establish a number of advisory committees will ensure that we represent the full spectrum of stakeholders. Advisory committees would also assist in advising the minister on grants, for example. This is consistent with what this

government has been on about in a number of different areas, and is consistent with the previous bill that was debated. This government does not need to be told to consult; it is something it does naturally and is something the opposition has been very critical of us for over the last two years. This bill extends that process by setting up advisory committees and giving them the power of recommendation to the minister. It is an attempt to broaden the sort of input that the minister would get, which we consider to be a means of ensuring we have better decisions in the process.

The bill does a number of things. As the honourable member for Mornington said, it improves the power to control marine pollution. The principal act has powers relating to oil spills, and honourable members know about the dramatic impact spills have on the environment, because they are often headline news in our media. We know about the enormous loss of marine life and the enormous costs associated with the clean-up of a spill and the huge costs that have to be borne by the industry responsible for the spill. Other pollutants threaten marine life and add to marine pollution, and they extend far beyond oil spills. The bill will now cover pollution of the marine environment by noxious substances.

The honourable member for Mornington referred to the damage done by bilge water. The difficulty we face with marine pollution is that the potential for pollution is not always obvious. The powers of inspection should be broadened to make sure the sources of pollution are managed and that when pollution occurs appropriate powers are available to deal with it.

The bill provides improved powers relating to marine safety inspections, investigations and actions the Director of Marine Safety can take in carrying out his duties. Currently the marine board can investigate accidents and breaches of regulations, but the bill aims to extend those powers to further improve marine safety. That has occurred with previous bills that have initiated some of those changes, and this bill will further improve the powers required to enforce the regulations.

The bill is the result of a number of reviews of marine legislation dating back some years. I believe reviews that occurred in 1998 and 1999 identified areas in which the Marine Act 1988 could be improved. The bill seeks to implement a number of the recommendations from the reviews. During the earlier reviews broad consultation occurred with stakeholders and other groups, who are generally supportive of the government's amendments. All interested groups have been consulted, and while some groups may not always

be pleased with what the government is doing, people acknowledge the need to more closely regulate this critical part of the environment.

Regarding the creation of the office of Director of Marine Safety, the Marine Board of Victoria will be replaced, but the current staff of the marine board will be retained within the Department of Infrastructure. The bill provides for the director to perform the former functions of the board as well as providing additional powers. The director's powers have been modelled on similar provisions in the Transport Act and the Occupational Health and Safety Act.

They include all powers necessary to carry out the statutory requirements of the act and its regulations; to advise the minister on the operation and administration of the act, regulations, marine pollution legislation and marine safety matters and on any matters referred by the minister; to provide guidance and information on marine safety matters; to commission and sponsor research into marine safety matters; and to promote education and training in marine safety.

Although the bill puts into place a number of the recommendations that were made previously, the government does not believe this will be static. There are always areas of government oversight that can be improved, and this bill sets out the ongoing process. As I said earlier, it is about making sure the right legislative structure is in place to assist the government in the future to do whatever is necessary to ensure the protection of our marine environment and the protection of interested bodies who enjoy our bays and oceans. It will ensure greater safety and make sure we do not harm our environment.

It is important to note that the proposals are an improvement on the current functions of the marine board, which will be transferred to the Director of Marine Safety, and as I said, current staff will be retained within the Department of Infrastructure because of their expertise. The assets and liabilities of the board will be transferred to the director on behalf of the state. The bill does a number of other things, and I commend it to the house.

Debate interrupted pursuant to sessional orders.

Sitting suspended 12.58 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

Employment: government policy

Dr NAPHTHINE (Leader of the Opposition) — My question without notice is to the Premier. I refer to the fact that Victoria's unemployment rate today jumped by almost one percentage point — the greatest increase in eight and a half years. I refer further to the fact that the unemployment rate and the number of unemployed persons in Victoria are higher now than when the Bracks government first came to office. Why will this do-nothing government not immediately initiate a cut in Workcover rates and payroll tax to stimulate investment and job growth in Victoria?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. The unemployment rate in Australia today rose from 6.7 per cent to 7.1 per cent. In Victoria's case it rose from 6.1 per cent to 7 per cent: Victoria has a lower unemployment rate than the national average. However, I must say, as every other commentator around the country is saying, that there are two major contributors to this outcome, which is not surprising. The first is the flowthrough from the Ansett collapse and the second is the outcome of 11 September.

Dr Naphtine interjected.

The SPEAKER — Order! The Leader of the Opposition!

Honourable members interjecting.

The SPEAKER — Order! I ask the house to settle down. I particularly ask the Leader of the Opposition to cease interjecting.

Mr BRACKS — On the matter of the performance, 99 150 new jobs have been created in Victoria since this government came to office in 1999.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bentleigh!

Mr BRACKS — In fact, because of the performance in Victoria we have also seen in these figures a rise in the number of people seeking work — that is, the participation rate. It is higher in Victoria than in any other state, and has risen from 60 per cent to 64 per cent. That means 21 000 new people were seeking work. For 22 of the 24 months since Labor has been in office Victoria has had unemployment —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bentleigh!

Mr BRACKS — Victoria has had unemployment lower than the national average. Victoria still has the best and most standout economy in the country.

Motorway Tyres

Mr RYAN (Leader of the National Party) — I refer to recent comments by the managing director of Motorway Tyres at Stawell indicating his grave concern about the spiralling cost of Workcover insurance premiums and the failure of the Victorian state government to provide any meaningful assistance to him in meeting the high cost of natural gas connection to his business. Will the Minister for State and Regional Development advise the house whether he is doing anything constructive to assist this company, which employs 100 people in country Victoria, to stay in business?

Mr BRUMBY (Minister for State and Regional Development) — I make the self-evident comment that it was the former Kennett government which privatised the gas industry. I remember being in this house — of course on another side of this house — in the 1990s when the Kennett government was in office. I remember the gas industry legislation which the Kennett government put in place and which required that any extension of the natural gas grid in Victoria had to be viable, profitable and pay for itself before it could occur.

The Leader of the National Party asks what the government is doing to expand the natural gas grid. I make two points: we inherited a privatised system, and we inherited a legislative framework which required any extension of the grid to be profitable. Who voted for it? The Leader of the National Party! He is the one who put that in place, so let us not hear the humdrum from those who put these policies in place and now in opposition have the gall to ask, 'What are you doing about it?' In relation to —

Honourable members interjecting.

Mr BRUMBY — You may not like the answer —

The SPEAKER — Order! I ask the house to come to order. I ask the Leader of the National Party to cease interjecting. I ask the minister to cease responding to interjections.

Mr BRUMBY — Here we go! Two years in and not one new policy from the opposition — not one! Where are they?

Honourable members interjecting.

The SPEAKER — Order! I ask opposition benches to come to order. I ask the minister to come back to answering the question.

Mr BRUMBY — They have had plenty of taxpayer-funded lunches to sit around developing policies, but there has been not one new policy in two years.

Let me say about Workcover that the rate for small businesses has not changed under the Bracks government. It is exactly the same formula and exactly the same rate as applied under the former Kennett government. The overall Workcover rate is the second lowest in Australia.

Honourable members interjecting.

Ms Asher interjected.

Mr BRUMBY — I am interested. What is your policy? Have you got one? You have not got one!

The SPEAKER — Order! I ask the minister to cease inviting interjections and the Deputy Leader of the Opposition to cease providing them.

Mr BRUMBY — The overall premium level — —

Honourable members interjecting.

Mr Wilson interjected.

The SPEAKER — Order! I ask the honourable member for Bennettswood to cease interjecting in that manner.

Mr BRUMBY — The overall Workcover rate is the second lowest in Australia. The method of calculating the premiums is the same as last year. Further, no country region in Victoria has shown such rapid job growth as country Victoria under the Bracks government. The Leader of the Opposition might not like it, but the facts confirm it: no region in Australia has shown such strong job growth. Even today — —

Dr Napthine interjected.

Mr BRUMBY — You have got about a week to go; that's the betting.

The SPEAKER — Order! The Chair is growing impatient with the interjections of the Leader of the Opposition, as it is growing impatient with the minister. The minister, concluding his answer.

Mr BRUMBY — Since October 1999 there have been 68 000 new full-time jobs — —

Honourable members interjecting.

Mr BRUMBY — Listen to this!

Mr Ryan — On a point of order, Mr Speaker, this diatribe has been running now for some minutes. I asked a particular question about a particular business, and I ask you to have the minister return to the question.

The SPEAKER — Order! I ask the minister to come back to answering the question and to conclude.

Mr BRUMBY — The honourable member raised a range of matters about small business, Workcover, natural gas and employment, and I am answering the question. I say today the employment statistics are 68 000 new jobs generated — —

Mr Ryan — On a point of order, Mr Speaker, the minister is deliberately flouting the ruling you have just made. He is still debating the question, and I ask you to direct him once again to return to the question.

The SPEAKER — Order! The Chair had just done that with the minister. I am also of the opinion that the minister is not being succinct, and I ask him to conclude his answer.

Mr BRUMBY — Since October 1999 there have been 68 000 new jobs — —

Dr Napthine — On a point of order, Mr Speaker, the minister is debating the question. You, Mr Speaker, have twice told the minister to get back to answering the question. It is about time he answered the question about one business in Stawell.

The SPEAKER — Order! The Chair on a previous point of order directed the minister to come back to answering the question. However, in fairness to the minister, he has hardly uttered half a sentence. I ask the minister to come back to answering the question and conclude his answer.

Mr BRUMBY — Since October 1999 there have been 68 000 — —

Mr Ryan — On a point of order — —

The SPEAKER — Order! If the Leader of the National Party is raising a point of order — —

Mr Ryan — I raise the point of order on the ground that the minister is debating the issue.

The SPEAKER — Order! Three points of order have been taken in less than 1 minute. In calling the minister to conclude his answer, I indicate that he has not been afforded an opportunity by the house to utter half a sentence. I will not recognise honourable members who are taking points of order if they persist in that vein. The minister, concluding his answer.

Mr BRUMBY — Since October 1999 there have been 68 000 — —

Dr Napthine interjected.

The SPEAKER — Order! I warn the Leader of the Opposition.

Mr BRUMBY — There have been 68 000 new full-time jobs generated in Victoria. That exceeds the total number of new full-time jobs generated across the whole of Australia. Where have they been generated? Here in Victoria, by the Bracks government. We are seeing the job growth.

Honourable members interjecting.

The SPEAKER — Order! It is unacceptable for that level of interjection. The Chair will start using sessional order 10 to restore order to the house. The minister, concluding his answer.

Mr BRUMBY — So we are seeing that job growth right across the state. We are seeing it in Stawell; we are seeing it throughout the region. We are seeing it in the new hospital being built in Stawell, the first major new investment in Stawell that has taken place for years. We have the policies out there and they are generating the jobs. It is about time that we have more than a blank sheet of paper from the National and Liberal parties — your policies!

The SPEAKER — Order! The minister will desist from debating the question.

Health: Medicare alliance

Mr VINEY (Frankston East) — Will the Premier inform the house of the agreement struck between the Bracks government and the federal Labor leader, Mr Kim Beazley, regarding the Medicare alliance?

Mr BRACKS (Premier) — I thank the honourable member for Frankston East for his question. This matter

goes back to an agreement that was struck with all state and territory Labor leaders and the federal Labor leader a year ago where there was an agreement struck on growth funding and an agreement on funding the health system. As a result today, with the federal Labor leader, Kim Beazley, I was very pleased to sign an agreement on extra growth funding particularly for Victoria.

What was undertaken this morning was an agreement for an extra \$134 million for the next four years just for Victoria; that has been agreed to and signed by the state government and the federal Labor leadership under Mr Kim Beazley. This is about real cooperation, agreement on growth and agreement on how we deal with growth, not simply having an offer from the commonwealth which the state has to accept but ensuring that there is a shared commitment to the health system.

Honourable members interjecting.

The SPEAKER — Order! There is far too much audible conversation. I ask the house to quieten down.

Mr BRACKS — It is much more about a shared commitment to growth, a shared commitment to funding and a commitment from a federal party to the public health system. It is very welcome. This will go to areas such as public dentistry in Victoria, expanding funding to outer suburban hospitals in the outer metropolitan area, new radiotherapy equipment and a further boost for mental health, palliative care and maternal health services. This is a welcome change in federal–state relations, which is about cooperation, not conflict.

Honourable members interjecting.

The SPEAKER — Order! I have asked the house to quieten down.

Mr BRACKS — Great tactics! What has the opposition become? I guess that is what you expect under this leadership. I am very pleased that \$134 million of new money will be coming to Victoria under a federal Beazley Labor government, which will mean growth funding, more services and a better health system.

Tipstar: revenue

Dr NAPHTHINE (Leader of the Opposition) — I refer the Premier to Labor's footy tipping competition which today posted a \$3.2 million loss. Another Labor policy dog! Can the Premier now advise the house which local sporting groups will miss out on promised funding as a direct result of this financial disaster?

Mr BRACKS (Premier) — Let me go — —

Mr Cooper interjected.

Mr BRACKS — Still here — Jurassic Park is still alive at the back there, isn't he!

The SPEAKER — Order! The Premier should address the question!

Honourable members interjecting.

The SPEAKER — Order! I warn the honourable member for Bentleigh!

Mr BRACKS — The annual report released today shows that the royalty payment to the Victorian government for the footy tipping competition was \$244 606, in addition to the licence fee of \$157 000, which was given to the government on receipt of the successful tender. It has incurred a loss in the first year, but the government believes it will turn around, and when it does we will commit those additional funds to women in sport and to the public health system in Victoria.

Health: Medicare alliance

Mr ROBINSON (Mitcham) — Will the Minister for Health inform the house what the government's new Medicare alliance will mean for Victoria's public hospital system and health services, particularly in key growth areas?

Mr THWAITES (Minister for Health) — I thank the honourable member for his question.

Mr Honeywood — On a point of order, Mr Speaker, question time is about matters of government administration. We do not have a federal government in place in terms of the Medicare agreement — —

Honourable members interjecting.

The SPEAKER — Order! The government benches will come to order!

Mr Honeywood — We do not have a federal Labor Party government in Canberra, so how can we have a hypothetical question about government administration with a government that does not exist?

The SPEAKER — Order! The question posed to the Minister for Health sought information about a Medicare alliance and how it will affect the public hospital system. The Chair is not in a position to do other than accept the question and hear what the

minister has to say about the impact on the Victorian system.

Mr THWAITES — And we will have a Beazley Labor government! Our public hospitals will have \$134 million extra to boost patient care. That will be good, particularly for the growth suburbs of Melbourne which have been ignored by the Howard government, just as they were ignored by the previous Kennett government. The Labor Medicare alliance will invest some \$30 million over four years to increase services in Frankston, Maroondah, Epping and Werribee. That is very important because it will enable some 12 000 extra people to get services that they would not otherwise get.

I am also pleased to advise the house that under the Medicare alliance signed by the Premier and Mr Beazley, \$15 million will go to building a new emergency department at the Angliss Hospital in Ferntree Gully. That is an excellent initiative. I am also pleased to advise the house that elderly people are a priority under the new Medicare alliance. Some \$30 million will go to boost convalescent care. That is very necessary —

Mr McArthur — On a point of order, Mr Speaker, I refer you to *Rulings from the Chair — 1920–2000*, chapter 31, paragraph (c), which specifically states:

Questions should not ... seek a solution to a hypothetical proposition ...

I put it to you, Sir, that this question sought exactly that: the solution to a hypothetical proposition — that is, the outcome of the federal election that is going to occur on Saturday. This minister cannot predict its outcome and neither can the Chair.

The SPEAKER — Order! The question asked the executive government what it had signed in relation to the Medicare alliance. The Chair was listening carefully to the minister's response, and the minister was informing the house of an agreement that the government he is responsible for has signed.

Honourable Members — Who with?

The SPEAKER — Order! That is not a judgment for the Chair to make. The Chair will continue to hear the minister so long as he is providing information about what the government has done.

Mr McArthur — On a further point of order, Mr Speaker, I listened very carefully to your response. You said that the question asked for information about an agreement which had been signed. Indeed it did relate to an agreement that has been signed, but it is an

agreement that will have no effect unless there is a particular outcome on Saturday, therefore it can have no force other than in a hypothetical situation and must offend against those rulings.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Monbulk. I will continue to hear the minister so long as he is providing information to the house about what the government has done in this particular area.

Mr THWAITES — I was advising the house that the Medicare alliance signed by the Premier provides significant extra support for our elderly community.

Victoria has the most dramatic shortage of nursing home beds in the country because the federal Minister for Aged Care, Bronwyn Bishop, has short-changed Victoria of 5000 beds. There is one promise that Kim Beazley can make that is popular — that is, to remove Bronwyn Bishop from aged care. That has bipartisan support right around the country.

Under the Medicare alliance up to 200 extra convalescent beds will be provided to Victoria. These are interim-care beds provided for elderly citizens who are waiting for a nursing home bed in our public hospitals.

Mr Plowman — On a point of order, Mr Speaker, I would like a ruling on the point of order raised by the honourable member for Monbulk. It is either a hypothetical question that is before the Chair or it is anticipation. I would like you to rule, Mr Speaker.

The SPEAKER — Order! The Chair has already ruled on the point of order raised by the honourable member for Monbulk. The minister, concluding his answer.

Mr THWAITES — Unlike the Howard government, which is de-funding cancer services at the Austin hospital, the Medicare alliance provides for additional cancer services. In particular \$21 million is provided for in this agreement for new radiotherapy machines at the Peter MacCallum institute and the Alfred hospital, and four replacement machines at — —

Mr Thompson — On a point of order, Mr Speaker, the minister has been using the present tense 'does' and 'provides'. He is referring to a hypothetical future alliance that is non-operational. You cannot speak in the present when it is non-operational. The minister is speaking hypothetically about a future agreement which may or may not eventuate.

The SPEAKER — Order! The Chair has been listening to the Minister for Health, and he has been advising the house about an agreement that has been signed. I do not uphold the point of order raised by the honourable member for Sandringham.

Mr THWAITES — The government will do whatever it can to provide more services for elderly people. Honourable members opposite talk about hypotheticals, and they should know a lot about them because the big hypotheticals in this state are the phantom nursing home beds that the federal minister promised and has not delivered. She promised thousands of beds and they have not been delivered. By comparison, under the Medicare alliance federal Labor and state Labor are committed to more services for elderly people, more cancer services and more services in our growth suburbs.

Questions interrupted.

DISTINGUISHED VISITOR

The SPEAKER — Order! It gives me great pleasure to welcome to the gallery the Honourable Christos Pachtas, the Deputy Minister for the National Economy in the Hellenic Parliament. Welcome, Sir.

Honourable members applauded.

Questions resumed.

Forests: timber workers

Mr INGRAM (Gippsland East) — My question for the Minister for Environment and Conservation relates to the plight of timber workers in East Gippsland who stand to lose their jobs and family businesses. I ask the minister to inform the house what action the state government will take to ensure a secure future for timber workers, including immediate access to structural adjustment packages for those who are willing to leave or have been forced to leave the industry, and for investments in a sustainable future for those workers and businesses who wish to remain in the industry.

Ms GARBUTT (Minister for Environment and Conservation) — I thank the honourable member for Gippsland East for his question and for his ongoing concern and support for his constituents. I look forward to further discussions later today with the honourable member, who is bringing some of his constituents in from the timber industry. I am sure the discussions will be very productive.

This issue should be of great concern to all honourable members. The tragedy is that the problems in the timber industry in East Gippsland have been known for quite a while and should have been fixed by previous governments. The Bracks government inherited a series of problems from previous Liberal governments that failed to address the issues and made the situation worse.

We inherited an over-reliance on woodchipping, so in the current enormous slump internationally in woodchip prices the industry is not well placed to adjust. We have inherited overcutting by the previous government, which plundered our forests and clearly exploited our resources. We have inherited a lack of investment in the timber industry until we were prepared to put in the funds to support it. We have copped the post-GST slump in the building industry — —

Mr Ryan interjected.

Ms GARBUTT — It is interesting that you are arguing about that. An article in the *Herald Sun* last month headed ‘Timber firm crashes’ states:

One of Australia’s oldest companies has collapsed, leaving debts of almost \$36 million and 255 people jobless.

The owner, Mr Clark, blames the post-GST slump in building activities. That is from the horse’s mouth, that is from the industry.

The Bracks government inherited a series of problems, and it is a tragedy that by its failures the previous government has put those jobs at risk — they are at risk now from the lack of action by the previous government.

I have written to the federal minister and the federal shadow minister. I have put to them that the money in the forest industry structural adjustment program should be targeted at restructuring the industry appropriately. It should provide assistance to the contractors, workers and companies who want to exit the industry. The money is there and it should be used to assist those people.

The government is also talking with the industry, something the previous government never did. It ignored what was going on and allowed the exploitation of Victoria’s forests. The government is talking with the industry stakeholders. Earlier today I met the chairs of the community forest reference groups and talked with them about these issues. Later today I will be meeting with the industry representatives.

Mr Perton — On a point of order, Mr Speaker, in relation to debating the question, the honourable member has asked the minister what she is doing in respect of the problems in the timber industry in East Gippsland. This minister has caused the problem by failing to sign the paperwork — —

The SPEAKER — Order! The honourable member has raised a point of order on whether the minister is debating the question. If he wants to be heard by the Chair he should leave it at that instead of continuing to make a point in debate. I ask the minister to come back to answering the question.

Ms GARBUTT — If opposition members had been listening — they are obviously still not listening — they would have heard me say that that the government has sent letters to both the federal minister and the federal shadow minister saying that there is money for the forest industry structure adjustment program. There are millions of dollars, because the government has contributed that amount. That money could be used to assist the industry in East Gippsland. That is what the government is doing. It is also talking with the stakeholders — the industry, the unions, the community and the environmental groups.

An honourable member interjected.

Ms GARBUTT — You would never do it, we know that. You did not listen, and you did not talk. The government is addressing the issues that were left to us by the previous government. The problem was made worse by previous ministers, who were not prepared to work with the community to find a way through the issues. Let me make it very clear: the Bracks government is committed to a sustainable timber industry, one that protects forests and the environment and supports jobs in rural and regional Victoria.

Gaming: venue lighting

Mr BAILLIEU (Hawthorn) — I refer the Minister for Gaming to the proposed regulations for lighting in gaming venues, which abandon the Premier’s promise to make natural lighting in gaming venues mandatory, and I ask: can the minister confirm that the artificial light level to be required in gaming venues will, according to the Australian standards, provide less light than that required for a drainage channel in a cow shed?

Mr PANDAZOPOULOS (Minister for Gaming) — I am glad to see the opposition is focusing on the real things — —

Honourable members interjecting.

The SPEAKER — Order! The Chair cannot hear the minister. I ask the house to quieten down.

Mr PANDAZOPOULOS — I thank the honourable member for his question, because it gives me an opportunity to explain another reform that is being assessed at the moment. There is a regulatory impact statement under way, and there are 20-odd days left for the community to comment on it. This government is prepared to do the things that other governments did not do in the past to reduce problem gambling.

The Premier has said the government will regulate the level of lighting in gaming venues, and that is exactly what it will be doing. The Office of Gaming Regulation has consulted the inter-church gambling task force, problem gambling groups, local government and the gaming industry. Together they visited many different gaming venues and assessed their current lighting so they could form opinions about what types of lighting are more suitable than others, and they have come together to produce a draft form of regulations. Those regulations are out there for the government to get feedback on. Rest assured that this government is prepared to tackle the things the previous government was not prepared to tackle. Regulating lighting in gaming venues is a world first.

What does the government want to achieve? It wants to achieve a better level of lighting in gaming venues so people do not feel like they are hiding in darkened corners. Instead of hiding away they will be able to focus on the things that are happening around them. As the Productivity Commission said, improving levels of lighting in gaming venues will help reduce problem gambling. That is why the government has put the regulations out there for comment, and it will consider the feedback.

ALP: federal education policy

Ms DUNCAN (Gisborne) — I refer the Minister for Education to the national education alliance forged between all state and territory Labor governments and the Beazley federal opposition, and I ask the minister how the latest Victorian government innovation strategies complement the Beazley Knowledge Nation plan.

Mrs Peulich — On a point of order, Mr Speaker, we have heard a series of questions framed in a similar vein. I draw your attention to chapter 31 of *Rulings from the Chair — 1920–2000* entitled ‘Questions to ministers and members’. Under the heading ‘Guidelines’ paragraph (c) states:

... questions should not seek opinion, particularly a legal opinion, ask whether press statements are correct, seek a solution to a hypothetical proposition, be trivial, vague and meaningless, raise matters sub judice, anticipate debate in an order of the day or raise questions of policy too large to be dealt with in an answer to a question;

I suggest that you rule the question out of order.

The SPEAKER — Order! I do not uphold the point of order. The question posed by the honourable member for Gisborne made reference to an alliance that had been formed between state and territory governments and sought information in regard to Victorian strategies. I call the Minister for Education.

Ms DELAHUNTY (Minister for Education) — I thank the honourable member for Gisborne for her question — very well researched and quite appropriate. Today the Bracks government launched the Victorian Schools Innovations Commission. We are bringing together some of the leading thinkers and innovators from right across the state to foster —

Mr McArthur interjected.

Ms DELAHUNTY — It will bring together some of Victoria’s leading thinkers and innovators to engage students in some of the most innovative curriculum, teaching and learning practices, and the effective use of information communication technologies (ICTs). It will support students in challenging experiences both within the classroom and beyond.

Some of the innovative programs that the Bracks government is already supporting include the Principal for a Day program, which was of much interest to the opposition a week or so ago, and the arts program in Wodonga, keeping young teenagers at risk of falling out of school and training within the education system.

Teachers and students from Strathmore Secondary College have returned from a study trip to NASA — the National Aeronautic and Space Administration — in the United States of America.

Today the Bracks government announced the Greenland project — one of the most innovative education projects ever seen in this state and certainly right across Australia. Ten students and four teachers from Victoria’s government schools right across the state will visit West Greenland’s Arctic polar research station on Disko Island next year.

These innovative practices will be complemented by the innovation strategies forged between state Labor governments and the Beazley Knowledge Nation

policy. As part of that policy we will have increased funding for public schools rather than bolstering — —

Mrs Peulich interjected.

Ms DELAHUNTY — We do not know why the honourable member for Bentleigh is not on the front bench. Her interjections in question time are so insightful — —

Mr Perton — On a point of order, Mr Speaker, the minister is in breach on two counts. Firstly, she is now debating the question. Secondly, your ruling indicated that she could give an answer related to Victorian government programs and their impact. A treatise on the benefits of Knowledge Nation is beyond your guidelines.

The SPEAKER — Order! I ask the minister to come back to answering the question, to ignore interjections and to conclude her answer.

Ms DELAHUNTY — I will try to ignore the interjections. As part of the national education alliance between state Labor governments, the Bracks government will be working towards increasing funding for public schools — and that will be supported by a Beazley federal government — better teacher training and increased professional development, and working together to improve curriculum and ICT services.

When we have the election of a Beazley federal government we will have a Beazley–Bracks education partnership, but at the moment what can we have in Victoria? Little Johnny cannot find a partner in Victoria. Is it a partner with Denis? Is it a partner with Robert? Is it a partner with Phil?

Mr Perton — On a point of order, Mr Speaker, you have already made a ruling and ruled in favour of my previous point of order. It is clear that the minister is flouting your ruling and trying to flounce into some sort of humour. I ask you to sit her down immediately.

The SPEAKER — Order! I have already indicated to the minister that she should come back to answering the question and conclude her answer.

Ms DELAHUNTY — It may be a partnership with Victor! Of course it might be a Costello–Asher partnership, it might be a Costello–Baillieu partnership. We are not sure.

The SPEAKER — Order! I ask the minister to cease debating the question.

Ms DELAHUNTY — In concluding my answer, we have an innovations agenda in Victoria. We are turning education around and we look forward to a Beazley government next Saturday.

Mr Phillips — On a point of order, Mr Speaker, prior to the house coming back in the next sitting week I ask you to consider clarifying for me, as well as for the Premier and the Leader of the Opposition, my role on standing order 127 and sessional order 3.

The reason I am raising this is that the house is now up to its eighth question, and question time has been in progress for 50 minutes. Previously, consistently 10 questions were dealt with within half an hour. My role is to comply. You have often said that you are in the hands of this house and therefore you cannot direct ministers to answer a question; they must be relevant and succinct. Standing order 127 indicates that ministers cannot debate the question.

I ask, Mr Speaker, that you clarify to me whether it is for me and other honourable members in the minority party to continually raise points of order when breaches of the standing orders are being made, or do I expect the Chair to uphold standing and sessional orders that have been introduced by the party that has the majority of numbers to enforce the rules of the house? Is it for you to do so, or is it for me to continually do?

The SPEAKER — Order! The honourable member for Eltham raises a point of order citing standing order 127 in regard to debating, and sessional order 3, which governs succinctness in both questions and answers. The Chair endeavours at all times to apply the standing orders and the sessional orders to the proceedings of the house.

It is also the right of every honourable member to raise a point of order if they believe the standing and sessional orders are not being applied. That is how this house has operated since time immemorial, and that is how it will continue to operate.

Gaming: venue lighting

Mr BAILLIEU (Hawthorn) — I refer the Minister for Gaming to the government's report on its proposed regulations for artificial lighting in gaming venues. Given that this report comments that the proposed light levels 'could lead to an increase in the attractiveness of recreational gaming', when will the minister concede that the government's policy on gaming is a sham?

Mr PANDAZOPOULOS (Minister for Gaming) — I thank the honourable member for his question. What sheer hypocrisy from the opposition!

Do they have a responsible gambling policy? In seven and a half years in government members opposite did nothing. In fact the shadow minister was a beneficiary of the gambling industry. Until recent times he had shares in Tabcorp, and I understand he also has shares in Fosters, which owns 42 gaming venues.

The SPEAKER — Order! The minister should come back to answering the question.

Mr PANDAZOPOULOS — It is very relevant, Honourable Speaker, because we have an opposition that did nothing. Did it do research in the past about responsible gambling regulatory measures? A big zero. Nothing at all! The government is saying it is willing to tackle issues that were identified by the federal government's Productivity Commission in 1999. And what did that inquiry say? And what advice did agencies and problem gambling service providers give the commission? They said the absence of clocks and natural lighting contributed to problem gambling by detaching people from the outside world by creating a timeless environment. That was what they told the Productivity Commission, and the commission agreed.

All the regulatory impact statement is saying is that research has not been done in this area. There are things that are done to minimise harm that are more likely to have a beneficial effect, such as in relation to tobacco and alcohol. That is what the Productivity Commission said. If the opposition did its research and understood the issue, rather than having a master of share transactions with gaming companies as its shadow minister, maybe it would have some good policies.

Insurance: public liability

Mr LEIGHTON (Preston) — Will the Minister for Finance inform the house of the government's reaction to concerns regarding increases in the premiums for public liability insurance?

Ms KOSKY (Minister for Finance) — I thank the honourable member for Preston for his question. The Bracks government has been very concerned about the hefty increases in public liability insurance, particularly for community organisations and small businesses. We have been doing something about it. We have approached the commonwealth government on several fronts — to very little avail, I have to say. In September, while we were waiting for the commonwealth government to respond to our correspondence, we held a summit with the key stakeholders in community organisations and small business. Last Friday we had a follow-up meeting with the community organisations, and tomorrow there will

be a follow-up with the small business groups. I am pleased to say that Victoria is leading the way in responding to the real problems of organisations in relation to public liability insurance.

As a result of the Bracks government bringing together the key players across the community and small business sector with the insurance industry a tailored public liability product will soon be available in Victoria. The Municipal Association of Victoria (MAV), with Jardine Lloyd Thompson and the community organisation Our Community, has commenced developing a new insurance scheme.

The product is called the Australian Community Groups Insurance Scheme and will be a pooled arrangement managed by Jardines. It will bring together individual groups that have a specific risk profile, to pool their insurance needs and provide public liability product that suits their needs. They will have access to the pool through the MAV, local councils and other peak organisations.

Jardines will be monitoring the risk and encouraging better risk management. They also will be supporting the product with training and education in risk management. A fantastic product is being developed, and it is a very practical solution to the concerns that were expressed to the government only a few months ago about public liability insurance premiums. It is anticipated that the new product will be available in the next couple of months.

The scheme could be available to as many as 19 segments in the community sector including arts and culture, conservation and heritage, sport and recreation, and festivals and events, just to name a few. The scheme has the capacity to go national. The product being developed is fantastic. The government showed leadership in bringing the different players together and continuing to support the development of these products with the various organisations. I thank all those who were involved in the development of the product.

Just to finish — and to assist the opposition a little bit — in developing risk management strategy you can either manage risk, minimise it or eliminate it.

MARINE (FURTHER AMENDMENT) BILL

Second reading

Debate resumed.

Mr THOMPSON (Sandringham) — The purpose of the Marine (Further Amendment) Bill is to make a number of reforms to the Marine Act, which is one of the largest statutes of the Victorian Parliament. The genesis of this bill was in the days of the former coalition government. It instigates a number of practical reforms that will lead to a more constructive framework for the administration of the act and the undertaking of a range of tasks and responsibilities that were formerly undertaken by the Marine Board of Victoria.

An essential feature of the bill is the abolition of the Marine Board of Victoria and the establishment of the office of Director of Marine Safety. There are transitional arrangements regarding the transfer of staff to the new entity. Some people have outstanding backgrounds that enable them to fulfil their work extremely ably, formerly on behalf of the Marine Board of Victoria and now I trust under the new office of Director of Marine Safety.

A major issue confronting Victorians today involves the effective management of our waterways and ensuring that the level of pollution that occurs in coastal waters and particularly in Port Phillip Bay is minimised. An example occurred in October last year, when quite a large number of penguins and other animals were found dead as a consequence of a chemical spill on Port Phillip Bay. An article in the *Herald Sun* alluded to the fact that scores of short-tailed shearwaters — that is, mutton-birds — had already died, possibly as a result of contamination, and fears were held for the safety of other species. The strengthened pollution control measures in the bill will enable such problems to be responded to more effectively.

Any discussion of marine waters in Victoria would not be complete without reference to the significant threat posed to Victorian waters and marine life by introduced marine species. These include the sabella worm and the northern Pacific seastar. There has been a fair amount of debate already in this chamber regarding the impact of the northern Pacific seastar, the numbers of which grew from an estimated 5 or so in 1996 through to the prodigious quantity of between 130 million to 160 million a couple of years ago. There is now a belief on the part of experts in Victoria that the number might have plateaued at around the 70 million to 100 million mark.

The concerns about the danger to Victorian fisheries and the interests of recreational anglers as a consequence of that massive number of invasive marine pests is that it will permanently alter the benthic composition — that is, the biodiversity of the food chain at the base of the sea floor — and may in the

longer term permanently impact upon breeding grounds and fish habitats. Recreational fishing is a very important aspect of the economic, cultural and social life of Victoria. It is very important that this problem be addressed. I am pleased to commend the bill to the house and note that it had its genesis under the former government.

Mr SEITZ (Keilor) — I rise to support this bill, which is progressive and takes a step forward. The honourable member for Sandringham spoke about our marine species, particularly those that exist in Port Phillip Bay. The abolition of the Marine Board of Victoria and the creation of the office of the Director of Marine Safety will allow the minister to take direct and speedier action, particularly when issues arise concerning bilge water, introduced species and oil spills that get into our bays and waterways.

It is very important that quick action be taken to save our environment and our fisheries in Victorian waters and estuaries. Often we see damage caused by accidents and spills, but the biggest danger in Port Phillip Bay comes from introduced species. Numbers of professional fishermen and anglers have over the years raised the issue of introduced species arriving not only in ballast water but in the scales attached to the outer hulls of ships, yachts and even smaller leisure craft that travel around the world these days with the aid of radio signals. They can visit exotic waters and crustaceans are attracted to their hulls. We need action, including safety inspections and having delegated powers in the hands of the people responsible for the jetties and marinas around our Victorian waters.

The bill moves in the important direction of meeting the modern-day requirements of living and moving around. Honourable members may or may not be aware of the big problem around Darwin with the black-striped mussel that endangered the whole mussel species. The black-striped mussel breeds so fast it was able to block up all the drains and waterways and damage boats. The authorities had to close the marinas, which were lockable, and managed to destroy the introduced species. All that came from one small yacht that came in from tropical waters without being properly descaled.

The infestation could have been a big danger to the area had the authorities not acted very quickly on the matter. The minister and the director of fisheries at the time declared an emergency within 24 hours and attacked the problem. I have often wondered how quickly and effectively we would be able to respond if we had a major disaster in Victoria. I am pleased to support the

bill, because it allows for faster action when a disaster occurs, if one should occur.

The bill also allows for a number of other actions. The Marine Board of Victoria will be replaced and its ongoing assets and properties, and anything else that is controlled by the board, will be transferred across to the new body. That is a step in the right direction. We do not want people being displaced, or as happens in many cases, unemployed. It will be a very straightforward transfer.

The bill provides for the appointment of people to carry out certain actions, and for the Governor in Council to make regulations in relation to various jetties and ports and what activities can take place there. The bill provides not only for the safeguarding of our marine wildlife but also for safety on the jetties and slipways, which is a welcome step. Society is faster moving today: people want spontaneous and instant responses, and mostly they want an answer before a question even arises and matters resolved before they are raised. The proposed legislation will assist the minister and the director to act more quickly to meet people's needs, aspirations and requirements, particularly those of industry and the commercial sector. Businesses want to move with the times and do what they are required to do from time to time as changes occur in equipment, industry direction and the environment around our shipping industry and our waterways. Overall I see the bill as just another step forward in the progressive development of our marine safety procedures.

The bill also sets out the powers of the director. The director will have power to remove or control obstructions in navigational waters that may inhibit industries or commercial enterprises that navigate in those waters. That is a proper step forward.

The bill transfers virtually all of the responsibilities of the Marine Board of Victoria to the new body to allow firmer and quicker action and decision making. The new body will be closer at hand and quicker at carrying out its functions. The amendments proposed in the legislation will have consequential effects, including abolition of the marine board, all of which are required if the legislation is to function properly and the new Director of Marine Safety is to be properly established to take over the existing powers of the marine board.

Having said all that, it is very important that the administration of local jetties and local ports is in the hands of local people who are close at hand. In the past, especially for smaller jetties and small harbours in fishing villages, we used to have a harbourmaster. Such things are often no longer economically viable so we

need a different system that will function in modern society. Modern communication and transport must be more easily accessible within regions. The bill brings the legislation up to date with modern-day methodologies for management of our waterways.

It is also important that not only the people who are directly involved in the fishing industry but also the occasional users of our waterways are educated about the value of the waterways under the control of the state of Victoria, which extend for 3 nautical kilometres from Victoria's coastline. They are a very important asset and a precious commodity which Victorians are privileged to enjoy. The waterways controlled by the government of Victoria provide most of the freshwater fish for the Victorian markets, and they provide the venue for the large recreational fishing industry in this state.

Therefore it is essential not only for mariners but also for our fishing industry workers and our recreational anglers that Victorian waters are kept clean so they can catch disease-free fish and, in particular, fish free of parasites. Previous all-party parliamentary committees have conducted studies and prepared reports on the parasites that are introduced into our waters by bilge water from visiting ships, in particular in Port Phillip Bay.

The modernisation of the whole process of marine safety being introduced by the Marine (Further Amendment) Bill will go a long way to protect our environment. I wish the bill a very speedy passage through the house.

Mr SMITH (Glen Waverley) — Anyone who has anything to do with marine safety in Victoria will know how important the role of the new Director of Marine Safety will be. Those of us who live on the coast or who have seaside holiday homes in places like Inverloch, as I do, know that marine safety is tremendously important to the whole community.

The house has heard erudite speakers giving their opinions during the debate on the origins of the Marine Board of Victoria, the abolition of the board and how the new office of the Director of Marine Safety should work. I believe that during this new transition period the whole community will be carefully watching the bureaucrats in this area and judging them during the rough months when perhaps things do not go well. When we move into the summer months they will need to be vigilant about the safety of younger people and to be aware that the community is watching them. On my trips to areas like Phillip Island and Inverloch I will

personally be keeping a very vigilant eye on them, because I believe the system itself — —

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Frankston knows she is not supposed to cross — —

Ms McCall interjected.

The ACTING SPEAKER (Ms Davies) — Order! It is not appropriate for the honourable member to argue.

Ms McCall — I did not argue.

The ACTING SPEAKER (Ms Davies) — Order! It is not appropriate to cross between the member speaking and the Chair. The honourable member knows that, and she should cease arguing with the Chair.

Mr SMITH — In conclusion, I wish the bill all the best. However, at the same time the message goes out to the bureaucrats that they should remember that the bill establishes a big new area of responsibility for the Director of Marine Safety. Let us hope that with goodwill it will be run properly, because if it is not the people of Victoria will be very angry.

Mr HARDMAN (Seymour) — It is a great pleasure to speak on the Marine (Further Amendment) Bill. It is great to see there has once again been bipartisan support for a piece of legislation which I am sure will not be reported outside this Parliament but which nevertheless is something we can talk about to our constituents at Rotary clubs, Lions clubs and such places when we are telling them about how this place operates for much of the time.

Obviously this bill is very important to Victoria and to Australia in general. It creates the office of the Director of Marine Safety and gives it additional powers to those of the Marine Board of Victoria, which it will replace.

Our national anthem says that our nation is 'girt by sea', which I am sure means surrounded by water. I believe that more than 80 per cent of our population lives in coastal areas and enjoys the marine environment, so it is very important that as a government we move to protect our environment by giving our regulators clear powers to ensure that our waterways are safe.

I commend the people who put this legislation together. I understand that the bill follows the national competition policy review and that a number of submissions were made by key stakeholders and members of the public in general. Obviously people thought it was very important to follow the drafting of

the bill and to get it right to improve the cleanliness and safety of our waterways.

I will turn quickly to the part of the bill that deals with marine pollution. That is an area that is very dear to all Victorians, and we should feel privileged that we can swim in our oceans in the knowledge that we are safe. Honourable members will know that in many parts of the world waters in urban areas are full of pollution and can make anyone swimming in them very sick.

Recently there was a terrible spill from one of the oil refineries in Melbourne, and the swift response from our emergency services ensured that the area was effectively cleaned up. The importance of acting on those sorts of situations immediately is well known. If the government can prevent those kinds of disasters from happening through strengthening controls, which this bill does, it will obviously ensure a better environment for future generations. Victorians are also well aware of the importance of safety on the water, and that awareness comes from our close relationship with the sea.

This bill improves the powers of inspection, which in the Marine Act of 1988 are very limited and not consistent with those in comparable legislative schemes. The powers in this bill relate to marine accidents and incidents on vessels and breaches of the act and its regulations. The bill corrects the situation by improving the powers of the inspectors — subject to reasonable protection for the public, of course — and the investigation powers to be exercised by the Director of Marine Safety. The marine safety officers will have identity cards to prove that they are who they say they are. It will be an offence for a person to impersonate an officer, which is very important, and those clear powers will make it easier for our marine safety inspectors to do their job. I commend the bill to the house.

Ms GARBUTT (Minister for Environment and Conservation) — The bill makes a number of reforms to the Marine Act 1988 and ranges across a number of measures. It streamlines institutional arrangements by creating a new office of Director of Marine Safety. It also provides improved powers to marine safety inspectors and investigators. It sets up advisory committees to advise the minister on any marine safety matter. It provides improved powers to control pollution of the marine environment and modernises the administration of local ports, so it is a wide-ranging bill.

I thank all honourable members who spoke on it. Their comments ranged widely as well and were generally supportive. I commend the bill to the house.

Motion agreed to.

of both houses of Parliament it may be lawful to remove them;

Read second time.

Remaining stages

Passed remaining stages.

**JUDICIAL REMUNERATION TRIBUNAL
(AMENDMENT) BILL**

Second reading

**Debate resumed from 7 November; motion of
Mr HULLS (Attorney-General).**

The ACTING SPEAKER (Ms Davies) — Order! The Speaker is of the opinion that this bill needs to be passed by an absolute majority.

Ms McCALL (Frankston) — The Judicial Remuneration Tribunal (Amendment) Bill is affectionately known as the JRT bill. Until this bill was introduced those of us who are not familiar with the structure of the judiciary were perhaps unaware of how judicial salaries, allowances and conditions of service were agreed. It has been an interesting learning experience, and I thank the Department of Justice for the briefing we received on the bill.

One of the purposes of the bill is to change the procedure of the determination of judges' salaries. I was fascinated to read in the second-reading speech that the manner in which we allocate judicial salaries comes from the English Act of Settlement of 1701. Having been a student and a great lover of history I thought it appropriate to remind the house that the Act of Settlement of 1701 was about whether the kings of England who would succeed to the throne were to be Protestant or Catholic.

The ACTING SPEAKER (Ms Davies) — Order! I hope we are going to be discussing the Judicial Remuneration Tribunal (Amendment) Bill as well.

Ms McCALL — Absolutely. The second-reading speech clearly mentions that it is because of the Act of Settlement of 1701 that the JRT exists at all. I therefore think it appropriate to remind honourable members of a paragraph in the Act of Settlement — I apologise in advance for my Latin pronunciation, but as a good Catholic girl my Latin will be pronounced in the Catholic manner, not the Oxford or the Cambridge manner. The paragraph states:

That after the said limitation shall take effect as aforesaid, judges' commissions be made quamdiu se bene gesserint, and their salaries ascertained and established; but upon the address

Effectively that is saying that somebody other than from within the judiciary has the right to decide at what level judges' salaries and allowances should be paid, but that for it to be approved it must return to the houses of Parliament; and that the houses of Parliament have the right to disallow salaries and allowances to be paid to members of the judiciary should they believe that to do otherwise would not be appropriate.

That is exactly what we talk about in the bill before us. An independent tribunal that was set up as a result of the Act of Settlement has three people on it. Until February this year when their terms expired the three members of the tribunal were Sir Edward Woodward, Dame Margaret Guilfoyle and Mr Peter Salway. At this stage there is no Judicial Remuneration Tribunal to assess salaries and allowances and conditions for the judiciary in existence, and I would expect some members of the judiciary would rather hope that we hurry up and pass this bill so that there will be. As yet we have no idea who is likely to be appointed to the JRT to replace them.

Dr Dean — They may be reappointed.

Ms McCALL — They may be reappointed, indeed! An important provision in the bill is that to be a member of the JRT a person may be legally qualified but may not be a practising member of the legal profession. My learned colleagues in this place will tell me if I have that wrong, but I think it is in order to maintain a level of objectivity, because obviously it would be inappropriate for a judge to be sitting on the tribunal deciding how much his or her colleagues would be paid. It would be rather like a member of Parliament sitting on the salaries adjustment panel to ensure we knew what we were all going to be paid. It would be an excellent idea, but I suspect it would not go down terribly well.

It is interesting to note that since its establishment the Victorian Civil and Administrative Tribunal has not been involved with the Judicial Remuneration Tribunal. This bill amends the original 1995 act to enable VCAT to be included. I have some reservation about that, because I have been told that some people who serve on VCAT are not legally qualified or do not come under the broad definition that my learned colleagues will no doubt explain, yet their salaries and remuneration will now be decided by the JRT. There will also be a provision for acting magistrates, because I understand they are not adequately covered under their own act. I am told acting magistrates are rather like casual staff members — they receive loadings and extra allowances

for travelling — so for that reason they have a specific mention in the bill.

The JRT will review salaries. Presumably it will therefore be available to hear complaints from members of the judiciary who believe they are not being paid enough. At the same time it will assess whether members of the judiciary are paid in line with public expectations of their role and whether they are in line with other states. Most reviews are undertaken every two or so years. There is an understanding that in Western Australia and Victoria the legislation will, as a result of these changes, come more into line with the federal model.

I am also informed that the disallowance clause — which can apply when the remunerations come before the Parliament to be agreed — is very rarely used. I am told that Queensland only used the disallowance mechanism 20 years ago, and at this stage we have never used it.

Amendments have been circulated by the honourable member for Berwick relating to the openness of the JRT's dealings. The bill already deals clearly with the fact that levels of remuneration will be returned to the houses of Parliament for agreement, or on rare occasions for disallowance. However, the bill will also allow the Attorney-General to approach the JRT for advice on certain matters. The peculiarity of the bill is that it does not define those certain matters. It states that the Attorney-General may seek an advisory opinion — but on what? If it were an advisory opinion relating just to salaries and conditions, it would not be unreasonable for it to be tabled when documents relating to the JRT were tabled in Parliament. For those reasons I support the amendments proposed by the honourable member for Berwick.

If openness and a clear division between the role of this Parliament and the role of judiciary are wanted, given that the tribunal is staffed by three people who clearly do not have a vested interest it would therefore not be unreasonable in the spirit of that openness to expect that any opinion sought by the Attorney-General from those individuals should be an objective opinion and subject to public scrutiny and tabled in this Parliament. For that reason I have no difficulty supporting the amendments of the honourable member for Berwick.

In his contribution to the bill the honourable member for Berwick went through the finer points line by line and detail by detail, and I would not begin to query or to add to his erudite contribution. However, I have a particular question about the timetable of the determination. I understand that the JRT can make a

decision or a determination in relation to salaries and allowances and that it is then required to be published in the *Government Gazette* within 21 days. After that it must be tabled in Parliament within a maximum of 10 sitting days after its appearance in the *Government Gazette*.

Mr Lenders interjected.

Ms McCALL — It probably is, but it is not necessarily good enough by anyone else's standards. If it is not disallowed it can go ahead. However, there is a time lag which concerns me in the sense that there is retrospectivity. If a review is only one to two years and the thing is not tabled in Parliament, and there is no disallowance, effectively it could be anything up to two years before a pay rise is given to or a pay allowance adjustment is made for the members of the judiciary. I am not totally comfortable with the idea of a two-year retrospectivity. However, in principle the opposition has no difficulty with the bill. I support the amendments of the honourable member for Berwick, and I wish the bill a speedy passage.

Mr STENSHOLT (Burwood) — I support the Judicial Remuneration Tribunal (Amendment) Bill. I have only just received the amendments but will try to comment on them later.

The purpose of the bill is to amend the Judicial Remuneration Tribunal Act 1995, which is obviously only a recent act. That act regulates or covers matters regarding the membership of the Judicial Remuneration Tribunal, or the JRT, by which shorthand title it is referred to by many people. It also covers the general functions and procedures of that tribunal.

As has already been alluded to in the debate, fundamental to this is the independence of the judiciary and the impartial administration of justice, which is so important to our democracy. It has been pointed out that the way in which judges are remunerated comes from the Act of Settlement. There is a direct line covering that going back 300 years.

The independence of the judiciary is one of the pillars of good governance. As an example, organisations such as Transparency International, which has an international reputation, see the independence of the judiciary as one of the four pillars of good governance.

Impartiality in the administration of justice is basic to shaping and continuing a democracy. Elements of that impartiality are not only with the judgments made by judges but also in their office and how they are appointed, and their terms and conditions need to be administered — I suppose I can use the term

‘administered’ although it seems almost an unfair term — in an impartial and transparent way.

Several principles are fundamental to that impartiality, among them security, including security of tenure. Judges are usually appointed for life — although there are upper periods in which they have to retire — so that there cannot be interference in the process of appointment. The Bracks Labor government has a very strong policy on the impartiality and independence of the judiciary because under the last government there was an instance of judges actually being sacked.

A second element of security is security of remuneration, which is what we are dealing with in the bill before the house. Ensuring that that remuneration is determined and provided independently is not so much the prerogative of the executive but is largely — as we have seen from the Act of Settlement referred to by my learned colleague — seen as being able to be determined fundamentally by Parliament. A policy of the Bracks Labor government is that there be a clear, coherent and transparent system of judicial remuneration.

There is some history with this particular bill. The previous system was set up in 1995 and operated for some four or five years. In its own report to government in early 2000 the Judicial Remuneration Tribunal said that it considered the system ‘most unsatisfactory’, that there was a lack of independence and a lack of transparency in the system, and that it could be improved substantially. As a result Mr Honan was commissioned to do an extensive review of the remuneration system. In November 2000 he produced a report in which he commented on quite a range of issues in the judicial remuneration system and suggested that there be a number of reforms to that system.

For example, as part of his findings he said that the system lacked independence. He said that Parliament did not really play a significant role in the final judgment and determination of judicial salaries, and that it seemed that the executive was the body — the person — with which the final decision seemed to remain. There were some deficiencies which he considered could be remedied. He recommended a number of issues which could be attended to, and quite a number of those have been faithfully taken up by the government and covered by this bill.

One of the key recommendations was that there be instituted a hierarchy of powers for the Judicial Remuneration Tribunal. It has the power to make determinations on salary and allowances and

recommendations on other conditions of service and to provide advisory opinions on matters referred to it by the Attorney-General or any other minister. The Victorian Civil and Administrative Tribunal (VCAT), which was not included before, has been included in its jurisdiction. To reflect this the bill inserts into the act the new definitions of ‘advisory opinion’, ‘determination’, ‘holder of an office’ and ‘recommendation’.

The bill also picks up the recommendations by seeking to further assert the independence of the tribunal. For example, clause 5 lists a range of persons who are not eligible for appointment as members of the tribunal. It excludes — quite obviously — someone who is or has been the holder of a judicial office in Victoria or at commonwealth level or in any other commonwealth state or territory. It also excludes anyone who holds an office or place of profit under the Crown, including anyone employed under the Public Sector Management and Employment Act. However, the Commissioner for Public Employment is eligible for appointment as a member, having respect to the office which that person holds in public employment.

Another key point deals with the functions of the tribunal, which I have already partly alluded to in referring to the findings of the Honan report regarding determinations and recommendations. Some of those conditions are quite extensive.

Many of us know that there are often changes with regard to conditions of employment. One has only to look back 5 or 10 years to see that conditions of employment, whether it be in the corporate or the public sector, have changed quite dramatically. Even in the case of parliamentarians, whether it be in the provision of motor vehicles for private use, various elements of reimbursement of work-related expenses, long service leave or parental leave, the changes are evident. These changes continue in the area of parental leave, including maternity leave, and I expect they will keep changing in the next 5 to 10 years.

The bill includes special leave as well as sick leave, and given the nature of the service provided by judges, it provides them with long service leave, including long leave and sabbatical leave. On this last point it is very important that our judges are up to date in their specialisations, and that they do undertake in-service training and can continue providing service with a high level of competency on the bench.

In making decisions the tribunal has to take into account a range of factors. Clause 7 includes the factors which must be considered when the tribunal makes a

determination, recommendation or advisory opinion. These are very much commonsense factors, but it is productive, and of course it means a coherent, cogent, and transparent policy in the area of the tribunal. It covers, for example, the importance of the judicial function to the community, which has been established over the last 300 years and earlier in terms of common law, and the need to maintain the standing of the judiciary within the community.

It is important that judges are held in the highest respect by our community and that their funding and remuneration ensures we attract the highest quality candidates to the office. This is a serious function. It underpins one of the basic pillars of good governance and is at the foundation of good democracy. We need the best people serving as our judges, people who will take into account what is happening in other jurisdictions as well as dealing with the bread-and-butter issues of economics such as the consumer price index, average weekly earnings, executive salaries in the Victorian public sector, changes in work practices, work value and anything of particular interest to Victoria. This could also include the Victorian economy, the capacity to make payments in this regard and, particularly when VCAT is proposed to be included, the relativity between the various Victorian courts and tribunals.

The opposition has proposed an amendment that advisory opinions should be in writing, and that not only the request but the report of an advisory opinion should be published in the *Government Gazette*. I am not sure whether the honourable member for Berwick is seeking to increase the circulation of the *Government Gazette*, but we have to wonder about how this amendment fits in with the report given by Mr Honan, in which he has obviously made a strong recommendation that such advisory opinions could act as a means of communication and as a sounding board between the Judicial Remuneration Tribunal and the Attorney-General on matters that do not directly relate to judicial service, but may have an impact on such concerns.

I have already referred quite extensively to the various factors to be considered by the JRT. It is important that we attract the best candidates. I will not go through them again, but they are important factors and they translate into the giving of an opinion by the tribunal. It is quite conceivable that because the JRT is providing advice and opinions to the Attorney-General the fact that that advice is made public in the *Government Gazette* may limit the capacity of the JRT to give such advice or opinions. It may well be giving opinions which may have some impact on, for example,

budgetary matters. That would be part of the budgetary process. We know that the budgetary process is part of cabinet considerations, and therefore we need to exercise a fair bit of care in that regard. That is why I would cast some doubt over whether these amendments should go forward.

Overall, I support the bill. It is very much in line with good governance. It supports good governance and democracy as well as the standing of the judiciary. I commend the bill to the house.

Mr McINTOSH (Kew) — I rise to support this bill. Certainly the sentiments maintained in it carry further the independence of a Judicial Remuneration Tribunal in this state. It is most important that we preserve the independence of the judiciary. I was very pleased with the last three appointments the Attorney-General made to the County Court. I was at university with one of the new County Court judges, and I read with the other two in 1985 and know them very well. They will certainly carry the traditions of an independent judiciary to the heights here in Victoria. I look forward to long and distinguished careers for all three of them.

I take up a point raised by the honourable member for Burwood, who seemingly has some misconception about the idea of an advisory opinion. He suggested that somehow budget papers would be tabled before a tribunal and therefore the report or opinion would have to be confidential in nature.

I have risen to talk about this advisory opinion because, while we are trying to maintain an independent body, one thing that will undermine this tribunal is if the government seeks to use the tribunal under the cloak of secrecy, behind the curtains, or by sneaking around and giving something in the nature of a request for an opinion and then having that opinion given in secret. I will give the house one cogent example. Shortly after the Law Reform Commission was re-established in this state, after much trumpeting by honourable members on the other side about the importance of an independent Law Reform Commission in Victoria, we saw a disgraceful performance by the very man who proposed this legislation — that is, the Attorney-General. When substantial amendments were being discussed during debate on the relationships bill the Attorney-General wrote to the chairperson of the Law Reform Commission and asked her to provide him with a piece of advice.

Dr Dean interjected.

Mr McINTOSH — Yes, he used the Law Reform Commission as some sort of little tool in his hand.

What he should have done was brief any other member of the bar, even gone to a firm of solicitors or perhaps even used the Solicitor-General, but he trespassed on the independence of that new commission almost immediately or shortly after it had been set up and asked it for a private opinion. When he got the opinion he wanted he sent it out and said, 'Look, I've got the Law Reform Commission justifying my position. How dare the opposition even suggest proposing some sort of amendment?'

The most important thing about the amendments circulated by the honourable member for Berwick is that they go very much to the nature of this bill. The government has said, 'We want this to be open and accountable. We want to preserve the independence of the judiciary by preserving the pay and salary and conditions of judges. We want the Attorney-General to get the report, and he has an obligation to table those reports in this and the other place'.

If you start talking about advisory opinions you are going to start changing the nature of it, and I bet we will start using all these advisory opinions in just the way the Attorney-General has already done with the Law Reform Commission. It is absolutely outrageous. Therefore the very reasonable amendments proposed by the honourable member for Berwick go some way to addressing that. The same process, effectively for a recommendation or a determination, would also be adhered to, so the whole process would be made completely open.

The honourable member for Richmond says, 'There may be confidential matters which we want to get an opinion about. We are going to preserve the independence of the judiciary — to make it open, accountable and transparent — but we will have the call when we want to make it confidential'. It is absolutely outrageous.

The opposition requested that the house should go into committee so it could move its amendments, but the government intends to guillotine this debate at 4 o'clock, just as it intends to gag the tribunal. It intends to suborn the whole process. It is an outrage!

Mr LENDERS (Dandenong North) — I am sure my constituents in Dandenong North would be amazed at the passion this debate on the Judicial Review Tribunal (Amendment) Bill has generated from the honourable member for Kew. It is a good thing to see a bit of passion in debate in the chamber.

This bill is an important piece of the government's ongoing reform legislation. We need to go back to

basics as to why the government would have a piece of legislation like this. When we talk of the judiciary we must remember the issues that underpin the separation of powers in a Westminster system, where the judiciary has to be kept — —

Mr Wynne interjected.

Mr LENDERS — We could go for hours on the separation of powers, as my colleague the honourable member for Richmond advises me. But the pertinent thing I want to say in the time available to me is that historically under the Westminster system we have tried to separate the two issues of security of tenure and security of remuneration to maintain the independence of the judiciary.

In this late stage of the debate I cannot help but reflect on the fact that security of tenure is not something we should simply pay lip-service to. That is because of the demise of the judges of the former Accident Compensation Tribunal. By legislation the Kennett government removed 12 judges; therefore, security of tenure is not something we should idly take for granted in this Parliament or in this state.

These are the underpinning issues. Why is the legislation being introduced? It is easy to talk in general terms, but the Honan report was commissioned to deal with some of the significant issues facing the state regarding judicial remuneration. Parliament has seen fit to separate from the political process the setting of salaries of a number of statutory office-holders, including members of Parliament, which is near and dear to most honourable members in this place. A clear and transparent process in setting judicial salaries is important, and the legislation puts into place the recommendations of the Honan report.

The bill addresses a number of issues emanating from the Honan report. It establishes a hierarchy of powers that the Judicial Remuneration Tribunal needs in order to make determinations regarding judicial salaries and allowances, recommendations regarding conditions of service and advisory opinions relating to matters referred to it by the Attorney-General. It is clearly the last of these hierarchal powers that is generating some passion on the other side of the chamber, especially that involving the amendment proposed by the honourable member for Berwick. Clearly on these issues there are arguments for and against the amendment, but the argument against the amendment proposed by the opposition is that it is not dealt with by the Honan report in the form of the amendment.

The Attorney-General has to be able to seek advice from sources on which he can rely regarding issues that do not go to the basis of judicial remuneration but go to advisory opinions and to other matters on which the Attorney-General may seek advice. The Attorney-General can seek advice from a number of sources, including from his department and from whomever he may wish to talk to in the community. If Parliament is setting in place a professional body to advise on these matters, with all the safeguards in place, it is advisable to at least let the Attorney-General seek advice from that body.

The legislation is part of an ongoing process in dealing with the separation of powers, with judicial remuneration and with the recommendations of the Honan report, which identified Victoria as having the least transparent set of judicial remuneration arrangements. It brings Victoria into line with what is now the accepted practice of governments across Australia. It will put into place an open, transparent and certain process, and will ensure that the separation of powers remains in place. For these reasons and a number of others, I commend the bill to the house.

Debate interrupted pursuant to sessional orders.

The SPEAKER — Order! I am required under sessional orders to interrupt the debate and to put the question that the bill be now read a second time. As this bill is required to be passed by an absolute majority and there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

SENTENCING (EMERGENCY SERVICE COSTS) BILL

Second reading

Mr BRACKS (Premier) — I move:

That this bill be now read a second time.

The events of 11 September changed the world that we live in. Although Australia is not under any direct threat, Victorians have felt fear associated with the sending of hoax letters.

We, as Victorians, are united in our condemnation of the terrorist attacks. There are, however, people who, for whatever reason, think that it is clever or a good idea to parcel up some powder in an envelope and send it off to a newspaper, or to some other large office. In the last month we have seen buildings evacuated, workers decontaminated and losses to productivity. These hoaxes have created fear and panic and caused major disruption to Victorians trying to go about their normal business.

Our emergency services have responded promptly and professionally and Victorians can be assured that we are protected by an outstanding group of people who are well prepared and have advanced plans for dealing with occurrences such as these. However, this level of response does not come cheap, and Victorian taxpayers are faced with a bill for up to \$60 000 each time someone decides to perpetrate one of these hoaxes.

This government is committed to a safe and a secure Victoria. We will not tolerate the disruption of our society nor the intimidation of our people. These hoaxes are already a crime and, with this bill, we are creating a further financial deterrent to this type of behaviour. This bill amends the law so that anyone who commits a hoax offence can be ordered to repay emergency services' reasonable costs of responding to the bogus threat.

The courts will not just be asking people to pay this amount out of whatever cash they may have. The debt that will be owed to emergency services will be treated as a judgment debt and so may be repaid by sale of assets or by garnisheeing of wages.

There are several criminal offences that cover hoaxes and deliberate false alarms. The offence of contamination of goods makes it a crime to make any goods appear as if they are contaminated or have been interfered with. It is also a crime to threaten to contaminate any good or to falsely claim that goods have been contaminated.

'Goods' is defined to include any substance, whether natural or manufactured. This extremely wide definition was included so that the offence would cover those who contaminate or interfere with food, water, air or any other substance. This gives the contamination of goods offences the scope to cover a wide range of offending

behaviour, including the hoaxes we have seen in the last month. When a person commits any of these offences intending to cause public alarm or anxiety or to cause economic loss he or she is liable to be imprisoned for up to 10 years.

The contamination of goods offences are not the only offences that can be used against those who trick people into thinking that a danger exists. It is an offence to make a bomb hoax, and it is an offence to either make a false report to police or to do something that causes another person to make a false report to police.

This bill will amend all of these offences so that a person convicted of committing any one of them can be ordered by the court to repay emergency services' reasonable expenses of responding to the situation.

The courts already have the power to order that a person convicted of making a false report to police repay the reasonable expenses incurred by police. However, this does not yet extend beyond police to other emergency services. This bill amends this offence so that any emergency service agency that gets caught up in answering a false report can have their expenses repaid.

This bill makes it very clear that anyone who wastes emergency services' time and money by crying wolf will not only be guilty of a criminal offence — they may be ordered to pay back the considerable costs of responding to the fake emergency they created.

I commend the bill to the house.

Debate adjourned on motion of Dr NAPTHINE (Leader of the Opposition).

Debate adjourned until Thursday, 15 November.

WILDLIFE (AMENDMENT) BILL

Second reading

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That this bill be now read a second time.

There is growing community interest in watching wildlife, and a commercial market is developing to provide tourism services whereby people can view whales and dolphins. It is important to ensure that the appropriate checks and balances are in place to manage the industry on an ecologically sustainable basis.

All cetaceans, which include whales and dolphins, are protected under the Wildlife Act 1975. This act provides a mechanism for overseeing ecotourism activities in Victoria. At present, there are two main industries.

The first industry involves the viewing of southern right whales at Logans Beach near Warrnambool, where whale watchers contribute substantially to the local economy. Figures supplied by Tourism Victoria indicate that whale watchers could contribute as much as \$18 million in a good whale-watching season.

To minimise disturbance to the whales that come to Logans Beach to calve, the whale watching is land-based only. This ensures that the cows and calves are in the best possible condition for their return journey to Antarctic waters.

The second industry involves dolphin sightseeing and dolphin swim tours in Port Phillip Bay. Currently in Victoria five permits have been issued for permit holders to approach closer than the minimum prescribed distance to dolphins for the purpose of conducting swim tours.

The present powers of the Wildlife Act do not make it mandatory for operators to have a permit to undertake swim tours involving dolphins or whales. This is inconsistent with the national guidelines for cetacean observation, which recommend that swim tours should only operate under permit conditions because of the risks of injury or harm to swimmers and cetaceans.

This bill will make it an offence to conduct commercial swim tours involving cetaceans in Victoria, without having the appropriate permit.

The bill also provides additional protection for whales and dolphins by allowing the declaration of tourism areas and setting ecologically sustainable thresholds for permits for these areas, which take into account the best available information about likely impact on cetaceans. However, it does not mean that tour operations in new areas cannot take place. It simply means that any new proposals will be considered in line with the precautionary principle to ensure there is minimal risk of adverse impact on whales or dolphins.

In accordance with national competition policy, the bill also provides for the tendering of permits, once the ecologically sustainable threshold has been established, so that there is equal opportunity for access to permits by those who wish to work in the industry. Successful tenderers may be issued with a permit period of up to two years, instead of the current maximum of one year. This change provides an obvious benefit for the permit

holder whilst allowing the appropriate management of swim-tour areas in response to information on the impact of the swim-tour industry on whales and dolphins in the future.

Currently, approaching a whale at closer than the minimum prescribed distance is considered to be interfering with whales. This is an indictable offence, and a maximum penalty of \$100 000 applies. It is unreasonable for this to apply in all situations.

The bill separates the offence of approaching closer than the minimum prescribed distance from the more serious offence of interfering with whales. This will not diminish the protection of whales but will provide the flexibility to deal with more minor offences by more appropriate means. If approaching the whale leads to interference, then the more serious provisions will apply. However, offences at the minor end of the scale will be able to be dealt with by a small court penalty or, once appropriate regulations are in place, by the issue of an infringement notice.

The bill also makes a range of other minor amendments to the Wildlife Act to provide for improved administration of the act.

I commend the bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Debate adjourned until Thursday, 22 November.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Transport).

ADJOURNMENT

Mr BATCHELOR (Minister for Transport) — I move:

That the house do now adjourn.

Rescode: Queenscliffe

Mr SPRY (Bellarine) — I raise a matter for the urgent attention of the Minister for Planning regarding a matter that is prohibiting progress in building development in the Borough of Queenscliffe.

In some cases development projects have come to a standstill after being on hold for anything up to two years. The problems revolve around the implementation of the Bracks Labor government's Rescode protocols, and as one builder describes it in frustration, the stuff-ups which are caused as a consequence. The

builder describes the new provisions in these terms: 'It's as if the Bracks Labor government is trying to make work for council planners'. In this case the Borough of Queenscliffe spent two years of extensive community consultation on an urban character study, developing a series of planning and development overlays covering the entire borough.

This C7 amendment, as it is called, was submitted to the department in April of this year for endorsement. In the meantime Rescode was introduced, which required not planning and development overlays but neighbourhood character overlays, a subtle change which, typically, requires the borough to start the two-year process again.

In July this year the mayor wrote to the minister explaining the situation and seeking guidance, particularly on incorporating building height controls. To date no response has been forthcoming. Time is ticking away, and time to owners, builders and developers, and architects means money, which generates frustration.

I ask the minister to take urgent action to resolve this issue and restore certainty to the orderly development of this uniquely historic and delightful municipality. The builder I referred to earlier has three big jobs in Point Lonsdale which have been delayed literally for months. There are probably 20 similar projects awaiting processing, at a value of \$10 million or more, but more importantly 40 or 50 tradespeople may be directly affected, and they need help.

Financial counselling: funding

Mr KILGOUR (Shepparton) — I raise a matter with the Minister for Community Services about financial counselling and ask her to take action to support the people who work in the financial counselling area by giving them an understanding of future funding and an assurance that funding will be continued after the end of this financial year.

Financial counselling is an essential service for low-income and vulnerable consumers who are in financial crisis. I know that as part of its election commitment the government said it would increase the availability of financial counselling, which we have not seen, and I know it requires more funds for it to be fully implemented. Currently workers are under enormous pressure to meet the demands of new and existing service users. Waiting times can be from two weeks to four weeks, which can be of great concern to somebody who has received a solicitor's letter or who is in the situation where they may lose a car, equipment and so

on. They need to see a financial counsellor as quickly as possible.

Unfortunately people cannot always advocate for themselves, and frequently their problems are complex and require face-to-face counselling. There are issues such as debtor harassment; the stress caused to clients and family members as a result of acute and chronic indebtedness; debts incurring penalty interest if they are not solved quickly; the imposition of fines; credit reference notations stopping them receiving credit in the future; disconnections from utilities such as gas, electricity, water, telephone and so on; and rent in arrears in the public and private sector causing evictions to take place.

I know the Community Support Fund funds some of Victoria's financial counselling services. My understanding is that at this stage those debt services are funded until June 2002. If these services are at risk it is important that those working in the area have a full understanding about whether the services can continue and are able to be funded after 2002.

The financial counsellors that I have dealt with in Shepparton have been wonderful people who do their work for not a lot of money. They work because they understand they are supplying a wonderful service to the community. It is important that the minister takes action to ensure that these people have a full understanding that the funding will continue into the next financial year and beyond.

Preschools: Burwood

Mr STENSHOLT (Burwood) — I ask the Minister for Community Services to take action to promote the development of innovative preschool programs and to support preschool teachers in terms of career structures and professional development. In the nearly two years since I was elected I have taken a strong interest in and been involved with preschool centres in my electorate and have had frequent discussions with teachers and parents.

There are some good preschools in my electorate. One that comes to mind is the Ashwood Children's Centre, which opened recently after the local council put quite a deal of money into it; its teacher, Fiona Sherlock, runs it superbly. The Wattle Park Children's Service Centre has an excellent program which combines sessions for children between the ages of three and five years with the Princess Elizabeth Junior School for Deaf Children. They are developing very innovative programs, and I want the minister to take action to further develop those innovative programs and build on local contribution as

well as contributions from overseas and other parts of Australia.

Last year in my electorate we had some difficulties with preschools and I organised a committee comprising the local council, preschools and the Department of Human Services to look at the enrolment problems in the area. It particularly involved the Rowan Street Kindergarten in Glen Iris, the Burwood Preschool, the Hartwell Kindergarten, Estrella Preschool in Watson Park, Fordham Avenue Kindergarten, St Dunstan's Kindergarten in Camberwell and Summerhill Park Kindergarten in Ashburton. We had some constructive discussions, particularly trying to solve a problem with two kindergartens that were due to close.

This year a similar committee has been formed and continues to look at the problems facing preschools and what programs can be further developed. I commend the Boroondara City Council for its decision last night with respect to the Glen Iris Uniting Church which will allow a new kindergarten to be built in Glen Iris through the Uniting Church. It also means that an historic building will be preserved and placed somewhere else within the city. I commend the preschools in my electorate.

Aged care: places

Mrs SHARDEY (Caulfield) — I ask the Minister for Aged Care to take action to implement the offer made by the federal government of 500 aged care places in a program known as the innovations pool to enable hospital patients to be transferred to such places so they can be rehabilitated before returning home, rather than being prematurely sent to residential care or nursing homes.

This offer of 500 aged care places was made by the federal government at a meeting of aged care ministers in Adelaide in August. It is estimated that patients being discharged from hospital, particularly under early discharge planning processes, would have an average length of stay in such aged care places of some three months, meaning that over the course of 12 months some 2000 patients could receive care.

I remind honourable members that the number of patients across Australia reported to be waiting in hospitals to go to nursing homes is 2000, and therefore this program would solve many of the problems being raised by this government in relation to its claims that it is the elderly using up places in hospitals and that that means the public hospital system is not coping. One would think that the Minister for Aged Care would leap at the opportunity to apply for these places and bring

them on line, but the minister was dismissive of the offer. The minister is fortunate in that the federal Minister for Aged Care left the offer on the table.

The minister's action in not offering to apply for these places is a political bid by the government and its federal counterparts to ensure that the hospital system in Victoria stays in its ailing state and does not take care of those who it claims need to be cared for post-operatively and post-acutely — that is, the elderly patients in the system. I call on the minister to immediately endeavour to implement the offer made by the federal government so that elderly patients in the hospital system can be cared for and rehabilitated, and perhaps can go home instead of having to be sent to nursing homes.

Calder Highway: upgrade

Ms DUNCAN (Gisborne) — I raise a matter for the attention of the Minister for Transport. I ask him to take action to ensure that the proposed upgrade of the Calder Highway at Malmsbury is safe and meets the needs of both Malmsbury residents and highway users generally.

Honourable members would be aware of the importance of the Calder Highway upgrade to regional Victoria. Many government members have raised this issue on numerous occasions. Although it has been declared a road of national importance the project has been on a kind of drip-feed system from the federal government, where one minute it is committed to providing some funding, there is nothing for a long time, and then a bit more funding is made available. It has been an ongoing issue.

Recent panel recommendations for the intersection of the Calder Highway and Malmsbury East Road proposed an at-grade intersection as part of the Kyneton to Faraday section of the upgrade. The recommendation by the panel has caused great angst in the community and many constituents have contacted my office about this matter. Many newspaper articles have appeared in local papers, with communities lobbying against this proposal.

Concerns centre around safety issues, specifically appropriate and safe access to the highway for residents, tourists and heavy vehicles. A community group called Friends of Malmsbury Gardens and Environs has been actively lobbying for a diamond interchange rather than an at-grade intersection, as has been proposed. The group has made representations to me and has been very public in the local media. It also made representations to the Minister for Planning and the Minister for Transport during a community cabinet

held in Gisborne in October this year. The group was very happy with the meeting with the ministers. It believed it received a good hearing and had an opportunity to put to the government its views and concerns.

The group also raised its concerns with the federal Liberal candidate for Burke, Mr Chris Dawe. Unfortunately for residents Mr Dawe seems to be a bit confused about what they are asking for. In his election material Mr Dawe states that he understands the concerns of local residents and will fight for the installation of a roundabout on the Western Highway at Malmsbury instead of the proposed crossroad. The idea of a roundabout in the middle of a highway is an interesting thought, although it would be a bit hard for Malmsbury residents to access the Western Highway from where they live. I think Mr Dawe means the Calder Highway, but I do not think a roundabout would do the job. I would be interested to hear from Mr Dawe about how he would see that working.

I ask the minister to take whatever action is required to ensure that the Calder Highway upgrade at Malmsbury is safe and meets the needs of both the Malmsbury community and the many motorists who use this critical transport route every day. I pay tribute to the Friends of Malmsbury Gardens and Environs group for its concern for its community and for its activities.

Bridges: Bena–Kongwak Road

Ms DAVIES (Gippsland West) — I raise an issue for the Minister for Transport. I ask him to ensure his department assists South Gippsland Shire Council, Victrack and other responsible bodies in funding the replacement and/or realignment of the road-over-rail bridge on the Bena–Kongwak Road, Kongwak, in South Gippsland.

I will quote from a letter from the South Gippsland shire's asset management engineer. It states:

This timber bridge is in excess of 100 years old and has a recurring problem of the southern abutment sinking which results in the deck springing free of the support and then impacting on the abutment under traffic loading. The responsibility for the bridge maintenance other than the running deck lies with Victrack.

The bridge has a single traffic lane with an undesirable road alignment on the approach from the north or Bena side. This involves a sharp change of direction of approximately 75 degrees over a length of 65 metres, and the approach is downhill towards the bridge. Since the bridge is being used by much larger vehicles than the original design intended, and there is a trend for motorists to generally travel faster now than in the past, there exists a potential for a vehicle to leave the bridge due to substandard guard fence installation, the

drop to the rail line from the bridge deck is in the order of 11 metres.

The bridge traffic count at the moment is between 400 and 500 vehicles per day. More specifically, should the bridge become subject to a load limit, which sounds very likely, it is a very long way around by any alternative route. This bridge is used extensively by the residents of the surrounding areas of Bena, Loch and Almurta.

A single-lane bridge is not appropriate in today's world, especially when it is used by large milk tankers and stock transport vehicles. The South Gippsland rail line will be upgraded over the next couple of years, and part of that upgrading will need to involve the correcting and improving of several road-over-rail bridges along that track. This particular bridge on the Bena-Kongwak Road, being a single-lane bridge with a very poor alignment, warrants the early attention of the minister, and I ask him to ensure that early attention.

Yarraville: toxic site

Mr BAILLIEU (Hawthorn) — I raise a matter for the attention of the Premier. I ask him to provide a conclusive guarantee of public safety for his own constituents in Yarraville. I do so in relation to a property in High Street, Yarraville, otherwise known as the 'arsenic site'. This property is in the Premier's own electorate. It is a vacant site that is regarded as one of the top twelve most toxic sites in Victoria.

A shopping centre development is proposed for that site and a proposed remediation technique for the treatment of the toxicity of the site involves concrete capping. The proposal is to dump a load of concrete on top of a dumped load of gravel and clay and flies in the face of the government's requirement to remove contaminants from toxic sites, such as Docklands. In Yarraville the government is proposing to dump a load of concrete on the site! The Maribyrnong City Council rejected that option, and a subsequent application for a variation to the planning approval went to appeal with a panel hearing. The government has now signed off on the concrete capping of that toxic site.

Mr Mildenhall interjected.

The DEPUTY SPEAKER — Order! The honourable member for Footscray!

Mr BAILLIEU — The history of this site is that it was an industrial site for the manufacturing of agricultural chemicals. A permit was issued in the 1980s under the Cain government. The site has remained vacant since then, and as I said, it is

extremely toxic. The local member at the time made a submission to the committee, and among his comments he said:

Certainly, no development should proceed until a conclusive guarantee of public safety can be provided.

He also said that concrete capping is 'insufficient' and 'only a stopgap measure', and that he would 'be monitoring the process closely to ensure that it is not just capped with a slab of concrete and left in the ground'. Who was the local member? The now Premier, the honourable member for Williamstown.

There has been considerable discussion about this concrete capping proposal, and the Environment Protection Authority auditor who gave evidence to the advisory committee conceded that concrete capping is not the best solution but in fact only a short-term solution that would require long-term treatment.

I ask the Premier again to give a guarantee, which is what he required in June 1999, when he said:

... no development should proceed until a conclusive guarantee of public safety can be provided.

YWCA: Asista program

Mr MILDENHALL (Footscray) — I request the Minister for Community Services to provide funding to the Asista mentoring and friendship program for young women, which is conducted by YWCA Victoria and is part of the high-risk adolescent quality improvement initiative. The program has been a demonstration and pilot project for the past couple of years and is an attempt to connect young women between the ages of 12 and 21 years to role models within the community and to create a social connectedness that will assist them through times of high-risk activities.

The young women involved in the program have come from a variety of backgrounds, including homelessness, protective concerns, involvement with the juvenile justice system and minimal contact with their families. Often their needs are unable to be met by current support systems such as family, social workers and school networks, and they suffer from loneliness and isolation from many of the social contexts and their peers.

The program has been operating in the western region of Melbourne and has been the subject of a positive evaluation. The agency says that the consistent response from mentors, young women mentored, caseworkers, community agencies and other support services indicates that the program is successful and is beneficial as both a preventive and intervention strategy

for young women at risk. Currently 18 mentors are matched with about 20 young women in the program.

Departmental analysis has also shown that the program has enhanced connectedness and has built resilience for at-risk young people and is certainly worthy of consideration for ongoing recurrent funding. As a positive move and a contribution to the stability of young people in the western suburbs I ask that the minister put this program onto recurrent funding and assist these young women at risk.

Colac: airfield

Mr MULDER (Polwarth) — The urgent matter I raise for the Minister for Environment and Conservation concerns the Colac airfield. During the fire danger period the Department of Natural Resources and Environment (DNRE) uses the airfield as a base for its water bombers. The airfield is a strategic base as it is in close proximity to the Otway Ranges and the fire-prone plains country north of Colac.

I note that the government has made available special funds for the upgrading of regional airfields, and I call on the minister to assist the Colac airfield in urgently needed repairs prior to the fire season because the airfield is not designed to cater for the large water bombers.

The powerful props on the planes disperse the gravel from the runways when the planes take off. As a result of the continual landing and taking off damage has been caused to the airstrip, which is designed to cater for small aircraft. However, it would be a bad move if, as a result of the situation at Colac airfield, the DNRE decided to relocate the bombers. The airfield is very close to the Otways Ranges and the plains country, which both experienced bad fires in the last 12 months.

I was very fortunate to have a tour of the Weering area after the last fire with two local farmers, John Reynolds and Russell Code. To be there with the farmers who were rounding up and shooting sheep and assessing the damage gave me a real insight into what those people face every summer in relation to fire danger periods. The bomber is strategically located at the Colac airfield and to move it because of the poor condition of the airstrip would be unacceptable. The cost of upgrading and repairing the airstrip would be somewhere in the order of \$30 000.

The issue concerns not only fire bombers but also tourism for the area. The airfield is used regularly by international and interstate tourists who land at Colac and use hired vehicles to travel into the Otway Ranges and along the Great Ocean Road. It should stay

available for tourism, particularly since the government has just announced a major strategic plan for tourism development along the Great Ocean Road as well as additional funding to assist tourism operators following the Ansett Australia collapse. I am calling on the Minister for Environment and Conservation to look very closely at this issue. It is getting close to the fire period — —

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

Kildonan Child and Family Services

Mr LEIGHTON (Preston) — The matter I raise with the Minister for Community Services concerns the Kildonan mentoring program for adolescents provided under the high-risk adolescent service quality improvement initiative. The action I request of the minister is that she now approve recurrent funding for this program, which was originally a demonstration program.

The background is that in 1998 funding was approved for three demonstration programs across the state. The one in my region was to be provided by Kildonan Child and Family Services. The program was for high-risk adolescents who lacked consistency in their lives, and the mentoring program was to provide a key figure who would provide stable and reliable support, guidance, friendship and assistance.

I want to emphasise several strengths of the program. Firstly, it is worth noting that in the International Year of Volunteers the mentors were volunteers. This draws in wider community support. The volunteers are trained and supported by the agencies, and ongoing support is provided. Secondly, this is a program that can make a real difference in young people's lives by providing them with a stable role model, and it is hoped the mentor will encourage them to continue education and training and will be a positive role model in preparing them for employment. I am aware of one example where the mentor was employed in the IT industry and as a result the young person went on to study information technology at university.

The demonstration program has been evaluated, and in my view it has proved to be a success. More than half the participants were on the high-risk adolescent register and the remainder were classified as at risk. The program has been found to have a positive effect on 70 per cent of the participants, stabilising them and improving safety factors. It is an extremely cost-effective program at \$3600, and in fact has the

potential to be more widely used in areas such as child protection.

I thank the minister for her support and congratulate the agencies, particularly Kildonan and the northern metropolitan region, and hope the minister can — —

The DEPUTY SPEAKER — Order! The honourable member's time has expired. The honourable member for Sandringham has 1 minute.

Rail: Hampton crossing

Mr THOMPSON (Sandringham) — I wish to raise a matter for the attention of the Minister for Transport. Following the recent tragic death in Hampton of a girl crossing the road at a rail crossing, a person who works in my area, Mr Alan Hough, has come up with a constructive suggestion as to how lives might be saved and the danger to young children at rail crossings averted. His suggestion is that prior to a train departing from a railway station the driver be obliged, by way of a rule of the road or a rule of the rail, to wait until any adjacent train travelling in the opposite direction has fully cleared the intersection so that the driver has a clear and unobstructed view of the intersection.

This suggestion is not made lightly; the view was expressed by another train driver who had been involved in a fatal accident where a pedestrian was killed in a rail crossing incident. The idea has been presented in conjunction with someone who has an experienced view of what might be possible.

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

Responses

Mr BATCHELOR (Minister for Transport) — The honourable member for Bellarine raised a matter for the attention of the Minister for Planning relating to resolution of some planning matters in Queenscliff. I will refer the matter to the Minister for Planning.

The honourable member for Preston raised matters for the attention of the Minister for Community Services. I will pass them on to the minister, and I am sure she will take them up.

The honourable member for Caulfield raised a matter for the attention of the Minister for Aged Care and asked her to take up the issue of commonwealth funding. I will pass that on to the minister.

The honourable member for Hawthorn raised a matter for the attention of the Premier relating to a local site

issue in Yarraville. I will pass that on to the Premier. However, I point out to the honourable member for Hawthorn that I understand he has raised this matter previously and the Minister for Environment and Conservation gave an adequate answer, and in fact castigated him for scaremongering and claptrap. He is trying to repeat that here. I understand that Dr Brian Robinson has given him and the community the sorts of confirmation and guarantees that are needed and that works have already commenced on this site under the supervision of both the Environment Protection Authority and the council, so this is a second — —

Mr Baillieu interjected.

Mr BATCHELOR — What's that? What personal explanation?

Mr Baillieu interjected.

The DEPUTY SPEAKER — Order! The minister should respond appropriately!

Mr BATCHELOR — I was being advised by the honourable member for Hawthorn — —

The DEPUTY SPEAKER — Order! I suggest the minister ignore interjections regardless of how helpful they are.

Mr BATCHELOR — Apparently it was the honourable member for Box Hill who raised this matter, but the answer is still the same. I see that there is a tag team of scaremongering and claptrap at work within the opposition of which the honourable member for Hawthorn is a member, along with the honourable member for Box Hill, but I shall pass the matter on to the Premier.

The honourable member for Polwarth raised a matter for the attention of the Minister for Environment and Conservation in relation to the — —

Mr Baillieu interjected.

Mr BATCHELOR — Ted was interjecting. He is very threatening sitting over there. That's right!

The honourable member for Polwarth raised a matter for the attention of the Minister for Environment and Conservation in relation to the Colac airfield, and I will pass it on to the minister.

The honourable member for Sandringham raised a matter — —

Mr Spry — On a point of order, Madam Deputy Speaker, I may be pre-empting what the Minister for

Transport is about to say, but I would not like the issue that I raised to be overlooked. It was very urgent and I would appreciate an acknowledgment and a response rather than it being left out altogether.

The DEPUTY SPEAKER — Order! The minister has already responded to the issue raised by the honourable member for Bellarine. It was the first one he responded to, and he has referred the issue to the Minister for Planning.

Mr BATCHELOR — I gave it an urgent response, all right!

Honourable members interjecting.

Mr BATCHELOR — It was the first one I responded to; you can't get much more urgent than that.

The honourable member for Sandringham raised a very important matter with me following the death of a young child at a pedestrian crossing adjacent to the Hampton shopping centre. I am familiar with that pedestrian crossing. It was a great tragedy: for the family of the young girl concerned, for the train driver and for the local community.

The honourable member puts forward a suggestion from a constituent about some changes to rail procedures. I will pass those on and will also await the determination and findings of the coroner on the matter. A great tragedy has occurred. We must learn lessons from such situations and from the community's approach to relationships between the way people live and the operation of train services within the community. We will be looking to advice from the coroner as well as to the other suggestions, which we will take on board. I will ask the public transport section of the department to consider that suggestion in line with the findings of the coroner on this tragic incident.

The honourable member for Gisborne raised with me the right sort of treatment of the intersection to be created by the planned Kyneton–Faraday section of the Calder upgrade — the next section to be undertaken in upgrading the Calder Highway following the completion of the Karlsruhe section. When the new section is built the upgraded highway will interact with Malmsbury East Road; hence the point of access to Malmsbury for residents and tourists is the subject of her contribution.

The matter was discussed during the planning stage, and the question asked was whether the intersection should be a diamond interchange or an at-grade intersection. That has been the subject of a large

number of representations from the local community and a lot of that time was spent by both the Minister for Planning and me with individuals at our cabinet consultation in Gisborne. A very sensible and logical argument was put forward that the intersection be created as a diamond interchange. The government has now taken on board the comments made, and following consultation with the community the Minister for Planning and I have got together to work through the response. We will be recommending both at the planning stage and at the construction stage that an interchange be provided. That will be great news for the people of Malmsbury and for those who will use the Calder Highway because the interchange will affect both interest groups.

I was a very surprised to hear of the suggestion from the federal Liberal candidate for Burke, Chris Dawe, that it should be a roundabout! We are upgrading the Calder Highway to make journeys safer and more efficient. It is clearly a preposterous idea to put a roundabout in the middle of the Calder Freeway when we are upgrading it. I do not know of any other freeway proposal that includes the installation of a roundabout. The government is rejecting that idea out of hand at this location.

Even more amazing, considering that he is running for the federal seat of Burke, is that Mr Dawe has indicated that the roundabout should be put not on the Calder Highway but on the Western Highway. Mr Dawe clearly has no idea what highways run through the electorate he is a Liberal candidate for, so it is not surprising that he comes up with such a ludicrous proposal. The Western Highway does not go to Bendigo, it goes to Ballarat. I do not know how he could make such a fundamental mistake. They are very different roads and very different destinations, and he clearly has no idea where Malmsbury is. His vote at the Malmsbury polling booth ought to be zero as a result of this blunder.

Notwithstanding what Chris Dawe wants, the state government will listen to what the residents want. Very strong representations have been made on their behalf by the honourable member for Gisborne, who has done a terrific job in putting forward to the government the logic of having the interchange for both the through traffic and the community in and around Malmsbury. The issue is about safety and about making sure that when the upgrade takes place drivers can continue to expect that there will be no intersections, let alone roundabouts, as suggested by the Liberal Party.

The honourable member for Gippsland West raised the matter of a replacement for a bridge over the South

Gippsland railway line. The bridge, which is part of the Bena–Kongwak Road, is an older bridge and a narrow bridge that does not have a great deal of traffic. Clearly it meets the road standards of yesterday, but it does not meet the road standards of today. The government will have a look at this proposal and ask the road and the rail authorities to also have a look at it. Consideration will be given to two things: firstly, whether the bridge is in need of upgrading and over what time frame; and secondly, the budget funding capacity and how the bridge competes with other projects that are clearly also in heavy demand. I will get back to the honourable member on the issue.

Motion agreed to.

House adjourned 4.57 p.m. until Tuesday, 20 November.

QUESTIONS 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 Assembly.
 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.*

Wednesday, 7 November 2001

Arts: ministerial officers' pecuniary interests

433(j). MR KOTSIRAS — To ask the Minister for the Arts whether all ministerial officers currently or previously employed by the Minister have signed a pecuniary interest form; if so, on what date — (a) was the declaration signed; and (b) did the employee commence employment .

ANSWER:

I am informed that/as follows:

All staff working in my office are employed by the Premier. Therefore there are no ministerial officers employed by me.

Women's Affairs: ministerial officers' pecuniary interests

433(l). MR KOTSIRAS — To ask the Minister for Women's Affairs whether all ministerial officers currently or previously employed by the Minister have signed a pecuniary interest form; if so, on what date — (a) was the declaration signed; and (b) did the employee commence employment .

ANSWER:

All staff working in my office are employed by the Premier. Therefore there are no ministerial officers employed by me.

Finance: ministerial officers' pecuniary interests

433(u). MR KOTSIRAS — To ask the Minister for Finance whether all ministerial officers currently or previously employed by the Minister have signed a pecuniary interest form; if so, on what date — (a) was the declaration signed; and (b) did the employee commence employment .

ANSWER:

I am informed that:

All staff working in my office are employed by the Premier. Therefore there are no ministerial officers employed by me.

Major Projects and Tourism: ministerial officers' pecuniary interests

433(w). MR KOTSIRAS — To ask the Minister for Major Projects and Tourism whether all ministerial officers currently or previously employed by the Minister have signed a pecuniary interest form; if so, on what date — (a) was the declaration signed; and (b) did the employee commence employment .

ANSWER:

I am informed as follows:

All staff working in my office are employed by the Premier. Therefore there are no ministerial officers employed by me.

Housing: ministerial officers' pecuniary interests

433(x). MR KOTSIRAS — To ask the Minister for Housing whether all ministerial officers currently or previously employed by the Minister have signed a pecuniary interest form; if so, on what date — (a) was the declaration signed; and (b) did the employee commence employment .

ANSWER:

All staff working in my office are employed by the Premier. Therefore there are no ministerial officers employed by me.

Aged Care: ministerial officers' pecuniary interests

433(y). MR KOTSIRAS — To ask the Minister for Aged Care whether all ministerial officers currently or previously employed by the Minister have signed a pecuniary interest form; if so, on what date — (a) was the declaration signed; and (b) did the employee commence employment .

ANSWER:

All staff working in my office are employed by the Premier. Therefore there are no ministerial officers employed by me.

Planning: ministerial officers' pecuniary interests

433(aa). MR KOTSIRAS — To ask the Minister for Planning whether all ministerial officers currently or previously employed by the Minister have signed a pecuniary interest form; if so, on what date — (a) was the declaration signed; and (b) did the employee commence employment .

ANSWER:

All staff working in my office are employed by the Premier. Therefore there are no ministerial officers employed by me.

Youth Affairs: ministerial officers' pecuniary interests

433(ae). MR KOTSIRAS — To ask the Minister for Post Compulsory Education, Training and Employment representing the Minister for Youth Affairs whether all ministerial officers currently or previously employed by the Minister have signed a pecuniary interest form; if so, on what date — (a) was the declaration signed; and (b) did the employee commence employment .

ANSWER:

I am informed as follows:

All staff working in my office and employed by the Premier. Therefore there are no ministerial officers employed by me.

Small Business: ministerial officers' pecuniary interests

433(af). MR KOTSIRAS — To ask the Minister for Police and Emergency Services representing the Minister for Small Business whether all ministerial officers currently or previously employed by the Minister have signed a pecuniary interest form; if so, on what date — (a) was the declaration signed; and (b) did the employee commence employment .

ANSWER:

I am informed as follows:

All staff working in my office are employed by the Premier. Therefore there are no ministerial officers employed by me.

Transport: Melbourne–Geelong line electrification

484. MR PATERSON — To ask the Honourable the Minister for Transport — whether the Minister will ensure that the electrification of the Geelong to Melbourne rail line is included as a component to be addressed by short-listed companies in the forthcoming fast rail tender process.

ANSWER:

Tender documentation, issued to short-listed bidders on 1 October 2001, invited the three tenderers for the Geelong line to submit a base bid comprising a tender for electrification of the country infrastructure and a tender for infrastructure to carry diesel rolling stock. Acceptance of any electrification proposal is subject to the overall cost and available funding.

Transport: railway land fire hazards

493. MR MAUGHAN — To ask the Honourable the Minister for Transport with reference to fire hazards on railway land in country Victoria —

1. Who is legally responsible for the removal of fire hazards, previously managed by the Public Transport Corporation and V/Line.
2. Who is legally responsible for the removal of fire hazards where the land is managed by VicTrack and leased to Freight Australia.
3. Whether either VicTrack or Freight Australia are regarded as public authorities as defined in the *Country Fire Authority Act 1958* and if not, can either or both be served with fire protection notices for land under their control.

ANSWER:

1. Generally the owner or occupier of land will be responsible for the removal of fire hazards from the land.

Pursuant to section 41 of the CFA Act, the fire prevention officer of a municipal council may serve a fire prevention notice on the owner or occupier of the land (where the owner or occupier of the land is not a *public authority*). A notice can be served in respect of anything on the land (other than a building) that by its nature, composition, condition or location constitutes or may constitute a danger to life or property from the threat of fire.

2. Most of the railway land in country Victoria is leased to Freight Victoria Limited (trading as Freight Australia) pursuant to the Primary Infrastructure Lease. The Primary Infrastructure Lease does not contain an express obligation on Freight Australia to remove fire hazards from the leased land. However, under the terms of the Primary Infrastructure Lease, Freight Australia is required at its own cost to comply with:

- (a) all laws which affect or relate to the leased land or the use and occupation of the leased land, regardless of who the law requires compliance by; and
- (b) all notices, orders and directions issued or given by a governmental, municipal, statutory or public authority which affect or relate to the leased land or the use or occupation of the leased land, regardless of who the notice, order or direction is addressed to or requires compliance by.

To the extent a fire prevention notice is served in respect of leased land, or to the extent any other law or notice relating to the removal of a fire hazard affects or relates to the leased land, it is Freight Australia's obligation to comply with that law or notice at its own cost.

3. *Public authority* in the CFA Act is defined to be any board, commission, trust or other body corporate or unincorporate established or constituted by or under any act for any public purpose. This definition does not include a municipal council.

Pursuant to section 9 of the *Rail Corporations Act 1996*, VicTrack is a public authority, which does not represent the Crown. According to section 41 of the CFA Act a fire prevention notice will only be served on the owner or occupier of land where the owner or occupier of land is not a public authority. A fire prevention notice can therefore not be served on VicTrack.

Freight Australia is not established or constituted by or under any act for any public purpose and therefore will not fall within the definition of public authority in the CFA Act. A fire prevention notice therefore can be served on Freight Australia

Multicultural Affairs: staff bonuses

496. **MR KOTSIRAS** — To ask the Honourable the Minister for Multicultural Affairs — what is the — (a) total number of public servants in the Victorian Office of Multicultural Affairs who received bonuses in 2000–2001 and the amount of each bonus; and (b) criteria used in deciding whether individuals were to receive bonuses.

ANSWER:

I am informed that:

The Department of Premier and Cabinet has a bonus arrangement whereby individuals can be rewarded for superior achievements.

Individuals may, from time to time, qualify for such a bonus if they have contributed to a superior outcome.

The details of these arrangements are confidential and between the employee and the Department, and it is considered that it is not appropriate to provide further particulars.

Health: Sandringham — Royal Dental Hospital waiting list

498. **MR THOMPSON** — To ask the Honourable the Minister for Health — how many Victorians from the postcode areas — (a) 3188; (b) 3190; (c) 3191; (d) 3192; and (e) 3193 were on the Royal Dental Hospital waiting list for treatment at the end of each month from August 2000 to September 2001.

ANSWER:

The number of Victorians from the postcode areas — (a) 3188; (b) 3190; (c) 3191; (d) 3192; and (e) 3193 who were on the waiting list for treatment at the Royal Dental Hospital at the end of each month from August 2000 to September 2001 inclusive is as follows.

Number of Victorians on RDHM Waiting List for Postcodes 3188, 3190, 3191, 3192, 3193	
Date	Number
31/08/2000	225
30/09/2000	241
31/10/2000	250
30/11/2000	254
31/12/2000	255
31/01/2001	262
28/02/2001	252
31/03/2001	251
30/04/2001	240
31/05/2001	216
30/06/2001	206
31/07/2001	212
31/08/2001	220
30/09/2001	229

