PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

7 November 2001

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By authority of the Victorian Government Printer

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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

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Wednesday, 7 November 2001

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.34 a.m. and read the prayer.

PAPERS

Laid on table by Clerk:

Alpine Health — Report for the year 2000–2001

Barwon Health — Report for the year 2000–2001

Beaufort and Skipton Health Service — Report for the year 2000–2001

Benalla and District Memorial Hospital — Report for the year 2000–2001 (two papers)

Colac Community Health Services — Report for the year 2000–2001

Cobram District Hospital — Report for the year 2000–2001

Financial Management Act 1994:

Reports from the Minister for Health that he had received the 2000–2001 annual reports of the:

Nathalia District Hospital

Tallangatta Health Service

Upper Murray Health and Community Services

Yea and District Memorial Hospital

Inglewood and Districts Health Service — Report for the year 2000–2001

Kyneton and District Health Service — Report for the year 2000–2001

McIvor Health and Community Services — Report for the year 2000–2001

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Manningham Planning Scheme — No C22

Melbourne Planning Scheme — No C50

Mildura Planning Scheme — No C14

Portland and District Hospital — Report for the year 2000–2001

South West Healthcare — Report for the year 2000–2001

Statutory Rules under the following Acts:

Administration and Probate Act 1958 — SR No 113

Adoption Act 1984 — SR No 112

Supreme Court Act 1986 — SR Nos 111, 112, 113

Subordinate Legislation Act 1994 — Minister's exception certificates in relation to Statutory Rule Nos 111, 112, 113

Victorian Civil and Administrative Tribunal — Report for the year 2000–2001

Victoria Grants Commission — Report for the year ended 31 August 2001

Wangaratta District Base Hospital — Report for the year 2000–2001

Western District Health Service — Report for the year 2000–2001

Wodonga Regional Health Service — Report for the year 2000–2001 (three papers)

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 3 November 1999:

Environment Protection (Industrial Waste) Act 1985 — Remaining provisions on 1 November 2001 (Gazette S183, 31 October 2001)

Environment Protection (General Amendment) Act 1989 — Section 9 on 1 November 2001 (Gazette S183, 31 October 2001)

ROYAL ASSENT

Message read advising royal assent to:

Building (Amendment) Bill
Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill
Fundraising Appeals (Amendment) Bill
Mineral Resources Development (Further Amendment) Bill
Statute Law Further Amendment (Relationships) Bill
Unclaimed Moneys and Superannuation Legislation (Amendment) Bill

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That pursuant to sessional order 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 8 November 2001:

Melbourne City Link (Further Amendment) Bill

Judicial Remuneration Tribunal (Amendment) Bill

Marine (Further Amendment) Bill

Water (Irrigation Farm Dams) Bill

Victorian Environmental Assessment Council Bill — amendments of the Legislative Council

It is the government's intention to achieve over the next two days the legislative program set out in this motion. Discussions are also under way about another important piece of legislation which may or may not find its way onto the notice paper, but that will be by agreement. The intention of the government at the moment is to signal to members of the house that there might be that additional piece of legislation, but it is dependent on that agreement being reached, and advice on that will be given to the house later this week.

This week we are seeking to conclude the Water (Irrigation Farm Dams) Bill, which is currently in the committee stage. The bulk of the amendments, which have been proposed from all around the house, have been considered and debated at length. It was the government's intention to conclude that this week, as well as dealing with the Victorian Environmental Assessment Council Bill. Those are the bills that it had given notice of and sought agreement on for this week. It was the government's intention to deal with the Transport (Alcohol and Drug Controls) Bill, but following a request from the opposition, debate on it has subsequently been postponed.

However, I would point out that as we move towards the end of the parliamentary session, to continually postpone debate on bills where adequate notice has been given might not always be achievable. The government is happy to accommodate the opposition's request on this occasion; but clearly, if the practice continues and the delay in debating particular bills causes a traffic jam at the end of the session, it may necessitate some longer sitting hours, either late into the night or additional days, which the government is trying to avoid.

Mr McARTHUR (Monbulk) — In responding to the motion I point out how disappointed I am by the approach taken by the Leader of the House, particularly his implied threat about the late night sittings that he intends to force on honourable members later on.

In picking up what he said about the opposition's request about the Transport (Alcohol and Drug Controls) Bill, saying that it is causing the government some difficulty in managing its business program this sitting, I remind the Leader of the House that he has three other bills that have been on the notice paper for quite some time which seem to have mysteriously disappeared from his programming schedule. As late as last Friday the opposition was led to believe that debate on the Livestock Disease Control (Amendment) Bill was going to proceed this week, and it was only at 7.55 this morning that I was officially advised that instead of that bill honourable members would be dealing with the Marine (Further Amendment) Bill.

I ask the Leader of the House what happened to the livestock bill and why the government is not prepared to go ahead with it. The opposition is ready to debate that bill now. What is the government hiding? What is the problem with it?

The other bills that have disappeared off the face of the earth include the Auction Sales (Repeal) Bill, which has been on the notice paper for the whole of the spring sitting. What has happened to it? What has happened to the Country Fire Authority (Miscellaneous Amendments) Bill? Why will the government not go on with the debate on that? Where is the Commonwealth Powers (Industrial Relations) (Amendment) Bill? Do you know what has happened to that bill, Mr Speaker?

The Prime Minister has called a federal election for 10 November, and the Leader of the House does not want a fight with the Country Fire Authority or the stock and station agents, and he does not want a mickey mouse industrial relations bill in here to embarrass the government. That is what he is hiding. That is why this legislation program is completely off track. It is all the doing of the Labor government and it is at the request of the puppet-master here. He does not want an embarrassment in the final week before the federal election.

We hear some ridiculous excuse that the government cannot go ahead with the Livestock Disease Control (Amendment) Bill because it is linked in some way to the Auction Sales (Repeal) Bill, but that is a repeal bill: it repeals the Auction Sales Act. It does not amend, modify or extend it, it abolishes it! So how can the Livestock Disease Control (Amendment) Bill be affected by the impending repeal of the Auction Sales Act? What possible genuine reason is there for it? We are ready to go with Livestock Disease Control (Amendment) Bill; we would like to go with it. This late, 5-minutes-to-midnight change that the government has foisted on what was previously discussed is unreasonable and unnecessary, and it suits the government's federal election support for the Labor Party, but it does not suit this Parliament and it does not suit the best interests of Victoria.

Therefore, I move, as an amendment:

> That the words 'Marine (Further Amendment) Bill' be omitted with the view of inserting in place thereof the words 'Livestock Disease Control (Amendment) Bill'.

That way this business program will have the same number of bills for the week as is currently before the

house. It will be along the same lines as was discussed with the government on Wednesday and Thursday last week when we were setting up what was to occur this week. It was done early in the knowledge that Monday is a traditional quasi-holiday in Victoria and government members were away from their desks and unable to be contacted, and yesterday was clearly a public holiday for Melbourne Cup Day.

The government did that of its own accord by forcing the Parliament to sit through Melbourne Cup week, something that is not usual — and that has caused this problem. This is a problem of the government's own making, which can be easily resolved by simply inserting the Livestock Disease Control (Amendment) Bill into the government business program and deleting the Marine (Further Amendment) Bill. We will still deal with the same number of bills as the Leader of the House originally intended.

We would love to debate the Country Fire Authority (Miscellaneous Amendment) Bill and discuss the reasons why the government wants to stack the board of the CFA and overwhelm the views of the volunteers in that organisation. We would also love to debate the Commonwealth Powers (Industrial Relations) (Amendment) Bill and expose that for the furphy and sham that it is. We would love to debate the Auction Sales (Repeal) Bill to raise the concerns of stock and station agents — —

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

Mr MAUGHAN (Rodney) — The National Party will not be opposing the government business program, but it shares some of the comments made by the honourable member for Monbulk. There are at least three and possibly four bills that the National Party is willing to debate at any time. We are ready to debate the Country Fire Authority (Miscellaneous Amendment) Bill, the Livestock Disease Control (Amendment) Bill and the Auction Sales (Repeal) Bill at any time the government introduces them.

However, we are happy to accommodate the government this week with the Melbourne City Link (Further Amendment) Bill, the Judicial Remuneration Tribunal (Amendment) Bill and the Marine (Further Amendment) Bill, and a number of honourable members wish to speak on the two other bills — the Water (Irrigation Farm Dams) Bill and the Victorian Environmental Assessment Council Bill. Bearing in mind that time is limited because this week is a short sitting week and grievances are to be debated this morning, I suggest a way of accommodating that may be to have lead speakers only on the first three bills and then move on to the last two bills, the farm dams bill and the VEAC bill. If more time is available after that, we could return to debating the first three bills.

The National Party will not be opposing the government business program, but I echo the point made by the honourable member for Monbulk, that there are several bills that we in the National Party are ready to debate at any time. The Country Fire Authority (Miscellaneous Amendment) Bill is one bill that we want to debate, and that can be done at any time. Likewise, I wonder why the Auction Sales (Repeal) Bill and the Livestock Disease Control (Amendment) Bill have been on the notice paper for such a long period when we are ready to debate them at any time.

It is a short week, and we want to spend as much time as possible on the Water (Irrigation Farm Dams) Bill and the Victorian Environmental Assessment Council Bill.

Mr CAMERON (Minister for Local Government) — The comments made by the honourable member for Rodney are welcomed by the government. His approach is sound and sensible — that is, that we get on with the government business program. What we saw in the house last week, and we are seeing it again this week, is a divided conservative party bickering and carrying on simply because it does not have its act together. Unfortunately, it is the Liberal Party that is out of line. It is putting on this charade of mock anger because it wants a diversion from its leadership problems.

What we are seeing is an argument over nothing to take attention away from the fact that the Leader of the Opposition is under pressure. I endorse the position of the National Party. The government and the National Party want to get on with the program.

Mr COOPER (Mornington) — I listened with some interest to the crocodile tears of the Leader of the House as he tried to tell us that we are to have late sittings during the final two weeks of this spring session. This should come as no surprise to honourable members, as warnings were given to the government over the past weeks about its lightweight approach to the legislative program. I well remember only a couple of weeks ago, as the honourable member for Pakenham has reminded me, the government padding things out in order to occupy the time of the house during its three days of sitting. Now we have a situation in which it is trying without notice to bring a bill on, which could logically have been delayed for another week, and in doing so ignores, as the honourable member for Monbulk said,

the fact that it has bills on the notice paper that could easily be debated.

One of the bills I would like to see brought on concerns the amendments to the Country Fire Authority Act. Those are very important indeed, and 60 000 to 70 000 volunteers around this state want to see that bill brought on. They want this debate to occur and to find out whether the government is intent on stacking the Country Fire Authority (CFA) board with its own appointments or is prepared to let the system of appointing people to the board remain independent and free of government control. This is what people want to hear. They want to see this bill debated.

However, the opposition knows full well why the government will not bring it on for debate until after the federal election — it is frightened of having 60 000 to 70 000 volunteer firefighters around this state learn that it wants to stack the CFA board with its own appointments. If this bill were debated this week those CFA volunteers would be making up their own minds about whether they could trust Labor federally, because they know damn well they cannot trust the party at the state level. That is why this government does not want to bring this legislation on for debate. It wants to try to meander its way through with a do-nothing legislative program to match its do-nothing approach to government in the hope that the people of Victoria will not get frightened by some of the stuff it has sitting around on the notice paper.

What about the Livestock Disease Control (Amendment) Bill that the honourable member for Monbulk mentioned? What about that coming up for debate as well? What about the Auction Sales (Repeal) Bill? Is this government worried about what is going to happen out there? Between now and the next state election are we going to have this government continually worried about making legislative changes and about situations in the community that might see it lose even greater support than it is currently losing? That appears to be the approach it is taking. It does not want to bring on legislation that might be politically embarrassing to it until after the federal election. It wants to sit around and delay the business of the house by padding out the program to get by without causing further embarrassment to the lacklustre and mediocre candidates who are running for the Labor Party in next Saturday's federal election. That is what this business program is all about. This government is a disgrace and it ought to be revealed as such.

Mr LANGDON (Ivanhoe) — I am pleased to follow the honourable member for Mornington, because I have just heard his diatribe about embarrassment to the government. Talk about embarrassment — look at the opposition! It cannot even get behind its leader properly to talk about our being embarrassed.

An honourable member interjected.

Mr LANGDON — We shouldn't mention the war; no, we shouldn't mention the war! I wish honourable members well in their endeavours to sort out their own internal problems before they come into this house and try to create havoc in here.

The government business program for this week is a modest program because, let's face it, we are debating the farm dams bill — talk about contentious issues!

Mr Perton interjected.

Mr LANGDON — The farm dams bill is an important part of this program. Before last week the Liberal and National parties could not get their acts together, and there are divisions not only within the Liberal Party but between the opposition parties. The business program incorporates the farm dams legislation, but the opposition wants to bring on the livestock bill because I reckon it considers it is politically embarrassing to us.

The farm dams legislation is politically embarrassing for the opposition, and it knows it. The honourable member for Monbulk was absent during most of the week of the debate, and unfortunately his party has all sorts of internal division on the farm dams issue. The government program is obviously reasonable. Honourable members opposite are trying to put up a smokescreen to hide the fact that they want to limit debate on the legislation. Clearly it is an important issue, as was seen last week from the countless hours that were spent debating it.

Clearly the livestock issue will be debated. The Marine (Further Amendment) Bill is not contentious to my knowledge, yet for some reason debate on that bill is opposed. I support the government's business program because it is reasonable. I am sure that given enough time being available honourable members will be able to have all the debate that is needed. As the Leader of the House said, we can sit longer hours if need be.

An honourable member interjected.

Mr LANGDON — Out of respect for the honourable member I shall slow down, because I realise he is trying to listen to everything I say.

An honourable member interjected.

Mr LANGDON — I will speak more slowly if the honourable member would like me to — or perhaps use hand signals.

The business program is a reasonable one, as has been spelt out by the Leader of the House. The opposition is full of division and clearly wants to put up a smokescreen to cover its ineptitude on its internal issues. I hope the Leader of the Opposition can get his numbers together, because from the government's point of view, we like him being there. I am sure he will speak on the issue to show his leadership, and I am sure his party would like him to show more leadership. I look forward to his contribution to the debate.

Dr NAPTHINE (Leader of the Opposition) — I think some honourable members on the government benches are getting carried away with the debate. The issue is quite simple: when the government was approached last week by the Liberal opposition and asked what bills would be debated during this shortened week — it is an unusual precedent for the house to be sitting in cup week when the next week is vacant, but so be it; that judgment will be made by the people — —

An honourable member interjected.

Dr NAPTHINE — As a matter of fact I did back the winner — I backed Sky Heights, but I backed the winner as well. The Liberal opposition approached the government to seek clarification about what the government wanted to pursue this week. We were advised by the spokesman for the government that it wanted to debate the Judicial Remuneration Tribunal (Amendment) Bill, the Melbourne City Link (Further Amendment) Bill and the Victorian Environmental Assessment Council Bill amendments from the Legislative Council, and that it wanted to finish the Water (Irrigation Farm Dams) Bill. We were also advised at that time that the government wanted to debate the Livestock Disease Control (Amendment) Bill and the Transport (Alcohol and Drug Controls) Bill.

We advised the government in negotiations that we had some concerns about the Transport (Alcohol and Drug Controls) Bill, and it agreed that bill would be removed from the program. There was no mention in any of that discussion of the Marine (Further Amendment) Bill. Between those discussions last week, which were amicable, reasonable and appropriate, and this week, the government for whatever reason has decided it does not want to proceed with the Livestock Disease Control (Amendment) Bill and has drawn from the backblocks the Marine (Further Amendment) Bill.

The Liberal Party has been seeking through reasonable negotiations that the government go back to what its spokespeople originally told us last week — that it wanted to debate the Livestock Disease Control (Amendment) Bill and did not want to debate the Marine (Further Amendment) Bill. In the interests of fairness and reasonableness, I think the amendment put forward by the honourable member for Monbulk provides a reasonable solution. The same number of bills could be debated so that the government business program would not be affected. Irrespective of that change the program will still be stacked up towards the end of the year because of the mismanagement by the Leader of the House and his government team. We will still have that problem because not enough bills were introduced early in the sessional period and the business of the house had to be padded out. A change from debating the Marine (Further Amendment) Bill to debating the Livestock Disease Control (Amendment) Bill would not affect the long-term management of the house, is in line with what we were told last week and is the change we seek.

As the honourable member for Monbulk eloquently said, there are other bills it is open to the government to bring forward. If it is concerned about the program getting jammed up towards the end of the session one has to question why it has not brought on the Country Fire Authority Miscellaneous (Amendments) Bill or the Auction Sales (Repeal) Bill for debate, and why it has avoided completely debating the Commonwealth Powers (Industrial Relations) (Amendment) Bill, a bill that was brought in with great flourish and great anticipation.

We have been ready to debate it for the last three or four weeks. But it seems the government has got cold feet on the issue — it has got scared — because it is reluctant to debate industrial relations in the climate of a federal election campaign. It knows any debate on industrial relations will embarrass the Labor Party. Labor simply cannot deliver a good industrial relations climate in Victoria or Australia, and it would be absolutely embarrassed by any debate on industrial relations. It would similarly be embarrassed by a debate on the Country Fire Authority. It has tried to stack the board of the CFA against the wishes of regional and rural Victoria and the 60 000 to 70 000 volunteers who do a great job in protecting Victoria by fighting fires.

There are plenty of options available to the Leader of the House. The opposition is seeking a little bit of cooperation along the lines of what was discussed last week. It is not the opposition that has changed, it is the government's business program that has changed in the last 24 hours. The opposition is seeking to have it

changed back to where it was at the end of last week, which is what was proposed and what it was prepared for.

Mr ROBINSON (Mitcham) — I am very flattered to follow the Leader of the Opposition in what must be regarded as his valedictory speech on the government business program. The business program is reasonable because it adequately and fairly deals with the circumstances of the house, given that this week is a short sitting week because yesterday was Melbourne Cup Day. I was pleased to hear that the Leader of the Opposition backed a winner yesterday, because it might be the only good fortune to smile on him for some time!

The government business program is also reasonable because it deals with the circumstances that confront the opposition. As a government we have tried to be very fair minded. Anyone who witnessed last week's proceedings during which the Liberal and National parties fell out spectacularly over farm dams — to the point where the debate had to be adjourned — would not want those circumstances revisited on the Parliament. That is why the government will not bring forward the Livestock Disease Control (Amendment) Bill as has been proposed. If the opposition parties are unable to sort out their position on farms dams, the government doubts very much that they would have any chance of sorting out their position on livestock.

The circumstances that confront the house are unusual given the rampant media speculation that the Leader of the Opposition's position is under serious threat. We know opposition members have had a busy week. It started this morning as they proceeded into this place with the usual lines — they support their leader, they have confidence in the job he is doing, and they look forward to his long and fruitful service. All the usual lines were trotted out. We know that the leadership issue is distracting them and that they would not be able to attend to a normal business program this week. Further on that point, the business program is reasonable in the circumstances because it allows opposition front benchers to attend the many meetings that are going on. Where is the honourable member for Berwick? He is having coffee and doing the numbers. Where is the honourable member for Warrandyte?

The SPEAKER — Order! The honourable member for Mitcham should confine his remarks to the motion before the house.

Mr ROBINSON — The government business program is exceedingly reasonable, because we are all too familiar with the challenges and congested diaries presented to honourable members opposite. The government wants to allow them every opportunity to deliberate on those pressing matters which are important to them and which have come to the fore through media attention in recent days.

The opposition's proposition that the government should somehow load up the two sitting days this week with more bills and run the risk of having protracted disputes between the two opposition parties is nonsense. What has been put forward is very reasonable. The Parliament works best when honourable members are given an opportunity to contribute to debates on bills. In the past two years proceedings in this Parliament and this chamber in particular have been characterised by the far greater opportunities honourable members have been given to contribute to debates on bills than was the case previously. I support the government's business program, and I wish opposition members good luck in all their deliberations this week.

Mr RYAN (Leader of the National Party) — As the honourable member for Rodney has already indicated, the National Party is prepared to accept the government business program — but there is an important qualification to that support. I for one accept unreservedly that advice has been given which is different from that given in other quarters. The opposition has indicated its understanding of what the program was to have been, and an amendment has been moved by the manager of opposition business having regard to the advice the opposition received. In the circumstances the reasonable thing for the government to do would be to accept the amendment. Certainly the National Party would be perfectly happy with a government business program that incorporated the Livestock Disease Control (Amendment) Bill and deleted the reference to the Marine (Further Amendment) Bill. The National Party will debate any blasted thing that comes before this Parliament! It is happy to talk to anyone at any time, and it is ready to go ahead with these bills.

There has been a palpable misunderstanding. I would like to think that the discussions between those involved in the preparation of business programs are based on mutual understanding, because everyone wants to reach an accommodation that best suits the running of the Parliament. Arguments between honourable members about what was and was not said are pointless. The National Party is happy to debate the Livestock Disease Control (Amendment) Bill. It seems to me that the simplest solution is for the Leader of the House to accept the proposition advanced by the

opposition, amend the business program accordingly and get on with it.

Mr STENSHOLT (Burwood) — I rise to support the government business program, speaking as I do after members of the opposition, including the Leader of the Opposition, whom I recall saying after the Burwood by-election that he had only two years left in the saddle. That is almost up now.

The reasonable program being put forward by the government today follows on, as others have mentioned, in terms of the farm dams legislation. Some of them should take a swim in the dam or a cold shower in terms of their discussion on the program! Members of the opposition are clearly in a deal of ferment. The government would like to be entirely flexible, as it was last week, to give honourable members opposite plenty of time to consult among themselves. I note the honourable members for Benambra and Warrnambool were consulting vigorously earlier. I am sure there are to be many meetings this week for consultation on the program the government has put forward, or perhaps on other matters, not including the Melbourne Cup, I am sure, but maybe looking for a new colt — a colt from Malvern or something like that!

As I said, this program is very reasonable. Obviously the government wants to finish off a few things like dams and City Link so we can all go for a ride. I notice Liberal members are going the wrong way down Toorak Road, as we said the other day. It is a reasonable program and one that we can do in the two days we have available to us in this short week. A reasonable program has been put forward by the government.

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

Amendment negatived.

Motion agreed to.

MEMBERS STATEMENTS

Australian flag stickers

Mr LUPTON (Knox) — I congratulate two firms, Elna Press and radio station 3AW, on their initiative in promoting Australia by the use of the Australian flag on car stickers.

Following the 11 September murders of a number of Australians in New York and the decision by the federal government to send Australian soldiers overseas, these two companies got together and designed a car sticker which has the Australian flag and the words, 'Young and free' on it. My office has been distributing the stickers for the last week or so and prior to that was also distributing Australian flag stickers. We have got rid of about 200 of those already.

I believe any organisation anywhere in Australia that is prepared to promote Australia the way these two firms have done deserves all the congratulations it can receive. Australia is a great, free country and a very lucky country. Australians should be proud of the fact that we have such a country. I urge every Australian to obtain one of these car stickers and put it on their car.

I hope eventually all members of Parliament will take the initiative and place one of these stickers on their car to show how proud they are of our magnificent country.

Kardinia Cats

Mr TREZISE (Geelong) — I take this opportunity to recognise and commend the Salvation Army community access program and specifically its work with the Kardinia Cats football team. The Kardinia Cats football team is made up of people who are interested in Australian Rules football and who suffer a mental illness or are marginalised from their community.

The team plays in the Reclink Football League, which is about bringing recreational activity within the reach of people who experience social disadvantage. The Kardinia Cats team has provided its members with a sense of ownership and belonging. They represent Geelong in the navy blue and white jumpers and through their involvement with the club are developing skills that can be used to obtain work or study.

The Kardinia Cats has proved to be an inclusive community process for Geelong, and it has provided an opportunity for people who may never have had the opportunity in the past to participate in a team game. The Salvation Army community access program supports the team as a creative approach to engaging people in their community who have a mental illness.

I congratulate the team on its participation and success this year and wish it success next season. I commend all people involved from the Salvation Army community access program.

Kevin Sarre

Mr MAUGHAN (Rodney) — Kevin Sarre was arguably Australia's greatest machine shearing champion, winning more than 60 open competitions

and twice holding the world record for the most sheep shorn in one day.

Kevin began shearing in 1949 and at 17 years of age achieved his first shed record, shearing 226 sheep in a day. He began shearing competitively in 1950, winning the learners contest at the Echuca show. In 1953 he won his first Australian championship title at 20 years of age, and in the following nine years won four Australian championships, was runner-up three times and won one third placing. In 1957 he set a world record when he shore 327 sheep in a day and eclipsed that in 1965 when he shore 346 sheep in a day.

Kevin was acknowledged by the Australian Wool Board, the New Zealand Golden Shears committee and the Australian Workers Union as the best all-round shearer in the world.

The Lockington Living Heritage Complex has almost completed a biography of Kevin Sarre and is producing the Kevin Sarre Shearing Legend touring exhibition, both of which will be launched in Hay, New South Wales, on Australia Day weekend 2002. I congratulate the project coordinator, Louise Ross, and researcher Margaret O'Brien on their initiative and enterprise, and invite honourable members to visit the exhibition and make a contribution to the production — —

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

Juvenile justice: Indochinese communities

Mr LIM (Clayton) — Honourable Speaker, you will recall that every time in the last four or five years the Youth Parole Board tabled its annual report in Parliament I drew to the attention of the house the fact that the board had cried out about the lack of targeted services for young offenders from the Indochinese communities either while they are serving in the juvenile justice system or after they are released back into the community.

Sir, I have great pleasure now in drawing to your attention and the attention of the house a significant change in the latest report tabled last June. This was achieved after only one year of the Bracks government's election.

The board noted that there are still significant increases in the number of young offenders from the Indochinese community, but it said it is pleased about the initiatives undertaken by the government to provide target services to its Indochinese clients. The board sang the praises of, firstly, the Indochinese support service for young offenders at the Ecumenical Migration Centre, which provides a statewide service to 10 to 17-year-old offenders; secondly, the Indochinese support worker at the Melbourne Juvenile Justice Centre, who is based there to provide a whole range of services to young Indochinese people on remand or serving sentences; and thirdly, the service run by the Brosnan Centre, which employs a Vietnamese worker to work with Indochinese — —

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

Templestowe Heights Primary School

Mr KOTSIRAS (Bulleen) — I condemn the Minister for Education for using schools in my electorate as scapegoats to explain why this Labor government is allocating less money to state schools. Recently I received a copy of a letter from the president of the Templestowe Heights Primary School council to the minister, accusing her of not speaking to the schools in my electorate and implying that she is using them for political purposes. I quote from that letter:

> Our school council is concerned over an article which appeared in the *Manningham News* … on Wednesday, 3 October, this year … The article related to the projected school global budgets for 2001 and in several paragraphs you were quoted. The poorly constructed article presented our school and one other in a poor light.
>
> Our concerns therefore relate to the manner in which the information was offered to the media outlet …
>
> In the past whenever individual school information was to be released in some comparative form we had been pre-warned. As this did not occur in this instance, has there been a change of policy of which we are unaware?
>
> I look forward to receiving your response to table at our next school council meeting.

I now call upon the minister to explain why Templestowe Heights Primary School was treated with contempt and used for political purposes. This minister has been a disaster for education in this state, and the sooner she is replaced the better it will be for our students!

Rail: Tullamarine link

Mrs MADDIGAN (Essendon) — There could be no greater illustration of how Liberal and Labor governments operate than the process undertaken in relation to the airport rail link. Honourable members will recall that under the previous Liberal government an attempt to run the link through the Broadmeadows line was undertaken in a most stealthy manner. That government came to the conclusion that Broadmeadows was the preferred route, without any

consultation with local councils, with state members of Parliament or, indeed, with the community. The fact that the government was going ahead with an amendment to the Hume planning scheme was not even mentioned in this house until it was raised by Labor members much later in the process.

The contrast is stark. The Labor government has gone through an extensive consultation process whereby the community has been involved — —

Dr Napthine — A Clayton's consultation process!

Mrs MADDIGAN — The opposition leader says it was a Clayton's consultation process, yet only last week he was still saying that if the rail link was to be built it should be built down the Broadmeadows line. He has obviously taken no notice of the consultation process or of the many reports that have been done which show that Broadmeadows is not the preferred route. I find it bizarre that the Liberal government, which was tossed out because it would not listen to the community, is showing two years later that it still does not listen. Will it ever learn?

Waverley Park

Mr WELLS (Wantirna) — I condemn the state Labor government and in particular the Premier for their failure to save Waverley Park for Australian Football League (AFL) football and their deplorable actions in trying to cover it up by deception and by refusing to release documents. The Premier has covered up his government's inaction and deception for more than 16 months. He has spent over $20 000 of taxpayers' money to prevent the Liberal Party discovering, on behalf of all loyal Victorian football fans, the truth that he and his government knew in May 2000, that there was absolutely no hope of AFL games ever returning to Waverley Park.

This is just another example of the do-nothing Bracks government's failure to uphold its promise of transparent, open and accountable government and its lack of commitment to average Victorians by breaking yet another election promise that it always knew it could never keep.

During the 1999 state election the current Premier declared while launching the ALP's sports policy that only he would save Waverley Park. Waverley Park supporters angrily remember the news headlines reporting the Premier's comment — 'I will save Waverley Park'. The Premier continued to maintain the Waverley Park charade so he could save face over an embarrassing broken election promise. The Minister for Planning even told Parliament during question time in August 2000 that the government was continuing to press the AFL to hold elite games at the park. It is no wonder the Premier has tried to keep this a secret.

Liberal Party: Murray federal candidate

Mr HOWARD (Ballarat East) — I raise a matter of concern to land-holders across Victoria, and in particular to land-holders in the Goulburn Valley, relating to water availability. The concern relates to where the federal member for Murray, Dr Sharman Stone, has been over recent weeks and what her position is on water availability issues.

The people of the federal Murray electorate have seen a bitter dispute arise between the National Party and the Liberal Party over water availability issues. We would have expected a parliamentary secretary in the federal government to take a position on these issues and to speak to her state counterparts about her views in an attempt to clarify them. It is of significant concern that Sharman Stone has simply not expressed her view. We wish to know whether she sides with her state Liberal colleagues or her National colleagues. The people of the Murray electorate have been wanting to know what her view is on this significant issue and why she has not been able to show leadership on — —

Dr Napthine — On a point of order on the rule of anticipation, Mr Speaker, the honourable member is talking about an issue relating to the Water (Irrigation Farm Dams) Bill, which is currently in the committee stage. He is trying his level best — but failing — to cover that up. I draw the rule of anticipation to your attention.

The SPEAKER — Order! I do not uphold the point of order raised by the Leader of the Opposition. However, the honourable member's time has expired.

Freedom of information: request

Mr WILSON (Bennettswood) — While in opposition the Labor Party made many promises about its commitment to improving freedom of information (FOI) provisions in Victoria. When in government the Attorney-General announced via a memorandum dated 2 February 2000 that:

> FOI laws should now be interpreted by departments and agencies in a manner that reflects a willingness to disclose information.

They were hollow promises indeed! The reality is that FOI in Victoria is now in a shambles and the level of political interference is at unprecedented levels.

The worst politicisation of FOI occurs in the Department of Premier and Cabinet. My most recent experience of the politicisation of freedom of information in the DPC concerns my request for documentation on media monitoring by the Bracks government. My freedom of information request was received at the DPC on Thursday, 23 August, yet by Friday, 24 August, the FOI officer was indicating that my request would be refused unless it was modified because it would unreasonably divert the resources of the department. That position has since been confirmed by the DPC.

No wonder the department, under instruction from the Premier's private office, is working night and day to deny me access to this information. I am aware that in the DPC alone there are more than 500 invoices covering media monitoring between October 1999 and August 2001. I am also in receipt of evidence that between July 2000 and June 2001 the DPC spent more than $250 000 on media monitoring. That is a staggering quarter of a million dollars over 12 months by one department only.

Chris Jones

Mr ROBINSON (Mitcham) — On Thursday, 25 October, a tragic accident at Nunawading claimed the life of 50-year-old Chris Jones. Chris suffered from cerebral palsy and had been confined to a wheelchair for many years. He was well known in the Nunawading community. His disability, however, had not stopped him vigorously representing the rights of disabled people in this state. Significantly he had never let his disability limit his activism. He was a regular public transport user and frequently travelled across town.

The circumstances of the tragic accident have been well documented, and a coronial inquiry is under way. I know all members of this house extend their sympathies to the family of Chris Jones and to the driver of the train, as well as the passing car driver or drivers who valiantly attempted to rescue him on that occasion.

I note that in a tribute to Chris Jones entitled 'Reaching out to the community' Mel Smith says, among other things, that 'no human being deserves to be trapped inside a disabled body, unable to scream or move as well as be trapped in a public place out in the community'.

The tragic death of Chris Jones reminds us that in a thousand ways through the things we see, and more often through the things we do not see, disabled people confront monumental challenges. Chris Jones spent his life championing this cause, and his death reminds us starkly that the cause must continue.

The SPEAKER — Order! The honourable member for Pakenham has 30 seconds.

Pakenham bypass

Mr MACLELLAN (Pakenham) — I refer the Minister for Transport to his attendance at a public forum in Pakenham. I want the minister to give an undertaking that he will pursue the Pakenham bypass so that it will be completed as soon as possible after the federal election.

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

GRIEVANCES

The SPEAKER — Order! The question is:

That grievances be noted.

Government: performance

Dr NAPTHINE (Leader of the Opposition) — I grieve for Victoria, which is suffering once again from a typical Labor government: a high-taxing and high-spending government. Despite massive expenditure the government is still failing to deliver important basic services to Victorians. It is failing to deliver on health, education, community safety, major projects and major infrastructure. It is failing to deliver to the most vulnerable in our community — that is, those who desperately need early intervention services.

The 2000–01 financial report on the state of Victoria confirms that this Labor government is the biggest taxing government ever in Victoria. Victorians and Australians need to know that you get one thing guaranteed, absolutely, and for sure when you get a Labor government: a high-taxing government. A vote for Labor is a vote for higher taxes. In Victoria this Labor government confirms that.

The report just handed down for the recently concluded financial year shows that receipts from payroll tax are up by $186 million — that is, a 7.3 per cent increase in payroll tax receipts in the last financial year. In the two years that this government has been in office payroll tax has gone up by $356 million — an increase of 16.2 per cent. In the same financial year in which there was a 7.3 per cent increase in payroll tax, Victoria's gross state product increased by only 2.5 per cent. There has

been a decline in growth rate but a massive increase in payroll tax because the government is more concerned about taxing Victorians than about delivering services and providing a cost-effective business structure in Victoria.

I refer to gaming taxes. Honourable members will well remember the 1999 election campaign and the Labor Party saying it would reduce the reliance of the state Treasury on gaming taxes. What happened when it was elected? It has fundamentally broken that promise, like it broke the promise to save Waverley Park. As with a myriad other promises, it has simply failed to deliver. Not only has it failed to deliver but it has gone in the opposite direction: there has been a massive increase in gaming taxes. In the last year alone gaming taxes were up by $128 million to a record $1.648 billion, which is the highest level of gaming taxes ever in Victoria's history. Under a Labor government which promised to reduce the reliance on gaming taxes those taxes have increased by $240 million in two years. This government is a government that simply cannot be trusted on its promises — and it certainly cannot be trusted to deliver lower taxes in Victoria.

Land taxes were up by $100 million in the last financial year, or 23.5 per cent. In the past two years in this state land taxes increased by 38.2 per cent, which is a massive increase. Businesses across Victoria are feeling the pinch from that. As Victorian businesses are getting their land tax bills they are receiving letters from the Treasurer saying the government will reduce land tax. However, when they compare their bills with those from last year and the year before they see their land taxes going up, because this government says one thing about taxation and delivers another. It says it will reduce business taxes when in reality it is increasing business taxes.

Honourable members know what happened with stamp duty. In 2000–01 the government budgeted to receive $1.04 billion in stamp duty but actually received $1.284 billion, a windfall gain of $244 million or 23.5 per cent. That windfall gain was on the back of increased property prices, which were stimulated by the efforts of the Howard government to reduce interest rates and provide sustainable and strong economic growth for Australia, including the introduction of the first home buyer grant, particularly the grant for new home buyers across Victoria. The Labor government collected a windfall gain at the expense of home purchasers in Victoria.

In the two years this government has been in office it has collected more than $1 billion in extra taxes, and it will not stop there. This is a government that says it will reduce business taxes. It says it will introduce a better tax package, but the reality is that is a Clayton's tax cut and another Labor lie. It is another Labor promise that simply will not be delivered because the Labor Party is a high-taxing party that does not understand business; does not understand the need to keep Workcover costs down and business taxes down; and does not understand the need to provide a competitive environment for employment and investment in this state.

Honourable members only have to look at the coming year's budget projections. Remembering that we are in an environment where over the past two years the government has massively increased taxes across the board — stamp duty, land tax, payroll tax, gaming tax and motor vehicle registration tax — its projections for the next financial year, as recorded in the budget that was handed down in May this year, show that it expects not reductions in these taxes under its Better Business Taxes program but greater tax collections from Victorians and Victorian businesses. Payroll tax will be up another $55 million, gaming taxes will be up by $116 million, land tax will be up by $42 million and stamp duty will be up by several hundred million dollars. Forward projections for this financial year and future financial years are for increased taxes in Victoria and not reduced taxes.

The Labor Party is absolutely consistent. Victorians and Australians need to give credit to the Labor Party for consistency because it is consistently high taxing; it consistently has its hands in the pockets of business and ordinary Australians and Victorians. Anybody who votes on Saturday should be under no illusion that a vote for the Labor Party is a vote for higher taxes, which is exactly what has happened in Victoria: you elect a Labor government and you get a high-taxing government. You also get with it a high-spending government that cannot control its own expenditure.

Over the two years the Labor Party has been in office expenditure has increased by $3.3 billion, or 17 per cent. The report for the last financial year that has just been handed down shows that expenditure increased by 8 per cent across the board when the state's growth rate was 2.5 per cent. That is an increase in expenditure that is more than double and is nearly treble the growth rate. Spending on public servants was up by 17 per cent over the two years and was up by 10 per cent for last year alone. There has been a massive increase in the bureaucracy — in fat cats and jobs for the boys for Labor people — but we are getting less and less performance in terms of service delivery.

This is a massive taxing and high-spending government, but it is not delivering on fundamental infrastructure for the people of Victoria. There are no major infrastructure projects. There is simply nothing happening because the government is bogged down with 500 reviews, committees, inquiries and task forces. There is no decision-making or action.

Mr Lenders interjected.

Dr NAPTHINE — 'Regional rail', the honourable member interjects. Where is the regional rail? How many spikes have been driven? How many sleepers have been laid? Zero has been done. There has been plenty of talk but no action, which is typical of a Labor member. There have been no major projects undertaken by this government.

All our health indicators show that the health services are worse under this government. There have been massive expenditure increases but increased ambulance bypasses, increased waiting lists and increased waiting time in emergency rooms.

The police annual report has just been released. It shows increased crime statistics. Crime is up, not down. The hours that police officers have spent out on the beat have been well below the target. The hours that they spent in looking after road traffic were well below target. Is it any wonder, when you have a Labor Party which in opposition promised to reduce the road toll by 20 per cent! The road toll has actually gone up. It was a stupid promise. It was stupid because the Labor Party knew it could not deliver. We are all concerned about the road toll, but to try to politicise it like that was absolutely irresponsible. The road toll has gone up since Labor has been in office each year. As the police report states, the police cannot meet the target set out for patrolling our streets and making them safer.

This government is a typical Labor government. It is a Labor government from the Cain–Kirner school of economics — high taxing and high spending — and it simply cannot deliver. The money is going into increased public service wages and increased numbers of jobs for the boys in the public sector, and there is no delivery of services to the people of Victoria.

The people of Victoria and Australia need to be warned on Saturday that if they vote for Labor they will get a high-taxing, high-spending government that simply cannot deliver on its promises or on the basic services to the people of Victoria and Australia.

Electricity: Basslink

Mr RYAN (Leader of the National Party) — I grieve on behalf of Gippslanders in relation to the Basslink project. Of course in the end it is up to the Victorian state government to make the call in relation to this project insofar as it affects Victoria's sovereign territory. I want to be clear about that at the outset, because it is an onus which rests squarely with the Victorian Labor government as to what ultimately transpires in relation to Basslink insofar as the project is to cross the Victorian countryside.

I make these comments in circumstances where, as I have said many times, I support the general principle of Basslink. I support the notion of having an interconnector running between the state of Victoria — effectively the east coast grid — on the one hand and Tasmania on the other. I support the principle of doing something to assist the circumstance of Tasmania, which is in need of being supplemented because it simply does not have enough power to be able to sustain its energy needs now, let alone what it wants to do in the future and by way of expansion.

Basslink is a $500-million project. It is a project of major dimensions by any definition, and therefore I support it. I also support it because I can see the argument that there is a benefit for Victoria in the construction of the project. So I support the principle of it. What I trenchantly oppose, what I absolutely oppose, what I have always opposed and what I will continue to oppose is the practicality of the construction which is sought to be employed by Basslink for the purpose of building this project. It is wrong in the way it is being envisaged and in the way it is intended to be implemented. What the government of Victoria has to do is act in relation to this project and ensure it is not built in the way the proponents contemplate.

There is a raft of issues that have arisen, and those matters have evolved with the passage of time. I remember when I was first elected to Parliament in 1992 this was an issue kicking around in South Gippsland. In early 1993 I called a public meeting at Leongatha to consider the issues and implications with regard to Basslink. About 10 people turned up. We had more people there from the old State Electricity Commission of Victoria, as it then was, and more people from the Basslink organisation, such as it then was, than we had people who wanted to come and hear about it — because it was a non-event.

It was only in mid-1999 or thereabouts that the thing took a turn for the worse in the sense that the reality of it finally materialised. I was in the hall at Leongatha in

August 1999 when 1000 people came to voice their opposition to the Basslink project — not, as I said, so much to the issue or the principle, but rather to the way it was actually to be built.

Now the issue has reached the point where a joint advisory panel has been appointed for the purpose of considering the integrated impact assessment statement that has been issued by the proponents. That panel is now going about its work. I still say that whatever might be the ultimate outcome of the panel's deliberations, and with the greatest respect to the panel and its members — I accept unreservedly that they are going about the task that has been allocated to them — nevertheless, in the end the state Labor government in Victoria has to make the call in relation to this project.

There are many issues of concern to Gippslanders. The first is the pylons issue. I pause to pay tribute to a true local hero in Rosemary Irving. What a fantastic task this lady has undertaken. She has dedicated effectively about two or three years of her life to contesting this issue on behalf of Gippslanders. I am sure when the proponents of Basslink dreamt up this scheme they never anticipated they would run into someone like Rosemary Irving — all tribute to her.

The concern that Ms Irving and so many others of us in Gippsland have expressed is the prospect of some 200 of these pylons being built, each of them 45 metres high — the height of the Great Southern Stand at the Melbourne Cricket Ground — marching across some of the most beautiful countryside of Victoria, and doing so in circumstances where they will not only necessarily intrude upon the landscape which is owned by private people but they will cross public land in a lot of instances, and that will have ramifications. Those ramifications will be many.

There will be fallout for farmers upon whose properties these pylons are to be built. It is said on behalf of the proponents, 'Oh well, we're down to about 14 or 15 of those farmers, so the damage is not going to be much'. I say to the proponents on behalf of those farmers who are directly impacted that they have a grave concern about the prospect of these cursed things being built upon their property and the subsequent impact that will have on their way of life and the valuations attributable to their properties. It is a huge issue for those farmers and, quite rightly, I put their concerns on the record in this Parliament.

There is the issue of the prospective travel of this project through the Mullundung State Forest. Again, there is potential for enormous damage to be done to some beautiful areas of Gippsland. Then there is the general impact on the landscape at large. These are issues that we in the Gippsland region should not have to cop.

The practical fact is that the proponents are trying to use yesterday's technology in the form of these pylons in relation to tomorrow's project, and they can do better. It is accepted that they can do better. It is accepted that they can put the cable underground and that the pylons are not necessary. The issue is one of cost. I say that Gippslanders will not bear the cost that has to be expended in relation to this project. If the proponents are going to proceed they should have to put this cable underground.

Then there is the question of the use of the cable under sea. It is intended that a monopole cable will be used in the project. When you look at the assessment statement presently under consideration, at page 8 it refers to the fact that:

> Basslink will be a 400-kilovolt direct current (DC) monopole electricity interconnector with sea electrodes either side of Bass Strait.

Again, there is an enormous amount of evidence to say this is yesterday's technology and it should not be employed. Rather, the proponents should be using the HVDC bipolar technique, which is accepted in other parts of the world. As I say, tomorrow's technology should be employed in this project, not yesterday's.

There are also marine life issues. Many have been highlighted by the fishing industry and by residents along the Gippsland coast. I receive calls from them regularly. Only yesterday Lesley Joyce — who participated in evidentiary hearings recently at Yarram — rang me again to express her concern about these issues. Many people are expressing these concerns to me. These marine life issues need to be taken into account.

There is the question of the damage to the reefs offshore, particularly from McGauran's Beach. Much to the surprise of the proponents, we have now found there are extensive areas of the most magnificent reefs located under the waters of Bass Strait in that area, and invariably if the project proceeds the cable will have to be laid through that reef and damage will be caused accordingly.

An issue not often spoken about is the deviation to shipping that is caused because of the effect of the monopole cables. That looms as a prospective problem.

Then of course there are the corrosion issues. I might say in that regard that there is an enormous amount of

evidence as is and that it is growing for the various organisations and entities who are concerned about that important issue. I have before me a letter dated 30 October from Duke Energy International directed to me and signed by the managing director, Julie Dill. In the course of it she says:

> DEI is fully supportive of the Basslink project.

But she then goes on to say:

> DEI's analysis, which was presented to the Basslink joint advisory panel … at the Hobart hearing (11 October 2001), concludes that the proposed monopolar cabling technology, which returns electric current through the sea and ground rather than by wire, will impact the safety and integrity of steel infrastructure within a 100-kilometre radius of the Basslink cable.

She goes on to say further:

> DEI's specific concerns with the Basslink proposal include:
>
> > the quality and validity of available Basslink data;
> >
> > the potential for major corrosion of DEI's pipelines due to the electrolysis effects from the monopolar system;
> >
> > the severe impact on the safety and integrity of DEI's pipelines, reducing pipeline life expectancy from 40 to 15 years;
> >
> > inability to mitigate corrosion on the Tasmanian offshore pipelines; and
> >
> > increased operational and costs risks caused by the cable are currently impossible to assess.

In those comments Ms Dill has emphasised that, like me, Duke Energy supports what is proposed by the project in principle but objects strenuously to the mechanisms employed in building it.

Only today in the *Age* Duke Energy is again quoted as saying:

> In a letter to be issued to the advisory panel today, Duke Energy International's chief operating officer, Chuck Richards, said the company 'has not been able to find a situation elsewhere in the world where a monopolar structure and a high-pressure gas pipeline are installed in parallel with each other for their whole length … DEI has concluded that there is no technically proven method of mitigating corrosive effects at the Tasmanian end of the pipeline.

I might say that similar views have been expressed by organisations such as Esso Australia Ltd, Origin Energy, Gippsland Water and many others to whom I have spoken and from whom I have received material about this project. That advice accords with the advice I received when I engaged Aegis Consulting for the purpose of supporting the submission which I made to the joint advisory panel on 31 August this year. Indeed I look forward to appearing before the panel next Wednesday, 14 November, to further press these issues.

Where does all this lead us? It comes down to this: the proponents bear the onus. They have to demonstrate that they can build the project in accordance with the appropriate requirements. The people of Gippsland do not have to disprove the sorts of issues that are being thrown up on a daily basis, which represent the risk and the folly of this project and the way it is now proposed to be built. Gippslanders do not have to exempt themselves from the impact of the project. What the proponents have to do is demonstrate, within the usual boundaries, that this project can be built in a way which does no harm to Gippsland and which will serve its proposed end in a way which is not going to damage either the people or the environment.

Where does the government stand in all this? A very clear onus also rests with the government. In the end, the Victorian state government has to make the call. Its members cannot palm it off to anybody else. Yes, we have a joint advisory panel, with representation from the federal sphere and from Tasmania. Yes, we have a mechanism in place which was agreed to by the previous government and which has been adhered to by this government. But the practical fact is that 10 years on from the design of this project, 10 years after it was first conceived and 10 years after Tasmania said, 'We need help and this is the way we think it can be done', the Victorian state Labor government is going to have to make the call about what happens. Its members cannot palm it off to anybody else; it is their responsibility.

What have we heard from them so far about the merits of the proposal? We have had absolute silence. They have ducked the issue. When Gippslanders are crying out for support from the government of the day, we have heard nothing. When we have wanted help from the incumbent government we have got nothing out of it. All we have had so far — apart from some bleating by the Premier and the Minister for State and Regional Development about a couple of passing issues — has been a ducking of responsibility for making a determinative call on this. We have confusion in government ranks. We have the Minister for State and Regional Development on the one hand saying, 'It's a Tasmanian project; it's nothing to do with us', and we have the Premier of the state on the other hand saying, 'Yes, I accept that this is a project which has benefit for Victoria'.

Why do we have that confusion? It is because the Minister for State and Regional Development knows that if he acknowledges there is a Victorian benefit in

this, then the argument, which I believe is compelling, is that the government should at least consider contributing something financially to enable this project to get up. The government should at least be playing the part of an honest broker, working as a catalyst to ensure that this project succeeds, if it is the case that the project is of benefit to the state — which the Premier of the state believes.

While it is all right for the state Labor government to put $70 million into the extension of the Eastern Freeway because its members think it is environmentally acceptable, why should the people of Gippsland not be able to have the same sort of advantage provided to them — if it is to be defined as an advantage at all? I do not call it 'advantage'; I call it 'equity', and I call it 'justice'. Gippslanders are entitled to the same treatment from this government as its members are prepared to accord to metropolitan Melbourne. I believe it is a compelling argument.

As I said, in the end the Premier and his government are going to have to make the call. The responsibility rests with them; it does not rest with anybody else. I can tell you now that Gippslanders will be watching the outcome keenly.

Liberal Party: federal election campaign

Mr ROBINSON (Mitcham) — This morning I grieve about the Howard government's continued posturing on public education and the mistruths it is putting around. Not surprisingly, education is a top issue in the federal election campaign. It was a leading issue in the 1999 state election campaign, and since that time the state Labor government has delivered on its commitments to make education the top priority. However, in the federal election campaign Liberal Party candidates are claiming that the federal coalition government has invested huge resources in education and that the state Labor government is not pulling its weight.

I dispute that claim most vigorously, particularly the claim of the federal Liberal member for Deakin, Mr Phillip Barresi. He claims that the state Labor government is not matching the federal coalition government's commitment in education. This is a little rich from a member of a government whose leader claimed that the best thing he had done for education was introducing the GST. That still has them laughing in the aisles.

The record will show that in the two years since the state Labor government was elected it has injected millions of dollars into state education and has done a far better job than its predecessors. In the Mitcham electorate, which falls entirely within the federal seat of Deakin, there are a number of prime examples of that.

I start with Laburnum Primary School, which in the last days before the 1999 state election was promised $600 000 for an upgrade by the then Minister for Education. It later transpired that that amount was worked out on the back of an envelope and represented providing some 10 classrooms at an approximate cost of $60 000 each. It was a commitment that the regional office of the Department of Education had never had the chance to cost, verify or do any analysis of. It was used by a desperate government to blatantly pork barrel at the last minute. The state Labor government has more than matched that commitment. Indeed, the $600 000 committed by the previous Liberal government has worked its way into a commitment now approaching $1.5 million. That project has been scoped far more generously to allow for the circumstances of that school, and it demonstrates the current Labor government's commitment to public education.

I refer also to Mitcham Primary School, which in the by-election campaign in 1997 was the subject of some attention. That primary school was dreadfully run down and had major physical faults. A large part of the old school building was cordoned off, with plaster falling off the roof. It was unusable. During the campaign we committed $250 000 for an accelerated upgrade. That was delivered within months of our coming to office in late 1999. Furthermore, the government injected a further $1 million for the stage 2 upgrade. That school now has resources that have never previously been made available to it. All in that school community, particularly the principal, Ian Sloane, are doing a wonderful job.

Antonio Park Primary School in Mitcham received three major boosts this year. The first was a $70 000 minor works grant for a staff and administration upgrade; the second was that in the physical resource management system maintenance funding it received a record $650 000, and the third was just two weeks ago when it was included on the master planning list for a major upgrade, something that it has never previously had.

Rangeview Primary School in Mitcham received a generous minor works upgrade for toilet facilities. Under the previous government, a Liberal member in the area informed the school, which was seeking assistance for toilet upgrades, that under the maintenance arrangements it was entitled to use the money granted to it for asphalting works for the toilet

upgrade. This turned out to be hopelessly wrong. Indeed, the rules that are laid down for school funding make it more or less illegal for schools to transfer funding from asphalting works to other minor works of that nature. The minor works grant that the school has received for the toilet upgrade has since been supplemented as there were some unforeseen difficulties with the toilet upgrade work, but it is now proceeding satisfactorily.

Unfortunately Blackburn Lake Primary School suffered a fire about two weeks before the last state election. The previous Minister for Education vowed and declared that the school would be rebuilt and would reopen in a few months. It would have been the most jerry-built job ever seen if that had been allowed to occur. The then minister used the throwaway line, knowing it to be incorrect. It was picked up by an education official at the time, but he simply replied that it was a good line and the media should run with it. The $900 000 allocated to that fund has since grown to about $1.2 million, because in the interim the state Labor government has delivered much better facilities or entitlement schedules, and that school now, with building works well under way, will benefit from an extra permanent classroom and, I believe, one multi-use room.

We can look at a number of other initiatives — for example, global budget increases or lower class sizes — and we will see very readily that the state Labor government's commitment to education is first class and much more generous than the amount the federal Liberal–National Party government purports to be investing. In comparison, I ask honourable members to look at what the federal coalition government is not doing for schools in the Mitcham electorate. I direct the attention of the house to the Old Orchard Primary School in Blackburn North which, like many schools, provides before and after-school care for its students. The school currently funds some 15 students in before-school care and 30 students in the after-school care programs. Since February 2000 the enrolment at the school has increased by almost 30 students and most afternoons the after-school care program is fully booked. Further growth is anticipated.

However, the school has been advised by Centrelink that applications for additional before and after-school care places for 2002 have closed. Centrelink has also told the school that the Whitehorse area is not considered high growth, and there is no guarantee that the application lodged next year will be approved. The earliest that the school will be able to access additional places is likely to be 2003. That is entirely unacceptable for a school that is trying to do the right thing by its community in an area of growth, and shows very clearly how totally out of touch the federal government is with the needs of schools in the eastern suburbs. It will be interesting to see whether the Honourable Phillip Barresi, the federal Liberal member claiming to be the champion of public education, is able to lift a finger in pursuit of that very significant need in the community.

I further grieve about the mistruths being put about by the Liberal Party in this place and in other places concerning the Eastern Freeway extension. I note that in the debate that took place in the upper house last week claims were made that somehow the project has been delayed and time lines were blowing out. It is worth noting that this is totally hypocritical of the Liberal Party, and, I refer honourable members to a statement by the Honourable Rosemary Varty in her last speech in the upper house on 13 May 1999 when in her contribution to the budget debate she talked about the then inadequate allocation of $255 million for the Eastern Freeway extension and said:

> This budget provides for that to be done. The project will extend from this financial year through to 2004–05 at a total expected cost of $255 million.

Not only was the funding granted at that time totally inadequate, but the time lines Mrs Varty proposed are the time lines that are still in place. Since then there have been two significant developments. The first is that the funding has been supplemented by some $71 million delivered this year to get that important project completed, and the second is that the government consulted with the community and delivered on a very notable improvement in the original design to allow for some 1.5 kilometres of longer twin tunnels that will be of great advantage in preserving the environmental qualities and the appeal of the Mullum Mullum Creek Valley.

The federal Liberal member for Deakin, Mr Phillip Barresi, would be better served by explaining to his constituents not what a good job the state Labor government is doing in terms of funding for public education, because that stands on its own record; but why his government has insisted on a goods and services tax on education and why his government and he himself support such a massive transfer of funds to the very well-off, privileged and rich category 1 schools.

Saizeriya project

Ms ASHER (Brighton) — I grieve for the state of employment in Victoria, specifically because we are now seeing the unions jeopardising investment in this

state. I direct the attention of the house to a particular investment in Melton by a Japanese company, Saizeriya. This $40 million investment would create 170 jobs in Melton. I note that the Premier and the Minister for State and Regional Development boasted that they had secured the investment for Victoria. I refer to a press release dated 23 August 2000 issued by the Minister for State and Regional Development that states:

> Mr Brumby said it was a significant win for the Melton region and for Victoria, secured with the assistance of the Bracks government.

He went on to indicate that the project would start in 2001. Even the honourable member for Melton chipped in and welcomed the announcement.

In essence, Saizeriya is a Japanese company operating 300 Italian restaurants in Japan and the investment was to build a food production facility in Melton sourcing local ingredients in Victoria with a view to developing a significant new export industry. The Minister for State and Regional Development said this was the first investment by this company outside Japan.

The Minister for State and Regional Development said that the investment:

> … came to Victoria because of the encouragement it received from the Bracks government.

That statement was made on 7 September. However, the sad fact is that while the Bracks government and the Minister for State and Regional Development claimed they had secured this investment, Victoria may lose the investment because of the government's inability to handle the trade union movement in this state.

I note also that a press release issued by the Minister for State and Regional Development on Tuesday, 20 March 2001 entitled '$40 million investment at Melton gets under way' refers to a groundbreaking ceremony for the commencement of this project. The Minister for State and Regional Development stated in his press release:

> We are therefore pleased to have played a role in highlighting Victoria's advantages to Saizeriya and to have worked in partnership with the company, Melton Shire and Western Water to ensure that the project got off to a smooth start.

The project may well have got off to a smooth start but unfortunately what we are seeing at the moment is not smooth progress.

Indeed the Minister for State and Regional Development was so excited about this particular project that he attended the groundbreaking ceremony on 20 March, and by 21 March the project had expanded in his mind and he referred to a $50 million project creating 200 jobs. So in his mind in the space of one day the project had become larger than it was. However, the sad fact of the matter is that even at that stage the Minister for State and Regional Development was aware of the role the unions were playing in jeopardising this project, because he said:

> I believe if we get this right we will see more such investment in the future.

The reality is that the government and the trade union movement are not getting this project right. The project has been stalled and delayed and has been the victim of serious problems. It was to start in 2001 but is now the subject of a serious demarcation dispute between the National Union of Workers, the union of the Minister for Industrial Relations, and the Australian Manufacturing Workers Union, the union of Premier Bracks, headed by Craig Johnston.

The AMWU is obviously upset that the NUW has a greenfield agreement on this site, and in a bloody-minded fashion the AMWU has stopped steel being delivered to the site and significantly delayed the project, with severe ramifications for Victoria. Last week a small amount of steel got through, but the intention of the AMWU is to stop this investment project that both the Premier and the Minister for State and Regional Development boasted about obtaining for the state of Victoria.

I wish to make a number of observations about this disgraceful action by the AMWU supported, not surprisingly, by the Construction, Forestry, Mining and Energy Union (CFMEU). The first is that the project is of real importance for Victoria. Do not just take the word of the Minister for State and Regional Development on this. I refer to a hearing before the Australian Industrial Relations Commission (AIRC) when Ian Kennedy, who holds the office of director of regional industries for the Department of State and Regional Development, appeared and gave testimony on the importance of this investment for Victoria. He talked about the personal role of the Minister for State and Regional Development in securing the project, about the future export industry to Japan and about the fact that, given this was the first investment for Saizeriya outside of Japan:

> This has meant that its actions in investing in Victoria have been closely followed by competitors and shareholders alike.

He talked about $125 million of locally grown raw materials to be used annually. He even spoke about the possibility of Victorian wine exports being part of the

project. He also talked about potential long-term developments with indirect employment, creating some 1500 to 3000 new jobs. This senior bureaucrat, occupying very high office in the Department of State and Regional Development, told the AIRC that this investment is of such importance that Victoria's international reputation was at stake, and further said:

> I believe that if we lose this investment and if the company were to walk away from the current project, Victoria's reputation as a place to invest would be significantly damaged throughout Japan.

This is what the union is doing at the moment to Victoria's reputation. This bureaucrat went on to say:

> It would send a firm message to current and potential investors in Japan that the industrial relations system in Victoria has caused the downfall of this project and would damage our reputation as the place to do business in the future. I believe that the damage caused by the failure to stop the industrial action and the possibility that Saizeriya will not continue with this project will also impact on Victoria's reputation outside of Japan. I am advised that the company has a number of European and American shareholders. Consequently, such an incident as Saizeriya withdrawing or reducing its investment would cause significant damage to our reputation across Europe and the United States of America.

Mr Kennedy went on to say:

> If the industrial action is allowed to continue, I believe that Saizeriya will walk away from this project and will seek to withdraw portions of the funds it has committed to this project. I have been informed by senior company managers that they are frustrated that the unions have been allowed to continue in this manner and that production has not been able to commence at the plant and that it would be easier for the company to walk away than continue in this current industrial environment. The cost of losing this project would not only be felt in Victoria but also internationally. I believe that we would lose credibility with potential investors not only in Japan but also in Europe and the United States of America. It may also cause existing investors to hesitate to make further investments in Victoria and potentially elsewhere in Australia.

What a damning indictment of the Bracks Labor government's inability to handle the unions in Victoria, made even more damning by the fact that the AMWU is the Premier's union and notwithstanding the fact that he has listed in his latest register of interests that he has withdrawn from the union.

The Minister for State and Regional Development and the Premier have made much of the fact that they are fighting the case in the AIRC. However, the easiest thing for the Premier to do was to pick up the phone. The unions have installed this Premier. I mention that the AMWU is supported by the CFMEU in this. No doubt all of us will remember the destabilisation of the previous Labor leader, John Brumby, and the role of the CFMEU in the walkout at the Labor conference, and the CFMEU supports this industrial relations action. The CFMEU and the AMWU are actively stopping this major investment that both the Premier and the Minister for State and Regional Development boasted about.

It is important to note the role of the Minister for Industrial Relations, because it is her union that secured the greenfield agreement on this site which has in effect caused the entire dispute. The whole project is now 9 to 10 months behind schedule. It reflects a much broader concern about the state of industrial relations in Victoria under the Bracks Labor government.

Orica has already made comments about this, and here we see a very senior executive in the Department of State and Regional Development putting firmly on the record in his own witness statement how pivotal this investment is to Victoria and how dreadful it would be for employment in Victoria if the investment were not to occur.

Given the constraints of time, I urge the Premier to pick up the phone, tell the unions to butt out of this investment and allow the private sector in this area to get on with creating jobs in Victoria.

Greater Geelong: projects

Mr LONEY (Geelong North) — I grieve for ratepayers in the northern suburbs of Geelong, particularly in relation to the discriminatory treatment they are receiving from the Liberal-dominated City of Greater Geelong Council.

Under the current Liberal Party mayor of Geelong, the — —

Mr Perton interjected.

Mr LONEY — Today's *Geelong Advertiser* reveals that the former mayor, Ken Jarvis, was a major donor to the Liberal Party — —

Mr Perton interjected.

The DEPUTY SPEAKER — Order! The honourable member for Doncaster is required to cease speaking when the Chair speaks. I ask him to stop screaming out!

Mr LONEY — The northern suburbs of Geelong have been treated disgracefully by the council under both the current Liberal Party mayor of Geelong, Srechko Kontelj, and former mayor Ken Jarvis. In fact the only service that is given to the northern suburbs of Geelong by this council is lip-service, and in that it is

absolutely consistent with its federal colleagues, the Howard government and the former state government under Jeff Kennett. Honourable members would recall the former Premier going around to electorates threatening that if they did not vote for him, they would get nothing.

Mr Baillieu interjected.

Mr LONEY — Well, what is going on down there is a bit more subtle, but it ends up with the same result. There are always empty promises about doing something for the north, but an analysis of the council's performance shows otherwise. It appears that the City of Greater Geelong's budget is being used to prop up Liberal marginal seats, and particularly that of Bellarine.

If one looks at the last three budgets produced by the City of Greater Geelong Council one finds that in 1999–2000 spending on the areas north of Ballarat Road, as detailed in the council's capital projects detail section of the budget papers, appendix 4, was $2.923 million out of a total capital budget of $35.490 million. The Bellarine area's specific project allocation was $5.870 million, which equates to 8.2 per cent of the capital budget in the northern suburbs, compared to 16.5 per cent in Bellarine.

Mr Baillieu interjected.

Mr LONEY — What I will do for the honourable member for Hawthorn in a minute is tell him the ones that should go ahead in the north. It is interesting how he wants to prop up his Liberal mates!

Mr Baillieu interjected.

The DEPUTY SPEAKER — Order! The honourable member for Geelong North should not respond to interjections. The honourable member for Hawthorn will cease interjecting!

Mr LONEY — So 8.2 per cent of the budget in 1999–2000 went to the northern suburbs compared to 16.5 per cent going down to Bellarine. But it gets worse because $916 000 of the money spent in the northern suburbs was spent on the Corio landfall, a regional facility included in that area's budget. If one takes that figure out, the situation is even worse.

Turning to the ward summary included in the 2000–01 budget papers, one finds that Corio ward was allocated $3 381 500 and the Bellarine ward was allocated $7.191 million, equating to the Corio area receiving 13.2 per cent of the budget compared to Bellarine with 28.1 per cent.

Included in the Corio allocation was a $2.1 million allocation for the Corio landfill, with an interesting little note in the budget papers saying that in part it is about fulfilling an agreement with Geelong Grammar School. The $2.1 million shows the Liberal Party at it again, just like its federal education policy — it props up the rich and disadvantages the rest!

The 2001–02 budget allocation came after the last local election and the installation of the current Liberal Party mayor who came in promising a back-to-services council and a fair go for northern residents. The budget papers and the ward-by-ward major project analysis in the city plan shows Corio, Cowie and Windermere wards receiving $1.856 million. Cheetham and Coryule wards in Bellarine are receiving $1.047 million. On paper it looks good for the north; you might say things were improving. However, the Corio landfill facility pops up again, this time with an allocation of $1.6 million. In the City of Greater Geelong's budget papers only $256 000 is actually left to be allocated to other projects in the northern suburbs.

Over the three-year period that I have just gone through the northern suburbs are over $6 million behind Bellarine in these allocations. It gets even worse because $4.5 million of the money that has gone to the north has been for the Corio landfill. What explanation can you come up with? There is only one: the Liberal-dominated council is looking after a Liberal marginal seat.

The northern suburbs of Geelong are the single biggest community in the City of Greater Geelong's boundaries and they are consistently being short-changed. They have the largest rate base, contributing more to this council than any other part of Geelong through their huge industrial and manufacturing areas — contributing hugely to the council's coffers — and they are being short-changed. I challenge the council and the mayor to come out and reveal to the people of the north how much the city has collected from the north in rates over three years compared with what has been given back. That will show clearly how we have been short-changed.

I also ask the mayor: where was the north's money for playgrounds, skate parks, open space, library services, halls and community and sporting facilities, et cetera? If you look at this year's city plan they are simply not there. When you look at the major projects program for Corio ward, Corio landfill rehabilitation is allocated $1.6 million, and there is money for kerb and channel replacement, and for footpath replacement. In Cowie ward there is money for road surfacing programs, for a footpath replacement program and for kerb and channel

replacement. Cowie ward does not get one community facility out of the funding. Not one! This is what they are doing in the area: ripping it apart just like they do if you put them in government at any level — it is the Liberal way to rip the community apart.

This situation becomes even worse when the council's current performance is looked at. I look first at the Goldsworthy Road Athletics Centre clubrooms and track. This is a fairly important athletics track in Victorian terms and was the first Little Athletics venue in Victoria. It could have been the no. 1 club and generously gave that away — over 300 young athletes compete there every Saturday morning — and it suffered the situation some time ago of having its clubrooms burned down.

Mr Leigh — What did you do about it?

Mr LONEY — I'll get to that in a minute. Thank you for the question. That's great; you can always get a dorothy dixer from the honourable member for Mordialloc!

The clubrooms burnt down some time ago. After some fudging around we heard stories and rumours that the council had collected the insurance money but was not going to put it back; that it was going to divert it to another part of Geelong; that there were plans for an athletics facility, perhaps in Bellarine, and that maybe the money would go down there. I wrote to the mayor and asked some specific questions: 'Has the council received the insurance payments for the fire?'; 'If so, how much, and when was it received?'; 'What is the current status, when will the new clubrooms be provided for Goldsworthy Road?'. I pointed out the significant deterioration in the track to the point where it was becoming unsafe and asked what council's position on that was: had it made any budget provision in relation to these matters and did it have plans for opening up other athletics facilities?

I got a reply, but not from the mayor. The mayor does not bother to write back, a normal practice. I had a reply from a middle-level bureaucrat. What did he say? He said the council had received an insurance payout of $117 667 in respect of the fire that destroyed the athletics facility.

He said that these funds have been paid into consolidated revenue and there is no provision for the clubrooms at Corio; that a business case for new clubrooms and track upgrade will be submitted for consideration as part of the council's 2002–03 budget process. There are no guarantees at all. The council just fobs us off by saying it will put a business case up for the next budget, which is still a year away. There is no commitment at all. There is nothing at all about the state of the facility and no budget provision in relation to the track.

There is also no commitment by the council to keep the Corio customer support centre open, and in fact it is under threat of closure. That centre is much needed in the community, which is poorly served by public transport. This mayor's idea is to centralise it all. Under a bit of pressure from the other side of Geelong he said recently that the council would keep the customer service centres in Bellarine. I wonder why! I challenge him to give the same commitment to the people of Geelong's northern suburbs and to keep the centres in Corio. There should be no more nonsense from him that it is somehow related to best value, because we know — it is on the record and in writing — that it was part of the 1998 policy outlined by Jeff Kennett for the centralisation of the Geelong customer service centres. He is following Liberal Party policy through and through.

Honourable members should have a close look at the public open space policy that was released recently by the council. Rather than delivering increased public open space in the north, what will happen? It will actually remove from the north the recreational facilities that are currently used to provide sporting opportunities for young people in the area. The Corio little league football oval is one of the places at risk because of this so-called public open space policy. You would think a public open space policy would be about extending rather than reducing open space.

The regional library service has been withdrawn from the North Geelong Secondary College, which is costing the school a huge amount of money for recataloguing et cetera, but what has the council had to say? It has said, 'There will be no assistance for that; if you want assistance with something for that you will have to pay us tens of thousands of dollars and then we will have a look at the catalogue'. The list goes on and on. The Hendy Street hall burnt down some time ago, and there is still no decision about whether or how it will be replaced.

This council is clearly discriminating against Geelong's northern suburbs. You can never trust a Liberal on these issues — they simply lie!

ALP: Dunkley federal candidate

Mr COOPER (Mornington) — How fortuitous it is that the honourable member for Geelong North was speaking on a matter relating to local government,

because I also wish to address that subject today. It is also fortuitous that the Minister for Local Government is in the house and listened with considerable interest to the honourable member for Geelong North. I hope he will listen with considerable interest to what I have to say.

I grieve on the state of local government in the City of Frankston. I do so based on evidence given to a central activity district development inquiry undertaken by the upper house. I am sure all honourable members of this house and the other place will read with some interest the report on that inquiry now that it is publicly available. Having regard to the evidence that has been presented to that committee, particularly the evidence that was presented on Friday, 2 November, I would have thought by now we would have heard an announcement from the Minister for Local Government that he would finally reluctantly instigate a full inquiry into what is going on at Frankston with regard to the tendering for this development in the central activity district. But we have heard nothing at all from the minister. He has gone to ground. He has gone under a rock and obviously he will try to stay there until after the federal election next Saturday.

This matter is connected with the federal election next Saturday, because the man at the centre of the allegations made by four of his colleague councillors is the Labor candidate for the federal seat of Dunkley, Cr Mark Conroy.

It is interesting that some of the allegations were made by two councillors who are members of the ALP. One of them is the mayor who succeeded Cr Conroy only a few weeks ago, Cr Cathy Wilson. The other member of the ALP is Cr David Asker. The other two councillors who gave damning evidence against Cr Mark Conroy are Cr Vicki McClelland and Cr Dianne Fuller. That evidence could not and should not be ignored by any responsible, decent government, but it is being ignored by this Bracks government. In particular it is being ignored by this Minister for Local Government. This minister is a disgrace in that he will not act to address the issues raised by these four councillors. The mayor of Frankston, Cr Cathy Wilson, said that Mark Conroy was pushing the bid for Gandel even though the bid by Grocon was clearly better, and that he was using his influence and intimidatory tactics on other councillors to try to get them to move their support for the continuation of the Grocon bid over to the Gandel bid.

The Minister for Local Government is running like a scared rabbit out of this house. He is frightened to sit in here and listen to something that is embarrassing to him and to his government. He is frightened and scared because he does not want to hear the words ‘corrupt’ and ‘crooked’ used in relation to this latest Labor Party candidate. He does not hear those words, but they are the only words to describe Mark Conroy. He is corrupt and crooked, and the evidence of his fellow councillors clearly shows him to be that.

We have Cr Vicki McClelland, who saw Mark Conroy on the phone after the committee decision to put the Grocon bid forward. She saw him on the phone ringing and says he would definitely have been ringing Gandel because shortly afterwards Gandel increased its bid. How coincidental! We have Cr Dianne Fuller, who as far as I understand is certainly, if not a member of the Labor Party, a strong Labor supporter and has been for years, saying in a diary note she wrote that Mark Conroy is corrupt. That is what she said in evidence to the committee: Mark Conroy is corrupt. I do not think she will back away from that. She clearly considers Mark Conroy to be beyond the pale in regard to his activities as a councillor.

Then we have Cr David Asker, who is a member of the ALP. He was invited to a meeting at an office where he was acquainted with the fact that the person who was there at the meeting with Mark Conroy was fully in possession of all the confidential facts that had been presented to the council during a briefing. At that briefing there had been a Powerpoint presentation and all of the councillors gave their Powerpoint presentation notes back to the council staff after the meeting — except one. One councillor kept the notes, and that councillor was Mark Conroy.

It is not a surprise then that when Cr Asker went to that meeting and found the other person at the meeting was in full possession of all the facts, he believed Cr Conroy had broken his oath of confidentiality, broken the law and told other people of the negotiations that were going on. He had done that clearly with Gandel because it increased its bid, and he had clearly done it with the other person at the meeting. Cr David Asker said the other person at the meeting had full knowledge of the tender details, not just a few bits of information. He had clearly been acquainted with that by being given the Powerpoint presentation notes and by conversations he had had with Mark Conroy.

The government — and the Minister for Local Government, who just slunk out of the chamber like a rat because he did not want to hear things that he does not like to hear and that would maybe make him start up a full inquiry into the matter — is prepared to overlook what is going on in the Frankston City Council, yet we have just heard the honourable member for Geelong North whingeing, complaining and

bleating about a whole lot of minor events down in Geelong and saying that it is all a big problem and the Minister for Local Government should be intervening and doing something about it.

No doubt the Minister for Local Government, who was listening so carefully to the honourable member for Geelong North, will be inquiring into this matter. He will be sooling the dogs from the department onto the Greater Geelong City Council. But when you have corruption and crooked behaviour from a man who has been mayor for two terms and is a candidate for the Australian Labor Party at the coming federal election on Saturday, and who has been dobbed in by his own party colleagues and two other councillors, what do we get from the minister? Out the door he goes! What do we get from the Premier? Nothing! They are ignoring all of us.

Why are they doing it, Mr Speaker? You are a fair man; you would have to ask the question, and the only answer you would get is that this government, this minister and this Premier are prepared to stand by and watch a corrupt and crooked man hopefully — in their view — win the seat of Dunkley next Saturday. That is what they are on about. They do not care about decent behaviour of members of Parliament or candidates at an election. They care about putting the Labor Party first and all sense of decency, honesty and fair behaviour out the back door — those things come second, third or fourth. They are prepared to have a corrupt and crooked man elected as the Labor Party member for Dunkley next Saturday rather than face the music: that the Labor Party has made a mistake and has endorsed someone who should be in jail. That is where he should be. He is a disgrace.

The opposition has evidence in these documents of councillors saying he has used intimidatory tactics. He has stood over them and they say they are scared of him. What kind of a man is this? What kind of a candidate is this for a party with an illustrious history such as the Australian Labor Party? How can they sit around and wait for this man to face up to the electors next Saturday?

There is no doubt in my mind that Bruce Billson, the Liberal candidate, will be re-elected. He is a decent, honest man who has performed very well over two terms. Cr Mark Conroy's reputation throughout Frankston stinks, and so it should. What is important now is not so much the fact that the Labor Party is going to stick with Cr Conroy next Saturday, but that neither the Minister for Local Government nor the Premier is prepared to act on what has happened with this matter. They have done nothing.

Mr Maxfield interjected.

Mr COOPER — There is no inquiry.

Mr Maxfield interjected.

Mr COOPER — You talk about an inquiry — get back to Narracan and milk a cow, if you know how to. There is no inquiry but instead a failure to have an inquiry. The upper house has been forced to act to do something the government should have done. If the minister had initiated an inquiry as he should have under the terms of his oath as a minister there would not have been anything happening in the upper house — not a thing — but this minister refused to do that. The Premier clearly supported his minister, and they refused to act against Conroy.

I urge all honourable members in this house, particularly those who sit over there and in particular the man who will not be here after the next election, the honourable member for Burwood, who will be tossed out on his ear.

Mr Stensholt interjected.

Mr COOPER — You're gone!

Mr Robinson interjected.

Mr COOPER — And so are you — you're gone as well!

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. The honourable member for Mornington should address his remarks through the Chair.

Mr COOPER — But you are not any of those things, Mr Speaker, none of them, but they are. Just have a look at them, Mr Speaker: they look like the Three Stooges sitting over there: Curly, Larry and Moe!

Mr Robinson interjected.

The SPEAKER — Order! I ask the honourable member for Mitcham to stop interjecting!

Mr COOPER — I will not go on, in deference to you, Mr Speaker. I am making the point once again that I grieve for the state of local government in Frankston. I grieve for these four councillors — two of whom are members of the Labor Party — who have been prepared to come forward and put their reputations on the line. They have been prepared to give evidence, despite the fact that there will no doubt be repercussions against them, because they uphold the

right of local government to be fair, impartial and honest and because they do not want to see their reputations sullied as well by the disgraceful and appalling behaviour of Cr Mark Conroy.

I want this government — in particular the Minister for Local Government and the Premier — to do something about this in the few days that are left. If they just continue to try to ride this issue out until Saturday then I can see something happening later that both the Premier and the Minister for Local Government might not like to see happen — that is, allegations being made of a cover-up by this government. That is what it boils down to.

The Minister for Local Government has the opportunity now to initiate a full inquiry. If he does then that will be to his credit, but if he continues to stand by and let this corrupt and crooked person — who is a Labor Party candidate for the seat of Dunkley next Saturday — continue to get away with his intimidatory tactics and corrupt behaviour and continue to get away with behaviour that one can only call criminal, then the Labor Party, the minister and the Premier will stand condemned, and so they should be.

Parliament: reform

Mrs MADDIGAN (Essendon) — I grieve today for the people of Victoria that they have a Victorian Parliament and a voting system that is more attuned to the 19th century than the 21st century and that they will continue to have that system while the conservative parties in this state refuse to even consider any sort of parliamentary reform, or reform to the voting patterns in this state.

It is ludicrous to suggest that a Parliament set up in 1856 by the landed gentry for the landed gentry is a system that should still be used today in 2001. Honourable members will be aware that at that time the only people who could be members of Parliament were those who had private incomes, because members of Parliament did not get paid; that women did not have the vote; and that there was not universal suffrage as only those who owned property had the right to vote in this state.

It is most unfortunate that in the debate relating to upper house reform held last year the conservative parties in this state continued to stress that if the electoral system was all right in 1856, it was all right in 2001. I recently had the opportunity through the Commonwealth Parliamentary Association to visit the newer parliaments in the commonwealth, in particular the Scottish Parliament, which has been operating for two years, and the National Assembly of Wales, which has also been operating for two years. A number of the ways in which those parliaments operate show a way forward to make this Parliament more relevant to the people of Victoria than it is now.

I will first refer briefly to voting for both upper house and lower house seats in this state. As the Victorian population knows, there is no minor party representation in this state. That is clearly a serious fault in our practices in Victoria, which are certainly not democratic. For many years now in commonwealth elections — one of which is being held this Saturday, as all honourable members are probably aware — at least one of the six senators elected in Victoria has been an Australian Democrat. That means that out of the six senators elected for the whole of Victoria, one represents a minor party. However, not one of the 132 seats in this Parliament is represented by a Democrat, a Green or a member of any of the minor parties. A comparison between the voting intentions of people in federal elections and state elections demonstrates that a large number of people in this state do not have the opportunity to have the party of their choice representing them at the state level.

By way of contrast, when both the Scottish Parliament and the Welsh assembly were set up a determined effort was made to ensure that minor parties were well represented. I am sure my colleagues opposite will be interested to know that the concern of the United Kingdom Parliament was that if it allowed the same system as it has federally, which is first past the post, both the Scottish Parliament and the National Assembly of Wales would have only Labour members in them because normally those areas vote so strongly for the Labour Party. In setting up those parliaments the United Kingdom Parliament put in a voting system that allows for representation of many parties. The Scottish Parliament, for example, has seven parties, which provides an opportunity for a much broader range of political parties to be represented in those parliaments and a much broader range of views to be put before the Parliament when it makes its legislative decisions and enacts legislation for those states.

Even though those parliaments have been operating for only a short time, which makes it difficult to do extensive assessments of how they are operating, so far both have been operating with minority governments in a way that has worked well and clearly.

It is a great shame that this Parliament missed the opportunity it had in the bill that was debated by this house last year to consider reforming the Legislative Council, having smaller parties and having people

elected to the upper house who do not necessarily represent the Labor Party or the National or Liberal parties.

Mr Leigh interjected.

Mrs MADDIGAN — I am surprised by the interjection of the honourable member for Mordialloc, who says it is not the wish of the people of Victoria.

Mr Leigh — Let the people decide!

Mrs MADDIGAN — I am glad he also interjects by saying, 'Let the people decide', because the government is currently going through a process that will lead to a referendum in this state at a later date. I trust we can take it from the views of the honourable member for Mordialloc that the Liberal Party will support the result of that referendum if it suggests that the voting process for the upper house should be reformed. That seems to be a very different view from the view the government gained from the leaders of the party of the honourable member for Mordialloc when this debate was held in both this house and the upper house. They were keen to tell us repeatedly that the system in the upper house is quite fair and that there should be no change to it. I welcome what appears to be a change of attitude which the honourable member for Mordialloc is expressing to us today. I look forward to the Liberal Party acting on his views when the referendum is held in this state.

There are a number of good points about the Scottish Parliament and the Welsh assembly that Victoria could take up, one being family-friendly hours. Those parliaments sit quite reasonable hours. The Scottish Parliament, for example, sits to 5.30 p.m. at the latest, and the Welsh assembly also sits to 5.30 p.m., allowing much more reasonable hours for their members.

Their systems for the passage of bills are something the Liberal Party and the National Party might like to consider, seeing they are so opposed to allowing smaller parties to have any say in the running of this state. The Scottish Parliament, for example, has a very interesting system whereby it has a much more public process in relation to the passing of bills through the Parliament. It has committees in relation to each of the ministerial responsibilities which are responsible for that minister's legislation. The committees are made up of representatives of all members of the Scottish Parliament and not just the governing party.

All bills go before a committee before they enter Parliament, and that process is not run on party lines but rather allows the members of committees to inform themselves of all the pros and cons relating to any proposed legislation that goes through the house. The committees themselves can then decide what sort of process they want to go through before a bill is brought before Parliament.

There is also a public process whereby the committees can invite the major players affected by a bill, other members of Parliament and civil servants to contribute to debate; they can send a bill to other ministerial committees if they think that would be a useful process; and they can invite public submissions on a bill.

I was a little surprised that the most successful public submission process was one where 4000 written submissions were received on fox hunting. I would have thought there were more important issues confronting the new estate than fox hunting, but obviously it is a matter of great concern to the people of Scotland. That committee then reports to the Parliament, where the bill goes into its second stage and there is normal debate.

The conservative parties in this Parliament are opposed to minor parties being involved in the parliamentary legislative process, but obviously it would allow smaller parties such as the Greens and the Democrats to have some input into bills that are introduced into Parliament.

Such a bill then goes to the Parliament and passes through the normal stages we are used to, although there are some minor changes. That process ensures there is much broader input from the community, and it must result in better bills. Members of Parliament put their strong adversarial party lines, as we tend to do here, but the much broader consultative process allows many issues to be raised that possibly would not be raised in the parliamentary process we are used to.

I am glad the Minister for Gaming is in the house, because he has been proactive in involving the community in proposed bills before they get to the Parliament. With the racial and religious tolerance legislation the Minister assisting the Premier on Multicultural Affairs showed that we can, even under our present guidelines, have some consultation with the community on bills before they come through this house. Another process in which I was involved and which came from the same minister in his role as Minister for Gaming was the public consultation on gaming machines. I would have mentioned that even if the Minister for Gaming was not in the house.

As a Parliament we should seriously look at those processes. I am concerned about the attitude shown by the conservative parties in strongly opposing previous

attempts to reform the Parliament. Victorians should be concerned about the possibility of no major changes occurring in this state in the near future. You must really wonder about a party's commitment to democracy when its members refuse to consider reducing the terms of upper house members from eight years to four years.

It is demonstrably unfair to assume that in 2003 the views of members of the community will be the same as they were in 1995 regarding which parties should represent them in Parliament. To suggest that a member should be elected to Parliament for eight years without any review of his performance and without any opportunity for the people who voted for the member to assess their view of him at the next election is outdated and does nothing to improve democracy in this state, and it does nothing to assist the Victorian community to have the representatives it wants at that time.

It was a great opportunity to visit Wales and Scotland. There are other changes that I think are worth while, but I do not have the time to go through them. I was very impressed with the Welsh assembly, which had a firm timetable for the passage of legislation through the house. It decided beforehand how long it would spend on a bill. People know some weeks in advance when legislation will be debated. The Speaker then decides how long members will speak, which depends on the length of the bill and the time the debate is set down for. The times are decided by a business committee, which once again takes in representatives from all parties in the house.

Under that program members are allowed either 5 minutes or 3 minutes to speak on a bill. As honourable members know, the time limit here for speaking on bills used to be half an hour, and it is now 20 minutes. If we are interested in looking at family-friendly hours or more normal hours of sitting, it is incumbent on us to consider how long members should speak on legislation. Most people would say that if you cannot get out what you want to say in 5 minutes, perhaps you should think about how you deliver your speeches.

I recommend these changes to our Parliament. There are some really good things we can learn from the newer parliaments. I look forward to voting in the referendum which the honourable member for Mordialloc promised us earlier this morning!

Vicroads: database

Mr LEIGH (Mordialloc) — I grieve about Vicroads and what I believe is a serious problem with its database. Frankly, from the evidence that has been made available to me I believe Vicroads has been compromised. It may well be that officers who are paid by the state of Victoria are taking funds as payment for providing information to debt collection agencies.

I have spoken to a person who supplied the information that I possess, and he is prepared to have his name and the details of his material made available to Victoria Police. If Victoria Police wishes to contact me — and I will make representations to them — I am prepared to hand over his details. I believe the files that I have seen will confirm that Vicroads has serious problems with the compromising of its database. I am prepared to make the information I have available to the house.

In 1997 Jane Eaton commenced employment at Prushka Mercantile in Mitcham as a collection officer in the motor vehicle recoveries department. She then developed numerous contacts with persons employed in the taxi industry, the insurance industry and several state government departments. The main clients of Prushka at the time were the Royal Automobile Club of Victoria (RACV), the National Roads and Maintenance Authority (NRMA) and several taxi depots who, being self-insured, required the services of debt collection agencies. Jane Eaton specialised in the collection of debts that were taxi-depot oriented.

The usual commission was between 15 per cent and 25 per cent of the debt. If an officer attained their monthly budget a bonus was paid over and above their normal salary. Higher commissions were rewarded with bonus increases. Jane Eaton used these contacts to achieve her monthly targets, if not exceed them, and therefore increased her monthly allowance.

In December 2000 she was dismissed from Prushka for allegedly offering to conduct registration and licence searches for Prushka clients for a fee. This was done privately. The amount required was apparently $35 per search, and this was paid directly to her so she could look after, and I quote, 'my contacts' — this is in the words of the person who supplied me with the information — and she retained a small amount for her trouble. Her sacking occurred at a time when she was not attaining her monthly budgets and therefore her finances were depleted.

In February 2001 she registered Phoenix Recovery Consultants as a trading name, and in that same month she was granted a commercial agents licence at the Magistrates Court in accordance with the Private Agents Act 1966. She began obtaining clients through her contacts, and these included Thrifty Car Rentals, Catholic Church Insurances and several taxi depots and

cooperatives. The clients are unaware of her methods of operation in obtaining personal information on debtors and would not condone her actions. She has regularly employed her estranged husband to act on her behalf as an investigator. As I understand it, and I am prepared to be corrected on this, this is possibly a breach of the Private Agents Act. Further, the computer programs used with the accounting systems of the business are not authorised by the owners of the programs for use by Phoenix. This system was installed by her husband.

Her contact in the Victorian Taxi Directorate — this is an allegation made by someone involved in this — is Mr Rodney Leung. He has supplied Jane Eaton with registration details and registration histories, drivers licence details and histories, addresses and other personal details that can be accessed through the directorate's computer systems. Mr Leung has visited Mrs Eaton at her home/business address at 9/139 Warrandyte Road, North Ringwood, on several occasions, but proof of any payments to him is not available at this time.

The gentleman who has given me this information says that he will cooperate with an official investigation, if one is held, so as to protect his name. A continual stream of private details has been coming out of the Victorian Taxi Directorate for in excess of three years, and it seems to have increased in recent times.

Certain other points must be considered within this investigation into the liaison between Mr Leung and Mrs Eaton. The telephone at Phoenix Recovery Consultants is programmed with auto dial. In excess of $30 000 has passed through Phoenix's operational account since the formation of this business, but the amount passed on to Mr Leung in cash is unknown.

Approximately 300 accounts have been given to Phoenix from its commencement, and a conservative estimate of accounts directed to Mr Leung would be in excess of 200. If any investigation is conducted and subsequent charges are laid, it is imperative that files be seized under warrant and scrutinised for notations that relate to the licence and registration histories. These notations would be only in Jane Eaton's handwriting.

I have seen copies of these files. As I said, I spent a good deal of time talking to the person concerned. I can go only on the information that has been supplied to me, and I make my comments based on that material. I do not possess copies of it, but I am informed that the person concerned will make the material available to the Victoria Police.

I must say that this is not the first example of what I believe are serious problems in Vicroads. For example, I raised some months ago in this place my concern about boat registrations. In the boat registration scam Vicroads was signing over other people's boats without the approval of the persons whose boats were supposedly being sold through a boat brokering house. I am also aware of other examples which concerned the now murdered lawyer, Mr Keith Allan, who had access to $75 000 of superannuation funds that he was not entitled to. In that instance a drivers licence was misused to collect money from a bank on the other side of Melbourne, many miles away from the bank in which the accounts of the gentleman concerned had been placed. It was only after my intervention that the Commonwealth Bank reimbursed the gentleman the sum of $75 000.

Clearly someone in Vicroads or associated government bodies is on the take. From the bits and pieces of material supplied to me over some months I believe more than one person is involved in it. The problem has been exacerbated because what we now have is a minister who is asleep at the wheel. One comment about this minister, which was made not by one of my friends but by Kenneth Davidson in the *Age*, is that although he would not be the worst transport minister in Victoria's history, because there is a big queue in front of him, he is probably the laziest. That is what Kenneth Davidson from the *Age* says about Victoria's Minister for Transport.

I call on the minister to instantly launch an investigation into Vicroads and its data collection agency. I want to know what in heaven's name is going on if the Victorian Taxi Directorate is supplying material to debt collection agencies. There is no doubt that neither the Royal Automobile Club of Victoria, the Catholic education system nor the NRMA has any involvement in this at all. From their perspective all that this has involved is their seeking the collection of moneys owed to them. The work would go to a collection agency and the collection agency would do the debt collecting, and as a result they would get the funds returned.

It is now time to check whether Victoria's registration database is protected from misuse. Is it protected? I do not believe it is. My suspicion in all of this is that there is more than one person involved in making money for themselves from the collection of data from Vicroads.

As I said, I have seen the files. If Victoria Police officers, through the minister, wish to contact me today I will supply them with the gentleman's mobile phone number and they can ring him. I am happy to meet with them or for him to meet them without me — neither

worries me in the slightest. But what I am concerned about is that data that is not supposed to be available to anybody other than the required agencies of the state of Victoria is being grossly misused. The time has come for this government to launch some sort of police investigation to see what we can do to remedy an appalling set of circumstances.

In conclusion, if you cannot trust the agencies of government to which you provide data, including motor vehicle registration and your drivers licence details, whom can you trust? If you use your drivers licence in setting up an account at a bank it is worth only about 40 per cent of the required points, the reason being that your licence can be so out of date that it does not make any difference. That is because you can simply ring up Vicroads and ask for a change of address and it will simply send the licence out to you.

As an aside — which I do not want to get involved in — the constitution of the ALP requires that drivers licences be used for the identification of people attending preselection conventions. We all know that in the attempt to get rid of the honourable member for Springvale the honourable member for Clayton had between 15 and 20 people living in single houses for the night, with their names and addresses attached to the back of their drivers licences so they could attend the convention. Clearly one of the main political parties in this state regards drivers licences as a significant form of identification for the purpose of selecting who shall run for election as a member of Parliament.

Licences are used in many other places and ways, including gaining credit. When a database is compromised in this sort of manner we need to ensure that something is done as urgently as possible to fix it. So far as I am concerned if state officials are collecting moneys based on the use of registration material, that ought to be an offence that sees them locked up, because that is not what should be going on.

I am certainly available to Victoria Police officers if they want the name and address of the gentleman concerned.

Mr Robinson — They don't want you for that!

Mr LEIGH — It is interesting to hear the interjection of the honourable member for Mitcham.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Mordialloc should ignore interjections.

Mr LEIGH — This is the parliamentary secretary who is asleep at the wheel with his minister and who makes jokes about what is clearly a very serious issue. If you are running the systems of government and someone is alleging that the database is being seriously compromised, this should not be a joking matter. This is a matter of serious importance!

Mr Robinson — Is that why they gave it to you to raise?

Mr LEIGH — Here we go again. This is the nincompoop that gets paid $10 000 or $11 000 a year — —

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Mordialloc should use parliamentary language, not unparliamentary language, and he should ignore interjections. The honourable member for Mordialloc, concluding.

Mr LEIGH — Given that this assistant to the minister is sitting in the chamber, one would hope that he would regard the information as serious. As I said, I offer up the information as part of the process. The government has not resolved some of the other issues, like the boat agency arrangements, and presumably it will not deal with this. But Labor is in government and it has a responsibility to protect the Victorian taxpayers' database — and I expect it to do so.

Austin and Repatriation Medical Centre

Mr LANGDON (Ivanhoe) — Today I grieve about the Austin and Repatriation Medical Centre and its constant and continual persecution by the Liberal Party of Australia. The latest outbreak was the announcement earlier this week of the callous decision by the caretaker Howard government to de-fund the most accurate cancer scanning equipment in Australia, which is at the medical centre. This is obviously a reprehensible breach of the caretaker government conventions. It will mean the loss of a sophisticated tool in fighting cancer and could affect up to 1000 patients, not only in my electorate but all around Victoria, and particularly in the northern suburbs.

The Austin and Repatriation Medical Centre pioneered the use of PET — positron emission tomography — in treating cancer and neurology patients a decade ago, but it was told by letter last week that its funding would be cut in April in favour of a private company with no PET experience. I do not object, and I am sure no-one else in this house would object, to the Peter MacCallum hospital getting the PET scanner, because having two in the state is obviously better than having one. I welcome the decision to fund one there, but the Liberal Party's commitment was to fund two in this state, but clearly

that is not occurring, with the Austin centre missing out on funding entirely.

Honourable members will recall that the Austin and Repatriation Medical Centre is very dear to my heart because it basically brought about my election. The dishonesty of the Liberal Party and its persecution of the centre probably started back in 1996, when I was elected. I will go through that history very briefly. In 1996, prior to my election, the then honourable member for Ivanhoe, Vin Heffernan, was caught out basically when he was reported in the local press as having said the hospital would not close. What he meant to say was that it was about to be privatised. The elections in 1996 and subsequently in 1999 were about, among other issues, the privatisation of the Austin hospital. As I said, the Liberal Party has persecuted this hospital and continues to do so with the latest decision on the funding for PET.

In continuing I will refer to a few facts. As I said, in 1996 when I was elected there was rumour that the hospital was about to be privatised. The then Kennett government would not come clean on that. Clearly after the 1996 election that came through. Subsequently, as an example of how the then Kennett government tried to disguise it, in the 1999 election the government ran on slogans of building a bigger and better hospital but nowhere in the slogans or literature about the hospital were the words 'private' or 'privatised'. The residents of Ivanhoe saw through that. There was a substantial swing towards me and I retained the seat with a larger majority.

The persecution I talk about, which is continuing today, dates back to the election of the Kennett government. For example, after the Kennett government took office in 1992–93 hospitals around the state had a surplus of $76 million and in December 1999, a couple of months after the Bracks government took office, the hospitals had a combined deficit of $12.5 million — that is, a change of $88 million from an asset to a deficit. Clearly in those seven years the Kennett government wiped out $88 million from the hospital sector, in particular the Austin.

I am pleased to report a positive sign. While I am grieving about how the Austin hospital has been and is being persecuted by the Liberal Party, I am pleased to advise the house that in the past two years under the Bracks Labor government the hospital has announced a surplus of $2.9 million and that the combined surplus of all the hospitals is $34 million, up from $21 million last year. There has been a turnaround in the hospital sector brought about by the Bracks government, and in particular by a remarkable and earnest Minister for Health, John Thwaites, to whom I pay credit. Not only has he turned around the hospital sector and is continuing to do so, but he has brought the promise of a new hospital to the Ivanhoe electorate. As the house will be well aware, the Austin hospital is getting a major development of $325 million and is remaining in government hands, unlike the privatised process that the previous government was proposing.

With the persecution of the hospital sector from 1992, and in particular from 1996 when the plans to privatise the Austin hospital were discovered, the electorate of Ivanhoe, with me as the local member, has been fighting that vigorously. Now the Bracks government with a fantastic Minister for Health is doing the complete opposite by putting money back into hospitals, including into infrastructure, which will result in an improved Austin hospital through the $325 million development.

I go back to the current persecution by the Howard government in its caretaker mode, which as I said has breached conventions and decided not to fund positron emission tomography at the Austin and Repatriation Medical Centre. It is ludicrous. It is an outstanding centre. I will provide a brief run-down of what the Austin does so that honourable members are aware of what is happening. The PET scanner is an extremely high resolution instrument and is one of only two in Australia that are publicly funded. It is the most accurate tool used by surgeons to localise cancer. Clearly in this day and age when cancer is one of the biggest health concerns in the community to defund the Austin for that process is ludicrous. The scanner is vital for determining how far a cancer or brain tumour has spread and what surgery is possible. It is also important in radiation therapy to determine where to aim the radiation.

Clearly these things are very important and all cancer patients must be extremely concerned about what the Howard government is now doing. Almost all patients with lung cancer require a PET scan, and the Austin treats more oncology patients than any other hospital. That is its crime in the Howard government's view: it is an effective hospital. It does an outstanding job, but now it is being persecuted: the Howard government has made an announcement in caretaker mode that it is not funding the hospital for the PET scanner.

The Austin and Repatriation Medical Centre has a world-class reputation and recently was invited to write an editorial on the role of PET in its management of lung cancer for the world's most prestigious medical journal, the *New England Journal of Medicine*. What more could be said about that than that the hospital has

been asked to write that article? The Howard government is turning its back on the Austin hospital and the people of Victoria who need the PET scanner, and is again persecuting that outstanding hospital.

I refer to a few newspaper articles which probably outline the frustration and concerns of the Austin hospital. The following appears in an article in Monday's *Age*:

> The Austin's director of cancer services, Paul Mitchell, said the decision not to continue funding for the PET would have an enormous impact on the hospital.

Again the Howard government does not seem to care about the Austin and Repatriation Medical Centre. It is only the Labor state government that seems to be putting money into it. The article continues:

> 'We established Australia's first multidisciplinary centre for lung treatment and this decision would severely compromise that entire leading-edge program', Dr Mitchell said.
>
> The Austin believes its epilepsy and heart disease programs, which also rely on the PET technology, have been jeopardised by the $1.5 million funding cut.

This Howard government could not find $1.5 million to continue the funding of the Austin hospital's PET scanner. It is almost criminal neglect by the Howard government of the Austin hospital, which is dear to the hearts of many people in the northern suburbs. Clearly the Howard government is not concerned about the northern suburbs or cancer patients.

An article in yesterday's *Age* states:

> The Austin's director of nuclear medicine, Chris Rowe, yesterday described the funding loss as 'a slap in the face' for research and excellence of medical care in Australia.

I repeat: a slap in the face for research and excellence of medical care in Australia.

The election on 10 November is about many issues. The Howard government has tried to cloud the most important issues to Australia — that is, health, education and what have you. In its reference to health this article sums up how the Howard government treats health. It is appalling. The article states further:

> Mr Rowe said that the federal government did not recognise accomplishment in medical research when determining funding priorities.

How else would the government fund something but on its accomplishments? I repeat that I am not against the Peter MacCallum Cancer Institute having a PET scanner. It would be excellent if the state had two of them, as per the Liberal Party's policy, but the Liberal Party does not want to honour its own policy. It is funding only one and turning its back on the Austin.

Mr Pandazopoulos — It wasn't a core promise!

Mr LANGDON — As the Minister for Gaming points out, the federal Liberal Party has core promises and non-core promises. Clearly the Austin hospital is not the subject of a core promise. The federal government has not gone out of its way to help at all.

The article in the *Age* of Tuesday, 6 November, reports that the federal Minister for Health has said that the bid process has stuffed all this up. He has said it is not the federal government's fault but the Austin hospital's fault. Again, we are talking about $1.5 million, and the federal government will not come to the party.

I again refer to the *Age* article of 6 November, which states:

> The Austin has denied its bid was more expensive than others, and produced a letter written on September 13 to the chairman of the tender evaluation panel, Charles Maskell Knight, declaring its bid was not conditional on receiving $2.25 million from the government.
>
> However, Mr Maskell Knight said last night after being shown the letter that it was the first time he ever seen it, and questioned its authenticity.

The chairman of the bid process did not even realise he had received a letter from the Austin and Repatriation Medical Centre that corrected the claims that the bid process was wrong. Obviously in this process bids can change and more information can be offered. The chairman of the bid process did not pick up the fact that the letter written by the Austin hospital had changed the process. He even questioned its authenticity. How outlandish! The article in the *Age* also hinted that perhaps it has more to do with the fact that the hospital is in the federal seat of Jagajaga and the current outstanding federal member is the shadow Minister for Health, the Honourable Jenny Macklin. I have heard the federal Minister for Health and Aged Care, the Honourable Michael Wooldridge, at the Austin hospital when making announcements about funding say in my presence and in the presence of others that the Austin is an outstanding hospital, but when it comes to funding those statements seem to go out the window. The federal minister has now packed his bags and is departing the scene. He is leaving politics in three days time, so he does not care about the Austin any more or about health. He has packed his bags and dumped on the Austin hospital.

Under the Kennett government the Liberal coalition continually dumped on the Austin and Repatriation

Medical Centre, and now the Howard government is doing the same. It is a prime example of why the Liberal Party can never be trusted with health. Jenny Macklin will make an outstanding minister for health, and I look forward to her election as health minister after the federal Labor Party is elected to government on 10 November. Only then will the funding of the Austin be reviewed and the process fixed. A new Labor government will correct the many years of neglect by both the former Kennett government and the Howard government. The federal and state Liberal governments have persecuted this outstanding hospital with its outstanding record. It now remains in public hands only because of the election of the Bracks government. If the state Labor government had not been elected the hospital would have been privatised and all the many years of good work since 1881 would have been lost.

The Howard Liberal–National Party government stands condemned for its actions in trying to cut short the good work that the Austin and Repatriation Medical Centre has done. I urge the federal government to reconsider the $1.5 million funding to get the hospital back on track.

ALP: environment policy

Mr PERTON (Doncaster) — I grieve for the environment in Victoria. As the government has now admitted, $3.3 million has been spent on the fruitless arbitration of dispute over the Seal Rocks Sea Life Centre on Phillip Island. Mr Acting Speaker, as you are well aware, this is a complete and utter waste of taxpayers' funds. What is worse is that the $3.3 million is only the legal fees accounted for in the last financial year. It is indicated that, with the cost of the lawyers and barristers used by the government, the entire litigation costs could exceed $10 million, with the potential of costs or damages being awarded against the government of further tens of millions of dollars.

Indeed, the $3.3 million includes at least several hundred thousand dollars, if not $1 million, for initiating unsuccessful appeals to Victoria's Supreme Court and Court of Appeal with the government trying to prevent the release of documents that ought to have been released under freedom of information and certainly were ordered to be released by the arbitrator in this case.

This so-called open Bracks government that purports to be in favour of the spirit of the Freedom of Information Act as well as the spirit of the law is spending money trying to prevent the release of documents that the arbitrator said ought to be released both in terms of fairness in litigation and of the public interest.

The madness of this arbitration is that essentially what the government is fighting against is a requirement in the contract that the government act in good faith in negotiating stage 2 of the Seal Rocks development, a stage that includes seal rehabilitation works and more scientific research facilities. This is money that would have been better spent on the seals. Indeed, a rough calculation indicates we could have fed all the seals with fresh fish from the Victoria fish market instead of feeding the high-priced lawyers the government has chosen to use in this case.

This example of mismanagement of the environment is not unique to this affair or to this arbitration. I note that the federal Labor Party's election policy says it will provide $4.5 million over four years to establish an office of sustainable development. If the federal Labor Party follows the example of the current Victorian Labor government it will not be very successful and will be very slow-moving, because the Bracks government in its election policy promised to create an office of the commissioner for ecologically sustainable development. Over two years have passed since the promise was made.

Two years have passed since the election of the government, and it took over a year for the government to put out an options paper on the proposed commissioner. Consultations closed in February this year. We are now in November, and there is no bill for the establishment of this office of the commissioner for ecologically sustainable development. In other words, it was lip-service during the election campaign for the state Labor Party and it is lip-service in the federal election campaign.

The Prime Minister rightly said that the Labor Party has been prepared to lie, cheat and sell out its principles for a deal with the Australian Greens party to secure its preferences. Any voter in this election who cares about the environment and green issues need only look at the record of the Bracks government in respect of these matters. At least $10 million has been wasted on fruitless arbitration in the Seal Rocks case and over two years of delay in setting up the office of the commissioner for ecologically sustainable development. How can anyone believe the federal Labor Party when it says it will establish an office of sustainable development? It is a nonsense, and government members should hang their heads in shame for their government's poor environmental action and its failure to implement the very modest promises it made before the last state election.

Chilean community: war compensation

Mr LANGUILLER (Sunshine) — I grieve today about the unwillingness of the Howard government to act with fairness and justice regarding Australian residents and citizens of Chilean background.

Honourable members will be aware that following the Second World War the Nuremberg trials and tribunals set important precedents about human rights and following that provisions were made in Germany and Austria for the purpose of compensating those individuals who suffered under the Nazi regime.

Mr Acting Speaker, you will also be aware that the Social Security Act makes a range of provisions and exemptions which effectively mean that citizens of Austrian and German background who currently receive compensation because of the atrocities that were committed against them, their families and relatives during those times do not have their pensions or compensations treated as income.

With the assistance of a number of friendly members of the federal and Victorian parliaments, including the honourable member for Lalor, Julia Gillard; the honourable member for Gellibrand, Nicola Roxon; and me, the Chilean community in Victoria and throughout Australia has made numerous representations to the Howard government and to Senator Vanstone on this matter. We put to the federal government that similar crimes against humanity and violations of human rights were committed against Chileans; that, with respect, we strongly support the view that Austrians and Germans be treated with generosity, compassion and justice; and we asked the Howard government to do the same for the Chilean community. It is regrettable to confirm, and consequently I grieve, that the Howard government has not acted on this matter and has disappointed not only the Chilean residents in Australia but the many other Latin Americans who unfortunately suffered similar violations of human rights against them.

I wish to refer to the facts, and in doing so I refer to 11 September. However, I refer not to 11 September 2001 but to 11 September 1973, when General Pinochet entered Santiago and orchestrated a military coup d'état which led to the murder and disappearance of thousands of Chileans.

Paradoxically, I quote the House of Lords. Mr Acting Speaker, you would know that I am a republican but on various other occasions I have commended a number of important actions of the House of Lords because I believe it ought to be recognised when it makes a good decision. The House of Lords made a good decision that sets an international precedent. It refers to the fact that now former heads of state can be tried and convicted outside their state borders, as happened with Pinochet. As the facts were submitted by Lord Browne-Wilkinson, I wish to quote his speech on the subject to the House of Lords:

> On 11 September 1973 a right-wing coup evicted the left-wing regime of President Allende. The coup was led by a military junta, of whom Senator (then General) Pinochet was the leader. At some stage he became head of state. The Pinochet regime remained in power until 11 March 1990 when Senator Pinochet resigned.
>
> There is no real dispute that during the period of the Senator Pinochet regime appalling acts of barbarism were committed in Chile and elsewhere in the world: torture, murder and the unexplained disappearance of individuals, all on a large scale. Although it is not alleged that Senator Pinochet himself committed any of those acts, it is alleged that they were done in pursuance of a conspiracy to which he was a party, at his instigation and with his knowledge. He denies these allegations. None of the conduct alleged was committed by or against citizens of the United Kingdom or in the United Kingdom.

That is a direct quote from the House of Lords on 24 March 1999. It further relates to an important principle in international law in relation to violations of human rights and particularly whether individuals, especially former heads of state, could be tried under other jurisdictions.

Lord Browne-Wilkinson further states:

> … the principal point at issue in the main proceedings in both the divisional court and this house was as to the immunity, if any, enjoyed by Senator Pinochet as a past head of state in respect of the crimes against humanity for which his extradition was sought. The Crown Prosecution Service (which is conducting the proceedings on behalf of the Spanish government) while accepting that a foreign head of state would, during his tenure of office, be immune from arrest or trial in respect of the matters alleged, contends that once he ceased to be head of state his immunity for crimes against humanity also ceased and he can be arrested and prosecuted for such crimes committed during the period he was head of state.

I place on record that unfortunately neither trial proceeded. I wish also to quote the press release which Amnesty International put on record immediately after these events, which states:

> Amnesty International regrets that — after a very long wait for the Chilean judiciary to deliver a decision on the caravan of death cases — the Santiago Court of Appeals has decided to suspend all charges against Augusto Pinochet.
>
> According to press reports, charges against former President Augusto Pinochet were suspended 'temporarily but indefinitely' as he was deemed unfit to stand trial.
>
> Amnesty International expressed its frustration that, despite growing international consensus that heads of state must not

> escape prosecution when they are accused of crimes against humanity, worldwide expectations of justice are often stalled by long and protracted proceedings.

I wish to put this in context. Thousands of Chileans now reside in Australia, particularly since 11 September 1973. About 150 of those families are now being compensated by the Chilean government on precisely the same grounds that the Austrian and German governments have correctly compensated their citizens — because of the tragedies those families went through during the Second World War. Mr Acting Speaker, you would be aware that there are exemptions under the Social Security Act for the purposes of those citizens. The incomes that these pensions generate are received by residents of Austrian and German backgrounds who are being compensated in the same way as Chilean residents are now being compensated by the Chilean government. Those incomes are not treated as income per se, and consequently there are exemptions which are quite explicit in the Social Security Act to enable these residents to receive the pensions concurrently with other forms of social security income that they are entitled to in Australia.

There are 150 members of our community residing in Victoria and other parts of Australia who receive pensions of the same type from Chile because their loved ones — husbands, wives, children and other direct relatives — are missing, have spent numerous years in jail or were brutally tortured by the former regime of Pinochet and in effect are being compensated for the suffering that was inflicted on them during those times.

In Chile the legislation is called 'acts of mercy' and that income or compensation should not be taxed or taken to be income by the Howard government. It is regrettable, and I grieve again because until now Prime Minister Howard and Senator Vanstone have refused to negotiate on this matter and are not treating Chileans in the same manner as they are treating Austrian and German residents. I believe Chileans should be similarly entitled to those forms of compensation.

In a letter dated 11 July 2001 to Senator Vanstone the Chilean ambassador to Australia, Cristobal Valdes, states:

> In this respect, it is appropriate at this state to point out that in Chile a law exists called 'Ley de Exonerados Politicos' (Law for the Politically Exonerated), that is a legal instrument of reparation that grants free social security benefits to exonerated persons for political reasons or acts of authority during the period between the 11 September 1973 and 10 March 1990. This benefit could be requested until 1 September 1998. This is law no. 19.123 through which the National Reconciliation and Reparation Corporation is created; it establishes reparation pensions and provides other benefits.

It is important to note that the democratically elected Chilean government used the German and Austrian models as examples. I am informed that the legislation in Chile is very similar to that in Austria and Germany. Consequently, as I understand it, there is no reason for the Howard government to treat those pensions in any other way than the quite explicit way it already treats pensions of Germans and Austrians under the provisions of the Social Security Act.

The Chilean ambassador's letter further states:

> These pensions of mercy without contribution, as its name implies, are not taxed in Chile, nor are they affected by any reductions of any kind since it deals with a compensation for damages and detriments received.

Three acts in Chile are relevant and pertain to the methods that are currently being discussed. Law no. 19.123 is the bill of the desaparecidos, or missing people, in Chile; law no. 19.234 makes provision for workers who lost their jobs because of their political ideals at the time and during the Pinochet regime; and law no. 19.582 relates to members of the armed forces who were similarly affected.

I wish to table a document which can be found at www.letelier.com/presos. This document will also be available through the Parliamentary Library. It contains a long list of individuals who have been named by human rights committees in Chile and other parts of the world and have had allegations of violations of human rights made against them. Many of them have had allegations lodged against them of crimes against humanity. I wish to ensure that members of the public who might be interested in accessing the names can go to the Internet to find them.

I conclude by saying that the decision undertaken by the House of Lords was an important one for human rights in international law. For the first time it established that heads of state, and former heads of state in particular, who commit crimes against humanity can be tried outside their own nation by other jurisdictions. They can be identified and convicted. I commend the House of Lords for its good decision. It is now for the United Nations and international tribunals to move on and advance the human rights agenda by moving from identifying and trying those who have committed crimes against humanity to convicting them. I am confident that under a Kim Beazley government — —

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member's time has expired. The honourable member for Bennettswood has 12 minutes.

Freedom of information: administration

Mr WILSON (Bennettswood) — I grieve for the administration and politicisation of freedom of information in Victoria under the Bracks government. I do so in the context that honourable members will recall that the Bracks government came to power with a pledge of open and accountable government. A couple of moments ago my friend and colleague the honourable member for Sandringham handed me today's notice paper, which again is evidence that this government is being far from truthful in its handling of public and government administration. When one looks at today's notice paper one sees that questions on notice by me on 29 August 2000 and by the honourable member for Sandringham on 3 October 2000 have still not been answered. That is contemptuous of this Parliament and the Labor Party's pledge of open and accountable government.

In offering a summary of how and why freedom of information is in crisis in Victoria, I remind honourable members that a few months ago Ewin Hannan wrote an excellent feature article in the *Age* on freedom of information under the Bracks government. In that article, he compared the action of the government to its rhetoric while in opposition. Indeed, members of the media, like members of the opposition, are becoming increasingly frustrated and annoyed at how the government is treating freedom of information in this state.

As a good opening example, the recently tabled annual report of the Department of Premier and Cabinet (DPC) says on its first page that one of the department's aims in 2000–01 was to ensure that relevant government information was easily available to all. Page 29 of that annual report provides further details. In the area of freedom of information (FOI) the department claimed that 27 decisions were reviewed internally under section 51 of the act and that in one review one additional document was released in full. However, regarding a request I made for documents on a consultancy awarded to Ernst and Young for a review of the Swifts Creek task force, my records show that when the DPC reviewed the original decision it released a document to me in part, not in full, as the DPC's annual report tells us. If there are errors in the DPC's annual report on such an important matter as the internal review of FOI, I wonder how many other errors have gone undetected.

The report's opening statement on page 29 says that the department met its responsibilities in implementing the government's FOI policy. That policy was summarised in a memorandum from the Attorney-General on 2 February 2000 and distributed widely amongst government agencies. In that memorandum the Attorney-General stated that FOI law should now be interpreted by departments in a manner that reflects a willingness to disclose information. That memorandum also tells us that departments must facilitate a general right of access to documents held by them. It tells us that an efficient, timely and reasonably costed process for disclosing information should be delivered. It also tells us that agencies must respond promptly and within the time lines set out in the Freedom of Information Act.

Interestingly the Attorney-General did not specify in that memorandum that one of the roles of FOI officers is to discuss government policy when dealing with an applicant under the FOI act. In a letter dated 17 September 2001, my colleague the honourable member for Mooroolbark, who is the shadow Minister for the Arts, requested that the Department of Premier and Cabinet provide access to all documents held by it and the Minister for the Arts on any use of government and/or corporate credit cards by ministers, their staff or public servants for the period since 18 October 1999. In an extraordinary response, dated 24 September, the FOI officer for the department, Marisa Patitucci, took it upon herself to state to my colleague the honourable member for Mooroolbark that:

> As you would be aware, in accordance with its 'Integrity in Public Life Policy 1999', the Bracks government abolished government and/or corporate credit cards for ministers and ministerial staff.

What business is it of an FOI officer to discuss and relay government policy in correspondence to members of the opposition? It is the role of an FOI officer to search that department for relevant documents, not to have a discussion about government policy and its implications.

In another instance I submitted yet another request to the DPC on 17 August 2001 about arrangements for payments to external parties for media monitoring. Some honourable members will be aware that I covered some of that issue in my member's statement earlier today. On 29 August I advised the department that I would refuse its offer to create a summary list of payments made each month for media monitoring. I did so because I knew that two other applicants had already agreed to accept a similar offer. It is extraordinary in anyone's language that an FOI officer, in this case Ms Marisa Patitucci, could receive a request from me on Thursday, 23 August, but as early as Friday, 24 August be forming the view that she would deny my request because it would result in an unreasonable diversion of departmental resources.

I ask honourable members to consider how a freedom of information officer could come to this conclusion without being aware of how many documents could potentially be located and later released. On 5 October the Department of Premier and Cabinet (DPC) replied by claiming that because there were 500 invoices and another 200 documents regarding an allied tender of media monitoring I was being given notice that the request would be refused because it was voluminous. I replied on 15 October, and on 29 October I received more correspondence from the department.

On 22 May 2001 the DPC received another FOI request from me which related to market research, focus groups and opinion polling. On 28 May the DPC requested clarification, and my response was provided on 31 May. On 20 July, some 50 days after the DPC's receipt of clarification, the department's Ms Patitucci replied to the request stating that despite the definitions of the various terms I provided it would not be possible to identify all the relevant documents on that information. On 23 July I complained to the Ombudsman regarding this matter, and I believe the Ombudsman is still investigating the matter.

On 24 September 2001 I complained to the Ombudsman about the failure of the Department of Human Services to provide me with a list of consultancies with an individual value of under $100 000. Since that date the list has finally been provided. However, it is important to note that the Ombudsman in his letter to me states:

> … I have arranged for my investigation staff to review finalised and current FOI complaints concerning alleged failure by agencies to comply with the provisions of section 21 of the act to determine if the matter requires further action on my part.

The Ombudsman also states that the adequacy of resources is always a consideration when dealing with unreasonable delay complaints. However, I refer to the earlier memorandum of the Attorney-General dated 2 February 2000 in which he made it quite clear to government departments and their agencies that:

> Principal officers —

by which the Attorney-General means departmental secretaries —

> must also ensure that adequate resources are available to fulfil their agency's obligations under the FOI act.

Given that this is not occurring, I ask why the Attorney-General, the chief legal officer in the state of Victoria, is not ensuring that government departments and their agencies have the adequate resources to handle and administer freedom of information.

I ask that question in the context of where I began my contribution to the grievance debate. This government came to office on a promise of making freedom of information far more accessible than it had been and that it would be an open and accountable government. Yet we see instance after instance, example after example of its failing to fulfil its duties and failing to allow its departments and agencies to fulfil their roles and obligations under the act.

Many freedom of information officers in Victoria are feeling very frustrated by the government's action in freedom of information. They heard the rhetoric before the 1999 election and since then they have had an expectation that the government would administer FOI fairly in Victoria. Many of those FOI officers are saying to members of the opposition that they are becoming increasingly frustrated by the level of politicisation that is taking place in relation to FOI in Victoria. They tell us that the government, through its ministers and ministerial staff, is having a disastrous effect on FOI administration.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member's time has expired.

Question agreed to.

SENTENCING (EMERGENCY SERVICE COSTS) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Sentencing Act 1991 to provide for the recovery of costs incurred by emergency services in certain circumstances, to amend the Crimes Act 1958 and the Summary Offences Act 1966 and for other purposes.

Read first time.

WILDLIFE (AMENDMENT) BILL

Introduction and first reading

Ms GARBUTT (Minister for Environment and Conservation) introduced a bill to amend the Wildlife Act 1975 to make further provision for the conduct of whale tours and for other purposes.

Read first time.

Sitting suspended 12.38 p.m. until 2.04 p.m.

DISTINGUISHED VISITORS

The SPEAKER — Order! It gives me great pleasure to welcome to our gallery today a very distinguished delegation from the National Conference of State Legislatures in the United States of America. The delegation is led by Senator Jim Costa from the California legislature. Welcome to each and every one of you.

QUESTIONS WITHOUT NOTICE

Feltex Carpets Ltd

Dr NAPTHINE (Leader of the Opposition) — I refer the Premier to the industrial disruption destroying Victoria's carpet manufacturing industry, and to the fact that unions involved have forced four plants to close, have manned illegal picket lines and damaged property. I note that Feltex, one of the largest manufacturers, has written to the Premier seeking his intervention. Why is the Premier doing nothing about the union destruction of this important industry, and why has he failed to personally respond to the desperate pleas from Feltex?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. Of course, as he would know — he would have done the research on this of course before asking the question — this is under the federal award system. Is that right? It was his government that gave away the industrial laws of Victoria — he gave them away to the feds! Despite the fact that he voted for giving away the state's industrial laws to the federal government — laws that are not working in industrial relations in this country — we will work as a government to help resolve that matter with the company. We will sort it out. Even though the Leader of the Opposition was part of a government that wiped its hands of this, gave it to the federal government and did nothing about it, we will work with the company, as we work — —

Dr Napthine interjected.

The SPEAKER — Order! The Leader of the Opposition has asked his question.

Mr BRACKS — You just worry about what is behind you at the moment, that's all.

We will work with the company, as we work with many companies in Victoria, to secure jobs for the future.

Mrs Peulich interjected.

The SPEAKER — Order! The honourable member for Bentleigh!

Ansett Australia: financial crisis

Ms GILLETT (Werribee) — Will the Premier inform the house of the progress of the government's campaign to attract new investment into Ansett Australia to ensure a third carrier continues to operate in the Australian aviation industry?

Mr BRACKS (Premier) — I thank the honourable member for Werribee for her question. As most honourable members would know, I have been in regular contact and the Treasurer has been in regular contact with the Ansett administrators, and I must say from the outset — —

Dr Napthine interjected.

Mr BRACKS — The opposition leader just asked me about Singapore; he said at a press conference that I should not have gone across to Singapore. That's what he said!

As I mentioned, the government has had regular and continued contact with the Ansett administrators. That contact has included the Treasurer, who has done an excellent job in his capacity both as Treasurer and also as Minister for State and Regional Development.

Importantly the Ansett administrators share this government's view that everything should be done to get Ansett up in the air and flying again permanently, not just temporarily. I believe they have done an excellent job as administrators over a very short time in what has been one of the most complex corporate failures in Australia's history. They have done an excellent job in securing Ansett's assets, in getting it up and running temporarily and also in seeking investor interest for it.

I add that the administrators are very appreciative of the state government's efforts to immediately work on the $10 million tourism package, which has given some confidence to our tourism industry in Victoria; the cash flow which the state government has provided through preferred ticketing arrangements on Ansett Mark 2; and the investor and purchaser interest in Ansett by two of the major proposals — from Singapore Airlines and from Lindsay Fox and Solomon Lew — which has been as a direct result of the contacts and the introductions the state government of Victoria has made to ensure that interests are lodged with the administrator.

I should also mention the work done by the Minister for Community Services to ensure the provision of financial counselling for those employees of Ansett who need a restructure of their personal arrangements to get through these difficult times.

I can indicate to the house that a decision is getting very close to being made by the administrators on the bids they currently have for that future business, and the government wishes them every success. However, I should inform the house of one major hurdle for Ansett that is essentially a deal-breaker and something that could effectively prevent Ansett getting up in the air, and it relates to the good work the administrator has done in severing ties with Air New Zealand and securing $195 million for investor interest in a future airline. The administrator did that work and secured that $195 million, and who wants to get its hands on it — the federal government! If the federal government does not concede that it was the work of the administrator that got that $195 million as part of the business plan for the future, which investors would obviously have built into their business plans, then there is a very good chance — —

Ms Asher interjected.

Mr BRACKS — Just worry about your leader! There is a very good chance that these investors could not undertake the work required. This issue is potentially a deal-breaker and this government, the administrator, the trade union movement and the broader community call on the federal government to get its hands off the $195 million and let the administrator have it, because that will ensure more than anything else that Ansett will be up and flying again.

Won Wron prison

Mr RYAN (Leader of the National Party) — I refer the Premier to the recent reported comment by the Labor candidate for the federal seat of Gippsland that the closure of Won Wron prison near Yarram was, and I quote, 'an act of bastardry'. I ask the Premier to inform the house whether he agrees with the comment made by the Labor candidate, given that the Premier has endorsed the candidate in extensive television advertising — —

The SPEAKER — Order! I remind the Leader of the National Party that it is disorderly to display newspapers in the house.

Mr RYAN — Will the Premier inform the house whether he agrees with the comment by the Labor candidate, given that the Premier has endorsed the candidate in extensive television advertising throughout Gippsland, that he is to campaign with the candidate this Friday at Orbost, and that the sentiment the candidate has expressed is shared by all Gippslanders, including his agriculture minister and the honourable member for Narracan?

The SPEAKER — Order! The question being posed by the Leader of the National Party is clearly against the guidelines set down in sessional orders in that it is not succinct. I ask him to come to his question quickly.

Mr RYAN — I refer the Premier to the recent reported comment by the Labor candidate for the federal seat of Gippsland that the closure of the Won Wron prison near Yarram was 'an act of bastardry'. Does the Premier agree with that comment?

An honourable member interjected.

Mr BRACKS (Premier) — Not many of your colleagues are saying yes at the moment.

Do I agree with the ALP candidate's assessment? No, I do not. Do I think he is a fantastic candidate? Yes, I do. We happen to have a disagreement over one matter, but on 99 per cent of things we agree. He will make a fantastic federal member of Parliament for Gippsland.

Austin and Repatriation Medical Centre

Mr LANGDON (Ivanhoe) — Will the Minister for Health inform the house of the progress in the appointment of a construction manager for the rebuilding of a publicly owned Austin and Repatriation Medical Centre?

Mr THWAITES (Minister for Health) — I particularly thank the honourable member for Ivanhoe for his question, because over many years the honourable member has played a very substantial role in ensuring that we have a rebuilt Austin and Repatriation Medical Centre. The honourable member also chairs the community consultative committee, and is doing a very good job. Well done!

I am very pleased to announce today that Baulderstone Hornibrook has won a major contract to manage the $325 million redevelopment of the Austin hospital. Baulderstone Hornibrook is one of the leading companies in Australia.

Honourable members interjecting.

Mr THWAITES — I am glad the opposition recognises that the government has chosen one of the leading companies in Australia to manage this contract.

I am also very pleased to advise the house that detailed architectural plans are also being released today by the chief architects, who are Silver Thomas Hanley and Daryl Jackson.

The SPEAKER — Order! I remind the Minister for Health that it is disorderly to display material in the house.

Mr THWAITES — This is a magnificent new development. Work has already been started out there: the Leslie Jenner building has already been demolished, the site has been cleared and excavation is now proceeding of some 200 000 cubic metres of earth to make way for the four-level car park and the building above it.

This is a great example of the Bracks government delivering where the Kennett government never could. I notice from the Kennett government's metropolitan health care services plan, which was released by the honourable member for Malvern, who was then the parliamentary secretary, that the Kennett government said it would commence building the Austin wing in mid-1997 — and it said it would be finished in late 2002.

Honourable members interjecting.

Mr THWAITES — These are the people who say, 'Do something, do something!'. They did nothing; they procrastinated for years and years.

I am pleased that unlike the Liberal Party this government supports public health. It is somewhat astounding that at a time when this government is investing in a public health facility at the Austin and Repatriation Medical Centre, the Liberal Party, through the federal Liberals and the federal Minister for Health and Aged Care, Dr Wooldridge, is pulling the heart out of the Austin's cancer services.

Dr Napthine — On a point of order, Mr Speaker, the minister is now debating the issue. I ask you to bring him back to the question.

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

Mr THWAITES — An important part of this new redevelopment is cancer services. It is with the greatest regret that I advise the house that the federal government has withdrawn funding from the Austin's cancer services.

Dr Napthine — On a point of order, Mr Speaker, the minister is now trying to defy your ruling by continuing to debate the issue.

The SPEAKER — Order! I do not uphold the point of order. The minister was asked a question about the progress being made at this particular hospital, and he is providing information of the circumstances that relate to that progress. I will continue to hear him.

Mr THWAITES — An important part of this redevelopment is cancer services. The federal health minister, Dr Wooldridge, has defunded the PET — positron emission tomography — cancer scanning facility at the Austin in order to provide funding to a private company.

Mr Doyle interjected.

Mr THWAITES — The honourable member for Malvern is interjecting, 'That's a lie!'. That is the deadset truth — unless the honourable member has some new information! He should be telling the federal government that it should get behind this new development and support it. This is a development that will improve services. Instead of improving services we are seeing more privatisation by the Liberal Party.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bentleigh!

Frankston: central activities district development

Mr COOPER (Mornington) — My question is to the Minister for Local Government. Given the evidence provided by four Frankston councillors to a Legislative Council select committee last Friday — —

Honourable members interjecting.

The SPEAKER — Order! The Attorney-General! The honourable member for Ripon!

Mr COOPER — Given the evidence provided by four Frankston councillors — —

Honourable members interjecting.

The SPEAKER — Order! I ask government benches to come to order. The honourable member is entitled to ask his question.

Mr COOPER — Given the evidence provided by four Frankston councillors to a Legislative Council select committee last Friday alleging gross corruption by the former mayor, Cr Mark Conroy, over the tendering process for a major development in the Frankston central activities district, will the minister now immediately initiate a full and open inquiry into this matter?

Mr CAMERON (Minister for Local Government) — The honourable member for Mornington refers to some type of inquiry that is occurring in another place. Some people call it a Star Chamber inquiry rather than due process. At the outset I congratulate the Liberal Party spokesperson on local government, the honourable member for Prahran, for avoiding these sorts of grubby tactics and clearly taking a leadership position.

As you are aware, Mr Speaker, a complaint was made to the department. That is being followed up in the ordinary way, as occurs in every other case, and an inspector is making inquiries.

Mr Cooper — On a point of order, Mr Speaker, my question asked for a full and open inquiry, not the sort that the minister is putting.

The SPEAKER — Order! The honourable member cannot take a point of order to merely repeat his question.

The minister has concluded his answer.

Mrs Peulich interjected.

The SPEAKER — Order! The honourable member for Bentleigh is warned.

Business: taxes

Mr VINEY (Frankston East) — My question — —

Honourable Members — Guilty!

The SPEAKER — Order! I ask opposition benches to remain silent while the honourable member asks his question.

Mr VINEY — My question is about the real business of government. I have a question for the Treasurer.

Mr Cooper interjected.

The SPEAKER — Order! The honourable member for Mornington!

Mr Cooper interjected.

The SPEAKER — Order! I ask the honourable member for Mornington to desist.

Mr VINEY — Will the Treasurer inform the house of the benefits to businesses of the government's Better Business taxation reforms and how this policy contrasts with alternative plans to overhaul Victoria's taxation system?

Mr BRUMBY (Treasurer) — I thank the honourable member for his question, and I am pleased to respond to it. The Bracks government's Better Business Taxes package provides the largest set of tax cuts to Victorian business in the state's history — $774 million over four years. Business taxes will be reduced by 11.7 per cent. The number of taxes in our state will be reduced from 21 to 17. We have gone from having the highest number of taxes, which we inherited from the former Kennett government, down to the equal lowest, with of course cuts of $774 million over four years.

Over the past few days we have seen a flurry of activity from the opposition parties over taxation in Victoria. It behoves me to advise the house that the former government, the current opposition, has a bit of form in this area. In fact, if you look over the seven years of the former Kennett government you will see that it was the high-tax expert. Taxes increased by 50 per cent, from $6.3 billion to $9.7 billion. The only element of small business tax relief ever provided — and the former Minister for Small Business is sitting opposite — was the mortgage stamp duty exemption on loan refinancing, worth a total of $1 million. That is all we saw in seven years.

The current opposition has made a lot of promises on tax, all of them uncosted and most of them unbudgeted, totalling something like $4.4 billion over four years. One thing we can say with some certainty is that it will not be long before the Leader of the Opposition is paying considerably less tax.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to quieten down. I ask the Treasurer to come back to answering the question.

Mr BRUMBY — We know who the contenders are. They are the ones who have been reaching for their wallets, because they are the ones who will be paying more tax.

Mr McArthur — On a point of order, Mr Speaker, I wish to take up the issue of debating. I was listening very carefully to the question. It related to state taxes and what this government was doing in relation to state business taxes. Clearly the area the Treasurer is now venturing into has nothing to do with state business taxes, and I ask you to direct him back to the issue.

The SPEAKER — Order! Just before the honourable member took his point of order the Chair had indeed called the Treasurer to come back to answering the question.

Mr BRUMBY — I was asked in the question about alternative tax policies, and we have $4.4 billion over four years which has been promised by the opposition. We had the absorbing of the once-off $80 million of GST increases at the Transport Accident Commission, announced by the former shadow Treasurer; making stamp duty exclusive of GST, amounting to $100 million every year, promised by the former shadow Treasurer; cutting state petrol taxes by 1.5 cents per litre, amounting to $130 million per annum — I do not know who promised that one; cutting payroll tax by 0.5 per cent, amounting to an estimated $250 million, promised by the Leader of the Opposition — —

Mr Perton — On a point of order, Mr Speaker, the Treasurer is clearly debating the question. The question related to his government's taxation policies and had nothing at all to do with the opposition.

The SPEAKER — Order! I am of the opinion that the Treasurer was not debating the question and was providing information to the house. However, the Treasurer must relate his comments to the question posed.

Mr BRUMBY — Of course, there was the matching of Queensland's petrol subsidy, costing an estimated $600 million per annum. When you aggregate all of those, it is $4.4 billion.

Dr Napthine interjected.

Mr BRUMBY — We are happy to give you the categories of those. You ought to know what promises your shadow Treasurer is making. You ought to know!

The SPEAKER — Order! I ask the Leader of the Opposition to cease interjecting, and the Treasurer to cease responding to interjections.

Mr BRUMBY — As I said, these promises are unbudgeted, they are not affordable, and therefore the opposition could not implement these promises in part or in total without cutting deeply into services in Victoria. Of course the question the Victorian people want to ask is: do they have confidence in an opposition to deliver these tax cuts? The answer is no. The other question is: does the opposition have confidence in its leader to properly represent these tax cuts? The answer is no.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Doncaster! I am of the opinion that the Treasurer is now debating the question. I ask him to come back to answering it.

Mr BRUMBY — The question I was asked was about alternative taxes.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Doncaster is warned.

Mr BRUMBY — The question was about alternative tax policies. The Bracks government is out there with $774 million over four years — more tax cuts in two years than the former Kennett government in seven!

Mr Ryan — On a point of order, Mr Speaker, I direct your attention to your directions about ministers being succinct. The Treasurer has been going now for 7½ minutes, and even allowing for the breaks has gone beyond the time of your directions.

The SPEAKER — Order! I am not prepared to uphold the point of order. There have been numerous interruptions to the Treasurer's answer. However, I ask the Treasurer to conclude his answer.

Mr BRUMBY — By contrast you have the opposition promising $4.4 billion over four years. Could you trust them to implement their promises? The answer is no. You cannot trust this lot because they do not trust each other.

Yinnar Primary School

Mr HONEYWOOD (Warrandyte) — I refer the Minister for Education to the Yinnar Primary School in the Gippsland region, which has been officially informed by the minister's own department that it will be required to recommission a severely asbestos-affected art storage room into a full-time classroom for next year. What has happened to the minister's commitment over a year ago that all asbestos-affected classrooms would be removed from every school in Victoria?

Ms DELAHUNTY (Minister for Education) — I thank the member for his question and for the opportunity to remind the house that a third of our schools are on an upgrade program. That is what we inherited — one third of our schools need an upgrade.

Honourable members interjecting.

Ms DELAHUNTY — That is the legacy of your government!

The school I believe the honourable member is referring to is Yinnar Primary School, and it has been using an overentitlement portable classroom as an art room for a number of years. However, the principal has advised the department that a part 5 audit indicates there is no asbestos in the building. This school has been using this building as a general-purpose classroom and it is enjoying an enrolment growth, which has attracted from the Bracks government an extra $103 000 straight into its global budget. That is the sort of support the Bracks government gives to this school.

I also understand there is some personal connection between the Liberal leadership and a member or members of the school council. The problem is that we do not know which Liberal leadership — is it the present incumbent or is it some of the aspirants?

Albury-Wodonga: council merger

Mr HARDMAN (Seymour) — Will the Minister for Local Government inform the house about the progress of the implementation of the plan to unify the Albury-Wodonga region?

Mr CAMERON (Minister for Local Government) — I thank the honourable member for Seymour for his question. As honourable members will be aware, in March the Victorian Premier and the Premier of New South Wales announced that the two states wanted to bring together Albury-Wodonga to bring the benefits that will come about as a result of having a united region. This plan would create Australia's first national city where the distraction of an artificial border — the distraction of the river — would be put to one side to bring about the benefits that could be generated from the region. This would put Albury-Wodonga on the same footing as other regional cities — Bendigo, Ballarat and Wagga Wagga, for example. It would create one voice for the region to speak out to the world, attract investment, bring about economic benefits and create jobs. To develop that plan a group headed by Ian Sinclair has been on the job.

Mr Ryan interjected.

Mr CAMERON — As the Leader of the National Party says, he is a good man. I have to say he is doing a very good, thorough and thoughtful job as he has been discussing this matter with local people in recent months. I am pleased to advise that late last month a document was produced on proposed models on which comment is being sought, and already there has been a very good response. There are very notable supporters of the benefits of merging Albury and Wodonga, and the honourable member for Benambra is no exception. Another supporter is the honourable member for Albury on the other side of the river, Ian Glachan.

Very clearly they look to other regions and see the benefits. I think what they want to see is a united team speaking with one strong voice. I suppose when they look at the Victorian Liberal Party they would see the benefit of having a united team with one strong voice!

In the absence of Liberal leadership, I suspect the honourable member for Benambra has done a whip around of the Liberal Party. I am pleased that he and the honourable member for Prahran featured on the front page of the Saturday *Border Mail*, declaring the Liberal position — that is, the urge to merge. I have to say that that is very positive. I quote from the article where they set out the position:

> There are few people, especially among the residents of Wodonga and Albury, who would disagree with either the merger or the fact that it would bring enormous benefits to their community.

The government thanks members of the opposition for their support for the concept of a merger. I certainly thank the honourable member for Benambra, who is temporarily missing, for the local leadership he is providing.

We look forward to Ian Sinclair's work being concluded. As we have consistently stated, we look forward to the surveying of community opinion to see if local people want to bring about the benefits of having a strong region as we go forward.

Schools: asbestos

Mr HONEYWOOD (Warrandyte) — My question is again to the Minister for Education. I refer the minister to comments by a department spokesman, printed in August last year, who stated:

> The department of education is arranging tenders for the removal of 700 portable classrooms that contain asbestos.

Can the minister explain why, according to a document leaked to the opposition, in term 4 of 2001,

470 asbestos-affected portables are still being used in our Victorian schools?

Ms DELAHUNTY (Minister for Education) — When we came into government there were no checks and no controls on asbestos in our schools. We set about doing three things. Firstly, we undertook independent audits of every school. We set in place an individual asbestos management plan for every school, and we supported those plans with training, resources — —

Mr Cooper interjected.

The SPEAKER — Order! The honourable member for Mornington!

Ms DELAHUNTY — We also provided guidance for our principals on how to manage them. Those asbestos audits have allowed principals to make decisions about — —

Mr Cooper interjected.

The SPEAKER — Order! I warn the honourable member for Mornington.

Ms DELAHUNTY — With $28 million that we have set aside to rebuild and replace those portables, we have four companies building as fast as they possibly can to replace them. We have provided $28 million and four companies to build those portables, including one — —

An honourable member interjected.

Ms DELAHUNTY — Remember Ausco, the company that you tried to torpedo last year? Last year you tried to torpedo a company that was building some of the portables.

I am not sure what opposition members want. Do they want new portables to replace those terrible learning spaces that they left? Do they want companies to build them, or don't they? That is what we are doing. This is a staged decommissioning of old portables and a replacement through a $28 million investment to provide the best learning environment we possibly can. While the honourable member for Warrandyte is wandering around trying to get the numbers, we are getting on with the job — turning education around!

Bridges: Hopkins River

Mr LONEY (Geelong North) — Will the Minister for Transport inform the house of the progress of the government's commitment to the construction of the Hopkins River Bridge?

Mr BATCHELOR (Minister for Transport) — I am very pleased to inform the house of the excellent progress that has been made on constructing the new bridge across the Hopkins River at Warrnambool. It is another example of a regional infrastructure project that this government had to fix up when coming into office. Two years ago this was a regional mess. The previous government was unable to resolve the issues surrounding the need to replace the bridge, so this government, in consultation with the local community, including the local council, worked out a solution to resolve this problem.

The $3.5 million project is almost completed and will be officially opened next month. The old Hopkins River Bridge was incapable of handling modern traffic requirements, particularly for freight and the volume of visitors wanting to go to Logans Beach to watch the whales. On coming into government we consulted, we resolved the issues and we worked in partnership with the council to provide a joint funding solution.

As people would know, we not only constructed an upgraded bridge across the river but also provided for and looked after the heritage elements of the old historic bridge. Spans of the old bridge were preserved and transported to a storage site. This has created a wonderful opportunity for the local council to showcase the heritage elements some time in the future. It is a bit like what the Liberal Party is planning to do with the current Leader of the Opposition: they will truck him away, put him into storage and protect him for history!

The successful construction of the bridge over the Hopkins River in Warrnambool is another example of how this government consults with the local community. It is in stark contrast to how the shadow ministry conducted its consultation in the Warrnambool area. Only six members of the public turned up, but only two members of the shadow ministry were there — along with the parliamentary secretary! The honourable member for Prahran, who is a current leadership contender, was there, along with the honourable member for Mordialloc. He will struggle to hold his — —

Mr McArthur — On a point of order, Mr Speaker, perhaps you could point out to the minister that the Comedy Festival is over and that his answer does not really relate to government business, and perhaps you should draw him back to the question.

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

Mr BATCHELOR — What I was saying is that recently the Bracks government had a very successful consultation in Warrnambool. We met with hundreds of members of the local community at receptions, meetings, lunches and through the formal appointments that were taking place. I was contrasting that with the way the shadow ministry conducted its consultations, with only two members of the shadow ministry, which could draw only six people from the community.

The other member of the shadow ministry delegation was the leader of the ambition factory, the honourable member for Kew. He was there assisting — —

Mr Ryan — On a point of order, Mr Speaker, the minister is clearly debating the question. I ask you to have him return to the question.

The SPEAKER — Order! I uphold the point of order. I ask the minister to come back to answering the question.

Mr BATCHELOR — This Hopkins River Bridge is a bit like a bridge over troubled waters, isn't it, Honourable Speaker? It demonstrates clearly the ability of this government to work with local councils to jointly fund this terrific project. I will have pleasure in joining those councillors shortly in officially opening the $3.5 million bridge.

Ms Asher interjected.

Mr BATCHELOR — It is a major project. The Deputy Leader of the Opposition wants to know where it is. Perhaps — —

The SPEAKER — Order! The minister should ignore interjections.

The time set down for questions has expired and a minimum number of questions has been answered.

MELBOURNE CITY LINK (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 18 October; motion of Mr BATCHELOR (Minister for Transport).

Mr LEIGH (Mordialloc) — In opening debate on the Melbourne City Link (Further Amendment) Bill it is appropriate, given that this may well be one of the last City Link bills to come before this chamber, to review the progress of Melbourne City Link.

Honourable members who were around in May 1992 will remember that the then Kirner government called for expressions of interest to build, own and operate the western and southern bypasses. The house may also recall that the then Minister for Manufacturing and Industry Development, the Honourable David White, was prepared to say to the community that the bypass should be a toll road. The perception of history does not always reflect the truth. If honourable members doubt what I am saying there is ample evidence of the Honourable David White's concocted views on the record.

When the Domain Tunnel was opened the now Premier said, 'Gee, this is a great idea, we would have done exactly this, but we would not have done it this way'. The Premier, as adviser to a former Premier, the Honourable Joan Kirner, would have had some knowledge about what was going on with the construction of City Link.

The Better Roads fund was used for this arrangement, particularly the establishment of the Melbourne City Link Authority. Honourable members should recall that this great and significant project occurred at a time when Victoria was basically bankrupt. No money was available for road funds because the debts made sure of that. What made it worse was that the Hawke and Keating governments had made sure that road funding arrangements across Australia were reduced. It meant Victoria's allocation of $110 million out of $820 million of road funding from excise taxes was still $110 million by the end of the Keating government's time and that the percentage of Victoria's road funding arrangements from the petrol levy had been reduced from 63 per cent to 8 per cent, which to some extent continues to this day. Federal Labor governments used motorists money as a cash cow for other purposes. Some honourable members may have difficulty remembering that, and I remind them again that history does not always reflect the facts, but that was the case in that instance.

When City Link was first introduced Victoria was almost bankrupt and the $1.7 billion arrangement that enabled City Link to be built not only produced a road that linked the city from one side to the other but meant that a substantial amount of funds were put back into the community. In looking at the history of City Link and the various things said, I note the then shadow Minister for Transport and now Minister for Transport said on 18 June 1996 that the first City Link bill was a disaster and it was the government's obligation to accept the ownership of this complex mess and responsibility for the undue haste with which the bill was previously handled. Most people now realise it was

a complex bill, and with complex pieces of legislation there will always be some errors.

It is interesting to note the way the Labor government has grabbed this with both hands. City Link is now something that the Labor government believes it thought of. It thinks it is a wonderful idea but does not agree with the tolling of roads. The house will recall the Premier making those comments after he drove his car through the Domain Tunnel. The government also said following the leaks in the Burnley Tunnel and the problems associated with it that there was no mechanism to put the responsibility for the leaks on the contractors. That is not true, and the Minister for Transport knows that better than anyone. The original City Link contract specified that the tolling technology to be implemented on the Domain Tunnel could not be implemented until both tunnels were opened. The onus was on Transurban to get it right, because if it could not get it right and the Burnley Tunnel was not open the Domain Tunnel would not be tolled.

Upon coming to government the Premier and the Minister for Transport quickly entered a rubber stamp arrangement with Transurban to allow it to commence tolling to gain revenue. My calculations are that it made about $50 million during that period and got very little back. The Minister for Transport as opposition spokesman constantly criticised the then government, occasionally doing illegal things such as breaking into other people's property and having little regard for the facts — but that has never been one of his strong points.

I refer to the nine holes to be dug for the recharging of the water system. At the time when the ground water had to be recharged the chairman of the Environment Protection Authority, Dr Robinson, who was appointed by a Labor government, was strict about the type of water to be used for the recharging. The EPA was concerned about the salt content of the Yarra River and the issues of silt and other things associated with using river water. Recently, because of Melbourne's water shortage and the Bracks government's lack of ability to show strong leadership, there has been a public campaign to change the process. I suspect that would have happened in any case, but in my view it has happened too slowly. It is obviously a good idea that any excess water from the recharging of the ground water be reused

The opposition supports that, but what I am curious about is this: whether there is any financial commitment from the state in the arrangement or whether it is entirely Transurban's cost. My suspicion is that this is not all at the cost of Transurban. I suspect the state also has some involvement in this somewhere along the way.

The house will also remember that in 2000 the government introduced the Melbourne City Link (Amendment) Bill 2000 which was to abolish the Melbourne City Link Authority, and what are we doing here today? That bill has never been proclaimed and we are back here today reintroducing the Melbourne City Link Authority. Why are we doing this? What is the problem with using a section of the Department of Infrastructure or Vicroads? There are a lot of people in the public service these days, particularly under this government, that one would have thought would be able to administer this authority. Instead, we are back to doing the Melbourne City Link Authority and, what is worse, using the Better Roads fund levy for the bureaucracy.

The argument can be made that the Better Roads fund was intended for a different purpose. I do not think the argument can be made that the Better Roads fund levy should continue to be used in this manner. After all, as members will be aware, the fund probably creates in the order of $200 million a year. In the past the money has gone into a trust fund and — at least under the former administration — every year two-thirds of it was used on metropolitan roads and one-third on country roads. Considering that in the financial arrangements for the Melbourne City Link Authority up to $12 million has been spent on this arrangement, I have to say I am deeply concerned that we will continue to build a bureaucracy back in the Department of Infrastructure. I can say that with some authority because in relation to the rail projects, for example, we are building public servants more than we are building railways. I am concerned that this does not simply become another part of the Bracks government's jobs-for-the-boys arrangement that enables it to appoint somebody to some nice little job that might have some association with the Labor Party. I hope that does not become the case.

It also concerns me that the second-reading speech says that the bill sets up the position of the director of Melbourne City Link and confers on the director functions to administer the City Link arrangements on behalf of the Crown. The functions of the director of Melbourne City Link include making recommendations on matters including public safety. I would have thought that was something Vicroads could have done if it was not being routed as it appears to be at the moment. Other functions of the director are to manage the state's responsibility in relation to completion of the construction, the operations of the program and the regulatory issues. They are all things that clearly can be

handled from within the department. The government has chosen to go this way even though it chose to go down the other way only a year ago. Now we are back to doing the same thing.

There are certainly some issues as to how this system is to be run and paid for. It was pointed out to me by one organisation that complained about the use of the Better Roads fund for this purpose that, given the fact that the state government has made $10 million — or it thinks it has — by handing over the tolling technology to City Link from a single-purpose entity, maybe it should have used that money for it rather than doing what it is doing. However, given that the government has not been able to settle other arrangements I have the sneaking suspicion that in the end it will be paying it all back to Transurban in any case. So there are those types of issues that I believe have a significant impact. When you look at the whole project from the time of the appointment of the authority to when the Bracks government opened City Link, you see that the government has decided, despite all the complaints, the whingeing and whining and all the other things, it has a new view of life. I wonder why. For example, I can recall that on Sunday 25 February 1996 Mr Batchelor, then transport spokesman, said in an *Age* article headed 'ALP slams Link profits':

> The state government has handed large companies and wealthy people an opportunity to make 'obscenely big' tax-free profits by investing in the $1.7 billion City Link tollway, according to the state opposition.
>
> … investors in City Link would be offered pre-tax returns of 19 per cent.

He went on to slam the then government, and said it was an outrage. Anyone who looks at the incredible case of amnesia the government has developed about coming back to the facts will know that in opposition the Labor Party slammed this project time and time again. What is interesting in recent times is to look at who is paying who, where and what.

The fact is that Transurban people are now turning up to Labor Party functions. Recently at one of the Bracks government's functions they had a $10 000 table — that is, just one table. The Bracks government, which was totally opposed to tolling in Victoria, now accepts cash from Transurban. This is the group that hated Transurban and did everything it could to frustrate it. I understand that substantially more money has gone in. That is just one function that I know of.

I understand that Transfield as well has not only put into the state Labor Party but has appointed, through Yarra Trams, as part of the whole arrangement, the former instigator of the project. Mr David White is now the non-executive chairman of Yarra Trams on the cool salary of about $100 000 a year, and his real job is to advise the Bracks government on how to operate a government. This comes back to the connections between Transfield and the Transurban project and it is really a scandal that this bunch could turn around from opposition to government and go so far over to the other extreme. It is no wonder people sometimes doubt us as politicians.

I hope that if I am ever fortunate enough to be a minister of the Crown I do not behave in that manner, so that I can have one view miles over there and the next minute — —

Ms Delahunty interjected.

Mr LEIGH — I am never going to be a *7.30 Report* presenter like the Minister for Education was. She is not too good at counting the scripts today.

Ms Delahunty interjected.

Mr LEIGH — You teach nobody anything! They got rid of you from the Australian Broadcasting Corporation.

Ms Delahunty interjected.

Mr LEIGH — The reality is that the government's actions are the height of hypocrisy.

The ACTING SPEAKER (Mr Richardson) — Order! I think you have had the joust.

Ms Delahunty interjected.

Mr LEIGH — The minister says I am an unattractive man. For a bunch that harp on about other people making personal insults about them, they have the biggest glass jaw out.

Ms Delahunty interjected.

Mr LEIGH — The other day you were making disability remarks against me when there was some other stuff in the house. If you want to be personally abusive that is your problem; you cannot cope with the facts.

The ACTING SPEAKER (Mr Richardson) — Order! The honourable member for Mordialloc will address the Chair. When he says, 'You cannot cope with the facts', he is addressing the Chair.

Mr LEIGH — I can cope with the facts of addressing the Chair.

The Minister for Education has an inability to remember the history of what happened with this project. Indeed her actions as part of this group when it got into government in portraying everything people used to say about this project — —

Mr McIntosh — They don't know what they are doing.

Mr LEIGH — The honourable member for Kew says they do not know what they are doing. They have no principles. When you operate as a government you must have a basic level of principles from which you start. If you start from the basis of no principles you have a real problem. That is why when you look around the Department of Infrastructure, the bureaucracy when talking about the government and this project and others says it is doing a good job and is listening. What that really means is that the government is doing what the department is telling it to do. It is not governing, it is simply administering and signing the pieces of paper that the department puts in front of it. That is the tragedy of Victoria today — it is going nowhere.

Since the Minister for Education is here, I am sure she would like a fabulous example of the government's going from one end to the other. Page 818 of *Hansard* of 18 June 1996 records the now Minister for Transport talking about the Melbourne City Link (Amendment) Bill and the use of compulsory acquisition powers of government to assist private companies to make a profit. It states:

> The third objective of the bill goes to the government's plans to evict people from Crown land. During the election campaign we saw the process of the government choosing to evict people from their residences. We saw through the application of the Melbourne City Link Act the callous way the government used existing acts to take over people's homes legally without making that explicitly clear to the people involved.

I will give an example of the classic hypocrisy of the government. I quote from a local Ballarat newspaper. The article relates to the fast train project run by V/Line, a private company run on a franchised arrangement and put in place by the former government, which again the now minister was totally opposed to. Today he thinks it is a fabulous arrangement, because at any time there is a new train anywhere he is down there quicker than flash announcing that he is a participant in it, even though he has nothing to do with it. If something goes wrong it is nothing to do with him.

The article is headed 'Farmers to fight train route recommendation', and states:

> Moorabool farms could be split down the middle to allow for an 8-minute saving in travel time on the Fast Rail Link between Ballarat and Melbourne.
>
> More than 30 farmers in the shire's north-west say they will fight any attempts to buy their land after a feasibility study recommended cutting out a 13-kilometre loop around Bungaree.
>
> The farmers say the new route, which will force them to sell parts of their properties, will not only restrict the use of the land, it will destroy any chance of upgrading the Wallace railway station to provide an essential transport hub.
>
> West Moorabool councillor Tom Sullivan said the change would disrupt farming operations and could even threaten homes.
>
> It was ludicrous to spend more than $30 million for a time saving of what was more like 2, rather than 8 minutes, Cr Sullivan said.
>
> 'The Wallace station presents the ideal opportunity to transform it into a drive-and-ride centre', he said.
>
> 'It's the only area on the Ballarat to Melbourne rail line that provides an integration of rail and road. And we don't want to lose it'.
>
> Cr Sullivan said vacant land next to the station would be suitable for an on-off ramp to the Western Freeway.
>
> Bungaree resident John Parkin, who travels regularly to Melbourne, said he was not prepared to drive to Ballarat and look for parking …
>
> … Cr Sullivan said timetable frequencies and transport integration was vital to speed and the fast rail project.

What was the government doing? It is very interesting, because I was up at Bungaree not too long ago. The government had not told the farmers anything, and it was only at my instigation, with some assistance from the Liberal candidate for the seat of Ballarat, Charles Collins, that we got about 40 farmers together. About four months later the government finally decided to talk to the farmers whose land they were blighting. Potentially these farmers were going to have their land taken from them, usurped by a government that said it did not believe in these things — yet here it was, trying to help a company that was in it to make money. What was the government doing? The very same thing it accused the former Liberal government of doing. We all remember the histrionics from the now transport minister, who said, 'This is an outrage'.

Where are we today? We have the Bracks Labor government about to do exactly the same thing it accused the then Liberal government of doing — compulsorily acquiring people's properties. Indeed it is even worse than this, because no-one will tell anybody anything. When the government had the meeting with the farmers it basically said 'We are another year away from making a decision', so if you happened to be one

of these farmers and you wanted to sell your land, you could forget it. No-one is going to buy the land, because there could well be a railway line going through the middle of it.

The head of the rail projects group, Mr Brian Timms, is so clever that when he was addressing the farmers that night — I was there — and one farmer asked him, 'What am I going to do if I have to get my sheep from one side of the track to the other?', he said, 'We will give you some money to put in a fund so that you can rent transport to take your sheep from one side of your property to the other, and you will have enough money to do this for the future'. This was the sort of nonsense that was coming from a director of the rail projects group, who is paid $300 000 or $400 000 a year. I had to say to those Ballarat residents — who were very generous country people — that if they were like people who lived in Melbourne, a lot of them would have been planning a public lynching for some of these characters, given what they were coming up with. They are damaging the rights of these people. Yet for profit they are going to do exactly the same thing as the government accused the Kennett government of doing at one time.

At the very least you would think the government would be honest about what it was doing, but we have not got that. On the issue of infrastructure, for example, the Minister for Transport, who was then the opposition transport spokesman, was reported at page 350 of *Hansard* of 29 May 1996 as saying:

> One of the ways the government attempted to paper over the intellectual flaws, the different aspects that breach the new right ideology of privately owned public infrastructure …

The last I heard, this was the bunch who were running around trying to get $250 million from the private sector for public railways. Yet this is the minister who was saying this is some warped, New Right philosophy. Perhaps he has joined the New Right.

Mr Steggall — Probably heading it up.

Mr LEIGH — Possibly — but the amnesia among this bunch is very interesting. By the way, to date it has got no money from the train, and you can forget the $250 million. It has one public-private partnership arrangement, a partial hangover from the former Liberal government. Other than that the government has none at all, because nobody trusts it. Indeed many business people are fleeing to Queensland because it is cheaper to operate from there. When you look at the sorts of arrangements this government comes up with, you realise that we are not getting too far.

With City Link, the other aspect to all of this is freedom of information (FOI). This is the same bunch — and I have the passage here if the house wants me to quote it verbatim — who went on day after day about how outrageous it was that their FOI requests were not being met. Having served in this place a while and having seen what both sides do in respect of FOI — including sometimes misusing it! — I know that these guys are experts at not putting anything up.

An honourable member — They wrote the book.

Mr LEIGH — Well, they wrote more than the book. I do not think the minister wrote it. He might have printed it, but he didn't write it.

The fact of the matter is that of the requests I have made some are outstanding eight or nine months later, some have been lost, and with others you have to go to the Ombudsman. You name it, they will think of it to avoid coming up with information. With the latest one, I asked about aspects associated with City Link's sign-off arrangement. The Melbourne City Link Authority said no, because it said I had asked for a private report to the overseer rather than the direct report, so therefore it was not right. I am now having an argument with the Ombudsman about whether it is right or wrong. The concepts of transparency and of releasing available information do not exist under this bunch. They are the best abusers of it that I have seen in my years in this place.

It is also true to say that the introduction of FOI by the Cain government was an attempt to stop the public gaining access to information from private companies, and as a member of Parliament you actually wound up with less information. All was not perfect on our side of politics either, but over the years these guys have got better at it than I remember when I was in opposition, and that is very disappointing.

This is a project the Labor Party said was flawed and would never be used. It talked about the concept of bankruptcy but forgot about David White's original arrangements. When you look at the annual report of the Melbourne City Link Authority for 2000–01 you see that as at 1 June 2000, 580 536 vehicles were using it, which was up from 347 868 in July 1999. The brilliant thing about City Link from that perspective is that it has advantaged Victoria's transport sector by allowing for the transportation of goods from one side of Melbourne to the other. It has certainly been progressive in helping businesses transport their goods.

The transportation of goods is the next biggest cost for a business after the production of goods. City Link has

helped Melbourne to become more competitive, and it can only continue to help it to become more competitive if we have a government that is on top of what is going on not only in relation to City Link but also in relation to ports and the like. It is becoming increasingly obvious that frustration is developing in Melbourne's business community as a result of the government's inaction and its not being prepared to make decisions.

Sometimes decisions like those made for City Link are controversial and upset people, but if the decisions on City Link had not been made originally, including the mistakes that were made, there would not be that connection across Melbourne. Many people whinged about it, but the fact is that it has taken a lot of traffic, particularly truck transport, off roads such as Mount Alexander Road, where traffic has been reduced to the private vehicles of people who obviously do not want to pay the tolls and participate in City Link. Be that as it may, the government has done little to address what it said were its real views.

Other than cosmetic measures in recent times the government has dropped the ball on this one. The proposal to bring back the Melbourne City Link Authority is flawed. We could have addressed the matter more easily. I am interested to know why the government last year introduced a bill that was never proclaimed. There are still some outstanding issues: everything from the timing of the recharging of the wells, to where the wells would be, the cost of it and who will pay for it. Hopefully Transurban will pay for the lot.

Who will be the new director of the Melbourne City Link Authority? Will it be Richard Parker? Will he be continuing? He went off to Spencer Street, but presumably he is coming back; or maybe he is going. What we have is a government and a minister lacking direction on where this needs to go.

I say to the minister that he has to make decisions sometimes. He might even get criticised by me or others in the community, but the community respects people who make decisions. Even when wrong decisions are made you can then do something to rectify them. I have said it before in this place and I do not want to repeat it again, but Kenneth Davidson of the *Age* has made some interesting remarks about the minister and his advisers and their lack of competence and interest in projects. The opposition does not oppose this bill, but there are a lot of questions left unanswered.

The other remarks I wish to make about the bill revolve around consumer issues. Frankly I agree that these types of projects can raise issues that may or may not be of benefit to consumers. There has been much talk by the minister about what he was going to do and how he was going to resolve the matter, but I would love him to come back into this house and outline, despite what is going on, what he has achieved on this matter. It is not a lot.

Ms Delahunty interjected.

Mr LEIGH — If you knew what the bill is about you would not worry about it. I am speaking on the bill.

Ms Delahunty interjected.

Mr LEIGH — Do you know what — never mind, it is a waste of time talking to ex-ABC people. I am speaking on the bill when I talk about consumer protection. What does consumer protection involve? The latest we have heard from the government is that if you are somebody who wants to make arrangements with Australia Post — some 15 per cent of people using City Link seek arrangements through Australia Post for Transurban tags — you should cancel those arrangements. Presumably 15 per cent is not big enough for the government, but 15 per cent is a fair whack of the market.

I would have thought having a product made readily available in as many places as possible, particularly in places such as Australia Post outlets, would be an advantage. I use the Shell shop machines. I am not bad at using automatic teller machines and other machines. I am as good as most people at those sorts of things — in other words, I am not a rocket scientist — but there are some people who would experience difficulties in using the machines. It is a good thing that these machines exist in Shell shops. I do not have a problem with that.

I do not have an automatic deduction arrangement on my e-tag. I pay for it personally with my card by going to an Australia Post office and paying $50 or $100 or whatever is needed. I prefer to do it that way because I do not trust giving people access to my credit accounts to take out automatic payments, whether they are from Transurban or indeed anybody else. The only institution I authorise to do that is Medicare. I prefer to make private payments on most of my accounts. The more you restrict the ability for people to access these sorts of arrangements the less consumer rights are protected, yet the government is talking about providing consumer protection with this bill.

The bill states that Transurban must give customers who register vehicles consumer protection information, such as receipt numbers and the like. That is fine, but I

also have to say as part of this that I do not think their call centre information access is as good as it should be. There are still people who ring their number and have difficulty getting through, and Transurban can be reasonably hardline about it. Since the minister says he is so hunky-dory with Transurban these days, how is it that he has not fixed these sorts of things? I suspect he has not fixed them because Transurban is walking on him, not him walking on Transurban. This is one minister I would love to play poker with: you would know the hand he was dealing with as you played with him! With the likes of Transurban the government of the day has to work to ensure that it has an overarching right over the company rather than the other way around.

One of the true reflections of where the Labor Party stands on this can be seen in its great Treasurer. In 1996 along with the then shadow minister, now the Minister for Transport, he came out as part of the party's election campaign strategy and said Labor was going to rip up the contract. The man now runs around this place with his colleagues pretending to be some sort of junior version of Alan Stockdale with glasses — albeit a bit thinner — trying to create some sort of credibility about what he is or is not. The fact is that in 1996 the current Treasurer clearly wanted to rip up the contract. It was part of his election strategy.

I note that the honourable member for Coburg is in the house. I know that secretly he and many others in the Labor Party did not and still do not want a bar of this, but they are stuck with it because if they destroy the contract the government would be damaged so irreparably that, even forgetting Transurban and City Link for a moment, there would be very serious ramifications for it as a political party.

In summary, it is somewhat ironic that in effect the project started under the Labor Party and is now finishing under it.

There are two other aspects of this that ought to be referred to. The house might remember that the former Minister for Major Projects signed off on a $10 million arrangement for the western link. When the Minister for Transport came into office he accused the former minister of all sorts of wrongdoing and paid good old Frank Costigan, QC, $49 000, from memory, to research it. All he could find was that maybe the minister should have released the information a bit earlier. Other than that, the former minister did everything he could to protect the state from any reflection on it of any wrongdoing that might have occurred. So the then minister did the right thing on behalf of Victoria.

The same cannot be said for the present minister. While he is off signing little arrangements with Transurban over, for example, the $10 million technology release, has he concluded all the other arrangements with Transurban? Is the state totally free from any claims in the future? The answer is no, it is not. If I were the minister I would be keeping that $10 million in trust, because from what I know of what is going on the company will come at him for some funds over Wurundjeri Way, which goes around the Colonial Stadium. Why is it that the minister has not signed off? Why, when he said, 'You are released from this', did he not say, 'I want to be released from that', so the state would be out of it in totality? He has not done that.

I am a little concerned from the state's point of view. I know what the minister will do. He will try to play his media games: he will rush out and say, 'I am going to settle for this', and, 'This is all the former Liberal government's fault. They did this and we have no choice'. But the government has had a choice. It has had two years to negotiate and settle everything in relation to City Link, but it has not concluded all those settlements satisfactorily. That is very disappointing, apart from the fact that Mr Costigan found that the minister did not have the courage to offer the former minister the apology he was owed because he was protecting the state.

From what I can see, Mr Acting Speaker, if City Link had started under the Honourable David White, the former Labor Minister for Manufacturing and Industry Development, one of two things would have happened: it would have been built by the state and the state would now be up for a massive liability in claims because of the arguments going on about, in particular, the Burnley Tunnel, or it would not have been built at all. Those are the two outcomes I suspect we would have had if the Labor Party had not just thought of the project but then implemented it without the use of tolls. I suspect the real truth in all of this is that it never would have happened and Melbourne would be the poorer for not having City Link.

Whatever its flaws — and there are times when I think Transurban is not too clever about how it does some things — City Link is there and Transurban operates a very successful system in the sense that, according to the authority, almost 600 000 people used the roads in the month of June. That clearly says a lot of people in Melbourne have confidence that the right thing happened with the project.

Obviously there are other projects on the horizon that are not mentioned here. My sneaking suspicion is that the government may well propose to do something

together with the Melbourne City Link Authority with its section of the money from the Scoresby Freeway.

Given that the government is running around Melbourne — or scuttling around Melbourne, one should say — asking whether people would be prepared to pay tolls for commercial vehicles on the Scoresby freeway if the state pays tolls for private motorists, it may well be that the government has decided to get its moneys together for that proposal by the continued use of the Melbourne City Link Authority. From the government's perspective, on the Scoresby freeway corridor side of Melbourne it is facing a bluff that went wrong. It was never going to come up with the $445 million. The federal Liberal government came up with its share and now the state government is stuck trying to find half a billion dollars in a whole lot of Liberal electorates to do a project it did not believe in for seven years and still does not believe in.

The reason the Melbourne City Link Authority is being reintroduced may simply be to somehow cover this arrangement as the government seeks private funds for the Scoresby freeway. I do not know. A good question to ask is why, one year ago, Melbourne did not need the authority but now, a year later, it does. There were no answers to that question in the minister's second-reading response, and I still have not heard any answers to it. The opposition had a very constructive briefing from the departmental officials, but I still do not have an answer as to why the government has never proclaimed the abolition of the authority and why it is now seeking to reconstitute it.

I hope the involvement of the government of the day with this project is coming near to its conclusion, and I hope the government can sort out what its financial obligations are. It should be clearly stated here and now that given that it has been negotiating with Transurban for the release of other things the government cannot blame anybody else if it cannot now settle the claims itself. It has had two years to do so and its failure is no longer anybody else's fault but the government's. If it cannot manage the negotiations when they benefit Transurban then it cannot expect to blame somebody else who decides to come at it for a substantial amount of money.

The opposition clearly does not oppose the legislation. There are some answers to questions that the opposition would like, which presumably it will not get from this government, as it is not very good at doing that. However, from where I stand in opposition I believe the legislation should go through, and it will go through. The opposition will certainly not be opposing it in the Legislative Council as it is obviously not the sort of bill that raises a great deal of rancour among opposition members.

It is unfortunate that during the course of those seven years the Labor Party was not able to put aside its prejudices about various aspects of this project which were of benefit to Victoria. When one looks at the photographs in this report of the Premier opening City Link and of the Minister for Transport signing documents one sees the hypocrisy of the whole arrangement. It is very disappointing that when Labor was in opposition it was not prepared to be constructive in the interests of the state.

I give honest criticism, and if the government makes the right decisions in the interests of Victoria it will not be hearing arguments from me about it, as I will support it. However, I hope I have a broader view than one of simply opposing everything a government did for seven years.

Mr STEGGALL (Swan Hill) — I rise to make a few brief comments on the Melbourne City Link (Further Amendment) Bill. Firstly, City Link has to be one of the great success stories to come out of Victoria in the past 10 years. Most of us who have been involved in it from the early days are very proud of it and very proud to see it progressing. There is still work to be done. The technology is coming along and improving, particularly access to it by country people. There are still some issues related to ease of access, but it is getting better as the technology improves, and this legislation will help that.

Honourable members should not forget the options that were put forward in the early days when the former government had virtually no money, thanks to the Cain–Kirner years, and a very big need to kick-start some development and investment in this state. It set about doing that under the system that is now known as City Link, and that system has gone well. The great debates of that time were about whether or not to have a tolling system or a fuel tax system. Honourable members might remember that the Labor Party in opposition — and, in fact, in government before that — was rather keen on very heavy fuel taxes to fund the system, which was fought very strongly by country people who were in favour of a user-pays operation. That is the way it turned out, and City Link has now become one of the great projects. There are certainly still some issues and some problems, but it has been going very well.

The bill before us does three things: it establishes a further power to licence certain Crown land for

recharge purposes, it establishes further information provisions in relation to tolled exempt vehicles and it also establishes the office of the director of Melbourne City Link. That position will probably commence at the end of this year or become active as the Transfield Obayashi contract is completed.

National Party members will not be opposing this legislation. We trust it is, as I said, a further stage in the long journey, which has been good for Victoria. The bill enables the state to grant Transurban a licence to use the land for recharge purposes. Currently a lease can be granted, but that is not the preferred course as it will exclude public access to and use of the land. The granting of a licence will overcome that problem and will enable recharge of the ground water system which had to be extracted and cleaned out during the manufacturing process, which is quite a task.

We in the country have been listening with great interest to Melbourne people, disk jockeys, talk jocks and what have you telling us about all this great water that is being used to recharge the ground water system that surrounds the City Link, particularly in the tunnels. I believe the task, which right from the start was known about and had to be done, can be and will be completed properly. Every now and again when Melbourne gets to about 50 per cent of its water storage capacity — it will probably get back there at the end of this summer — people will get all anxious and worried about it again. However, the recharging of the ground water is very important, and it is an important task of Transurban to manage that ground water, to keep it in equilibrium, to keep the pressures right and to control all that area.

This legislation sets up nine recharge well sites and allows licences to be granted where required. It will give Transurban the opportunity to maintain that equilibrium and to manage the ground water requirements of this area. Putting in place a major project like this with major de-watering requirements and tunnels is a pretty big job. I hope the ground water equilibrium will be reached reasonably quickly, and that when it is done the management of that equilibrium will continue to be important.

Currently under the Melbourne City Link Act of 1995 customer protection provisions require Transurban to relay information back to customers after they have registered for an e-tag or a special pass. The 24-hour passes and Tulla passes cannot meet these provisions, as the period of registration is not confirmed until the motorist actually goes through the first City Link toll. This bill tidies up the customer protection provisions to overcome this situation and allows City Link to give what I believe would be regarded today as reasonable information and reasonable confirmation to customers as they purchase those passes.

The introduction of this new technology by Transurban will give us the benefit and the flexibility that we always sought. Politics is pretty awful. When you try to argue and bring in new things you get blamed for and labelled with everything that goes wrong. Many criticisms that we had to deal with in the country were about the provisions that are now available to the government. The minister will stand up in this place and say what a wonderful person he is and how clever he is to have introduced this technology, but the fact is that this technology has only just arrived.

Other more flexible passes will be introduced, and in the future City Link managers will be able to vary charges for different periods of the day so as to attract people to the City Link at some advantage. While there always will be resistance to tolls in Melbourne, and resistance from country Victorians, there will be a lot of scope in the technology still to come to attract those people with special deals or special time charges.

The third area the legislation covers is the ongoing management of City Link. It will be conducted through the new director of City Link, a position to be proclaimed on the same day that the Melbourne City Link Authority is revoked. It is interesting to note that this position is a fixed statutory entity and sits within the Department of Infrastructure. It will ensure there is always someone directly responsible for the ongoing management of City Link and it is not just a departmental appointment. It is also most important for that position to be the link between the government and Transurban.

The Melbourne City Link Authority (Repeal) Bill has not been activated yet because the stage has not been reached where the Melbourne City Link Authority has completed its tasks. The Parliament has already handled the necessary legislative requirements for when that happens. This legislation provides a replacement for the Melbourne City Link Authority when that time comes. It is reasonable and it will be supported as a reasonable means to carry out and to link and monitor the government's interest. The powers and functions are there to enable the long-term management and monitoring of the City Link concession, or the area that is covered, on behalf of the state. The replacement of the Melbourne City Link Authority will do just that. I dare say it will become virtually a departmental function, with a person responsible to the government with the authority to deal with issues that the government may have from time to time over the next 30-odd years of the life of the concession.

One issue on which I would like the minister or the parliamentary secretary to respond concerns the funding of the Melbourne City Link Authority out of the Better Roads program and the Better Roads Trust Fund. About $12 million a year comes out of the trust fund for the City Link authority. I hope that will disappear with the changes that will be introduced at the end of the contract and when Transurban fully takes over the operation from the City Link authority.

It is interesting to look at the provision of City Link from a country perspective. In the early days of City Link country members agreed to more funds being expended into City Link while it got started, such as the approaches at each end of it and the funding, management and completion of the government's or the state's responsible areas. In following years that money was made up to country areas. That worked well. When in government we introduced the Better Roads program in 1992 or 1993. It was controversial and awkward and we suffered a bit of political fallout over it. The 3-cent levy for the Better Roads program in Victoria has been a successful operation.

I would like to be given some assurances that the time has come for the Better Roads Trust Fund to be no longer a source of funds for the City Link authority when its operation changes and that the state, through the Department of Infrastructure budget, will pick up that money. Perhaps the government might also consider — and the parliamentary secretary or minister might respond — the placing into a trust fund of the $10 million it will receive from allowing Transurban to cease being a single-purpose entity. The $10 million picked up from the changes that have been asked for and given could also help in that area.

The legislation is part of ongoing legislation that this Parliament needs to deal with from time to time. The honourable member for Mordialloc made a few points, particularly about the way this Parliament has handled the City Link issue. The Labor opposition fought, scratched, clawed, abused and did everything it could to stop the former government from achieving the City Link, and all the things that go with it. To see government members now having to take it over and pick it up and then claim all the benefit and glory contains some irony that is not missed by those on this side of the house.

This is good legislation. As I said, it is required for the ongoing journey of City Link. We hope the City Link project will continue to its completion and that its ongoing management will succeed in delivering to the city of Melbourne and the state of Victoria this enormously exciting operation and the benefits that we are all gaining from it. From the point of view of freight, country Victorians have enjoyed enormous benefits and it has been a great boon for the state.

Mr CARLI (Coburg) — I support this important bill. As the honourable member for Swan Hill said, it is a bill to improve the workings of City Link. It needs to be said from the government's side that there were numerous vocal critics of City Link when we were in opposition. The reasons for that opposition remain valid. We are now trying in government to acknowledge that City Link has been built and that the government has a contract. The government is committed to ensuring that that contract is recognised and realised.

That is not to say that the criticisms made in opposition were not valid. The way the tolling system has worked has obviously been inequitable. It has particularly affected residents in areas such as the one I represent, through which the Tullamarine Freeway runs. It is worth pointing out that this amendment improves City Link in terms of protecting consumers, dealing with the recharge water, and the director's particular role in safety.

The honourable member for Mordialloc ranted and raved, and we are obviously used to that in this house, but he made a number of revisions and rewrote a bit of history. He introduced the notion that somehow David White was the architect of City Link and that City Link was a response to the coalition getting into government in 1992.

The City Link legislation was passed in 1995. By that stage the then coalition government had already begun its process of massive privatisation and the economy was in surplus. The decision to use the build, own, operate model of funding for the City Link system was ideological. As was said at the time, it was the politics of the right. It was an idea that both the costs and the risks of the project should go to the private sector but that in return there would be a very large windfall over the 34-year lease.

It needs to be stated that the honourable member for Mordialloc is wrong in stating that City Link was somehow the product of David White and equally wrong in saying it was a product of the coalition government in 1992. It was very much a desire to fund the project in a particular way — through the private sector providing the funding and taking the risk — but obviously in return it would receive windfall profits over the life of the contract.

The honourable member for Mordialloc made a call which sounded like an instant proclamation of legislation passed last year to wind up the City Link authority. He made the accusation that the position of director of City Link would be a job for an ALP mate, that it would be just another part of the bureaucracy and that it would just increase the size of the bureaucracy. The honourable member seemed to be saying that the whole issue of overseeing the City Link concession should go into Vicroads and that should be the end of it. That surprises me, because when he was briefed about the bill it was pointed out to him that the decision to create the position of director of City Link resulted from the review of public safety on City Link and the long-term management of the concession link.

It needs to be said that the fundamental cornerstone of that position is public safety. I believe it is an act of negligence by the honourable member for Mordialloc, after having been briefed on the reason for creating the position of director, to write off the position and say it is best left in the hands of Vicroads, that there should be no appropriate administrative structure or line of responsibility, that somehow it should just exist somewhere in the hands of some clerk rather than there being a very clear and up-front administrative structure in place, including a director of City Link, and a clear level of accountability.

The issue is important because the City Link tunnels in particular are problematic. The issue of safety is paramount. Issues have already arisen regarding the safety of the Burnley Tunnel. There are commercial and operational issues at stake and it is important that we put forward an administrative option — as the review of public safety has done — that is functional and effective. Heaven help this state if the honourable member for Mordialloc ever became Minister for Transport! He is unable to recognise the importance of that line of administrative control on a project of this magnitude which involves the safety of so many Victorians and obviously has enormous ramifications for the Victorian economy.

I very much support the establishment of a position of director. As I said, the proposal comes directly from a fairly intensive review of public safety in particular. It certainly allows for the management of City Link to exist within the Department of Infrastructure, which allows coordination with other transport and planning issues. It makes a lot of sense in terms of public administration and public safety.

In suggesting a move away from that model it is incumbent on the honourable member for Mordialloc to come up with alternative options. Simply to say that we should handpass it to Vicroads to look after because Vicroads looks after so many other roads and bridges in the state totally underestimates the safety issues involved with tunnels. We just have to look at the disaster in Switzerland and the Mont Blanc tunnel between France and Italy to recognise just how potentially destructive tunnels are if they are not properly looked after. Obviously there is a major role for a director of City Link.

This bill deals with more than just a director; it deals also with consumer protection and customer products. The honourable member for Mordialloc ranted and raved that he does not trust City Link, Transurban and the government, and that is why he does not get a transponder — because there are extraordinary conspiracies against him. It needs to be said that the government cannot possibly take away the fear of conspiracies that might be in the minds of some individuals. What we can do is provide the mechanisms to protect consumers, provide transparency and also increase the City Link product range.

I am very supportive of one particular issue: while people in my electorate have borne a particular cost associated with City Link I believe it is important to find other ways to mitigate those costs and find other benefits for those people to get improved flexibility in the products that are offered by Transurban. I suppose one example of that is the Tulla pass, the introduction of which I certainly supported. One of the first things the government did upon coming to office was to negotiate the introduction of the Tulla pass to give something back to the residents and users of City Link in Melbourne's northern suburbs — the area I represent — who had historically used the Tullamarine Freeway.

The issue of consumer protection and customer products also needs to be considered. The first part is that in the past there have been some difficulties with Transurban providing information to customers about their protection and their rights. In many cases rather than registering vehicles using the system through the 24-hour pass or the Tulla pass Transurban has chosen to exempt those vehicles, and where it exempts Transurban is not obliged to provide information to customers. The government is bringing about an improvement in the flexibility of Transurban by giving it registration provisions that are more flexible so that it widens the scope of consumer protection. It is important to provide more protection for consumers, which will make City Link more workable and improve the system in areas where it has detrimentally affected people's use of the road.

The government recognises that the toll prices and the current tolling system are a product of the former Kennett government. On many occasions in the past Labor Party members have put on the public record their opposition to tolls on that road and fought that imposition as much as they could when in opposition, but clearly that is now set in place. We are living under a contract and a tolling regime established by the previous government. The government is seeking new products. The only way under the contract that it can do so is by negotiation with Transurban, so it undertakes commercial negotiations on the various products as they are introduced. It seeks to make passes more flexible and provide improvements for occasional users, particularly users from rural and regional centres.

As I said, the first of the more flexible products that was introduced through negotiation with Transurban was the Tulla pass. It was very much a recognition that people throughout the northern suburbs had historically used the freeway, which had been free but now was a tollway. As a recognition of that and of the fact that we could not change history and turn back the relationship, the government sought to create a pass that was cheaper than the 24-hour pass for travel through the entire system and that would apply only for travel on the Tullamarine section of City Link.

The government also ensured that for almost 12 months, from January 2000 to 28 December 2000, there was a half-day price on the use of City Link. We have ensured that extended hours were available on the purchase of a City Link pass. We have ensured reduced prices on the Monash Freeway following the opening of the Domain Tunnel. On a number of occasions we have sought to reduce the overall costs to consumers and to recognise that, particularly with the difficulties of the Burnley Tunnel, as much as possible motorists were not burdened with those costs. We have made amendments to the act to protect customers against tolling errors and the misuse of private information.

We continue to be very concerned about the impact of City Link, particularly on low-income earners. We have ensured that a regime will continue so that people who have used City Link without paying would first get a warning letter rather than a $100 fine straight up. As I said, we have ensured that motorists were not charged on occasions when they used a road that was not complete. The Labor government has done a whole series of things to make using City Link somewhat more equitable by ensuring that there was some mitigation of its detrimental effect, particularly on low-income earners; that it was more flexible for occasional and rural users; that there were more outlets for the purchase of 24-hour passes; and that it was made more effective through telephone bookings.

Those are things that we will continue to do. The government is certainly committed to negotiating more products and greater flexibility. Through the bill the government is not only ensuring the protection of consumers so that when vehicles are registered consumers are given information about the purchase of the pass and there is customer protection, but is also looking for more products and seeking to extend the range of products.

A further issue is that of licensing land for recharge. It is important to recognise the impact on people's perceptions — given the drought conditions we have experienced in Victoria and the water restrictions in Sunbury, Geelong and many areas of country Victoria — of a lot of fresh water being used for City Link. It is about more than just the amount of water; it is also about the impact it has had, including the perception in the community.

The government has not only amended the act to ensure there are reservations for recharge wells but it also recognised, as has occurred in the negotiations between the Minister for Environment and Conservation and the Minister for Transport with Transurban, that we should be using grey water and recycled water for the recharge. The reason for the recharge in City Link is that the construction of the tunnels has resulted in a lowering of ground water levels as water stored in the rocks and gravel above the tunnels flows into the excavation. Basically, water has to be pumped in to ensure there is no damage to roads and bridges above the tunnels.

In the building of City Link it was recognised that the amount of water seeping down through the excavation was greater than was anticipated. During construction numerous recharge wells were installed along the general alignment of the tunnels between South Melbourne and Richmond. Transurban has been using fresh water to recharge the ground water reservoir. As was pointed out by previous speakers, that is also associated with meeting the requirements of the Environment Protection Authority, which wanted to ensure that certain contaminants did not enter into the ground water. The water has been purchased from both South East Water and City West Water at commercial rates.

The total water use represents less than 0.1 per cent of Melbourne's daily consumption, which might sound and is small in comparison to the overall consumption of water in Melbourne, but still it has been around

1 million to 2 million litres a day. There has been enormous variation since the tunnels were built, but it has been up to 2 million litres a day. An extraordinary amount of water has been used. The impact is that it has given Transurban quite a lot of bad publicity. Numerous schools in Victoria have undertaken projects in which they have been writing to members of Parliament, including the Minister for Transport, and to Transurban to question why fresh water is being used for the recharge, what the impact on our reservoir capacity is and what it means in the context of the drought. It has become a general community concern, and it has been the subject of discussion on talkback radio and, obviously, in schools.

The Bracks government is committed to water conservation. It wants to act and has acted on this. On 18 October the Minister for Transport, the Minister for Environment and Conservation and Transurban's managing director, Mr Kim Edwards, announced that $1.2 million would be provided to set up a recycling plant to pipe water up to seven points where it can be recharged into the ground. So Transurban has been prepared to spend a considerable amount of money, based on negotiations and community concerns and as a responsible corporate citizen, to ensure that an operating recycling plant is available to ensure water is recycled into the system.

This is obviously a massive project, as is Transurban and the whole City Link project. One of the things that has arisen out of the ability to negotiate better arrangements with Transurban is that it spells out a good future relationship between the government and Transurban. We will be able to continue to look at various products to improve the provision of services by Transurban and certainly ensure that City Link works better for all Victorians.

Debate adjourned on motion of Mr SPRY (Bellarine).

Debate adjourned until later this day.

JUDICIAL REMUNERATION TRIBUNAL (AMENDMENT) BILL

Second reading

Debate resumed from 18 October; motion of Mr HULLS (Attorney-General).

The ACTING SPEAKER (Mr Loney) — Order! I am of the opinion that the second reading of this bill requires to be passed by an absolute majority of the house.

Opposition amendments circulated by Dr DEAN (Berwick) pursuant to sessional orders.

Dr DEAN (Berwick) — The Judicial Remuneration Tribunal performs an important function. For some time it has attempted to take the politics out of decisions in relation to the proper remuneration of the judiciary in this state. It is presently made up of Sir Edward Woodward, Dame Margaret Guilfoyle and Mr Peter Salway. They have done an excellent job in the past, and although there is a requirement for a report every two years they have been diligent in ensuring that if two years is too long a period they make a more timely report.

The terms of their appointment have concluded and although they would be excellent choices to continue, if they do not, I take this opportunity on behalf of the opposition to express congratulations on the job they have done over the period they have been members of the tribunal.

The judiciary occupies a special position under the federal constitution, and although the state constitution is of a different ilk, nevertheless pursuant to both the common law and the statutory constitution in Victoria, it also occupies a very important position. In all democracies the judiciary occupies a special position.

It is trite to say that whenever democracies are under threat the first group of people who come under attack from those who wish to depreciate democracy is the judiciary. If the politicians or in some cases dictators wish to gain power they want to control the judiciary to insist, firstly, that certain trials take place and secondly, that certain results be determined to give the appearance of a judicial decision which is a controlled decision by the dictatorship to allow it to effectively control people's lives, so democracy goes out the door. If you love democracy, as both parties in this house do — whatever we may say to each other from time to time — you wish to protect the judiciary at all costs. That is an important principle. While all sorts of allegations are made backwards and forwards as to whether someone is or is not protecting the judiciary, the core belief of both parties in this place is that judicial independence is very important.

Consequently, the remuneration of the judiciary needs to be kept separate from the political process. The first way in which you may undermine the judiciary is to determine its conditions of employment and salary. If you were a dictator you would say to members of the judiciary, 'If you want salary X or Y or this condition I am looking for decisions in relation to friends of mine or the government which would be helpful and with

which I agree'. That sort of pressure is avoided with the Judicial Remuneration Tribunal.

Some people say it is a far thought that such a thing would happen in Australia or anywhere else. We have seen examples of democracies where things have gone wrong. There are countries with fledgling democracies, and I will not name them because that would be unfair, that are struggling with that very problem right now.

There is a second reason why the judiciary is so important. It is the old adage that justice must be seen to be done as well as being done. It is not enough that there is independence of the judiciary; it is important that the citizens of the country are confident that that is the case. Even if it is wrong but the citizens hold the view it is not the case, they lose faith in the judiciary and, as a consequence, the strength the judiciary has in making decisions comes under attack.

The respect with which judicial decisions are held in this country and similar countries is very high, and it is not achieved by force. In this country if the judiciary has to decide an important constitutional question that may determine the outcome of an election or who is to be in government, the incredible thing is that in making a decision where one side wins and the other loses — and enormous political power and patronage depends on it — there is no rioting in the streets, there is no questioning by the other side, and the army does not come out. The reason is not that everyone is under control, but it is a voluntary control that every person in this country imposes on themselves.

Judges have to make decisions that sometimes really hurt people. The end result of a judicial decision may cause extraordinary anger in someone who loses, because in most cases both parties to an adversarial case believe passionately in their point of view and it may well be that the result of a decision bankrupts one party and makes the other reasonably rich. If you did not have respect for the judiciary and if the community did not regard judges as separate, independent and learned you would not get the automatic acceptance that we have in this country. You may well get people rioting, smashing and burning cars because they did not respect the decision of the judiciary.

So members of the judiciary as the arbiters of horrific disputes must at all times be viewed in the community with a great deal of respect and with absolute faith in their independence. If any of the parties in this house believe in anything, they must believe in that. That is why the opposition will vote with the government in relation to this amendment to the legislation.

Mr Hulls — Good on you, mate!

Dr DEAN — I am glad to see the Attorney-General is so pleased.

Mr Hulls — I am surprised that you are surprised.

Dr DEAN — I am surprised that you are surprised that I am surprised! Whatever the level of surprise, the bill will ensure that in relation to salaries, when the Judicial Remuneration Tribunal has made its decision Parliament will decide whether that decision should or should not be varied. In the past that has been the responsibility of the Attorney-General, and his role was different from his role today. I believe the role of the Attorney-General has changed over time and has become more political. Some people say this is fortunate; others say it is part of an evolving democracy, and others say it is a terrible thing because the Attorney-General should remain separate from politics, as occurred in the past.

That is a different argument, which I do not want to get into. Whatever the argument is, the role of the Attorney-General has changed. Therefore, to have the Attorney-General as the arbiter of salary levels is no longer appropriate. It is no longer the case in other states, and it is important that the change is made here.

In relation to conditions of employment and allowances, I note that the old system continues. There may be reasons for that, and it may be that the lead speaker for the government will explain why that is the case. One of the reasons could be the complexity of the decisions made in relation to conditions and allowances as distinct from salaries. You would have to ask yourself why, if the move is to ensure that it is not the Attorney-General who can vary or refuse to accept a decision of the tribunal but that it has to be the Parliament, that is not the case with terms, conditions and allowances as well. That is an important issue. The bill goes half way down the track but not the full way. As I say, there may be a good reason, but it is important that the government specifies what that is.

The bill has some interesting changes which bear some comment. No special section in the existing act dictates to the tribunal members the factors they should consider. In the existing act it is up to them to determine what they think is an appropriate group of factors to consider when determining judicial salaries and allowances. Again I think that is a good thing, because by not being restricted they are given a level of independence necessary to make decisions without government interference. Under proposed section 12, which is inserted by clause 7, the government has

included a number of factors that ought to be taken into account. Some of them are a little odd, but I trust the tribunal will have a good understanding of them. The first is:

> … the Tribunal must consider the following:
>
> (a) the importance of the judicial function to the community …

That is a bit like saying it must consider the sky and the sea and the air that we breathe. As I have explained, the judiciary is incredibly important to the way our community functions. The fact that its members are not biased, are not influenced, are separate from the politicians, are learned — yes, they make mistakes because they are human, but they deliver — and that the process under which they deliver their determinations is unaffected by personal considerations means that they are a part of our community without which we simply could not function as a democracy. Without them there would be no safety valve, and the politicians would run everything. So I do not really understand that part of the bill. It is a sort of dorothy dix provision. The tribunal members could be scratching their heads and saying, 'Maybe we should downgrade the importance we have always given to the judicial function'. Anyway it is there, and I am saying it is verbose and unnecessary.

That is the trouble when you start picking factors. It is like the situation you can find yourself in at a function with some of your constituents who have done a good job. You want to mention some, but as soon as you start mentioning some you suddenly realise there are a lot of expectant faces out there and that if you do not mention them all they will be angry — and then you realise it would have been better not to have mentioned anyone in the first place. Once you start setting out factors, the fact that you have not mentioned one becomes an issue which you never meant it to become.

The words used are 'must consider the following', so hopefully the judicial tribunal will interpret that as meaning that it must consider those but that it can consider any other factors it wishes that are appropriate. Perhaps a better terminology would have been 'among the factors that are to be considered, the following should be included', because that would have been clearer. If the judicial function has not been the cornerstone of all its decisions since time began, I would be surprised and upset.

The next factor to be considered is:

> (b) The need to maintain the judiciary's standing in the community …

Again that is something that needs to be determined. It is difficult for the tribunal, because how do you determine someone's status in the community by setting their wage? No matter what wage you set you will never get that right. There will be some members of the judiciary who were silks of great reputation and whose annual income may have been $500 000 or $1 million but who when they come to the bench get a remuneration of about $150 000 a year. They give up $400 000 to $500 000 every year to do the job because that is what they think they should do as part of their contribution. So I do not quite know how to maintain the judiciary's standing in the community by salary.

My reading is that it has to be a salary which does not belittle the people involved. People can say various things about lawyers earning too much money, and having been one I can say they probably do. But whether lawyers do or do not, the fact is that most judges I know do not in any way consider the salary they receive as being some recognition of how important they are. They do it because being a judge is incredibly important and because that is what they do. If it were about money, they would never agree to a judicial appointment. Why would they?

I do not know how a tribunal deals with it. If someone gets $80 000 or $160 000 a year, what does it mean in relation to status? I really do not know the answer. A top artist may be the most fantastic artist ever seen, but as a consequence of not yet being recognised may earn nothing every year, or may be in poverty or if lucky may scrape together a couple of thousand dollars a year. Later on, probably when he or she dies, the art may sell for millions. Do you say that because that person could only get $2000 or $20 000 a year, somehow their status is affected or that they are not a worthwhile person with great talent and ability? I do not think so. It is an interesting subsection, and I wish the tribunal luck with it.

Proposed section 12(1A) in clause 7 also refers to:

> (c) the need to attract and retain suitably qualified candidates to judicial office …

Superannuation has an effect on that, but frankly in the real world I do not understand that it is a huge problem. I guess judges would be upset if you decided to pay them nothing, and they might say, 'You do not value us at all'. Then this subsection would have merit. But can you say that a salary that might range from $120 000 to $150 000 for a Supreme Court judge would somehow attract a judge? From my understanding of people who go to the bench that is not the major factor that they take into account.

Proposed subsection 12(1A)(d) refers to:

> movements in judicial remuneration levels in other Australian jurisdictions …

This is important, and I agree with it. There may be some suggestion that if a salary paid in Victoria is a lot less than, say, the salary of a South Australian Supreme Court judge or a Federal Court judge — and they are pretty much the same, although there is a bit of difference — it is only human for somebody to be antagonised by the difference. Movements in the consumer price index and other items are also important.

Proposed subsection 12(1A)(f) refers to:

> improvements in operational efficiency …

That is difficult. It is as if someone in the public service has said that these are the things that drive public servants, so they are the things that will drive judges. Are we going to say that the number of judgments a judge gets through each year will be looked at to determine whether the judge will get a bonus? I do not know. I really do not understand that provision.

It may have something to do with the efficiency of the judiciary and the system from the registry right up to the judges' offices. There are not a great number of County Court and Supreme Court judges, and efficiency in their offices probably could be improved, but I do not know whether it would be a big dollar item. It is an interesting provision.

Proposed subsection 12(1A)(g) refers to:

> work value changes …

I am stumped by that provision, because one must take into account how important the judicial function is to the community, which we have all said is the cornerstone.

An honourable member interjected.

Dr DEAN — Luckily I did not hear the interjection from the peanut gallery, so I cannot comment on it.

Are we saying to the tribunal that the value of work judges do is now going to be different, that they are not worth as much or are not valued as much by the community? I have no idea what this provision means, and I wish the tribunal luck with it.

Proposed subsection 12(1A)(h) refers to:

> factors relevant to Victoria, including —
>
> (i) current public sector wages policy;
>
> (ii) Victoria's economic circumstances;
>
> (iii) the capacity of the State to meet a proposed increase in judicial salaries, allowances of conditions of service …

Proposed subparagraph (iii) will become important now because only Parliament can say no to a salary increase. Most salary increases from the tribunal are backdated because they are done every 12 months or so and salaries can be backdated for 6 months or 12 months. That can be quite a big cheque for the Treasurer to sign. Under the previous scheme one thing the Attorney-General might have done was to say, 'Right now there is no money in the kitty and the government is going to have to delay payment for a while'. Now it will be more difficult, because the Attorney-General will have to come into Parliament and say, 'The government does not have the money for this right now, so I am going to have to move in Parliament, within 15 days of it being tabled, that it be disallowed for six months', or something like that.

On the one hand that is going to be a big problem for the Attorney-General; on the other hand, because it is such a big problem, it says that, of all the things the Treasurer has to worry about in this world, making sure that judicial salaries are as they should be, not because judges desperately need the money but because of the independence of the system, maybe is something that should take priority. Even if the Judicial Remuneration Tribunal recommends a back payment for so many months or years, and the Treasurer has a heart attack, he still has to pay up, because it affects the judiciary, and we are trying to keep it separate and independent. It is something that the government has thought about, although I do not know how it will work.

Maybe the state could make a submission, but I hope it does not get to the same situation as in, say, a national wage case, with the government trying to argue down the wages for judges because of economic conditions and the judges trying to argue that they should be getting more. The capacity of the state usually would have to be determined by its submission, so proposed subparagraph (iii) could prove a bit tricky. Nevertheless, it is in the bill.

Proposed subparagraph (iv) is the most important one. It refers to:

> any other relevant local factors …

Hopefully the other relevant factors are the ones that the tribunal will concentrate on.

The Liberal opposition has circulated an amendment. Under the existing system, once a recommendation is made by the Judicial Remuneration Tribunal it is

important that that recommendation is made public. The whole point of the independence of the judiciary is that whatever happens is known by everybody; the judiciary also wants that. The rule about open court is a classic example. It is very hard to get a court to close itself to the public because the judiciary is adamant that if it is to be independent and if there is to be faith in it, everything that happens should be public.

Any member of the public could see them at work, see what they do, hear what questions they ask during a trial and see everything about it that happens; and the same thing applies in relation to seeing a judge in chambers. There is a rule that if one side of the case wishes to see the judge the other side should be present. Again it is terribly important to the judiciary that there be no hidden factors, that they not be dealing with one side or the other. That is why the recommendations are published in the *Government Gazette* when they come down. These are recommendations generated by the judiciary: every two years they must publish them, but they can produce them earlier than that and it is important that they do so.

However, under these amendments a new procedure is available to the Attorney-General, who now can, if he or she wishes, seek advice. I do not know what happened in the past — it may be that that the Attorney-General just picked up the phone, I do not know — but I certainly agree that if he wants to get advice about a matter it is important that that be formalised so that we do not have communication going on between politicians and this independent tribunal, upon which so much of the separation of powers is staked, that nobody knows about. That is terribly important for an open democracy.

This new provision, which institutionalises or sets down in legislation the capacity to seek advice from the tribunal, is a good thing, but now that the members of the public can see such a mechanism it is important that they know what advice is being sought. Now that they can see that these opinions are being asked for it would be a huge mistake if a system which has been so open and under which there has been such an important separation between politicians and the tribunal should be closed, in that nobody would know what advice was being asked for.

You could get a recalcitrant Attorney-General in the future who went potty and asked for some extraordinary thing, to which under this legislation the tribunal would be required to respond. The legislation is not clear on the form of the response. It could be in the form of just advice, but if you read the words the legislation seems to envisage the response as effectively being in the form of a recommendation. I am sure it was intended that that recommendation would also be published like all other standard annual or biannual recommendations, but that is not clear. The opposition's amendment seeks to make it clear, along with all the other things it does, that both the advice which is sought and the response from the tribunal are to be public.

I believe the government will accept the amendment. It would be extraordinary if it did not, because it has gone out to say, 'Let us ensure that at least in relation to salaries there is this extra level of independence', and has formalised the obtaining of advice by putting it into the statute, which is an up front and open thing to do. All we are saying is that to complete that process it should all be open. To say, 'No, that is not right; we do not agree with that', would effectively be to say, 'We do not want it to be public; we want advice to be sought from the Judicial Remuneration Tribunal secretly and we want the responses to be secret'. That is not in the spirit of the independence of the judiciary in the way politicians have to be kept quite separate and out of the deal. I think it would be good to have the advice in there. Do not let it be thought that I am against that — it is an excellent idea — but I just think it needs to be finished in that way.

It may always have been the intention of the government for it to be made public — I am sure the government will advise on that. It may be that the government was never into secrecy and that the whole point of this bill is to allow for more independence rather than secrecy. That is fine. It may always have been the government's intention, but this amendment will solidify that intention.

The other thing I wish to mention is that the recommendations have to be tabled within 10 sitting days of receipt of the report. That means that when Parliament shuts down in late November or early December and does not start again until around late February, the recommendations may not be tabled for some three months or so. It is really more a problem for the government than it is for the opposition. The procedure is that the recommendations must be tabled within 10 days of receipt before certificates can be given and the judges' salaries can be increased. That means that time will tick away for three months or so before anything can happen. I raise that as a matter for consideration.

I do not envisage the judiciary being so desperate for a salary increase that it cannot wait for three months, but given that three months back pay may need to be paid and that a 12 months backdated decision may be

involved, in the vicinity of a year and a half worth of back pay may have to be paid. That could be a big strain on a Treasurer. I am sure the Attorney-General has discussed that with the Treasurer and the Treasurer fully understands that.

I do not think there is anything else about the bill that will cause problems. I do not wish to be thought to be only raising problems, but the role of the opposition is to ensure that all matters have been taken care of. I will raise one matter which I think is important — that is, this bill will mean that the salaries, allowances and conditions of members of the Victorian Civil and Administrative Tribunal will fall under the jurisdiction of the Judicial Remuneration Tribunal. That certainly gives VCAT an independence that it did not have before, which is good. However, I raise two matters which I think need consideration.

It would be a pity if that involves taking one or more steps down the road to changing the nature of VCAT. We must remember that it is absolutely essential to VCAT's existence that it should not be regarded as a court. It should not be viewed in the same way as the County Court or the Magistrates Court but rather as a tribunal that has both administrative and judicial functions. It is a tribunal for the common man, if you like — a place where Joe Bloggs in the street can go, pay the minimum amount of charges and get away without needing expensive counsel for a decision to be made at that level.

In my view that is why the rules of evidence do not apply to the tribunal — it gives a tribunal member more discretion as to how he or she runs the tribunal. I hope tribunal members can see that point, and I am pretty sure most of them do. The tribunal provides the opportunity to make things simpler by getting to the heart of matters without the time and money needed for an adversary case in one of the courts and with a lot less emotion. I hope that including VCAT within the jurisdiction of the Judicial Remuneration Tribunal does not set off a whole lot of other functions that turn it into a court of some sort. That would be wrong.

I know VCAT members have a great feeling of pride in their work and that they see VCAT as having a very important function. They are absolutely right about that, but their desire to see VCAT grow in eminence should not lead over time to VCAT simply becoming a fourth court. Although the characteristics and abilities of VCAT are different to those of the courts, they are so important and are the absolute reason for its existence. I make that one little point. I am certainly not saying that that will happen as a result of the tribunal taking over that function; I am simply raising it as a matter of caution.

There is a great deal of variety in the work of members of VCAT — some do valuations, some do planning appeals, some do taxation matters and some do small claims. There is massive variety in the work they do. A large number of the members are part time, and they travel a lot, which is a great facet of VCAT. I mentioned to the president of VCAT, Justice Murray Kellam, that as I travelled around the country I found that the word around about VCAT is that it is very good. The members travel, and the people in the community are thrilled about that. You do not often hear people saying good things about courts, because usually their experiences with courts involve trauma, trouble and money.

Mr Ryan interjected.

Dr DEAN — That is right, the winners love them until the next case they lose! It is very important for the members to travel. It is a massive task for the Judicial Remuneration Tribunal to sort out the members' allowances, levels of pay and conditions. However, I may have read the bill wrongly — the tribunal may just do the salaries and everything else may be done by the department. I am not sure about that.

But if it means going across all the members of VCAT to work out all the different levels — what part-time people get and what they do not; what you get when you are at a hotel down at Warrnambool for a case and you stay overnight; and what happens when you have got your car and pay for your petrol — then the tribunal will go mad. The members will be asking for a lot of help, and they will be wanting some bureaucratic backup. That is another question, and I will be interested to hear what the government has to say about that.

Both the Law Institute of Victoria and the Victorian Bar Council seem happy with the legislation. It does not cause them any difficulties.

I conclude by saying that we agree with this bill, subject to those matters I have raised, which I think are of concern and need to be at least thought about, and subject to the amendment we have moved to try to ensure that the process is and remains open. It is a step in the right direction. It is important that we do not remain the sole state where these determinations do not come through to Parliament.

I have been very careful in what I have said in order to in no way get into political mudslinging. I do not think the judiciary finds that very edifying. Members of the

judiciary do not regard it as being appropriate to a bill like this. It is important that the members of the judiciary see that Parliament as a whole, and that includes both sides of the house, has a great understanding of their independence and that as a consequence the bill, with the amendments that have been moved by the Liberal Party — not as a consequence of some tactical bunfight with the government, because if it were a bunfight we would be getting out there, slamming the table and saying, 'This is all about secret advice', and, 'This is what it is about', and so on — is not like that at all. Otherwise we would not be saying that we believe it is a good step and that the inclusion of an advice section in the act, which makes the obtaining of advice part of an open structure, was a good thing. We would not be saying to the government, 'Well done! It is a very good thing and we agree with it'.

Hopefully we will be able to run a debate on that basis, even though very few are run on that basis in this place. On that note I will sit down, because my learned friend, the Leader of the National Party, is keen to stand up and speak.

Mr RYAN (Leader of the National Party) — It is my pleasure to join the debate on the Judicial Remuneration Tribunal (Amendment) Bill. As I have said many times in many forums, there can surely be no more difficult task for the judiciary than to judge one's peers. That is difficult in any environment. It is a telling task, and to do it in circumstances where members of the judiciary are so publicly on display given the decisions they bring down makes it all the more difficult. Many times I have heard judges or magistrates say that one of the most difficult things they have to encounter is where they are faced with having to incarcerate somebody brought before their court. That is regarded universally by the judiciary as a terribly difficult task.

There is a necessity for the community to have complete trust in the judicial function because it underpins our society and the way we live together. The judiciary is, at all levels, the final repository for arguments between citizens who cannot otherwise agree in civil disputes and the forum where those who have broken the laws of the state are dealt with. It is important that people have complete faith in the judiciary. Its tasks are difficult to perform and carry onerous responsibilities. Those factors were recognised by the former government with the passage of the Judicial Remuneration Tribunal Bill in 1995. What we have before us is an amendment to that legislation in an endeavour to better it.

Entirely through my own fault — it was absolutely no fault of either the Attorney-General or the department — I did not receive a briefing on the bill. I could have telephoned or had my office organise it, but by dint of circumstance it did not eventuate. Be that on my own head. Some of the things I raise in my contribution may well be readily responded to. But whoever responds on the bill — perhaps it will be the honourable member for Richmond — might see fit to deal with some of these issues, because they are not many in number.

Firstly, the legislation came about because of what has become known as the Honan report, which in turn arose out of an inquiry by Mr Frank Honan after the release in February 2000 of a report of the Judicial Remuneration Tribunal. That report expressed certain misgivings about the way the act was structured and the role to be undertaken by the tribunal. After an examination of the report Mr Honan made certain recommendations, which I understand the bill is based around.

The commentary in the report shows Mr Honan found that the tribunal lacked an appropriate level of independence, which had a consequential impact on the judicial independence of Victorian judicial officers; that Parliament lacked a significant role in the determination of judicial salaries; and that final decisions on judicial remuneration rested with the executive by allowing the determinations of the Attorney-General to be substituted for those of the tribunal. That relationship was felt to be inappropriate in the context of existing constitutional conventions.

All of that, it seems to me, comes down to the fact that through the report concern was expressed that the separation of powers needed to be preserved and that the structure under the 1995 act that put the final power for accepting or otherwise the tribunal's recommendations in the hands of the Attorney-General was inappropriate. Rather, the general thrust was that the Parliament should play a greater role in dealing with the issues highlighted by the Honan report.

The persons to whom these determinations by the tribunal generally refer are judges, magistrates, tribunal members as described in the legislation; and by definition that is a relatively closed shop, which is not surprising in the prevailing circumstances.

The main features of the Honan report are explored in the second-reading speech. Under the existing legislation the tribunal can only recommend salaries and allowances, but the Attorney-General is empowered to vary those recommendations by tabling a

statement in Parliament. The complication in this report would seem to be that in every other Australian jurisdiction, except South Australia, the tribunal findings are regarded as binding and can only be disallowed by either house of Parliament in the respective jurisdictions. The system in South Australia is even harsher in that a special act needs to be passed if those recommendations are not accepted. All of that is in stark contrast to the position established under the 1995 Victorian act, where the Attorney-General has the final say. Such being the case Parliament does not have any effective say about what is to occur; it does not have a role in the true sense of the word.

This legislation moves to address that issue by establishing a threefold hierarchy of powers. They are firstly determinative, which is intended to mean that recommendations that come out of the tribunal's deliberations relating to salaries and allowances are to apply and to take effect, and the only way they are not to apply is if they are disallowed by either house of Parliament. Two things arise from that: the first is directly related to this bill and the second is incidental, but I will mention it anyway.

The first is that that system effectively brings Victoria into line with all other jurisdictions, save for South Australia. It is a sensible system. It means that unless some sort of positive act is taken by the Parliament the recommendations by the tribunal as to salaries and allowances will apply.

The second observation is that this issue has incidentally come up in relation to a completely unrelated piece of legislation that is now before the house — namely, the farm dams legislation. The relevance of mentioning that now is that the National Party believes the system to apply under the terms of this legislation is appropriate to apply to stream flow management plans in the farm dams bill — in other words, we say that the way to deal with those is to have them apply unless either house of Parliament should disallow them, as opposed to having them brought into the house, having them fully debated and making them the subject of the legislative process. We think it is far more sensible, as is happening in this instance, that they apply unless they are disallowed by either house of Parliament.

The second level of power to be accorded to the tribunal is described as being recommendatory. This power concerns the conditions of service, particularly those to do with leave, travel, reimbursement of work expenses and the like. Those conditions can also be the subject of recommendation by the tribunal but in that instance the Attorney-General can either accept or reject them. However, if the Attorney-General rejects them or seeks to alter them he must give a statement to the house within 10 days of the tabling of the report of the tribunal.

The third level of hierarchical power is to do with seeking of advisory opinions. Again this is a sensible role for the tribunal to undertake. I note the amendment the Liberal Party proposes to move. I have only just seen it. It seems logical to me to have no great concerns about it, but no doubt the government and the opposition will discuss that in some way, shape or form. Insofar as the National Party is concerned it seems to be acceptable. In any event we will allow those discussions between the other parties to ensue.

The legislation includes membership of the Victorian Civil Administrative Tribunal, and I adopt the points made by the shadow Attorney-General concerning VCAT. It is by definition a much-varied organisation as opposed to the court system or those other judicial office-holders as are presently described and as are intended to be described in the current bill. But by the same token it is a good idea that the VCAT membership is incorporated within this legislation. They form a judicial function — some would say a quasi-judicial function — and are led very ably by Justice Murray Kellam, who does a terrific job with the operation of the tribunal. It is sensible that the membership of VCAT should come within the ambit of the legislation.

The proposition concerning membership of the tribunal is that no judges, no former judges and no persons in the service of the Crown are to be members of it, and yet the Commissioner for Public Employment is to be a member of it. Why have a provision which states on the one hand that no person in the service of the Crown is to be a member of the tribunal and on the other hand that the Commissioner for Public Employment is entitled to participate?

Further provisions state that the reports of the tribunal must be published in the *Government Gazette* within 21 days of their receipt by the Attorney-General and must also be tabled in Parliament in the normal course of events. So it is that some 300 years after the original act of settlement this legislation comes before the house primarily, it seems to me, built around issues of separation of powers.

I will touch on a couple of aspects of the bill in the context of a comparison with the principal act. I see that in its structure the definition of 'holder of an office' as contained in clause 4 of the bill replicates in effect section 11 of the principal act, save that a new

paragraph (n) is inserted to bring in the members of VCAT, and I can see why that is the case. Clause 5 mentions the membership of the Judicial Remuneration Tribunal, and it seems to me to be a step up from section 4 of the principal act, which mentions the establishment of the tribunal. The principal act sets out in three subparagraphs that the tribunal is to be established to comprise three members, and that:

> A person is not eligible for appointment as a member of the Tribunal if the person is or has been the holder of an office the salary or allowances of which are determined by the Tribunal.

I wonder why it is that we have now gone to the point of saying that people who hold or have held judicial office at a state level in Victoria, in the commonwealth or in any other state or territory of the commonwealth are not entitled to be members of this tribunal. Often the expression 'vested interest' comes into these issues, but given the very nature of what we have been talking about — that is, the judicial function which is regarded highly by the community and judges who are to this day seen as being above and beyond the receiving of bribes or any other such demeaning activity — I wonder why it is that by the terms of this legislation judges and former judges across the board are to be disqualified from membership of any tribunal which will perform the functions as set out in the bill.

It seems to be as a matter of principle a complete contradiction in terms that the government would want this provision to apply. It may be that the recommendation was made in the Honan report, which I have not read, but if it is I would like that clarified. If the recommendation is in the report I would like to know what explanations are given for it; and if it is not in there it is incumbent upon the government to say why the provision is in the bill. At first blush it appears to be political correctness gone mad and members of the judiciary, both past and present, would be tempted to feel the slight.

Clause 6 deals with the functions of the tribunal. The functions as set out in section 11 of the principal act have now been taken over, as I said before, for the purpose of being included in the definition of 'holder of office'. The new set of functions on the part of the tribunal provided for in proposed new section 11 and proposed section 11A are probably appropriate in practical terms.

Section 12 of the principal act deals with the method of inquiry by the tribunal and clause 7 inserts into that section proposed subsection (1A) which deals with factors to be considered by the tribunal. Section 12(1) of the act recites, for example, that the tribunal 'may inform itself in such manner as it thinks fit', and then the following subsections go on to talk about the way in which that can be done. That is to be compared with the rather prescriptive mechanisms set out in proposed section 12(1A). There seems to be somewhat of a contradiction in terms between, on the one hand, the generalist capacity which rests in the tribunal as set out and retained in section 12(1) of the principal act and, on the other hand, proposed section 12(1A) which is rather definite in the extent to which the tribunal is to be constrained in its inquiries. I do not know that the government can have it both ways in the formality of the legislative process. It is okay to have directives, general understandings or whatever else floating about, but I wonder whether those provisions can sit side by side in the legislation.

Proposed subsection (1A) refers to one of the tribunal's considerations being 'improvements in operational efficiency'; like the honourable member for Berwick, I wonder what that will mean in practical terms. Does it mean more cases are to be heard; does it mean cases are to be heard faster; or does it mean shorter judgments are to be produced? What does the expression 'improvements in operational efficiency' mean in terms of the discharge of judicial responsibilities?

I repeat: National Party members do not oppose this legislation. We are particularly aware of the enormous responsibility that rests upon the shoulders of the judiciary in the discharge of their respective responsibilities as defined in this bill, and we wish the bill a speedy passage.

Mr WYNNE (Richmond) — I rise to support the Judicial Remuneration Tribunal (Amendment) Bill and thank the honourable member for Berwick and the Leader of the National Party for their contributions. I will take up some of the matters raised by the Leader of the National Party and briefly touch upon the amendment tabled just before the commencement of this debate by the honourable member for Berwick, as I am aware that only lead speakers will contribute to the debate at this stage, although the house will perhaps come back to it in the next couple of days.

It is important to recognise that a significant feature of the Australian constitution, and one that is essential for good government, is that the judicial function is separated from the legislative and executive functions and that judicial power is vested in independent judges with security and tenure. Lord Denning stated in 1981 that 'the keystone of the rule of law in England has been the independence of judges. It is the only respect in which we make any real separation of powers'.

Judicial independence ensures judicial impartiality by guaranteeing the freedom of the judicial branch of government from unwarranted intrusion by the legislative and executive arms of government. I am sure both sides of the house would strongly support this doctrine of separation of powers. Two important conventions in our legal system have secured judicial independence: they are security of tenure and security of remuneration. Since the Act of Settlement in 1701 the remuneration of judges has been secured by being charged as a permanent appropriation on consolidated revenue to avoid the threat of coercion by Parliament. In Victoria the remuneration of judicial officers is determined by the Judicial Remuneration Tribunal Act 1995, which established the tribunal to inquire into and report on the remuneration of judges, masters, magistrates and tribunal members.

In its February 2000 report the Judicial Remuneration Tribunal expressed concern that the system was unsatisfactory and consequently the Department of Justice commissioned a review of the tribunal's structure. That review, as has been indicated by the previous two speakers, was undertaken and the Honan report, which was an excellent report, found that the JRT did not have an appropriate level of independence, that it lacked transparency, that the Parliament lacked a significant role in the determination of judicial salaries, and finally, that the legislation allowed for the determination of the Attorney-General to be substituted for the determination of the Judicial Remuneration Tribunal.

In response to the findings of the Honan report this bill establishes a hierarchy of powers allowing the JRT to make determinations in relation to judicial salary and allowances, to make recommendations for conditions of service and to provide advisory opinions in relation to matters referred by the Attorney-General.

Clauses 4 and 5 of the bill provide new definitions for the 'holder of an office' and provide that persons with an obvious conflict of interest are excluded from serving on the tribunal. As has already been said, a long list of exclusions from membership are contained in the bill, being not exclusively but primarily people who have held or hold judicial office, including some public servants as well.

In his contribution the Leader of the National Party asked about the rationale for why a retired judge would not act on the Judicial Remuneration Tribunal. In that respect it is clear that there is a potential conflict of interest, because the JRT may be dealing with matters pertaining to remuneration, which may flow on to a retired judge by way of their retirement benefits. Obviously if the JRT is considering matters such as this, it would clearly be inappropriate for retired judges to be sitting on such a tribunal, as they would clearly be the potential beneficiary of determinations that may be reached by that tribunal. That is an obvious reason why a retired judicial officer should not take part in those deliberations.

The one notable exception to the exclusions is that the government has considered that the Commissioner for Public Employment should be on the JRT because of the particular expertise of that person in providing advice on remuneration and benefits and the independent nature of the office being resistant to any pressure from the executive. Essentially what we are arguing here is that the Commissioner for Public Employment brings a particular acute level of expertise to the important decisions which the Judicial Remuneration Tribunal has to wrestle with. From the contributions from both sides of the house, that appointment is obviously supported.

As Victorian Civil and Administrative Tribunal members perform work of a judicial nature, for the first time they will be included in the jurisdiction of the tribunal on the same basis as other judicial officers. I noted with interest the contributions by both the honourable member for Berwick and the Leader of the National Party in relation to VCAT. Along with all the other levels of the judiciary, it is incredibly important to the proper running of this state, and for most people their interactions with the judicial process is often through VCAT, whether it be for a planning dispute at a community level or other matter. We should acknowledge that VCAT members play a very important role in the administration of justice in this state, whether it be on small claims or planning matters, which are often the issues that raise most passion among members of the community.

VCAT members undertake an extremely onerous task, as do members of the judiciary at other levels of judicial office who, as has been indicated by the Leader of the National Party, have to make some of the most difficult decisions one has to make, particularly when having to make decisions on the incarceration of people. I know that both sides of the house strongly support the judiciary in their work. Bringing VCAT within that net is an initiative by this government which recognises the fundamentally important role that VCAT plays as an administrator of justice.

Clause 6 substitutes new section 11 and inserts section 11A into the principal act to allow the tribunal to make determinations on salaries and allowances of judicial officers and recommendations on conditions of

service and leave entitlements. The Attorney-General or any other relevant minister can refer any matter to the tribunal relating to salaries, allowances or conditions of service for judicial officers.

At this point I should consider the question of the amendment which has been circulated in the name of the shadow Attorney-General, the honourable member for Berwick. The government received the amendment only at the start of this debate, and it has taken some fairly quick advice from its officers and I have had a brief consultation with the Attorney-General on the amendment. I indicate at this stage that my understanding of the amendment is that the Attorney-General or the relevant minister must cause notification of a reference under this section to be published in the *Government Gazette* specifying the matters referred to the tribunal for an advisory opinion within seven days of referring the matter to the tribunal. As I understand it, the argument that is essentially being put by the honourable member for Berwick is that this would assist with further transparency in the process, and that it pertains to advisory opinions.

I advise the honourable member for Berwick that at this stage the government does not support the amendment, because a range of advisory opinions may be sought. Some of them may deal with very confidential or personal issues relating to an individual judicial officer — for instance, issues pertaining to maternity leave which the judicial officer may at a certain point not wish to have made public; issues relating to advice on benefits on resignation; or a whole lot of matters pertaining to a judicial officer which are of a personal nature. In that respect the government, as would the opposition if it thought this matter through, would regard them as being highly sensitive and pertaining to very personal matters of a judicial officer which should not be seen to be in the public arena. In that respect I indicate to the honourable member that the amendment he has proposed is not supported by the government. It is disappointing that the amendment was tabled with the government virtually at the start of this debate so it has not had an opportunity to fully consider it. But the advice I have from the government in preliminary discussions with the Attorney-General is that the amendment will not be supported.

Clause 7, through its insertion of section 12(1A), outlines the factors the JRT is to take into account when determining adjustments in judicial salaries and allowances, such as the judiciary's standing in the community — which we would all regard as being of the highest standing — attraction and retention issues, and factors relevant to Victoria. In his contribution the honourable member for Berwick seemed to indicate that he had some difficulty with these factors that need to be taken into account. I would have thought that if you actually look at them they are all very clear, and I cannot see where any level of misunderstanding or complexity lies. I will read a couple of them:

> (a) the importance of the judicial function to the community —

which I have already touched upon —

> (b) the need to maintain the judiciary's standing in the community;
>
> (c) the need to attract and retain suitably qualified candidates to judicial office;
>
> (d) movements in judicial remuneration levels in other Australian jurisdictions;
>
> (e) movements in the following indicators —
>
> (i) the Consumer Price Index;
>
> (ii) average weekly ordinary time earnings;
>
> (iii) executive salaries, including those of executives within the meaning of the Public Sector Management and Employment Act 1998 —

and on it goes. I would have thought that these were all fairly straightforward indicators that a JRT could very appropriately handle within its jurisdiction. Other factors include:

> (h) factors relevant to Victoria, including —
>
> (i) current public sector wages policy;
>
> (ii) Victoria's economic circumstances;
>
> (iii) the capacity of the State to meet a proposed increase in judicial salaries, allowances or conditions of service …

They are all quite straightforward and all fairly clear as far as I can see. I would have thought that its being in a position to clarify, through clause 7, the factors to be considered by the tribunal shows the transparency of the government and the transparency of the JRT in its operations.

The bill requires the JRT to consider issues specific to Victoria such as, as I indicated, economic circumstances, but it also provides it with flexibility to take other relevant factors into account in making its determinations.

The substitution of section 14 provides that determinations of the tribunal may be disallowed by a resolution of a house of Parliament within 15 days after the report is tabled. The provisions as set out in the bill

follow the recommendations of the Honan report and bring Victorian judicial remuneration practice into line with that of equivalent interstate jurisdictions.

The bill also re-establishes a constitutional relationship between Parliament and the judiciary consistent with the principles in the Act of Settlement 1701, which are still relevant today. The Judicial Remuneration Tribunal (Amendment) Bill respects the separation of powers between the Parliament, the executive arm of government and the judiciary and rightly reinforces that doctrine. The bill clearly indicates in an open and transparent way how the Judicial Remuneration Tribunal (JRT) will be structured and how it will operate.

The government will not support the amendments circulated at very late notice by the honourable member for Berwick, and its reasons for not supporting them are clear. There are important personal and confidential issues on which the JRT may have to advise, and I do not believe the amendments proposed by the honourable member for Berwick will be supported by the judiciary.

The bill is a good piece of legislation, and I am pleased it enjoys bipartisan support, with the exception of the amendments proposed by the honourable member for Berwick. I wish the bill a speedy passage.

Debate adjourned on motion of Mr PERTON (Doncaster).

Debate adjourned until later this day.

MARINE (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 18 October; motion of Mr BATCHELOR (Minister for Transport).

Mr PLOWMAN (Benambra) — It is good to contribute to the debate on the Marine (Further Amendment) Bill on the basis that it is principally designed to bring the management of marine safety, marine ports and other marine issues into the 21st century. Bearing in mind that the Marine Board of Victoria was established in 1888, one would have to say it has done a pretty good job over those 120-odd years.

Having spent a bit of time on the water, I am aware that the rules and regulations are adhered to. People respect the rules that have been introduced by the marine board since its establishment and since the latest act was introduced in 1988.

Mr Hamilton interjected.

Mr PLOWMAN — I can sense there is an agrarian socialist on the other side of the table — but yes, we certainly abide by the rules of the sea.

In 1998 a national competition policy review was undertaken which looked at the competition aspects of the marine legislation. In 1999 there was a general review of the Marine Act, and as a consequence the 1988 act was significantly amended.

As I said, I have spent a bit of time on the water, and I have sailed through and into many Australian ports. I understand the requirements of small boat owners in respect of marine safety, but I have little understanding of the requirements for larger vessels. I was fascinated when I looked at some of the rules in the act. Being a sailor in a small boat, I am aware that rule 18 says quite specifically:

> (a) A power-driven vessel underway shall keep out of the way of:
>
> (i) a vessel not under command;
>
> (ii) a vessel restricted in her ability to manoeuvre;
>
> (iii) a vessel engaged in fishing;
>
> (iv) a sailing vessel.

I can assure honourable members that there are plenty of times when a vessel does not abide by those laws. Rule 18(b) states:

> A sailing vessel underway shall keep out of the way of:
>
> (i) a vessel not under command;
>
> (ii) a vessel restricted in her ability to manoeuvre;
>
> (iii) a vessel engaged in fishing.

A sailing vessel must also give way to a container vessel, because those in charge of the container vessel are sitting very high above the water and a long way back. A sailing vessel can be totally out of sight up to 2 kilometres in front of a container vessel. Having sailed on many waters, that is one of the things that a sailing vessel adds to its list of responsibilities — that is, you certainly keep well out of the way of container vessels!

Mr Cooper — You cannot see them; that's the problem.

Mr Hamilton — They steal all the wind.

Mr PLOWMAN — They do steal the wind; you are quite right.

The aims of the bill are clearly announced, and they include the creation of the new office of the director of marine safety. The director of marine safety will take on the responsibilities and functions of the marine board and will be given additional powers. The bill provides the minister with powers to establish advisory committees to advise the minister and the director on marine safety matters of all sorts, but particularly those related to the committees.

The bill will provide improved powers relating to marine safety inspections and investigations, the effective administration of local ports and the control of marine pollution. Those powers are to be consistent with the national marine pollution response arrangements and contingency plans.

The creation of the new office of the director of marine safety will modernise and streamline the management of and the institutional arrangements for marine safety across Victoria. The staff will be retained and the director will be requested to perform the former duties of the marine board. All powers necessary to carry out the requirements will be transferred to the director.

Any number of advisory committees will be appointed. As I said, they will be there to advise the minister and the director, particularly on matters relating to marine safety. The debate on the bill about marine safety on the inland lakes of Hume and Mulwala was interesting in that it covered the requirements for inland waters as well as those for the bay and other marine waters.

The other point that is well made in respect of the advisory committees is that how marine grants relate to marine safety will be made more transparent. They will go directly into marine safety inspections and investigations. These powers largely relate to accidents and incidents that involve vessels and any breaches of the act.

Inspectors who will be appointed will carry identity cards, and it will be an offence to impersonate an inspector. Frankly, I do not think that is a problem, because anyone who has been investigated certainly knows the powers of the Marine Board of Victoria, and I am quite sure the powers going across to the director and to the appointed inspectors will be recognised and understood in the same way they have been in the past.

Clause 12, which amends section 83, makes it clear that an inspector has the power to stop, board and inspect a vessel and, if necessary, to detain a vessel for up to 48 hours — it can be for a longer period, but it would have to be with the authorisation of a magistrate — so as to carry out an inspection if there is some suspicion that the vessel has acted in some way not in accordance with the act, or if it needs to be inspected to determine whether it is responsible for a spill. Although it will probably be of immense annoyance to some vessel owners and captains, I think it is a necessary provision in order to make sure we have the opportunity to identify a vessel which is either in breach of the act or which could have contributed to a spill.

Clause 4 extends the provisions of section 84(1B) of the act to enable a marine licence or certificate to be suspended for up to 14 days. That period can be extended with the approval of the Victorian Civil and Administrative Tribunal provided an investigation has commenced. In other words, if a vessel is believed to have committed an offence under the act and an investigation has commenced, that suspension period can be extended for 14 days.

The bill simplifies the process with respect to local ports and the authorities that run them. Proposed new section 112 relates to the powers those local authorities have, particularly the powers under the Port of Melbourne Authority Act 1958. Clearly the situation with local ports has shown that there is a limited head of power and that regulations may be made and previous regulations amended, but there are no penalties in the regulations. It is of interest to note that port safety, vessel traffic management, port operations, protection and maintenance of port assets and compliance obligations for persons using local ports and port facilities are all part of the provisions of this bill covering those local port authorities.

Probably the most important part of the bill from the opposition's point of view concerns marine pollution. The marine pollution provisions in the act relate to oil spills. Of course oil spills gain a lot of prominence because of the damage they can do, but clearly from a pollution point of view noxious and hazardous substances can do just as much damage, even though they are not as visible to the public. I mentioned earlier that this is consistent with the national marine pollution response, but it is a most important provision.

Although I cannot see a provision in the bill relating to the illegal removal of bilge water, I am sure that is covered in the reference to noxious or hazardous substances, because undoubtedly the bill talks about the effect they can have on the environment. Most of us are aware of the damage that has been done in the past by the displacement of bilge water that is affected by or contains hazardous substances that can impact on the marine biology of the area where that bilge water is discharged.

Finally, the miscellaneous amendments made by the bill widen the obligations of vessel operators to assist persons in distress. It makes it an offence to interfere or tamper with a navigation aid. I was interested in the part of the bill that deals with persons in distress. It provides that where individuals are in distress in the water close to an area where a mishap has occurred, boat owners have a responsibility to assist them.

Having sailed sometimes in very difficult circumstances I know how difficult that can be. I recall a boat I was on coming back from Lord Howe Island to Sydney tipped over, did a 360 degree roll and lost its life raft and a lot of gear. We were at risk of foundering. At that time the yacht *Piccolo*, which was a Sydney–Hobart race winner, put out a mayday distress call. It was probably only about 3 kilometres from where we were, but we were in no position at all to render help, not having a life raft or the necessary steerage to go to its aid. I understand the difficulties, but in those circumstances you certainly do everything possible to help. I think it is valuable to include a provision that says that anyone who happens to be in an area where a mishap has occurred should provide help to a person in the water or on a life raft.

The opposition undertook significant consultations. The shadow minister in another place has contacted 30 major port operators and port users. We contacted the Victorian Local Governance Association, the Municipal Association of Victoria, four major industry groups, all municipal councils on the coastline and 65 yacht clubs. The opposition has conducted a significant consultation process.

A few concerns have been raised, and I will relate one or two of them. Vincent Tremaine from Toll said in his response that the loss of independence associated with the move from a board to an individual within the bureaucracy is disturbing to them. He asked whether that lack of independence would in any way lessen the service that has been given by the marine board in the past.

The other question which I believe is very relevant is why the government is making this change in the middle of a port reform study. Mr Tremaine goes on to say:

> Surely it would be prudent to await the outcome of the study before removing the current structure.

Again I concur with those thoughts.

The response from the Municipal Association of Victoria states:

> A quick examination of the bill suggests there are minimal impacts for local government … Council officers as authorised officers appointed by the minister under section 18 will be unchanged. In the circumstances, we raise no concerns regarding the proposals.

It is of interest that a lot of councils are involved in the management of small ports in one way or the other. I believe they need to look very closely at how their responsibilities might change, because clearly under the bill the minister will have the power to appoint different authorities and committees to give advice. Although we expect there will be a transition from the old to the new, I believe it is important that local councils look at that to make sure their interests are well protected.

The Shire of Glenelg, which was one of the councils that did respond, said:

> As the port of Portland is a fully privatised commercial operation, the suggested amendments should not impact significantly on the operation of our port — as the port already complies.

It goes on to say:

> Although some general marine safety and environmental pollution/disaster response concerns were raised in the independent port reform review discussion papers, I understand that the large commercial port authorities and port corporations are not faced with the same degree of legislative uncertainty on these issues as the local ports.

I think that is absolutely right.

> The Glenelg Shire Council has no substantive comments or concerns …

I believe that sums up in brief the response from the Glenelg shire.

In conclusion, it is strange that this legislation is being introduced while the independent port reform review is under way. It is fair to suggest that when that review is completed legislative change will follow its recommendations. It would have seemed opportune to have waited for the time required. The reason I say that is that most of the work on this legislation was done when we were in government, which is two years ago. It has taken two years for this government to introduce the changes that are in the bill. That length of time is such that one would wonder why it has taken so long. Given that this independent port review has taken place, it would seem appropriate that its recommendations and the subsequent changes to legislation could have been done concurrently. I think that would have been a better outcome.

I am also concerned that the bill talks about transferring all moneys in the marine fund to consolidated revenue.

At the same time proposed section 151(1)(c) of the bill says:

> All debts, liabilities and obligations of the board existing immediately before the relevant day, become debts, liabilities and obligations of the director, on behalf of the Crown …

I would have thought two things are relevant. First, it would have been appropriate to have ensured there were sufficient funds left with the director to meet those requirements, even though on behalf of the Crown the director could have those accounts and debts met by the Crown. But it seems strange to me that those funds are all being taken across.

Second, my understanding is that the board has had funds directed to it from different areas, which would indicate that some of the funds should go back to the areas that subscribed them. I would suggest there are areas where, say, slipway charges and the sorts of fees that may well have come back to the board indirectly should go back to the areas from which they have been appropriated.

The third and last point is that there does not seem to be any provision in the act to cover a boat owner's liability for clean-up, although clearly the director has that responsibility. Possibly all the provisions in the act are sufficient to meet any new requirements in the bill, but I ask the minister to clarify that in his winding-up speech, which would certainly satisfy any concerns I have on that matter.

On that note I say that although opposition members have some concerns about the bill, we certainly do not oppose it. We believe that many aspects of the bill will bring about a far more streamlined administration of marine safety and ports.

Mr KILGOUR (Shepparton) — I rise to make a contribution to the Marine (Further Amendment) Bill, which will abolish the Marine Board of Victoria. I might say at the outset that the National Party will not be opposing this bill provided it can get some positive responses from the minister on a number of issues about which it has some concern.

The amendments take into account the previous reviews of the act. In 1998 a national competition policy review of the Marine Act was undertaken, followed in 1999 by a general review of the marine legislative scheme. Both these reviews took into account submissions from the public and the key stakeholders in the marine industry.

Given the abolition of the board, one hopes we ensure that marine safety is continued. Thankfully I am not like the honourable member for Benambra, who was in a yacht which underwent a 360 degree rollover. It must have been a very frightening thing. I imagine he would be looking to ensure that 'safety first' was adhered to, particularly as the honourable member said they lost their life raft and were not able to get help quickly. We certainly need a body which ensures that the safety of people who are involved in boating is paramount.

In looking at the annual report of the Marine Board of Victoria and at what the board does, one notes that in his review the chairman, Dr Ian Johnston, talked about a number of major achievements in the board's striving towards the fundamental goals of providing the safest marine operating environment possible and the most effective response to the incidence of marine pollution. The board is involved in a number of different aspects of marine life. In the annual report Dr Johnston said:

> One of the major achievements has been the implementation of a far-reaching reform of our vessel survey practices and processes.

As the previous speaker said, there have been many occasions when one could see that people were in vessels that did not comply with the safety arrangements.

In November 2000 Parliament passed the Marine (Amendment) Bill 2000, which introduced licensing of operators of registered recreational boats. Last week during the second-reading debate on the Marine Safety Legislation (Lakes Hume and Mulwala) Bill I expressed concern that the house may have gone too far by providing that people who might only go out fishing in their little runabouts with 4 or 5-horsepower motors are still required to have those boats registered under the marine board provisions, yet over the border in New South Wales registration is not required for similar sized boats. I was concerned that the legislation was unnecessary.

Following the introduction of the legislation the marine board has been given the task of introducing licensing, and will work closely with Vicroads to deliver the licensing system. The efficient and effective delivery of this new government program is a high priority of the board.

The chairman of the board also states in the report:

> The review of the National Plan to Combat Pollution of the Sea by Oil and Other Hazardous Substances (Natplan) was completed and the board oversaw the process through to the signing by the Minister for Ports of an intergovernment agreement in support of the revised Natplan. Subsequently, the marine board is reviewing the Victorian Pollution Contingency Plan (Vicplan) to enhance marine pollution responses across the state.

These are some of the important issues taken up by the board. I ask the minister to ensure that the legislation will improve marine safety throughout the state.

In the annual report the chairman also said:

> There were two significant groundings of large commercial vessels, and several marine pollution incidents handled by the board as the lead control agency …
>
> The regional community consultation meetings commenced in the previous year were extended in 2000–01. Community forums were held at Lakes Entrance, Portland and Port Fairy.

The board had displays at boat shows and organised other public gatherings.

It is important that the board gives the public an understanding of what it does because it has a number of roles with marine pollution response, marine operations, vessel safety, technical services and recreational boating. The chief executive, John Lord, and his officers, under the direction of the directors of the board, carry out important aspects of marine safety.

The bill will abolish the Marine Board of Victoria and create the office of the director of marine safety, which will modernise and streamline the arrangements for marine safety in Victoria. It will supposedly have the necessary powers to carry out statutory requirements under the act. It will advise the minister on its operations, on the administration of the act and regulations, on marine pollution and so on.

The National Party hopes this is carried out as the minister expects. How will this be done? According to the minister a number of advisory committees will be established to improve consultation with the public, the marine industry, vessel owners, operators and stakeholders. The National Party is concerned whether this will happen, and asks the minister how many advisory committees are intended to be established. Will any of the committees have an ongoing standing role or will they be established on a needs basis as particular matters are investigated? This has not been clearly spelt out in the second-reading speech and I ask the minister to respond to this issue in summing up the debate.

The National Party would also like to know in what areas of marine activity these advisory committees will be established and whether it will be with commercial shipping, recreational boating and so on; how many persons are likely to serve on the advisory committees; what process the minister intends to use in appointing members; what sorts of people will be acting on these advisory committees and whether they will be required to have particular skills or experience; and in general terms, what terms of reference the advisory committees are likely to have.

It is all very well to say that the government is going to put in this new operation, but it is important that the minister give honourable members a better understanding of the provisions during the passage of this legislation through the house.

Marine safety inspectors and investigations will play an important role in what must happen in the future. The minister says that the inspectors' powers will be beefed up and improved; we certainly hope so and support that. Other provisions include the appointment of inspectors and identity cards for inspectors and authorised officers and the creation of the offence of impersonating an inspector. These types of provisions are included in many bills that come before the house and in many current regulations.

The second-reading speech states:

> Section 83(a) is amended to make it clear that in order to go on board and inspect a vessel, an inspector has the power to stop the vessel.

Obviously that is important; if there is to be an investigation of what a vessel may have on board, what sort of equipment it has on it or how it is operating it will be necessary for an inspector to board the vessel and make an inspection. It also may be necessary to detain a vessel, and we hope the bill will give inspectors the right to do that.

According to the second-reading speech the bill simplifies the process for establishing local ports and local authorities, and will provide local port authorities with the functions and powers to enable effective regulation and rules of conduct in relation to port safety. It is important for port authorities dealing directly with the safety of ports to have the ability to control the safety of ports.

The bill deals next with marine pollution, and we all know what can happen with oil spills. The provisions of the act generally relate to oil spills, but the bill extends these provisions to cover maritime chemical spills of other noxious and hazardous substances, which can easily happen. I support the minister in extending those provisions because it is important to ensure we have the ability to control spills of hazardous material.

The bill widens the obligations of vessel operators to assist persons in distress. It makes it an offence to interfere or tamper with a navigation aid, and that is important. The director is also given powers to order the removal of an obstruction in navigable waters and,

if necessary, remove the obstruction and recover the costs from the owner of the obstruction or the person responsible for the obstruction. Most of the amendments in the bill are commonsense and seem to be a reaction to what has transpired with reviews of the act. Many of the issues raised by port authorities, vessel owners and those who have been contacted are being adhered to.

As I said, the National Party hopes to receive some assurances that the minister will put into place the sorts of advisory committees that will have an effect — that is, committees that will be able to report back to the minister and have something done if they suggest it. In saying that, the National Party wishes the bill a speedy passage through the house. It hopes the Minister for Environment and Conservation will provide those assurances during the passage of the bill through both houses of the Parliament.

Mr CARLI (Coburg) — I am very pleased to rise in support of this bill and to hear the largely supportive comments of the speakers from the opposition parties. The Marine Board of Victoria first met in 1888. In a sense it is dated. This legislation is about modernisation and effectively putting a more modern public administration into place. The bill is not about trying to change the nature of the work, although it strengthens the areas of enforcement and responsibility. It is largely about changing the administrative structure and moving away from a board which used to have 12 members and over time has come to have only 5 members. A large part of that has been a response to the greater complexity of the work and the need for a modern and responsive administrative structure.

As we have moved to a more modern administrative structure the issue that has arisen is whether we need a board working in the way the Marine Board of Victoria has worked or whether we need a more flexible and focused arrangement of advisory committees, which is exactly what is occurring with this bill. Rather than have a board we will have a director of marine safety. That is in line with changes in other parts of public administration. We will have a series of advisory committees which are flexible and focused and which can change in number and nature over time and can clearly have an input into areas such as commercial vessels, fishing vessels, recreational vessels and other aspects of marine safety.

I note the concerns of the honourable member for Shepparton about whether the bill ensures safety. The primary focus of the bill is to ensure safety. What needs to be said first of all is that the 33 people who currently work for the marine board will continue to be employed. The marine board may disappear, but its staff will effectively remain within the Department of Infrastructure, working for the director of marine safety. Much of the importance of the bill is in empowering these highly skilled workers. Their skills and expertise cover many areas of marine safety and practice including marine operations, navigational safety, naval architecture, vessel design and construction, accident and incident investigation, safety promotion, education, training, marine pollution response, policy development and administration. That shows the breadth of the staff currently employed by the Marine Board of Victoria. That is why we can make this move. We are taking away the responsibilities of the marine board and giving them to a director of marine safety and in turn giving the minister the ability to create advisory committees based on need, which allows for greater flexibility and much more focused arrangements for the use of these advisory committees.

The number of advisory committees is not set in the legislation. There is some indication of the type of advisory committees we will have, but basically it is the minister's decision. To establish the advisory committees there will need to be a notice in the *Government Gazette* of a reference to a particular advisory committee, and that committee will advise the minister in that specific area.

The honourable member for Benambra raised the issue of the marine fund and what will happen to it. He questioned whether the money should not be better used. The marine fund is something of an outdated tool. It essentially functions as a daily banking facility, and it is cleared overnight into the consolidated fund account managed by the Department of Infrastructure. At the moment it does not act as a fund to assist the role of the marine board or the functions of marine safety. It is ultimately redundant. In a sense it is a misnomer to call it a marine fund, because that gives the impression that there is a fund there to provide assistance when it is merely a banking facility. That is probably not where it began or what it was used for in the past, but that is where it has got to today. The marine fund is redundant in practice, and given that this legislation is essentially about the modernisation of public administration, elements that are clearly redundant should be got rid of.

Why did the government arrive at this point and what about the port reform review that is currently taking place? The issues tackled by this bill are not ones that will be affected by the outcomes of the port reform review. It is important to state up front that this is occurring while a port reform review is taking place, because marine safety, the extension of powers over

spillages and the enforcement element of marine safety are not part of the port reform review process.

However, the issues in the bill have been considered in a number of reviews over the past few years. There was the national competition port review of the Marine Act in 1988 and a further review of the marine legislation scheme was completed in 1999. Both those reviews indicated the need for reform and modernisation of the Marine Act. What was appropriate in 1888 may not be appropriate in 2001.

The changes arose from that consultative process. The stakeholders have been involved and informed. The honourable member for Benambra commented on how extensive the consultation process has been. The issues of marine pollution and local ports arose in those two reviews and in investigations and papers produced over the past few years by both the marine board and the Department of Infrastructure. A raft of agencies have been interested in reform, including the Environment Protection Authority, various government agencies, Victoria Police and marine operators and users. If you go through an extensive process of consultation and are dealing with a piece of legislation that is in many ways anachronistic — for example, its public administration head is a board that was established in 1888 — clearly there is a need for reform, and that is what is being carried out. The honourable member for Benambra pointed out that the process began with the previous government. It has taken a while to get through the process.

It is important that this legislation receive the general approval of Parliament. As I said, the process began under the previous government and was continued by this government. It deals with what the honourable member for Shepparton called commonsense. On the whole it makes commonsense changes. It is a piece of legislation which I define as a modernisation of our statute book.

How does the bill work? The Marine Act 1988 will be amended and it will mean that the powers that are currently with the Marine Board of Victoria will be transferred to the office of the director of marine safety. The staff from the marine board are highly skilled. They are important in ensuring that marine safety in the state functions effectively and will be retained in the Department of Infrastructure. The liabilities of the board will be transferred to the state. Apart from the establishment of the board and the transfer of powers the bill provides that the minister will have the power to establish any number — not a fixed number — of advisory committees to advise on marine safety and other matters. The bill does not prescribe a number — and I take the point of the honourable member for Shepparton that he is concerned about that — but it is there to provide flexibility and to ensure the government responds most effectively to the issue of marine safety.

The bill will also improve powers which relate to marine safety inspectors and investigations. Inspectors are given powers to stop and detain vessels and to direct persons in charge of vessels. When investigations are commenced against vessels marine licences and certificates may be suspended temporarily. Offences relating to obstruction of inspectors and investigators are amended to make penalties comparable to similar provisions in other legislation.

The bill is very much about the enforcement of marine safety in this state. While we are modernising the legislation we are also empowering marine inspectors — giving them more teeth — and ensuring that they conduct their investigations and have some authority in those investigations which in turn will allow them to suspend marine licences and certificates. The bill will provide them with powers to act effectively.

The issue of marine pollution has been raised by the previous two ministers. It has been raised in the context of the consultations and in various discussion papers. The bill improves the powers for control of marine pollution. The current powers which relate to oil spills will be extended to other chemical spills. They will be consistent with national marine pollution controls. It is important that we extend the powers of monitoring marine pollution in response to the practicalities of non-oil spills and other chemicals. The bill has been introduced in response to an awakening in the community of the importance of the marine environment. It will ensure that we maintain a pristine environment so that the director of marine safety and the inspectors are able to act effectively against people who would seek to damage our waterways and ports.

Honourable members do not need to be reminded of how sensitive many of our ports are in Victoria. One only has to think of the port of Hastings in Western Port which is a very environmentally sensitive port — for example, ships are not permitted to discharge into it; it has particular sensitivities to oil spills although it is a major port for oil; and it has a sensitive local environment with mud flats and mangroves. The impact of an oil spill in that environment would be disastrous. Clearly the director of marine safety has to have the authority to act against anyone that would damage such a sensitive environment. That is only fitting given the importance of the environment to all

Victorians, particularly those who live in the environments surrounding our ports and waterways.

The bill also provides for improved powers for the administration of local ports. It provides and clarifies processes for establishing local ports and authorities. Local port authorities are provided with functions and powers which enable effective regulation and rules of conduct in port safety, vessel traffic management, port operations, protection and maintenance of port assets etcetera. The government is modernising and improving the flexibility and the responsiveness of the legislation. We are also improving the ability to establish and define port authorities, ensuring that they have the ability to set management tools, manage the traffic of boats and protect the assets of the ports and the surrounding waterways.

The bill states the compliance obligations and offences for persons who use local ports and ports facilities. These are not insignificant changes as we are dealing with a history of port management that dates back to the 19th century and the foundation of the marine board in 1888. Many of the ways of public administration were very different then and did not involve the same level of professionalism and responsiveness. Some of the issues we take as being central today, such as pollution, were not so important in the 19th century. Structures that allowed for the administration of our ports in the 19th century have been modernised over time. In hindsight, the reviews that have been undertaken over the past few years have proven that the structures were not effective, modern, responsible or flexible enough. So the bill deals with a substantial modernisation of that public administration providing the tools that will control our ports and deliver increased marine safety.

The honourable members for Benambra and Shepparton have emphasised their support for the bill on the basis that it improves safety, and they want to be reassured by the minister in her closing response that that is exactly what is happening. I assure honourable members that that is inherent in the provisions of the bill and is the reason many stakeholders have come on board as proponents of the changes.

We are dealing with the enormous complexity of our waterways, which carry increased numbers of commercial vehicles and recreational craft and which in the case of trade are experiencing a major increase in port traffic, placing pressures on our ports. One only has to think of the port of Melbourne and its container traffic, where currently for every 1 per cent increase in gross national product there is almost a 2 per cent increase in container traffic. It is a large increase for the ports, and administration is complex. Equally one only has to go to Docklands to see changes to Victoria Harbour, with not only residential development but also an inner harbour that has and will have a large number of recreational vessels, many of which will want to use the Yarra River to go into Port Phillip Bay.

Melbourne has the single biggest container port in Australia with the East Swanson and West Swanson terminals, where there are large container ships as well as the increased traffic of smaller vessels moving up and down the Yarra River. That has to be managed. The current rules state that a small boat has to give way to a container ship, but we must recognise that we are dealing with increased traffic and therefore safety becomes a bigger issue. These were not the issues of the 19th century, with the sheer size and number of vessels of today.

The bill recognises the need to create a director of marine safety. A highly skilled staff will move across from the Marine Board of Victoria to be part of the new office and a staff devoted to marine safety. If any honourable member is concerned about marine safety it would be worth while their meeting with the director of marine safety and the staff to get a sense of the complexity of their job and their dedication to it in ensuring that Victoria has not only Australia's but the world's best performance in marine safety. I commend the bill to the house and wish it a swift passage.

Debate adjourned on motion of Mr PERTON (Doncaster)

Debate adjourned until later this day.

WATER (IRRIGATION FARM DAMS) BILL

Committee

Resumed from 1 November.

Clause 7 agreed to.

Clause 8

Mr McARTHUR (Monbulk) — Clause 8 inserts proposed division 1A into the Water Act and deals with permissible annual volumes (PAVs). Permissible annual volumes are a concept well known in ground water management throughout the state and have been used for some years now. These PAVs will now be extended to cover ground water and surface water or both, which in itself raises an issue.

It is important that honourable members realise that the PAVs in effect set a cap on diversions within an area.

They are declared by and may be amended by the minister. They set a limit on the total volume of water, whether surface water, ground water or both, which may be taken in the area, whether it be used in that area or otherwise, over a period of 12 months.

In raising this matter I am seeking assurances from the minister about the way these issues will be dealt with. In doing so I refer to problems that have arisen with the declaration of PAVs in ground water management in recent years. I refer the minister to a paper entitled 'Getting it right', which was presented to the Murray–Darling Basin workshop at Victor Harbour near Adelaide on 4 September this year by Dr Phillip Macumber.

Phillip Macumber is the honorary research fellow at the School of Earth Sciences at the University of Melbourne. He is one of Australia's leading hydrologists and hydrogeologists and has spent many years researching ground water and some years working on ground water in the Middle East. He is a man of unquestioned capacity and experience and one of Australia's foremost experts on the issue.

I quote briefly from Dr Macumber's paper, where he reviews quite critically the Department of Natural Resources and Environment's (DNRE) management of permissible annual volumes (PAVs). It states:

> This situation is further exacerbated by the apparent acceptance of the outsourced results by DNRE without further technical review. In the case of the permissible annual volumes there is a consequent necessity by consultants to produce conservative estimates which oblige water managers to introduce seemingly draconian ground water management measures, most commonly taking the form of a moratorium on further drilling. The overall effect is a tendency for an ultra-conservative, 'better to do nothing than to make a mistake' mentality under the guise of a plea for caution. This approach buys time for bureaucrats, gives further work to consultants through the promise of ongoing future reviews and makes the task of water management simpler. However, such an approach overlooks the ground water user. At one extreme it stops many land-holders from exercising their traditional right to access to ground water and at the other it can prevent important regional ground water based development.

The critique is important in the context of this legislation because that mechanism is now to be extended to surface water. While the Liberal Party and I do not object to this mechanism being used to deal with ground water and surface water, it is important that in the management and application of this concept the minister and the department get it right.

Dr Macumber goes on to say in his paper that because virtually all of DNRE's work on establishing PAVs is outsourced and the overwhelming lion's share — one might almost say the monopoly — of this work goes to a single engineering consultancy in Victoria, it is important that the work is done properly. The critique goes on further, because as Dr Macumber points out, that consultancy then has a vested interest in protecting the PAVs it has established. That in itself would not be a bad thing if there were sufficient resources and expertise within the department to professionally review the recommendations of the consultancy.

Sadly my advice is that within DNRE there is in effect one junior hydrologist for the whole department. I understand that recently a second person has been appointed as the new assistant head of ground water management, and that person is also an employee of the consultancy that does the work. I also understand that that person is currently involved in reviewing the recommendations he himself made as a staffer of the consultancy. If that is the case, there is a serious flaw in the way this ground water process is being managed in the department at the moment, and it needs to be rectified.

The notion of permissible annual volumes is a sensible one. The application of that mechanism as a cap is workable, so long as the contracting process is fair, reasonable and open and other firms can apply for and succeed in gaining work assessing PAVs and the department has the capacity, the expertise and the manpower to professionally review the PAVs recommended by those consultants.

If those three things are not available then all of the PAVs at the surface water level which will be established across the state in the future will be seriously brought into question. Dr Macumber's paper, which was presented in September this year, goes on to critique some of the PAVs established in ground water, and it is not flattering. He presents some very detailed and, one suspects, reasonable criticisms of the PAVs in some of the aquifers that are now causing problems around the state. I am talking about places such as Tourello and Ascot and the various deep-lead aquifers in the north-central region and central highlands that are causing significant problems to regional ground water use and development throughout those areas. If that problem is spread statewide in surface water management the minister will have a real hassle on her hands, and regional Victoria stands to be a substantial loser.

I seek an assurance from the minister not that she will change the legislation but that she will review the operations of this aspect of her department's work, and that she will provide an assurance to the chamber that there will be an in-house capacity in the Department of

Natural Resources and Environment to professionally review the recommendations on PAVs coming from the consultants who succeed in getting the work, and that there will be opportunities for other firms to successfully bid for some of this work.

As I understand it, at the moment there are structural reasons for the monopoly on the current works, and they relate to the possession or the holding of the data and the fees charged for that data to other firms that wish to bid. I ask the minister to take up this issue, because it genuinely impacts on the management of water resources in the state, and to come back and assure the chamber at some stage — not necessarily tonight, because I do not think that is possible — that the same structural problems that appear to exist with ground water permissible annual volumes will not occur when they are extended to surface water.

Mr VOGELS (Warrnambool) — I support the comments of the honourable member for Monbulk. Victoria cannot afford to have repeated the mismanagement that occurred within the Department of Natural Resources and Environment and among government advisers on recommendations setting up the regional forest agreements. We have now found out that they made huge mistakes, and someone is going to suffer down the line. This issue is too important to make any mistakes, and we need to know that what we are doing is right.

Mr PLOWMAN (Benambra) — I also support the comments of the honourable member for Monbulk. It is important, because in other situations we have seen these figures grossly underestimated. Therefore it is important that we have that assurance from the minister.

Ms GARBUTT (Minister for Environment and Conservation) — I appreciate the issue that honourable members have raised. It really is an implementation issue. It is not about what is actually being enacted in the bill. It relates to something already in the act. Essentially the honourable member for Monbulk asked me to spread the work around and said the Department of Natural Resources and Environment must have the capacity to professionally review the work of consultants and so on. The permissible annual volume (PAV) is used to establish a trigger which then provides a further information-gathering exercise on which further examination and decisions can be made. It is not really the end point in a process; it is a starting point.

Coincidentally, Dr Macumber, whom the honourable member for Monbulk has quoted, has just been asked by the department to review some work done in the Loddon on PAVs, so we are moving down that path. It is certainly an issue I will look at.

Mr PLOWMAN (Benambra) — I seek another assurance from the minister. The minister has just said it is a starting point, not the end point. Proposed new section 32A(3) in clause 10 states:

> A management plan may prescribe for the relevant water supply protection area or any part of that area —
>
> …
>
> (g) restrictions to be imposed on taking of surface water at any location specified in the area, if necessary to ensure that —

and subparagraph (ii) is the important bit —

> (ii) the permissible annual volume for the area is not exceeded …

Will the minister give us the assurance that that will not under any circumstance apply to stock and domestic water?

Mr McARTHUR (Monbulk) — I appreciate the comments the minister made. To give an example of how this may become a very complex resource management issue, the bill provides for a permissible annual volume to apply to ground water, surface water or both. I ask the minister to consider a situation where there is regular and frequent transfer between surface water and a ground water aquifer, where a PAV is established to cover both and where there may be salinity issues within the region.

If the PAV is established to cover both and it says, in effect, that there are to be no more diversions, it is quite easy to envisage the situation where the surface water is fully committed but there are adequate ground water resources within the aquifer that should and could be very reasonably made available for development to the benefit of individual farmers and the region, and to salinity programs in the region, because one of the methods for dealing with salinity problems is to lower ground water tables.

One of the ways to lower ground water tables is to pump the ground water out and use it for irrigation. It is quite easy to envisage a situation with a single PAV that causes a moratorium on surface water diversions and coincidentally a moratorium on ground water diversions. That could be detrimental to both regional development and salinity management, and that needs to be understood. The department needs to be aware of it, and the minister needs to be alert to this sort of problem and have the capacity to deal with it.

Ms GARBUTT (Minister for Environment and Conservation) — In answer to the honourable member for Benambra, we can give that assurance. Quite clearly the bill is not about stock and domestic dams, and I have said that many times. I am pleased that he is raising it here, because he has been going around his electorate saying it will apply to stock and domestic dams, and that is clearly not the case.

The honourable member for Monbulk raises the practical issue of the interplay between ground water and surface water. Where we have overcommitted water we are putting in place a committee system of users who will be able to make recommendations to the minister. I am sure they are going to take those sorts of actions into account when they make the recommendations to me through the plans.

Mr MULDER (Polwarth) — In relation to proposed new section 32A(3)(g)(ii) I also raise with the minister the issue of conditions in my area, where Barwon Water has a bulk entitlement from the ground water aquifer in the Barwon area. Farmers who live and operate in that bore field have made representations to me saying that the levels in their bores have dropped considerably during Barwon Water's very heavy pumping periods and have risen when pumping has dropped off.

The honourable member for Warrnambool mentioned the regional forest agreement in relation to the accuracy of work carried out by the department and other agencies. I also raise this issue on behalf of constituents of mine. The concerns of these people, who operate within those bore fields, should be taken into consideration in relation to this clause, given that varying climatic conditions, varying rainfall and differing PAVs will impact on them greatly.

Ms GARBUTT (Minister for Environment and Conservation) — The honourable member for Polwarth is referring to an existing situation that this bill is not addressing. He is referring to ground water, which is covered under the existing act, where ground water supply protection areas are declared and committees are put in place to work out and make recommendations about the use of that water. He is referring to an existing situation. He is really referring to an implementation issue and how those committees are working. I have not had any complaints from his area about that, but I am happy to have a look at it.

Clause agreed to; clause 9 agreed to.

Clause 10

Mr McARTHUR (Monbulk) — I move:

3. Clause 10, page 10, after line 10 insert —

   "(11) The Minister must cause a declaration under sub-section (1) to be laid before each House of Parliament within 5 sitting days of that House after it is made.".

4. Clause 10, page 11, lines 16 to 18, omit all words and expressions on these lines and insert —

   "(3) Unless the area that is the subject of the declaration is wholly within an urban area, the persons".

Amendment 3 inserts proposed subsection 11 into what will be the new section 27 of the act. Honourable members can find this on page 10 at line 10. In effect, proposed new section 27 will give the minister power to declare a water supply protection area anywhere in the state and sets out the process for the minister to do that. Declaration of a water supply protection area is the initial trigger for water supply protection plans and a range of processes that will follow. It is a fairly lengthy process. It can take two years or thereabouts and involves considerable debate and discussion in the local community. It will have a substantial impact on whatever local community is involved.

We are seeking the requirement of an additional level of notification. Under the bill proposed by the minister there is a requirement for the minister to advertise this declaration in the local area and to publish it in the *Government Gazette*, but given that this will be a contentious issue and will take somewhere in the order of two years to be completed we think it is sensible for the minister to also table that declaration in each house of Parliament so that the Parliament itself is alerted to the start of the process and any local member who happens to represent an area where a water supply protection zone is declared is also alerted to the process and can take appropriate action to ensure that they are briefed on the issue of where and what is happening and is able to consult and represent their local community during the process.

We are seeking the support of the government and all honourable members in relation to this.

Mr STEGGALL (Swan Hill) — This is one of those unfortunate issues that come up in legislation from time to time when we have two differing opinions very similar to one another in many ways.

Honourable members interjecting.

Mr STEGGALL — I am sorry; I shall desist.

The CHAIRMAN — Order! I think the honourable member for Swan Hill is ahead of himself. I call the

honourable member for Polwarth on amendments 3 and 4.

Mr MULDER (Polwarth) — In many regards we are dealing with template legislation. The issue that concerns most of us is that water supply protection areas that are declared in various parts of the state will no doubt differ, and the conditions and matters relating to each of the declared areas will be different. For that reason we seek that these declarations be laid before Parliament so that we, as local members, get the chance to discuss the issues and concerns in relation to our areas as we see them.

The CHAIRMAN — Order! Perhaps the honourable member for Glen Waverley could sell his poppies somewhere other than in the chamber, where it is not accepted that such operations take place. I ask him to postpone doing that until later.

Mr PLOWMAN (Benambra) — I support amendment 3 put forward by the honourable member for Monbulk. It is an important issue. The amendment provides for an additional means of notification so that not only will people have an opportunity to see the declaration in newspapers and in the *Government Gazette*, they may also be notified of it by their local members of Parliament. A member of Parliament would be able to recognise its importance and relate it to his or her area. It is a similar situation to that involving reports on an irrigation district, and amendment 3 makes good sense.

Mr INGRAM (Gippsland East) — I support amendment 3 proposed by the honourable member for Monbulk. Presenting a declaration to Parliament is a good way of ensuring more accountability through the justification of the Parliament, and the house will be made aware of any changes under the act.

Ms GARBUTT (Minister for Environment and Conservation) — The government is happy to accept amendment 3, so it seems we are all in furious agreement in the chamber. The amendment was suggested during the consultation phase of the bill. I point out that the minister is already required to make such a declaration and cause it to be published in a newspaper circulated in the area. The minister is also already required to advise various ministers, any authorities that hold bulk entitlements to water, any public statutory bodies that may be affected by the declaration, any council in the area and any responsible authority under the Planning and Environment Act, so under the bill there are already requirements for widespread notification. It was certainly never the intention of the government not to make any declaration as widely known as possible, and the government is happy to add Parliament to the list.

Mr McARTHUR (Monbulk) — I thank the minister for her support of amendment 3. It will improve the operation of the legislation.

Amendment 3 agreed to.

Mr McARTHUR (Monbulk) — Amendment 4 also amends clause 10. The opposition is seeking to improve the clarity of the drafting. The existing wording of what will be the new section 29(3) is:

> If the area that is the subject of the declaration —

that is, the water supply protection area declaration —

> is (whether wholly or predominantly) a farming area —

the people appointed to the local committee —

> must be farmers who own or occupy farming land in the area, appointed by the Minister after consultation with the Victorian Farmers Federation.

There has been some discussion about what is meant by ‘wholly or predominantly a farming area’. People have raised with the opposition the question whether a water supply protection area in a rural region which takes in a substantial rural town like Hamilton or Benalla would be considered to be a wholly or predominantly farming area or whether it would be considered to be significantly urban. There is some doubt about that, and the opposition’s amendment is aimed at removing all doubt. The amendment is in the hands of honourable members. It simply states that unless the area which is the subject of the declaration is wholly within an urban area, at least 50 per cent of the members of the committee must be farmers from within the area.

It makes it clear that if rural land is involved, farmers from that area will make up at least 50 per cent of the committee and there will be no room for debate on or doubt about that requirement. The amendment improves the drafting of the bill by removing doubt and makes certain that the clear intent of the government and the wishes of rural people are adequately reflected in the legislation. Again, I seek the support of all honourable members for this very sensible amendment.

Mr MULDER (Polwarth) — I support the amendment moved by the honourable member for Monbulk. Taking politics out of the issue, in this situation we normally ask ourselves who is having their statutory rights removed and who should be the persons involved in the consultative committees in this regard.

As it stands, the bill predominantly raises several concerns for me and the people of my electorate of Polwarth as to exactly what could happen if the area south of the highway were declared a water supply protection area. Although the area has a huge amount of farming activity, it could be viewed by the government of the day as not wholly and predominantly a farming area; therefore, the persons appointed to that committee could be persons who had not had a statutory right removed.

I have worked tirelessly on this amendment, because in my electorate and others around rural Victoria there could be adverse consequences if consultative committees do not have 50 per cent farmer representation, although an area may be largely — if not wholly and predominantly — a farming area. This amendment will ensure that those persons or bodies who have a statutory right removed under this legislation will at least have a seat at the consultative committee table in terms of the negotiations and consultation that take place. I support the amendment moved by the honourable member for Monbulk.

Mr McINTOSH (Kew) — I also support this amendment. Essentially what the government has indicated in several briefings is that it is important that at least half the representative members of a consultative committee comprise those people who make up a farming area. This puts it beyond doubt that, unless it is in an urban area, every other area is effectively deemed to be a farming area, which falls within the ambit of what the government is trying to do. It is important for the people who are being deprived of their statutory rights — because essentially people in an urban area would have bulk entitlements and would not be deprived of their statutory rights in any way. This makes quite certain and puts beyond doubt the government's intention to ensure 50 per cent of a consultative committee is made up of farmers in such an area.

Mrs FYFFE (Evelyn) — I also support the amendment moved by the honourable member for Monbulk. In many areas such as mine, where there is intensive agriculture, pressure on people's right to farm and rapid development and where other lifestyle issues follow an influx of new people, it is very important that we have at least 50 per cent farmer representation on these stream flow management plan committees, unless the areas are predominantly urban.

Mr INGRAM (Gippsland East) — I support the amendment, but in doing so I will make a couple of points. In some areas farmers are not the only resource users; there are other commercial users, like members of the aquaculture industry. It is important to recognise that in future such an industry may use a large portion of the water in some catchments. Whether such industries are recognised as farming activities or other commercial uses, there needs to be a diversity of views put onto those committees so that the users of the resource who have an interest can have input. I support the amendment, which is probably better worded than the bill.

Mr SPRY (Bellarine) — As the representative of an electorate that has very ill-defined boundaries between urban and rural settlement, I think the amendment is critical to the bill. It brings a degree of recognition in areas such as mine. If the area is predominantly rural but has some urban land in it, then of course it is logical that at least 50 per cent of the people on those committees must represent the farming community. I support the amendment moved by the honourable member for Monbulk.

Mr McARTHUR (Monbulk) — I wish to briefly pick up something that was said by the honourable member for Gippsland East about the diversity of views on this issue. During the consultation on the legislation it was put to us by bodies such as aquaculture groups, the Nursery Industry Association of Victoria and the Victorian Wine Industry Association that in relation to the last lines of the clause, where it provides for people to be appointed by the minister after consultation with the Victorian Farmers Federation, there needs to be room in areas where those groups have substantial membership and representation for others to be involved in local management plan committees.

During the course of those discussions the VFF assured me, and I am sure the government too, that it will not be simply recommending appointment of VFF members to these committees, and that in areas where it is appropriate — where there are other substantial industries not affiliated with the VFF — it will be quite happy to recommend non-VFF members or people who can better represent, for instance, the nursery industry, the aquaculture industry or the wine industry — that is, to put their names forward as recommendations to the minister. I think that is a welcome statement from the VFF. I will be interested to see how it occurs in real life but am confident that the VFF will honour that assurance.

Mr PLOWMAN (Benambra) — I support the honourable member for Monbulk on that issue. It is about trying to get the right people onto these committees, and the right people are the people with local knowledge. If you have people from outside the farming areas who are not involved in the farming

industry in the area that is being declared, then you will not get the people who have the local knowledge. That is what this is all about.

Mr MULDER (Polwarth) — In relation to the proposed provisions in clause 10, there has been a sense of concern about putting farmers in charge or control of water supply protection areas. I really wish sometimes that people who live in the metropolitan area could travel into my electorate and see the work being done on the environment and the environment protection measures that are being carried out by farmers and Landcare groups. These people have environmentally friendly practices and work very hard to try to change the perception that people in the metropolitan area have of the way agriculture is currently carried out.

I acknowledge and thank the honourable member for Pakenham for the work he put in to come up with an amendment that meets the requirements of the legislation and ensures that those persons who are losing a statutory right are the ones who have some say about water supply protection areas. I stress once again that farmers are as much concerned about the environment in their own right as are people in the metropolitan area. A lot more work needs to be done by political parties across the spectrum on how they portray farmers and view their day-to-day activities. Farmers are very concerned and very proactive about environmental issues in rural Victoria.

Ms GARBUTT (Minister for Environment and Conservation) — This amendment was discussed during the consultation phase, when we were talking with the shadow spokespersons in the two opposition parties and the issues were raised. The government has agreed that the clarification is appropriate.

It was always the government's intention that those being affected — namely, the farmers who use the water — would have 50 per cent representation. The amendment certainly clarifies that. I think the wording was in fact suggested by the government and has been agreed to by all of us in the chamber tonight, apparently.

The honourable member for Monbulk asked about the Victorian Farmers Federation (VFF) being consulted. Yes, it is being consulted. That mirrors what is already in the act regarding ground water, and it will be applied to the broader process. Obviously the VFF is not the only group to be consulted. Others such as those representing the wine industry, aquaculture and so on will also be consulted.

Amendment 4 agreed to.

The CHAIRMAN — Order! Amendments 5 to 10 will not be moved as they are consequential on amendment 1, which was lost last week.

Mr McARTHUR (Monbulk) — I move:

11. Clause 10, page 16, after line 4 insert —

"(6) A draft management plan must contain a map of all waterways in the water supply protection area to which the draft management plan relates.

(7) On approval of a draft management plan, only those waterways shown on the map referred to in sub-section (6) are waterways for the purposes of this Division.".

For those honourable members who are wondering about the size of clause 10, because it constitutes about one-third of the bill, it substitutes a whole new division and a number of proposed new sections in the Water Act, so it is a massive clause.

One of the principal reasons for the problem the committee is currently dealing with is the definition of 'waterway' in the 1989 Water Act. That definition, as all honourable members who are familiar with this issue know, is so broad that a Mack truck could be driven through it. It means that any area of land across which water runs occasionally but not constantly can in effect be declared a waterway. That has led to substantial problems in a range of areas across the state.

This amendment seeks to deal with the definition of 'waterway', because the bill does not amend the definition at all or resolve the problem. It sets up the water supply management plan and local consultative committee processes, but it leaves untouched the issue of what a waterway is. We are proposing that where a water supply protection area has been declared and where the minister has established the local committee to develop a draft plan which, if approved, will then be used to manage water resources across that declared area, one of the tasks for that local committee should be to map the waterways within that area.

The opposition recommends this amendment to the committee for the simple reason that it will remove the need for any future argument about what is or is not a waterway. The people who will make that map will be those who are best qualified — the members of the local management plan committee. At least 50 per cent of them will be local farming operators, nursery operators or winery operators as the case may be. The others will have various levels of expertise and will presumably come from the local region, if not specifically that local area. So a great deal of local

knowledge will go into the mapping of the waterways in the area.

After the passage of the bill the waterway definition will apply only to the construction of dams. At this stage, following the government's refusal of our first amendment, it does not look as if the waterway definition will impact on licensing. Honourable members in the other place may have a different view about that, but let us wait until they deal with it. So the waterway definition will impact on where a farmer can build a dam. We are seeking to resolve any argument over waterway declarations in that case and to say that once the local committee is established it must map all the waterways in the area, so those waterways will then be deemed to be waterways for the purposes of the act. If they are not included in the map, then they will not be waterways.

That will remove the ambiguity and resolve the problems. It may be difficult to deal with during the planning and committee process, but it is difficult to deal with now. Surely it would be better to have 10 or 12 people with strong local knowledge — it might be 15, who knows? — making those decisions for the local area, mapping the waterways, removing that doubt and allowing farm dam development to go ahead where appropriate without the problems of getting waterway declarations in the future.

Again, the Liberal opposition seeks the support of the government and of all honourable members for this amendment. We think it helps the operation of the bill and removes what has been a very difficult, contentious and long-argued issue over the past five years in a range of areas around the state.

Mr MULDER (Polwarth) — I rise to support the honourable member for Monbulk, having had some experience in the matter he is referring to. I inform honourable members that the farm I had sat at the bottom of a hill that was joined by a gully that was fed from a paddock that ran from a road that was fed by a paddock that ran from the bush. To try to determine whether or not such land is a waterway creates an enormous problem for those involved. To have someone arrive at a property and say something is or is not a waterway, as has been the situation in the past, and then to stand back and consider whether that waterway has run most years or some years depending on whether or not there has been a drought period, creates a great deal of uncertainty and difficulty for someone attempting to develop that land.

Amendment 11 will take away the guesswork about what is or is not a waterway. If the waterways in a particular water supply protection area are mapped, then farmers will know whether or not they can develop their land and whether or not that will impact on a waterway, so I support the amendment.

Mr INGRAM (Gippsland East) — I will be opposing this amendment for a couple of reasons. The committees have a tough job as it is; in many areas they have had controversial and difficult processes to go through just to determine the allocation of stream flow sizes, amounts and so on.

One of the problems I see is that the determinations would bog down those committees for a lengthy period. Different areas would have different determinations, and potentially committees could have differing views on a particular creek because one of the surrounding gullies might be classed as a waterway because it impacts on an individual farm.

The legislation should be about making sure the process is even across the state. The amendment we are discussing will basically take away the need for the definition of a waterway that we have had in the past, and that is why I will be opposing it.

Mr VOGELS (Warrnambool) — One of the most important tasks of the members of these local committees, who, as the honourable member for Monbulk said, understand the local areas very well, is to work together and map waterways. Despite having heard that stock and domestic dams are not affected by the bill, my understanding is — the minister can correct me if I am wrong — that a stock or domestic dam cannot be built on a waterway. When these water supply protection areas are declared it will get harder and harder for farmers to find a spot where they can put a dam to catch water.

In the Western District in three of the past five years we have had no run-off at all and farmers have had to rely on having dams big enough to carry them over 2, 3, 4 or 5 years. If you are in business you need that sort of security. I believe that Melbourne has five years of water supply available and that the irrigators have 97 per cent water security, with another 60 per cent of supply available somewhere to be bought in most other years, so they have huge security.

It is very important in the Western District to build dams that are able to catch some run-off. The minister might correct me on this, but I believe stock and domestic dams will not be allowed to be built on waterways, so it is very important that we have a definition of a waterway, at least in the Western District. There is not much point in putting a dam

somewhere and then in a dry year having no run-off. That is my concern with this part of the bill.

Mr MULDER (Polwarth) — In relation to the issues raised by the honourable member for Gippsland East about the workload for committees, I think it would be fair to state — and the minister, I am sure, would be aware — that a lot of the work involved with the mapping of streams, rivers and creeks in most regions has already been carried out and that information is already available. We are asking that the committees avail themselves of that information and use that with the mapping of the waterways to take away the uncertainty about whether a farmer does or does not wish to develop on a waterway.

We are not talking about a whole host of additional information and the committees going out, starting from scratch and doing the work, because most of that work has already been carried out. I ask the minister to understand that the work has been carried out. In reply to the honourable member for Gippsland East, we are not asking these committees to carry out new work or a whole host of additional tasks, but to take on board information that is already available.

Mr HELPER (Ripon) — I oppose the amendment because the motives behind it quite miss the point of the entire bill. As it impacts on my electorate, the legislation primarily removes the ambiguity about what is a waterway. Some sensible people argue that absolutely nobody would put a dam on anything other than a waterway because, quite frankly, it would not fill. The definition of a waterway is the periodic running of surface water, obviously along the ground. The periodic running of surface water is necessary to fill a dam. There has been significant motivation to tackle this issue based on removing the ambiguity about the definition of a waterway.

The reference in the bill to waterway definitions is about the actual works licences and the impact a dam structure would have on either a waterway or any other land form. In effect the amendment does not make an enormous amount of sense and will not really bring about a practical outcome.

The honourable member for Warrnambool mentioned the need for or desire of some people in his electorate to build stock and domestic dams on waterways. Neither the amendment nor the bill will have a consequential impact on that. As it stands, the removal of the need to have a definition of waterways in the act will allow far greater certainty for farmers in the electorate of the honourable member for Warrnambool to site their stock and domestic dams wherever it is appropriate and necessary. The amendment does not add value to the bill at all. In fact, it could be argued that it detracts from it.

Mr PLOWMAN (Benambra) — Nothing has created more anger, more concern or more division than the definition of a waterway and the reinterpretation of that definition since 1995 when the cap came in for northern Victoria. Prior to 1995 people knew what a waterway was, and they accepted it; farmers knew and the water authorities knew, and there was a mutual respect for what was and what was not a waterway.

Since 1995, with the introduction of the cap, the water authority in northern Victoria has taken it upon itself to redetermine and redefine what is a waterway. It has created an enormous division between that water authority and the farmers in the catchment areas for whom it is responsible. The definition of 'waterway' — the honourable member for Ripon did not really get it right, although he had a good try — is:

> (a) a river, creek, stream or watercourse; or —

this is the most important bit —

> (b) a natural channel in which water regularly flows, whether or not the flow is continuous.

One of my irreverent constituents suggested that if you had an incontinent minister it might mean the trouser leg of that minister, because you would have a regular but not a continuous flow. That shows the stupidity of this definition: it is so broad it could encompass anything. The water authority in northern Victoria chooses to use the breadth of that definition to say that anything that runs water is a waterway.

For those of us who live in high-rainfall areas, during wet winters every hollow and everything else that has the slightest indentation runs water, and in a wet year it runs water for a long time. An officer from the water authority in northern Victoria who comes onto a property after three wet winters will look at the property and say, 'That, that and that are all waterways because they run in a wet year'. It is a complete contradiction of the intent of the 1989 act. Therefore the amendment is of real value. It clearly tells all parties what is a waterway and what is not.

Mr Vogels — Let the locals decide.

Mr PLOWMAN — It is actually put on a map so the locals, as the honourable member for Warrnambool suggests, can look at it and make a decision. They can determine from local knowledge whether something is, as the 1989 act determined, a waterway or not.

Another important point is that all Victorian catchments have already been mapped under what is called the sacred stream mapping system. It is so all-embracing that the map could be used to determine where each waterway starts and runs. On that basis it means that the majority of the work has been done.

I take the point made by the honourable member for Gippsland East, because it is a fair point, that we want some level of continuity across the state. We do not want one group saying a waterway is this or that. We have to remember that there are enormous differences in each area. In the Mallee you might have something that is deemed to be a waterway because it runs every two, three or four years, so that when you get a rain big enough to run it is clearly a waterway. However, if you applied that definition to my high-rainfall area or the area represented by the honourable member for Gippsland East, it would be complete nonsense to say they were the same. So you need local people with local knowledge who know the intent of the 1989 Water Act to determine what a waterway in that immediate area and catchment is and to put it on a map, and then there is no question about it. If that happened it would take away the most important and divisive factor in this whole debate.

Mr McARTHUR (Monbulk) — I will respond briefly to the claim made by the honourable member for Ripon that this bill substantially takes out of operation the definition of 'waterway' in the act. In making that claim the honourable member showed that he had read the bill, but he clearly showed that he has not read or does not understand the 1989 Water Act. I can lend him my copy if he likes, but I refer him to section 75, which says:

> (1) A person who —
>
> (a) obstructs or interferes with a waterway; or
>
> (b) constructs any works on a waterway; or
>
> (c) obstructs or interferes with any works on a waterway; or
>
> (d) erodes or otherwise damages the surrounds of a waterway —
>
> without being authorised to do so by or under this or any other Act is guilty of an offence.

Further, in section 67 the act states that an authority may issue a licence to people who apply for permission to construct any works on a waterway. I guarantee the honourable member for Ripon that farm dams fit within the definition of works. Whether they are irrigation dams or stock and domestic dams, they fit the definition of works.

The definition of waterway is still and will still be a very significant operative issue in the Water Act after these amendments are dealt with by this and the other place. If the honourable member thinks that the farmers in areas like Maryborough and Avoca in his electorate of Ripon are not going to be impacted by the definition of waterway in the future, I suggest he will soon be getting some strong mail to rapidly disabuse him of that mistaken belief. The waterway definition will still have an impact.

This amendment is put forward not in any mistaken notion or with any misconstrued motive, but in a genuine attempt to resolve an issue which has caused dissension and division across a large number of areas of Victoria between many people and their regional water authorities for some five or six years. It has attracted a lot of media coverage: there have been front-page photographs in the *Weekly Times* and TV stories on this issue, and there will continue to be significant disputes about whether or not a farmer can build a dam in a specific location if the issue of a waterway definition is not suitably and sensibly resolved. I ask the honourable member to reconsider his opposition to this amendment, because if he does not it will come back to bite him.

Mr McINTOSH (Kew) — An important distinction has to be drawn in relation to this amendment. The amendment in relation to the plan of waterways is fixed only in relation to and for the purposes of this division, which in essence relates to the management plan. It has no other application in the rest of the act. In their contributions to the second-reading debate last week the honourable members for Ripon and Ballarat certainly used the words 'security' and 'certainty'. In her second-reading speech the minister spoke about the security that these provisions will provide for all water users in rural areas of Victoria.

This amendment provides a degree of certainty, if not security, as to what the water resources in a particular area will be. Indeed, an object of the management plan, among other things, is to determine what those water resources are. The effect of this bill is to register dams and water use to determine whether or not those water uses in an entire catchment area meet the permissible annual volumes or whether the stream flow meets the permissible annual volumes.

I would have thought it was absolutely crucial for a consultative committee to determine the water resources in a particular locality to work out what are the waterways: waterways flow into watercourses, watercourses flow into rivers and creeks, and they define what the water resources in a particular locality

will be. All that work will take a substantial amount of time, and I understand that. All this amendment is seeking is to determine what the water resources will be in a particular area. Out of that water resource you then have to determine the use that that water is put to in order to determine the permissible annual volume in a particular catchment area.

As I said, all this amendment seeks is some definition of waterway, because that will have implications about the application of the management plan. It is not there to define waterway for the whole act. There have been difficulties with the definition of waterway. One way of dealing with the overall purpose would have been to try to clarify what is a waterway. But, having gone down this path with the management plan, if this legislation gets through Parliament, if the object of a management plan is to determine what the water resources are, I would have thought it was axiomatic and logical that a consultative committee would have to determine what the total water resources would be in a particular protection area.

If that is the case, they must as a matter of logic determine what the waterways are in that particular catchment area. All this amendment does is make it perfectly clear that they need to publish that plan for the benefit of everybody in the entire area, and indeed in this Parliament.

Mr HELPER (Ripon) — I rise to take up some of the gratuitous points made by the honourable member for Monbulk. What he and the proponents of this amendment seem not to appreciate is that the whole purpose of this bill is to primarily address the resource allocation issue. It is not to address a planning issue or the impact of works licensing; it is about a resource allocation issue. In that context, the definition of a waterway has at long last been removed from consideration.

The honourable member for Monbulk referred to the public division and dissension as depicted on the front pages of local newspapers — certainly I have had my fair share of it in my electorate — and on the front page of the *Weekly Times*. Let me indicate to the honourable member for Monbulk that not a single one of those stories was about anything other than the licensing and resource allocation issue of water. This amendment proposed by the honourable member for Monbulk does not have an impact on the primary purpose of the legislation, which is about resource allocation. It has precious little to do with the impact of works licensing or of actual structures. It has all to do with resource allocation.

In terms of resource allocation, it has taken the need for a definition of waterway out of the act. It is silent on the definition of a waterway in terms of works licensing. The arguments that have been presented on the front page of the *Weekly Times* have not had anything to do with works licensing. They have always had something to do with resource allocation.

Ms GARBUTT (Minister for Environment and Conservation) — I think some members opposite are confused by the two types of licences. The licence to take and use is the one that was referred to by the honourable member for Polwarth. Certainly the honourable member for Kew was talking about the committee's need to determine water resources and the use of water. That is what is licensed under section 51 — the take-and-use licences. Clearly that sort of licence is in the act now. The government is saying that after this bill is enacted it will not matter whether you are on or off a waterway, or what the definition of a waterway is or is not; if you are going to use that water for commercial or irrigation purposes you will have to have a licence for take and use to use the water. But you will still have to get the other sort of licence.

An honourable member interjected.

Ms GARBUTT — Section 67 — thank you very much — for construction, for the works, for building the dam.

I believe what we need to look at there is not the definition of waterway. We need a practical approach of assessing what is proposed to be put there in terms of the works, particularly with environmental sensitivities. What we need to do is issue some practical guidelines that will be required to be assessed only when the works are on waterways of a high environmental value. On other occasions it will not be necessary.

Clearly there is some confusion about the two sorts of licences. The definition of waterway will not be relevant for the take-and-use licence if you are going to use it for commercial and irrigation purposes, but it will be important for making an assessment about the works under section 67. The government is not supporting this amendment. It believes there are other ways of making that assessment on waterways.

Mr McINTOSH (Kew) — In relation to this matter the minister raised, I refer the committee to proposed section 32A(1) on page 13 of the bill, which states:

> The object of a management plan is to make sure that the water resources of the relevant water supply protection area

> are managed in an equitable manner and so as to ensure the long-term sustainability of those resources.

Is the minister saying those water resources will be defined by a section 51 licence and a section 67 licence in total and that there are no other water resources that the committee should take into account in determining the water resources? I would have thought water resources in this provision is the total water — that is, bore water, ground water, surface water, rainwater, water in a waterway or water used for domestic or stock or irrigation purposes. I would have thought it meant in that proposed section a global figure and was not limited to just section 51 or section 67 water use.

Mr HOWARD (Ballarat East) — I reiterate some of the points honourable members on this side of the chamber have made before. The opposition's amendment is inappropriate. The government hears the points being made by opposition members that in the construction of a dam there are some issues about what is a waterway. What the bill does is recognise that in the taking of water the contentious issue of what is or is not a waterway is removed. The issue of what is a waterway matters only when a person wants to construct a dam — the section 67 licence.

The proposal to allow consultative committees to determine or draw up maps of the location of waterways, which is the proposed amendment, is not the appropriate way to go about it. It is not appropriate for waterways to be put on a plan by a consultative committee when sectional interests are involved. The committee should look at the issues involved in constructing a dam, which involve environmental issues about particular waterways. We need to develop guidelines to recognise the issues involved in constructing a dam. It is not a matter of putting in place an involved system of having waterways drawn on a map when it is up to a consultative committee; it is a matter of having sensible, practical guidelines that assist people wishing to construct dams and to gradually move away from whether or not an area of land is a waterway. It is about looking at the issues involving the construction of a dam.

The opposition's proposed amendment serves no useful purpose. It adds additional complications which I cannot support.

Mr VOGELS (Warrnambool) — I understand from the committee debate that a person can get a licence to build a dam on a waterway under the provisions of section 67, but that does not mean he can use the water in the dam unless a licence is obtained to use that water. From what has been said before it may take up to two or three years to obtain a licence, and even then the minister could reject the approval of the licence because she does not agree with the advice of the water supply authority.

I understand that a person can build a dam on a waterway under section 67 if a licence is obtained, but that does not give the person the ability to use the water in the dam unless someone further down the line says you can use it.

The other thing I was going to raise is that the honourable member for Ripon keeps talking about water resources. What are water resources? Can someone please tell me what water resources are under proposed section 32A(1)? If they are sitting in a dam somewhere and you cannot use them, they are not much good to you.

Mr PLOWMAN (Benambra) — The most disappointing part of this whole debate is that the Minister for Environment and Conservation and the Department of Natural Resources and Environment have not come up with an answer to this divisive question. I wonder why they have not. It is the most critical part of this debate. That is where it all started. Parts of the bill say quite clearly that they rely on whether something is on a waterway. Proposed sections 51 and 67 both say it quite clearly.

I cite the case of a constituent of mine who three or four years ago started to build a dam. He sought permission to build the dam and was advised that the catchment area could be collected as a private right. When after three years he finished building the dam he was told he could not collect the water from three of the four drainage lines because in that three-year period they had been determined to be a waterway.

The minister and the honourable members for Ripon and Ballarat East do not believe it is important because they do not know how it applies. I know because I have constituents who are faced with this problem every day. Even with the changes in the bill you cannot build a dam on a waterway without a licence, but you can build a dam without a licence if it is not on a waterway. If that means there is no difference I will eat my hat!

During the debate last week I commented on proposed section 51(1A) in respect of the registration licence. It says clearly that:

> … a person may apply, without payment of an application fee, to the Minister for the issue of a registration licence to take and use water from a spring or soak or water from a dam (to the extent that is not rainwater supplied to the dam … from a waterway …

The minister says the waterway is not important and there is no criteria in the bill that make a difference. Clearly all those differences will make it hard for people to say, 'I can do this'. It will be, 'Hang on, maybe I can't, maybe somebody is going to say this is a waterway'. Until we get that right, until we clearly define what is and what is not a waterway we will have these disputes right across the catchment areas of the state.

We have felt it in my area because we have a water authority applying the new criteria under the act. When that new criteria applies elsewhere in the state, such as in Gippsland East, honourable members representing those areas will recognise how important it is to have this amendment as part of the bill. If it is part of the bill there will be no doubt about what is and what is not a waterway. If the amendment is not part of the bill, all of these provisions that rely on a waterway will continue to be confusing and divisive and cause enormous frustration to farmers and the people in the water authorities trying to administer the act. This issue needs clearing up and this is one way the opposition suggests it could be done simply.

Ms GARBUTT (Minister for Environment and Conservation) — It is obvious that confusion reigns supreme over the other side. This provision is about water resource allocation. For the purposes of using water, of getting a take-and-use licence to use water commercially, after this bill goes through you will have to get a licence whether you are on a waterway or not.

The definition of a waterway for that purpose, for using water commercially, will not matter. You will need a licence and that is the point. You will need a section 67 licence to construct it because people will have to look at the plans about the size, height and location. That is about building the dam. However, if you are going to use the actual water in the dam commercially — either off or on the waterway — it will not matter because you will need a licence.

Mr Plowman interjected.

The CHAIRMAN — Order! The honourable member for Benambra has already spoken twice on this clause. I ask him to cease interjecting.

Committee divided on amendment:

Ayes, 40

Asher, Ms
Ashley, Mr
Baillieu, Mr
Burke, Ms
Clark, Mr
Cooper, Mr
Maclellan, Mr
Maughan, Mr (*Teller*)
Mulder, Mr
Napthine, Dr
Paterson, Mr
Perton, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr
Richardson, Mr
Rowe, Mr
Ryan, Mr
Shardey, Mrs
Smith, Mr (*Teller*)
Spry, Mr
Steggall, Mr
Thompson, Mr
Vogels, Mr
Wells, Mr
Wilson, Mr
Dean, Dr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Fyffe, Mrs
Honeywood, Mr
Jasper, Mr
Kilgour, Mr
Kotsiras, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McIntosh, Mr

Noes, 45

Allan, Ms
Allen, Ms
Barker, Ms
Batchelor, Mr
Beattie, Ms
Bracks, Mr
Brumby, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
Davies, Ms
Delahunty, Ms
Duncan, Ms
Garbutt, Ms
Gillett, Ms
Haermeyer, Mr
Hamilton, Mr
Hardman, Mr
Helper, Mr
Holding, Mr
Howard, Mr
Hulls, Mr
Ingram, Mr
Kosky, Ms
Langdon, Mr (*Teller*)
Languiller, Mr
Leighton, Mr
Lenders, Mr (*Teller*)
Lim, Mr
Lindell, Ms
Loney, Mr
Maxfield, Mr
Mildenhall, Mr
Nardella, Mr
Overington, Ms
Pandazopoulos, Mr
Pike, Ms
Robinson, Mr
Savage, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Viney, Mr
Wynne, Mr

Amendment negatived.

The CHAIRMAN — Order! As a consequence of amendment 11 failing, not only do amendments 12 and 13 circulated by the honourable member for Monbulk fail, but also amendments 19, 28 and 29.

Amendment 14 to be moved by the honourable member for Monbulk and amendment 2 to be moved by the Deputy Leader of the National Party are very similar. I will ask the honourable member for Monbulk to move his amendment. We will then discuss and vote on it. Then the committee will deal with amendment 2 to be moved by the honourable member for Swan Hill.

Mr McARTHUR (Monbulk) — I move:

14. Clause 10, page 16, after line 16 insert —

"(10) The Minister must cause an approved management plan to be laid before each House of Parliament within 5 sitting days of that House after it is approved under sub-section (8).

(11) An approved management plan does not take effect unless it is also approved by a resolution passed by each House of Parliament within 10 sitting days after it is laid before that House.".

This amendment builds on the work done in amendment 3 standing in my name, which was agreed to by all honourable members.

This amendment deals with the issue of parliamentary scrutiny and accountability of the processes that are established under the bill. As honourable members are aware, when the minister declares a water supply protection area she must then appoint a local committee and give it a set of drafting instructions or guidelines that instruct or guide it in developing a draft water supply management plan. That process can take up to 18 months. Once the committee has finalised its draft water supply management program, the plan comes back to the minister.

Under the provisions of the bill the minister has only two choices. She can either accept the draft plan in toto or reject it completely. She has no capacity to amend or otherwise adjust it. If she rejects it she must give reasons for doing so. However, if she accepts the plan, it is approved and becomes a binding water supply management plan, it is then enforced by the regional water authority for the relevant area.

This amendment, as you pointed out, Madam Chair, is similar to one which may be proposed later, depending on how the committee deals with this amendment, to be moved by the honourable member for Swan Hill. It requires that after the minister has approved the draft management plan she must bring it into each house of Parliament and have each house pass a resolution in support of that plan.

We have proposed this amendment for a couple of significant reasons. There is good accountability and notification in relation to the declaration of the water supply protection area. There is also a good consultation process leading up to the appointment of the committee and the development of the draft management plan. This amendment simply brings the process at its end point back to Parliament. Honourable members will recall that Parliament will already have been notified that the process has begun because the minister will have been required to table the declaration which triggers the process in the house.

The Parliament will be alert to the fact that the process has started and up to two years later, when the plan is completed and approved by the minister, it would be returned to this and the other place, and each house would consider its merits. The protection involved in that is that Parliament will have some level of scrutiny in the odd circumstance where a local committee gets it wrong or makes decisions that are inimical to the interests of a person or a small group of people who are in the area covered by the plan. The local member for that area would have the opportunity to get up on his or her hind legs, raise the issue in the house and seek to have it resolved.

That adds to the scrutiny and accountability of the process. As other honourable members have pointed out, it provides an additional level of assurance to people whose statutory rights have been removed and whose future operations may be substantially constrained by the management plan that the minister has approved. If those people are to suffer as a result of that management plan and are to lose some of their traditional access to or use of water, it is reasonable that they be afforded every possible level of scrutiny and protection. After all, their livelihoods may well depend on that.

We agree that the management plan process is a reasonable and sensible resource management tool, but it only comes into operation in stressed systems where there is either a fully utilised or an overutilised catchment, and if the catchment is overutilised there is only one thing that can happen to bring it back into balance — that is, some people have to lose some of their access to water and some of the traditional uses they have had for the water.

We are simply saying that that should occur on a fair, reasonable and equitable basis, and one of the ways to ensure that the plan does work fairly, reasonably and equitably is to bring it back into this and the other place and allow Parliament to have a look at it and to require Parliament to pass a resolution supporting that plan. Parliament would have the opportunity to say no if it were unfair and if it did unreasonably damage somebody's interests or operations. That is as it should be. After all, Parliament is the ultimate maker of laws in this state, and Parliament should have the ultimate responsibility for such things.

It provides a level of comfort to people and it provides a level of scrutiny which will engender confidence. It provides a level of accountability that will encourage the department and those who are responsible for developing the management plan to make sure that they put the extra effort in to get it right. It is important to get it right, not just in the interests of the local region but in the interests of the state as a whole.

It is a worthwhile amendment that improves the operation of the legislation, and one which I encourage all honourable members to support.

Mr MULDER (Polwarth) — I support what the honourable member for Monbulk has said about the amendment because it will ensure that the consultation process that the consultative committees go through and the work carried out and the input by the department will be to a degree that when the management plans are laid before Parliament they are complete and have been through a thorough consultation process within the community. I am sure that the consultative committees and the local communities involved will not want the management plans to come back once they have been approved by the minister. It is a very important amendment.

It also ensures that those people involved in the development of the management plans do the work. Quite often once management plans are developed and are up to an implementation stage, there are persons or bodies who feel they have not been consulted and have not been involved in the process. This amendment will ensure that when a management plan is arrived at people do not fall foul of that mechanism and that bodies and groups will not be saying, 'We have not been involved in the process and we would like you now as a local member to get involved and raise our concerns in Parliament'.

Mr PLOWMAN (Benambra) — The amendment put by the honourable member for Monbulk is one of the most important amendments in this whole debate because the whole management system relies on the water supply protection areas working.

The management plan that is determined for that will have a big impact on the area declared to be a water supply protection area. It is no different to the extent of importance of an irrigation district. When an irrigation district is declared that comes before both houses of Parliament. I think this is just as important an issue because this will directly impact on every farmer within that water supply protection area.

Therefore, not only is it important for it to come before both houses, but this gives it the level of public scrutiny it deserves. If a water supply protection area management plan is determined and there is a fair push from either the catchment management authority or the rural water authority to push what they want within that management plan, that plan has to come back for the scrutiny of the Parliament. Frankly, if that does happen these water supply protection areas will be the best management plans in Australia. I do not think there is any doubt about that, but it does need that level of scrutiny by both houses. I commend the amendment.

Mr STEGGALL (Swan Hill) — I thought it might be reasonable to explain the reasons that we are not supporting this amendment yet have proposed an amendment very similar to this one. Everything that has been said is true: water supply protection area management plans in the future, and particularly as we get into those areas of scarce resource, will be very important operations within those communities, and in fact within Victoria.

However, when the National Party considered this issue it was looking for the best way to do it. It believed the best way was to follow the example already in the Water Act relating to bulk entitlements which were put into the act in 1989. Any bulk entitlement has to be tabled in the Parliament as would any water supply protection area management plan, and any honourable member in this chamber is able to action that and debate it through the subordinate legislation provisions. The actual impact is the same. Honourable members would be aware that from time to time a Parliament that has to handle a lot of water supply protection area management plans which honourable members have to positively move and pass is no better than one where they are tabled. We table our planning changes and our bulk entitlement changes and it is the responsibility of honourable members to consider them.

The National Party was looking for the opportunity for any honourable member to have an input into the water supply protection area plans and the issues they raise. The issues are going to be vital in a lot of areas, culminating in much more confidence and clarity, particularly with regard to commercial water rights. The amendment we have proposed is literally taken from section 34 of the Water Act which is a definition of disallowance for bulk entitlements and one which will achieve exactly the same result. We are better off to have the same type, not two different types, of disallowance provisions in the Water Act. It would also be far better for the Parliament to handle them in a way whereby any honourable member or constituent having a grievance or problem with a water supply protection area management plan would be able to test the issue in this chamber. Basically we are not arguing anything different, although admittedly our amendment mentions 'in whole or in part' in line with the bulk entitlement amendment, and I know some honourable members have been anxious about that.

Once a motion for disallowance is moved under the Liberal Party amendment then an amendment to that could be moved also, so the in whole or in part issue is

handled in both instances. For simplicity and clarity in the Water Act it would be far better to reject this amendment and accept the one moved in my name.

As I said, occasionally in these committee debates we have amendments that split hairs, and it is unfortunate that that is happening tonight. However, I believe the best way for us to go forward with the Water Act is to reject this amendment and to put in place one similar to that of the bulk entitlements in the Water Act already there.

Mr INGRAM (Gippsland East) — The two amendments are very similar. I support the honourable member for Swan Hill in his comments. I will be opposing the amendment that we are discussing at the moment and supporting the amendment to be moved by the National Party.

Mr McINTOSH (Kew) — I support the amendment proposed by the honourable member for Monbulk. There is one substantive difference between the matters raised by the honourable member for Monbulk and the matters raised by the honourable member for Swan Hill, supported by the honourable member for Gippsland East — that is, in relation to the opportunity to divide up one of these management plans.

Everybody is in furious agreement that the process of determining the appropriate allocation of water resources, whatever they may be — and there seems to be some ambiguity from the minister's point of view as to what a water resource is — involves a fairly substantial democratisation of that process.

A consultative committee will determine what the appropriate resources should be, and it will have certain powers under proposed section 32A to deal with all sorts of issues, including entitlements under licences and the catchment of water supply protection areas.

What concerns me is that after that long and turgid process the management plan will go to the minister, who will either accept or reject it or deal with an issue of a potential amendment. Once the minister accepts that management plan, after it has gone through a long and turgid process with the consultative committee — and essentially the bureaucracy and everybody is content with it — it will come to this place.

The management plan could be completely suborned by a suggestion that it could be adopted either in whole or in part. If it is dealt with in parts — it could be small or large — there would be all sorts of double dealing. The allocation of water resources would then be removed from the process of the consultative committee, the local water authorities and the bureaucracy. You could start fiddling with it but, because of this question of in whole or in part — the whole is fine, but the in part concerns me — you are going to end up with a camel.

The beauty of the amendment moved by the honourable member for Monbulk is that it is an all-or-nothing proposal. It proposes a positive resolution — that is, the management plan has to be affirmed in this place. Certainly to members on this side of the chamber, including the Independents, it would appear that everybody is in furious agreement that Parliament should have scrutiny of these management plans, but certainly it has to be whole or nothing.

I think it would be a retrograde step for the Parliament to start to amend one of these management plans after having been through a long process. To do that smacks of self-interest, and I am not terribly enthusiastic about that. It has to be in whole or nothing.

Mr PLOWMAN (Benambra) — I rise to support the honourable member for Kew. The amendment moved by the honourable member for Monbulk provides that when a management plan comes before the Parliament we should be able to fix it to get it right. It does not state we will be able to take out a bit or disallow it in part or in whole; it states that if the water supply protection area is not right or if the management plan does not meet the requirements for the area it should be fixed. Clearly that is what is required, which is why the opposition's amendment is better and more manageable than the amendment moved by the National Party.

Mr COOPER (Mornington) — I understand the honourable member for Swan Hill having private ownership of the amendment he will be moving and that he is therefore saying that he would like the committee to accept his amendment and reject the one moved by the honourable member for Monbulk. However, I support the amendment moved by the honourable member for Monbulk on the basis that it addresses what should be an absolute imperative of this government — that is, having a situation of openness and accountability. The amendment moved by the honourable member for Monbulk acknowledges that people should have the right to have the management plan that is going to be imposed on them judged by this Parliament and not by the minister.

I can only reiterate the concerns expressed by members on this side of the chamber in regard to the proposals outlined in the bill. It now appears that the government has shifted its ground quite considerably and is

prepared to admit that what it proposed in the bill is not the right way to go. It is simply a question of whether the government will accept the amendment moved by the honourable member for Monbulk or whether, if that amendment fails, it will go with the amendment moved by the honourable member for Swan Hill. I see from the smile on the face of the honourable member for Swan Hill that he is absolutely thrilled by the thought of again being on the side of the government during a division. Be that as it may, the fact of the matter is that the people who are going to have a management plan imposed on them should be able to have the situation judged by this Parliament.

If the amendment moved by the honourable member for Monbulk fails I will probably feel inclined towards voting for the amendment that will ultimately be moved by the honourable member for Swan Hill. We will see how it goes after the honourable member for Swan Hill argues his case, but as things stand at this stage I support what has been proposed by the honourable member for Monbulk. I urge the government to give some consideration to this simple amendment, which provides for a situation whereby those who are elected to represent the people of this state will be able to judge the management plans as they are put forward. That is highly commendable, and I urge the committee to support the amendment moved by the honourable member for Monbulk.

Ms GARBUTT (Minister for Environment and Conservation) — Honourable members have a choice of two amendments. The government is quite happy with the accountability requirements, and if it is what the opposition wants the government is happy for the plans to be tabled in Parliament. However, the government is planning to support the amendment moved by the honourable member for Swan Hill, which is much simpler, more straightforward and more in keeping with the traditions and regular operations of Parliament.

Committee divided on amendment:

Ayes, 33

Asher, Ms
Ashley, Mr
Baillieu, Mr
Burke, Ms
Clark, Mr
Cooper, Mr
Dean, Dr
Dixon, Mr
Doyle, Mr
Fyffe, Mrs
Honeywood, Mr
Kotsiras, Mr
Lupton, Mr
Mulder, Mr (*Teller*)
Napthine, Dr
Paterson, Mr
Perton, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr
Richardson, Mr
Rowe, Mr
Shardey, Mrs
Smith, Mr (*Teller*)
Spry, Mr
Thompson, Mr
Vogels, Mr
Wells, Mr
Wilson, Mr

Noes, 51

Allan, Ms
Allen, Ms
Barker, Ms
Batchelor, Mr
Beattie, Ms
Bracks, Mr
Brumby, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
Davies, Ms
Delahunty, Mr
Delahunty, Ms
Duncan, Ms
Garbutt, Ms
Gillett, Ms
Haermeyer, Mr
Hamilton, Mr
Hardman, Mr
Helper, Mr
Holding, Mr
Howard, Mr
Hulls, Mr
Ingram, Mr
Jasper, Mr
Kilgour, Mr
Kosky, Ms
Langdon, Mr (*Teller*)
Languiller, Mr
Leighton, Mr
Lenders, Mr
Lim, Mr
Lindell, Ms
Loney, Mr
Maughan, Mr (*Teller*)
Maxfield, Mr
Mildenhall, Mr
Nardella, Mr
Overington, Ms
Pandazopoulos, Mr
Pike, Ms
Robinson, Mr
Ryan, Mr
Savage, Mr
Seitz, Mr
Steggall, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Viney, Mr
Wynne, Mr
McArthur, Mr
McCall, Ms
McIntosh, Mr
Maclellan, Mr

Amendment negatived.

The CHAIRMAN — Order! As a consequence of amendment 14 in the name of the honourable member for Monbulk having been lost, his amendments 15 to 17 also are lost.

Progress reported.

Debate interrupted pursuant to sessional orders.

Sitting continued on motion of Mr BATCHELOR (Minister for Transport).

Committee

Resumed from earlier this day; further discussion of clause 10.

Mr STEGGALL (Swan Hill) — I move:

2. Clause 10, page 16, after line 16 insert —

"(8) The Minister must cause an approved management plan to be laid before each House of Parliament within 5 sitting days of that House after it is approved under sub-section (6).

(9) Sections 23, 24 and 25 of the **Subordinate Legislation Act 1994** apply to an approved management plan as if the approved management

plan were a statutory rule within the meaning of that Act.

(10) An approved management plan may be disallowed in whole or in part by resolution of either House of Parliament in accordance with the requirements of section 23 of the **Subordinate Legislation Act 1994**.".

Amendment 2 is similar to the amendment that has just failed, with the exception that it mirrors the provisions in the Water Act for the bulk entitlement disallowance, and I believe it will handle all the issues that were raised in the previous debate. This is a change, because the government did not have a tabling mechanism in the legislation.

I thank the government for its suggestion that it will support this amendment. It is important for all the communities that will be involved in these areas — and we are talking about the future, because just now it is only new and there will be times when special scrutiny will need to be given and people with grievances about the water supply protection and management plan process will need Parliament to play a role.

It is true that the Water Act is written so that the minister is the responsible person for many sections of it, and I know that many people looking at the act for the first time get a bit wild inasmuch as it is not all black and white, but it cannot be. The Water Act was changed in 1989 to give effect to the minister's responsibility to Parliament and the very strong functioning role of Parliament in making and carrying out better laws, and this amendment will do all that. It should go well in the future in assisting anyone who has a grievance about this subject under the Water Act.

Mr McARTHUR (Monbulk) — Reflecting on the sad fate of my earlier amendment, which I think was very sensible and would have provided additional parliamentary scrutiny, I am happy to inform the committee that the Liberal Party will support the amendment moved by the honourable member for Swan Hill, given that it has the same effect as the amendment the committee just dealt with. The amendment achieves that effect by a slightly different process, but it provides the parliamentary scrutiny we sought under the earlier amendment. We welcome it to that extent and will support it.

Mr HOWARD (Ballarat East) — I too support this amendment, and I am pleased that the government supports it. It is more practical than the one moved earlier because it provides appropriate accountability, and this government is certainly prepared to accept sensible and practicable accountability measures. The amendment provides for a response that does not stall the decisions that might be made by the committees putting forward the plans, so we welcome the amendment and are happy to accept it.

Amendment agreed to.

The CHAIRMAN — Order! Amendments 3 to 5 in the name of the honourable member for Swan Hill are consequential upon his amendment 2.

Mr STEGGALL (Swan Hill) — I move:

3. Clause 10, page 16, line 17, omit "(8)" and insert "(11)".

4. Clause 10, page 16, line 22, omit "(9)" and insert "(12)".

5. Clause 10, page 17, line 3, omit "(10)" and insert "(13)".

Amendments agreed to.

Mr McARTHUR (Monbulk) — I move:

18. Clause 10, page 17, line 15, after "works" insert "(other than a private dam)".

Amendment 18 will insert five words in proposed new section 32B(1)(b). It deals with the administration and enforcement of a water supply management plan. Proposed new section 32B provides that the relevant regional water authority which covers the area where a plan is established will have the duty of administering and enforcing that approved management plan.

Proposed new section 32B(1)(b) provides that the water authority will have the capacity to:

order the removal of any specified works or the discontinuance of any specified action …

We have some concerns not about the general power of the order for removal of any specified works but specifically about farm dams.

I pointed out in the second-reading debate that farm dams are quite expensive investments for farmers. It costs between $1000 and $2000 per megalitre for a farmer to build a dam, and it is generally at the higher end of the scale and sometimes even above the $2000 a megalitre for smaller farm dams. A farmer who has a 10-megalitre dam has made an investment of in the order of $10 000 to $20 000; a 20-megalitre dam costs somewhere between $20 000 and $40 000; and the investment involved in even a smaller 5-megalitre stock and domestic dam could be of the order of $10 000 or more.

We in the Liberal opposition accept that a water supply management plan can and should have the capacity to control the use of the water within an area and can and should have the capacity to require landowners in that

area to cease doing certain actions; however, we think it would be an excessive use of the water authority's power if it could order farmers to fill in dams that had cost them $10 000, $20 000, $30 000 or $40 000 to build. We believe that if the water supply is so tight in an area then the relevant water authority has the capacity to deal with water management in another way — that is, by simply requiring farmers under proposed new section 32B(1)(a) to carry out works to the dam to allow summer bypass or something of that nature.

We believe that if the water authority were to order farmers to fill in their dams or bulldoze their dam walls that would be likely to create substantial resentment and opposition in the local area. It would certainly create substantial cost, and it would be a very harsh imposition on the farmers involved.

The Liberal opposition seeks to amend proposed new section 32B(1)(b) to provide that the authority will have the power to order the removal of any specified works 'other than a private dam', which is already defined in the act. The water authorities will be able to order the removal of pumps, jetties, bores and all sorts of diversions and drains, but if our amendment is supported they will not be able to order farmers to fill in dams or bulldoze dam walls. However, they will still be able to modify the way that farmers use dams or use the water from dams. We are seeking the support of all honourable members for this amendment because we believe it will provide a level of comfort to farmers who might be so affected in the future.

Mr PLOWMAN (Benambra) — I support the amendment moved by the honourable member for Monbulk. One of the significant points that brought down part of the legislation in 1989 and stopped the introduction of water supply protection areas on surface water was the option to have the right to remove a dam. Rather than just that provision of the bill being removed at that stage, the whole section was removed. Frankly, that was disappointing.

I want to see this part of the bill proceed, but it must not proceed with the right of a water authority to remove a dam because that is one of the things that brings about the greatest amount of anger. To spend money on building a dam to provide water for irrigation or for any other purpose and then to have a water authority come in and remove it would be totally unacceptable for almost every landowner in Australia. However, it could be acceptable for a dam to be decommissioned under extreme circumstances in the best interests of a whole catchment.

I think people recognise that that might happen. You might lose part or all of the use of the water from that dam, but that is very different from removing the dam. I support the amendment.

Ms GARBUTT (Minister for Environment and Conservation) — The government is happy to accept the amendment. It was clearly never the government's intention that private dams could be removed. In fact, it is very hard to imagine the circumstances under which that would happen.

The division of the bill containing this clause is talking about a management plan that has been developed by committees — committees of which, as we know, at least 50 per cent of the members will be farmers — and for them to come up with a recommendation that farm dams be removed is hardly credible. In order to put that beyond doubt, we will accept the amendment.

Amendment agreed to.

The CHAIRMAN — Order! Amendment 19 in the name of the honourable member for Monbulk fails because it was consequential on his amendment 11.

Amended clause agreed to; clauses 11 to 18 agreed to.

Clause 19

Mr STEGGALL (Swan Hill) — With great pleasure I move:

6. Clause 19, line 30, after "use" insert " — (a)".

7. Clause 19, page 28, line 2, omit "use." and insert —

"use; or

(b) water from a dam on a waterway other than a river, creek, stream or watercourse, for a use other than domestic and stock use.".

This is a pretty important piece of amending legislation, and we had some difficulties with regard to a starting point for it and a way to get over the problems that exist. One of the reasons for this legislation is the differences of opinion over what is or is not a waterway. People have not been able to have the confidence to invest, and there are still areas of argument out there over dams, so we were looking at the concept of an amnesty, something that would clear the slate and get a starting point for this legislation.

However, the bill has the potential to create difficulty for a small number of farmers who have existing dams that were not caught up with during the last amnesty some years ago. There are also issues for the south-west, which are starting to come in.

In most cases these dams — the ones that did not get in during the amnesty — were not reported at the time because either the owners did not believe they were sited on a waterway, which is our issue, or the owners did not perceive that the use was anything beyond stock and domestic, even though the use may have included watering around the house for fire protection. In fact, many such dams are located on sites that would fall within the definition of a waterway that is currently applied, and thus should have been licensed during the amnesty. I believe we need a further amnesty, or something like it, to enable all such dams to be either registered or licensed, to provide a starting point. Therefore, after advice we came up with the series of amendments before the committee.

Under the Water Act people are required to have a licence to take and use water from a waterway for irrigation and commercial purposes. The Water (Irrigation Farm Dams) Bill provides for people who currently take water from a spring or so-called dam that is not fed by a waterway to register their irrigation and commercial use. There is a high probability that a number of irrigation or commercial dams located in waterways are currently unlicensed.

The people with these dams will fall into the following categories: the people who in good faith built dams that may now be considered to be on waterways; and the people who have blatantly constructed dams on water courses that are clearly illegal. Because of the imprecise waterway definition in the act, which has had much discussion tonight and on other days, it may be difficult to determine whether some of the dams in category 1 — that is, those that were built in good faith and may now be considered to be on a waterway — are on a waterway or not.

It is also known that rural water authorities — and this is an important point — did not pick up on the extended definition of waterway in the Water Act 1989 until 1996. Their predecessor, the Rural Water Corporation, continued to operate on the basis of watercourses. The waterway definition extended controls further up the catchment past the traditionally managed watercourses. There is a general understanding that under the new arrangements all existing dams, except ones that are clearly illegal — that is, those on watercourses — will be subject to the registration process rather than a licensing process. The bill only provides for registration of dams not on waterways.

This is a significant issue and it has been raised by many people. It has the potential to upset many people who believe they have acted in good faith in the past. We have been advised that it is possible to make an amendment to the bill that will allow people with dams off watercourses but on waterways to be incorporated in the registration process. Therefore, we move this amendment, which is a catch-up and a clean up. It will clear out a lot of the problems that exist, particularly in the south-west. I believe most dams used for commercial or irrigation purposes in the south-west will be registered and will not be licensed. The amendment puts them into a system so that we will get a proper and genuine commencement of this registration.

For the first five years of the registration the government will pay the registration fee. What happens after that? There are amendments before the Parliament and some ideas of actions that might be taken. If no fee was charged for registered commercial dams then either the rural authorities would do no work, which would be unacceptable, the government would fund it, or the cost burden of that operation would fall on others.

I suggest that that will be resolved either with future amendments during this debate or in five years when the government of the day will make a decision on that registration fee. The legislation sets out the principles of the registration fee. The accountability of the fee being charged by the authorities is pretty well fixed up through the regulation review process of this Parliament.

There was a lot of debate about the south-west with people referring to the issue of changing a statutory right — and there is no doubt that that is what the legislation does. The amendment will make it clearer for all people, particularly those in the south-west but also in Gippsland and to a lesser extent in the north-east, who have been on the borderline of being in or not in a dreaded waterway. It will allow them to be registered or licensed — I believe most will become registered — under this system and so be part of the total water industry operation. It will cover those in the south-west — there are probably more affected areas in the south-west than in the north-east — for the building of dams not on waterways, but once again as we get into any catchments and areas with a scarcity of run-off we run into difficulties with the definition, as everyone will move to protect that scarce resource.

I commend the amendments to the committee. On our journey with this bill we started with an amnesty to clear the slate and to get a clean start. This amendment is a bit better than the bill as it stands because it covers all farmers who may be in dispute with the rural water authorities or who may not have registered their dams or made any attempt to do so.

These amendments will give them the opportunity to become a registered commercial operation. Under the legislation five years registration will be free of charge — the cost will be met by the government — and after five years a set of procedures in the bill will fully account for any excessive charging that may occur in the future.

Mr McARTHUR (Monbulk) — I listened carefully to the honourable member for Swan Hill and have had the chance to examine the wording of the amendments fairly closely. I agree with him that they provide a level of amnesty for farmers who have built dams on what would now be classified as waterways since the new definition in the 1989 act, but that is a definition which as he points out was not strictly enforced for several years by many of the water authorities.

I believe these amendments will have a beneficial impact, particularly south of the Divide where the waterway definition has not been as rigidly applied as it has been north of the Divide. I think it will provide a significant opportunity for comfort for dairy farmers in the southern half of the state who have dams from which they have used water for dairy wash-down. That in itself is caught as a commercial use under the definition in the Water Act. If those farmers have dams on what would now be deemed waterways and use them for dairy wash-down, if these amendments are passed — as I believe they will be since they have the support of the government — they will have 12 months to register those dams. That will then provide them with a level of security about the use of that water in the future.

On that basis I believe the amendments are sensible and will resolve a good deal of anxiety that has been expressed in the southern part of the state in recent times.

Mr INGRAM (Gippsland East) — I too rise to support the amendments. They tidy up the situation regarding some of the historical storages that have been built and are used for commercial purposes, particularly by dairy farmers. The point we make about the historical definition of a waterway is fairly critical — that is, how we determine where a waterway starts and finishes. Obviously you cannot build a dam on a river, but when you go up into the catchment where the river is in a gully and water does not run all the time, it will be hard to find that line.

That is why it will be very difficult to determine in the mapping proposal exactly where a waterway starts in a gully. These amendments tidy up the question about the historical use of a storage that has been built up a gully. We will not go back and revisit that but will ensure that such use is registered, whether it be for commercial or irrigation use. I support the amendments.

Ms GARBUTT (Minister for Environment and Conservation) — The government believes these are sensible amendments. As the honourable member for Swan Hill says, they will provide an amnesty for those who built dams in good faith believing they were considered to be off a waterway but through changing circumstances and interpretations they now find the dams are considered to be on waterways.

The government believes these amendments will provide the level of comfort the honourable member described. It will support the amendments.

Amendments agreed to.

Mr McARTHUR (Monbulk) — I seek to move amendments 22 and 23 circulated in my name.

The CHAIRMAN — Order! Amendments 23, 24, 25, 34 and 35 are consequential on amendment 22, so it can be used as a test amendment.

Mr McARTHUR — I move:

22. Clause 19, page 28, line 5, omit “5” and insert “10”.

This amendment also deals with the registration issue. As honourable members are aware, in introducing this legislation the government said it would protect existing uses and that farmers who currently have dams from which they use water for commercial or irrigation purposes would not be adversely impacted by this — in other words, that the legislation would not operate retrospectively.

In providing that, the government stated that those who have existing dams, who have used the water from them for commercial or irrigation purposes and who want to register must have used the water for those purposes within the last five years. There has been considerable feedback to us, particularly from people in areas south of the Divide who have occasionally used water from what are essentially stock and domestic dams for irrigation to keep the stud rams or a bit of lucerne alive in a dry period, or who have occasionally used a bit of water from a stock and domestic dam for dairy wash-down.

The suggestion to us was that the five-year time limit for that pre-existing use was too short and should be extended. We have therefore proposed an amendment which will extend it from 5 years to 10 years. We believe that will provide a substantially improved coverage for pre-existing use and will be a substantial

benefit to farmers across the state, but principally its impact will be south of the Divide.

We understand the government is happy to support this amendment and we thank it for that. I understand the National Party is in support as well, so again we are probably all in furious agreement. I urge all honourable members to support the amendment.

Mr INGRAM (Gippsland East) — I rise to support the amendment. Obviously in some areas where there is only light use of what are, as the honourable member for Monbulk indicated, currently considered to be stock and domestic dams but there is some commercial use, it appears extremely sensible to make sure we pick those up and allow them to be registered.

Mr STEGGALL (Swan Hill) — This is a sensible amendment that gives us the opportunity to do here a similar thing to what we did with the Murray River with the sleeper licences — that is, wherever licences had existed and had not been used for many years, we left them there. I believe that with this amendment we are looking particularly at the south-west, because there we have people who have irregularly used water. They are not regular users and will be advantaged by this. They should be encouraged by this amendment and the previous amendment to register these dams and become part of the system.

I say that because one of the reasons we have worked so hard on this legislation for a long time is to try to give more confidence and security to people who have a right to use water on their properties so that investment can take place. Here is an opportunity where people, particularly in those south-west areas, who as I said are irregular users of water from their dams, will put in their registrations and claims for their commercial use. There is no cost to this.

I think the two members from the south-west were looking at the fact that farmers were going to be charged for it. There is no charge for this. The only place the charging mechanism comes in is where we operate in a capped system where there is a trading transfer of water. There is no trading cap system in the south-west so I believe it is going to work extremely well there, and also in Gippsland. However, for those people in the north-east, where there is some doubt or where they want to have a right to irregular use of water in the future, this will give them the right to go back. If they have had an irrigation operation in those areas over the last 10 years they are right to use it.

Mr MACLELLAN (Pakenham) — I support the amendment, because I believe it is sensible and extends the opportunity for people to establish the commercial use of water over a longer period.

I am not sure whether the honourable member for Swan Hill meant ‘irregular’. He may have chosen a better word, because it is not as though there is anything wrong with the use of water in the south-west. I would like to make it clear on his behalf that he means the occasional use of water for commercial purposes. That is what the amendment does — it gives people a longer period to establish the occasional use of water.

However, the honourable member got into some difficulty when he said — as if this is the answer to all the southern problems — that the south-west of the state has nothing to really worry about because all they have to do is register, establish that the water is commercial and has been over the past 10 years, and then calculate the volume. It will not cost you anything, but you will not be able to sell it, either.

The honourable member’s remarks go to the heart of what honourable members have been raising in the debate — that a lot of property owners in the southern parts of Victoria will be put to a lot of trouble, apparently for not much purpose. It is certainly not because the catchments will be capped. I am grateful for the honourable member for his indication that there will not be capped catchments. For heaven’s sake, if we are not having capped catchments why are people being put to the trouble of registering, determining and, over a 10-year period, establishing the volume of water. As if it will be an easy task for people in the south to determine in litres how much water they have — and, as I said, for what purpose? Actually the cat is out of the bag now that the honourable member for Swan Hill has been kind enough to indicate his party’s view on the matter — it is for no purpose at all in the south. Unless we have capped catchments, even micro ones, the bill will not have any purpose in the south-west, in the south-east or in the southern parts of Victoria overall.

In other words, in well-watered Gippsland, Gippsland West and western Victoria the bill is not immediately relevant. The amendment will give a longer period for making an assessment, or a characterisation, of the water as commercial. In other words, there will be a longer period to establish that it is used not just for stock and domestic purposes. There was an indication from the advisers via the honourable member for Gisborne that what we have to do — I presume this is intended under the regulations — is prove that it is commercial. There is no easy acceptance of it being commercial.

I say to the honourable member for Gippsland East that, like him, I support the amendment, because 10 years is a lot better in our shared circumstances. Although there are perhaps not the same climatic conditions, West Gippsland has a higher and more regular rainfall. Nevertheless the farming patterns are close to being alike — rather than the broadscale farming or irrigation in the north — other than in the Maffra area and Gippsland South. What we are saying is that it is a lot of trouble for the southern areas to be put to for no apparent advantage. The committee would be better curing that problem by providing a power for the minister to bring the act into operation municipality by municipality, or in parts of municipalities, rather than making it a statewide application as of the day of the Governor's assent or its proclamation.

Although moving from 5 years to 10 years improves the position, it does not overcome the difficulties being faced in the south of the state in trying to make this one-size-fits-all framework legislation apply to areas where it is not appropriate. Those areas are the south and west of the state, and I have to say that the legislation would not be appropriate for parts of East Gippsland. I cannot understand any argument that suggests it is a good idea to ask thousands of farmers to register their properties — at no cost — to register their dams, to prove whether they are commercial or just stock and domestic and to then go to the trouble of calculating the volume of the water in the waterholes — and all in a non-capped catchment.

Mr PLOWMAN (Benambra) — I wish to support the amendment by saying that I have at least two examples in my electorate where there was a use 5 years to 10 years ago but as the farmer grew older he discontinued that use and the next generation wishes to look at having that right for that use — —

Honourable members interjecting.

Mr PLOWMAN — Despite the interruption, the next generation is very keen to use that water and the five years would have meant that it was not available to them under a registration licence. This is an eminently sensible addition to the bill.

Ms GARBUTT (Minister for Environment and Conservation) — The government is happy to accept this amendment. It believes it is consistent with the purposes of the bill. The purpose of the bill in the south of Victoria is the same as the purpose north of the Great Divide — that is, to provide security for users so that people do not find that the farmer next door or further up the catchment builds a dam and is able to affect the water supply to their dam and affect their security. That applies whether it is north or south of the Divide.

The registration process will not be difficult or costly; in fact, for the first five years it will be free, paid for by the government. This is not a big burden being imposed south of the Divide. It offers a security to farmers that they do not have now.

Mr PLOWMAN (Benambra) — While we are discussing clause 19 I would like to ask a question of the minister about the reuse dams which are not required to have a licence. The opposition supports that, but proposed section 80A sets out a design criteria and formulas as to the maximum amount of water that may be reused. Could the minister supply the opposition parties with that criteria prior to the bill passing through both chambers?

Mr HELPER (Ripon) — I rise in support of this particular amendment. It provides for a greater period of adjustment to this legislation which has a considerable impact on farmers and the owners of dams. It is a worthwhile amendment to bring about that transition and the adjustment people will have to go through in a more orderly way. It allows not only the practicalities of the bill and its objectives to be achieved but also a change in the attitudes.

The CHAIRMAN — Order! I ask the Minister for Agriculture not to walk between the Chair and the speaker.

Mr HELPER — By increasing the adjustment period the amendment facilitates a more gradual and orderly change in community attitudes, attitudes which have been in place north of the Divide for a very long time.

But as we are hearing, people south of the Divide on occasion bring up concepts that are not widely accepted within the community, and therefore the increased period of adjustment is worthy of support. We seem to be going around the chamber profusely agreeing about the amendment. I welcome the opportunity to add my support to it.

Ms GARBUTT (Minister for Environment and Conservation) — I am happy to get back to the honourable member on the matter he raised about the reuse dams.

Amendment agreed to.

Mr STEGGALL (Swan Hill) — I move:

8. Clause 19, page 28, line 8, after "using" insert " — (a)".

9. Clause 19, page 28, line 12, omit 'use.".' and insert —

'use; or

(b) water from the dam on a waterway other than a river, creek, stream or watercourse, for a use other than domestic and stock use for which a licence under sub-section (1)(a) is not in force —

as the case may be.".'.

10. Clause 19, page 29, line 5, after "using" insert " — (i)".

11. Clause 19, page 29, line 9, omit "use," and insert —

"use; or

(ii) water from a dam on a waterway other than a river, creek, stream or watercourse, for a use other than domestic and stock use —

as the case may be,".

Amendments agreed to.

Mr McARTHUR (Monbulk) — I move:

23. Clause 19, page 29, line 1, omit "5" and insert "10".

This has exactly the same impact as amendment 22: it extends the period from 5 years to 10 years.

Amendment agreed to; amended clause agreed to.

Clause 20

Mr STEGGALL (Swan Hill) — I move:

12. Clause 20, line 26, omit "51(1)(ba)" and insert "51(1)(a) or (ba)'.

13. Clause 20, line 32, omit "51(1)(ba)" and insert "51(1)(a) or (ba), as the case may be,".

14. Clause 20, page 30, line 6, omit "51(1)(ba)" and insert "51(1)(a) or (ba)".

Amendments agreed to; amended clause agreed to; clause 21 agreed to.

Clause 22

The CHAIRMAN — Order! Amendment 24 in the name of the honourable member for Monbulk fails because his amendment 1 failed.

Mr STEGGALL (Swan Hill) — I move:

15. Clause 22, line 23, after "period of" insert " — (a)".

16. Clause 22, line 24, omit "licence or" and insert "licence; or (b)".

Amendments agreed to.

Mr McARTHUR (Monbulk) — I move:

25. Clause 22, line 27, omit "5" and insert "10".

This again extends the period from 5 years to 10 years.

Amendment agreed to.

Mr McARTHUR (Monbulk) — I move:

26. Clause 22, line 34, omit 'use.".' and insert "use.".

Again this is consequential.

Amendment agreed to; amended clause agreed to; clause 23 agreed to.

Clause 24

The CHAIRMAN — Order! Amendments 28 and 29 in the name of the honourable member for Monbulk are lost because his amendment 11 was lost.

Mr STEGGALL (Swan Hill) — I move:

17. Clause 24, page 34, line 12, omit "51(1)(ba)" and insert "51(1)(a) or (ba)".

This is another consequential amendment.

Amendment agreed to; amended clause agreed to.

Clause 25

Mr PLOWMAN (Benambra) — Proposed subsection (2B) states:

> Subject to section 51A, the Minister must refuse an application under section 51 if, in the Minister's opinion, the allocation or use of water under licence will or may result in the permissible annual volume for the area for that year or a future year being exceeded.

We had fair discussions about the permissible annual volume. I should like an explanation of what the phrase 'or a future year' means because any future year may clearly exceed the permissible annual volume. There might well be an extremely dry year but volumes will be allowed as under normal conditions. Will the minister explain how she will manage that proposed subsection?

Ms GARBUTT (Minister for Environment and Conservation) — Clearly it is an implementation issue. I am sure that the permissible annual volume will take that into account, as will the management plan.

Mr Plowman — On a point of order, Madam Chairman, because there is a fair bit of conversation on my left, I cannot hear the minister's answer. I ask that the Chair ask those honourable members either to be quiet or to leave the chamber.

The CHAIRMAN — Order! Perhaps the minister could speak a little more loudly, and I ask those honourable members to speak quietly.

Ms GARBUTT — It seems to me that that is an implementation issue. I am sure the permissible annual volume and the management plan can cope with that.

The CHAIRMAN — Order! Could the minister put the microphone closer to her mouth, as then the honourable member may be able to hear her better?

Ms GARBUTT — If the honourable member wants further detail I can provide that to him.

Mr Plowman — I thank the minister for that assurance. I certainly would be pleased to get that information.

Clause agreed to.

Clause 26

Mr McARTHUR (Monbulk) — I move:

30. Clause 26, lines 13 to 17, omit all words and expressions on these lines and insert —

"51(1A) remains in force for an unlimited period.".

Again the amendment deals with registration licences. Honourable members can see that clause 26 provides that registration licences apply only to those dams that currently exist and where the water is being used or has been used for commercial or irrigation purposes. We are dealing with a group of dams that are already there and we know where they are — or we soon will know where they are. Farmers certainly know where they are. I have yet to find a farmer who cannot find the dams on his place.

We are dealing with something that is already in existence. The bill proposes that those dams registered between 31 January 2002 and 1 February 2003, or something similar, will be registered for a period of five years and that there may be five-yearly renewals after that. The government has made it clear that it intends to pick up the cost of the first five-yearly registration but that after that a charge will be made for subsequent five-yearly renewals and that that charge will be set at about the cost of administering or maintaining the register.

The amendment provides that those registrations would be once and once only, that they would be permanent, unless the owners of the registration licences chose to surrender them or convert them to a full section 51 licence, and that they should be free. The reasons for it are simple. As I mentioned in the debate on the second-reading speech, the dams already exist and it does not apply to new dams. I pick up a point made by the honourable member for Gippsland West. In response to my comment that these dams do not move, she said, 'Well, they may move because they may be made larger'.

I point out to the honourable member that that is not possible. The registration process only applies to the existing dam, and if a farmer chose to double the size of that dam he would have to get a full section 51 licence for the additional capacity. We are only dealing with existing dams and existing use.

The government has made it clear that it is not its intention to penalise existing legitimate use. It can honour that expressed intention by supporting this amendment, because it provides permanent and free registration of those existing commercial and irrigation use dams. It does not come at any great cost, because after all, all the water authorities and the government will be giving up is a five-yearly fee based on the administrative charge. The rough estimate I have been given in the various discussions is somewhere between $50 and $100 per renewal. That may be $50 or $100 per five years or $5 to $10 a year per farm. We are not talking big dollars here, it is a very small amount of money, but it provides genuine comfort to people who have existing use dams and provides a one-off registration for them.

There is minimal cost in maintaining this database. There cannot be any movement into the register. There will be some movement out of it as farmers convert a registration licence to a full section 51 take-and-use licence, and there will be the occasional transfer of a registration when farmer A sells to farmer B.

This is a simple amendment that deserves the support of all honourable members, and I urge them to support it.

Ms GARBUTT (Minister for Environment and Conservation) — The government does not accept the amendment. As the honourable member for Monbulk said, this will be at minimal cost with the government picking up all the costs for the first five years. As he has said, it is about existing dams. It is not about changing the law retrospectively and making people change their arrangements after the dam has already been built. Except for existing dams, farmers will have a choice whether the dams are licensed and they can trade water or whether they simply register them.

Further, the government has said that farmers with several dams on their properties can register them all in

one registration, so it is very simple, straightforward and cost-free for the first five years. However, the government has said that at five years there will be a renewal, again at minimal cost. It is about keeping the database accurate and ensuring that authorities are able to account for the total allocation of water in the catchment. Furthermore it is a reminder for property owners — the farmers themselves — about whether they want to continue with registration or whether they are prepared to go to a full licence. It does serve a purpose.

Mr Steggall interjected.

Ms GARBUTT — Nothing like it at all! There are purposes to the five-year renewal, which will be kept simply to the administrative costs; it will not be a volumetric charge. I have given that assurance in the second-reading speech, and that is clearly the government's intention, but the government does believe there is some value in keeping the five-yearly renewal.

Mr MACLELLAN (Pakenham) — The minister's last words were — I think — that there will be some value in asking people to renew their licences every five years. I suppose the value she sees in this is the sort of value Labor governments always see in lots of paperwork and bureaucratic nonsense. Why would landowners in my electorate with no cap and no apparent issue be asked every five years to remember to renew the registration of their dams for no good purpose?

The minister says it is because you are protected from another farmer cutting off the water to your property. The only trouble is that that is not true because stock and domestic dams are not included in the restrictions unless they are waterways. A farmer higher up may put in a new stock and domestic dam and still have an effect on the supply of water, but you will still have to renew the registration. The minister seems to be gloriously unconcerned about the paperwork involved in thousands of farmers having to renew thousands of registrations every five years, or about why they have to pay stupid amounts of money to re-register their dams. It is not as if the dams are going to run away or die; it is not as if they are going to be sold separately. They will be part of the property.

In addition to the paperwork of the five-year renewal there will be the legal conveyances-led recovery — that is, every time the property is sold there will be further questions asked about the transaction, such as, 'Have you registered the dam and did you register it each five years, or did you forget to register it?'. What is the consequence if you forget to register the dam? I take it all those commercial dams that are registered would lose their registration.

In western Victoria, West Gippsland, East Gippsland and the southern areas of the state, where we are told there is no intention to have controlled capping of the amount of water because the problem is not overcommitment, why do we have this bureaucratic nightmare of having to renew the registration of the farm and the dams every five years? The minister has not provided a convincing reason, and in the areas many of us represent in this Parliament we have to say that it is nonsense. It is making bureaucratic paperwork for clerks in government departments and making work for a whole lot of not very useful purposes. We believe it would be better if, having been registered once, the property and the dam stay registered until somebody takes positive action either by selling the property and transferring it to another purchaser or owner or by application to change the nature of the original registration to something else. Until somebody initiates a change there really is no need to do it.

When you register your ownership of a property you do not renew the registration every five years in case something has changed. You register and you change it when there is a sale. I believe the same rule would be appropriate not only for the land but for the waterholes that are part of the land. If it is good enough for the government's land titles register to operate on the basis that a person must register a property to cover the period until it is sold or acquired by a new owner — and that includes the waterholes, the house, the curtilage, the sheds and the fences — why is it not good enough for this minister? The answer is that the government does not intend to have a no-cost renewal in five years time. It is a warning that you might think you are getting it cheap for the first five years, but just you wait and see!

I do not believe Parliament should wait and see. We should decide it in this sessional period and in favour of a once-only registration. Once the registration is made, until someone owning the property wants to make a change it should stay registered. In that way we do not have the nightmare of paperwork for no good purpose. I know that is not in accord with the sort of socialist philosophy of the minister, but it might well be — —

An honourable member interjected.

Mr MACLELLAN — I would not know what the minister has under her bed, but I can assure the honourable member who interjected that it would not

be him, nor would he be under anybody else's bed either, I believe; but that is his problem, not mine.

All I am saying is that a once-only registration is the appropriate approach, and if it is good enough for property transactions to be registered until there is a change in ownership, it is appropriate that dams should also be registered with property until there is a change in ownership. We should not be asking Parliament to give any comfort to the view that this is about charging farmers in non-capped catchments for water. This is not about that.

Let us prove it to the people in the south who are in the non-capped catchments by saying that once a dam is registered that is the end of the process until they initiate a change.

Mr PLOWMAN (Benambra) — The honourable member for Pakenham has pointed out the nonsense of this. Once a registered dam, always a registered dam. A dam is not going to move or get bigger. If you want to make a dam bigger, you have to get a section 51 licence. As long as it is a registered licence that dam is not going to change. Why do you need to have someone look at it? Why do you need the paperwork, as the honourable member for Pakenham said? Why do you need to have a charge? It is just nonsense.

Committee divided on amendment:

Ayes, 40

Asher, Ms
Ashley, Mr
Baillieu, Mr
Burke, Ms
Clark, Mr
Cooper, Mr
Dean, Dr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Fyffe, Mrs
Honeywood, Mr
Jasper, Mr
Kilgour, Mr
Kotsiras, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McIntosh, Mr
Maclellan, Mr
Maughan, Mr (*Teller*)
Mulder, Mr
Napthine, Dr
Paterson, Mr
Perton, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr
Richardson, Mr
Rowe, Mr
Ryan, Mr
Shardey, Mrs
Smith, Mr (*Teller*)
Spry, Mr
Steggall, Mr
Thompson, Mr
Vogels, Mr
Wells, Mr
Wilson, Mr

Noes, 45

Allan, Ms
Allen, Ms
Barker, Ms
Batchelor, Mr
Beattie, Ms
Bracks, Mr
Brumby, Mr
Kosky, Ms
Langdon, Mr (*Teller*)
Languiller, Mr
Leighton, Mr
Lenders, Mr
Lim, Mr
Lindell, Ms
Loney, Mr
Maxfield, Mr
Mildenhall, Mr
Nardella, Mr
Overington, Ms
Pandazopoulos, Mr
Pike, Ms
Robinson, Mr
Savage, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Viney, Mr
Wynne, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
Davies, Ms
Delahunty, Ms
Duncan, Ms
Garbutt, Ms
Gillett, Ms
Haermeyer, Mr
Hamilton, Mr
Hardman, Mr (*Teller*)
Helper, Mr
Holding, Mr
Howard, Mr
Hulls, Mr
Ingram, Mr

Amendment negatived.

Clause agreed to; clause 27 agreed to.

Clause 28

Mr INGRAM (Gippsland East) — I move:

Clause 28, lines 25 and 26, omit sub-clause (1) and insert —

'(1) In section 58(2) of the Principal Act, for paragraph (c) substitute —

"(c) be accompanied by —

(i) in the case of a registration licence, the prescribed fee, if any;

(ii) in the case of any other licence, the application fee, if any, fixed by the Minister for that kind of licence.".'.

This amendment sets out that the fee for the five-year renewal of the registration licence is prescribed. That ensures that it cannot be used as an opportunity for governments to raise revenue on the ongoing reissuing of those licences.

I did not support the amendment moved by the honourable member for Monbulk, because we have to keep the database for these registration licences in order and there has to be an opportunity to review them. I noticed that a number of honourable members raised the issue that dams do not get up and move elsewhere. We are talking about commercial irrigation using water from those storages.

By way of example, in a fairly high rainfall area such as East Gippsland a farmer may put in some grapes, which only need to be irrigated for a short period of time. Once established they do not need ongoing use of that water. A farmer could then put in a small storage for commercial use, but may no longer need to use it on an ongoing basis. He or she would then no longer need to have that commercial irrigation use registered.

I have had advice — including assurances from the minister, and I noted her previous comments which were included in her second-reading speech — that the renewal cost will be a nominal administration fee. That is explained in the explanatory memorandum for clause 28 of the bill, which deals with the renewal of registration licences. It states:

> The renewal fee for a registration licence will be fixed by reference only to the administrative costs involved in renewing the licence.

Parliamentary counsel advises that the meaning of 'application fee' ensures that the fee imposed must be reasonable and must reflect the costs of providing service renewal of that licence. Anything more than that would be construed as simply raising revenue.

The amendment has to go to a regulatory impact statement if the fees are to be raised. It also has to go through the Scrutiny of Acts and Regulations Committee, and there is an opportunity for disallowance by Parliament under sections 324, 325 and 326 of the Water Act. So the amendment is both to make sure it is only an administration fee and to ensure that it cannot be used on an ongoing basis to raise revenue for any future government.

Ms GARBUTT (Minister for Environment and Conservation) — The government also accepts this amendment. It gives added protection and accountability through a disallowance by Parliament and through the Scrutiny of Acts and Regulations Committee. I have stated in the second-reading speech and many times in the debate that the registration fee will not be volumetric and will not be used to collect additional taxation or revenue but will simply meet administrative costs. I believe the amendment will make that very obvious.

Amendment agreed to; amended clause agreed to; clauses 29 to 31 agreed to.

Clause 32

Mr McARTHUR (Monbulk) — I move:

34. Clause 32, page 38, line 22, omit "5" and insert "10".

The amendment again extends the period from 5 years to 10 years in a similar fashion to previous amendments.

Mr PLOWMAN (Benambra) — I wish to ask a question of the minister about clause 32 concerning a farmer who is caught irrigating from his own dam. If after a dry year or two a farmer's crop wilts, his cows are dying, his kids are going to school threadbare and he uses a pump to water his crop from his dam, why is the minister prepared to throw him in jail for three months? And if he happens to do it is second time, why is she prepared to throw him into jail for six months?

Mr VOGELS (Warrnambool) — Often in the south-west — off the top of my head I think of the years 1983, 1987, 1997, 1998 and 1999, when we had very little or no run-off into our farm dams — when the commercial dams they use to wash down their dairies and so on run dry farmers get irrigation pumps to pump the stock and domestic dam water up to commercial dams to keep their businesses going. It happens quite regularly. I again ask: is that a jailable offence under the proposed provisions?

Ms GARBUTT (Minister for Environment and Conservation) — In answer to both honourable members I indicate that these are the same penalty units that apply to those who fail to have other licences, so it adopts consistent provisions right across the board.

Mr PLOWMAN (Benambra) — Irrigators are renowned for pinching water, but I cannot ever remember one going to jail for it. I ask why it should apply to — —

Honourable members interjecting.

Amendment agreed to.

Mr STEGGALL (Swan Hill) — I move:

18. Clause 32, page 38, line 27, after "dam" insert "not on a waterway".

This consequential amendment also seeks to change the penalty provisions of the bill.

Amendment agreed to; amended clause agreed to; clauses 33 to 45 agreed to.

Clause 46

Mr PLOWMAN (Benambra) — I will address clause 46, headed 'Minister may carry out works', which inserts proposed subsections (3) to (7) in section 81 of the principal act. Proposed subsections (3) and (4) state:

> Any costs incurred by the Minister under this section are a charge on the land.
>
> Land is so charged when the Minister deposits with the Registrar of Titles a certificate under seal describing the land to be charged and stating the amount of the charge.

You wonder how the minister can then apply proposed new section 32F when subsection (2) of 32F states:

If as a result of the enforcement of an approved management plan a benefit is conferred on one person and a detriment is suffered by another person, the second-mentioned person is entitled to be paid by the first-mentioned person compensation for the detriment suffered.

I find that an extraordinarily divisive mechanism. I cannot understand how it will work. I also think it is a cop-out for the government to suggest that if compensation is due it should be paid for by someone who is supposed to be getting a benefit from someone else's detriment. If under section 81 the minister makes the decision to take away or decommission a dam, which would then cause a detriment for some person, how will proposed new section 32F(2) apply?

Ms GARBUTT (Minister for Environment and Conservation) — We have dealt with proposed new section 32F, which was about management plans being developed by committees. We are talking here about waste misuse or the pollution of water and the minister being able to take action to stop that.

Mr PLOWMAN (Benambra) — Clearly the management plan can cause the decommissioning of a dam. It could also require the removal of works. Clearly under proposed section 81(3) and (4) the minister is responsible for that, and clearly proposed new section 32F — which involves the principle of compensation being paid to someone who has received a detriment by someone who supposedly has got a benefit — applies.

Ms GARBUTT (Minister for Environment and Conservation) — I think the honourable member is confused about quite separate parts of the bill. I am happy to provide further information to clarify it for him while the bill is between the houses.

Clause agreed to; clauses 47 to 55 agreed to.

Clause 56

Mr McARTHUR (Monbulk) — I move:

35. Clause 56, page 51, line 20, omit "5" and insert "10".

Amendment 35 again has the same effect as the earlier amendment, extending the period from 5 years to 10.

Amendment agreed to; amended clause agreed to.

Reported to house with amendments.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr HAMILTON (Minister for Agriculture).

ADJOURNMENT

Mr HAMILTON (Minister for Agriculture) — I move:

That the house do now adjourn.

Schools: community access program

Mr HONEYWOOD (Warrandyte) — I ask the Minister for Education to investigate the Access at Schools program. This program allegedly gives access to schools information technology facilities to members of the wider community outside of normal school hours. It is used by local community groups and individuals living in rural Victoria who would otherwise not have access to such facilities.

The initial program was allegedly run as a one-year trial with the potential for an extension if it was found to be successful. Some 146 schools in rural Victoria have been involved in the program to date and schools have been provided with up to $9000 each to implement it. The state government initially provided $1 million through Multimedia Victoria and the Department of State and Regional Development for this program from October 2000 to September 2001, but the opposition understands that unfortunately the program has been discontinued as of 23 September 2001.

One school that has been particularly affected by this discontinuance is Coleraine Primary School, which wrote to the Honourable Bruce Chamberlain, the President in another place, about how wonderful the program had been for the school. The opposition understands that the minister's own department has been in contact with the federal government, which has suggested that some financial support may be forthcoming.

Has the Minister for Education bothered to communicate with her ministerial colleague the Minister for State and Regional Development, who is the minister responsible for Multimedia Victoria; has she bothered to ascertain whether the federal government funding requires some application in a formal sense from her own department; and, indeed, has she bothered to look at, dare I say, a partnership approach between her and the federal education minister, Dr Kemp, to ensure access for regional and remote rural communities to this wonderful program? The program allows not just the students themselves but also parents and friends to tap into information technology and gain access, in many cases for the first time, in an affordable way to the whole computerisation revolution, thereby bridging the generation gap between

parents and their children and the younger generation in general.

Why has the Bracks government ceased funding this program when it has been doing very well and when it has been accepted by rural communities such as Coleraine? Why is the government not pursuing a bit of lateral thinking and taking a partnership approach, given that the federal government has made the appropriate overtures to ensure that funding is retained?

Disability services: visiting teacher service

Mr DELAHUNTY (Wimmera) — I refer the Minister for Education to the important matter of the visiting teacher service for deaf and hearing-impaired students in Victoria. I ask her to review the decision of her department, to reinstate this important service and to investigate a long-term solution to meet the needs of hearing-impaired students in the country.

This issue came to my attention through a letter I received from the Wimmera Hearing Society on 22 October. The letter states:

> I am writing to you on behalf of the parents of deaf and hearing-impaired students of the Wimmera.
>
> Recently we have been notified that the visiting teacher service for the deaf in this region has been drastically cut.
>
> …
>
> The issue is also being felt in other regions of country Victoria, and I would appreciate you taking this issue on board to encourage the government to look into the visiting teacher for the deaf service across the state, and to rectify the problem.

The letter goes on:

> The early years in a deaf student's schooling are very important, they are deaf, not dumb. With the right education and access to specialist visiting teaching services for the deaf, this can be achieved.

I have also received a letter from Jenny Cunningham of Glenorchy, who has raised the very important issue of her nine-year-old hearing-impaired student son. In her letter she says:

> No matter how time is shuffled around this will mean that some of these students will receive no visits. This also means that my son's education and preparation for the future will suffer …

I have received a letter from Ashley and Brenda Fithall of Warracknabeal raising concerns about their son. I have also received a letter from Rebecca Phyland of Narrawong, near Portland, who has been involved in providing educational opportunities for deaf children in Victoria for more than 10 years. She informs me there is no support down there for hearing-impaired children.

I am aware that the honourable member for Warrnambool has raised this issue. I am informed that Western District families are lobbying for the reinstatement of a visiting teacher service. There is no-one in the positions at present in Warrnambool, Portland and Hamilton. There are 56 aided students with different degrees of hearing loss attending schools in that region. I am also informed that the Geelong region has also had its visiting teacher program for the deaf cut. So it is a very major issue.

I want to highlight one young family I met with. Their boy is Andrew Lang of Dimboola. His father writes:

> I can't express enough to you how vital this integrated service is to the education needs —

of his son.

It has also been highlighted in editorials such as the one in the *Wimmera Mail-Times*, which says:

> Is this cruel?
>
> Does it deprive deserving children of a chance to live normal lives?
>
> Does it say that the state government doesn't give a stuff about protecting services for regional —

Victorians? Parents could have no choice but to move away from the Wimmera if they do not get the service reinstated. I am pleased to see that 35 school principals in the Wimmera have reassessed this concern and addressed it, but at the end of the day the minister must ensure statewide that hearing-impaired children are given the best opportunities for education.

Greater Geelong: senior executives

Mr LONEY (Geelong North) — The matter I raise is for the attention of the Minister for Local Government and relates to drink-driving in council vehicles by senior executives of the City of Greater Geelong.

The action I am seeking from the minister is that he ensures that the same standards are applied to COGG executives as have been applied to other council staff in similar circumstances, that no ratepayer funds are used on seeking legal advice to justify applying different standards to senior executives and that no ratepayer funds are used to pay for damages to vehicles as a result of insurance policies being voided.

I have been approached by a number of council employees following reports in the *Geelong Advertiser* of a collision involving a council vehicle after the Geelong Cup race meeting a fortnight ago. Apparently the council vehicle involved was carrying two senior executives of the council and a well-known local businessman. One of the council executives was driving. I do not intend to name the council executives involved, even though their names are now common knowledge throughout the Geelong area.

Following the accident police were called and reportedly the council officer driving was breath tested and registered a reading well in excess of .05. The concern expressed to me by council workers is that ranks seem to have closed around this person within the council, and no internal action has yet been signalled. This is despite the fact that three non-executive council workers who have been found to be in excess of .05 in council vehicles this year no longer retain their employment at the council — as a direct result of the .05 readings. Previously at least one executive member of the council has lost their employment after a .05 reading in a council vehicle. None of these incidents involved a collision.

Even some councillors have now expressed concern about the council's ability to handle this issue and have called for an independent arbitrator to be appointed because of the circumstances surrounding the incident.

It is important that consistent standards are employed for all council employees so there is not one set of rules for ordinary council workers and more lenient rules for senior executives. Further, there have been suggestions that legal advice is being sought at a senior executive level in an effort to mitigate the incident and that in spite of the loss of insurance as a result of driving over .05, the costs of the accident will be borne from council funds rather than being charged to the responsible person. The use of ratepayers' funds for this purpose is completely wrong, particularly when this council is constantly cutting ratepayers' services.

Road safety: toll

Mr WELLS (Wantirna) — I refer the Minister for Police and Emergency Services to a matter of grave concern: I ask him to take immediate action to address the spiralling road toll. In one of its platform promises at the last election Labor made clear what it would do to the road toll. I refer to Labor's 'No more excuses on crime' — it has been changed to 'Nothing but excuses on crime'! — under the heading 'Safety on the roads':

> Labor will work with the community to achieve higher levels of safety on Victorian roads by developing fresh strategies to build on past successes.

That was a clear commitment by Labor to Victorians. The opposition wishes to know what action the minister has taken in the past two years to get the road toll down, because when we look at the figures they show that up to midnight last night the road toll for the year was 374 — that is up 35 on last year's figure, an increase of almost 10 per cent.

The minister is keen to spout about the number of additional officers that are now part of the police force, so one would think when looking at the annual report that we would see the additional police having some effect on road safety. However, when we look at the government's performance measure for police road law enforcement we can see that although its targeted hours of operation were a minimum 850 000 hours per year it reached only 829 617 hours, which means it is more than 20 000 hours short of its target for police looking after road traffic law enforcement. If we have all these additional police, where are they? Why are they not out on the roads protecting good motorists and ensuring our roads are safe?

Another point is that the minister — and it has been mentioned before — bungled the introduction of driver drug testing. If when a driver is pulled over in Shepparton a drug test is needed, someone from East Brunswick police station has to go up to do the test. If it is not done within a 3-hour window the person gets off scot-free. Only 21 people have been detected for drug-driving in rural areas, and 118 have been detected in metropolitan Melbourne, but of the total of 139 offenders only 17 have been convicted by the courts — and that is because the system is clearly not working. There are not enough resources and not enough trained police.

I call on the minister to take immediate action to ensure that the election promise to reduce the road toll, which is supported by both sides of the house, will take effect before the end of this year.

Cyprus Greek Orthodox Community

Mr LANGUILLER (Sunshine) — I call on the Minister assisting the Premier on Multicultural Affairs to further support the wonderful work done by the Cyprus Greek Orthodox Apostolos Andreas Community of Sunshine. One of the main events organised by the community is St Andrew's festival, which is coming up in early December. St Andrew is the patron saint of Cyprus, and the festival takes place in Sunshine over three days. Some 10 000 people attend

St Andrew's festival every year. It has become one of the largest festivals in the City of Brimbank, and it has also become an institution on the Greek–Australian cultural calendar. Honourable members would also be aware that the Greek Cypriot — —

Ms Asher — Are you going?

Mr LANGUILLER — I am going. I put it on record that I will be attending. The local Greek Cypriot community is one of the biggest Greek Cypriot communities in the western suburbs, and I am proud to represent it. The Cyprus Greek Orthodox Community of Sunshine was established in April 1955. Since then it has developed into a major provider of social services and cultural activities within the City of Brimbank and elsewhere in Victoria. I am proud to represent such a multicultural community in the municipality of Brimbank and in the electorate of Sunshine.

The Greek Cypriot community is a large community that engages in many social, cultural and sports activities. It is an engaging and constructive community, and not just because it provides a whole range of services to its members. Because it happens to be one of the old-time communities in the region, it is now beginning to assist in the development of a whole range of other communities.

I proudly represent that community. I am proudly associated with a government that supports multiculturalism in the region. It supports not only the Greek Cypriot community but a whole range of other communities, and it does so in a variety of ways. The Bracks government is committed to ensuring that ethnic communities are able to maintain their traditions and heritage. It is committed to ensuring that this community is able to further develop its language events. I again call on the minister to take action in this respect.

Rural and regional Victoria: doctors

Mr SAVAGE (Mildura) — I ask the Minister for Health to take action to require his department to give rural health a higher priority than it currently has.

I have previously spoken on the issue of the department's determination to transfer obstetrics from Hopetoun to Warracknabeal and the impossible position in which boards such as that of the East Wimmera Health Service are placed in satisfying community demands while meeting the departmental requirements, which appear to give inadequate weight to the circumstances in which rural hospitals operate.

To demonstrate the cause of the increasing concern about the sensitivity of the department to rural issues, I direct to the minister's attention some aspects of the overseas-trained doctors rural recruitment scheme, under which 58 doctors have been approved and 55 placed throughout country Victoria. I believe the department has failed to provide adequate resources for these doctors.

The Rural Workforce Agency Victoria, the agency responsible for recruitment and retention of general practitioners in rural Victoria, has assessed the training needs of these doctors in areas such as emergency medicine and women's health. However, the department's response was to approach a Melbourne-based training company to deliver the appropriate program. I am told this company did not consult the Rural Workforce Agency about the doctors' needs, suitable training programs, or the flexible delivery of this program.

I am not even confident of the accuracy of the department's view of the number of vacancies under the rural recruitment scheme. I understand the department thinks there are 50 vacancies, but an assessment by the agency shows it thinks there are 29 because some doctors serve some towns under other schemes.

It is important that the department's policies and decisions reflect the government's priorities in terms of its commitment to rural and regional Victoria, and I ask the minister to ensure that they do so.

Police: Glen Waverley station

Mr SMITH (Glen Waverley) — The matter I raise for the attention of the Minister for Police and Emergency Services concerns work that has not been done on the Glen Waverley police station in the past two years. The young people at Glen Waverley police station who contacted me have given me a list of 10 capital works that just have not been attempted, or even, in most cases, urgent capital works that have not been done. For example, the exterior of the building complex needs steam blasting using high-pressure water. Late 1984 or early 1985 when the building was opened was the last time any work was done on the police station complex. It is a big complex — a major police station in the eastern suburbs.

No internal painting has been done since the building was opened. All the police system says is, 'We'll do half a door here, and we'll do half a wall there'. That is completely unsatisfactory and very frustrating to those

people who have to put up with the conditions at the police station.

What about the drug store at this very busy police station, which requires a lot of storage for marijuana and other such drugs? The present facility needs to be replaced with one having a proper exhaust system and security. Anyone who has been into a police station and has smelt old marijuana and other plants stored there knows it is absolutely outrageous.

An honourable member interjected.

Mr SMITH — As the honourable member for Warrandyte says, it is on the nose. The installation of electronic security gates at the back of the station was approved a couple of years ago when funds were available, but nothing has happened since then.

The line marking of both of the car parks needs to be done because it is almost non-existent. Whenever I go up there the lines have gone. The watch-house needs refurbishment, including the replacement of the console and the telephone system and the installation of monitors for the car park as well as the cells. Presently the airconditioning in the watch-house, the criminal investigation branch and the mess room is not working. Work on the gutters has not been done. I pointed out some time ago that the box gutters need replacing — they do not work. The interview room ceiling needs replacing as some suspects have tried removing ceiling tiles to escape.

I call on the minister to take urgent action to get these works under way and bring them to fruition for the health and betterment of the young people working in that police station.

Road safety: Oaks Day

Mr SEITZ (Keilor) — I raise a matter for the attention of the Minister for Police and Emergency Services. It seems he has drawn the short straw tonight. First of all I would like to congratulate him and the police force on the excellent work the force did over the Melbourne Cup long weekend. I was a user of the roads, and travelled on the Geelong road in particular, where there were speed restrictions. The passengers in my car were very conscious of the campaign by the police regarding extra safety in the lead-up to the long weekend. These back-seat drivers were forever warning me to slow down, saying 'It's 80 here, it's 60 here', so I believe there was very good reception by the whole community of the campaign. I made two trips with different people in my car in different directions out of Melbourne during the long weekend, and each time I found that the community was very much aware of the need for road safety.

The matter I am raising now with the minister is that tomorrow is Oaks Day and there will be extra traffic again going to the racecourse, particularly coming in from country areas on roads such as the Calder Highway, the Western Highway and the Geelong road. We will also have a normal working day, so there will be extra traffic in the city.

I ask the Minister for Police and Emergency Services to again encourage the police command to put out bulletins to warn people that although we got over the long weekend quite safely with a good transport response, with everybody knowing the police were out there and with people being educated to respect the speed limit, tomorrow, because a lot of people will be travelling in different directions — that is not the norm when people are going to work — drivers should be patient, particularly during the day when there is business traffic, and that after the races traffic leaving the racecourse should be well controlled so that people finish the day with an enjoyable and safe drive home.

For those reasons I commend the minister on the campaign conducted over the Melbourne Cup long weekend and suggest it should continue for Oaks Day. It would be ideal if the minister could ensure, as happened with Cup Day, that bulletins and broadcasts again went out advising people that if they are celebrating they should take a taxi or preferably use public transport and leave their cars parked in the outer suburbs. The moving of people by public transport to and from the racecourse was a tremendous effort. People leaving their cars parked within the outer suburbs of Melbourne and coming into the racecourse in the inner urban area by public transport — —

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member's time has expired.

Latrobe: governance

Ms BURKE (Prahran) — I raise for the attention of the Minister for Local Government a matter relating to dissatisfaction with local government in the Latrobe Valley. On 26 September, 840 citizens attended a public meeting and passed a vote of no confidence in the mayor and deputy mayor. On 31 October, the Fair Play campaign tabled a petition in this house with 7663 signatures demanding the minister take action.

The council decided to move its main office from Traralgon to Morwell at a cost of $4.5 million. This can only happen through the sale of numerous properties. I am told it involves at least 10 properties. Any structure that is a third of a kilometre long and 30 metres wide with a current electricity bill of $700 000 will be lucky

to be built within the figure of $4.5 million. It is probably more likely to cost $8 million to $10 million.

Good governance at the local level relies on competence in the council itself and on solid support from state government. At the moment, the people of the Latrobe Valley have neither. The new structure gave the council every opportunity to change the lives of those people in the community. There was every chance to work to attract new investment to improve strategies of tourism, economic development and the environment — all vital issues for that area.

The councillors themselves have been obsessed with dividing the Latrobe community and they have blatantly abused the numbers to isolate certain parts of the shire and benefit others. The same councillors are supposed to be nurturing the links between the different communities in the area, four towns in particular, and working for the wellbeing of the whole shire. The minister must take action before the shire splits in two.

The mayor, Cr Brendan Jenkins, is the electorate officer for Keith Hamilton, the honourable member for Morwell and Minister for Agriculture. Although I do not begrudge him his position, there is a feeling in the community that people cannot put their complaints fairly to their state member, as his electorate officer and his deputy are the problems. If we are to have clear and democratic levels of government it is important that each level feels it has the right or some function and purpose to complain to other levels of government.

The matter on which I ask the minister to take action is to support the Traralgon communities to be part of the City of Latrobe before he ends up with the Delatite situation. It is a delicate time for local government because the structures are supposed to advantage those communities, but at the moment no-one has any advantage.

Police: Footscray station

Mr MILDENHALL (Footscray) — I raise a matter for the attention of the Minister for Police and Emergency Services. I request that the minister take action to pursue the redevelopment or replacement of the Footscray police station.

On Friday, 24 October, the minister accompanied me on a tour of the Footscray police station in Hyde Street, Footscray, but it was not an edifying sight. In some ways the indefatigable police in Footscray are victims of their own success. They occupy the state's busiest police station in terms of workload per officer. In response to the difficult conditions with drug dealing on the streets, over the past 18 months the Bracks government has increased the number of police stationed in Footscray by a substantial amount. There are now well over 100 police stationed in Footscray.

The numbers and the busy nature of the station mean the conditions are extremely cramped. The criminal investigation branch located in the old courthouse adjacent to the police station is in unbelievably cramped conditions. Without going into detail, the interview areas are totally inadequate, the secure storage areas do not conform, office and desk areas are totally insufficient and recently records were damaged because they were exposed to a sewer blockage. At its peak, the station comprises units from the uniform branch, the criminal investigations unit, the traffic management unit, the regional response unit, the sexual offences and child abuse unit — —

Mr Wilson interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Bennettswood will remain silent.

Mr MILDENHALL — Other units include the proactive programs and district management personnel units. Over the past 18 months the Footscray police have made very successful inroads — —

Honourable members interjecting.

Mr MILDENHALL — You did not listen when you were in a minister's office, and you are still not listening.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Footscray will endeavour to ignore the interjections coming from Bay 13 on the opposition side.

Mr MILDENHALL — That is right. They are appalling yobbos on the other side!

Footscray police have made successful inroads into the street drug scene. While I may not agree with all of Inspector De Bruyn's philosophies on drugs, he is a very effective leader. Police stations in local communities are a major priority area, and I ask the Minister for Police and Emergency Services to recognise that in the budget.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for South Barwon has 15 seconds.

Greater Geelong: mayor

Mr PATERSON (South Barwon) — I seek advice from the Minister for Local Government as to whether he supports the changes made in the City of Greater

Geelong which have led to the election of Mayor Stretch Kontelj. Under the changes the Labor government has made — —

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member's time has expired. The time for raising matters on the adjournment has expired.

Responses

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Wantirna sought in a very unfortunate way to score a political point on the issue of the road toll. That is a rather unfortunate and regrettable act. We have always had a fairly bipartisan approach to the road toll — it goes up and down now as it did in the Kennett years. The attempt of the honourable member for Wantirna to score political points on the issue of the road toll is something I find rather despicable.

Mr Honeywood interjected.

Mr HAERMEYER — You look pretty comfortable there, Phil — maybe you ought to tell Doylie to run for the deputy's job!

The ACTING SPEAKER (Mr Lupton) — Order! It is early in the morning. Maybe we could let the minister complete his answer so we can get home some time.

Mr HAERMEYER — The honourable member went on to talk about additional police. In regard to the additional police, the government is still trying to play catch-up with the numbers of police that were deliberately run down by honourable members on the other side when they were in government. They were deliberately run down.

Mr Wells — Where are they?

Mr HAERMEYER — Where are they? Over 500 additional police. You said absolutely nothing about that.

The ACTING SPEAKER (Mr Lupton) — Order! The minister! Sit down! Are we all happy? If this sort of interjection continues I will leave the chair and you can all sit here until the cows come home.

Mr HAERMEYER — I have to say that the government is still playing catch-up in terms of the damage these people caused in government. The honourable member for Wantirna then talked about the number of hours spent by police patrolling roads. He asked where they were and why they were not out there on the roads. The honourable member is attacking police as if he and his party have not done enough damage.

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! The minister will go through the Chair. The honourable member for Bentleigh! The honourable members for Bennettswood and Brighton! Who else wants to be named?

Mr HAERMEYER — The honourable member for Wantirna then continued this hoary chestnut he tried to run the other week about the number of police allocated to drug testing. I do not think the honourable member will ever get the opportunity to become the Minister for Police and Emergency Services, but if he ever does he will come to realise that the allocation of police to tasks is an operational issue. The police have determined the number of officers to be allocated to this particular purpose across the state. They have determined that the number of officers allocated to the task of drug testing and who have been properly trained for that purpose is adequate. The police themselves have determined that.

Is the honourable member for Wantirna going to intervene and tell them how to do it — the expert who sat on this side of the house and said absolutely nothing?

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! The Chair has been patient and tolerant. I will not put up with these sorts of interjections for the rest of the night.

Mr HAERMEYER — He then goes on to indicate that he wants to know why, firstly, only 21 people were checked in rural areas. Maybe that is because only 21 people have given police cause to undertake some checks. He then tries to make some point of the fact that only 17 have been convicted. It may be that some of them are still waiting for their matters to be processed before the courts. It is an issue with the criminal justice system with which he has some difficulty. Simply the fact that a charge is laid does not mean you are automatically convicted. This is something the honourable member needs to get his head around if ever he has any hope of assuming a ministerial role in this portfolio. He has a hell of a long way to go but certainly it is not his role to tell the police who and how many police ought to be allocated to this particular purpose.

I also point out that the issue of drug testing was there for the previous government to do something about. Members opposite sat on the government benches for

seven years and did nothing about it. It was introduced by this government. We are introducing the additional police and the additional powers. We have introduced the legislation that makes it possible. Members opposite were negligent in the seven years they were in government.

This government is on the front foot as far as the road toll is concerned whether we are talking about the new speed detection equipment, the fixed-sight speed cameras, the new laser-based speed cameras, the new booze buses, improvements to the speed limits, better roads or the black spot funding. We have a ministerial council as opposed to just leaving it. We are developing an integrated road safety strategy. It is very sad that the honourable member for Wantirna has sought to make a political issue of what I believe to be a tragic one.

By contrast the honourable member for Keilor raised the issue of the road toll and called for extra care to be taken on the roads tomorrow, as it is Oaks Day. I join with him in congratulating Victoria Police on the excellent role it has played over the Spring Racing Carnival to date in dealing with the additional traffic and particularly the problem of drink-driving, which unfortunately some people insist on undertaking after attending the races. I assure the honourable member for Keilor that Victoria Police will be out there in a very proactive way cracking down on anybody who is misbehaving on the roads, particularly those who drink and drive.

The honourable member for Glen Waverley raised the condition of the Glen Waverley police station. I note that he has raised that a couple of times in his local newspaper. I note also that the condition of the police station did not happen overnight. I note that for seven years while his party was in government he never raised the matter once. He used to hang around on the top floor of police headquarters like a bad smell, yet did he ever raise this issue? No, he did not. The government is improving the police station stock in this state; no thanks to the honourable member for Glen Waverley! I will draw the works issue to the attention of the chief commissioner.

As the honourable member should be aware, the administration of the police works budget is a matter for Victoria Police and given the years he spent up there on the top floor of police headquarters hanging around like a bad smell, one would have thought he would have weighed in with some influence on this matter. He did not.

The honourable member for Footscray raised the matter of the Footscray police station, yet another case of lamentable neglect by the former government. We are still playing catch-up with police station stock. I visited the Footscray police station with the honourable member, and share with him the view that police do a great job in difficult circumstances. The number of police at that station has increased because Footscray is one of Victoria's crime hot spots. Unfortunately the former government would not have had enough police to do anything about it. Now there is a noticeable difference with additional police, which is showing up in the crime rates and the whole flavour of the area.

I agree with the honourable member for Footscray that the police station is in an appalling and lamentable condition. It is not a modern state-of-the-art police station appropriate for one of the busiest policing areas in the state. I will certainly take up the matters that the honourable member has raised about priorities this year for police capital works.

I am surprised honourable members opposite have the temerity to raise these issues, considering the damage they did to our wonderful police force.

Mr PANDAZOPOULOS (Minister assisting the Premier on Multicultural Affairs) — I thank the honourable member for Sunshine for the way he enthusiastically champions ethnic communities in his electorate in the western suburbs of Melbourne. Tonight he has raised the matter of the Cyprus Greek Orthodox Apostolos Andreas Community at Sunshine and the great work that it has been doing for more than 40 years. It started in 1960 when it opened the church. In 1963 it bought a block of land and built a small community hall. In 1980 it bought a house and turned it into a local community school. In 1989 it bought another house and created a local youth centre. In 1989 it formed an elderly citizens club, and has conducted a great festival for its patron saint for a number of years.

The honourable member sought assistance for this great community group in the western suburbs. He would be aware that the Victorian Multicultural Commission has increased resources by $500 000, with a strong focus on supporting community events. The key focus for encouraging communities is to think about celebrating their culture beyond their own community by involving other cultures so that their own culture becomes more conscious of the benefits provided by other ethnic communities, and also to celebrate their events with others.

It is important to understand that the community Apostolos Andreas took up that lead and last year decided to expand its festival from a three-day event to a week-long event and to include different ethnic community groups and engage with the broader community. That is exactly the type of event we are

trying to encourage. This is a part of Australia in which we enjoy that sharing and experiencing of cultures, which the Cypriot community in Sunshine is doing.

It is my pleasure to inform the honourable member that the multicultural commission has recommended to me to provide that community with a sponsorship grant of $1000 to assist that event. In a small way the multicultural commission is prepared to sponsor events that are worthy of community support and to encourage communities to carry on their great work.

Mr CAMERON (Minister for Local Government) — The honourable member for Geelong North raised a serious matter concerning drink-driving by council officers, by a council executive and another council employee, but did not name who was involved. I suspect he is being cautious and sensible about that matter, but it was the issue that was of more concern. Rightly, .05 drink-driving is detested by the community. I know, as minister responsible for the Transport Accident Commission, that too often we see the tragic consequences of drink-driving.

It is understandable that everybody in this house and the broader community wants drink-driving to cease. The honourable member raised the issue of insurance being voided, which is obviously one of the things that often occurs when a driver is .05. If the driver was .05, the question is whether the other council officer knew that the other driver was .05 — in other words, whether that other council officer was also doing the wrong thing. The honourable member seeks consistency of policy so that all council staff are treated the same way, and I think the people of Geelong would expect there to be consistency regarding staffing matters.

I do not have any set powers under the Local Government Act concerning staffing, but just as all honourable members who represent the Geelong area would expect, I would expect, and certainly the Geelong community would expect, to see the council go about its staffing matters consistently. The public has a vested interest in getting to the truth, and I would expect that the councillors in Geelong would want to get to the bottom of this matter because people expect high standards from their local councils. I expect it, honourable members expect it and the community expects it.

The honourable member for Prahran raised a matter concerning the Latrobe City Council that centred around the move of council offices from Traralgon to Morwell. The honourable member for Prahran is aware that there is a petition at the present time, and she would also be aware that there was a petition that had some thousands of signatures in 1998 concerning the same matter. The matter has been around for a number of years, and as the honourable member for Prahran says, it is a matter for local democracy. Certainly that is the view of an honourable member for Gippsland Province, Peter Hall, who says it is not his business to interfere in council matters. He has views but says it is not a matter for him to interfere with, and certainly that was the case in 1998 during the period of the former government.

The honourable member for Prahran said that people concerned with one level of government should be able to raise it for another. The honourable member for Morwell has advised me that he is unaware of attempts to contact him. The honourable member for Prahran can go back to the person she spoke to and suggest that they write to the honourable member for Morwell. However, in relation to the Latrobe City Council, I answered this matter last week when it was raised by the honourable member for Narracan, and I refer my answer to the honourable member.

The honourable member for South Barwon attempted to raise a matter with me in 15 seconds, but unfortunately the time was too short. He might want to raise that matter tomorrow.

Mr Honeywood — On a procedural point of order which I would ask you to raise with the Speaker in his chambers, Mr Acting Speaker, yet again we find the part-time Minister for Education has chosen not to come into the chamber. Nine times out of 10 she cannot be bothered to come in to answer her questions!

The ACTING SPEAKER (Mr Lupton) — Order! There is no point of order.

Mr CAMERON — The honourable members for Warrandyte and Wimmera raised matters for the Minister for Education, and I will refer those matters to her.

The honourable member for Mildura raised a matter concerning rural health for the Minister for Health, and I will refer that matter to him.

Motion agreed to.

House adjourned 12.19 a.m. (Thursday).