PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

2 November 2000

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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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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Thursday, 2 November 2000

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

PETITIONS

The Clerk — I have received the following petitions for presentation to Parliament:

Preschools: volunteers

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the undersigned citizens of the state of Victoria sheweth that the Parliament immediately acknowledge the important role played by volunteer parents on their local preschool committees and recognise the significant contribution that preschools and their committees make to their local communities.

Your petitioners therefore pray that immediate additional support is provided so that volunteer committees can receive targeted financial assistance for administrative support in managing their preschools.

And your petitioners, as in duty bound, will ever pray.

By Mr LANGDON (Ivanhoe) (10 714 signatures)

Preschools: funding

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

That the Victorian government immediately invest more substantially in preschool education for the benefit of Victoria's young children and their future. That the Victorian government increase funding to preschools to at least equivalent to the national average in order to ensure:

a reduction in fees paid by parents and the removal of the barrier to participation for children;

reduction in group sizes to educationally appropriate levels consistent with those established by government for P–2 classes in primary schools;

teachers are paid appropriately and in line with Victorian school teachers and preschool teachers interstate;

critical staff shortages for both permanent and relief staff are alleviated;

the excessive workloads of teachers and parent committees of management are addressed.

And your petitioners, as in duty bound, will ever pray.

By Mr LANGDON (Ivanhoe) (525 signatures) and Mr McARTHUR (Monbulk) (356 signatures)

Laid on table.

PAPERS

Laid on table by Clerk:

Barwon Region Water Authority — Report for the year 1999–2000

Central Gippsland Region Water Authority — Report for the year 1999–2000

Central Highlands Region Water Authority — Report for the year 1999–2000

Coliban Region Water Authority — Report for the year 1999–2000 (two papers)

East Gippsland Region Water Authority — Report for the year 1999–2000

Financial Management Act 1994 — Report from the Minister for Health that he had received the 1999–2000 annual report of the Optometrists Registration Board of Victoria

Fisheries Co-Management Council — Report for the year 1999–2000

Glenelg Region Water Authority — Report for the year 1999–2000

Goulburn Valley Region Water Authority — Report for the year 1999–2000

Grampians Region Water Authority — Report for the year 1999–2000

Lower Murray Region Water Authority — Report for the year 1999–2000

Natural Resources and Environment, Department of — Report for the year 1999–2000 (two papers)

North East Region Water Authority — Report for the year 1999–2000

Portland Coast Region Water Authority — Report for the year 1999–2000

South Gippsland Region Water Authority — Report for the year 1999–2000

South West Water Authority — Report for the year 1999–2000

Victoria Legal Aid — Report for the year 1999–2000

Victorian Arts Centre Trust — Report for the year 1999–2000

Western Region Water Authority — Report for the year 1999–2000

Westernport Region Water Authority — Report for the year 1999–2000.

BUSINESS OF THE HOUSE

Adjournment

Mr BATCHELOR (Minister for Transport) — I move:

> That the house, at its rising, adjourn until Tuesday, 14 November.

Motion agreed to.

MEMBERS STATEMENTS

Dartmoor Primary School

Dr NAPTHINE (Leader of the Opposition) — I raise the need for capital works at Dartmoor Primary School to bring the standard of that school's toilets for students and staff into the 21st century.

Dartmoor is a great primary school in south-western Victoria with a student population of 48, a number expected to increase to 67 in two years time. It has 1950s-style toilets situated some 40 metres from the classroom building and open to the weather, exposed and inadequate. They are inappropriate for students and staff of the 21st century.

The previous government had a major program for the upgrade of rural schools, and $50 000 was spent in the last few years of its term on Dartmoor Primary School. Money was also spent on improving school toilets at Macarthur, Coleraine and Dunkeld in my electorate. Now it is Dartmoor's turn. I call on the government to provide capital works funding for the Dartmoor school. I do not care who opens the toilets so long as the work is done; the important thing is to provide proper facilities.

The previous government had a program to improve facilities for schools in rural Victoria, and in my electorate over $10 million was spent. The Bracks government seems to have dropped the ball on the issue, and the students, parents and teachers at Dartmoor are concerned because they have inadequate toilet facilities. I ask that the government fix the problem by improving the toilets. I would be happy to welcome the minister — —

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

West Wimmera Health Service

Mr DELAHUNTY (Wimmera) — The West Wimmera Health Service will share in a $2 million donation from Tattersalls, which is a great Victorian company. The money will go to the development of: the Kaniva hospital; the Jeparit hospital, which is currently being redeveloped and will introduce hostel accommodation; the Natimuk hospital, with planning under way for a redevelopment of the nursing home; the Nhill hospital redevelopment; the Rainbow hospital; Cooinda Disability Services at Nhill; and the Goroke community health centres. The West Wimmera Health Service provides quality care to a great number of people from an enormous area in the Wimmera electorate.

Wimmera: theatrical events

I take this opportunity to inform the house of two great theatrical events recently held in the Wimmera. The first was the very successful Awakenings Performing Arts Festival. I congratulate the festival committee and participants for a wonderful 10 days of activities. The Awakenings Performing Arts Festival strives to provide innovative opportunities for people with disabilities to access the performing arts.

The second theatre event was the production of Les Misérables by the Horsham Arts Council. This season's performance was enjoyed by a vast number of people from both the Wimmera and further afield. I know of one group of theatregoers who travelled from Mildura and thoroughly enjoyed the production. I congratulate the cast and crew of Les Misérables. The production highlights the quality, depth, skills and abilities of Wimmera performers.

With the boost to the West Wimmera Health Service and the great cultural activities, the place to live is in the Wimmera. And anything good for the Wimmera, I support!

Ballarat: Down syndrome families

Ms OVERINGTON (Ballarat West) — I recently attended the launch of a book in Ballarat entitled *Ups and Downs*. This wonderful book tells the stories of families, many of them from Ballarat, who have children with Down syndrome. Each chapter is a personal narrative of one of 17 families who have experienced the ups and downs of raising, and in some cases letting go of, their children with Down syndrome.

One special narrative is written by Maria van Ravenstein, who was born with Down syndrome. I want to acknowledge Jacqui Costigan and Erma Fidler, who wrote the book with the editor, Catherine Courtney.

The book is very moving. Mothers talk about the raw emotion they felt on learning that their children had Down syndrome. The book is an insight into the anguish, despair, acceptance, determination, humour, hope, pride and courage of these families and their children.

The last three lines of a poem written by Erma Fidler for her son, J. D., tell it all:

> Keep reaching, touching and loving with joy
> Such a gentle heart
> O' Beautiful Boy

I also acknowledge the Brr Theatre Company in Ballarat. It works with disabled people, many of whom have Down syndrome. It gives people with disabilities the opportunity to experience theatre and drama. To see one of their productions is an absolute joy. They all have such a wonderful time and — —

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

Minister for Multicultural Affairs: performance

Mr KOTSIRAS (Bulleen) — The Premier, who is also the Minister for Multicultural Affairs, has announced the appointment of three new commissioners to the Victorian Multicultural Commission. He issued a press release in which he states that three candidates were chosen from hundreds of applications. However, in answer to a question on notice regarding the same issue the Premier advised me that a total of 42 applications were assessed. It would be interesting to know whether the figure has been rounded up or down — 42 is nowhere near 'hundreds'. I would like the Premier to advise me of which is the correct number.

It is not surprising that the Premier does not know what is going on in his own area. Public servants are spending money on themselves. I have an invoice here from Florentinos for three caffelatte that were purchased at the restaurant because public servants felt the Treasury Deli was not good enough. I have another invoice for $386 — —

An Opposition Member — How much?

Mr KOTSIRAS — It is $386 for a gourmet meal. The invoice includes expenditure on the following items: $44 for mini vegetarian quiches; $66 for gourmet dinner rolls; $44 for salmon and cream cheese vol-au-vents; and $60 for a large platter of cakes and slices — all to have at a meeting that was part of the everyday job of the people involved.

I urge the Premier, who is also the Minister for Multicultural Affairs, to get a hold of what his departmental staff are getting up to and to serve the community.

Members statements interrupted.

DISTINGUISHED VISITOR

The SPEAKER — Order! It gives me great pleasure to welcome to the Victorian Parliament this morning His Excellency Mr Karl-Heinz Funke, the German minister for agriculture. Welcome to you, Sir.

MEMBERS STATEMENTS

Members statements resumed.

Globe-to-Globe Festival

Mr LIM (Clayton) — Two Saturdays ago I had the honour to represent the Premier at the Globe-to-Globe Festival, a multicultural music and dance extravaganza held in South Oakleigh in the park next to the Clayton Bowling Club. The festival was organised by the City of Kingston with the enthusiastic participation of the local community, comprised of people from many ethnic backgrounds.

When I went on the main stage with the mayor to deliver the message from the Premier, I was taken by the warm, rousing reception from the crowd. The event was such a stunning success that many were asking why it had not been organised before. No doubt, the festival will become an institution in the area.

More than 15 000 people were treated to the best music and dances from around the world from Latin beats to classical Cambodian ballet, from haunting Irish folk songs to the evocative drums of Africa.

What is so significant about the popular event is that it was organised for the first time ever in the area. The organisers were overwhelmed by its success and the response from the locals and people from far afield that came to enjoy the dance and the music. It is only fitting that special tribute be paid to the mayor of the City of Kingston, Cr Arthur Athanasopoulos, the local councillor of Clarinda ward, where the festival was held.

Mr Leigh interjected.

Mr LIM — He was focused and committed to ensuring that the festival was a great success. More importantly, he has been able to galvanise the goodwill and cooperation of different community groups.

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

Wild dogs: control

Mr PLOWMAN (Benambra) — Over the past few weeks, the problem of wild dog attacks on livestock has escalated in north-eastern Victoria. John and Kath Blair lost 14 sheep in one night. Neil and Marylin Clydesdale lost the entire drop of lambs from about 250 ewes over a period of about five to six weeks. Noel and Bernadette Cheshire lost about 30 lambs, 12 in one night. Graham Clyde lost 25 lambs in a week. The stock of 14 farmers in the Tallangatta area alone has been hit hard by wild dogs.

While the Minister for Environment and Conservation is in the house I make the point that the damage done to private livestock is a fraction of the damage done to native animals on public land. It is the responsibility of government to control the incursion of wild dogs into private land and to reduce the damage done to native wildlife. It is an incredible problem and one that is not being handled properly by the government. Greg Birt, a dog man in the Burrowa area, trapped 72 dogs in the year he was employed.

Electricity: rural Victoria

Ms DAVIES (Gippsland West) — I would like the government and the rural power companies TXU and Powercor to take careful note: rural people will not accept any suggestion that they pay more for their power than those in metropolitan areas. People in the country rejected the privatisation of power for that very reason — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc is very disruptive this morning!

Ms DAVIES — The previous government lost office partly as a consequence of privatisation. Now TXU and Powercor have shown that our fears were justified wanting us to pay more for both service charges and off-peak power than city people. Rightly, the government has sent those proposed arrangements off for review. However, the problem is inherent to the structure set in place by the previous government. Ad hoc demands on the companies will not solve the problem. The government must find a permanent solution and I urge it to begin that work. Rural Victoria will not be able to promote itself as a site for industry and development if basic business costs such as electricity prices are higher than they are in the city.

Burwood village shopping centre

Mr STENSHOLT (Burwood) — The Burwood village shopping centre is in the geographical centre of my electorate and the local traders, including Larry D'Alton, the chair of the local traders association; Charlie from the deli; Julie from the cake shop; Basil Elms, the local planner; Alison Saunders, the centre coordinator, and residents have expressed their concerns about its future. The centre is on the border of two municipalities and seemingly has been forgotten.

I was happy to organise a delegation of the traders to meet and discuss with the Premier ideas for assisting the shopping-strip traders. As a result, a joint committee has been set up by the Department of Infrastructure with representatives from the two local councils and the traders. A Pride of Place program submission to develop the shopping precinct has been put in place and the traders organisation is again thriving, with detailed plans for promotions and local events. I commend their endeavours, and I thank the Premier.

Victoria — On the Move

Ms McCALL (Frankston) — I mourn the loss of the slogan 'Victoria — On the Move'. The only things that now seem to be on the move in Victoria are jobs to the west of us — to South Australia and beyond. The only thing that people can now say is that Victoria is the place to be inert and indecisive. One need only examine the 330 reviews that the current government is considering to realise that the word 'decision' is not part of its vocabulary.

I remember a statement I heard as a child: 'I used to be indecisive and now I'm not so sure'. That is the label for the Bracks government; clearly it is indecisive and inert. Victorians have lost seven years of decisive, positive and visionary leadership and are now floating in a morass of paperwork and copies of reports. The only good thing is that the piles of recommendations are great for keeping the door of one's office open. They are not doing much else because they are not being translated into decisions that will directly, positively and importantly affect the lives of Victorians.

I mourn the departure of 'Victoria — On the Move' and lament the arrival of 'Victoria — The Place to be Indecisive'.

The SPEAKER — Order! The honourable member for Keilor has 1 minute.

Sam Papafotiou

Mr SEITZ (Keilor) — I express my appreciation and gratitude to the Greek community in my electorate, and in particular to Sam Papafotiou, who has led the Hellenic centre for several years in different positions ranging from president and vice-president to chief cook and bottle washer. He has raised funds for the organisation, paid off the loans from the community and for land in the electorate of Melton to extend the community's sporting activities, and is now embarking on the building of a new church in St Albans so that the community may use the church hall for senior citizens and youth activities.

Sam cares for the older Greek migrants who settled in Australia after the war by picking them up and taking them to senior citizens activities. He also arranges for Meals on Wheels and organises visits to lonely elderly people who cannot leave their homes.

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

TRANSPORT (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 26 October; motion of Mr BATCHELOR (Minister for Transport).

Mr LEIGH (Mordialloc) — The opposition's position on the Transport (Miscellaneous Amendment) Bill is clear given that it has already been debated in the Legislative Council. A number of aspects of the bill will create interesting circumstances in the future. The minor aspects, such as the clarification of the powers of arrest and the operations of public transport systems, are simple procedural matters that the opposition has no difficulty supporting. However, I wish to raise two significant issues in respect of clause 3: the freight access regime the government is proposing to create and the ability for someone to seek information from the Office of the Regulator-General.

There is a delicious irony in the bill. In effect, it removes the right of a person to object to providing information to train companies, Workcover and other people investigating a train smash — that is, the right of a person to refuse to provide information on the basis that it may incriminate him or her is removed by the bill. I do not have a problem with that, but there is a delicious irony in it.

I refer to two train smashes that occurred recently. The report on one of those smashes is available but the government is sitting on the other. It is too sensitive to be released because an argument is going on between the unions and the government about who is responsible for the mess.

The Ararat train smash was caused by an individual who had a key to the points box and changed the course of the train resulting in it smashing into the back of another train. Fortunately, the two drivers were able to see what was about to occur, put on the brakes and got off the trains. However, two other people were seriously injured. It happened because a person, who did not have authorisation, unlocked the box and thought he was doing the system a favour by moving the points. During the course of the investigation the person refused to provide the department or another body with advice on the grounds that it may incriminate him. That is perhaps understandable from his point of view as he was responsible for the smash. The report showed that the accident was caused by human error on the part of that person.

The delicious irony is that on the one hand the government is removing the right of a person to refuse to provide information under this bill, yet on the other hand when the police want access to a prisoner behind bars it has to be dragged screaming into the chamber to provide the police — —

Ms Beattie interjected.

Mr LEIGH — The honourable member for Tullamarine does not want the police to have the right to gain access to criminals. I can understand her attitude given the Labor Party's views. The Attorney-General has said about some well-known and widely reported cases, 'We have to worry about the rights of prisoners, so we cannot allow the police to have access to prisoners to seek information about another murder'.

The Attorney-General said no, so the Liberal Party introduced legislation into the Parliament that said, 'Here is how you give police that right'. The Attorney-General said the measure would take away the rights of prisoners, and it was only after everybody across the state said the government was wrong that Mr Seventy-Five-Per-Cent-I-Don't-Want-To-Actually-Make-A-Decision, Steve Bracks, said, 'I had better change my view on this because I do not like people criticising me'.

The Attorney-General was dragged kicking and screaming to agree to the opposition's private member's bill. He still said there were aspects of it that were wrong, yet the bill before the house takes away the rights of a person working in the transport system to refuse to answer questions. The government deserves to be roundly criticised. The Minister for Transport thinks it is perfectly acceptable but the Attorney-General does not like it, so he does not want it to proceed.

That is the first interesting aspect of the legislation. This administration has double standards. A prisoner has greater rights than a train driver involved in a smash, and that is not acceptable. The opposition supports the proposition and looks forward to the government picking up the private member's bill so police can have the right to interview prisoners so that some murder cases can be resolved. Remember that police can hold someone down to take samples for DNA testing but they cannot interview that person. Clearly the government is inconsistent in what it is doing.

My understanding is that the person involved in the Ararat train crash refused to tell anybody what happened and has continued to refuse to provide information. The same can also be said for the Hillside train smash when one train piled into another train at Holmesglen station. As shadow Minister for Transport I have a reasonable understanding of what happens when a train's braking system is applied, how it is reapplied and what the driver must do to restart the system. If the system operated properly — and it appears that no-one in the report hiding on the desk of the minister in this open government is blaming the signalling system or saying it is a mechanical problem — then the reality is that one person was involved in that smash, and that was the driver. I think that behind the scenes the driver, the union and the minister are all in it together to see how they can look after their buddies.

Connex, formerly Hillside Trains, has already released its report into the incident and two other reports were done. Kenneth Davidson when writing for the *Age* described the minister as not the worst Minister for Transport in history — there is a big queue in front of him — but the laziest minister. The reports sit on this lazy minister's desk and he refuses to do anything about them. Everybody wants them released, and some weeks ago I asked for some material relating to two bills: the first being the Melbourne City Link (Miscellaneous Amendments) Bill, which will be debated on another day, and the other being this bill. I received two reports. There was no problem with the City Link report; the minister was happy to give it to me. The department sent me a colour copy of the Hillside Trains report with a compliments slip.

However, I also asked for the results of the Hillside train smash inquiry. Did I get it — No. Why? What is the government hiding? The minister must tell the community when he will release the official version of the Connex train disaster, the Workcover report, and the Department of Infrastructure's report on what happened. The community wants those three reports and they should be out now. Nothing other than the minister's signature is preventing that from happening.

On the one hand the government gives prisoners the right to refuse to answer questions and on the other hand it is taking away that right from train drivers. The opposition looks forward to the government clarifying its differing views on the rights of prisoners and those of train drivers. Someone who commits a murder does not have to talk to anyone, but someone who wrecks a train will be forced to. That is the position the current administration takes.

The second aspect of the bill that bears some examination is the regime it establishes for access to the rail system. That regime would have been worked out many months before now were it not for the election that intruded and the change to a government administration that has sat on its hands for 12 months. It has been asleep at the wheel. Only now has it worked out what it will do. That same government is seeking cooperation from organisations like Freight Victoria in the creation of the $800-million — we cannot call it a very fast rail because it is not — improved rail system for Victoria. Freight Australia could provide the $550 million funding from the state and National Express, which operates the public transport system across 90 per cent of Victoria could provide the $250 million from the private sector.

The bill also clarifies access to the rail system by freight and provides that passenger trains, whether empty or full, will have priority over freight. That is already provided for in the act and the bill seeks to clarify that further. However, when the government launched the regional rail project and announced that it would get $250 million from the private sector, it said, 'Who knows who will give us the money?'. At that point Freight Australia, for example, said 'We have what we understand is a franchise in the system. Put the private money in and there will be a real argument. We will probably see you in court'.

A conflict has now arisen between the Treasurer and the Minister for Transport. On one hand the Treasurer said in the chamber that the entire amount the state was putting into regional rail will be $550 million while on the other hand the Minister for Transport, when badgered by various train operators and others, said, 'If

the private operators don't come up with the $250 million we might provide it'. The conflict is between the Treasurer, who really runs the government, and the Premier. Everybody knows that behind the scenes it is really the Brumby government with Bracksy, the honourable member for Williamstown, heading it and the honourable member for Broadmeadows manipulating the whole show.

Mr Steggall — I don't think they talk to one other.

Mr LEIGH — They don't have to because Mr Brumby makes all the decisions and Mr Bracks just attends at radio stations.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Mordialloc will address his remarks to the Chair and not the honourable member for Swan Hill.

Mr LEIGH — Sorry, Mr Acting Speaker, I thought the Chair had changed.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Mordialloc can be assured that this is the Chair and he will refer his remarks through it.

Mr LEIGH — Absolutely. I would never be in dispute with you, Mr Acting Speaker. The Treasurer and the Minister for Transport have different versions of what will happen, but that is being clarified in the bill, which the opposition is not opposing.

I am a supporter of allowing broader access to the rail regime to encourage the removal of freight from roads where practicable. The history of rail versus road is that in the old days the government ran the freight system and the former V/Line Freight was notorious for not delivering, with the exception of some bulk freight. It was not good at its job and it drove a lot of industry people to use road transport. The franchising of rail services, from a freight point of view in particular, has provided a great opportunity to encourage the renaissance of rail in Victoria. I have a copy of a leaked letter that was written to — —

Mr Nardella interjected.

Mr LEIGH — I didn't get it from one of your branch members in the buses. Don't worry about it.

The open, honest and consultative government received a letter from Freight Australia on 23 October. Honourable members should be mindful of the fact that Freight Australia believes that, as it has the franchise, it runs the system, and I am not arguing with that. I am saying that it is fair and responsible to allow others to have access to the system, provided maintenance components and other factors are taken into account. It is a little like what has happened with the electricity arrangements whereby an amount is agreed to with United Energy, Powercor and the like.

In a letter dated 23 October to Ms Mary Potter, the assistant franchise manager of country and interstate services in the office of the Director of Public Transport, the chief executive of Freight Australia says:

> Thank you for sending me a copy of this bill, under cover of your letter of 10 October 2000. It raises several issues.
>
> Firstly, we are concerned that it took the office until 10 October to formally advise Freight Australia (which is severely impacted by the proposed changes that exclusively target our company) of the existence of the bill.

Remember that the open and honest government consults, talks to everybody and sets up inquiries.

Mr Carli interjected.

Mr LEIGH — Yes, I will make it available. I am happy to.

The ACTING SPEAKER (Mr Lupton) — Order! Does the honourable member for Coburg have a point of order?

Mr Carli — No, Mr Acting Speaker.

The ACTING SPEAKER (Mr Lupton) — Order! The house will get on with the bill.

Mr LEIGH — I thank the honourable member for Coburg. I was going to get my convenor to do it if he had not got up first and saved the honourable member for Bellarine the trouble!

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Mordialloc will help the Chair if he talks about the bill and does not include everybody else in the chamber.

Mr LEIGH — I am on the bill, Mr Acting Speaker. The letter continues:

> Fortunately, Freight Australia had obtained a copy of the bill, and associated parliamentary documents —

I have a copy of the various documents with the letter. If the honourable member for Coburg wants to see them — I will not necessarily quote from them all — I will make them available to the house so that nothing is secret —

> from other sources prior to DOI's advice, so that it was not a complete surprise to us. However, it shows an appalling lack of sensitivity on the part of the office not to have involved Freight Australia in the consultative phases of the drafting, and certainly not to have mentioned existence of the bill at our meeting to discuss access issues at Nauru House on Tuesday, 3 October.

A bill that would have impacted on one of the companies that is and will continue to be involved in the freight system in Victoria was to have been introduced into the house, and the department had a meeting with that company and did not tell it about the measure.

That is an example of the Bracks government really looking after business in Victoria! Whether you agree with what is going to happen to them is another issue, but not even telling them — my goodness! What a lack of sensitivity on the part of the government; or perhaps it deliberately did not tell them what was going on. The managing director of Freight Australia is an enthusiastic exponent of his business and perhaps the government did not want to have a stink prior to the bill going on.

The letter continues:

> So much for the matter of due process and relationship management, so cavalierly ignored in this instance. However, let us draw your attention to the problems with the substance of the bill.

The letter further states:

> The access regime could not now be declared without suffering legal challenge as being seriously flawed and totally inequitable for the access provider. The government appears to be guilty of misleading and deceptive conduct, as demonstrated below.

Mr Carli interjected.

Mr LEIGH — The honourable member for Coburg can obtain a copy. The letter then goes on to list the actions.

Honourable members interjecting.

Mr LEIGH — Some government members may think that the country rail system and the impact issues can have on it are not important, but clearly those things are important. I believe that at the moment it would be close to impossible for a company such as Wakefields at Mildura that wanted access to the rail system to put on a train to take Peter Norman wine to the port of Melbourne for export — they sell it at $75 a bottle overseas, but I have never tried it so I do not know how good it is — to process it in a way that would get it going within a reasonable time. The amendment will make it easier for a provider who wishes to have access to the regime to go to the Office of the Regulator-General to get the required information he or she needs, and get going.

There must be some in-built fairness to the main provider whose responsibility has been, for example, the maintenance of the track. The costs have to be fair. One of the main concerns of Freight Australia is that its confidential information will be provided to potential competitors in the system. That was always going to be a issue with such legislation. However, on the whole I believe the bill is fair and reasonable.

The companies concerned knew what was going to happen in Victoria and understood there would be an opportunity for others to participate in the system — and that is as it should be. However, what is clear from the bill is that either the government was deliberately trying not to tell some people what was going on or that it was incompetent. People say that if you must choose between incompetence and the plot, go for the incompetence. I do not know who was not prepared to talk to the companies about it, but I believe the Minister for Transport had some responsibility to make sure he consulted widely with Freight Australia. He chose not to do that. That was his choice. However, he cannot then expect, when the government announces it is going to get $250 million from the private sector, that such companies will rush at him glowingly. It is important in creating business confidence, whether it be in respect of the rail system or anything else, to ensure everyone has a fair opportunity to find out what is going on, and that has not happened in this case.

I do not wish to spend much time on the bill.

Honourable members interjecting.

Mr LEIGH — If one leaves aside the comments of the former failed honourable member for Bentleigh on that side of the house, the fact is that the bill does two things. Firstly, it clarifies the rights, or lack of rights, of a train driver, or someone else in the system, who is involved in an accident. I support that provision. It has been too difficult an issue to deal with in the past, and I am sure all honourable members support that initiative. It is disappointing that the government has a convoluted view in other areas in respect of the issue. Secondly, the bill clarifies the issue of the right of passenger access over freight, and the issue of operators who wish to access the rail system. The opposition believes that in general that is a good thing.

I say in concluding that opposition members will be watching closely to monitor how the initiatives are put

in place. We will ensure the system is fair to those involved across the spectrum, whether it be Freight Australia or the other companies involved in the arrangement. That will be interesting because I suspect the government is confused about how it will organise the initiatives. From the opposition's point of view it is basically doing what it has already done in this Parliament with the Met Train 1 and Met Train 2 bills.

It was fabulous sitting in this house watching honourable members whom I thought were members of the Socialist Left faction of the ALP giving right-wing speeches about why franchising of the public transport system was a really ripper thing to do. Members opposite have gone from saying, 'We are anti almost everything', to saying, 'Gee, we are pinching the former administration's ideas and policies!'. The opposition does not have a problem with that. If government members want to do that, that is fine. However, I say to honourable members opposite: given the fact that many of your people talk to me behind the scenes, it does not sit well with the people who run your philosophy.

Honourable members interjecting.

Mr LEIGH — I would never name them for you. Hang around and we might have some more interesting events for you in the next few weeks.

Mr Nardella — Are you running for the leadership?

Mr LEIGH — No, thank you — I want to go home sometimes. What is interesting about the current administration is that it has adopted a philosophical attitude that is totally opposite to what it said when in opposition. The views of government members are in total conflict with what they said for nine years — perhaps longer — in this chamber. Every day I have sat in this place they have been anti-private operators on almost anything. If new members such as the honourable member for Tullamarine bothered to read the past speeches of people such as the Minister for Transport and the honourable member for Broadmeadows they would find that what I say is true. Members opposite do not have to believe me — they can read the material.

The opposition is glad that the government is continuing the regimes the former government was trying to put in place. Obviously the government will make changes in the future. Opposition members may or may not agree with those changes, but if we do not agree I assure the house I will take pleasure in pointing out the inadequacies of the Minister for Transport, who has a somewhat dubious record in this chamber.

Mr STEGGALL (Swan Hill) — My contribution will probably put a different slant on the debate on the bill as compared with what has gone before because this is a key bill that deals with key issues for country Victoria. During the past seven years the former government made moves in many areas, which I will canvass, and access to the rail system was a vital consideration. The privatisation of the freight system was a key area because a system had been in place for over 100 years that was not going to be able to deliver the goods in the coming 50 years in a way that would result in an improvement in the quality of life in either the country or the Melbourne metropolitan area.

The bill was first introduced in the upper house, where my colleague the Honourable Barry Bishop covered the detail and the mechanics of the measure extremely well. He put on the record what the bill does and how it works.

I will not go over that ground again today. I will use the opportunity to speak about how important the bill is and I might educate some honourable members on what the previous government was trying to do and where we are going in the future.

Mr Nardella interjected.

Mr STEGGALL — The honourable member for Melton can sit over there and harp as much as he likes. Melton is a protected zone which is looked after by the multitudes from Melbourne. Those of us who live a bit further out have to fight and scratch a bit harder for what we want, and it is difficult.

Mr Nardella interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Melton's interjections are loud and are interrupting the forms of the house. I ask the honourable member to remain silent.

Mr STEGGALL — Thank you for your assistance, Mr Acting Speaker. I know that this is not a big issue for the honourable member for Melton. The passenger rail service from Melton to Melbourne might run every few minutes, but I am talking about trains that operate once a day. It is important for country areas to be able to — —

Government members interjecting.

Mr STEGGALL — If that is the way honourable members want to play the game, we have plenty of time and I will go through it all.

The ACTING SPEAKER (Mr Lupton) — Order! The Deputy Leader of the National Party will ignore interjections. The honourable member for Melton is leaving the chamber, which will be of great assistance to the Chair. I ask the honourable members for Oakleigh and Ripon to assist the Chair by remaining silent.

Mr STEGGALL — Why is rail access for other operators important? It is important for those who live in places throughout country Victoria because of the changes that are occurring and are about to occur in our society. At the moment the major freight movements come from grain, timber in the south and rice in the north, and in some areas a good deal of dairy produce is being moved by rail.

The government, as did the previous government, has put food targets in place. The Minister for Environment and Conservation would be aware of the importance of the government continuing with the Victorian food target set by the previous government of $12 billion of food exports by 2010, although a bit of fibre was added to the debate by a slip of the tongue. People have asked, 'What are your targets? Why are you doing what you are doing? What are you trying to achieve?'. Our target of $12 billion by 2010 requires a great deal of effort. Although the government has corrupted it a little, I am delighted that mainly it has kept to the target.

Although the government talks about a target of $12 billion in food exports by 2010, the same government is prepared to sell and market the water that will produce that $12 billion out of the Murray Valley — the Murray–Goulburn system — and divert it into the Snowy River. The government does not know what it is talking about when it says it will interfere with the water trade of northern Victoria and will take the water out of that area and use it for an environmental purpose. I thought people from northern Victoria, and throughout government — this government and the previous government — had agreed that the water for increasing the flow of the Snowy River would come from the savings in the distribution system.

The link with the bill — —

The ACTING SPEAKER (Mr Lupton) — Order! Will the honourable member inform the Chair how his comments relate to the bill?

Mr STEGGALL — If the Chair had been listening, it would have heard.

The ACTING SPEAKER (Mr Lupton) — Order! The Chair was listening but the honourable member seems to be deviating. I ask the honourable member to get back to the bill.

Mr STEGGALL — I will go back to the bill. I will start again so we get this right. The key reason for the bill is to get access for different transport rail operators into the rail system today. That is important because the government, and the previous government, put in place $12 billion targets for the export of food. Honourable members will remember the previous government took the value of export food products in the past seven years from $2 billion to $4.5 billion — a big change. It is still growing. There is a collectively agreed target of $12 billion by 2010. To achieve that target product will have to be shifted and moved. The infrastructure needs to be set in place to do that.

We have tried to get through to our communities that it will not be one single area that will achieve this target. If we are to produce, market, sell and deliver $12 billion worth of food around the world and move it on a daily basis, the infrastructure will have to compete with the infrastructures of other countries. We have to be up with the standards of Chile and South Africa — up there with the world's best. The whole production chain will be involved, and that will include transport, packaging, science and marketing techniques. The proposed changes contained in the bill are a key part of that proposal. The old system of government rail will not deliver the specialty movements that we need.

I am delighted that the Minister for Agriculture has walked into the chamber. If the government takes away, sells or moves the asset that will give rise to that production, it will be travelling down a path of absolute destruction that will not be tolerated in northern Victoria — hence the link with the bill. I appreciate the opportunity to repeat it.

One of the targets set by the previous government, and the present government is still on that tack, is that by about 2010 there will be about $3 billion export growth out of the horticultural industries. Those are glib terms that people use as throw-away lines. I thought that today for the first time I would put on the record what that means in terms of transport, trains and containers. I will add a couple of other bits to help.

The ACTING SPEAKER (Mr Lupton) — Order! The Chair would be most appreciative if the honourable member could restrict himself to discussing the bill in some shape, manner or form. I ask the honourable member to get back to the bill. I appreciate how the honourable member is linking what he is saying, but the honourable member should discuss the bill.

Mr STEGGALL — The bill is about giving private rail providers access to the system. I am trying to explain the reason for the introduction of the bill, because the minister has not explained why it is being introduced. No-one has talked about it. Why is it so important for those of us in the country areas? I would have been halfway through by now if I had had a clear run.

Mr Hamilton — You want an express train.

Mr STEGGALL — We will have a series of express rails, and I am delighted with the assistance given by the Minister for Agriculture. If we are to achieve $3 billion of horticulture production, and the minister would be interested in this — —

Mr Hamilton — I am.

Mr STEGGALL — If we are to achieve $3 billion in horticultural production, leaving aside all other areas so the impact it has on infrastructure can be seen — and that impact is the reason for the legislation — more rail operators will be needed to move the product and to cope with new technology, because the product will have to be moved by rail. Around 12 million consumers will be needed to get horticulture's $3 billion share of the $12 billion target. Those consumers will mainly come from Asia. They have been targeted, because market access is a major aspect. Consumers will also come from the Middle East, Dubai, Thailand, Malaysia and Japan, although there are a few problems with market access in some of those countries.

To achieve the $3 billion target, 150 000 shipping containers will need to be moved each year, chiefly from northern Victoria, southern New South Wales and southern Australia, through the port system.

Planning projections indicate that we will have about 50 000, or 10 per cent, of freight containers moving by air, with the other 90 per cent moving by sea. New trains and other new technologies will be accessed from around the world as a result of the passage of the legislation, and Freight Australia could well be the company to supply them. On top of that, there will be 35 500 B-double loads of produce travelling to the ports. If the port of Melbourne is good enough, that is where they will go; and if not, they will go to Sydney, Adelaide and Darwin, or Brisbane. Freight is an important component of the economy.

An additional 50 000 hectares of irrigated land is not really a big deal for Victoria. We could easily achieve that in the Deakin irrigation district in Mildura, which has a project going on at the moment, or at Swan Hill in my electorate, where developments are already in place. Does the house remember those developments? The Minister for State and Regional Development opened a 7000-acre olive grove there only last Friday, all brand-new trees and not all of them planted. Those are not dreamtime figures; they are the reality. When we do things properly, we can achieve. The previous government's plans for improved access by rail have been adopted by the Bracks government.

Our road operators want the legislation so they can run private trains using the infrastructure. That is what the previous government wanted, and that is what the minister is proposing in the bill. The procedures outlined in the bill will work — give or take a few headaches.

Well done to John Anderson, the federal Leader of the National Party, and before him, Tim Fischer, as well as to the federal government for removing the excise from rail freight. That has given rural producers more opportunities. Some of us have a dream — we did not come into this place just for our health or for the good of a political party — and bit by bit we can see that dream becoming a reality. That is exciting.

I have presented figures today that show the real opportunities and the capacity the proposed legislation will give Victoria, including the opportunity to develop about 50 000 additional hectares for production. That will generate about 66 000 jobs — almost all in country areas — and increase the number of consumers. It will lead to the movement of 3000 or even 4000 shipping containers a week — which is a big call for our system at the moment, but it can be done — as well as 50 000 air freight container and 37 500 B-double movements.

It must be said over and over again that the coalition government made a lot of changes to the state's rural infrastructure to get country Victoria up and moving. For example, it changed the structure of local government to get rid of tiny little city councils and boroughs, such as Kerang, as well as other entities that could not operate effectively within their regions. The new municipalities include the Rural City of Swan Hill, the Rural City of Mildura and the Shire of Gannawarra, all of which are cooperating on a regional basis to upgrade and update their assets.

The former government also reformed the water boards. The old water board arrangements were absolutely hopeless. Changing and improving them cost us politically, but we did it. We put $400 million into upgrade projects, which the honourable member for Bundoora, now the Minister for Environment and Conservation, made a lot of political capital out of at

the time. We lost that political battle, but we achieved a lot by restructuring the 270 small-town operations and preparing for improved access to train services.

The Kennett government established the catchment management authorities (CMAs) and gave them local ownership. Participation by local people ensured that the productive, economic and social requirements of local areas were taken into account. We lost politically on that, too, and unfortunately local ownership has now being taken away.

The former government changed the electricity system so that upgrades could occur in country areas, and that process is still happening. More generally, the former government changed attitudes throughout northern Victoria, particularly about what local people could produce and where the future lay — namely, in education and training.

The bill forges the transport link that puts all that together. The National Party supports the legislation, which I see as providing an opportunity to take a next step and ensure there is competition in the rail system. Already transport companies are ordering new products to add to the system so there is a range of freight options to meet new needs. I hope honourable members will appreciate that the rail network is vital to country Victoria.

I make a brief reference to Mildura, about which we get belted around the ears a fair bit. The minister will be aware that in Mildura there is a popular view that the main effort should be put into establishing a passenger rail service. That is a wrong argument; the primary need is not for a passenger service, although it could result from other more appropriate developments. I would like the minister to give more consideration to upgrading the rail tracks themselves so that freight can move more easily. That is the key. Mildura needs an upgraded track so that its wine and fruit products can be moved efficiently.

We must remember to keep an eye on the Darwin to Adelaide rail link. People in northern Victoria are very keen to see how that progresses and whether there is advantage for them in moving their freight to Adelaide and then out through the port of Darwin. Unfortunately, if Northern Victorians decide to go through Darwin in future, they will have to use road transport to get their goods across, which is a pity. For those in the food industry, moving freight by rail is far healthier for everyone than growing the road system.

With those few remarks, I wish the bill a speedy passage. I am sure the minister will make certain that the private operators who are looking at gaining access will receive a fair hearing. The process the minister has in place is reasonable. The National Party will help monitor the process to steer some of the applications, the first of which will be on his desk as soon as he proclaims the legislation.

Mr BATCHELOR (Minister for Transport) — I will be brief in summing up the debate on the Transport (Miscellaneous Amendments) Bill. I thank the honourable member for Mordialloc for his inimitable contribution, and I also thank the Deputy Leader of the National Party for his constructive contribution.

I thank the opposition and the National Party both here and in the upper house for their support for the bill. It is worth reminding the house that the bill has already been the subject of extensive debate because it was first introduced in the upper house — the reverse of the more conventional order of passage through the Parliament.

The bill deals with issues that arose from an accident at Ararat and implements recommendations from a subsequent inquiry. The government is determined to ensure that the privately operated rail system, whether for freight or passengers, runs safely.

The bill also refines the access provisions that will follow the declaration of the rail freight system, if that is to occur. The Deputy Leader of the National Party was right to draw attention to the importance of the access-finetuning issue. The government looks forward to receiving input as it considers all the factors that need to be taken into account when it decides whether or not to make a declaration in the freight industry.

It is worth pointing out that the prospect of this happening was certainly made known to all parties who tendered for the sale and the rail freight infrastructure of the V/Line Freight business. There can be no doubt about what the preconditions were — and the Deputy Leader of the National Party nods in agreement. Honourable members are in furious agreement that competition is a good thing, particularly in the rail freight area, but there are important issues that need to be factored in. The decision is a far-reaching one that needs to be made carefully. The bill sets in place additional mechanisms that would strengthen that process, if it were to be adopted.

Unfortunately — and again — the honourable member for Mordialloc did not distinguish himself. On the one hand he acted as a representative for Freight Australia, and on the other hand he sold its interests down the drain! If I were Marinus van Onselen I would be

wondering whether Freight Australia got full value for the support it thought it was going to get from the honourable member for Mordialloc.

Not only that, with Freight Australia providing — —

Ms Asher interjected.

Mr BATCHELOR — How the Deputy Leader of the Liberal Party can sit there and say that the honourable member for Mordialloc provided — —

The ACTING SPEAKER (Mr Lupton) — Order! The minister will return to summing up the bill.

Honourable members interjecting.

Mr BATCHELOR — She knows that that is not true. She is nodding her head in agreement!

There are a couple of things that need to be put on the public record. It is absolutely inappropriate for Freight Australia to make available to the opposition correspondence between itself and the Department of Infrastructure. If that is the sort of corporate behaviour that Freight Australia is indulging in to try to garner political support in this chamber, it needs to look again at its tactics. If Marinus van Onselen wants to continue that sort of behaviour, his executives need to look at his position.

Access is an important issue and will be carefully considered by the government. It is widely supported in the Parliament. That is the reality in Victoria, and Freight Australia needs to acknowledge that.

Freight Australia also went to the trouble of preparing briefing notes for the honourable member for Mordialloc. If that is the position it wishes to adopt, so be it. However, it needs to look at the manner in which the honourable member for Mordialloc prosecuted its case in the Parliament — and it should realise that if you lie down with dogs you get up with fleas.

The government welcomes the enthusiastic support for the bill and the general desire to provide access to the rail freight industry in Victoria.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

ESSENTIAL SERVICES LEGISLATION (DISPUTE RESOLUTION) BILL

Second reading

Debate resumed from 26 October; motion of Mr BRUMBY (Treasurer).

Ms ASHER (Brighton) — The opposition does not oppose the Essential Services Legislation (Dispute Resolution) Bill. Reflecting the fact that the bill has been debated extensively in the Legislative Council, I will be brief in my comments on this Treasury bill.

The bill sets up a framework for an essential services ombudsman. It does not set up a specific body but provides a framework for an ombudsman to cover utilities — that is, gas, electricity and water. It also gives the Regulator-General responsibility for the oversight of whatever systems emerge as a consequence of the bill when it passes through Parliament.

An energy industry ombudsman scheme exists in Victoria, set up by the Kennett government, on which it is expected the new scheme will be based. According to the 1999 annual report, the mission statement of the Energy Industry Ombudsman (Victoria) is:

> … to receive, investigate and facilitate the resolution of complaints and disputes between consumers of electricity and gas services in Victoria and members of the scheme.

The mission is founded on the principles of:

> … independence, access, equity, effectiveness, community awareness and community outreach.

The system has been operating for some time and applies to the electricity and gas retail areas.

It is a condition of obtaining electricity and gas licences that companies enter into a customer dispute resolution system which is available to consumers and small businesses. Under the current system the cost of complaints is borne by the industry. The articles of association of the companies contain provision for an annual levy based on each company's customer numbers. The balance of the annual levy is determined by each member's share of the number of cases, so there is a built-in financial incentive for companies to minimise the number of cases that go to the ombudsman. There is also provision for a special levy and a start-up levy. The cost of the scheme is not levied on the taxpayer or the consumer; it is levied on the industry participants.

The ombudsman currently has binding decision powers on the company, not on the customer who has lodged a

complaint. As I indicated, the scheme is run by a private company. It has a board of directors and an independent chair currently occupied by Tony Staley. It was formerly occupied by Sir James Gobbo.

The board of directors, not the government, appoints the chair. The board of directors has three industry representatives and three consumer representatives. As I said, the chair is not a government appointment; the position is appointed by the board of directors. The ombudsman is Fiona McLeod, and she reports to the board. The complaints dealt with relate to provision of supply and billing. Clearly, the ombudsman cannot raise the subject of pricing structures, but handles day-to-day complaints regarding a range of issues. The ombudsman has the power to make orders of up to $10 000 or, if both parties agree, up to the value of $50 000. According to the annual report, the major issue of dispute so far is billing, which is scarcely surprising.

For the interest of the house, again I refer to the 1999 annual report, which states that the Electricity Industry Ombudsman (Victoria) handled 3825 electricity and gas cases during that year, representing a 5 per cent increase from the year 1997–98. Most of the complaints — 82 per cent of them — were lodged by residential customers; 16.47 per cent were lodged by business.

Most cases in the first instance were handled over the telephone: 3740 cases were received over the telephone, so it is a user-friendly scheme where subsequent documentation is required, but it is a phone-in system. The system requires people initially to attempt to resolve their differences with the provider, then seek access to the dispute resolution scheme.

The Electricity Industry Ombudsman closed 72 per cent of all electricity cases and 74 per cent of all gas cases investigated through conciliation. Probably the most remarkable feature of the scheme now that it has been operating for some time is that only eight electricity cases required a binding decision in 1999. There is a great deal of discussion and negotiation, with very few cases — an incredibly small number — moving to binding decisions.

Disputes are handled in four ways. The ombudsman has classifications relating to a consultation, a complaint, a dispute and a binding decision. I will not go through the details of those classifications, but the binding decision applies in the most serious cases, and it is a credit to the current scheme that most cases are resolved well before the need for Ms McLeod to step in and make a binding decision.

The bill does not specify that the customer dispute-resolution scheme must be the existing Energy Industry Ombudsman scheme, but every player knows that the current scheme will be expanded to include gas distribution and water. Last week the Treasurer advised the house that that position would now be referred to as the Energy and Water Ombudsman.

As I said, the new scheme differs from the old scheme in that it includes not only electricity and gas retail companies but also gas distribution companies and water authorities — that is, Melbourne water authorities, the 15 non-metropolitan water authorities and the 5 rural water authorities.

The bill is enabling legislation and requires the scheme to which industry will subscribe to be accessible to the licensees' customers and have no cost barriers to customers using the scheme. Again, the current scheme fits that criteria. The bill specifies that the scheme should be independent from its members; be fair and be seen to be fair; publish its decisions and information about complaints it receives so as to be accountable to its members and customers; include reviews of performance and so on. As I said, the legislation is enabling and broad and does not require the existing scheme to be expanded to include gas distribution and water, but clearly that is what will occur.

I wish to compare the bill with the Australian Labor Party's election commitments. Before the last election in 1999 the ALP said it would do three things: introduce an essential services commission; include public transport in the ombudsman scheme; and ensure that the existing dispute resolution scheme be made more independent.

I will take each of those commitments in turn: firstly, the promise of an essential services commission. In 1999 the Australian Labor Party put out a policy document entitled 'Brighter ideas — Labor's vision for energy', which contained this extraordinary promise:

> Labor will strengthen the role of government to guarantee a safe and secure supply of essential services like gas, electricity, water and public transport.

Honourable members have not yet seen the essential services commission. A discussion paper was circulated, and the time for comment has expired. The opposition looks forward to the establishment of the essential services commission that will guarantee Victoria's electricity supply over summer in complete contrast to what everybody knows is reality. The opposition looks forward to watching the Labor Party structure legislation to guarantee gas supply, electricity

and public transport — that is, if it has not walked away from that commitment.

The second commitment concerns public transport. Although Labor promised public transport would be included in the ombudsman scheme its promise was not introduced. It was still in the game when a discussion paper was published. However, it was dropped with the explanation that it was more sensible not to include public transport because it was not compatible with the utilities.

I turn now to the most damning aspect of the Australian Labor Party's promise and what it has not delivered on. It is a good example of rhetoric before an election, not knowing content before an election, and in coming to power realising how silly the policy was. I refer to the ALP's comments regarding the Energy Industry Ombudsman in the 1999 election campaign:

> Currently complaints about the energy companies are handled by the Energy Industry Ombudsman. The Energy Industry Ombudsman scheme is not the best we can have —

I repeat 'is not the best we can have' —

> This is because it is not truly independent.
>
> The current ombudsman is funded by the privatised energy companies and is under the direction of a board of directors which largely consists of representatives of the energy companies …

That is not factually correct: it was three industry and three consumer representatives:

> The current ombudsman is also restricted in the type of remedies he or she may give.

The Labor Party then goes on to say:

> By contrast, within the Essential Services Commission Labor will establish an essential services ombudsman that is genuinely independent and will have real clout with which to respond to complaints.

It again went on to advocate a taxpayer-funded system.

What did Labor do when it came to power? After its discussion paper, after much process, it has expanded the existing scheme. It has retained the existing scheme, which it slammed prior to the election as lacking independence and not being 'the best we can have'. Prior to the election it said it was far too dependent on the companies, but what has the government done in the bill? Not only has it endorsed the existing scheme but it has expanded it.

That is what the government is going to do. It shows the stupidity, short-sightedness and lack of attention to detail in the policies on which it went to the 1999 election.

I must give credit where it is due. Expanding the existing scheme is a good step forward, but the Labor Party should be held accountable for the sprayed criticism it expressed in 1999. It can come up with rhetoric, but what does it do? It not only endorses the current system, it expands it with absolutely no alteration to the funding mechanism or to any of the criteria for independence.

The Labor Party has acknowledged that under the scheme set up by the Kennett government there is a truly independent ombudsman and a funding mechanism whereby industry pays. The scheme saves the taxpayer money and has absolutely no bearing on the independence of the ombudsman.

I will refer briefly to amendments made to the bill in the Legislative Council; the bill was amended in the upper house, so it is now slightly different. I know the Treasurer is busy, but he is not fond of detail. It is a sad and sorry circumstance when, during a briefing, members of the opposition had to ask a series of questions to point out deficiencies in the bill. That was acknowledged by the Minister for Energy and Resources in the other place on Wednesday, 25 October, when she acknowledged the constructive contribution of the opposition to the initial and subsequent amendments to the bill to achieve the best possible result.

In commenting on the role the opposition has played in tightening the wording in the bill, I also bemoan the fact that sloppy and badly worded legislation has come before the house yet again. For example, the bill did not make it clear whether existing companies will be covered by the legislation or whether it would apply to only new licensees. One series of amendments needed to clarify that existing licensees will be covered under the new scheme. In normal circumstances the Liberal Party would not agree to a retrospective alteration of licences. However, the condition in the bill for businesses to subscribe to a customer dispute resolution scheme was included in many of the licences — it was not included in the gas distribution licences, but it was in the other licences — so, the bill picks up an existing requirement.

I caution against the alteration of existing licences, but in this instance the companies have agreed to the alterations so the Liberal Party has no objection. However, it is hardly good public policy to allow licences issued by one government to be altered by another government. That sort of thing normally sends

shudders of concern throughout the investment community. However, as I have said, because the companies have agreed to support the new dispute resolution system, the Liberal Party has no objection to it.

I refer to a couple of comments made about the bill. The ombudsman supports the expansion of the scheme, and I thank Ms McLeod for briefing the opposition in writing of her views on the bill. She advised me in a letter dated 27 September that:

> It is expected that these businesses join the EIOV, rather than establish a separate mechanism, as the key intention is that a one-stop shop exists for Victorian customers, rather than a disparate set of arrangements, which will be confusing for customers.

As I said, the clear intention of the bill, although it does not demand it, is for the additional participants to join the existing scheme and for that scheme to be expanded. However, the Victorian Water Industry Association has a number of concerns, which I will refer to briefly. I call on the Treasurer to ensure in his oversight of the practical implementation of the bill that the water industry's concerns are met. Melbourne Water Corporation has put a submission to government that it wants representation on the board, which is a reasonable request. Likewise, a letter to me from the Victorian Water Industry Association dated 18 September outlines three concerns — not about the intention of bill but about the detail — it would like the government to address during the implementation phase. In a letter to me signed by Toni McCormack, the chief executive officer, the association articulates its concerns:

> … it will be necessary when structuring the ESO to clearly define the scope and limit of its powers and areas of operation where it can undertake the resolution of customer complaints.

The details of the current scheme are specific, and I urge the Treasurer to pay some attention to detail to ensure that the scope and limits of the powers and the areas of operation are clearly defined. After all, industry has shown goodwill towards the expansion of the scheme.

The second concern of the Victorian Water Industry Association is about the cost structure:

> The association strongly recommends that a transparent cost structure be established that bases fees on the level of usage made of the ESO by the various utilities that would make up its membership.

I have already recounted the structure of the existing scheme — there are start-up levies, special levies and annual levies, a component of which is based on usage. I said at that stage of my contribution to the debate that it seemed to me to be a fair system, because if some companies are referred to the ombudsman more frequently than others that fact should be reflected in the fee structure.

I agree with the association that the fee structure should be equitable in that sense. I assume that the memorandum and articles of association will be altered to incorporate the water industry, although there may be another mechanism, so that that concern is taken up by the Treasurer.

Thirdly, the association is concerned, and I quote:

> … as to how the government intends to deal with the inclusion of public water authorities and companies with the ESO if the ESO is to be constituted as a private company along the lines of the current Energy Industry Ombudsman of Victoria. This concern will need to be addressed in the process of constituting the ESO.

I am aware that the government has a working group on this issue. It had a discussion paper, a bill and a working group, and has moved its decision out by 18 months — yet it was a government policy commitment. I urge the government to take into account the legitimate concerns of the association.

In conclusion, the ombudsman scheme has worked well in the past, although it has taken a while to bed down. I have had discussions with the chair of the scheme, Mr Tony Staley.

An honourable member interjected.

Ms ASHER — In the 25 years that I have known Mr Tony Staley we have had discussions on many issues, but my latest discussions have been on the bill before the house. He is a real advocate for the scheme.

Mr Baillieu — Wise words, they would have been.

Ms ASHER — With Tony, they are always wise. He has indicated his personal willingness to accommodate some of the details to be bedded down to enable a functional scheme to be formed. There is a lot of goodwill in trying to assist the government to implement its election promise.

It is important for consumers to have access to dispute resolution schemes. Many consumers feel powerless in the face of having to deal with larger companies, particularly in the case of basic services. It is important not to have a financial barrier and to have a scheme that is accessible, for example, by telephone, without consumers having to write semi-legal documents or long letters to initiate complaints.

I particularly commend the previous Treasurer, Alan Stockdale, for including small business in the dispute resolution scheme when setting it up. Far too often business is seen as having a lot of money and access to power, but clearly taking on large suppliers in the courts is not an option for small businesses. In my previous role as Minister for Small Business I was pleased to enable what was previously called the Small Claims Tribunal to be accessed by small business. The fact that small business can access the dispute resolution mechanism is a powerful feature of the system which was set up by the previous government and which I am pleased to see continue.

The opposition does not oppose the bill, which implements a government election promise, with the proviso that it urges that the costing and board membership concerns be taken into account and addressed in the process of establishing the ombudsman scheme. I wish the bill a speedy passage.

Mr RYAN (Leader of the National Party) — It is my pleasure to join the debate on the Essential Services Legislation (Dispute Resolution) Bill. The notion behind the bill reflects the fact that in this day and age mechanisms are needed for people who are recipients of services provided by public or private enterprises to resolve disputes about the provision of such services and anything relating to them. It is far better for there to be an established and agreed means of resolving disputes between suppliers and those in receipt of the supply than for consumers to have to access the historical forms of resolution, such as the court system, arbitration or any other means.

Increasingly there is a need for the establishment of schemes of this sort and they are being built into legislation, and as a general principle the National Party supports what the bill undertakes to do. The party does not oppose the bill but will in due course look at the finer detail of its implementation. One of the issues of concern is that the second-reading speech does not reflect what is in the bill. The second-reading speech commences:

> The purpose of this bill is to enable the establishment of an essential services ombudsman.

The expression ‘essential services ombudsman’ does not appear anywhere in the bill, and unfortunately the bill does not do what the second-reading speech purports it will do. As has been seen recently in other instances, what a casual reading of a second-reading speech would suggest is a course of action to be taken is not reflected in the legislation to which the speech refers.

The bill outlines a system whereby a dispute resolution mechanism will be established across a range of industries, but does not relate those individual mechanisms back to the operation of the essential services ombudsman. It is anticipated it will be established in industries that are affected by the legislation, and which are mentioned in the second-reading speech but which are not yet in the legislation. The intention is that ultimately the current ombudsman will fulfil the role, but the legislation does not provide for that, and inasmuch as the second-reading speech suggests that such is the case, it is wrong.

The honourable member for Brighton made a number of comments about the background to those industry issues and the legislation at large, and about the way the scheme now operates and is intended to operate in the future. I therefore do not intend to canvass those issues again.

However, I direct the attention of the house to some provisions in the bill that bear examination. I do so not with the intention of highlighting the fine detail for no real purpose but because when you are dealing with something as delicate as resolving matters between suppliers and those in receipt of supply it is important to get the ground rules right at the outset so there can be no misunderstandings.

There is a commonality of expression across many clauses. Clause 3 inserts proposed section 163AAB, which deals with the Electricity Industry Act. Proposed subsection 2(a) refers to ‘the Office’, while the corresponding subsection 2(a) in clause 4, which inserts proposed section 48FA in the Gas Industry Act, refers to ‘ORG’ — the Office of the Regulator-General. Those minor distinctions are no doubt included because each reflects the terminology used in the relevant principal acts, and that is not a problem.

However, proposed section 163AAB2(b) refers to:

> the need to ensure that the scheme is accessible to the licensee’s customers and that there are no cost barriers to those customers using the scheme.

If the intention of the bill is that the scheme be free — that no charges will be levied on customers who want to access the scheme — it would be best to say so. However, the bill states otherwise. An expression such as ‘no cost barriers’, which is a relative term, might mean nothing to a millionaire, but it might mean an awful lot to someone less fortunate of limited or no financial means. Rather than using the expression ‘no cost barriers’, it would be better to simply say

'accessing the service will be free of charge' — end of story.

Proposed subsection 2(d) as inserted by clauses 3 and 4 contains the expression:

> the need for decisions under the scheme to be fair and be seen to be fair.

Frankly, I do not know what the words 'be seen to be fair' mean. I do not wish to be facetious, but are decisions to be measured against some sort of fairness scale? How will assessments be made about whether decision are seen to be fair? They will be either fair or not, which is the essence of the words of the proposed subsection — 'the need for decisions under the scheme to be fair'. I do not know what meaning is to attach to those words.

Proposed subsection 2(f) talks about:

> the need for the scheme to undertake regular reviews of its performance to ensure that its operation is efficient and effective.

Firstly, the expression of fairness that was a feature of proposed subsection 2(d) does not appear in 2(f). Given the intent of having the scheme operate fairly, I would have thought that that expression should be added to subsection 2(f) so that when judgments are made about the operation of the scheme the notion of fairness is taken into consideration. Secondly, if the government is serious about the scheme undertaking its own regular review of its performance to ensure it is efficient and effective, that certainly bears consideration.

I pay due respect to the current members of the scheme and to the ombudsman in particular, who is doing a terrific job in fulfilling her role. However, if the government is to be clinical about the review ensuring that the scheme functions in a way that the community at large will accept as appropriate, any performance assessments ought to be undertaken by people outside the scheme. The wording of the subsection has the potential to cause conflicts of interest that need not arise. Many other mechanisms could be employed to enable the review to be done at arm's length from the operation of the scheme itself.

Different industry members have expressed concerns about the finer details of the structure that is eventually to be established. I have with me correspondence from the Victorian Water Industry Association in which those concerns are outlined. The honourable member for Brighton has referred to them, so for the sake of brevity I do not propose reading them into the record again.

Suffice it to say that while the house has before it a small part of what will ultimately make up the office of the essential services ombudsman, the parties involved need the opportunity — I am sure they will be given it — to comment further as the scheme develops.

The Labor government proposes to extend a scheme that it was happy to criticise when it was in opposition — without naming any members in the chamber.

Mr Hamilton — The same will happen to you.

Mr RYAN — The same will happen to me, says the minister. With a bit of luck and a fair wind in about three years time, I hope he is right.

This is another instance of the government having to reverse a policy it promoted so readily in opposition, when it did not think it would have to worry about delivering on it. Not only does the government now support a scheme it previously opposed, it is expanding that same scheme to achieve the ends that are contemplated in the bill.

Given the bill's current status, the National Party does not oppose it. It is a step onto a broader stage, and we look forward to participating constructively in the debate that will unfold in the coming weeks and months. We also look forward to seeing the rest of the scheme evolve to suit the purposes of all stakeholders. I use that expression advisedly. I understand that the industry sector is concerned about access, funding costs and the like. Consumers will need to be able to access the scheme in a manner that is appropriate to their often limited means. We need to ensure that the scheme operates fairly and in a manner that best serves the purposes of all concerned, which has historically been the case.

Mr LENDERS (Dandenong North) — I support the Essential Services Legislation (Dispute Resolution) Bill. I will briefly address the main features of and background to the bill, as well as responding to the comments of the lead speakers for the opposition parties.

The Bracks government made an unequivocal election commitment to establish an essential services ombudsman to ensure that the external complaint-handling mechanisms in the utility industries are independent, fair and cost effective. Honourable members who have spoken before me have gone through the history of the bill.

Inevitably any debate in the chamber turns to the tension between strong leadership and consultation and

to whether the two are contradictory or can go hand in hand. I cannot let the debate conclude without commenting on that issue.

The honourable member for Brighton in particular, and to a lesser extent the honourable member for Gippsland South, kept going on about the fact that the government was somehow at fault because in its election commitment, which according to the honourable member for Brighton was a bad commitment, it talked about the scheme being introduced in slightly different form from its current form. Secondly, the honourable member for Brighton said the government was weak because it had consulted and as a result had amended the scheme slightly so that it was more in tune with the one she would recommend from her side of politics. The two arguments do not go together.

Strong leadership involves either coming out with a position, taking the community through it, consulting and then making a decision and going on with it — which is my definition of strong and good leadership — or going the opposite way. The honourable member for Brighton cannot have it both ways. Honourable members heard endlessly about the 286 or 386 consultations — whatever the figure was — the government undertook. I believe that is a good illustration of how the consultation process works. The fact that the Honourable Neil Lucas in the other place came up with some amendments and the minister in the other place discussed them and introduced them into the house is a sign of good government. One would always prefer that the first draft of a bill be spot-on correct, but we should get it right in the end. Parliament is about consultation and discussion to get legislation right, and the bill is an illustration of that process.

Previous speakers went through what the scheme is about and where it is going. Essentially the aim is to improve on the existing energy industry scheme. The government has gone through a consultation process and received many submissions. There was strong support for building on the existing scheme. That was not the government's starting position, but the consultation process showed that was what people wanted it to do. The government listened, heard and moved on. There was overwhelming support for including water and sewerage complaints in the existing scheme, and little support for having it go any further at this stage. The government is building on the existing scheme and improving it. Its name will be changed to the Energy and Water Ombudsman (Victoria) scheme.

The bill puts those changes into place. Many housekeeping matters have already been dealt with. The bill enables many existing government agencies to come into the scheme, and there are licence requirements that can also apply to other people.

The honourable member for Gippsland South was concerned about fees and the like. It will remain a free scheme — there will be no ifs or buts about it. To simplify the issue the language used will be the language that is used nationally and will bring it into line with other jurisdictions.

It is a good scheme that has resulted from an election commitment. It has been through a community consultation process that included the opposition, and it has been amended. I commend the bill to the house.

Mr BRUMBY (Treasurer) — I will conclude the debate by summing up. I thank honourable members for their contributions. I particularly thank the honourable member for Dandenong North, the Parliamentary Secretary for Treasury and Finance, for his work in developing the legislation and for his contribution to the debate. The legislation has enjoyed bipartisan support and I believe all honourable members can be proud of it. It will make a difference: it will add value to and improve the operation of essential utilities in Victoria, and it will strengthen the rights of consumers who have a complaint about operations in energy, electricity or gas, and now water and sewerage.

As the honourable member for Dandenong North said, it is fair to say that the model the government had in its mind is not the model it has ended up with and which is now being enacted. The government consulted with industry and consumer groups, looked at the existing Energy Industry Ombudsman scheme and had discussions with its committee, its chief executive, Fiona McLeod, and its chairman, Tony Staley. The government looked at how the industry-based scheme worked for industry and for consumers. It is an effective scheme, and the bill proposes to expand and extend its operation by adding water and sewerage.

It is sensible legislation. It does not impose regulation for the sake of regulation. It fully implements the election commitment made by the government prior to the last election, and will mean that consumers, wherever they are in the state, will have access to a scheme that is accessible, free, independent from its members, accountable, and operationally efficient and effective. The ombudsman will be called the Energy and Water Ombudsman. The bill promises a new deal for consumers in all of those areas.

I believe the house can be pleased with the bill because it addresses a community issue in a way that does not add to the costs of government or industry, or put in

place unnecessary regulatory burdens. I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

ASSOCIATIONS INCORPORATION (AMENDMENT) BILL

Second reading

Debate resumed from 26 October; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Dr DEAN (Berwick) — The bill is interesting because it closes a loophole in the legislation. At this moment a handful of people are walking around Ascot Vale with big smiles on their faces as testimony to the ingenuity of mankind and the constant drive to find ways to enhance one's wealth. Each person is approximately $20 000 better off as a result of the loophole that the bill will try to fix. I am not sure if any of the local members got in on time, but opposition members will be keeping a close watch to see whether the wardrobes of any honourable members suddenly increase!

Clearly a situation was lurking in the wings whereby unincorporated associations, the objects of which were either charitable or non-profitable and which therefore enjoyed special privileges when it came to taxation, when they wished to be voluntarily wound up were able through a loophole to take all the benefits of those years of tax-free living and distribute among themselves all the assets of the association. Members of a very alert bowling club in Ascot Vale saw an opportunity and took it.

Effectively, even though it was a non-profit organisation, and therefore did not have to pay tax, under the rules for winding up it was possible for the organisation to undergo a voluntary winding-up procedure. To prove it was alert, the club carried a special resolution to enable assets to be distributed to the existing members. It did not have to do that because in a voluntary winding-up of incorporated associations the act allows the assets to be distributed without a special resolution. The members could have got their cheques and disappeared into the blue without a resolution. I have no idea what has happened to the Ascot Vale Bowls Club. No doubt there are a number of ex-members wandering around wishing they had not dropped their memberships as quickly as they did.

The bill proposes that if for the previous five years an association has been enjoying the privileges of a non-profit association, and therefore the privilege of not paying tax, it is not allowed to distribute its assets to its members on winding up. The assets must go to another association that is also a non-profit organisation, or in the case of a charitable organisation to another charitable trust or some appropriate organisation that will not allow the assets to be distributed to the members.

There are two things of importance to note. The first is the five-year limit. Why is there a five-year limit? We do not want to bar a non-profit organisation forever from becoming a profit association, and if such an association wants to turn itself into a profit association and therefore be subject to tax it can do so. After five years it will be allowed to distribute its assets to its members. There is a five-year buffer so people cannot suddenly decide after enjoying the tax-free status to then enjoy the status, effectively, of a profit association.

Another thing that is important to note is that unlike other states and territories, Victoria should not put an absolute bar on unincorporated associations or incorporated associations being profitable organisations. They are a useful tool when determining how to set up business and so forth. The only requirement is to ensure that they do not abuse that privilege.

In conclusion, I point out to Consumer and Business Affairs Victoria — formerly the Office of Fair Trading — that this association is possibly not the only one that went through a similar process. Based on my legal training I can come up with a variety of scenarios in which non-profit incorporated associations could abuse that status to enable what is effectively a business to operate. It would be a good idea if Consumer and Business Affairs Victoria investigated non-profit incorporated associations to determine their businesses and to ensure they are doing what such organisations should be doing. That is providing a mechanism for communities to operate clubs, such as sports clubs and other clubs, and to undertake all the legal processes without every club member having to be a legal entity.

We need non-profit unincorporated associations and incorporated associations, but it is important to ensure they are not being abused for the purposes of profit-making.

Mrs MADDIGAN (Essendon) — I am pleased to support the Associations Incorporation (Amendment) Bill. It has been a pleasurable experience, and one I was not used to when in opposition, to find a problem in the community, report it to the minister, and have action taken almost immediately to overcome it.

About 90 years ago in Ascot Vale a number of residents got together and donated money to buy land for a bowling club. There are not a lot of privately owned bowling clubs in Victoria. There used to be two in my electorate — Aberfeldie and Ascot Vale. The Ascot Vale Bowls Club was run for about 90 years as a bowling club until the numbers became too low and the club ceased its activities.

The issue first came to my attention when the sale notice went up on the land, which is right in the middle of a residential area, so reasonably the local residents were concerned. The land had been part of an open recreational space area for them, and the residents were worried that it could be part of a development site. While working with a local group known as 'Don't Bowl Us Over' I came across the strange rules relating to the Ascot Vale Bowls Club. When the club's bowling activities ceased a number of members left and transferred to another bowling club so they could continue to compete. At some stage after that date the remaining club members held a special general meeting and changed one part of the constitution. Previously it had stated that if the bowling club ever ceased to operate the land on which the building stood would be given back for community purposes. The clause was changed to state that the land would be sold and the money distributed to the remaining members of the bowling club.

That seemed strange, not only to me but to the residents, because we knew the land had been purchased by the community and maintained by it for 90 years. Obviously the intent of the people when they initially put their money into the bowling club was that it should stay a community asset. Under this system it meant members who may have been there only two or three years would benefit strongly from money that had been put in over more than 90 years by other members.

I raised the matter with the Minister for Consumer Affairs in another place. When her department investigated the matter it found that because of a loophole in the Associations Incorporation Act the bowling club was within its legal rights to hold that sort of meeting, change the constitution and distribute the money privately to members. While it may have been legal, most people would agree there are great doubts about the morality of such an action. It was then that the minister's department prepared the legislation.

For the interest of the honourable member of Berwick and to put it on record, I assure him I have never been a member of the Ascot Vale Bowls Club, either when the members were bowling or when the club ceased trading. A number of people, most of whom do not live in my electorate or in Ascot Vale, will benefit personally from the sale of the land.

I am pleased the bill is being introduced to prevent that practice from occurring in the future and to ensure that community assets stay with the community. While it is too late in the case of the people of Essendon and this community land, the amendment to the legislation means similar incidents cannot happen in other areas. It is a worthwhile amendment. I am glad the opposition supports it, and I am sure all right-minded people also will do so.

Mr JASPER (Murray Valley) — The National Party supports the bill and acknowledges the comments made by the honourable members for Berwick and Essendon, who highlighted the need for changes to the legislation because of problems that occurred last year with the Ascot Vale Bowls Club.

It is interesting to go back in history. Honourable members who have been in Parliament for a long time will recall that in the late 1970s and early 1980s there was extreme concern that difficulties may occur in the management of sporting and other recreational organisations where claims could be made against the people running them.

Many representations were made to me by organisations in the electorate who were experiencing problems. Some people faced possible litigation, particularly those in positions of responsibility on committees of management, for negligence or other acts that might have taken place within their clubs. For that reason some people were reluctant to join clubs and their committees of management.

The then Liberal government had to provide protection for those people, which led to the introduction of the Associations Incorporation Bill, which became an act of Parliament in 1991. The legislation meant that people in organisations could no longer be sued as individuals for their own assets as a result of the misdemeanours of their clubs and associations.

In your contribution to the debate, Madam Deputy Speaker, you pointed out the problems that have occurred at the Ascot Vale Bowls Club, outlining the representations you had made. You also mentioned the

government's recognition of the need for change to ensure that the assets of a club that is wound up do not go directly to the final members of that club. The new procedure will be much better.

I express my appreciation of the efforts made by members of the minister's office and the staff of his department to provide me with a briefing on the bill as the National Party spokesman. The information I was given lent clarity to the legislation and helped me understand more fully the problem that had been revealed by the sale of the Ascot Vale Bowls Club. The bill is clearly appropriate legislation.

Information I have been given indicates that the Australian Capital Territory, New South Wales, Western Australia and South Australia have a blanket ban on clubs distributing funds to members. On the other hand, clubs in Victoria, Queensland, Tasmania and the Northern Territory can deal with the matter by special resolution. That is, when a club is disbanded or goes into liquidation the final members of that club can, by special resolution, sell the assets and be the beneficiaries of the sale. The problem with the arrangement is that it leaves out people who may have helped to established the club years before and who may have helped provide the club with assets that subsequently became very valuable. The sale of the Ascot Vale Bowls Club highlighted that problem.

The legislation achieves a balance. The amendments provide that where a club wishes to go into liquidation and sell up its assets it can still pass a resolution that will close down its operations — but the members cannot access the assets of the club for five years. That five-year period provides a balance between the interests of the office-bearers, other current members and former members.

The bill may well be used as template legislation by the other Australian jurisdictions that do not yet have appropriate legislation in place, and I refer to Tasmania, Queensland and the Northern Territory. The states with a blanket ban on the distribution of funds to existing members could also examine the bill, because it balances the interests of existing and former members, unlike a blanket ban.

The National Party believes that the five-year rule achieves the right balance and that the amending legislation will give appropriate protection to the organisations operating under the Associations Incorporation Act.

Mr WYNNE (Richmond) — I thank the honourable members for Berwick, Essendon and Murray Valley for their contributions to the debate on the Associations Incorporation (Amendment) Bill. The bill closes an unperceived loophole, which sadly some people have profited from, bringing the very public aspects of such associations into some disrepute.

It is important to indicate that the hard-working honourable member for Essendon raised the matter with the Minister for Consumer Affairs only early this year. It is an extraordinary turnaround and a credit to the honourable member for Essendon — who is certainly an excellent local member — and the Minister for Consumer Affairs that the loophole has been closed quickly.

I welcome the contributions from all sides of the house and wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

FISHERIES (AMENDMENT) BILL

Second reading

Debate resumed from 5 October; motion of Ms GARBUTT (Minister for Environment and Conservation).

Mr SPRY (Bellarine) — The Liberal Party will not oppose the Fisheries (Amendment) Bill, but in the course of contributions members from this side of the house will highlight aspects that the Liberal Party and industry have concerns with.

The bill is a refined version of the draft Fisheries (Amendment) Bill that was released for public comment earlier this year. The objectives, as per the second-reading speech, are revealed as continued improvement to the management of Victoria's wild stock fish resources — which are some of the best and most sought after in the world — and lamentably to a lesser extent, Victoria's aquaculture effort.

The features of the bill emphasise fisheries management plans by providing heads of power for variations to licences and their conditions, by creating and transferring quotas to free up capital and also as a fisheries management tool in quota-managed fisheries in this state, by providing stronger enforcement tools to fisheries inspectors and police, and by dealing with recreational fishing, licences and the distribution of

monies therefrom, which I will touch on later. The public consultation process has led to changes in the final draft, but I do not believe it is yet perfect. Legislation dealing with natural resources is unlikely to ever be regarded as perfect right across the board.

Consultations with stakeholders by opposition members in preparing their speeches were extensive and revealed misgivings by some stakeholders, especially the Eastern Zone Rock Lobster Association, whose headquarters are based in the town of Queenscliff.

On the one hand the important fisheries industry is watchful of its territory and aware of the pressures of public opinion, and on the other hand the environment lobby is equally watchful of an industry that legitimately and appropriately exploits a valuable natural resource and has an influence on the environment in which it is engaged. It is the government's job — to a certain extent it is also the opposition's job as a watchdog over the government — to always seek to balance the equation between the industry and the environment.

To provide some perspective on the issue, the seafood industry is a significant Australian industry. Figures released by Australian Bureau of Agricultural and Resource Economics (ABARE) reflect on the level of imports of fisheries products into this country. In 1996–97 imports totalled $702 million. They have been steadily climbing and rose from $820 million in 1997–98 to $878 million in 1998–99. Those figures indicate there is plenty of opportunity for import replacement. ABARE's latest export figures for the same periods indicate a steady increase in export efforts, rising from $1.3 billion in 1996–97 to $1.48 billion in 1997–98 and to $1.51 billion in 1998–98. The target as revealed by earlier ABARE figures was in the region of $2 billion in 1994–95, so the outcome still falls short of expectations. I will return in a moment to that figure in relation to aquaculture, where the gap can be filled.

The total Australian production this year was worth $2.039 billion, and Victoria's contribution to that figure was a piddling $80 million, which by any objective assessment means the production effort in the fisheries industry in Victoria is languishing.

The other side of the equation is the potential of the environment issues, including the issue of ecological sustainability, to affect the industry generally. Honourable members would be aware that there are many strong advocates of aquaculture in all its forms as a means of overcoming the problem of the ecological sustainability of wild fisheries.

This advocacy is driven by an awareness that wild stock fisheries are in decline worldwide, and in some cases are driven to extinction. The fact that the bill concentrates almost entirely on the management of a fragile resource testifies to that fact.

Given that the world's fisheries are under severe pressure, it follows that, as in the harvesting of land-based resources such as animals, crops and timber, fish farming — or aquaculture, as it is commonly known — is the way forward. Ultimately, it is the only way forward to increase production in the fisheries sector of rural industries. In Victoria not nearly enough effort is directed to maximising aquaculture potential; nor is there recognition of the important part aquaculture can play in enhancing Victoria's place in the global economy.

To put aquaculture into perspective, I am advised that one-third of the world's total fish production is now in aquaculture, and that percentage has been climbing steadily over the past few decades. Those figures were revealed to me and to other interested people by one of the icons in the industry, Peter Shelley, who is the chairman of the Asia–Pacific panel of the Aquaculture Council of Australia. Peter is based in Tasmania and was one of the directors and leading lights behind the development of the Atlantic salmon industry in the Huon Valley of Tasmania.

At the recent aquaculture conference in Hobart, Peter Shelley confirmed Australia's target for aquaculture production as $2.5 billion by the year 2010. It is an ambitious target, and I do not doubt that, given more encouragement by legislators throughout Australia, the target can be achieved.

Mr Steggall interjected.

Mr SPRY — That is the Australian production objective.

Victoria contributes little to the overall production. The ABARE figures reveal that for the past year aquaculture production in Victoria was a mere $10.9 million. Victoria ranks second last on the scale of aquaculture effort, and compares badly to states such as Western Australia, which is producing $186 million worth of aquaculture product — an indication of how Victoria is lagging in its effort.

Whichever way you look at it Victoria's aquaculture production effort is pathetic. People in the industry say it is largely because of a combination of bureaucratic paralysis and lack of direction from government. It is disappointing for Victorians to learn the government has failed to fund the long-term development of

aquaculture by discontinuing the $1.5 million Victorian aquaculture initiative started by the former coalition government. On top of that it slashed funding to the Victorian Aquaculture Council by 50 per cent. Such figures send shocking messages to the aquaculture industry in this state.

Not assisting the process is what could be described as a strong anti-aquaculture lobby which is evident in the green movement in this state and this country. Perhaps that opposition can be explained by the crude methodologies of those in the industry in the past. The Heath Robinson approach was the order of the day in some of the early developmental stages of the industry, but over the past 10 years in particular practices have changed. New, environmentally friendly accreditation practices are being considered and in some cases adopted. They may even become mandatory when governments consider granting new aquaculture licences.

In Hobart at the aquafest a few weeks ago a paper was delivered by a South Australian woman who was consulting to the tuna industry at Port Lincoln. The tuna industry is considering adopting environmental accreditation world standard ISO 14002.

It occurred to many people at the conference that this sort of attitude to environmentally friendly practices and procedures in the aquaculture industry could have the potential to overcome the concerns of environmentalists with regard to aquaculture generally.

Clause 10 addresses at least one aspect of the environmental concerns, and that is commendable.

Much of the bill contains evolutionary amendments and as a consequence is not controversial. Clauses 1 to 5, 7, 8, 12 to 14 and 17 to 22 are logical and do not need detailed comment. However, some other clauses have excited some comment from industry and the recreational lobby, and I will now refer to them.

Clause 6 deals with variations to licences and conditions, about which the industry has two primary concerns. Firstly, the secretary of the department is given an expanded power to vary a licence if in his or her opinion — and I repeat, 'if in his or her opinion' — it is inconsistent with other regulations, orders, notices and so on. The industry feels that the decision should be subject if not to appeal at least to some prior notification. That appears to be a reasonable comment.

Similarly, under the discretionary powers in the bill, where the secretary varies a licence, permit or condition pertaining to that licence or permit, a right of appeal should be available under section 137 of the act. Again, that appears to be a reasonable comment, which the government should consider.

Clause 9 deals with quota orders and transfers. All honourable members would agree that clause 9 deals with the big end of the business. Licences in the abalone industry, for example, are currently valued at between $5 million and $6 million, and any legislative change can have a significant impact on the owners of those licences. When the licences were first issued back in the early 1970s they were deemed to be recreational and from memory sold for about $2. As the industry has developed because of the efforts and imaginative contributions of the dive industry, that $2 has escalated to $5 million or $6 million. It is an extraordinary development.

The industry is concerned that the changes will take place in advance of the findings of two all-party parliamentary inquiries that are currently under way. I am sure other speakers will remark on that worrying aspect of the bill. Honourable members will recall that the all-party Environment and Natural Resources Committee (ENRC) was recently given two references — fisheries management across Victoria and the sustainable management of the Victorian abalone and rock lobster fisheries. The first reference was to be reported on by 31 March 2001, and the second by 31 December 2001. The references have been combined, and the report is due in mid-2001.

The concern of the industry generally is that while those two references are being investigated the legislation could be considered as pre-emptive. That is certainly a concern of the Eastern Zone Rock Lobster Association, as conveyed to me by its executive officer, David Lucas, in Queenscliff. The association is concerned about the future management plans for fishery. The eastern zone is divided in its support for an input-managed fishery or a quota-managed fishery and has not yet arrived at a consensus. It will await the results of the ENRC investigation into the abalone and rock lobster industry and the management of Victorian fisheries with interest and anticipation. The association is justifiably concerned to know why the legislation has been introduced in advance of the ENRC findings. It will be interesting to receive an explanation from the Minister for Environment and Conservation in her summing up of the debate.

Given the new head of power in the bill, the opposition hopes the minister does not rush in some pre-emptive management plan not only for the rock lobster and abalone industries but for all Victorian fisheries, ahead of the ENRC's detailed report. That point cannot be emphasised strongly enough.

With regard to section 64(4) the industry asks the following question. What if a licence-holder wants to transfer a fishery quota permanently but continue to operate during the existing quota period? I do not know how often that contingency arises or has arisen in the past, but it could be important in certain circumstances. The issue may need to be addressed at some future time, so I direct it to the attention of the house and of the government in particular. By contrast, some people in the industry believe that when a quota is transferred it should include the quota during any current quota period — that is, no flexibility should be allowed.

In summary, the industry believes section 65A(5) should be amended so that the secretary must refuse applications to transfer a quota that is inconsistent with any management plan in addition to its being inconsistent with the act. Again, that is a reasonable position for the industry to adopt.

For the first time in the legislation clause 10 refers to a maximum size for abalone. It would be interesting to hear the comments of the honourable member for Gippsland East regarding that aspect of the bill, because he is heavily involved in the industry. An explanation from the minister would be appreciated when she sums up the debate. The opposition assumes that the maximum size has something to do with the fertility of the larger specimens in the abalone family and their ability to generate future seed stock.

Clause 11 deals with retention notices in respect of improved enforcement provisions. The industry agrees with the intention of having increased enforcement penalties in a natural resource industry where poaching is rife and protection is difficult. There is no way of getting a clear indication of the exact figures on poaching or illegal harvesting of the natural resources in valuable industries like the wild stock abalone industry, but there are indications that the figure is enormous and the effects on the legitimate management of the industry are significant. Recent media reports — I remember watching a report on television less than a week ago — —

Mr Loney interjected.

Mr SPRY — I had time to watch that report on television. The honourable member for Geelong is correct when he says I do not have much time to watch television; I rarely have time to watch television, but I just happened to catch that program. The report revealed that the price of abalone on the black market was about a third of its price when obtained through legitimate sources. If that is correct, and I have no reason to suspect that it is not correct, there is a huge incentive for black marketeers to be poaching and profiteering from the illegal harvest of abalone in Victoria.

I believe enforcement penalties must be severe to inhibit the ongoing rampant black market trade in some species, and I am sure my views are shared throughout the industry and by other people connected with wild stock fisheries. That issue is addressed partly by clause 12, which gives immunity to authorised enforcement officers to undertake certain activities where entrapment is apparently the point of the exercise. Honourable members on this side of the house agree with that approach because, as I said before, the opposition believes the illegal poaching of wildlife resources must be stopped by whatever legitimate means are available.

Clause 15 deals with the discretionary power of the secretary to refuse to transfer quota. The industry believes such decisions should be subject to appeal provided they are consistent with a quota order and management plan. That seems to be reasonable. The industry has also expressed concerns about clause 16, because it believes the identity of a licence holder should be withheld when there is public scrutiny pertaining to settling the conditions of a fishery's access licence. I see no problem with the provision in the bill. After all, the fishery is a public resource owned by the people of Victoria, and access conditions should be as transparent as possible. I hope that is the view adopted by all members of the house.

Clause 19, to which I referred in my opening remarks, deals with the hitherto controversial issue of recreational fishing licences being extended from the freshwater environment to the marine environment. I am pleased about that initiative. It was originated by the coalition government to ensure that recreational fishers, their children and grandchildren ad infinitum, would still have the opportunity to drop a line and catch a fish. It is good to see the government address that issue by establishing a recreational fishing licence trust account under proposed section 151B(1), which states:

> The Minister is to establish a trust account to be called the Recreational Fishing Licence Trust Account.

Levies and application fees collected, income from the investment of the trust account funds and other moneys authorised by the minister will be paid into the account. Interestingly, under the bill the amounts to be paid out of the account include amounts for the purpose of improving recreational fishing, which was the reason for initially legislating for the extension of the inland fishing licence, and the costs and expenses incurred in the administration of recreational fishing licences and

the fisheries revenue allocation committee established under proposed section 151C.

The provision also stipulates that the minister must report on how the amounts are to be dispersed. The report is to be prepared by 1 October each year and laid before each house of Parliament on or before the seventh sitting day of that house following the preparation of the report. It will provide transparency and scrutiny, of which the opposition approves.

The fisheries revenue allocation committee will administer the fund. Its primary function will be to provide advice when requested by the minister on the priorities for the disbursement of funds from the recreational fishing licence trust account. The bill also provides for the make-up of the committee. The opposition has no argument with the composition of the committee, but it is interesting to note that the fisheries industry, at least in the form of Seafood Industry Victoria, believes it should have representation on it.

Apart from the issues I have raised, particularly in respect of the appeal provisions lacking in the bill, the legislation seeks to improve the general management of fisheries in Victoria. The government will be deservingly applauded for its initiative if in the future it recognises the importance of the emerging aquaculture industry as a vital complementary component of the overall fisheries industry, and gives it the encouragement it deserves. Regrettably, however, I fear the minority Bracks Labor government is enslaved by its obligations to noisy and sometimes misguided minority groups and lacks the will and vision to address the issues without fear or favour. If that is the case aquaculture, in which lamentably Victoria is lagging behind the other states, will not have an opportunity to realise its full potential.

There is no doubt about that in my mind or the minds of other people, on this side of the house in particular, who have taken an interest in aquaculture. The honourable member for Swan Hill, who will probably be the next speaker on the bill, is equally enthusiastic about and mindful of the potential that aquaculture offers to fishing overall in Victoria. I urge the government to reassess its attitude to aquaculture and instead of inhibiting it, give it every encouragement it possibly can by additional funding.

Mr STEGGALL (Swan Hill) — I congratulate the honourable member for Bellarine on his contribution. The aquaculture industry has had a chequered career in Victoria, and the honourable member has worked with others over the years to improve the industry, yet not much ground has been covered — but more about that later.

The Fisheries (Amendment) Bill is a further machinery bill continuing the way Victoria has been going for some time. I was surprised to see the bill introduced now because much is happening with fisheries in Victoria. The Environment and National Resources Committee is meeting at present; the Environment Conservation Council has issued a report on marine parks; and the concept of lock-up areas is now available for discussion. Several fisheries are in the process of finalising their management plans, and with these amendments to the Fisheries Act one gets the impression that a piecemeal approach has been taken to the industry. I hope this legislation does not cut across some of the good work being done by the committees. It would have been nice if the bill had been introduced when the committee had finished its work and more of the management plans had been finalised and put in place.

The previous government put in place the concept that this government is carrying forward. The bill covers issues expected by the industry and has received a good reception. The Minister for Environment and Conservation has gone through a draft bill process, which has been greatly appreciated. I acknowledge the good consultation process that has taken place in all areas of fishing legislation in recent times.

The state is improving the way it deals with fisheries issues, particularly on the recreation side, and is bringing society along with it. There has been acceptance of the previous government's changes, and the bill is the next stage along from that.

I am disappointed in this government, as I was with the previous government, because of its lack of desire to assist, promote and drive an aquaculture industry in Victoria. So far it has baulked at each one of the many opportunities. It baulked at the oyster operations of East Gippsland and the abalone ranching in Port Phillip Bay. I hope the government will go back to this project because there is a potential $1 billion abalone industry in Port Phillip Bay and the plans and concepts are in place — although science and the community need a bit more work. I suspect we may not see it under a Labor government because an anti-aquaculture lobby is operating in Victoria and the Labor Party has from time to time given it great support.

Mr Nardella interjected.

Mr STEGGALL — Hello, he's back! Victoria and Australia should develop aquaculture industries because

they have a lot to give. Throughout the world wild fisheries are being depleted at an alarming rate, and the honourable member for Bellarine gave some of the figures to illustrate that. Victoria's production and export of fish products has not reached anything like its full potential. Victoria — and even Melton, I suppose! — could benefit from a properly put in place aquaculture industry, particularly in the marine sector of Port Phillip Bay. It has an aquaculture industry with mussels and oysters, but there is room for further development, and government should put money and effort into the science that is required. This is an opportunity for Victoria, which is not a good aquaculture state; South Australia runs rings around us. When the coalition was in government I had trouble getting the departments interested in aquaculture, and I suggest that the departments are still uninterested today. There is a cultural block.

Aquaculture is being developed in inland Victoria, and there is some pain over tank aquaculture issues. On-farm tank fish production has been going on in inland Victoria for approximately five years. The producers are learning and improving all the time. I am pleased to inform the house that the universities, and the Northern Melbourne Institute of Technical and Further Education in particular, have provided a lot of assistance, advice and research.

When the sewerage gets to Boort an aquaculture operation will be developed that will aim to produce about 2 tonnes a week.

Mr Cameron interjected.

Mr STEGGALL — It is using Goulburn–Murray water with a filter system.

Mr Cameron interjected.

Mr STEGGALL — Yes. Sewerage needs to be put in there because aquaculture needs those types of effluent disposals. That is one of the other reasons why the changes have been made to the sewerage system. The minister has signed off on them, and the National Party looks forward to them happening.

However, as with irrigation, not much assistance is available for aquaculture. Everyone says irrigation must be bad — it creates salty water, ruins the environment and does everything else wrong! Most honourable members do not have the faintest idea of what irrigation is about, how the latest technology works and how its development can improve the environment.

It is the same with aquaculture. I take up the point made by the honourable member for Bellarine. The anti-aquaculture lobby was created as a result of some pretty rough aquaculture systems around Australia, and the National Party realises that. However, I hope the Victorian community will move forward and take advantage of the resources it has, in particular fin fish and abalone. There is now a huge need to get the Victorian abalone industry going. The abalone and rock lobster industries are two of the most difficult industries to regulate because the value of abalone and rock lobster is so astronomically out of proportion to the value of other produce. The former government had difficulty with that, and the current government will have the same difficulty in regulating those industries and maintaining the fisheries in their natural form.

That is one of the reasons why people like me have pushed very hard for aquaculture-based abalone in western Victorian waters and Port Phillip Bay in particular. However, we have not succeeded, and the bill does not give me any hope that the industry will be further developed, although the potential is there.

The honourable member for Ballarat East is keen on his anti-aquaculture lobby. I say to him, 'Look after them well, my son, because they will bury us all'. The government has to be able to handle the environmental demands of those people as well ensure sustainable production. The lobbyists and the scientists are available to work on developing solutions.

The bill also establishes the Recreational Fishing Licence Trust Account and the Fisheries Revenue Allocation Committee. Many people will want to get on that committee, which will give advice to the government and report to the Parliament each year. Victoria's fishery areas will be extremely keen to see the committee in operation.

As a matter of interest, I inform the house that at a meeting on border anomalies I recently attended in Swan Hill with my New South Wales counterpart and representatives of the Swan Hill Rural City Council and the New South Wales Shire of Wakool, the issue of recreational fishing licences in the River Murray was raised, the River Murray being New South Wales water. Some of the Victorian representatives are considering a form of mutual recognition for licences in that common stream, the lack of which has caused some problems, but not a lot, in our area.

The bill provides the government with more regulation tools to deal with offences in fisheries, and the National Party supports that. As I have said on previous occasions, I hope the government will use those tools, because it has a reputation around Victoria of saying one thing and doing another. When the Parliament

agrees to provide those regulation tools and powers, it expects the government to use them.

The concept of being able to transfer quotas within a managed fishery permanently or temporarily is interesting. It is a very good and positive move, but I hope the volume of transferable quotas has been set at a sustainable level. The volume of quotas is vital to the successful working of the system. I do not want the aquaculture industry to get into the situation that exists in the water industry, where government can walk in and buy a quota and put it to another use. Sustainable levels of water for irrigation use have now been set, and that is working well, together with adoption of environmental and productive-use flows. The same system is needed in fisheries to ensure that the quota in each managed fishery is sustainable so that people can trade confidently.

Producers do not want governments getting involved. However, governments enter into those arrangements, as the former government did in Port Phillip Bay, by cancelling contracts and licences. I hope the volumes that have been set are right so that the sustainable operation of the fisheries is ensured. That will provide a degree of comfort to the industry and to everyone involved.

The government had difficulty in deciding whether to introduce recreational fishing licences for all marine waters in Victoria. Recreational licences apply in all other states, and there was a great deal of agony on my side of Parliament when the decision was made to take that step. However, it has worked well and will improve fishing operations throughout Victoria.

As I said, the Fisheries Revenue Allocation Committee will be interesting to watch because of the enormous pressures on Victoria's marine and inland waters, the major one being the need to restock suitable fish varieties. The Honourable Peter Hall in another place, who is the National Party's spokesman on the portfolio area covered by the bill, has written to the Minister for Energy and Resources proposing that she consider the amendments that Seafood Industry Victoria has proposed in its submissions to the National Party — and, I dare say, to the government.

I can inform the house that the minister responded to Mr Hall yesterday with what is perhaps a veiled threat. I feel the fisheries department coming to full strength again!

> Any house amendments to the bill will cause significant delays and likely result in the bill laying over till the next parliamentary session. Seafood Industry Victoria and the other peak bodies have indicated support for many clauses of the bill and it would be counterproductive if the bill was unnecessarily delayed.

I am sorry that the department gives advice to the minister in that tone, because a degree of goodwill is required to improve the operation. Victoria has had some difficulties with the aquaculture and fishing bureaucracy over the years, and currently it does not seem all that friendly.

I will comment on a point raised by Seafood Industry Victoria, which I found interesting. The bill replaces the section in the act that deals with quota orders made by the Governor in Council with a new section that requires orders to be made by the minister. Seafood Industry Victoria has queried the minister and the government about why that would be so.

I support the government's move in that regard because historically each of these natural resource industry areas has had examples of cases where people with a problem with management in a bureaucracy have not been able to get to a minister: there has always been a council or department head or someone in their way. In this case it was the Governor in Council, and not many people know how to tackle the Governor in Council. The bill gives the responsibility to the minister, and provides anyone the opportunity to raise that issue in Parliament when a response is needed.

I support the move away from the Governor in Council to the minister. I know other people will not necessarily agree with that, but I believe a system must be in place where a responsible minister is able to be challenged in the Parliament on any issues with regard to the legislation. I am sure the amendments proposed by the Honourable Peter Hall will be subject to further discussion in the upper house, and I hope some consideration might be given to handling some of those issues while the bill is between here and the other place. I do not agree with the advice the minister has been given by the department that none of the matters proposed could be achieved. I believe some would be helpful, and they are not impossible to implement.

The National Party supports the bill. I make the general comment that Victoria has not been able to face up to its aquaculture potential. The bill will not help in that regard, and I do not believe there is a will, desire or even a wish on the part of the government to properly develop an aquaculture industry. That is very sad. I have not seen any champions for any of the issues from the Labor Party in the past seven years. I again refer the Labor government to the fact that the government has picked up the food export target of $12 billion by 2010, and aquaculture can put an enormous volume of value-added product into that operation.

The former government set the $12 billion target for food exports at the end of the last decade, and had it projected the growth in the food industry at the time — in 1996, 1997 and 1998 — a figure of $18 billion in exports would have been arrived at. No-one dreamed we would be able to keep that rate of growth going in the food industry, so the figure was brought back to $12 billion. The current government has brought it back again by adding fibre to it, which I believe is a cop-out. I am sorry it has done that, because if the potential is to be realised in this state to make it an exciting place in the future — particularly in view of our role and our need in Asia and in the Middle East and surrounding countries — those targets must be achieved. Bureaucrats, governments and politicians need to face up to the anti-aquaculture lobby and work through the issues with it. The Geelong and Port Phillip Bay areas have huge potential to enable Victoria to have an exciting industry. I hope it will be able to develop without any impact on the environment, because it would add enormously to our quality of life.

Mr HOWARD (Ballarat East) — I am pleased to contribute to debate on the bill, and I say at the outset that it recognises the view of the Bracks government that the fishing industry in Victoria is vital, especially with regard to the direct economic benefits and recreational potential that flow from tourism, and a great many other benefits that it provides across Victoria.

In my region significant opportunity exists for inland fishing, with Lake Wendouree in Ballarat being an excellent place for recreational fishers to go. Many other lakes and waterways around Ballarat are stocked by the fisheries division of the Department of Natural Resources and Environment each year to provide opportunities for recreational fishing. The government is committed to following those processes.

The bill aims to improve the provisions in the principal act in terms of fishery management across the state. It has been developed following the minister's discussions with many groups in the fishing industry in Victoria about problems with the previous legislation and how the government could improve it to provide for stronger enforcement provisions so that people who are not doing the right thing and are taking fish from inappropriate places or taking too many fish and not following recommendations can be dealt with more effectively. The bill also aims to ensure that the management and administration of the process of following through fishery legislation is improved.

The bill was prepared after a deal of discussion and consultation with fishing groups, and is presented with their support. It follows on from a commitment made before the election with regard to establishing a trust account for revenue raised from recreational fishing licence fees. The bill puts the recreational fishing licence trust account in place. It also establishes the fisheries revenue allocation committee to advise the minister on how the funds can best be spent each year. The allocated funds can only be spent on improving recreational fishing or to cover administrative costs associated with collecting licence fees.

The recreational fishing industry strongly supports this aspect of the bill. It sees it as a great step forward and is happy to accept a licensing procedure. However, the industry wanted assurance that moneys collected for licences would be spent on promoting recreational fishing. The bill follows through on that pre-election commitment, and it is timely that it is brought in now.

I shall respond to the comments made by the previous speakers, the honourable members for Bellarine and Swan Hill, with regard to the aquaculture industry in Victoria. As they mentioned, under the previous government the aquaculture industry was not greatly developed, and there are many reasons for that. As the honourable member for Swan Hill said, early attempts to develop the aquaculture industry did not follow sound environmental procedures, and as a result, as the honourable member described it, an anti-aquaculture lobby developed. I would not describe the lobby in that way. Clearly a number of people are concerned to ensure that the environmental impact of the aquaculture industry is taken into account.

The government is fully supportive of a developing aquaculture industry. I have attended aquaculture conferences and spoken with members of the industry from Victoria and from across the Murray River in New South Wales about the great potential for aquaculture in the state. Some interesting projects are taking place, including development of the abalone aquaculture industry and of a saltwater fishing industry in the internal salt-affected lakes in the northern part of Victoria, with which the honourable member for Swan Hill is very familiar.

There are some interesting developments occurring in the aquaculture industry, which the government will watch and be fully supportive of as opportunities come on stream. Over the coming years more research into and a greater understanding of the industry and its development will be needed. The government will continue to consult with all people over concerns about aquaculture and potential environmental hazards. It wants to work with proponents of the aquaculture industry to ensure that the industry develops in a

positive way across the state and that potential environmental degradation will be monitored.

As I have outlined, the bill will lead to improved enforcement activities in a range of ways for both inland and marine fisheries. Greater support will be given to undercover operations, if required. As previous speakers have outlined, in some fishery areas big money is to be gained from poaching and the department needs to run sophisticated operations to try to apprehend people who do the wrong thing. In other areas the enforcement methods will not be so sophisticated. Clearly some adjustments to the legislation are necessary so that the department can authorise its staff to follow through, look at catches and, importantly, apprehend people who do the wrong thing.

The bill provides a range of opportunities. It is the first of a number of legislative measures the government will introduce dealing with fisheries. As previous speakers have said, the Parliament's Environment and Natural Resources Committee is inquiring into aspects of fishery management, and abalone and rock lobster issues. Following those inquiries it is envisaged that there may need to be further legislation to respond to the issues raised by the committee. That will take place in due course. At the moment the government wants to enact legislation that will ensure that fishing opportunities are improved across the state and that a strong and sustainable fishing industry is maintained. I am pleased to commend the bill to the house.

Debate interrupted pursuant to sessional orders.

Sitting suspended 12.58 p.m. until 2.04 p.m.

ABSENCE OF PREMIER

The SPEAKER — Order! I advise the house that the Premier will be absent from question time today as he is attending the Conference of Australian Governments. The Acting Premier will be answering on his behalf.

QUESTIONS WITHOUT NOTICE

Business: tax reductions

Dr NAPTHINE (Leader of the Opposition) — I refer the Acting Premier to comments made by the executive director of the Property Council, Mr Jock Rankin, who said:

> The facts are that Victoria's land taxes and stamp duties are the highest in the country — they drive away investment and therefore jobs.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition should ignore interjections and come to his question.

Dr NAPTHINE — Sorry, they just asked which branch — —

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order, and I ask the Leader of the Opposition to ask his question.

Dr NAPTHINE — I refer the Acting Premier to comments made by the executive director of the Property Council, Mr Jock Rankin, who said:

> The facts are that Victoria's land taxes and stamp duties are the highest in the country — they drive away investment and therefore jobs.

I ask the Acting Premier when, with more than a thousand jobs leaving Victoria for South Australia in the past week, the government will heed the call from the business community and immediately reduce business taxes in the state?

Mr THWAITES (Acting Premier) — The taxes to which the Leader of the Opposition refers are property taxes and, of course, taxes introduced by the former Kennett government.

Honourable members interjecting.

The SPEAKER — Order! I ask the Treasurer to cease interjecting, and I ask the house to come to order.

Mr THWAITES — The Leader of the Opposition should be well aware of that, as under the Kennett government he was its last Treasurer when he took over from Mr Stockdale.

The property industry in Victoria is doing very well, as people in business would know. Indeed, a sign of the strength of the Victorian economy is that the building activity figures posted a total value of $720 million for September. The commercial and retail sectors, in which the property council is very interested, were at the head of that, with an increase in commercial buildings of 19 per cent over the past year, and the retail sector continued a record strong growth of 82 per cent over the past year — 82 per cent! That is a vote of confidence in the Victorian economy. It reflects the great confidence that the business sector has in the Bracks government and its policies.

I am pleased to have been able to play a part in that, having approved some $1.86 billion of development in planning in the central city area and its surrounds. Already construction has commenced on the Channel 7 digital headquarters at Southbank, the Mirvac building at Docklands, the MAB stage 1 business precinct at Docklands, and the Victorian County Court building. It goes on and on!

Mr Rankin and others are part of the review into taxation. They will be able to make their submissions, along with other businesses, and there will be different views from different elements of business. But one thing is clear: Victoria has lower taxes than the Australian average — certainly much lower than New South Wales — and the Victorian business sector is voting with its dollars and investments. That is why Victoria is doing so well.

Workcover: premiums

Mr RYAN (Leader of the National Party) — I refer to the answer of the Minister for Workcover to my question of 30 August, when he denied plans were afoot to change the name of Workcover. Given that documents obtained by the National Party under freedom of information show that advertising agencies have been asked to make recommendations on 'rebadging the organisation', will the minister advise the house whether the cost of the proposed makeover is included in the outrageous premium increases of this year, or can employers expect another price hike in next year's premiums to pay for this window dressing?

Mr CAMERON (Minister for Workcover) — The house would be aware that the Leader of the National Party previously asked if there would be a change of the name of the Victorian Workcover Authority. As I advised at the time, that is a name set down by statute and there are no plans to change that statute.

Any badging of activities — and some activities within the authority are under different badgings — would come from the public affairs area; and I advise the house that there has been a reduction in the public affairs area of Workcover because the government has to get the best value for the premium dollar.

The house will be aware that the previous government had premiums at such a level that massive unfunded liabilities were propped up.

Opposition members interjecting.

Mr CAMERON — They deny it!

That would be understandable if in recent years investment returns had been below average, but there have been very good investment returns in recent years. Otherwise the previous government would not have had massive liabilities — it would have had extraordinarily bloody high liabilities!

Gambling: advertising

Mr WYNNE (Richmond) — I refer the Minister for Gaming to the government's commitment to civilise the gaming industry. Will the minister inform the house of the latest actions taken by the government to crack down on misleading advertising of gaming products?

Honourable members interjecting.

The SPEAKER — Order! The Deputy Leader of the National Party!

Mr PANDAZOPOULOS (Minister for Gaming) — I think it is not only the gambling industry that needs civilising — so do the opposition parties!

In an Australian first today I unveiled plans for tough new restrictions across Victoria on advertising that promotes gaming machines. It is a necessary move and should have happened a while ago under the previous government. The regulations are groundbreaking and put the Victorian community at the forefront of a responsible gambling culture.

The Bracks government is about creating a responsible gambling industry whereas the other side were spruikers for the industry — and that is the big difference.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order!

Mr PANDAZOPOULOS — It is interesting that even though the industry applauds the plans and understands that the government is about responsible gambling, the other side has just not caught up, as I note by its interjections.

The government is issuing new regulations today. They will apply from the New Year after a regulatory impact statement. For the first time there will be regulations that restrict the types of advertising, and the focus will be on truth in advertising. The initiatives evolved out of the government's extensive community consultation campaign.

One of the key initiatives in the new regulations is that there will be warnings similar to the health warnings

that appear on tobacco products. Every form of gambling advertisement will have to carry a counterbalancing message to encourage gamblers to stop and think about the possible effects of gambling on them and their families. Next year a series of messages will be shown an a rotating basis.

The new regulations will ban a variety of forms of advertising. There will be no advertising that glamorises gambling, offers inducements to gamble or use gaming machines, misleads the community about the chances of winning, or is factually incorrect, misleading or deceptive. The new regulations also ban shopper dockets and complimentary coin promotions.

The regulations are a first. A fine of $2000 will apply to members of the industry who do not comply. These necessary initiatives are part of a range of measures introduced by the government to create a responsible gambling industry.

The federal government and other states are trying to catch up with Victoria's initiatives: Australia is watching the reforms that are being implemented here. The consultation process has been effective. We are establishing a new environment for gambling and creating a responsible gaming industry that will reduce the harm to communities and individuals.

MAS: royal commission

Mr DOYLE (Malvern) — I ask the Acting Premier whether the Department of Premier and Cabinet or the Department of Treasury and Finance has reimbursed the Metropolitan Ambulance Service for the legal costs it incurred at the MAS royal commission, now in excess of $1 million, or whether the service is funding its legal costs at the expense of its operational budget?

Mr THWAITES (Acting Premier) — As I have previously made clear to the house, the royal commission is the responsibility of the Premier.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order, particularly the Leader of the Opposition and the honourable member for Bentleigh.

Mr THWAITES — On behalf of the Premier, I am happy to advise the honourable member that the parties are being indemnified for their costs through the Department of Premier and Cabinet. The answer is that they are being indemnified.

Dr Napthine interjected.

Mr THWAITES — Two questions were asked by the honourable member for Malvern. Now the Leader of the Opposition asks a third.

The SPEAKER — Order! I ask the Leader of the Opposition to cease interjecting, and I ask the Acting Premier to ignore interjections.

Mr THWAITES — The system is that the ambulance service engages legal counsel, incurs a liability and subsequently goes to the Department of Premier and Cabinet for reimbursement — and that is occurring. The service will be paid by the Department of Premier and Cabinet at the appropriate time.

Metropolitan Women's Correctional Centre

Ms OVERINGTON (Ballarat West) — I refer the Minister for Corrections to the government's action in stepping in to take control of the Deer Park women's prison. Will the minister inform the house whether the government has been able to negotiate with the company to enable the state to take permanent control of the prison?

Honourable members interjecting.

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

Mr HAERMEYER (Minister for Corrections) — As the house is aware, on 3 October the government took control of the Metropolitan Women's Correctional Centre after four years of poor management, correctional practice and security. At the time the government indicated that it would not return the prison to the management of Corrections Corporation of Australia (CCA) but would manage the prison itself.

I am pleased to advise the house that the government has reached agreement with CCA to terminate the contract entered into by the Kennett government for the ownership and operation of that prison. The Metropolitan Women's Correctional Centre is now in public ownership.

I place on the record my appreciation of the good faith with which the company entered into the negotiations. As I said, the prison is now in public hands and will no longer be leased from CCA. That has been achieved with no additional cost — that is, with no cost for terminating the contract and with no compensation payable to the prison. The cost of terminating the contract and purchasing the prison is an amount less, over the life of the contract, than would otherwise have been paid — —

Dr Napthine interjected.

Mr HAERMEYER — If you shut your little trap you might hear!

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mornington, the honourable member for Monbulk and the honourable member for Polwarth!

I ask the Minister for Police and Emergency Services to cease debating across the table, particularly in the language he was using.

Mr HAERMEYER — Sometimes in the house one gets a sense of déjà vu. When I look across to the other side of the house I am reminded of *The Sixth Sense*, the video I borrowed at the weekend, and realise why I have a sense of déjà vu — because when I look across to the other side of the house I see dead people!

Honourable members interjecting.

The SPEAKER — Order! The house should come to order. The Deputy Leader of the Opposition and the honourable member for Mornington!

Mr HAERMEYER — The Valuer-General valued the prison at $22 million and the government bought out the contract for $20.2 million. The deal was a good one for Victorian taxpayers.

Dr Napthine interjected.

Mr HAERMEYER — I have just released it.

The SPEAKER — Order! The Leader of the Opposition should cease interjecting and the Minister for Police and Emergency Services should cease taking up the interjections.

Mr HAERMEYER — I apologise for affording the interjections more relevance than they are worth, Mr Speaker.

The prison has an opportunity to make a fresh start. It will take time to turn around its poor management, particularly as some of the inmates will have to get used to the notion that drugs and other contraband will not be freely accessible and that the prison will no longer be run by standover merchants. All but a few of the existing staff will be retained and some additional staff may be required. Extensive retraining will also be required, but the government is confident that the performance of the prison can be substantially improved and that the outcome will well serve both safety and sound financial management. The outcome is good for all concerned.

Ovine Johne's disease

Mr INGRAM (Gippsland East) — I refer the Minister for Agriculture to the fact that ovine Johne's disease and its control is a significant cause of distress to many Victorian sheep producers, and positive test results continue to turn up in Victoria's sheep flocks. When will the government respond to all the recommendations of the Environment and Natural Resources Committee inquiry into ovine Johne's disease, including those of the minority report?

Mr HAMILTON (Minister for Agriculture) — I thank the honourable member for Gippsland East for his question. I sincerely and publicly thank all members of the Environment and Natural Resources Committee, including those in another place, for the work undertaken during the inquiry. It can be seen from the media reports that it was a difficult and harrowing inquiry. I also thank the committee, chaired by the honourable member for Keilor, for its detailed and excellent report numbering 327 pages and, as the honourable member for Gippsland East mentioned, the minority report.

The report is extremely important to Victoria's sheep industry, which contributes more than $1 billion each year to the state's economy. The government must ensure that ovine Johne's disease, which was the subject of the report, is properly managed. It was interesting to read the scientific comment in the report that indicates the disease is difficult to manage for a range of reasons. Worldwide research on the disease is already being carried out but more needs to be done.

The government welcomes comments from all interested parties on their reaction to the report, which is right and proper. The report points out that many people were affected: not just those in the woolgrowing industry but the communities in which they live, their families and friends. There was a totality of impact across the whole of the Victorian sheep farming community.

Having received comments from interested parties the government will issue a draft response to each recommendation and to achieve an outcome — —

Mr Clark interjected.

Mr HAMILTON — The government will respond to each and every recommendation — —

Mr Perton interjected.

Mr HAMILTON — I am glad there is an adviser on the other side of the house. The government must respond to the wide range of recommendations in the report, which is a partnership response with the industry. If the industry does not own the problem as an industry problem and cannot work in partnership with the government a satisfactory outcome will not be achieved. The government is determined, as I am as minister, to ensure that the response given is one that is owned and adopted by the industry.

In that way we will have made the best use of the information and the good report prepared by the committee, which has worked extremely hard.

Multimedia: ministerial responsibility

Mr PERTON (Doncaster) — I refer the Acting Premier to the fact that that in October 1999 the Labor government dissolved the internationally praised Premier's multimedia task force with a promise by the minister that a chairman of a new information industry advisory group would be appointed in November 1999 and that the committee would be in place by January 2000. The government has now been in office for 12 months, but nothing has happened. When will the Premier finally appoint a dedicated minister for multimedia and information technology and get Victoria back on the information superhighway?

Mr THWAITES (Acting Premier) — It is interesting that the honourable member for Doncaster was not courageous enough to ask the question of the responsible minister. That is a mark of the dominance of the Treasurer, who is also the minister responsible for multimedia, over this pretender.

Honourable members interjecting.

Mr Perton — On a point of order, Mr Speaker, the Acting Premier may not be aware that the Premier was the responsible minister for the former Premier's multimedia task force, and it is appropriate that he, as Acting Premier, answer the question on behalf of the Premier and indicate whether the government will finally appoint a minister who is responsible for this most important part of the economy.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Doncaster. He is clearly using the opportunity to repeat his question.

Mr THWAITES — The thrust of the honourable member's question was whether the Premier will appoint someone else to be responsible for IT. I do not know whether I can speak on the matter on behalf of the Premier, but I doubt it, because the government has a minister, the Treasurer, who is one of the leaders in Australia in the field.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. I ask the Attorney-General, in particular, to cease interjecting.

Mr THWAITES — The people who really count are those in the IT industry. What do they think? Only yesterday Morgan and Banks released its quarterly survey on industry. The survey shows that the Victorian information technology sector has reported a record high for that industry type, with 74 per cent of IT employers intending to increase their work forces. That is the highest figure ever. So the people in the industry who are employing people and who will be part of the future of information technology are giving this government and this minister a great vote of confidence.

Rail: suburban services

Mr ROBINSON (Mitcham) — I ask the Minister for Transport to inform the house of any steps the government has taken in cooperation with private operators to improve Melbourne's suburban train services.

Mr BATCHELOR (Minister for Transport) — I am delighted to inform the house that, together with the private rail operators, the Bracks government has today announced the biggest increase in suburban rail services in 15 years. That is a fantastic announcement. It will mean more seats and more services, more often.

Honourable members interjecting.

Mr BATCHELOR — That will be achieved by a Labor government working in consultation with private rail operators, which the previous government could never have done.

It will result in 340 new train services operating from 19 November, which will involve an extra 160 000 seats being available on the suburban network each and every week. It is an historic improvement. It was brought about by the working relationship between the government and the private operators. It will provide an extra 200 peak services throughout the week and more than 60 services on Sundays. So there will be extra services both during peak times and on Sundays.

There will also be significant improvements in the services on the St Albans, Broadmeadows,

Sandringham and Lilydale–Belgrave lines, and new express services will be provided on the Frankston, Cranbourne, Pakenham, Epping and Werribee lines. There will be extra services on Sunday nights on all nine Bayside Trains lines, which service the north, west and south-eastern suburbs of Melbourne.

In addition to those extra services the Melbourne Central and Parliament stations will now stay open until the last train departs, instead closing at 7.00 p.m. as they did under the previous administration. The new services will give passengers more convenient choices in the central part of Melbourne and will encourage people to come back to public transport. It will encourage people to shift from using their cars and will be a great boost to the liveability of Melbourne.

Killara hostel

Mrs SHARDEY (Caulfield) — I refer the Minister for Aged Care to a report dated 10 October from the federal Department of Health and Aged Care which found that there was 'immediate and severe risk to the safety, health and well being of residents' at the state-owned and managed Killara hostel in Koo Wee Rup and I ask: will the minister explain to the house why this recently constructed facility is failing in its duty of care to its aged and vulnerable residents?

Ms PIKE (Minister for Aged Care) — The commonwealth government's accreditation system alluded to in 1996 and announced and legislated for in 1997 provided a wake-up call for the industry. Nursing homes and hostels across Australia have made enormous efforts to meet those standards. It was most unfortunate that that call was not heeded by the previous government. Over 190 publicly owned aged care facilities in Victoria were not given any support, encouragement or assistance to meet the demands.

Mr Maclellan — On a point of order, Mr Speaker, this almost new facility was not recording the medication for its patients, which has led to its suspension. The minister is debating the question in the answer she is giving.

The SPEAKER — Order! I do not uphold the point of order. The minister had been speaking for only a short time. However, I remind her of her obligation to answer the question and not debate it.

Ms PIKE — It is timely to remind the house that the same organisation to which the shadow Minister for Aged Care referred had been visited by a commonwealth standards monitoring team. In 1997, when the previous government was in power, the team produced a report showing that urgent action was required on a whole range of issues to ensure the safety and well being of residents. What did the previous government do? Absolutely nothing.

Dr Napthine — On a point of order, Mr Speaker, the question related to a report from the federal department in October this year. It related to the duty of care in a recently constructed facility. It does not relate to the issues in 1997, 1996 or 1995. It relates to what is happening now, 12 months after this member became the Minister for Aged Care.

The SPEAKER — Order! I do not uphold the point of order, and I will not allow the Leader of the Opposition to use the opportunity of taking a point of order to make a point in debate.

Ms PIKE — The very same organisation also required help in 1998, and what did the previous government do? Absolutely nothing. When a public sector agency required assistance, it did absolutely nothing.

The government is aware that there have been difficulties in some public sector agencies. The very day the government became aware that issues of care existed that needed attention at the Killara hostel in Koo Wee Rup, of course it did something, unlike the previous government, which did absolutely nothing. It offered no assistance. The previous government was quite prepared to let these agencies sink or swim. As I outlined to the house earlier this week, this government has put in a team of experts and has already developed an aged care quality improvement program.

The government rented a house in Koo Wee Rup. On the very day the commonwealth government advised it of the matter the government moved to put in nurse advisers, nurse educators and additional staff — unlike the previous government, which had absolutely no concern for the residents in this or other facilities and was prepared to let them sink or swim on their own.

Housing: government initiatives

Mr TREZISE (Geelong) — I refer the Minister for Housing to the government's commitment to boost public housing and ask her to inform the house of the latest action the government has taken to boost public housing stocks in cooperation with the private sector.

Ms PIKE (Minister for Housing) — The honourable member for Geelong has a longstanding commitment to public housing, and I thank him for his question.

The Bracks government went to the last election with a commitment to reinvest in public and

community-managed housing. It then went further and committed $94.5 million of new state money — money from the Victorian government over and above the commonwealth–state housing agreement funding — to growth in the provision of affordable housing in Victoria.

That new money will stimulate the construction of new housing, which is terrific news for the housing industry and which will directly benefit employment. It is the very first new money over and above the commonwealth–state housing agreement that has been provided by any government in the past decade. It is a stark reminder of the previous government's lack of commitment to public housing and public tenants. One need only go to some of Melbourne's high-rise estates to see the neglect and negligence that resulted from that lack of commitment.

Not only is the government putting up new money, but it is also investing $183 million to upgrade and redevelop existing social housing stocks — that is, the neglected high-rise estates. Not only were they neglected, all honourable members know about the $240 000 that was expended by the previous government to hire consultants to work out ways to knock them off. Instead, the current government is investing an additional $165 million in acquiring additional stock where chronic shortages of affordable housing exist.

In May this year I established the Social Housing Innovations project. The role of the project was to advise the government on innovative models of providing housing and to look at partnership models. The government has been participating with local government, the community, the non-government sector and the private sector to examine ways in which we can work together to develop new housing models. A report on those new models is due in November.

Mr Ryan — On a point of order, Mr Speaker, I refer to your direction that ministers be succinct in their responses. The minister has been speaking for more than 4 minutes and she is now addressing a separate topic altogether. I ask that you direct her to sit down.

The SPEAKER — Order! I do not uphold the point of order. However, I ask the minister to conclude her answer.

Ms PIKE — This Saturday in the public media the Office of Housing will be advertising for potential partners to submit joint venture proposals to the government. The government has put up the money, it is looking for partners and it is very confident that people will want to join with it in what is a very exciting innovation that will expand the supply of affordable housing in the state of Victoria. That is good news for the housing industry, good news for jobs and good news for public housing tenants. I am excited about the project and I commend it to the house.

FISHERIES (AMENDMENT) BILL

Second reading

Debate resumed.

Mr VOGELS (Warrnambool) — The Fisheries (Amendment) Bill introduces a suite of reforms to provide for the continued improvement of the management of fishery resources through stronger enforcement provisions as well as changes to management and administrative processes. The bill, through a management plan, will provide for quota fisheries within the state.

During the election campaign the government promised to establish a trust account for revenue raised from recreational fishing licences and to create a fisheries revenue allocation committee to provide advice on expenditure from that trust account. The revenue raised from the recreational fishing licences would be paid into a recreational fishing licence trust account and be spent on improving recreational fishing after taking account of administration costs.

The amateur fishing bodies seem to be happy with that approach, although they have queried the wisdom of some of the decisions made in the past. There also seems to be a great discrepancy in the number of recreational anglers in Victoria. The Department of Natural Resources and Environment in a number of its publications has claimed there are some 1 million recreational anglers in Victoria.

I will read from a letter I received from the Australian Recreational Fishing Alliance, which states:

> In the regulatory impact statement — —

The SPEAKER — Order! The honourable member for Pakenham! The honourable member for Doncaster! The house will come to order. The honourable member for Warrnambool is deserving of the courtesies of the house.

Mr VOGELS — Thank you for your protection, Mr Speaker. The letter states:

> In the regulatory impact statement on Fisheries (Commercial and Aquaculture) Regulations 2000 — July 2000 — on page 6#4 reference is made to '1 million' recreational anglers.

Another publication in May referred to 1 million recreational anglers, and so it goes on. The letter continues:

> At public meetings held in conjunction with the Marine Coastal and Estuarine Investigation reference was also made, at several different venues, about '1 million recreational anglers'.
>
> Then in another publication the DNRE has stated that the recreational fishing licence is well received and there is a high compliance by those who require a recreational fishing licence.

A fishing licence costs $20, and $20 multiplied by 1 million is $20 million. *Fish Fax*, a publication of the DNRE, states that last year there were 191 181 recreational fishing licences distributed, yet the total income from all those licences was only $3.862 million. Where is the other $16 million? That is a huge discrepancy. It makes me and the Australian Recreational Fishing Alliance wonder!

The letter also states:

> Assuming that the figure of '1 million recreational anglers' was a mammoth exaggeration and fabrication by those — —

The SPEAKER — Order! The honourable member for Caulfield! I ask the honourable member for Warrnambool to pause. I asked the house a moment ago to extend the courtesies of the house to the honourable member for Warrnambool. The Chair will not tolerate members crossing between it and the honourable member speaking.

Mr VOGELS — I will repeat that:

> Assuming that the figure of 'one million recreational anglers' was a mammoth exaggeration and fabrication by those who did the report for the government so that they could justify the new proposed restrictions …

That refers to the restrictions advocated in the marine coastal and estuary plan. That figure of 1 million all of a sudden supposedly gives you good reason to say that all the anglers out there are causing a lot of damage in the marine parks. There is a huge discrepancy there. These questions need to be answered. Will the trust account have approximately $4 million a year to invest in the recreation industry or $20 million?

The rest of the bill is jumping the gun. Given the advanced management planning process that the abalone fishermen are in at the moment, the abalone industry requests that provision be made to preserve the current status of sections 64 and 65 of the Fisheries Act pending completion of the management plan process. They also go on to say, and the honourable member for Bellarine mentioned this point:

> Industry supports same save and except it notes the introduction of a penalty for taking abalone more than the maximum size. There are no maximum size limits.

What is a maximum size limit? I did not know there was such a thing. I can imagine maximum catches in tonnage, but not a maximum size for abalone.

An honourable member interjected.

Mr VOGELS — I have just had an answer to the question. I fail to understand why you would not wait for the findings of the inquiry into fishery management being conducted by the Environment and Natural Resources Committee and the government's response to the marine coastal and estuarine management report that the minister tabled in the house last week. I would bet London to a brick that many of the recommendations from those two reports will have a major impact on the fisheries bill.

I turn to clause 9, which substitutes proposed new section 64, which states in part:

> 1) The minister may, by order published in the *Government Gazette* —
>
> (a) declare that the whole, or a specified zone or zones, of a fishery is to be managed by the allocation of quotas …

A quota fishery would be defined by reference to the meaning of 'fishery', which could be defined by a species, area or specialised zone or zones. If one assumes there are two lobster zones, it might be that one zone is on quota and the other is on non-quota. The minister could make an order, for example, that the Port Campbell rock lobster zone be a quota-managed fishery, and that could then flow on to quota management. I understand that one of the problems with fishery management is that what is good for some fisheries could be a disaster for others. What checks and balances can be introduced before that power is exercised to bring some certainty to a fishery?

Apparently proposed new section 64B provides that the minister is not allowed to make, revoke or amend the order unless there has been consultation beforehand and all submissions have been taken into account. That does not mean the minister has to act on the consultation or submission processes but has only to consider them. If a fisheries act becomes a matter of interpreting legislation and management plans, the fishing industry has a right to be concerned. If a minister were totally

Green or anti-industry, or both, it could spell disaster for a certain zone or the industry as a whole.

The minister will set the management plans. I believe any major changes should be dealt with by the Parliament — that is, by the elected representatives in this house. It concerns me greatly that people will be forced out of the industry. There is nothing in the bill about compensating those who are forced out.

In conclusion I reiterate that the government should set up a trust account to distribute the money collected from the recreational licence fees. However, consideration of the rest of the bill should be postponed until the outcome of the two abovementioned reports is known.

Mr TREZISE (Geelong) — I support the bill, which makes a number of amendments to the current legislation and therefore a number of improvements to the management of fisheries. As honourable members are aware, Geelong is a city along the coast of Corio Bay and therefore has a large fishing population and a thriving fishery industry. When one talks about the fishery industry in Geelong one talks about families such as the Katos and Mantzaris families, who have been well known in Geelong for many years and who now run their own companies. I know the members of the Katos family, so I know of the many hours they have put into the fishery industry in Geelong. I commend both families on the companies they run. They are both substantial employers in the Geelong area.

The bill is important to the electorate of Geelong, which has a large fishing population. I have met with many of the fishing clubs in Geelong and with the Victorian Recreational Alliance. They have raised a number of concerns, including where the revenue from the fishing licences goes. Obviously people who fish would like the revenue to go back into fishing. The legislation satisfies that requirement to a large degree by setting up a trust account. The expenditure of the money in that account is to be determined by the minister following advice from a fishing-based committee. It is pleasing to see that the revenue will go into either fishing or the administration of the licence system.

In recent months the government has put $1.2 million into upgrading the major boat ramp in Geelong at Lime Burners Point.

An honourable member interjected.

Mr TREZISE — You put nothing into it — you are better off being crook at home! Fishermen in the Geelong region are happy that the government is upgrading the main boat ramp in Geelong.

A significant aspect of the bill is its transparency, which is also the signature of this government. I am pleased to see that a review of the expenditure will be brought before the house on an annual basis. I commend the government and the minister on that initiative.

Another initiative is the tightening up of the laws governing fishing. As all honourable members would appreciate, the vast majority of people who fish are law-abiding citizens, and they understand why tight laws are necessary. The laws ensure that the marine environment is respected and protected. I am sure people who fish will support the provision that allows fishery officers to work undercover. Because of the nature of some fishing crimes, especially abalone poaching, it is necessary for some officers to work undercover. I am sure people who fish will appreciate fishery officers being given more prosecution powers.

I support the bill because it will improve the current legislation and therefore improve the management of fisheries, which is important to the electorate of Geelong.

Mr THOMPSON (Sandringham) — It is germane to refer to the importance from a commercial fishing perspective of Australia's fishery exports. It is notable that tuna generates exports valued at approximately $120 million; salmon, $11 million; other fish, $143 million; rock lobster, $451 million; prawns, $224 million; abalone, $185 million; scallops, $33 million; other edible products, $56 million; pearls, $272 million; and other non-edible products, $16 million. It is clear from those figures that the commercial fishing industry is worth a great deal to the Victorian and Australian economies.

Some years ago the Scrutiny of Acts and Regulations Committee undertook a inquiry into the regulation of the abalone industry entitled *Taking Stock*. It found that just over 70 abalone licence-holders in Victoria each had a licence quota of approximately 20 tonnes.

In the development or exercising of that quota, some fishing licence-holders, or abalone licence-holders, were able to accumulate their cohort of fish stock within a finite time and others might have extended the time over a greater period.

In Victoria over the past 15 to 20 years the value of abalone licences increased from some $75 000 to more than $4 million. As a consequence, there was a great opportunity for poachers to encroach on the abalone fields of legitimate abalone licence-holders and place

the abalone that had been gained in illegal canning operations or move the product up to Queensland for the export market. The abalone industry was subsequently heavily regulated where from the time of catching the abalone the product was required to be binned, and with the use of fax and telephone procedures a report was to be made of the volume of the catch. The particular batch was then labelled from the back of the boat through to the canners.

In terms of the management of fish stocks, it is notable that there are a number of depleted stocks around the world. A fishing community in Newfoundland lost its fish industry because of the despoliation of the fish beds and spawning fish being taken up in wider netting operations. The Victorian abalone industry is important as it is one of the world's last great sustainable bases of fishing. It is therefore of the utmost importance to the Victorian economy and also to licence-holders, especially those who have invested a great deal in the industry.

In Victoria in recent times, and the bill addresses this particular concern, the recidivist activities of Campbell Strachan have been highlighted. He has gone to great lengths to continue to poach abalone without holding a proper licence, and his illicit activities have impacted on the sustainability of abalone stocks.

There are many fishing interests and industries within Victoria, from Portland to Mallacoota, rock lobster and abalone in particular. In his shadow responsibilities, the opposition spokesman has taken considerable time to consult with the different fish industry interests to ascertain what would represent the best level of policy development and conservation.

I will comment more specifically on clauses 6 and 9 of the bill. Clause 6 provides a new process for varying fishery licences and conditions of licences. The clause, like related clauses, derives from the fact that at one time there was a management plan for particular fisheries in Port Phillip Bay. Shark fishing techniques that were introduced to haul a greater volume of fish through netting had a deleterious impact on overall fish management. As part of the licence-holder provisions, fisheries management in Victoria endeavoured to incorporate certain conditions on licences which were overturned as a result of a legal decision. Subsequently, it was considered appropriate to vary the act so that the secretary of the department could vary a licence to give effect not to the letter of the law management plan but rather to the spirit of the management plan so the fish stocks could be preserved.

Clause 9 allows the minister to approve the permanent transfer of quota units once a certain allocation or quota has been determined regardless of whether it is taken by an individual operator or by a number of operators or whether an individual operator is able to acquire the quota of another operator. The bottom line is that in the case of abalone only the same volume of stock can be removed from the sea bed. The provision will allow people who do not wish to take up their full quota to transfer their share on a permanent or temporary basis.

A recently released Environment Conservation Council report makes a number of recommendations regarding marine parks along Victoria's coastline. The process was undertaken over a nine-year period involving six public consultation phases and more than 4500 written submissions. As a consequence of that work a report was given to the minister which includes a recommendation for 13 marine parks and 11 sanctuaries.

Only 6.2 per cent of the Victorian coastline is protected under the act. It is interesting to note that, while in theoretical terms only 6.2 per cent of the coastline may be protected, in certain fishing arenas 30 per cent of the available fishing area for a commercial angler has been removed. That might apply to an abalone licence or to a rock lobster licence in terms of the available reefs from which the fish stocks can be taken. In terms of the pristine reserves available, rock lobsters make an important contribution to the Victorian economy.

As to other parks referred to in the Environment Conservation Council report, a number of changes were introduced. Amendments were made to the Port Phillip Heads region, Discovery Bay, Apostles Beach, Churchill Island, Seaspray, Point Hicks, Ricketts Point and Point Cook. As a consequence of the widespread consultation with local fishing interests, the interests of both commercial fishers and recreational fishermen were met to a wider degree.

I now refer to commercial fishing concerns. At Port Phillip Heads the size of the recommended park has been reduced to diminish the impact on fin fishers. The Glennies Group at the Prom was an important area for abalone, and the size of the park there has been restricted to take the Glennies Group into its area. The park at the Nobbies was changed to help rock lobster fishing interests.

From that report and earlier studies, it is clear that habitat is of great importance to the development of fishing and fish stocks in Victoria. One of the greatest achievements in Victoria over the past 50 years was the decision of the former coalition government to abolish

scallop dredging in Port Phillip Bay. That practice decimated the sea floor of the bay. It removed the mussel beds, the seagrass beds and the marine environment that was necessary for the breeding and proliferation of certain forms of fish that were important as part of the overall food chain. That was an outstanding commitment on the part of the former government and already there are anecdotal reports among fishing interests to the effect that fish stocks are starting to improve within the bay itself.

Those who carry green interests to heart are not the only ones interested in the conservation of fish stocks; recreational anglers also have a keen interest in improving the availability of fish within Victorian coastal waters. The invasion of the Northern Pacific seastar into Port Phillip Bay, where its critical mass has been estimated to be of the order of 65 million, may have an impact on the quality of marine life in the bay.

Earlier this year recreational anglers took on the task of minimising the mass of the Northern Pacific seastar in Port Phillip Bay, and a number of those anglers contributed actively to the work of the Environment Conservation Council (ECC) through its public consultation process. In the case of the Beaumaris Motor Yacht Squadron, Ian Jones, the immediate past commodore, Max Trist and Wally Nicholson, three people with extensive knowledge of Port Phillip Bay and its marine habitats, contributed their expertise towards a constructive outcome.

A number of years ago a fisherman presented me with the essential problem: that there are too many fishermen and not enough fish! The aim of the legislation is to achieve the better management of fish stocks in Victorian coastal waters through the development of constructive proposals, and that is not opposed by the opposition.

The development of breeding grounds is an important issue. The habitats made available by the proliferation of appropriate seagrass beds is important to the breeding of fish, especially whiting. Victorian waters, and Port Phillip Bay in particular, also have important snapper breeding grounds. Breeding snapper spawn underwater and the eggs float to the surface, where they remain for a period of time.

The Marine and Freshwater Resources Institute (MAFRI) at Queenscliff has done important work analysing the breeding patterns of fish in Port Phillip Bay and other Victorian coastal waters. Its work is a combination of scientific research, input from recreational anglers and oversight based on the accumulated wisdom of officers of the department, plus an understanding of what is going on in other places around the world. The work will enable Victoria to develop a strong fishing management policy so that in years to come Rex Hunt and his colleagues will still be able to enjoy recreational fishing in the bay.

I now comment on the deleterious impact on fish stocks and breeding patterns of commercial netting in the bay. Governments and oppositions should take steps to determine whether commercial netting can be discontinued in Port Phillip Bay so that it can again become not only one of the great sailing waterways of the world but also one of the great fishing grounds.

Mr INGRAM (Gippsland East) — Pursuant to sessional order 2 I declare at the outset that I have a pecuniary interest in the bill and intend to abstain from voting on it.

The bill is the result of much consultation, and I congratulate the Minister for Environment and Conservation and her staff on their handling of the process the proposed legislation has undergone. The exposure draft made available to interested parties has allowed members of the fishing industry and others to comment on the bill — a procedure, I might say, that was instigated at the insistence of the industry.

The changes made to the exposure draft both by the government and by the industry during consultations have improved the bill. The way the bill has been handled overall could stand as the benchmark for the handling of future legislation passing through this Parliament. If other bills are handled as well as this one has been, people directly affected by them will have a real chance of getting their point of view across.

There are people in some sections of the commercial fishing industry with views other than those expressed in the bill. My understanding is that those holding differing views, including members of Seafood Industry Victoria, are a minority in the industry, and the Seafood Industry Victoria people have said they will accept the bill as it is.

People in the industry have had to make choices about a number of provisions. One example has to do with the provision for permanent transfer of individual abalone quotas.

The bill set up a trust fund for recreational fishing licences, and it is essential that the fund be properly managed so that the benefits derived from the fees go to the recreational fishers paying for their licences.

One of the areas identified to me as a priority is the continuation of the bonus for licence buyout system,

particularly in smaller estuaries. We still have commercial fishing in some small bays and estuaries along the coast of Victoria that cannot sustain fishing, including areas around Tamboon and Lake Tyers. Another example is commercial fishing in the bottom lake at Mallacoota. Putting an end to commercial fishing in the bottom lake would be well and truly applauded by the large number of tourists who go down there to go fishing. The recreational fishers and tourists put much more money into the community than commercial fishers do, especially those who harvest the smaller estuaries.

The trust fund could be usefully employed in the improvement of environmental conditions in some rivers and the implementation of surface water off-takes on dams such as Eildon and Dartmouth. Water off-takes have had an effect on the quality of native fisheries in such areas, particularly on Dartmouth on the Mitta Mitta River. The establishment of the dam has led to the virtual destruction of the native fisheries in the area. Complete populations of Murray cod, trout cod and Macquarie perch have been lost to the Mitta Mitta River because the conditions are now never favourable for the spawning of those species. The implementation of a surface water off-take and adequate flows at the right time of the year would improve that situation. It is also important to ensure that the fish stocking does not have an impact on the survival of native fish and the biodiversity of rivers and lake systems.

The involvement of VR Fish has to be questioned because there appears to be a problem with its management structure. Ideas that come out of VR Fish are not always voted on, it puts out papers that its members do not fully agree with or on which its members have not had a chance to vote and sometimes expenditure does not go before the board for allocation — and that needs to be tidied up before VR Fish has too much control over where the trust fund money goes.

The bill also deals with fisheries enforcement. The second-reading speech states:

> Further provisions in the bill relate to the protection of resources through enforcement. Without effective enforcement measures, fisheries resources may become depleted so that they can no longer support sustainable commercial catches or provide large numbers of recreational fishers with a source of great enjoyment. To ensure that fisheries resources remain sustainable, strong and decisive action needs to be taken against those who fish illegally.

As I said earlier, I have an interest in this area because of my previous involvement in the fishing industry. For example, in the abalone industry often it is only the people on the ground who direct enforcement and because of previous government decisions to reduce numbers there has been a severe impact on fisheries enforcement.

It is essential that illegal fishing be recognised for what it is — the theft of fish. It is the taking of fish out of productive use or enjoyment by the community. As a society we would not allow people to enter a farm and steal someone's cattle — it would be deemed inappropriate — but perhaps because of our convict history we have a different attitude to poaching. The only way poaching in the abalone industry can be adequately addressed is by tackling it as an organised criminal activity. Poaching is a real threat to the future integrity of not only commercial industries but more seriously also the future viability of fisheries resources. The current level of enforcement is inadequate and this organised criminal activity requires the use of measures with the capacity to deal with the problem.

On that note, I condemn the previous government for its decision to withdraw side-arms from fisheries officers. Although that was not the only problem associated with fisheries enforcement, it was a major catalyst to adequate enforcement ceasing in many areas. Once their side-arms were removed fisheries officers had to rely on backup from police, yet at the same time police numbers were being reduced, particularly in country areas.

I can relate to the situation in East Gippsland and I will explain the concept of and the difficulties involved in fisheries enforcement. For example, isolated headlands along the East Gippsland coast can be two hours from a police station. It is impossible for an officer who is two hours from a police station to receive police backup when dealing with a poacher. In many instances police backup comes from stations where only one or two policemen are on duty, even when the station is fully manned, and a 24-hour station can sometimes be three to four hours away from the location of the illegal activity.

Currently, enforcement measures are taken not on the ground where the illegal activity has taken place but kilometres away on the highway. Attempts are made to pick up vehicles but only the couriers are caught. Normally the poachers split up, with the operatives going in one direction in one vehicle and the courier taking the contraband in another vehicle in a different direction. Only the couriers get caught. They are usually first offenders and receive a minor fine. The next time the operatives find another bunny to do the courier operation.

The real perpetrators of the offences are not being caught or fined. The entire enforcement effort has been gutted. I agree with the increased penalties and a number of other provisions in the bill, but for the future there is also a need to look at the way enforcement is undertaken. It is necessary to get an enforcement capacity back into fisheries so illegal fishermen can be intercepted on the beaches where the activities are being undertaken. I am sure most of these issues will be dealt with by the Environment and Natural Resources Committee during its inquiry into fisheries management.

The bill also provides for the cleaning up of the aquaculture industry. Victoria's industry is behind those in other states, even though aquaculture is the largest growing industry sector in rural Australia. It is currently worth about $200 million a year, of which Victoria's share is $15 million, and increasing at a steady rate. Provisions in the bill increase penalties. That is positive because in the future we have to be able to catch the perpetrators.

The bill is an enabling bill that will improve management, and some people in the crayfish industry have a problem with that. Those problems can be dealt with outside the terms of the bill, which enables the management plans to be implemented.

I congratulate the government on introducing the bill, and I thank the minister and her staff for the discussion that has taken place.

I commend the bill to the house.

Ms OVERINGTON (Ballarat West) — I have great pleasure in speaking on the Fisheries (Amendment) Bill. Many areas have been covered in the debate, particularly aquaculture and commercial fishing, but I want to cover the issues that relate to the average recreational fisherman and fisherwoman. I heard the honourable member for Geelong refer to them as fisherpersons, but I am a fisherwoman, having held a recreational fishing licence since I was 18.

My family and I have had a long involvement with recreational fishing. When I was 19, I won a trophy for the heaviest redfin at the Learmonth fishing club. My family's involvement in and keen association with fishing has continued over many years, and I am currently secretary of the Bent Hook Fishing Club in Ballarat. The club has about 20 members, and through it I enjoy many weekend fishing trips with the whole family. I have not heard it said today that fishing is a family sport. Although fishing can be extremely expensive if you are out on the bay looking for the big fish, in general it can be conducted quite cheaply by fishing from a jetty using a couple of fishing rods, or if you cannot afford that, a hand reel. It provides good sport for the whole family.

Unfortunately, in some areas, the number of fish has declined. One of the curses of the inland waterways is the carp. A number of years ago I had great delight in fishing at Lake Hindmarsh. In those days it was possible after putting out a legal net at night to go out in the morning and get a number of redfin. The last time I visited the Wimmera River, which flows into Lake Hindmarsh, the smell was overwhelming because the carp were higher than the weir. It was a demonstration of how the number of carp has grown. They cannot be used and they destroy the waterways for other fish stock. There is a need to use moneys from the trust to look at ways of eradicating the carp or harvesting them on an industrial scale because of the extreme damage they do.

The honourable member for Warrnambool stated that he had never heard of the taking of undersized fish. I assure the honourable member that there is a minimum size for most species of fish. The rules concerning the taking of undersized fish should be communicated to all fisherpersons. A few years ago when you got your fishing licence, you were given a tape to put on your boat or tackle box so you could measure the species against the tape. That was an excellent idea.

I am pleased to support the bill on behalf of the ordinary recreational fisherperson.

Mr RYAN (Leader of the National Party) — It is my pleasure to join the debate on the Fisheries (Amendment) Bill. Many others have canvassed the structure of the bill and its import. I wish to speak briefly to two matters that are of significance to my electorate.

I have the honour to represent the best Legislative Assembly seat in the state of Victoria, which encompasses a large part of the coastline of our great state, and two issues arise in that area in particular. The first relates to recreational and commercial fishing in all its forms. I refer to the recently released report by the Environment Conservation Council (ECC), which recommends that 13 marine parks and 11 marine sanctuaries, 24 in total, be created along the Victorian coastline.

I make it clear that the National Party does not oppose the creation of marine parks. That is not the issue, and it can be put aside. However, it is a fallacy to say that the proposals impact upon only some 6 per cent of the

state's coastline because that ignores the relationship between the fishing grounds and their actual position along the coastline. For example, if 50 per cent of the available fishing grounds are encompassed in 6 per cent of the coastline affected by the proposals the statistic becomes nonsensical.

From the numerous submissions that flooded into my office subsequent to the tabling of the report a few days ago I find that those who either make their living from fishing or who love fishing as their chosen sport have grave concerns. People in my electorate are concerned — and I believe their concerns reflect those of people in other electorates — that they will not have anything like the capacity to engage in either commercial or recreational fishing.

They are concerned that the Environment Conservation Council (ECC) has not taken into account the appropriate social and economic consequences flowing from its recommendations. People think that in many circles the recommendations ignore or do not do justice to the many submissions made on behalf of communities, particularly those along the coast. They are worried about the impact the legislation will have on places such as Port Albert, Port Welshpool, Port Franklin, Toora, Foster, Yarram and other small towns along the coastal strip that I represent where many of the communities are dependent on either the commercial fishers who work from the ports and/or those who come to the ports and towns to pursue their recreational interests.

The industry provides an enormous source of assistance for the tourism industry because many towns have facilities such as caravan parks that are a haven for people who love to come to the coast to fish. They are loudly telling the National Party that they are extremely worried about the general nature of the recommendations made by the ECC.

The National Party believes the best way to ensure that the creation of the marine parks is acceptable to all is to take into account everybody's point of view on where it is realistically appropriate to create them and to ensure that they have a capacity for multiple use in a way that does not destroy or damage them. The National Party believes that reflects the strong views expressed by the majority of people in the area who have a direct interest in the issue.

They believe the ECC report has not done justice to their concerns. I ask that at this stage of the ECC reporting process appropriate consideration be given to the many submissions made by and on behalf of my constituency to preserve the significant and in many instances lifelong interests that many people have in this vital area.

The second issue I wish to address is associated with the first, and is the all-important question of the development of the aquaculture industry. Some six or seven years ago in company with others I established an organisation in South Gippsland with the direct intention of developing an aquaculture industry. Much work was carried out over the years and the organisation was responsible for many improvements in the development of aquaculture in Victoria.

In Gippsland the principal agency involved in this important process is the Gippsland Aquaculture Industry Network (GAIN) and I am looking forward to attending a function in the name of that organisation and participating in the day's activities next Wednesday. The industry offers much to Victoria. Imports of food related to maritime product are in the order of $800 million annually, so it is important for the enhancement of the industry that the opportunities available to use some of the best waters in the nation be taken. Victoria has a capacity for the growth of oysters, abalone and fin fish of various kinds and it is imperative that the opportunity be taken to develop those industries to their highest capacity.

Unfortunately, in its last budget the government cut some $1.5 million from the allocation to the Victorian aquaculture industry. I am fearful for places such as Snobs Creek hatchery and the work it has carried out over the years. Those sorts of short-sighted decisions will have an impact that is longstanding in its nature. Equally, the Victorian Aquaculture Council, which has carried out some terrific work in furthering the interests of the industry, has had its funding cut by 50 per cent.

The National Party calls on the government to provide commercial support instead of the lip-service it pays to the industry and give the people involved in it realistic and practical encouragement to continue the work they have undertaken over a period of years to achieve growth. The industry has a marked natural advantage, a competitive edge and a demonstrated capacity to grow a product that will not only service Australia's domestic market but also offer much internationally. Instead of doing that, the activities of government are conveying a wrong impression to the marketplace.

As a second matter, the National Party hopes that the general discussion in the community on the development of aquaculture will enable the promotion of what it believes is one of the great opportunities for Victoria.

Mr SEITZ (Keilor) — I congratulate the minister on undertaking extensive consultation on the Fisheries (Amendment) Bill. It is always a difficult task to make laws and regulations covering all those involved in the fishing industry, including recreational fishermen and professional fishermen and those people who are concerned about the natural environment and who think all fish should be left in streams and waterways.

The fishing industry comes from humble beginnings. In the early days of the colony there were no regulations covering fishing. We now have laws to control it and ensure its sustainability. However, with sustainability came the commercial aspect — and I am referring not to fishing by professional fisherman but to the trading in licences and quotas. That has always been a vexatious issue, because when a minister issues a licence it becomes a commodity that can be traded.

The bill contains amendments to allow for the permanent transfer of quotas in the fishing industry. That gives the people who work in the industry the security to plan their investments and their livelihood. Someone who leases a yearly quota from someone else — he or she is usually the highest bidder — needs to be able to plan for the future. That matter is addressed in the bill, which I welcome.

The professional fishing industry is diminishing. Our coastal towns are slowly disappearing, in response to which governments seem to be forever undertaking inquiries. The all-parliamentary committee of which I am the chairman is inquiring into fishery management. It will prepare a report, but in the meantime I welcome the amendments introduced by the minister, because they are essential. I also welcome the provisions dealing with recreational fishing licences, including the uses to which the money that is collected can be put.

As a camper and recreational fisher in Portarlington I have to declare a pecuniary interest. Given my position I am always asked questions by the people at my camp site. When recreational fishing licences were first introduced people were screaming about them, but now, to a large extent, most have accepted them. Recreational fishermen now understand why they have been introduced. One of their initial concerns was about whether the money that was collected would go back into the industry to improve boat ramps and fish stock and the other things that concern them.

The bill specifies how the money collected from recreational fishing licences may be used. However, the people who use charter boats still ask about whether they are required to have recreational fishing licences. Of course, the answer is yes. Although in the past people paid a fee to charter a boat and did not have even to bring their gear with them because it was supplied, now they have to have a recreational fishing licence.

All those measures bring with them an understanding that the natural environment is precious and that modern technology can ruin the sustainability of the fishing industry. I hope the bill goes a long way towards improving the sustainability of the industry.

Mr SMITH (Glen Waverley) — Like the honourable member for Gippsland East I would like to declare an interest in the Fisheries (Amendment) Bill. I am a recreational fisherman, but I must admit I have never caught a fish. I thought that admission should go on the record! Let me assure you, Mr Acting Speaker, that my wife is trying to rectify that situation, and in the past two years she has bought a number of fishing lines and licences. Unfortunately, we have had no luck. When people see our poor little group catching nothing at all they usually end up giving us some of their fish, so we do not leave the beach empty handed. However, the well-known raconteur fisherman and gourmet expert, John Pola, is coming down from Sydney during the Christmas period to give us lessons in fishing and, I hope, in patience, which was the main reason for my wife's wanting to introduce me to that wonderful sport.

As we all know, fishing is one of the most popular sports in the community. Like gardening and racing, a huge number of people enjoy it. The bill is necessary. The principal legislation was introduced by the Kennett government — and I do not think anyone is trying to score any points about that. As a result of the joint efforts of the previous government and the current government, the bill contains a series of measures which the Liberal Party is not opposing. However, most of the measures were announced by the Kennett government.

Fishing is a recreational sport for some and a livelihood for others. It has gained a great deal of impetus in the past few years through the efforts of people like Rex Hunt and from television programs like *Monarch of the Glen*. I am sure they have encouraged the community to take up fishing and have helped build healthy attitudes to fishing. As you would know, Mr Speaker, the Rex Hunt fishing program enjoys high ratings. Apart from providing lessons in fishing techniques for fishermen more adept than me, it also sends a message to the community about good fishing habits. I am sure the minister would want people imbued with that knowledge.

Setting up the recreational fishing licence trust account as outlined in clause 19 is a great measure because the account is credited with recreational fishers' $20 licence fees, and goodness know how many millions of dollars that will attract. The committee will comprise two members of the Fisheries Co-Management Council, two people nominated by the secretary and two nominated by the recognised peak body for recreational fishing. The committee's job is to decide how the money is to be spent. This is a sensible measure to ensure the money is spent wisely.

As a fisherperson all her life, the honourable member for Ballarat West was adamant that the upstreams of rivers be properly stocked, and money can be allocated by the committee to ensure this happens. There will be policing of the foreshores and bays to ensure that fishing is done sensibly so that fish stocks are not depleted. I am not sure whether I agree entirely with the honourable member for Gippsland East about wanting to issue side-arms to those policing the rivers. The police force carries out that activity. and we do not want to encourage people to go around shooting poachers. That might be beyond the pale. Those of us who have watched *Monarch of the Glen* have seen the police use other methods for catching poachers.

The provisions of the bill are sensible and will add to the enjoyment of recreational fishers. The legislation will ensure that the commercial industry is properly protected for fishermen like the honourable member for Gippsland East, but it will all depend on how strongly the government is prepared to put its heart into enforcing the measures. I hope the government will ensure that the recreational and commercial fishing industries will be assiduously administered by its public servants so that Victoria will have a prosperous fishing industry.

The ACTING SPEAKER (Mr Plowman) — Order! The honourable member for Dromana has 4 minutes.

Mr DIXON (Dromana) — Like the honourable member for Gippsland East, I am tempted to declare a pecuniary interest. I have spent many thousands of dollars trying to maintain a boat in which to go fishing — with not much success! However, it brings a lot of enjoyment.

My electorate of Dromana is surrounded by Western Port Bay, Port Phillip Bay and the ocean beach, so recreational and commercial fishing is important to the economy and to the recreational pursuits of my constituents. When the previous government banned scallop dredging in the bay it was probably one of the most popular decisions ever made. It is now three years since that happened, and more and more fishermen and divers are telling me that they have never seen the bay in such good condition. The fish stocks are returning and the food chain in the bay has made a great recovery.

A recreational fishing licence system has been introduced throughout Victoria and has been well accepted by locals and visitors alike on the Mornington Peninsula. They understand that the money raised by the licence fees will not go into general revenue but into the trust account that the bill sets up. It is important that the operation of the trust account be transparent, and we hope the bill will bring that about.

Recreational fishers are keen to improve the quality of their fishing and the fish stocks in the bay, and that is where the money raised by the recreational licence fees will be used.

Enforcement is an important issue. It is important that the policing of fishing licences, fish sizes and quotas is followed through. Enforcement officers need to be visible in their uniforms at boat ramps, on the jetties and in their boats so no-one is in any doubt as to how serious the government is about enforcing fishery laws. In the long run the officers are not there to upset people but to ensure that the fishing stocks increase and the quality of the fish and the future of the fishing stocks are improved over the years.

Debate interrupted pursuant to sessional orders.

The ACTING SPEAKER (Mr Plowman) — Order! I advise the house that the time allocated for consideration of the bills pursuant to the resolution of the house has expired.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

AGRICULTURAL INDUSTRY DEVELOPMENT (AMENDMENT) BILL

Second reading

Debate resumed from 31 October; motion of Mr HAMILTON (Minister for Agriculture).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

PAPER

Laid on table by Clerk:

Victoria Police — Report for the year 1999–2000.

MARINE (AMENDMENT) BILL

Second reading

Mr BATCHELOR (Minister for Transport) — I move:

That this bill be now read a second time.

This bill provides for improved marine safety in Victoria through the introduction of licensing for operators of registered recreational vessels. The bill implements the government's explicit election policy commitment to introduce licensing for operators of personal watercraft (PWCs) and extends the initiative to include operators of all registered recreational boats.

Boat operator licensing

Following a fatal accident involving a personal watercraft at Werribee in February 1995, the Marine Board of Victoria (MBV) conducted an investigation and recommended the introduction of licensing for operators of mechanically powered recreational boats.

A number of coronial reports in recent years have also recommended the introduction of licensing following boating-related fatalities.

Since 1989–90, there have been 120 recreational boating fatalities, of which four have involved PWCs. In 1999–2000, a total of 853 incidents were reported to the police. These incidents resulted in 10 fatalities and 22 serious injuries involving recreational boats, representing an estimated cost to the community of $15.5 million.

Licensing will contribute to improved marine safety by ensuring that operators will have to demonstrate a basic knowledge of water rules and safe boat operation. In addition to improving the competence of operators, licensing will ensure that unsuitable people are not permitted to operate; contribute to improved awareness of safe boat operation; and assist law enforcement and accident investigation.

The majority of Australian jurisdictions, with the exception of Victoria, Northern Territory and Western Australia, already require operators of recreational boats to be licensed. The licensing scheme put forward in this bill is consistent with principles and competencies adopted by the National Marine Safety Council and will promote the broad objectives of national consistency and mutual recognition of marine qualifications across jurisdictions.

The bill applies licensing to all operators of registered recreational boats, defined in Victoria as any boat equipped with an engine that is used or is capable of being used for propulsion. This approach is considered the simplest to communicate, enforce and administer and mirrors vehicle driver licensing arrangements under which a licence is required to drive any registered vehicle.

Based on a population of 131 000 registered recreational boats in Victoria, the total potential operator licence population is estimated at around 250 000. An estimated 10 000 of these would be PWC operators.

The bill provides the marine board with the power to grant a licence to a person who has passed an appropriate test, undergone appropriate training or already holds a relevant marine qualification.

Knowledge tests are proposed as the basis for licence testing in Victoria, as they are readily accessible and easily administered, particularly in computer-based forms. The format would be similar to the knowledge test for driver licences and would take about 20 minutes to administer and complete. Applicants would also be encouraged to gain their licences through satisfactory completion of an approved boat training course.

The bill establishes two categories of licence, a general operator licence, which authorises the licensee to drive any registered recreational boat except a PWC, and a restricted operator licence, which applies restricted conditions to young operators aged more than 12 years and less than 16 years.

In the case of PWCs, the bill requires that a specific licence endorsement be obtained subject to the applicant satisfying certain additional requirements established by the marine board.

The bill provides the marine board with adequate powers to properly administer the licensing scheme, including powers to cancel, suspend or vary licences and vary or revoke PWC endorsements. To ensure consistency with the Road Safety Act, the bill provides

for external appeals to be heard through the Magistrates Court.

The bill establishes an appropriate offence and penalty regime which adopts as far as practicable the framework that exists in the Road Safety Act. However, a demerit points system is not proposed at this time as it does not appear to be justified in terms of the current level of repeat offences and the cost of systems development and administration. A zero blood alcohol requirement is proposed for all licence-holders under 21 years of age.

The bill provides for the staged implementation of the licensing scheme with operators of PWCs and young operators aged between 12 and 21 years to be licensed first, followed by other operators. It is proposed that by 1 January 2003 the act will apply to all Victorian operators.

The bill establishes a transitional period for over 40 000 Victorians who currently hold operator licences issued by other states, primarily New South Wales. These operators will be required to convert to a Victorian licence on expiration of their current licence or after three years of the commencement of licensing in Victoria, whichever is the earlier. No further testing will be required on conversion of an interstate licence. At the end of the three-year period the one licence, one operator principle will apply, consistent with national principles that apply to driver licences.

Section 85 statement

I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by this bill.

Clause 20 of the bill inserts a new section 107AA into the Marine Act 1988 which provides that it is the intention of section 120 of that act to alter or vary section 85 of the Constitution Act 1975. Section 120 is being inserted into the Marine Act 1988 by clause 22 of this bill.

The proposed new section 120 reflects section 27 of the Road Safety Act 1986. Section 120 enables the Marine Board to require a licence-holder or an applicant for a licence to undergo certain tests. These tests will enable the board to find out if the person is unfit to operate a powered recreational vessel or if it would be dangerous for them to a vessel. Consistent with the Road Safety Act, the section contains two statutory immunities that prevent certain persons who advise the board from being sued, including by an action commenced in the Supreme Court. As a result of these immunities this section is the subject of a statement pursuant to section 85 of the Constitution Act.

These immunities are considered appropriate and necessary in the circumstances. If the Marine Board is going to properly perform its safety function, it needs to be provided with relevant information so that it can prevent persons who are dangerous or unfit to operate powered recreational vessels from doing so. It is essential that persons who have relevant information can make full and frank disclosures to the board. First, sub-section (4) protects persons, such as medical practitioners, who conduct the relevant tests and then advise the board of their opinion. Persons who conduct these tests should be free to advise the board honestly of their opinion without the fear that in doing so they expose themselves to the risk of being sued. Secondly, sub-section (5) protects persons who in good faith report information which discloses or suggests that a person is unfit to operate a powered recreational vessel or that it may be dangerous for that person to hold a licence. This provision will enable persons, such as a concerned family member or friend, to warn the board if they think it is dangerous for someone to continue operating such a vessel. Those who disclose such information will be protected from being sued providing they have acted in good faith.

Fee revenues

The bill provides for the Marine Board to charge fees for the sitting of tests and the issue of operator licences. It is proposed that the fees be set through regulations to cover administration and operational costs plus generate surplus revenue.

The proposed charges are similar to interstate rates. Subject to the outcome of the regulatory impact process, it is proposed that the licence testing fee will be set at a flat rate of $20 per test. The fee structure for licence issue will be $25 per annum for a general operator licence and $30 per annum for a general operator licence with PWC endorsement. It is proposed to set fees for restricted operator licence issue at half these rates. Licences will be issued for one, three or five years at the request of the applicant.

It is further proposed to utilise surplus licence revenue to establish a five year Boating Safety Funding Program which will directly contribute to the objective of improving recreational boating safety by directing additional funds to meet demonstrated needs for:

the provision and support of boating safety services;

boating safety training, education and promotion; and

the provision and maintenance of safe boating facilities.

Program expenditure will commence at $2 million in the first year and rise to $4 million in the fifth year. This represents a substantial increase in existing expenditure levels and will allow a greater range of safety initiatives to be funded. The program will be reviewed at the end of the fourth year to determine its effectiveness and future arrangements.

Whilst the bill sets out the framework for the licensing scheme, much of the detail will be contained in regulations to be developed subsequently. The government is committed to a full process of consultation with the boating and general community during the preparation of these regulations.

Hire-and-drive vessels

Hire-and-drive vessels are classified as commercial vessels and are surveyed annually against specified safety standards. Although hire-and-drive vessels are used for recreational purposes they are not registered as recreational vessels and operate under separate regulatory arrangements. As such they do not come within the scope of the licensing scheme proposed here.

Whilst the uncontrolled use of hire-and-drive vessels by unlicensed operators would lead to safety concerns under the new scheme, restricting their use to licensed operators only would be likely to have an unintended adverse impact on the hire-and-drive industry. This would be particularly so in relation to use of hire-and-drive vessels by visitors to Victoria.

It is therefore proposed to develop separate regulatory arrangements which are more appropriate to the industry but which also maintain safety objectives consistent with those for licensing. These arrangements will be developed by the Marine Board in close consultation with the hire-and-drive industry over the next 12 months with a view to their implementation following the full introduction of licensing for operators of registered boats.

I commend the bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Debate adjourned until Thursday, 16 November.

BUILDING (LEGIONELLA) BILL

Second reading

Mr THWAITES (Minister for Health) — I move:

That this bill be now read a second time.

I am very pleased to present this bill today as it represents a major initiative to reduce the incidence of legionnaire's disease in Victoria, and a significant indicator of progression in community and work place health and safety initiatives.

The bill amends the Building Act to strengthen the controls and maintenance standards for the use of cooling tower systems in buildings and industry, and to provide a basis for information and education programs to be provided to property owners and business sectors which have responsibilities for cooling tower systems.

The government has recognised the significant level of community concern about the public health risks arising from legionella infection. This bill is part of a well-balanced package of reforms, which aims to ensure that cooling tower systems are managed in a way which minimises risks to the public and to employees.

The bill aims to assist the owners of land on which cooling towers exist to ensure that risks to public health are minimised. Many owners are concerned to operate their systems safely and need advice and assistance to do so. The Department of Human Services, the Building Control Commission and the Plumbing Industry Commission will continue to work with industry to develop new strategies for better management of the risk of legionella infection.

The bill has been developed with considerable input from industry and business sectors, initially through the Legionella Working Party report to government that formed the basis of the overall reform strategy, and subsequently through various consultative initiatives.

This bill places Victoria as the leading state in public health initiatives in regard to the reduction of the incidence and impact of legionnaire's disease.

Cooling tower systems are generally associated with building airconditioning systems or industrial plant where the cooling of heat exchange processes occurs.

The bill regulates those cooling tower systems which use fans in combination with recirculated water because these can produce aerosols, which carry the legionella bacteria.

There are estimated to be approximately 3500 sites in Victoria that accommodate an estimated 5000 cooling tower systems. Some of those cooling tower systems may contain more than one cooling tower. There are estimated to be approximately 10 000 cooling towers in Victoria.

The reported incidences of legionnaire's disease in Victoria have risen from 13 in 1990 to 64 in 1999 and 215 this year. Increases in other states have also been observed.

Currently there is no database of information on the location of cooling tower systems in Victoria, making it very difficult to investigate the source of outbreaks of legionnaire's disease.

This, coupled with the fact that disease symptoms generally appear five to six days after infection and also often include mental disorientation of sufferers, has made it very difficult to effectively locate and control the legionella bacteria in cooling tower systems.

The registration system established by the bill will ensure that all relevant cooling tower systems in Victoria are identified.

The bill places the onus for meeting its obligations and requirements on the owner of the land on which a cooling tower system is operated. This is consistent with other obligations presently imposed under the Building Act.

In summary, the bill contains the following elements:

all cooling tower systems on buildings and work sites in Victoria must be registered with the Building Control Commission;

a risk management plan must be completed for all cooling tower systems which identifies the risks associated with the use of the system and sets out the steps to be taken to manage those risks and to ensure compliance with the requirements imposed under the Building Act and the Health Act;

the risk management plan must be reviewed and audited annually to ensure that it continues to be effective;

risk management plans and maintenance documentation must be kept on site;

auditors will be accredited to ensure that a fair and consistent standard of auditing is applied across Victoria;

a system of improvement notices and penalties for failure to comply with the provisions of the bill is introduced.

The bill will require the owners of land on which a cooling tower system is located to provide information about that system. This will involve details about the business owners and maintenance contractors where applicable, the location of each cooling tower within the system, the use to which the system is put and details of treatment.

The register will also enable technical and advisory information and education programs to be targeted to people with responsibility for cooling tower systems.

The Building Control Commission will administer the cooling tower system register, which will assist in identifying the location of cooling towers in future investigations of legionnaire's disease outbreak.

The register of cooling tower systems will be accessible not only to the Department of Human Services to assist with its disease outbreak investigations and random inspections but also to the Victorian Workcover Authority for work site investigations, the Plumbing Industry Commission and municipal councils.

The requirement to register contained in the bill will be phased in over a six-month period to allow a reasonable time for all business sectors to comply. There will also be a targeted awareness campaign to ensure that owners of cooling tower systems will have sufficient information to enable them to meet the new requirements.

Property owners will have responsibility for ensuring the development of risk management plans within their property management arrangements to ensure that there is a traceable and accountable system in place.

A comprehensive kit containing information on risk management plans, including models for maintenance programs, will be developed by the public health division of the Department of Human Services, in consultation with the Building Control Commission and the Plumbing Industry Commission, and made widely available to property owners. Guidelines on the appropriate selection of water treatment companies will also be provided.

The bill provides that risk management plans will need to be reviewed and updated prior to the renewal of registration to ensure that maintenance programs remain relevant and continue to address the identified risks.

Property owners must also make provision for risk management plan documentation to be audited annually by an independent accredited auditor, to ensure that the plan is being implemented and maintenance programs are accounted for.

It is envisaged that the initial work force for the audit function will comprise building surveyors and environmental health professionals.

Other professional and relevant industry groups associated with cooling tower systems will also be able to be included in the audit work force and opportunities for accreditation arrangements will be set up.

The bill provides that where an auditor finds that a risk management plan is defective or is not being implemented, the auditor must include the reasons for that finding within an audit certificate. These details will be forwarded to the property owner, and to the Secretary to the Department of Human Services.

The bill also gives authorised officers of the Department of Human Services authority to issue improvement notices to property owners if risk management plans are not adequate.

The bill provides that the costs of the register and other enforcement and educational activities concerning cooling tower systems will be raised by revenue derived from registration fees.

The government's reform package also provides for an enhanced technical advisory and support function at the Department of Human Services.

This will provide a valuable resource to industry and business through the publication of guidelines and pamphlets and risk management kits.

As part of the overall reform package, new regulations will be introduced under the Health Act which impose tighter maintenance and testing standards with respect to cooling tower systems. These measures will be reflected in the core elements of the risk management plan. New building and plumbing regulations will also be introduced under the Building Act. These regulations will all be subject to the usual consultation requirements.

The overall cost to industry from the requirements imposed by this bill are estimated to be a one-off cost of $2.5 million and a recurrent cost of $2.4 million per annum.

These costs to business are necessary and reasonable to achieve community expectations of safety from the recognised public health risk posed by legionella.

It is important to recognise the benefits associated with the bill.

The impact of legionnaire's disease will be greatly reduced through this bill. The initiatives will contribute to associated reduction in deaths, illnesses, stress and anxiety, medical costs and lost productivity.

There will be an enhanced ability to trace possible sources of outbreaks through the register of cooling tower systems. The register will streamline and simplify the task of locating towers that are potentially the source of outbreaks of legionnaire's disease. This will mean that outbreaks can be brought under control more rapidly.

This in itself may contribute to a reduction in the number of cases of legionnaire's disease through a rapid response to eliminate the hazard.

The risk-management based approach to maintenance programs will assist industry to contain costs relative to risk and avoid unnecessary expenditure to business.

I would like to thank the many people who have contributed to the development of this bill, in particular the members of the working party which I established last November, chaired by Associate Professor Christopher Fairley of the Monash medical school.

I commend the bill to the house.

Debate adjourned on motion of Mr DOYLE (Malvern).

Debate adjourned until Thursday, 16 November.

STATUTE LAW AMENDMENT (AUTHORISED DEPOSIT-TAKING INSTITUTIONS) BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

This bill continues the government's commitment to national competition policy and competitive neutrality. The purpose of this bill is to remove existing legislative barriers preventing non-bank financial institutions from

providing banking services to regulated bodies which include schools, hospitals and arts centres.

On 1 July 1999, state and territory legislation transferred regulatory responsibility for credit unions to the commonwealth. In accordance with this regulatory transfer, the Australian Prudential Regulation Authority (APRA) assumed responsibility for the supervision of bank and non-bank financial institutions. All financial institutions operating within APRA's supervisory framework are referred to as authorised deposit-taking institutions (ADIs).

As part of the regulatory transfer, all jurisdictions were expected to amend their legislation to remove barriers currently preventing non-bank ADIs, which include building societies and credit unions, from providing banking services.

In Victoria, a number of legislative references to 'bank' remain which restrict non-bank ADIs from providing banking services to regulated bodies. For example, the Geelong Performing Arts Centre Trust Act 1980 currently prevents credit unions from providing banking services to the Geelong Performing Arts Centre.

This bill proposes to replace current legislative references to 'bank' with the term 'authorised deposit-taking institution', thus removing the existing barriers preventing non-bank financial institutions from providing banking services to regulated bodies.

The Department of Treasury and Finance has established a whole-of-government contract for the provision of banking services with the Bank of Melbourne (BOM). This contract already enables regulated bodies to achieve cost efficiencies without the need to engage in the time-consuming tender process but is not mandatory for non-budget sector entities. The BOM contract forms the benchmark to measure alternative providers of banking services. The benefit from an alternate contract with a non-bank ADI should meet or exceed those available from the existing BOM contract.

The proposed amendments will increase competition, improve services and enable regulated bodies to have a choice of banking service providers, especially in regional and rural areas affected by bank closures.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 16 November.

GAS INDUSTRY ACTS (AMENDMENT) BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

The principal purpose of this bill is to amend the Gas Industry Act 1994 to facilitate the introduction of competition in the Victorian retail gas market. The bill also contains amendments to the Gas Safety Act 1997, designed to improve the operation of that act, and consequential amendments to the Building Act 1993, the Dangerous Goods Act 1985 and the Office of the Regulator-General Act 1994.

The bill represents a further step towards the scheduled introduction of a fully competitive retail market in the Victorian gas industry. At present, medium and large customers are able to choose their gas retailer. Full retail competition means that domestic and small business customers will also be able to choose between gas retailers. In practical terms this means that customers will have the ability to respond to competitive offers for gas supply made to them by the incumbent gas retailers and by new retailers. It will be for customers to take up those market offers if and when they choose to do so. Under the arrangements implemented by the bill, where customers take no action they will continue to be supplied by their existing supplier. These supply arrangements will be subject to new regulatory protections as to price and terms and conditions of supply. These protections are similar to the consumer safety net provisions introduced for the electricity industry by amendments made in the last session of Parliament to the Electricity Industry Act 1993.

While the introduction of a fully competitive market is consistent with the government's objectives for the gas industry, the government is concerned that the protections afforded by the competitive market may not be adequate, particularly in the initial stages of the market's development. The principal reason is that it is likely to take some time for customers to become adequately informed about the choices available to them and how those choices can be exercised.

In order to achieve the government's objectives, while at the same time recognising that the competitive market for domestic and small business customers may take time to develop, the bill contains a range of protection measures. These are set out in part 2 of the bill. As referred to earlier, they include the introduction of a comprehensive consumer safety net comprising

mandatory standing offers for gas supply, delivery of community service obligations and provision of minimum customer rights. They also include a reserve power for the government to regulate retail prices. This power operates in the same way as the equivalent power introduced in the electricity industry by the Electricity Industry Acts (Amendment) Act 2000. The rationale for the power, and the circumstances in which the government might use it, are outlined in detail in the second-reading speech for that act and it is unnecessary therefore to repeat them here.

The bill provides that the reserve pricing power, and a number of other elements of the consumer safety net, will lapse on 31 August 2004. In the lead-up to that date it is the government's intention that the Office of the Regulator-General will be given a reference to review the way in which competition is impacting on Victorian domestic and small business customers, and to advise the government on whether there is a need to extend these protections beyond 2004.

Part 2 of the bill also contains provisions dealing with the timetable for retail competition. Under the original timetable contained in the Gas Industry Act customers who consume more than 5000 gigajoules of gas per annum would have become contestable on 1 September 2000. The government made an announcement on 29 June 2000 that there would be a partial deferral of contestability for this customer tranche and that the threshold consumption level to apply from 1 September 2000 would be 10 000 gigajoules rather than 5000 gigajoules. This was necessary because the assessed cost of metering required to allow competition in the 5000–10 000 gigajoules tranche of the market was considered prohibitive at that time. The government indicated in the announcement that the Gas Industry Act would be amended to provide for this deferral and this is now provided for in the bill. The amendment is deemed to take effect from 1 September 2000. The provisions contained in the bill will allow the threshold to be reduced back to 5000 gigajoules prior to 1 September 2001 if the government subsequently considers that metering costs are acceptable and adequate protections are in place.

While the bill retains 1 September 2001 as the date for the introduction of full retail competition, it includes a power, exercisable by order in council, to restrict gas retailers from selling gas to particular customers or classes of customers after that date. This provision will enable the government to make a further assessment of the market's state of readiness for full retail competition prior to 1 September 2001. It is possible that there will be a need for competition to be introduced in stages to different segments of the market. This could occur, for example, because of constraints imposed by the technical and market systems required for customer transfers. The power included in the bill will allow the government to deal with this contingency.

Part 2 of the bill also makes provision for additional functions to be performed by Vencorp in relation to retail competition and for the recovery of Vencorp's costs of carrying out those functions. The Office of the Regulator-General will need to approve Vencorp's cost recovery arrangements as being reasonable and it is anticipated that costs associated with retail competition will only commence to be recovered as retail competition is implemented.

Part 3 of the bill contains miscellaneous amendments to the Gas Safety Act 1997. These amendments are intended to improve the technical operation of the act, further specify the functions of the Office of Gas Safety and clarify the powers of the office in relation to the auditing and monitoring of safety procedures and installations. In addition, the bill provides for the issuing of on-the-spot fines, or infringement notices, in respect of certain prescribed offences. These amendments reflect the government's commitment to promoting enhanced safety outcomes.

Part 4 of the bill amends the Building Act 1993 to authorise the Office of Gas Safety to bring proceedings under the relevant sections of part 12A of the Building Act without the need to obtain the Plumbing Industry Commission's authorisation. Part 4 also contains consequential amendments to the Dangerous Goods Act 1985 and the Office of the Regulator-General Act 1994.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 16 November.

SUPERANNUATION ACTS (BENEFICIARY CHOICE) BILL

Second reading

Ms KOSKY (Minister for Finance) — I move:

That this bill be now read a second time.

The primary purpose of this bill is to introduce legislation to implement a beneficiary choice program that will provide members and beneficiaries of the State Superannuation Fund with additional choice regarding the manner in which their entitlements are paid. The program will provide these individuals with the same

options that are currently available to members of public sector schemes in most Australian states.

The boards of the Government Superannuation Office and the Emergency Services Superannuation Scheme will implement the beneficiary choice program. The program is entirely voluntary, and independent financial advice will be available to members and beneficiaries to assist them consider the offer.

The beneficiary choice program will provide:

existing State Superannuation Fund pensioners with a one-off opportunity to commute 50 per cent or 100 per cent of their pensions to a lump sum;

current members of the State Superannuation Fund with the option of commuting 100 per cent of their pension entitlements to a lump sum as those benefits become payable, rather than the existing maximum of 50 per cent ;

existing and future deferred benefit members with the opportunity to convert their deferred benefit entitlement to a lump sum to be rolled over into a complying fund of their choice; and

former State Superannuation Fund pensioners whose pensions are administered by the Emergency Services Superannuation Board with a one-off opportunity to commute 50 per cent or all of their pensions to a lump-sum.

The one-off offer will be made to approximately 54 000 pensioners and 50 000 deferred beneficiaries. The ongoing change in fund rules will apply to approximately 73 000 existing members.

The beneficiary choice program will provide members and beneficiaries with a new level of choice and will place them on a par with their interstate and commonwealth colleagues. The program should also reduce the State Superannuation Fund's unfunded liability and provide some flexibility in terms of the government's future outlays on superannuation.

The factors used to calculate the lump sums on offer under the program are set out in existing legislation and are those currently used for retiring members who choose to commute part of their pension. There is no enhancement or reduction of benefits; rather, the program provides additional choice in terms of the mechanism by which benefits are paid.

Implementation of the program will require the establishment of a new scheme within the State Superannuation Fund. The new scheme will be established under the State Superannuation Act 1988. The sole purpose of the new scheme will be to facilitate the one-off commutations under the program and it will thus have a limited life span.

The program will be funded from moneys already allocated by the state to the State Superannuation Fund and currently invested in short-term liquid assets. Sufficient assets will be transferred to the State Superannuation Fund from the fully funded Emergency Services Superannuation Scheme to fund lump sums associated with pensioners whose pensions are administered by the Emergency Services Superannuation Board.

The government recognises that the decision whether or not to take up the offer will depend entirely upon the individual's own personal financial circumstances. The independent financial advice, to be provided under the supervision of the Department of Treasury and Finance, will ensure all beneficiaries and pensioners make a fully informed decision.

The one-off offer is expected to be made to existing pensioners in February 2001 and to existing deferred beneficiaries in April 2001. Individuals will be given three months to consider the offer. All lump sum payments are expected to be made in the first quarter of 2001–02. The ongoing changes to fund rules will apply from 1 July 2001. Appropriate transitional provisions will apply for members exiting the fund prior to that date.

In addition to the beneficiary choice program, this bill also allows former State Superannuation Fund disability pensioners who elected to take ill health lump sum benefits to be reinstated as disability pensioners.

Under section 76 of the State Superannuation Act 1988, if an employing authority is informed by the board of the Government Superannuation Office that the health of a disability pensioner would enable him or her to perform duties for which the pensioner is suited by education, training or experience, then the employing authority must ensure the pensioner is appointed to the first vacancy.

In 1996, the Department of Education, Employment and Training introduced the New Start program, an initiative to return disability pensioners to employment in positions in purported compliance with its obligations under section 76 of the State Superannuation Act 1988.

The positions offered under the New Start program were special positions created to accommodate the particular individuals and were generally for 12 months

duration. Afterwards it was incumbent upon the disability pensioner to secure employment.

Rather than accepting employment under the New Start program, many disability pensioners opted to receive an ill-health lump sum benefit under the State Superannuation Act. The ill-health lump sum was an amount substantially less than the present value of their ongoing disability pensions. It appears that many individuals were concerned that their pension would be cancelled at the end of the 12-month term of employment and they would be left with only a resignation benefit, which is a lesser benefit than the ill-health lump sum benefit they elected to take.

In 1997 and 1999, in two separate hearings before the Victorian Civil and Administrative Appeals Tribunal, challenges to the New Start program were upheld. The tribunal made it clear that employment under the program did not comply with section 76 of the act because it was not mainstream employment.

As a result, disability pensioners who had accepted employment under the New Start program had their pensions reinstated. To ensure that equity prevails, this bill provides former disability pensioners who took an ill-health benefit, in preference to participation in the New Start program, the option of being reinstated as a disability pensioner. The bill grants the board of the Government Superannuation Office the power to reinstate these individuals as disability pensioners, provided the board is satisfied that their election to receive the ill-health benefit was materially influenced by the structure of the New Start program.

The amendments require reinstated members to repay the ill-health lump sum benefit plus interest after taking into account the amount of disability pension they would have received if they had continued as a pensioner and any other moneys received by them in the course of gainful employment after leaving the fund.

This bill also allows the Emergency Services Superannuation Board to establish spouse accounts for its members.

Spouse accounts are attractive to members because a tax rebate exists for superannuation contributions made on behalf of a low income or a non-working spouse.

The Emergency Services Superannuation Scheme is the only superannuation arrangement in the state with an accumulation scheme component that is not able to offer spouse accounts. All former public sector accumulation schemes such as Vicsuper and Health Super now offer spouse accounts. Public sector schemes in Queensland and Tasmania also offer spouse accounts.

Spouse accounts are considered to be beneficial in the context of the Emergency Services Superannuation Scheme, as 90 per cent of its membership comprises male members, most of whom have a non-working or low-income-generating spouse. Through its existing accumulation scheme, ESSPLAN, the Emergency Services Superannuation Board will easily accommodate the creation and administration of spouse accounts in a cost-effective manner.

The establishment of spouse accounts at the Emergency Services Superannuation Scheme does not create any risk for the government. The accounts will be fully funded by the employees themselves. The government sees this initiative as a positive move for the members of the Emergency Services Superannuation Scheme.

The bill also makes two miscellaneous amendments relating to minor administrative matters.

Amendments are being made to the Constitution Act Amendment Act 1958 to correct an anomaly which has recently come to light, relating to the superannuation entitlements of members of the police force and certain other public servants who become members of Parliament and return to their former employment after leaving Parliament. The amendments ensure that members of schemes governed by the State Employees Retirement Benefits Act 1979, the Transport Superannuation Act 1988 and the Emergency Services Superannuation Act 1986 who become members of Parliament and subsequently return to public sector employment, are treated no differently from their colleagues in schemes governed by the State Superannuation Act 1988.

The bill also brings into operation an order in council relating to ‘Specified standards for the preservation of superannuation benefits’. This order, which was to come into operation on 1 July 1999, did not come into operation until it was gazetted on 20 July 2000.

In conclusion, this bill allows for the implementation of the Beneficiary Choice program that will provide additional choice for approximately 180 000 members and beneficiaries of the state’s remaining public sector superannuation schemes. The program will provide these individuals with the same choice that is available for their public sector interstate counterparts. The program is entirely voluntary and provides affected members and beneficiaries with more latitude to manage their own financial affairs. Independent financial advice will be provided to all those who

receive an offer to ensure fully informed decision making occurs.

The government is pleased to be able to make this opportunity available to recipients of the state's pensions and deferred benefit entitlements.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 16 November.

VICTORIAN QUALIFICATIONS AUTHORITY BILL

Second reading

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — I move:

That this bill be now read a second time.

The bill provides for the establishment of a Victorian Qualifications Authority that will be responsible for the accreditation and certification of all post-compulsory education and training with the exception of higher education in Victoria. It will also be responsible for ensuring the quality control of post-compulsory education and training qualifications and standards.

The broad objectives of the Victorian Qualifications Authority are —

(a) to develop and monitor standards for education and training normally undertaken in, or designed to be undertaken in the years after year 10;

(b) to ensure and support appropriate linkages between qualifications; and

(c) to facilitate procedures which make it easier for people to re-enter education and training and acquire qualifications throughout their lives.

The government has decided to establish the Victorian Qualifications Authority in response to the findings of the ministerial review of post-compulsory education and training pathways in Victoria.

The bill also implements a further recommendation of the review. It provides for the restructure of the State Training Board to form the Victorian Learning and Employment Skills Commission. The restructure involves adding new functions for the commission and a revised membership to assist it perform its new functions. The establishment of the commission reflects the need for a stronger policy advice role in the area of post-compulsory education, training and employment. The commission will assume the current functions of the State Training Board (except the functions of accrediting courses, recognising qualifications, issuing certificates and registering providers — all of which will be transferred to the Victorian Qualifications Authority) and will take on additional functions to provide key advice to the government on post-compulsory education, training and employment. The responsibility will include the provision of advice on the development and implementation of policy frameworks for post-compulsory education, training and employment in Victoria to ensure the needs of industry, the community and individuals are met.

After extensive research and consultation across Victoria, the review found that there is a need for a more holistic and cross-sectoral approach to post compulsory education and training in Victoria.

It found that the pathways and links between post-compulsory education and training qualifications were often unclear and that individuals and industry have difficulty understanding the qualifications and the relationships between different qualifications. It described how a qualifications market has developed in post-compulsory education and training in Victoria with providers offering international and commercially developed qualifications despite there being no coherent way to assess, provide quality assurance checks and recognise these qualifications within current state and nationally developed accreditation and recognition frameworks.

The Victorian Qualifications Authority will contribute to the new model for pathways for students and achievement of the government's aims for a more student-centred, cross-sectoral, collaborative approach to post-compulsory education and training.

The development of this legislation recognises the need for the creation of a single qualifications body that can establish and monitor standards for the post-compulsory education and training qualifications that are provided for Victorians and to ensure and support appropriate linkages between qualifications. It acknowledges the need to make it easier for people to re-enter education and training and acquire qualifications throughout their lives.

The establishment of the Victorian Qualifications Authority will ensure public integrity and recognition of post-compulsory education and training qualifications and will assist individuals in the

community and industry to understand the levels and standards of each qualification and the relationship between the different qualifications. This will mean that it will be easier for Victorians to navigate their way around the education, training and employment systems and maximise their opportunities, access and achievements. It will make it easier for people to progress through the system and to have their education and training achievements and skills recognised.

The Victorian Qualifications Authority will be the only Victorian accreditation, certification and registration authority for qualifications that involve or have a comparable or higher status to courses normally undertaken in years 11 and 12, the Victorian certificate of education (VCE), vocational education and training or further education.

The Victorian Qualifications Authority will report to the Minister for Post Compulsory Education, Training and Employment. It will be responsible for the following matters:

developing policies, criteria and standards for the recognition of qualifications, the accreditation of courses for the purposes of a qualification, and the recognition of providers. These matters are to be consistent, where appropriate, with any relevant national standards;

it will be responsible for recognising qualifications, including qualifications arising from nationally endorsed training packages, accrediting courses for the purpose of a qualification, and recognising providers of qualifications consistent, where appropriate, with any relevant national standards;

it will receive advice from the proposed Victorian Curriculum and Assessment Authority on secondary education, qualifications and courses; and from the State Training Board and its proposed successor, the Victorian Learning and Employment Skills Commission, on vocational education and training, qualifications and courses; and from the Adult, Community and Further Education Board on further education, qualifications and courses;

it will issue qualifications or will delegate this to providers or authorities for the courses it has accredited or the qualifications it has recognised;

it will commission relevant bodies to develop or modify courses;

it will establish and maintain quality assurance policies and mechanisms for all qualifications issued under its authority or under the authority of its delegates;

it will develop linkages between qualifications and courses and support articulation between them; and

it will monitor and receive information on the patterns of participation and outcomes of accredited courses, and recognised qualifications.

The authority will take over the accreditation, certification, registration and recognition functions of the Board of Studies, the Adult, Community and Further Education Board and the State Training Board, and its proposed successor the Victorian Learning and Employment Skills Commission.

It will have close links with the proposed Victorian Curriculum and Assessment Authority, the Adult, Community and Further Education Board and the Victorian Learning and Employment Skills Commission.

The authority will receive advice from the Victorian Curriculum and Assessment Authority on secondary school education, from the Adult, Community and Further Education Board on further education and from the Victorian Learning and Employment Skills Commission on vocational education and training. In particular, it will consult with these and other relevant authorities on formal linkages between qualifications or parts of qualifications. The relationships between these bodies will be vital to the Victorian Qualifications Authority achieving its objectives.

The valued role of industry in developing training packages and courses will continue. Similarly, the further education sector will continue to develop further education courses.

The Victorian Qualifications Authority will be established as a body corporate with powers commonly exercised by body corporates. It will be an agent of the Crown and will be required to act within the state government policy framework and be subject to the directions of the minister which may be given generally or on specific matters. The authority will be subject to the Financial Management Act 1994 and will be required to report annually to Parliament.

The bill contains provisions designed to ensure the smooth transition of the appropriate functions from the three boards — the Board of Studies, the Adult, Community and Further Education Board and the State Training Board to the Victorian Qualifications Authority.

I commend the bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Thursday, 16 November.

VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY BILL

Second reading

Ms DELAHUNTY (Minister for Education) — I move:

That this bill be now read a second time.

The government has a continuing commitment to the quality of curriculum and assessment programs and services for all the years of schooling, from preparatory year to the last year of secondary schooling, year 12.

An effective school system is one that will establish in the early years a firm foundation of the knowledge, skills, attitudes and values necessary for further learning, with a particular emphasis on high standards in literacy and numeracy. There is a clear expectation that schools will actively pursue early intervention strategies for students identified as at risk.

In the secondary years schools play a crucial role in ensuring that all students have access to a broad general education while providing courses that are likely to fully engage their interests and keep open a full range of career options and pathways. A study of the disciplines that help shape and reshape our humanity is essential as a preparation for engaging with an increasingly complex society. Studies of history, literature, mathematics and science, for example, are key components of a quality secondary education. Broad vocational learning is also important in these years, with access to specific knowledge and understanding of the world of work and the development of skills in enterprise and innovation.

Students need to develop positive attitudes towards vocational education and training, further education, employment and life-long learning. They need to be confident, creative and productive users of new technologies, particularly information technologies, and understand the impact of those technologies on society.

When students reach the end of their schooling, they should have the knowledge and skills to take up roles as active and informed citizens, family members and workers. As young people making their way in a world in which the rate of social and economic change is unprecedented they will need to be flexible and adaptive in the way they apply their knowledge and skill, and be ready to renew their knowledge and acquire new skills throughout their lives.

As described in the *National Goals for Schooling in Australia in the 21st Century*:

> Australia's future depends upon each citizen having the necessary knowledge, understanding, skills and values for a productive and rewarding life in an educated, just and open society. High-quality schooling is central to achieving this vision.

That is why this government initiated two substantial reviews into education as one of its first initiatives. Commissioned by the Minister for Education, the review of public education, *Public Education — The Next Generation* addressed the big questions in education and the challenges the next generation of young Victorians will face. And my colleague Minister Kosky established a review of post-compulsory education and training pathways in Victoria. That review examined issues of the breadth and nature of educational pathways for students in the post-compulsory years of schooling.

Not surprisingly their findings complemented each other and whilst this bill arises out of the recommendations of the review of post-compulsory education and training pathways in Victoria it provides a vehicle to address some key questions raised in *Public Education — The Next Generation*.

The bill will establish the Victorian Curriculum and Assessment Authority, and repeal the present Board of Studies Act. The purpose of the Victorian Curriculum and Assessment Authority is to provide leadership and expert support to schools by developing and implementing curriculum and assessment that will meet the needs of all students and respond to the changing expectations of parents, employers and the wider community. The broad objectives of the Victorian Curriculum and Assessment Authority are:

(a) to develop high-quality curriculum and assessment products and services for courses normally undertaken in, or designed to be undertaken in schools in the years from the preparatory year to year 12 including courses leading to the issue of the VCE and other post-compulsory courses;

(b) to develop courses normally undertaken in, or designed to be undertaken in the school years 11 and 12, including courses leading to the issue of the VCE that will prepare students for successful transition to employment, tertiary education, vocational

education and training and further education; and

(c) to provide linkages that will facilitate movement between courses.

The major functions of the Victorian Curriculum and Assessment Authority include the development of policies, criteria and standards for school courses and the development, approval and evaluation of the curriculum and assessment procedures for accredited courses for schools, and the development, approval and evaluation of courses for other school years. The authority will strengthen primary and early secondary curriculum and assessment, and ensure its alignment with senior secondary courses. It will also monitor patterns of participation and the quality of outcomes for school students and build stronger connections with courses in vocational education and training. It will be responsive to research findings on participation and successful transition for school students, and will provide information and advice on school education.

The authority will have continuing responsibility for the VCE and the conduct of assessments for the VCE and other schools-sector courses that may be approved from time to time.

The authority will report directly to the Minister for Education and its board members will be chosen for their individual expertise and capacity to contribute to the improvement of quality of school education at all levels.

The authority will make a strong contribution to high-quality schooling for all young people, and the provision of a more effective range of pathways to further education, vocational education, training and employment. It will improve the opportunities for many Victorians with poor participation in employment, education and training.

In carrying out its curriculum development, approval, evaluation and assessment functions the authority will liaise closely with the Office of Schools, the proposed Victorian Qualifications Authority, the State Training Board (and its proposed successor, the Victorian Learning and Employment Skills Commission), the non-government schools sectors, TAFE and tertiary institutions, parents and employers, local communities and networks, and the national training system.

I commend the bill to the house.

Debate adjourned on motion of Mr HONEYWOOD (Warrandyte).

Debate adjourned until Thursday, 16 November.

PROFESSIONAL BOXING AND MARTIAL ARTS (AMENDMENT) BILL

Second reading

Mr PANDAZOPOULOS (Minister for Gaming) —

That this bill be now read a second time.

The Professional Boxing and Martial Arts (Amendment) Bill amends the Professional Boxing and Martial Arts Act 1985**,** primarily as a consequence of the recommendations of a national competition policy review of the act and attendant regulations in August 1999.

These amendments meet the government's obligation under the national competition principles agreement to implement national competition policy (NCP) review-related legislative reforms by the end of 2000 as well as enabling minor consequential amendments to be made.

The current act was the result of the amalgamation of the Professional Boxing Control Act 1985 and Martial Arts Control Act 1986 in 1996, which brought all professional contests in the fields of boxing and martial arts under the control of one board.

The primary purposes of the act are to protect the health and safety of contestants in professional contests, which typically take the form of boxing or kickboxing.

The term 'martial art' is generally regarded as covering a range of activities including non-contact activities that are not professional for the purposes of the act. Consequently, it is opportune in this bill to more accurately reflect the intent of the act by changing the title of the act to the Professional Boxing and Combat Sports Act 1985 and replacing all references to martial arts in the act with references to combat sports.

The term 'combat sport' includes kickboxing and any other emerging full-contact contests that are conducted for commercial gain and more accurately reflects the intent of the act.

Under the current act a person who competes in both professional boxing and professional martial arts contests must hold separate licences for each category. This bill will enable persons competing in both categories to hold only one licence and consequently pay only one licence fee. This will result in savings to contestants and will allow the Professional Boxing and Combat Sports Board to effectively monitor the history

of professional contestants by having a complete record of contestants on one file.

The bill empowers the minister, upon receipt of advice from the Professional Boxing and Combat Sports Board, to exempt any suitably recognised amateur association from the provisions of the act that relate to events held under its control to which the public is admitted on the payment of a fee for admission. The board has the expertise to provide advice to the minister on whether an amateur association is suitably recognised to conduct a contest and that the rules under which such contests are conducted are adequate for the protection of contestant safety. The transitional provisions of the bill protect the status of the Victorian Amateur Boxing Association and Amateur Boxing Australia as recognised amateur associations for the purposes of the act.

The bill sets out how the minister must recognise an amateur association for it to be exempt from the provisions of the act and as such provides a public record of that recognition to ensure uniformity and transparency of the approval process.

The Professional Boxing and Combat Sports Board is a quasi-judicial statutory body that warrants protection by statutory indemnity as it is vulnerable to legal action given that its licensing and penalty decisions can directly affect the livelihood of individuals. In addition, third-party actions are possible in the event of injury or death.

This bill provides the board with that statutory immunity, when acting in good faith, in respect of any legal action arising from administering, registering, licensing and penalty decisions.

The Professional Boxing and Martial Arts (Amendment) Bill reinforces and supports sport and recreation's contribution to Victoria's social development and economic prosperity by providing an effective and efficient regulatory structure for the professional boxing and combat sports industry.

I commend this bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Thursday, 16 November.

ENVIRONMENT PROTECTION (LIVEABLE NEIGHBOURHOODS) BILL

Second reading

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

That this bill be now read a second time.

This bill represents a significant step in delivering the government's environmental policy commitments.

Our Greener Cities policy recognises that people are becoming increasingly aware of the importance of their environment to their quality of life. In particular, improving the liveability of local neighbourhoods is a key theme in Greener Cities.

The Bracks government is committed to developing strategies to deliver safe, liveable and sustainable environments. The government is also committed to ensuring that local needs and the view of local communities are fully heard and properly heeded in efforts to protect and enhance the Victorian environment.

The Environment Protection (Liveable Neighbourhoods) Bill implements these commitments. The bill also meets the government's commitments to deliver an environment for a healthy community.

The bill introduces new provisions into the Environment Protection Act to provide the community with a tool to improve environmental quality within their neighbourhood. In addition, the bill clarifies existing auditing provisions so that the community can more confidently rely on the results of environmental audits conducted under the act. This will especially help in protecting communities from risks that may be associated with contaminated sites. The bill also builds sustainability principles into the act, clarifies EPA's ability to develop and use economic measures and introduces a number of minor amendments to improve the operation of the act.

Principles of environment protection

The government has a commitment to build sustainability principles into decision-making processes across government.

The Environment Protection Act was written in 1970. In keeping with the legislative drafting style of the time, no principles or objectives were put into the original act. Nowadays, most pieces of modern legislation include principles or objectives as a way of articulating what an act is seeking to achieve. While principles are,

by their nature, expressed in general terms, they can assist people to understand an act and provide some real guidance to decision makers as to how it should be administered.

This fact was recognised by the independent consultants who conducted the recent competition policy review of the act. They recommended that principles or objectives be included in the act to provide some guidance about its general purpose.

Part 2 of the bill will introduce a purpose and principles into the principal act. The sustainability principles to be included in the act are drafted to be specific to environment protection aims. These principles are consistent with the community's general expectation of how we should continue to provide a safe and healthy environment for Victoria.

Economic measures

An effective environment protection regime requires a mix of policy tools, ranging from regulatory to economic measures, community participation, education campaigns and extension services. An economic measure is a tool which seeks to achieve an environment protection aim by harnessing market forces. Economic measures usually work best where they are combined with other tools such as regulation, extension services and so on.

The use of economic measures is advocated in the Intergovernmental Agreement on the Environment as a useful tool for achieving environmental goals. There is a growing trend internationally to use economic measures to address some environmental issues. Economic measures are already in place in environmental legislation in other jurisdictions in Australia, such as the New South Wales Protection of the Environment Operations Act 1997.

The recent competition policy review of the Environment Protection Act identified a need to clarify EPA's ability to be able to use the full range of economic measures. The act already allows EPA to use economic measures such as financial assurances, landfill levies and licence fees. Part 2 of the bill simply clarifies that EPA can develop the full range of economic measures such as tradeable discharge permits and offset measures.

Economic instruments will be developed through statutory policy and regulations, ensuring the objectives of the instruments are made clear. As such, for any economic measure to be developed, a draft regulation or statutory policy and impact statement will be prepared and released for public comment. The measure will be subject to periodic statutory review.

Neighbourhood environment improvement plans

The key reform in this bill is the introduction of neighbourhood environment improvement plans into the principal act, through the provisions in part 3 of the bill.

The Environment Protection Act provides EPA with a range of tools to protect and improve the Victorian environment. In particular, there are many effective tools which EPA has used over the years to reduce emissions from industry, especially from larger industrial sites. These well developed statutory tools include licences, works approval and notices.

However, as we are well aware, local environmental problems are increasingly the result of the cumulative impacts of multiple sources. For example, sources of air pollution in a local urban neighbourhood might include one or two large industrial sites, several small commercial premises, motor vehicles and emissions from lawn mowers and wood heaters.

Furthermore, the responsibility for managing these sources is often split between EPA, local government and other state government agencies.

Local communities and state and local government agencies need a new tool to help them address local environmental issues in a more useful and cost-effective way.

In response to this need, the Bracks government is delivering on its commitment to improve the quality of the local environment and hence, the liveability of neighbourhoods through the establishment of neighbourhood environment improvement plans.

Neighbourhood environment improvement plans will build on the success of industrial site environment improvement plans which were introduced into the act in 1989. Industrial site environment improvement plans, which I will refer to as industrial site EIPs, were developed as a mechanism to enable companies to work with their local communities to develop a comprehensive plan to address their environmental performance at the site.

Industrial site EIPs are based on the concept of the local community's right to know and to participate in decisions that may potentially have an impact on their environment. As such, industrial site EIPs are drawn up by a company in consultation with EPA, the local community and other relevant government authorities.

An industrial site EIP is a public commitment by a company to enhance its environmental performance and it involves the community in ongoing monitoring and review.

A company may voluntarily initiate an industrial site EIP. The act also allows for EPA to direct a company to develop one. There are currently 55 industrial site EIPs signed off or in development in Victoria. Only 2 of these plans have been initiated by a statutory direction to the company. The other 53 were all voluntarily initiated. This level of voluntary action is a strong indicator of the success of industrial site EIPs from the perspective of both industry and the broader community.

Companies such as Ford, Dow Chemicals, Loy Lang Power, Australian Vinyls, Cabot and Mobil have worked with their local communities and EPA to develop agreed industrial site EIPs.

A number of companies have commented that developing a site EIP with their local community has helped them address their environmental issues in a more cost-effective and productive way.

The Bracks government wants to build on this success by extending the EIP concept beyond simply dealing with environmental issues at a single industrial site.

Neighbourhood environment improvement plans, which I will refer to as neighbourhood EIPs, are an innovative tool that communities will be able to use to reduce sources of pollution within their local area. They will provide a statutory mechanism to enable those contributing to and those affected by local environmental problems to come together in a constructive forum. In this forum, the members of the local community, including residents, industry and local government, can agree on the environmental priority issues for the neighbourhood. They can then devise a plan to address their agreed environmental issues in a practical manner. The statutory basis of the plans will give participating members of a community the confidence to join in the development of the plan.

The bill provides the flexibility to address the many and varied environmental issues that local communities and industries may wish to address, such as air quality, unwanted noise, and local water quality problems such as sedimentation.

The neighbourhood to which each plan applies will be defined by the participants proposing the plan and will be dependent upon the nature of the environmental issue that the participants want to address. Nevertheless, I would expect that, in most cases, plans could cover an area smaller than a whole municipality.

The bill provides for the development of either voluntary or directed neighbourhood EIPs. As with most of the industrial site EIPs in operation in Victoria, it is envisaged that the majority of neighbourhood EIPs will be voluntarily initiated.

However, the bill also provides that EPA, in limited circumstances, can direct a protection agency to develop a neighbourhood plan. EPA will only be able to exercise this direction power where a serious environmental problem exists. Intervention criteria will be set through statutory policy which specify how EPA can determine whether a serious environmental problem exists.

In addition, under the provisions of the bill, an environmental audit would have to be conducted to demonstrate that the intervention criteria are being met and that, therefore, the beneficial uses of a particular segment of the environment are not being protected. EPA will only be able to direct a protection agency to develop a neighbourhood environment improvement plan in these circumstances. Importantly, a protection agency will have appeal rights against a direction from EPA to initiate a neighbourhood plan.

It is envisaged that local governments will play an integral role in the development of neighbourhood EIPs. This is because of their role in representing local citizens in many of the issues that neighbourhood EIPs will address.

Neighbourhood EIPs will operate on the basis of community agreement and participation. For example, in both a voluntary and a directed neighbourhood EIP, EPA may only endorse the proposed plan once the authority is satisfied that those directly affected by the plan have been given adequate opportunity to participate in its development.

Neighbourhood EIPs will provide an additional mechanism for the community to signal its environmental priorities to EPA. This will in turn help EPA to prioritise its own activities. In particular, EPA will provide support to groups developing neighbourhood environment plans.

In this way, the neighbourhood plans will further deliver the government's commitment to ensure that, as the community's environmental watchdog, EPA is appropriately responding to community priorities for environmental improvements.

Furthermore, the bill provides that citizens may request EPA to conduct a specified environmental audit or investigation into their local environmental quality. Guidelines will be developed to ensure that EPA does not expend its resources responding to frivolous or vexatious requests, but instead can focus on genuine environmental priorities of the community.

The bill establishes a clear framework for neighbourhood EIPs and specifies the standard components of a plan.

The bill also makes a number of minor amendments to ensure the new neighbourhood EIP provisions mesh effectively with the existing industrial site EIP provisions in the act.

I am pleased to observe that a number of councils, community members and companies have already expressed an interest in the neighbourhood environment improvement plan concept. I feel this provides a good illustration of how promising the concept is.

It also shows that the neighbourhood environment improvement plans have the potential to be a tool that implements a triple bottom line philosophy practically. Neighbourhood plans obviously concentrate on environmental issues. However, they will also incorporate social and economic considerations, as participants in the plan look at the cost-effective use of their resources and how to ensure the plan processes are inclusive of industry, residents, government agencies, and so on.

Neighbourhood environment improvement plans are a new and exciting development in environment protection in Victoria. EPA is already establishing an advisory committee with representatives from local government, environment and industry groups and other relevant stakeholders. This advisory committee will help EPA with tasks such as developing guidelines for communities on issues such as how to prepare a neighbourhood EIP proposal, how to actually develop a plan and how to request that EPA investigate an issue relevant to determining whether a neighbourhood EIP should be initiated.

Three or four voluntary neighbourhood EIPs will be piloted in the next 12 months by EPA, interested local councils and communities. These pilot plans will assist in successfully implementing the neighbourhood EIP framework. The advisory committee will assist EPA with these pilot plans and any refinement of the guidelines.

Environmental audits

In 1989 a broad environmental auditing system was established under the Environment Protection Act.

A key motivator for the system was the discovery of severely contaminated soil on residential blocks in Ardeer in 1989. The act was amended to introduce certificates of environmental audit aimed at providing a general mechanism by which planning authorities, government agencies and the private sector could be readily and authoritatively assured that potentially contaminated land could be safely used.

The act was amended again in 1994 to include statements of environmental audits. The environmental auditing system has been very successful in achieving its aims, with environmental audits now an integral part of the redevelopment of former industrial land. Groups as divergent as home buyers, local councils, developers and financiers rely on the audit system to provide them with robust information to aid their decision making.

EPA's environmental auditing system has grown markedly over the past 10 years. The number of audits has grown from 20 in 1990 to over 200 audits undertaken this year. Likewise, the number of EPA appointed environmental auditors has increased from only 5 in 1990 to 38 in 2000.

Victoria's auditing system has proved to be so successful in meeting its objectives that other states are adopting similar systems in their environmental legislation.

One of the critical components of EPA's successful auditing system is that it is a credible and rigorous system, providing people with reliable results through third-party auditing.

The auditing system establishes a broad statutory framework for environmental auditing in Victoria. Much of the focus to date has been on auditing of contaminated land and auditing of industrial facilities. However, with the growing recognition of industry's corporate citizenship, companies are developing new methods to demonstrate good environmental performance.

One such method is corporate environmental reporting. Companies are increasingly producing corporate environment reports to inform the public of their environmental performance. Companies in Victoria have been using environmental auditors appointed under the Environment Protection Act to verify their corporate environmental reports. With the increasing trend in corporate environment reporting, it is critical

that companies, community groups and the investment sector have a robust system that can deliver credible third-party verification of corporate environmental reports.

Clarification of the auditing system is now required to reflect the system's evolution and to prevent unscrupulous individuals from working outside the legislative system.

As such, part 4 of the bill introduces a new division into the act to encompass the environmental auditing framework and provides an explanatory section outlining the purpose of the environmental auditing framework.

The bill clarifies the appointment of environmental auditors and outlines EPA's powers regarding the suspension and revocation of such appointments, as well as clearly stating the function of an environmental auditor.

The bill importantly clarifies the responsibilities of auditors in regard to completing environmental audit reports and issuing certificates or statements of environmental audit. When the auditing system was originally established in 1989 it only provided for the issuing of certificates of environmental audits. The act was amended in 1994 to introduce statements of environmental audits. While certificates of environmental audit state that the site is suitable for all uses, statements of environmental audit may indicate that the site is suitable only for some uses (e.g., industrial use), subject to conditions.

The use of statements has evolved as the market has realised the most efficient means of managing a contaminated site often means managing a significant quantity of contaminated material on site. This has increased the use of conditions in statements and the importance of planning authorities enforcing those conditions. Now, less than one-third of audits result in the issuing of a certificate.

Underpinning certificates and statements of environmental audit are environmental audit reports. Unfortunately, the existing provisions of the act do not expressly state an environmental auditor must complete an environmental audit report prior to issuing a certificate or statement of environmental audit. The bill makes this requirement explicit.

The bill also makes it clear that, in conducting an environmental audit of a segment of the environment, an environmental auditor must issue a statement of environmental audit when the auditor decides not to issue a certificate of environmental audit.

These provisions will guarantee that auditors must close the loop of an environmental audit.

The bill also introduces a number of notification provisions. One of these new provisions requires an environmental auditor to provide the relevant planning authority and responsible authority under the Planning and Environment Act 1987, in addition to EPA, with a copy of the environmental audit report as well as the certificate or statement of environmental audit.

Another notification provision in the bill requires an environmental auditor, when conducting an audit, to notify EPA about any imminent environmental hazard as soon as practicable after becoming aware of the hazard. Under existing provisions, if an auditor is undertaking an environmental audit and becomes aware of an imminent environmental hazard, there is no requirement for auditors to inform EPA immediately of this hazard. This new requirement will mean EPA will be quickly informed of any imminent environmental hazard and, therefore, will be able to quickly deal with it.

The bill also introduces changes which require an occupier of premises to notify any prospective occupier of any statements of environmental audits related to the premises. Statements of environmental audit specify the uses to which the premises can be safely put. Therefore, it is important that prospective occupiers be made aware of any statement of environmental audit relating to the premises.

The bill also introduces provisions where, under certain circumstances, an auditor can withdraw and amend an incorrect certificate or statement of environmental audit. These provisions also allow EPA the ability to withdraw an incorrect certificate or statement of environmental audit in limited circumstances.

The bill also introduces a cost-recovery mechanism to resource the administration of this growing environmental auditing system. The details of this mechanism will be developed through regulation, with associated consultation and impact assessment requirements.

Part 5 of the bill also introduces a number of general amendments to remove anomalies and improve the operation of the act.

Clause 15 amends the definition of an ozone-depleting substance so as to include hydrochlorofluorocarbons (HCFCs) in this definition.

Clause 16 clarifies provisions regarding the payment of fees for members appointed to panels, with fees to be determined in line with specified guidelines.

Clause 17 amends licence fee payments requirements, so that all licence fee payments must be made on the same day.

Clause 18 clarifies the scope of the offence for dumping or abandoning industrial waste to ensure licensed industrial waste disposal sites are not at liberty to accept wastes of particular kinds for which they are not licensed, e.g., liquid hazardous waste.

Clause 19 clarifies that the offence of water pollution covers situations where a person leaves waste in place where it may reasonably be expected to gain access to waters and pollute them.

Clause 20 clarifies the powers of authorised officers to take films and to made recordings of land and premises under investigation.

Clause 21 clarifies that a transport certificate relating to the transport of prescribed industrial waste shall be prima facie evidence of the matters contained therein in any proceedings under the act.

Clauses 22 and 23 rectify minor drafting anomalies arising from recent changes to the Environment Protection Act.

This bill represents a critical step in engaging local communities and empowering them to actively participate in the protection of their local environment to create safe and livable neighbourhoods.

I commend this bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Debate adjourned until Thursday, 16 November.

UNIVERSITY OF MELBOURNE LAND BILL

Second reading

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

That this bill be now read a second time.

The bill relates to the veterinary school site at the University of Melbourne in Parkville and to the Bio 21 Parkville development, which is a cornerstone of the government's biotechnology strategic plan for Victoria. It is designed to make Melbourne and Victoria a world-leading location for biotechnology research, development and commercial activities.

Bio 21 will put Victoria at the forefront of one of the world's fastest growing industries and will create thousands of new jobs each year. KPMG conservatively estimates that the development of Bio 21 Parkville alone will result in:

the creation of a minimum of 5 to 10 new small businesses annually;

$30 million annual investment if the businesses remain in Victoria;

100 new jobs annually; and

substantial flow-on jobs and millions of dollars in high-value-added exports.

The land is presently permanently reserved for the purpose of a school of veterinary science. It is held jointly by the University of Melbourne and the Minister of Agriculture under a conditional Crown grant, which granted the land on condition that it be used for the reserved purpose.

The University of Melbourne plans to develop this land as part of the $400 million Bio 21 development at Parkville. However, the existing reserve purposes do not allow the land to be available for biotechnology education, research and development purposes.

Legislation is needed to enable the land to be used for Bio 21 and related purposes. I turn now to the particulars of the bill.

Clause 5 revokes the existing permanent reservation and Crown grant.

Clause 7 then re-reserves the land by deeming it to be permanently reserved as a site for science and biotechnology education, research and development.

Clause 8 empowers the Governor in Council to grant the land to the University of Melbourne on condition that the land must not be used for any purpose inconsistent with the reserved purpose.

Clause 9 provides for the Crown grant to be revoked if the land is used for any purpose inconsistent with the reserved purpose.

It is intended that the new reserved purpose will allow the University of Melbourne to use the land for a broad range of science and biotechnology education, research and development purposes. These purposes will include

the construction of a building to accommodate elements of the university's Molecular Science and Biotechnology Institute and the provision of facilities and services to students, scientists and biotechnology developers seeking to commercialise research outcomes. Such facilities and services will include the construction of a privately operated car park on the site, the operation of appropriate commercial businesses such as a bookshop and a cafeteria, and the provision of private sector legal and financial expertise relevant to biotechnology development and the commercialisation of research outcomes.

Clauses 11, 12 and 13 empower the University of Melbourne to grant leases, licences and other agreements in respect of the land for any purpose not inconsistent with and not detrimental to the reserved purpose.

Clause 16 ensures that existing third-party interests in the land are unaffected.

This bill is one of the first steps towards helping make Victoria a world leader in biotechnology — one of the fastest growing industries in the world.

I commend the bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Debate adjourned until Thursday, 16 November.

VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL BILL

Second reading

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

That this bill be now read a second time.

This bill to establish the Victorian Environmental Assessment Council, which I will refer to as VEAC, fulfils a major policy commitment by this government. VEAC replaces the Environment Conservation Council and provides a new focus and strengthened capability to investigate and make recommendations on the major environmental management issues which we face as a community.

The Environment Conservation Council was established by the former government to complete two important investigations undertaken by the Land Conservation Council. The Environment Conservation Council has completed the first of those investigations into Victoria's marine, coastal and estuarine areas and its report is now being considered by government. Its second investigation into box-ironbark forest and woodlands is scheduled to be completed by 31 December 2000.

The government thanks the members of the Environment Conservation Council and its staff for the important work they have undertaken and acknowledges the major contribution of the Land Conservation Council over the preceding decades.

These investigations and reports both by the Land Conservation Council and the Environment Conservation Council are highly important for the protection and enjoyment of the state's natural heritage by all Victorians.

The government strongly believes that the quality of life of all Victorians depends on properly managing our environment and protecting our precious natural and cultural heritage. Decisions made by government should ensure that Victoria is not running down its natural assets and thereby building an environmental debt. The government has committed to building in the principles of ecologically sustainable development to all government decision making.

The government is committed to the protection of our biodiversity on the principle that Victoria's rich diversity of species, habitats and ecosystems is a legacy held in trust for future generations. Given the plight of grassy ecosystems across Victoria, the further protection of these ecosystems is a key priority that the government will have VEAC investigate. VEAC will also be requested to undertake investigations into the protection of other ecosystems, including the native forests in the Strzelecki Ranges.

VEAC, which will replace the Environment Conservation Council, will be considerably strengthened in a number of ways.

Its focus will be on the ecologically sustainable management of the environment and natural resources of the state of Victoria. It will be able to examine such issues across the state of Victoria. Its investigations will not be confined to Crown land.

It will have an expanded core membership and the minister will be able to appoint additional members with skills and experience essential to particular investigations.

It will operate in a highly transparent way with additional consultation requirements, including the

establishment of a community reference group for each investigation.

I will now turn to the particulars of the bill.

Given that VEAC will be able to investigate issues across Victoria, there has not been a need to define public land, as was the case for the Environment Conservation Council and its predecessor the Land Conservation Council, which were restricted to undertaking investigations on public land.

Clause 5 highlights the key objective of VEAC, which will be to provide independent and strategic advice to the government of Victoria on matters relating to the protection and ecologically sustainable management of the environment and natural resources of Victoria.

The functions of VEAC as stated in clause 6 make it clear that VEAC only has a role in undertaking investigations that are requested by the minister.

VEAC has general powers to do anything reasonably necessary or convenient to carry out its functions as set out in clause 7. While VEAC will be able to carry out investigations across a range of land tenures, it will not have the specific powers to compel private individuals or companies to provide information or access to property.

The membership of VEAC is set out in clause 8. It will consist of a core of five members, which are collectively to have skills, knowledge and experience in environment protection and conservation, natural resource management, local government, economics and business management, rural and regional affairs, issues relating to indigenous peoples, social and community affairs, and community consultation and participation.

Advice received from a broad range of environment, industry, local government and union stakeholders indicated that the best outcomes would be achieved if VEAC were skills based. The government has accepted this advice.

It is therefore important that VEAC has a broad range of skills in environment management and also strong social and economic business skills. This approach delivers a triple-bottom-line-focused council, which has the ability to equally address environmental, social and economic aspects of its investigations.

For particular investigations, an additional member or members may be appointed to VEAC under subclause (4). This ensures that where there is an identified need for VEAC to have additional skills for a particular investigation, these can be provided.

To ensure transparency of the process for selecting members for appointment to VEAC the intention is to advertise widely for nominations to the positions, including those of the additional members. The Governor in Council, on the recommendation of the minister, will appoint members and additional members to VEAC.

VEAC will be able to establish committees that it considers necessary for any investigation, as set out in clause 12. For example, VEAC may establish scientific or technical committees from which to seek specialised advice.

Importantly the government has recognised the need for greater participation in VEAC's investigations, with more direct input to council deliberations being desirable. Clause 13 requires VEAC to establish a community reference group for each investigation. The community reference group will provide a formal mechanism through which key stakeholder groups may provide advice to VEAC with respect to specific recommendations. This will be in addition to the comprehensive public consultation processes that VEAC will be required to undertake for each investigation. While the process for appointment of members to the community reference group will be up to VEAC to determine, I would expect that VEAC would advertise for nominations to the community reference group to ensure members are selected in an open and transparent manner.

Part 3 of the act deals with the conduct of investigations. Clauses 15 and 16 set out the process by which the minister may request VEAC to carry out an investigation and by which the minister may amend or withdraw a request. It is a requirement that the minister inform Parliament of the request or subsequent amendment or withdrawal by laying it in both houses of Parliament, thereby informing members of investigations that may be undertaken in their area. The request, amendment or withdrawal must also be published in the *Government Gazette* and on the Internet. This will help to ensure that the public is informed about investigations that may be of interest.

Not all investigations, particularly shorter investigations, will necessarily require three submission periods of 60 days. The minister will therefore have the ability to direct VEAC to vary the number of submission periods and also the length of time required for submissions for any investigation.

Recognising that the funding available to the Environment Conservation Council was reduced by the previous government compared to the resources made available to the previous Land Conservation Council, this government made an election commitment to make additional resources available to VEAC over the next four years. This commitment has been reflected in the 2000–01 budget statement. VEAC will be accountable to the minister as to how those resources are to be spent in relation to each investigation. VEAC will be required to submit a business plan to the minister detailing the proposed approach for the investigation and the resources to be committed.

The principles of ecologically sustainable development are enshrined in the purpose, objective and functions of VEAC. These principles were adopted by all Australian governments in 1992 through the national strategy for ecologically sustainable development. This further demonstrates the government's commitment to build the principles of ecologically sustainable development into all government decision making and ensure that a balanced view is taken.

It is important that consideration is given to the need to protect environmental, cultural and recreation values and the need to further the establishment of a truly comprehensive, adequate and representative system of parks and reserves across Victoria.

VEAC must also take into consideration the implications of any international treaty that Australia has ratified that is relevant to the investigation to ensure any advice given is not contrary to Australia's obligations under that treaty.

Clause 19 requires VEAC to liaise with departments and other public authorities where they may be affected by an investigation and that those authorities must give practicable assistance to VEAC in its investigations.

Clauses 20 to 23 set out the formal process by which the public will have input to any investigation and VEAC is to report on the results of the investigation. The government considers that full and open public consultation is a key factor in decision making, a process which the former Land Conservation Council undertook very well and which had considerable public and government support. VEAC will however be required to undertake a multistage consultation process providing three formal periods for public comment, each of at least 60 days. VEAC is required to provide public notice of an investigation, including the requirement to publish in newspapers and on the Internet. Again, this demonstrates the government's commitment to making information transparent and accessible to the public.

The final report of VEAC is to detail the main proposals identified in public submissions on that investigation and provide a rationale for council's consideration of those proposals. In keeping with the general requirements throughout the legislation, the report will be tabled in Parliament and be made available on the Internet.

Clauses 24 and 25 commit government to publicly respond to VEAC's recommendations in Parliament and to then ensure that appropriate actions are taken to implement recommendations to the extent that they have been accepted.

Part 4 of the bill covers the transition to the new legislation. The effect of any recommendations made by the Land Conservation Council and the Environment Conservation Council will be preserved. Also, given that the Environment Conservation Council Act 1997 does not require the government to formally respond to the recommendations of that council, the new legislation will require that the recommendations be treated as if they were recommendations made by VEAC.

In conclusion, this bill is evidence of the government 's commitment to an integrated approach to the consideration of environment and natural resource management issues and the enduring importance of ecologically sustainable development. This is the triple bottom line.

I commend the bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Debate adjourned until Thursday, 16 November.

FORESTRY RIGHTS (AMENDMENT) BILL

Second reading

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

That this bill be now read a second time.

Climate change is one of the most important global environmental challenges confronting the world today. The greenhouse effect is a complex issue which does not lend itself to simple solutions. One important policy response is to find ways of encouraging tree planting,

increasing the amount of carbon dioxide absorbed from the atmosphere.

The purpose of this bill is to create explicit and separate property rights for carbon sequestered in trees. This will be accomplished through an amendment to the Forestry Rights Act 1996 to enable ownership of carbon to be held or traded separately from the timber or the land.

The overriding purpose of this legislative change is to encourage investment in carbon sink establishment in Victoria. The development of greenhouse gas mitigation programs, specifically carbon sequestration, has been identified as offering the potential to generate significant additional investment in forestry and wood-based industry into the future.

Since the amount of carbon taken up by a forest is affected by management arrangements in that forest, it is important that the creation of separate carbon rights does not result in the establishment of competing rights over forest property. To avoid this situation, carbon property is included in the definition of forest property but can be separable as a subsidiary right. Under existing legislation a landowner is able to enter into a legal agreement and confer ownership of forest property to another party. This will continue. In a similar way, this bill will allow the owner of the forest property to enter into a legal agreement with another party and confer ownership of carbon sequestration rights.

As with forest property agreements, under the Forestry Rights Act 1996 the bill provides for minimum requirements for the proper definition of the carbon agreement between the parties. Beyond that, the parties are free to negotiate an agreement which best suits their particular circumstances, their rights and duties and the amount of risk they are prepared to accept.

Given that there are already forest property agreements under the existing legislation, carbon rights will need to be assigned to existing forest property owners, and the bill allows for the creation of carbon rights that are subsidiary to existing forest property rights and assigns them to the existing forest property owners.

Under the Forestry Rights Act 1996 it is not a requirement to produce the certificate of title before a forest property right is recorded on the folio or amended. The Australian Bankers Association have made a number of very strong representations to government regarding the act's ability to erode the value of their mortgages, arguing that the fundamental value of the property could be altered without their knowledge. To address this, it is intended to require that consent be obtained from the holder of a registered encumbrance when a forest property agreement is being entered into. This would ensure that mortgagees are aware of interests that might be affecting their rights of repayment and enforcement.

This bill is an opportunity for Victoria to capture significant venture capital for carbon investment which is available at present. There is significant competition for this investment.

The bill is also timely because trees take some years to achieve maximum growth rates. Delays in the commencement of carbon sink projects will compromise their ability to deliver significant credits during the first Kyoto commitment period of 2008 to 2012. To achieve active growth of trees and significant sequestration of carbon in this commitment period, there is a need to increase investment in reforestation for carbon sequestration in the short term.

This will, of necessity, be interim legislation. An emissions trading system is not imminent and the commonwealth government has recently followed Victoria's lead in accepting that emissions trading in Australia should not precede implementation of international emissions trading. While it supports emissions trading in principle, the Victorian government is opposed to the adoption of mandatory domestic emissions trading in advance of international emissions trading. Introduction of this bill does not presage early action on emissions trading. However, in the event that international and national emissions trading practices are established in the future, this legislation would need to be replaced or augmented with nationally consistent legislation to support the trading scheme and its attendant carbon accounting practices. In the meantime, any risks associated with investing in carbon are entirely borne by the parties to the agreement and the state incurs no liability.

This bill provides an essential legal basis for investment in carbon rights in Victoria and is an important step towards a long-term strategy for addressing greenhouse issues in Victoria.

I commend the bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Debate adjourned until Thursday, 16 November.

Remaining business postponed on motion of Ms GARBUTT (Minister for Environment and Conservation).

ADJOURNMENT

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

That the house do now adjourn.

Police: Mount Evelyn station

Mrs FYFFE (Evelyn) — I refer the Minister for Police and Emergency Services to the Mount Evelyn police station and the Premier's commitment prior to the 1999 election to increase the hours during which the station is manned.

I raised the matter with the minister on 1 March. In his response he praised the Labor candidate for Evelyn for her interest in the matter.

Mr Maxfield interjected.

The DEPUTY SPEAKER — Order! The honourable member for Narracan is out of his seat!

Mrs FYFFE — I remind the minister that I won both booths in that part of the electorate. The minister seemed to be very upset at my request. He said that it was absolutely outrageous that I had the temerity to come into the house and demand action. In fact, he was so agitated I became quite concerned about his health, and in particular his blood pressure.

An article in the *Ranges Trader* of 30 March 1999 reports that the then opposition leader, the current Premier, pledged to push the then government to expand the police presence and increase the number of manned hours.

On 12 September the shadow Minister for Police and Emergency Services, the honourable member for Wantirna, and I met with Colin Gillam of the Keep Our Police Station committee, Jan Simmond of the Mount Evelyn Township Improvement Committee, and scouting and Country Fire Authority leaders, who all expressed their strong disappointment that well over 12 months had passed since the minister and the Premier had made the commitment yet nothing had happened.

An honourable member interjected.

Mrs FYFFE — Typical! Prior to the 1999 election the current minister had even presented to the house a petition with 3000 signatures calling for an increase in police hours.

Colin Gillam, who was an independent candidate for Evelyn in 1999 but who directed his preferences to Labor, said he is treated in an offhand manner by the minister's staff when he calls asking what is happening.

The DEPUTY SPEAKER — Order! The honourable member has 1 minute left. I ask her to indicate what action she requires of the minister.

Mrs FYFFE — I am coming to that. The Minister for Police and Emergency Services and the Premier raised the hopes of the terrific, strong and caring Mount Evelyn community. On behalf of the residents, I urge the minister to honour his commitment and increase the police hours at the Mount Evelyn station.

Ballarat Begonia Festival

Ms OVERINGTON (Ballarat West) — I raise for the attention of the Minister for Major Projects and Tourism the funding of the Ballarat Begonia Festival. All honourable members know that the Ballarat Begonia Festival is Ballarat's premier festival and the premier festival of regional Australia. Over a number of years a question mark has hung over government funding for the festival. Before the election, the government gave a commitment to secure funding for the festival, and I ask the minister — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I know it is getting late but I ask members to cooperate and allow the adjournment debate to continue.

Ms OVERINGTON — I assure honourable members that there is nothing frivolous about the wonderful Ballarat Begonia Festival. I ask the minister what it will take for the government to deliver on that commitment. As the member for Ballarat West I invited the minister to meet with the committee to discuss the planning for next year's festival. I have no doubt that he was extremely impressed by what he heard.

Mrs Peulich interjected.

The DEPUTY SPEAKER — Order! The member for Bentleigh is out of her seat. I ask her to cease interjecting.

Ms OVERINGTON — An extremely important part of the festival's success is its ability to market itself within the state, interstate and overseas. While the festival receives wonderful support from sponsors, its marketing strategy needs to grow so that more people are aware of its promoting Ballarat. Part of the role of the festival is to provide a backdrop to Ballarat in the autumn.

I talk about the Ballarat Begonia Festival as though it has its own identity. It performs a function, which is to promote Ballarat within the state, interstate and overseas. I invite any honourable members who have not done so — although I assume all honourable members have — not only to come to the Ballarat Begonia Festival but to extend their stay beyond it. Part of the marketing of the festival involves encouraging people to come to the festival and take part in and enjoy Ballarat's heritage and its wonderful welcoming spirit.

North-West Driver Education Centre

Mr STEGGALL (Swan Hill) — I raise with the Minister for Transport a matter regarding the North-West Driver Education Centre at Charlton. This has been raised many times over many years, and it became an issue during the last election campaign.

During the campaign, the Treasurer made a great song and dance about the fact that the government would provide $30 000 annually towards the establishment of a Charlton driver training centre. It got enormous publicity and was referred to extensively in the election campaign.

In August this year the principle of Charlton College wrote to Mr Brumby, saying:

> I would like to express our concern that we have not as yet received $30 000 funding promised for our pre-driver education facility, the North-West Driver Education Centre. As you may recall, in September last year you undertook 'to provide a funding allowance of $30 000 annually to the North-West Driver Education Centre … In May this year, the Buloke shire sought clarification on this funding from the Minister for Local Government, the Hon. Bob Cameron; he assured council that the funding for NWDEC had been approved and would be arriving shortly.

When the funding had not arrived in June, staff from the college rang me. I said the government had made such a song and dance about it that I could guarantee it would pay.

In response to a letter they sent to the Treasurer, they received the following reply:

> I refer to you recent letter to the Hon. John Brumby, Treasurer, regarding the north-west driver education program.
>
> As the matter you have raised does not relate to the Treasurer's portfolio responsibilities, the Treasurer has asked me to refer you letter to the Hon. Peter Batchelor, MP, Minister for Transport …

On 11 September they wrote to the Minister for Transport, but they still have not received a reply. On behalf of the Charlton community, I seek from the Minister for Transport the delivery of that election promise.

I will be interested to see whether the honourable member for Bendigo West, the Minister for Local Government, supports me in that request. I look forward to a response from the Minister for Transport.

Fines: payment

Ms LINDELL (Carrum) — I raise a matter for the attention of the Attorney-General. Court fines can be paid only in person at National Australia Bank branches. However, many bank branches are closing, including the branch at Mordialloc, which is closing on Wednesday.

A constituent of mine has pointed out to me the inconvenience that the closure will cause people who have had the misfortune to be fined by the court. It is not only the Mordialloc branch that is closing. The National bank has announced that a further 100 branches will be closed throughout Australia. The ability for people to make their payments will be significantly hindered.

An Honourable Member — It is an access-to-justice issue.

Ms LINDELL — It is an access-to-justice issue.

An honourable member interjected.

Ms LINDELL — That may be a suggestion also.

The DEPUTY SPEAKER — Order! The honourable member for Carrum should address the Chair.

Ms LINDELL — There are other banks, but it is a longstanding arrangement that the National bank is the only bank at which court fines may be paid without incurring a further cost. I ask the Attorney-General to outline the actions his department is taking to ensure real access to justice.

Nillumbik: street closure

Mr PHILLIPS (Eltham) — In the absence of the Minister for Local Government I refer the Minister for Post Compulsory Education, Training and Employment to the closure of Kerrie Crescent, Eltham North, by the Nillumbik Shire Council.

I wrote to the minister on 15 September asking him to intervene in the issue and to defer the closure of Kerrie Crescent until such time as a proper traffic study had been conducted as to the feasibility of closing the street.

Kerrie Crescent is in one of the most sensitive and fire-prone areas of Eltham North.

Some 300 people have petitioned the council and written letters opposing the closure, and only 48 people support it. The council has now agreed to conduct a traffic study — it agreed to conduct the study on the same night that it determined to close the street, which was hypocritical. The residents will accept whatever decision is ultimately made following the traffic study, even if it leads to the closure of the street. However, they say it is unreasonable to conduct a traffic study which includes the adjoining streets — the closure is pushing traffic down those streets — without the inclusion of Kerrie Crescent.

Kerrie Crescent is unmade, and I accept that there is a problem. Residents have expressed concern about dust.

The DEPUTY SPEAKER — Order! Will the honourable member for Eltham say what action he wishes the minister to take?

Mr PHILLIPS — The concern is that every time a street is closed additional pressure is placed on other streets. I ask the Minister for Local Government to write to the Nillumbik Shire Council requesting that the street be reopened until a traffic study has been completed.

Disability services: intellectually disabled parents

Mr LIM (Clayton) — I refer the Minister for Community Services to the special needs of parents with an intellectual disability, and ask that she take positive action to cater for those needs.

The role of parents can be a trying and daunting undertaking at the best of times, even for parents without an intellectual disability, particularly in these days of rapid changes in society. It is therefore particularly difficult for parents with an intellectual disability, and even more difficult if they come from a different cultural background and have different expectations.

Caring efficiently for a baby or a toddler is as difficult as having to deal with a rebellious teenager. It is even more heartbreaking when parents must cope with a youngster who decides to drop out of the system and is attracted to a life of petty crime or is lured to the drug subculture. That situation is ravaging many Indochinese families, and it is even more depressing when they do not know where to turn for help. Many families wish to keep to themselves because they do not wish to lose face.

It is challenging enough for parents with an intellectual disability to come to terms with that disability, let alone to come to terms with parenting successfully. The love of parents with an intellectual disability for their children is no less than that of parents without a disability. It is tragic and cruel that there is a perception in some sections of the community that parents with intellectual disabilities are not capable of parenting effectively.

The DEPUTY SPEAKER — Order! Will the honourable member for Clayton advise what action he wishes the minister to take.

Mr LIM — I asked at the beginning, Honourable Deputy Speaker, that the minister take positive action to cater for the special needs of parents with an intellectual disability. The minister needs to show leadership and compassion towards the needs of parents with disabilities, and take immediate action to respond positively.

Killara hostel

Mrs SHARDEY (Caulfield) — I wish to raise an issue with the Minister for Aged Care. At question time I raised the issue of the sanctions that have been applied at the Killara hostel. The issue is serious and goes to matters concerned with the administration of medication, an issue most people would be concerned about. This is a current issue, not a past issue. The minister tried to change the subject and wanted to discuss past issues that are not relevant to Killara, which came into being only in 1999.

The federal department has had to write to the families of the residents of Killara informing them about the serious sanctions that have been applied to the hostel. I should have thought the minister would get on top on this issue to assure residents and their families that she will take appropriate action about the whole issue.

I seek assurances from the minister that appropriate action will be taken to ensure that the staff in all state-owned nursing homes and residential care facilities are adequately apprised of the requirements and measures that have to be put in place in the administration of medication.

Ice skating: international centre

Mr MILDENHALL (Footscray) — I raise a matter for the attention of the Minister for Sport and Recreation in another place. I ask the minister to investigate possible sites in Melbourne's western suburbs for an international standard ice rink. With the construction of the multipurpose venue as an

international-standard cycling facility, the need for an international-standard ice rink is the next cab off the rank in elite sporting facilities.

I understand a feasibility study, which is almost complete, has been undertaken by Sport and Recreation Victoria. Apparently the study indicates that a combined international-standard sports arena and recreational ice sports facility is required to cater for a range of needs and to ensure the centre's financial viability. The centre would need to cater for ice sports such as speed skating, ice hockey, curling and figure skating.

An honourable member interjected.

Mr MILDENHALL — Curling involves running in front of a big rock with a broom, but to each his own! There are many aficionados in Melbourne who are looking for a venue that caters for the sport.

Currently there are ice-skating facilities in Oakleigh and Bendigo, and until the mid-1980s there was a skating rink in Hyde Street, Footscray. It was popular among young people, and it is sadly missed. Unfortunately the private operator was unable to keep it going. In addition to the recreational skaters a number of junior ice hockey players used the skating rink, and their careers abruptly terminated when it closed.

The government could investigate locating the centre at a number of possible sites in the inner west. Redevelopment plans are currently being prepared for the railway precinct around the Footscray business district, and there is also ample room in the Sunshine business district. I know the honourable member for Sunshine is keen on that location. The Highpoint shopping centre is also a possible site for the centre.

Apparently some 10 000 square metres will be needed for the centre, and given that generally land is cheaper in the western suburbs the government would be ideally placed to investigate land holdings in the west for that much needed addition to Melbourne's elite sporting venues.

Port Phillip: rate notices

Ms BURKE (Prahran) — I refer the Minister for Local Government to a number of complaints made by people who live in the Port Phillip municipality in my electorate concerning the rate notices that were sent to them this year.

The rate notices were issued with an entry for a donation to assist other countries automatically included at the bottom. While ratepayers are happy to help other countries with different issues and to put their money towards charitable concerns, they do not like having a donation item appear at the bottom of the rate notice. It is included in the section that reads 'Particulars re rates and charges'. Ratepayers — especially those who do not understand English well — believe the donation will be deducted automatically. The donation item should be included in a separate notice or in a tear-off section at the bottom of the rate notice. My constituents believe incorporating the donation entry in the rate notice is unreasonable.

The concerns arose in August. While I understand what the council is trying to do, my office has continually received complaints about it, so I feel I must ask the minister to ensure that when he is speaking to councils about rates the issue of what appears on rate notices is given priority and that councils are asked either to make it clear on rate notices that ratepayers do not have to pay the donation or to include it under a separate notice.

I do not mind the council putting a separate notice for the donation in the same envelope as the rate notice to save postage — that would be a great idea — but I ask that the council make it clear that people do not have to a make donation.

The DEPUTY SPEAKER — Order! Before the honourable member sits down, I ask what action she wants the minister to take.

Ms BURKE — I told you.

The DEPUTY SPEAKER — Order! No, you did not.

Ms BURKE — Stop the clock!

The DEPUTY SPEAKER — Order! Is the honourable member asking the Minister for Local Government to investigate the matter?

Ms BURKE — Yes.

Gaming: community consultation

Mr SEITZ (Keilor) — I raise a matter for the attention of the Minister for Gaming concerning his announcement today about the government's initiatives to ensure responsible gaming, and I ask him to consider the best way to communicate that message to the ethnic community.

Tabcorp and Tattersalls direct advertising at the public, particularly at ethnic communities, seeking customers for their gaming machines, and it is necessary for the government's message on responsible gaming to be

explained in a number of languages. The minister has successfully sent the message on responsible gaming to those two organisations, which control the gaming industry in Victoria, and it is important that the message filter through to ethnic communities. The fact that ethnic media exists alongside mainstream media is often overlooked. Ethnic media includes cable TV, radio stations and newspapers, which flourish in Victoria. Gaming venue advertisements appear in a number of ethnic newspapers.

I ask the minister to have a look at it and to take it up with the gaming consortiums that hold the licences to make sure the message filters across the whole community.

The honourable member for Clayton took exception to Crown Casino becoming involved in the Half Moon Festival, when it handed out presents in red boxes to children in the street. If Crown Casino or any other gaming venue sponsors programs and community activities, it should also issue a message to ethnic communities about responsible gambling. It has been reported in the mainstream media on many occasions that ethnic communities are not immune to the problems of gambling. Members of those communities are the same as everybody else — they use the casino, poker machines and other gaming facilities and should not be forgotten.

The government has been successful in its campaigns about smoking and breast cancer screening in the mainstream media. Ethnic communities have their own gathering places and those are the places where the message about responsible gambling should be communicated to them. In particular I ask that when organisations, whether it be the local club with poker machines or mainstream industry — —

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

Tertiary education and training: registered training organisations

Mr BAILLIEU (Hawthorn) — I ask the Minister for Post Compulsory Education, Training and Employment to take immediate steps to reassure private registered training organisations (RTOs) — which have endured a year of discrimination and torture from her — by confirming funding arrangements for 2001, by releasing the priority education training program tender results, which she has again delayed to the disadvantage of the RTOs, and by lifting the freeze on private RTOs.

Dolomore Reserve

Mrs PEULICH (Bentleigh) — I raise a matter for the attention of the Minister for Sport and Recreation in another place concerning funding support for the Dolomore Reserve at Mentone. Many elite and up-and-coming athletes train at Dolomore Reserve. It is where Tim Sullivan trains every other night. I must declare an interest because my son trains there most nights, together with many other children.

Mr Mildenhall — It's a fundraising exercise, then.

Mrs PEULICH — No. All governments need to put their money where their mouth is. In cooperation with the Bayside City Council the previous government was more than happy to offer support to the athletics club at Sandringham where Don Elgin trains, a club of which my son is a member. It is an enormous drain on any club to put aside money for the upgrading of its facilities to international standards, but the Sandringham club was able to do that and now has a brand new track that is enjoyed by hard-working and committed athletes who make enormous sacrifices to achieve the accolades they deserve — and politicians are happy to bathe in the reflected glory of their achievements.

The club at Dolomore Reserve is happy for the athletes to receive gold medals and be feted at state receptions, but it needs money. The Bracks Labor government, through the Minister for Sport and Recreation, ought to make sure that the athletes get what they need — decent facilities in which to train. The success of people like Tim Sullivan does not happen overnight but comes after many years of hard work, personal sacrifice and enormous support from coaches, clubs and parents. The barest essential for such athletes is a decent facility.

I call on the Minister for Sport and Recreation and the Minister for Community Services, who are happy to share in the accolades and bathe in the glory, to make sure that funding is made available so these athletes, like many other able-bodied athletes, can continue to achieve for and receive accolades from all Australians. Instead of just coming out when there is a share of the glory, a share of the pie, a bit of publicity to be gained and a camera — —

The DEPUTY SPEAKER — Order! The honourable member's time has expired. The time for raising matters has now expired.

Responses

Ms CAMPBELL (Minister for Community Services) — I thank the honourable member for

Clayton for raising so sensitively the difficult issue of parenting combined with an intellectual disability. For many parents, parenting is a real challenge, and we all need support at various times to enable us to do it well. For parents with intellectual disabilities, many of whom have a vast array of services, agencies and individuals in their lives, parenting can be a particularly awesome challenge.

I am pleased to advise the honourable member for Clayton that in his region, which is the southern region of the Department of Human Services, an innovative program has been established for parents with intellectual disabilities. The department took the initiative because it was finding that a number of parents with intellectual disabilities were coming to the attention of the child protection branch but that when supports were provided they were perfectly capable of parenting extremely well, their families flourished and their sons or daughters were able to enjoy strong parenting skills.

The design of the specialist parenting support program is based on the premise that parents with intellectual disabilities love their child, are concerned to do the best for him or her, and when provided with individual and specialist support, can do it well. The program is family focused and provides ongoing and long-term support. When a child is removed from its birth family, ongoing support is provided through foster care or by a permanent care arrangement. The government has put in place specialist long-term supports for families that have a parent with an intellectual disability.

The support is family focused and provides individually tailored home-based training which is sensitive to the learning needs of people with intellectual disabilities and which emphasises community inclusion. Currently, 23 families are involved in the program. The vast majority of those families have past experience with the child protection system, with nearly all of the children having been removed at some time in the past. As a result of the parents being involved with so many agencies in the past they have often received very confusing advice. They will now receive advice in their homes, and it will be tailored to meet their individual needs.

I am pleased to advise the honourable member for Clayton that the results achieved among the 23 families with parents with intellectual disabilities since the program began have been extremely encouraging. The children are flourishing and the family units are working very well together.

Mr PANDAZOPOULOS (Minister for Major Projects and Tourism) — The honourable member for Ballarat West referred me to the importance of the Ballarat Begonia Festival to the Ballarat community. It is a growing event that has the potential to become a hallmark regional event. The honourable member has been seeking regular financial support to provide ongoing certainty for the organisers of the festival, who work hard year in, year out to promote Ballarat and the festival and to keep the event growing, new and fresh.

Because the resources provided for regional events in the past have not been available in recent times the organisers have been uncertain about the level of funding they will receive. Many events no longer receive year-by-year funding. However, there is some good news. The extra $500 000 a year that the government has put into regional events means that it can support more events. I am pleased to announce to the honourable member for Ballarat West that following her work and discussions with the Ballarat Begonia Festival committee on 14 October at the Ballarat Botanical Gardens, Tourism Victoria has agreed to provide $25 000 for next year's event, with a guarantee of additional funding for each year after that until the year 2002–03, when the government will review the situation.

Of that $25 000, $5000 will go to Tourism Victoria's South Australian office to promote the event in the Adelaide market and encourage South Australians to drive across to Ballarat, as they do when they come to watch the football in Melbourne. The government wants them to spend a few nights in Ballarat. The remaining $20 000 will go directly to the Ballarat Begonia Festival committee, and $5000 of it will be used to promote the event for the first time in Victoria's multiculturally diverse media. It was decided to target members of non-English-speaking communities, many of whom have a great interest in horticulture.

I wish the committee well for the event next year and congratulate its members on the work they have been doing for the Ballarat community to ensure that Ballarat is always on the events map. I look forward to working with them in future years.

The honourable member for Keilor raised an issue with me in my capacity as Minister for Gaming. He referred to the initiatives I announced today to regulate advertising in the gambling industry for the first time. The honourable member highlighted the need to ensure that members of non-English-speaking communities of all backgrounds, whether they speak and read English or not, are provided in their own languages with the information required under the new advertising rules.

Mr Hulls interjected.

Mr PANDAZOPOULOS — That will certainly happen. Any gaming venue that wants to advertise its product in either the print or broadcasting mediums, whether English speaking or non-English speaking, will be required to include a warning at the end of its advertising. For example, all gaming advertisements placed in the Greek community press will be required to include at the end the new warnings in Greek.

Mr Hulls interjected.

Mr PANDAZOPOULOS — I will not say it in Greek. The rules will apply to all communities. It is important that all communities receive the message.

The honourable member for Keilor is correct in saying that people from culturally diverse backgrounds are affected by problem gambling and need to be given the warning information in their own languages. The government will ensure that they receive the information they need to be able to make proper judgments and decisions about gambling and that they understand the effects problem gambling can have on them and their families.

Mr HULLS (Attorney-General) — I thank the honourable member for Carrum for raising the issue of the payment of court fines. The payment of penalties is a significant issue for many people in the community and should not be made more difficult by limited payment facilities. The impact of bank closures has been recognised as having an acutely detrimental effect on people who live in regional and rural areas, in particular. I am sure those people are firmly of the view that banks are putting profits before people.

However, the Magistrates Court has made preparations for changing the system of payments. Currently penalty notices are issued as a result of the imposition of court fines and they can be paid at any branch of the National Australia Bank. The penalties must be paid in full at the bank by the due date or at any Magistrates Court, where part payments, full payments or overdue payments can be made if no warrant has been issued.

Payments by cash or cheque are currently accepted at Magistrates Courts throughout Victoria, and facilities for electronic funds transfer at the point of sale were introduced at the Melbourne Magistrates Court in September as part of a six-month trial, with the possibility of their being rolled out at other court venues around the state.

Although the National Australia Bank currently accepts payments on penalty notices, the Magistrates Court has recently completed negotiations with Westpac–Bank of Melbourne as its preferred financial institution, and as a result has investigated options to improve its service in relation to the payment of fines. In December Australia Post will undertake the role of accepting payments for penalty notices on behalf of the court and the National Australia Bank will no longer perform that role. The move to Australia Post will result in a much more efficient and cost-effective service, with all post offices and post office agency outlets within Victoria able to accept the payment on penalty notices.

In addition to that vastly improved service, the courts will also utilise the currently available technology and introduce B-pay debit and credit facilities in December. That will allow payments to be accepted over the telephone or via the Internet. Those initiatives again demonstrate that the government has a real commitment to access to affordable justice for all Victorians.

Mr HAERMEYER (Minister for Police and Emergency Services) — It never ceases to amaze me how members of the Liberal Party discovered only after the last election that Victoria had a shortage of numbers in its police force. Not one of them raised any of those concerns prior to the election and not one of them conceded there was a problem.

The honourable member for Evelyn could be forgiven for that, because she was not then a member of this place. However, as the Liberal Party candidate for the seat of Evelyn she might have had some comment to make about the fact that the previous government had a plan to close the Mount Evelyn police station, the fact that there was a shortage of police out there, or the fact that the Mount Evelyn police station was operating for only 7 hours a week, with a sign out the front telling the crooks what time to rob houses!

I checked through the press clippings and I could not find any record of the honourable member for Evelyn having raised those concerns at any stage prior to the election. I find it extraordinary that Liberal Party members expect the government — —

Mrs Peulich interjected.

The DEPUTY SPEAKER — Order! I ask the honourable member for Bentleigh to cooperate with the Chair to allow the adjournment debate to continue.

Mr HAERMEYER — Opposition members expect the government — —

Mr Wells — On a point of order, Honourable Deputy Speaker, the honourable member for Evelyn

raised the issue of the minister's pre-election commitment and the petition he lodged claiming he would fix the issue at Mount Evelyn. He has failed to do so and I believe the people of Evelyn deserve a straightforward answer for once.

The DEPUTY SPEAKER — Order! I do not uphold the point of order. The Chair cannot direct the minister how to answer issues on the adjournment debate.

Mrs Peulich interjected.

The DEPUTY SPEAKER — Order! I ask the honourable member for Bentleigh to cease interjecting.

Mr HAERMEYER — The honourable member for Wantirna, who is now the person the opposition would purport to be the police minister if it ever became the government of the state, also spent seven years in this place and never once expressed concern about the cuts to police numbers his government was inflicting on the police force. Opposition members expect the government to undo seven years of damage in 12 months. One of the blokes who was instrumental in cutting the number of hospital beds is in the house, and he now expects the government to undo that damage overnight!

The previous government promised to increase police numbers by 1000, yet it cut them by more than 800. The government is increasing police numbers by a net 800 over the course of this Parliament. That was the commitment given prior to the election. The commitment entails the recruitment of 2500 police officers, and from those 2500 will come adequate police numbers to deal with the issues at Mount Evelyn.

Recently I spoke to Mr Colin Gillam about the issues at Mount Evelyn and I told him that the government is addressing those issues and that they will be progressively addressed over the course of the Parliament. The government is looking at what measures can be put in place to urgently deal with some of the issues at Mount Evelyn.

Mr Wells interjected.

The DEPUTY SPEAKER — Order! The minister will not respond to interjections; he will continue to address his comments through the Chair.

Mr HAERMEYER — It is eight years later! The problem at Mount Evelyn relates to the overall problem of police numbers. It is being addressed and Mount Evelyn, like other parts of Victoria that have been adversely affected, will benefit from that course of action.

One must question what would happen if members opposite returned to the government benches. Recently the honourable member for Wantirna came into the house and called into question whether 2500 police officers can be trained and recruited in four years. He then called into question the quality of those police officers. The honourable member for Brighton, the shadow Treasurer, said the government is spending too much money. It is obvious what members opposite would do if they got back into office — they would cut police numbers.

Mr McArthur — On a point of order, Honourable Deputy Speaker, I draw your attention to the way the minister is responding to the issue. I refer you to previous rulings, in particular a ruling by Speaker Coghill on 4 June 1991:

> Members are not entitled to use the adjournment of the house proceedings as a vehicle to attack other members of the house or others.

Further, a ruling by Deputy Speaker McGrath of 21 April — —

The DEPUTY SPEAKER — Order! From what page is the honourable member quoting?

Mr McArthur — Page 14 of the current *Rulings from the Chair*. A ruling by Deputy Speaker McGrath of 21 April 1999 states:

> The adjournment debate is not simply an opportunity for a minister to attack the opposition.

I ask you, Honourable Deputy Speaker, to draw those rulings to the attention of the minister and ask him to deal with the adjournment debate in the normal way.

The DEPUTY SPEAKER — Order! I ask the minister to conclude his response.

Mr HAERMEYER — I was about to conclude before we got to that riveting point of order. The government is fixing the problems at Mount Evelyn and they will be fixed over the course of this Parliament. The issue of police presence at Mount Evelyn is being addressed. The Mount Evelyn police station will remain open. Neither of those circumstances would be the case if members opposite were still sitting on this side of the house.

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — I was going to be brief but there is some encouragement coming from the other side of the house!

The honourable member for Hawthorn referred to the priority education training program funding, the user-choice funding and the effect of the freeze on private providers. I am aware of the difficulties the freeze has caused private providers but I refer the honourable member to the obligations of the commonwealth as well.

I shall run through a few facts. I know there was a 12-month freeze. The State Training Board has been investigating the issue and how to respond to the fact that there is a limited amount of money for training, even though substantial amounts of additional funds have been put in by this government for increased training and apprenticeships within Victoria. Significant growth has taken place. The State Training Board has issued an options paper to all of the providers, private TAFE institutes and community providers, and I am still waiting for the board's recommendations. I expect those recommendations within the next week or so, and the government will then respond very quickly. I am aware of the time constraints.

I invite the honourable member for Hawthorn to join me in reminding the commonwealth of its obligations to provide support for training and apprenticeships within the state. The cap was imposed on growth funding for user-choice because for the past three years the commonwealth government has not provided funding for growth; it has expected growth to occur through efficiency. The proposal from the federal minister, Dr Kemp, is more of the same: it is growth without additional funds. Dr Kemp expects the state to put the additional funds in.

Mr Baillieu interjected.

Ms KOSKY — I will be responsible for ensuring that Victoria does not have an open-ended training system that cannot be funded.

Mr Baillieu interjected.

Ms KOSKY — The honourable member for Hawthorn says they have businesses to plan. The government wants very much for industry to drive the training system, but it does not want the training industry to drive the training system. There is a difference in terms of ensuring that the training and the expenditure provided by the government go towards those needs within industry.

The government is focused not on propping up the training industry but on providing training for industry. The government will provide that information in the next few weeks. However, if the honourable member for Hawthorn is serious about ensuring that there are adequate funds for growth for the private providers, the TAFE institutes and the community providers, he will join me in seeking additional funding from the commonwealth government.

The honourable member for Warrandyte was happy to do that. He understood the issues. I expect the honourable member for Hawthorn to do the same and to put pressure on the commonwealth to provide the training that is required for young people.

The honourable member for Swan Hill referred to the attention of the Minister for Transport the matter of a driver education centre in Charlton. I will refer that matter to the minister's attention, and I am sure he will respond promptly.

The honourable member for Eltham raised a matter for the Minister for Local Government about the closure of Kerrie Crescent within the Nillumbik shire. I will draw that to the minister's attention.

The honourable member for Caulfield referred to the attention of the Minister for Aged Care the matter of standards in nursing homes. I shall ensure that is brought to her attention.

The honourable member for Footscray raised for the attention of the Minister for Sport and Recreation in another place the need for an ice rink in the western suburbs. I am sure the minister will look into the matter.

The honourable member for Prahran raised a matter with the Minister for Local Government about what goes in with the rate notices that are sent out by local councils. I shall bring that to his attention.

The honourable member for Bentleigh raised a matter for the attention of the Minister for Sport and Recreation in another place about sporting facilities of an international standard. I shall bring that to his attention.

Motion agreed to.

House adjourned 6.52 p.m. until Tuesday, 14 November.

QUESTIONS ON NOTICE

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

Wednesday, 1 November 2000

State and Regional Development: 'A better deal for regional Victoria'

27. **MR PERTON —** To ask the Honourable the Minister for State and Regional Development with reference to the Minister's press release of 9 November 1999, entitled 'A better deal for regional Victoria' — (a) what resources will **—** (i) the Victorian Government; (ii) the New South Wales Government; and (iii) the Queensland Government commit to the 'alliance'; and (b) what criteria has the Minister set for determining the success of the 'alliance'.

ANSWER:

The Victorian Government will contribute to the Alliance through the existing resources of Multimedia Victoria.

The resource commitments of other State governments are a matter for their announcement.

The success criteria for the Alliance will be determined through further discussions with the New South Wales and Queensland Governments, but will directly relate to the objectives of the Alliance.

State and Regional Development: Verisign

28. **MR PERTON —** To ask the Honourable the Minister for State and Regional Development **—** (a) whether any State Government assistance has been given to the American company Verisign; if so, what assistance; and (b) whether the Minister refused to disclose details of such assistance to an ABC journalist at the Minister's press launch of 9 November 1999 in the old Labor Party caucus room; if so, why.

ANSWER:

I am informed that no assistance has been provided to the American company, Verisign Inc.

State and Regional Development: Connecting Victoria

32. **MR PERTON —** To ask the Honourable the Minister for State and Regional Development, with reference to the Minister's statement 'Connecting Victoria', that the Government will assist 'schools to properly resource the Information Technology needs of all their students and local communities' **—**

1. What is the Minister's assessment of the resources needed to achieve this objective.

2. What is the computer to child ratio the Government seeks by 1 June 2000, 2001, 2002 and 2003 respectively.

3. What additional budget will be applied to this purpose in the financial years 1999–2000 to 2002–03 inclusive.

ANSWER:

The Government is assessing what is needed to properly resource the information technology needs of schools. The target State average curriculum computer to student ratio was 1:5 by 30 June 2000. This target has already been surpassed.

State and Regional Development: Connecting Victoria

36. MR PERTON — To ask the Honourable the Minister for State and Regional Development with reference to the Minister's statement 'Connecting Victoria' what changes will be made to Government outsourcing of Government Information Technology operations.

ANSWER:

Many of the current IT Contracts established with the IT industry are long term arrangements, and as such are not due for review for many years.

Local companies will also be given the opportunity for participation in any new or reviewed IT projects.

State and Regional Development: Connecting Victoria

37. MR PERTON — To ask the Honourable the Minister for State and Regional Development with reference to the Minister's statement 'Connecting Victoria' that the Government 'will bring new international business to Melbourne to help grow our local companies' — (a) what programs will the Government introduce or maintain to achieve this objective; and (b) what targets does the Government have for the new international businesses in Melbourne by 1 June 2000, 2001, 2002 and 2003 respectively.

ANSWER:

The Government will continue to develop new programs and refine existing programs to optimise the application of financial and human resources in its investment attraction program.

State and Regional Development: Connecting Victoria

38. MR PERTON — To ask the Honourable the Minister for State and Regional Development with reference to the Minister's statement 'Connecting Victoria' that the Government will 'promote the growth of high-tech clusters of firms and research institutions and encourage them in to locate in rural and regional Victoria' —

1. What programs will be introduced or maintained to achieve this objective.
2. Which, if any, current high-tech clusters will be supported, and with what resources and targets.
3. What new high-tech clusters will be created by the Government.
4. What practical assistance will be made available to encourage clusters to locate in rural and regional Victoria.
5. In what locations will such high-tech clusters be situated as at 1 June 2000, 2001, 2002 and 2003 respectively.

ANSWER:

The Government will continue to develop new programs and refine existing programs to optimise the application of financial and human resources in promoting the growth of high-tech clusters in Victoria.

The Government will work in partnership with industry to build on existing high-tech clusters using a range of programs from a range of sources.

The Government will aim to establish new high-tech clusters through collaboration with industry partners. Project proposals will be assessed on a case by case basis.

The nature of assistance provided to projects will be assessed in conjunction with the project proposal.

The locations and timing of such projects will be determined by the nature of the industries involved.

State and Regional Development: Connecting Victoria

39. **MR PERTON —** To ask the Honourable the Minister for State and Regional Development with reference to the Minister's statement 'Connecting Victoria' that the Government 'will win major gains in employment across the whole of regional Victoria' through its 'Regional Call Centre Attraction Centre' **—**

1. How many anticipated new call centres will be established in regional Victoria by 1 June 2000, 2001, 2002 and 2003 respectively.

2. How many anticipated new jobs will be created in regional call centres by 1 June 2000, 2001, 2002 and 2003 respectively.

3. Whether the Minister accepts that this is just a plagiarised policy of the previous Coalition Government.

ANSWER:

The Call Centre industry is a fast growing industry, and the Government is therefore making every endeavour to maximise the opportunities for regional Victoria to participate in this growth. The Government will be working closely with Councils to promote regional Victoria as a destination for these types of activities.

The previous Government did not provide a dedicated program for the development of the call centre industry in regional Victoria.

State and Regional Development: Connecting Victoria

40. **MR PERTON —** To ask the Honourable the Minister for State and Regional Development with reference to the Minister's statement 'Connecting Victoria', that the Government will establish a 'High Tech Towns project [and] beginning with Ballarat and Portland, the Government will work on establishing regional televillages' **—**

1. What is a televillage.

2. What budget will be allocated to this project in the financial years 1999–2000 to 2002–03 inclusive.

3. Is a 'High Tech Town' the same thing as a 'televillage'.

4. What are the criteria for the success of this program and each of its pilots.

5. When will assistance under this program be received by Bendigo, Mildura, Wonthaggi, Bairnsdale and Warrnambool respectively.

ANSWER:

'Hi-tech Towns' and 'televillages' are the same in so far as they apply to 'smart communities' — communities with a vision of the future that involves the use of information and communications technologies in new and innovative ways to empower residents, institutions and regions as a whole.

Two pilots have commenced in Ballarat and Portland. The City of Ballarat has completed the definition stage of the project. The Shire of Glenelg has appointed a Project Manager and discussions have commenced to define and determine the scope of that project.

State and Regional Development: Connecting Victoria

41. **MR PERTON —** To ask the Honourable the Minister for State and Regional Development with reference to the Minister's statement 'Connecting Victoria' that the Government will help 'everyone who wants to obtain an email address' **—**

1. How will the Government help.
2. Will the provision of email addresses be free of charge and free of advertising.
3. What means for delivery of email will be used.
4. Will there be sufficient free access to the Internet to enable 'everyone who wants to obtain an email address' to access their email everyday.

ANSWER:

On 17 May 2000 the Victoria Virtual Library (www.libraries.vic.gov.au) was launched in Camperdown, which provides email for everyone who wants to obtain an email address.

State and Regional Development: web bugs

42. **MR PERTON —** To ask the Honourable the Minister for State and Regional Development with reference to the online monitoring tools known as 'web bugs', which allow advertising services companies to gather information from Web users without their knowledge, with the collected data then being then deposited in databases where it is analysed and stored **—** (a) what steps are being taken by the Minister or Multimedia Victoria to alert Victorians of the dangers, if any, posed by these tools; and (b) whether there are any means whereby Victorians can protect themselves from the tools.

ANSWER:

The Government supports the continuing development of Commonwealth legislation to create a nationally consistent and strong privacy scheme for the private sector. National legislation, which among other things, prevents collection of personal information without the subject's knowledge, is the best regulatory solution to privacy intrusive practices in the private sector.

State and Regional Development: Connecting Victoria

54. **MR PERTON —** To ask the Honourable the Minister for State and Regional Development with reference to the Ministerial Statement 'Connecting Victoria' that the Government will 'implement the Victorian Tourism Online Project begun by the previous Government but will increase the emphasis on regional operators' **—** (a) what change in instructions on the project have been given to the project managers; and (b) by what criteria may the Parliament or any independent body judge whether he has been successful in increasing the emphasis on regional operators.

ANSWER:

The listing of regional Tourism product on the Internet is a high priority, as is evidenced by the large proportion of regional product on the recently launched, first stage web site for Tourism Victoria.

State and Regional Development: Connecting Victoria

56. **MR PERTON —** To ask the Honourable the Minister for State and Regional with reference to the Ministerial Statement 'Connecting Victoria' that the Government will 'do more' in respect of online facilities in libraries and 'will increase access for multilingual and disabled users and ensure that more useful and user-friendly online resources are available for everyone' **—** (a) what additional resources will be available to libraries to provide free online facilities in each of the financial years 1999–2000 to 2002–03 inclusive; (b) what precise measures will the Government take to increase access for multilingual and disabled users; (c) what does the Minister mean by 'ensure that more useful and user-friendly online resources are available for everyone'; and (d) what 'more useful and user-friendly online resources' does the Minister intend to ensure is available.

ANSWER:

It is the intention of this Government to assist libraries through the enhancement of the Libraries Online program. This program has been announced and the Virtual Library project was launched in Camperdown on 17 May 2000.

State and Regional Development: Connecting Victoria

57. **MR PERTON** — To ask the Honourable the Minister for State and Regional with reference to the Ministerial Statement 'Connecting Victoria' that 'Skillsnet for Community Groups will accelerate online skills development and use by providing community leaders across Victoria with the necessary tools and skills' — (a) what budget will be made available for this program in each of the financial years 1999–2000 to 2001–02 inclusive; (b) how many community leaders will be trained in each of those years; (c) how will the community leaders by selected; (d) what skills are the community leaders expected to develop under the program; (e) how many community outreach officers will be appointed under this initiative; (f) how will the community outreach officers be selected; and (g) how many people will be trained under Skills.net in each of these financial years.

ANSWER:

The scope and approach to the Skills.net for Community Groups program has now been determined and implementation plans for the pilot for the program prepared.

State and Regional Development: Connecting Victoria

59. **MR PERTON** — To ask the Honourable the Minister for State and Regional Development with reference to the Ministerial Statement 'Connecting Victoria' that the Government will 'use this Government's Regional Infrastructure Development Fund to upgrade access to information community technology in rural and regional Victoria' and noting Telstra's universal service obligations — (a) what budget will be allocated to upgrade this access; and (b) what will the Government do over and above what Telstra is doing.

ANSWER:

The telecommunications universal service obligation (USO) is determined by the Commonwealth Government.

Applications can be made to the Regional Infrastructure Development Fund for strategic Information and Communication Technologies infrastructure.

State and Regional Development: Connecting Victoria

60. **MR PERTON** — To ask the Honourable the Minister for State and Regional Development in relation to the recent 'Connecting Victoria' statement made by him and the Internet Access in Town Halls program — (a) what budget will be allocated to this program; (b) will the program be available in every town hall; if not, which town halls will be excluded; (c) why would the public wish to access the Internet in town halls when

libraries offer better infrastructure and trained personnel; (d) how many citizens are expected to access the Internet under this program; and (e) what criteria will be set to judge the success of this program.

ANSWER:

A key priority for the Victorian Government is to increase the availability of, and lower the cost of access to, Information and Communication Technologies in regional and rural Victoria. Policy initiatives to increase access have been announced and implementation plans are being developed.

State and Regional Development: Connecting Victoria

61. MR PERTON — To ask the Honourable the Minister for State and Regional Development in relation to the recent 'Connecting Victoria' statement made by him and the reference to Net Access Centres— (a) what is a 'net access centre' and does it differ from a library, town hall or a maxi kiosk; (b) how many centres will be established; (c) where will the centres be established; (d) what budget will be allocated to those centres; (e) under what criteria will the success of these centres be judged; (f) how big will the centres be; (g) what equipment will be placed in each centre; and (h) what staff will serve in each centre.

ANSWER:

A key priority for the Victorian Government is to increase the availability of, and lower the cost of access to, Information and Communication Technologies in regional and rural Victoria. Policy initiatives such as Net Access centres have been developed.

State and Regional Development: Multimedia Victoria executive director

70. MR PERTON — To ask the Honourable the Minister for State and Regional Development in relation to the speech given by Dr Bronte Adams, Executive Director of Multimedia Victoria to the Australian Interactive Multimedia Industry Association on 25 November 1999 and the report of the speech in *The Australian Financial Review* of 25 November 1999—

1. What were the instructions given by the Minister or any other person to Dr Adams on the matters she could and should canvass in her speech.

2. What instructions or contractual terms or regulations apply to Dr Adams with respect to making comments on issues which may be part of political debate and/or political controversy.

3. Is it true as quoted that Dr Adams 'threw her support behind the government information technology spokesperson'.

4. Whether Dr Adams predicted 'life would be easier for SMEs (small to medium-size enterprises) under the Bracks administration as Labor was committed to giving small business better opportunities to compete for government contracts in the current information technology outsourcing environment', if so what are the targets that Multimedia Victoria or Dr Adams set for assessing whether SMEs gain government information technology outsourced contracts.

5. What advice did Dr Adams tender to the Minister in respect of the transfer of Cinemedia to the Ministry of the Arts.

6. Whether Dr Adams indicated 'that the information technology agenda of the previous Liberal Government would continue with added enhancements' if so, what are the added enhancements or deleted elements.

ANSWER:

I am informed that no instructions were given. Dr Adams acted in accordance with normal public service guidelines. I have been informed that the report of Dr Adams' speech in the Australian Financial Review of 25 November contained some inaccuracies. Dr Adams did not tender any advice to me or anyone else in Government in respect of the transfer of Cinemedia to the Ministry of Arts. I have been informed that Dr Adams highlighted a Victorian Government ICT agenda that included a strong commitment to local industry, developing ICT skills and increasing the availability and lowering the cost of access to regional and rural Victoria. This is consistent with my Statement to the Victorian Parliament on 11 November 1999.

State and Regional Development: Digital Media Fund

71. **MR PERTON** — To ask the Honourable the Minister for State and Regional Development with reference to an article in the *Age* of 30 November 1999 entitled 'Multimedia Funding Goes It Alone' by Jenny Sinclair that 'The Development Minister, John Brumby, said the move [of Cinemedia] would not affect multimedia, as the $2.7 million Digital Media Fund would now be administered by Multimedia Victoria. He said money flowing back from investments made by the fund's precursor, the Multimedia 21 Fund, would also be managed by Multimedia Victoria.' —

1. On what criteria will grants from the Digital Media Fund be made.

2. Who will judge the artistic merit of applicants to the Digital Media Fund.

3. What total allocation was made under the Digital Media Fund in 1998–99 and what total allocations will be made in each of the financial years 1999–2000 to 2002–03 inclusive.

4. How will the money 'flowing back' be administered.

ANSWER:

Applications to the Digital Media Fund (DMF) are assessed by an evaluation and advisory committee, which includes representation from a cross section of the industry appropriate for peer assessment.

Grants from the DMF are made against the criteria of quality, innovation and marketability. The weighting of evaluation criteria is dependent upon whether the applicant is seeking investment or grant funding.

The money flowing back from the Multimedia 21 Fund will be applied to funding for further DMF programs.

State and Regional Development: Chip Skills program

72. **MR PERTON** — To ask the Honourable the Minister for State and Regional Development, with reference to the statement in the *Age* of 29 November 1999 by Mr Stephen Kim, Chief Executive Officer of Acqutek, that the previous Coalition Government's Chip Skills Program has made Melbourne 'the place to learn chip design skills in the Southern Hemisphere' —

1. Will the Chip Skills Program be maintained; if so, for how long.

2. What was the budget for the program in 1999–2000, and what is the proposed budget for each of the financial years 2001–02 to 2003–04 inclusive.

3. What targets have been set for the program in each of the financial years 2001–02 to 2003–04 inclusive.

4. What will be the respective roles for RMIT, Monash University, Latrobe University, Swinburne University of Technology and Victoria University of Technology in the program.

5. Which private sector organisations are and will be involved in the program.

6. What commitment has Acqutek made to the program.

7. What discussions have taken place with Siemens, Ericsson, Bosch, NEC and Toshiba respectively about participation in the program.

ANSWER:

The Government is committed to continuing the Chipskills Program.

Several Universities have agreed to participate in discussions regarding the program. These discussions are ongoing.

Private sector involvement is and will continue to be an important part of the program. Several private sector organisations are involved in discussions regarding the program. These discussions are ongoing.

State and Regional Development: Multimedia Victoria review

73. **MR PERTON** — To ask the Honourable the Minister for State and Regional Development —

1. Is Multimedia Victoria reviewing its budget to accommodate the Government's so-called emphasis on regional issues and a wider spread of technology projects across all industries; if so — (a) who is conducting the review; (b) what are the terms of reference; and (c) what instructions does the person conducting the review have in respect of 'discretionary spending'.

2. Has the employment or engagement of any staff or consultants of Multimedia Victoria been terminated; if so, which employees or consultants and on what terms.

3. Have any programs had funding reduced or terminated; if so, which programs.

ANSWER:

The annual budget for Multimedia Victoria aligns with the Government's priorities.

The Department of State and Regional Development has been restructured to align better with the Government's priorities, including in relation to expected savings requirements.

State and Regional Development: Multimedia Victoria trade fair program

81. **MR PERTON** — To ask the Honourable the Minister for State and Regional Development, whether the Government will maintain the 'International Trade Fairs and Missions Program' of Multimedia Victoria; if so, will any and what changes will be made.

ANSWER:

Yes.

State and Regional Development: multimedia, IT and telecommunications investment capital

82. **MR PERTON** — To ask the Honourable the Minister for State and Regional Development, what programs or publications will the Minister institute to take advantage of the Federal Government's business tax reforms which should enable Victoria's multimedia, information technology and telecommunications industries to gain access to new sources of investment capital.

ANSWER:

The Government welcomes any changes that improve the access to investment capital for Victorian companies. Before deciding what the Government might do to take advantage of the proposed changes we will be assessing the Federal Government's own initiatives first.

State and Regional Development: multimedia industry-based learning programs

83. MR PERTON — To ask the Honourable the Minister for State and Regional Development —

1. What is the government doing to address the critical skills shortage amongst small to medium sized multimedia companies.

2. What support is the government giving to Swinburne University and industry based learning programs where students work for twelve months during their degree with a multimedia company.

3. What are the measures of success of these industry based learning programs and have they been achieved.

ANSWER:

The Government has established an ICT Skills Taskforce and is working closely with industry and education groups to develop timely and effective responses to the identified needs.

State and Regional Development: Skillsnet membership

98. MR PERTON — To ask the Honourable the Minister for State and Regional Development with reference to a press release of 7 December 1999 entitled 'Brumby announces milestone for Skillsnet' in which the Minister acknowledged that the Skillsnet program under the coalition government 'had been particularly successful in rural and regional Victoria, where 80 per cent of Skillsnet members are from' what are the targets for the percentage of rural and regional membership of Skillsnet for each of the financial years 1999–2000 to 2001–02 inclusive.

ANSWER:

Over the life of the Skills.net program our aim is that the benefits be available in rural and remote areas as they are in the more populated regional centres. The program at the same time will target people who face additional technological barriers such as having a physical disability or difficulties with the English language.

State and Regional Development: strategic industry audit

198. MR PERTON — To ask the Honourable the Minister for State and Regional Development with reference to the Strategic Audit of Victorian Industry —

1. Who will conduct the audit.

2. What budget will be allocated to the audit.

3. What instructions have or will be given to those carrying out the audit of — (a) new technologies and industries; (b) issues facing Victoria's industries; and (c) industry sectors in rural and regional Victoria.

ANSWER:

The Strategic Audit of Victorian Industry is being led by the Department of State and Regional Development in close liaison with other Departments and supplemented by the use of specialist consultants where appropriate. The Strategic Audit will include widespread consultation with key stakeholders in Victoria's industry sectors, including

major employers, local government, unions and the community. Industry Reference Groups will be established to provide strategic input and leadership to each industry audit.

The Strategic Audit will help identify the major strengths and challenges in Victorian industry, and assist government and industry plan strategies for future growth. Identifying the strengths and capabilities of industry sectors in rural and regional Victoria will be a major focus of the audit.

State and Regional Development: multimedia regional access strategy

203. MR PERTON — To ask the Honourable the Minister for State and Regional Development with reference to the advertisement in the *Age* newspaper on 1 April 2000 for a Director, Policy and Regional Access in Multimedia Victoria — (a) what is the Government's Regional Access strategy; and (b) why is it not on the Multimedia Victoria web site.

ANSWER:

The Government has various programs to address issues for rural and regional Victoria.

State and Regional Development: Multi-Service Express

204. MR PERTON — To ask the Honourable the Minister for State and Regional Development with reference to his press release of Friday, 7 April 2000, in which he claimed to have launched the world's first government Internet service that delivers a single entry access point for a record number of government online services —

1. When was the Multi-Service Express conceived and is it a rebadging of the existing Victorian Government Electronic Service Delivery.

2. What is the difference between the Electronic Service Delivery system and Multi-Service Express.

3. What is the role of Maxi Multimedia in Multi-Service Express.

4. When were ordering facilities for court transcripts placed on the Electronic Service Delivery system.

5. From what date has it been possible via the Electronic Service Delivery system to — (a) arrange electricity disconnection or new connection from United Energy; (b) order videos or film from Cinemedia; and (c) search for VCE results, birth or death certificates.

6. From what dates was access to the rest of the 92 government services available.

ANSWER:

Multi-service Express (ME) brings together existing and new services over the Internet. These include services available via *maxi*.

Services will continue to be added as they become available from Departments and Government agencies.