

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SIXTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 13 February 2007**

**(Extract from book 2)**

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# CONTENTS

**TUESDAY, 13 FEBRUARY 2007**

## QUESTIONS WITHOUT NOTICE

<i>Police Association: Office of Police Integrity investigation</i> .....	153
<i>Murray–Darling Basin: federal plan</i> .....	153
<i>Bushfires: inquiry</i> .....	154
<i>Climate change: emissions trading</i> .....	155
<i>Police Association: pre-election agreement</i> .....	155, 156
<i>Drought: mental health initiatives</i> .....	156
<i>Drought: government assistance</i> .....	157
<i>Gaming: public lotteries licence</i> .....	158
<i>Employment: rural and regional Victoria</i> .....	158

## ACTING SPEAKERS .....

## PRAHRAN MECHANICS' INSTITUTE AMENDMENT

### BILL

<i>Introduction and first reading</i> .....	160
---	-----

## PAY-ROLL TAX AMENDMENT (BUSHFIRE AND EMERGENCY SERVICE) BILL

<i>Introduction and first reading</i> .....	160
---	-----

## PETITIONS

<i>Silverleaves Beach, Phillip Island: access</i> .....	160
<i>Police: Cowes station</i> .....	160
<i>Gas: Phillip Island supply</i> .....	160
<i>Olympic Park: rectangular stadium</i> .....	160
<i>Preschools: accessibility</i> .....	161
<i>Gas: Flinders and Shoreham supply</i> .....	161
<i>Abortion: legislation</i> .....	161
<i>Rail: Melbourne–Shepparton line</i> .....	161

## SCRUTINY OF ACTS AND REGULATIONS

### COMMITTEE

<i>Alert Digest No. 1 of 2006 (56th Parliament)</i> .....	161
<i>Alert Digest No. 1</i> .....	161

## DOCUMENTS .....

## ROYAL ASSENT .....

## APPROPRIATION MESSAGE .....

## BUSINESS OF THE HOUSE

<i>Program</i> .....	163
----------------------	-----

## MEMBERS STATEMENTS

<i>Drought: south-western Victoria</i> .....	164
<i>Bob Hoskins</i> .....	165
<i>Roads: rural and regional Victoria</i> .....	165
<i>Mentone: beach renourishment</i> .....	165
<i>Planning: Glenelg development</i> .....	166
<i>George Schofield</i> .....	166
<i>Scoresby electorate: election result</i> .....	166
<i>Lydia Kauzlaric</i> .....	167
<i>Rail: north-eastern Victoria</i> .....	167
<i>Narre Warren South P–12 College: facilities</i> .....	167
<i>Environment: noise abatement regulations</i> .....	168
<i>Australia Day: Nillumbik awards</i> .....	168
<i>Burwood Highway, Ferntree Gully: bus stop</i> .....	168
<i>Multicultural affairs: Frankston grants</i> .....	169
<i>Mental health: funding</i> .....	169
<i>Women: sexual objectification</i> .....	169
<i>Preschools: funding</i> .....	170

<i>Yarra Valley: community events</i> .....	170
---	-----

<i>Housing: youth homelessness</i> .....	170
--	-----

<i>Hepburn: spa redevelopment</i> .....	171
---	-----

## INTERPRETATION OF LEGISLATION AMENDMENT

### BILL

<i>Second reading</i> .....	171
-----------------------------	-----

<i>Remaining stages</i> .....	176
-------------------------------	-----

## WATER AMENDMENT (CRITICAL WATER INFRASTRUCTURE PROJECTS) BILL

<i>Second reading</i> .....	176, 208
-----------------------------	----------

## RULINGS BY THE CHAIR

<i>Members: allocation of call</i> .....	207
--	-----

## ADJOURNMENT

<i>Water: desalination plant</i> .....	219
--	-----

<i>12th FINA World Championships: pool</i>	
--	--

<i>relocations</i> .....	219
--------------------------	-----

<i>Bushfires: government assistance</i> .....	220
---	-----

<i>Aged care: Frankston North centre</i> .....	220
--	-----

<i>Emergency services: Warrnambool helicopter</i> .....	221
---	-----

<i>The Lakes-South Morang P–9 School: opening</i> .....	222
---	-----

<i>Motor vehicles: registration renewal</i> .....	222
---	-----

<i>Craigieburn North P–12 school: funding</i> .....	222
---	-----

<i>Planning: Echuca brothel application</i> .....	223
---	-----

<i>Tertiary education and training: federal</i>	
---	--

<i>program</i> .....	223
----------------------	-----

<i>Responses</i> .....	224
------------------------	-----



**Tuesday, 13 February 2007**

**The SPEAKER (Hon. Jenny Lindell) took the chair at 2.03 p.m. and read the prayer.**

**QUESTIONS WITHOUT NOTICE**

**Police Association: Office of Police Integrity investigation**

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. I refer to comments made by the head of the Office of Police Integrity that the police union is hampering the OPI's corruption investigations, and I ask: what action is the government going to take to fix this problem?

**Mr BRACKS** (Premier) — I thank the Leader of the Opposition for his question. One of the reasons our government set up the Office of Police Integrity was for it to undertake the work it is doing now. I want to place on record my congratulations to the OPI, because clearly we are seeing the fruits of having an independent scrutiny body for police in this state.

As the head of the OPI, George Brouwer, said more recently, there are pockets on which he will concentrate his work to root out corruption where it occurs. He also said that the overwhelming — —

*Honourable members interjecting.*

**The SPEAKER** — Order!

**Dr Napthine** interjected.

**The SPEAKER** — Order! The member for South-West Coast should not continue to interject when I am calling the house to order. The Premier, to continue.

**Mr BRACKS** — He also indicated that the overwhelming majority of serving police officers want to ensure that this matter is cleared up as well. That is why he is doing his role and performing his function to concentrate on making sure we have one of the best police forces in the country. So this side of the house supports the Office of Police Integrity. We wish the director well in the task he has undertaken. Not only that — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I advise the member for Kew, the member for Scoresby and the member for

South-West Coast that constant interjections are not acceptable.

**Mr BRACKS** — Not only that, he has — and his office has — the legislative capacity equivalent to a royal commission to undertake the very task required.

**Murray–Darling Basin: federal plan**

**Mr HARDMAN** (Seymour) — My question is to the Premier. I ask the Premier to update the house on the negotiations under way with the federal government regarding the future of the Murray–Darling Basin.

**Mr BRACKS** (Premier) — I thank the member for Seymour for his question. As members of this house would understand, the Prime Minister has called for a further meeting of the premiers and territory leaders on Friday week, 23 February, in order to progress further the proposal he has to take over responsibility for the Murray–Darling Basin system.

I said from the very start when this matter was announced by the Prime Minister that Victoria would not just sign on without conditions being met and without conditions precedent. One of those key conditions precedent is that our irrigators have the same protections as they have now — that is, legislative rights equivalent to property rights enshrined in legislation, in this case in federal legislation, which allows them to have the security and investment opportunities that all those legislative rights give. No such assurance has been given by the Prime Minister or by the water minister.

Secondly, we said we did not want to simply see privatisation by stealth. Whilst we have had an assurance about that, we will be monitoring that very closely. Thirdly, we indicated that we wanted to make sure that the environment and other aspects were catered for in relation to water allocations and the future environmental flows which result from that.

I have to say, and this is reflected in today's newspapers, which report the extraordinary move — and the more you find out about this arrangement, the more concerned you get, and today we have found that out — that this matter has not even gone to federal cabinet. It is an extraordinary admission that federal cabinet has not had the opportunity to sign off on a \$10.5 billion package which is probably the most significant reform and change proposed for the Murray–Darling Basin.

What we do not know, for example, is what rivers will be affected by this arrangement. We know, of course, that the proposal is for the Murray–Darling Basin, but

when questions are asked about the Campaspe River, about the Ovens River and about other key tributaries, we do not get any answers at all. They are not clear, and they do not know. They do not know the geographic boundaries at this stage. This is even after November last year, when the Prime Minister called his first water summit on this area.

Secondly, we also do not know what is happening with the \$10.5 billion fund. I was shocked, and I know other premiers and territory leaders were shocked, when the Prime Minister revealed for the first time at our last meeting that this \$10.5 billion, which we thought was for the basin, is not for the basin — it is for every other irrigation area in the country. Also at this meeting were the Premier of Tasmania and the Premier of West Australia, who were told by the Prime Minister that they would be eligible to apply for some of the \$10.5 billion for their irrigation districts. So it will be spread out for Tasmania and Western Australia and also for other parts of Queensland, New South Wales, Victoria and South Australia. We have the serious issue of funding to be dealt with as a part of this as well.

Speaker, I think you would understand that we are doing our best to try to accommodate the wishes of the federal government in any arrangements that are to be met. But I have never done business before — and our government has never done business before, and most jurisdictions would not do business — in a situation where you received at a meeting a five-page document which was the Prime Minister's answers to questions which were raised and were asked to sign on the spot on that five-page document, which we received only when we went into the meeting.

We have also learnt of course, as I mentioned, that this matter has not gone to cabinet. We have serious concerns. We will act in the national interest and we will act in Victoria's interest — and those two things need to come together. Victoria's interest is not yet assured in relation to irrigation, environmental flows or the next stage of the Living Murray, or in relation to the geography of these rivers and what territory will be captured. Of course the separation of land management and water is a matter which is unresolved — that is, catchments which feed the water are to be a state responsibility, but the water is to be a federal responsibility, not owned by but with an entitlement going to the commonwealth. Talk about another layer of bureaucracy! So we have grave concerns, and those grave concerns will be discussed further.

I must admit I have significant pressure being put on me about this matter. I have pressure, for example, from the Leader of The Nationals in Victoria, who has

urged me regularly to stand up against Canberra and not sign this deal. He has urged me, alongside The Nationals water spokesman, to protect Victoria's interests. The *Warracknabeal Herald* of Friday, 2 February 2007, says:

The Leader of The Nationals ... is urging Premier Steve Bracks to resist attempts to transfer responsibility for Victoria's share of the Murray–Darling River system to the federal government.

He went on, and I agree with this — —

**Mr Ryan** — Do you have that delivered at home?

**Mr BRACKS** — No, I got it later, but it is a very good paper. I am sure the Leader of The Nationals will not mind being quoted:

Victoria has a pre-eminent position in water administration within Australia.

We should not cede our control over water in circumstances where it is primarily the shortcomings of the other states that have brought about the problems in the Murray–Darling Basin.

I agree and concur with that. The Nationals spokesman for the Murray River went on to say:

Communities on the Victorian side of the Murray River have flourished through conservative management of water allocations.

That is true, including, of course, under the seven years of our government, through legislated rights and through the proper management of our water resources and getting more productivity out of the water resources which have been allocated.

We do have concerns. We do not want to be a pawn in the federal election campaign of any party. We will stand up for the national interest, and we will stand up for Victoria's interests. To receive material and be expected to sign on at the very time you receive it is just outrageous. It is not how you do business, and what we are hoping for is that there is proper consideration of this. At least let this go to federal cabinet so that federal cabinet can discuss it also!

### **Bushfires: inquiry**

**Mr RYAN** (Leader of The Nationals) — My question is to the Premier, and let us see if we agree on this one too. I refer to the critical importance of an effective and well-resourced prescribed burning program to reduce the fire risk in Victoria, and I ask: will the government support The Nationals call for a parliamentary inquiry into the impact of public land

management practices on the frequency, scale and intensity of bushfires in Victoria?

**Mr BRACKS** (Premier) — I thank the Leader of The Nationals for his question. After every bushfire, and also in the preparation and lead-up to bushfires, we have a thorough examination of the procedures and what has been undertaken, which includes fuel reduction and prescribed burning as well, as part of that. As we did from the 2002 Esplin report, we have learnt a significant amount from the fight against these bushfires. For example, we learnt to work better with local communities and accept local knowledge as part of the fire fight. We also instituted for the first time a state broadcaster, which was the information line for Victorians, and I think it worked effectively and well. We also did, based on the recommendations of the Esplin report, as much back-burning, as much prescribed burning and as much fuel reduction burning as we could feasibly have done within the weather conditions, whether they were wet or dry. That is not only a commitment which we gave; it is a commitment which has been implemented.

If the Leader of The Nationals furnishes me with any proposals he has, I will consider them as part of the examination of what occurred post the bushfires. In relation to any cause of action regarding a parliamentary inquiry, that is a matter on which he can seek support amongst other parties and his colleagues. In relation to the matters he raises with me, if he writes to me, I will consider them as part of the government's evaluation of this bushfire season.

### **Climate change: emissions trading**

**Mr BROOKS** (Bundoora) — My question is to the Minister for Water, Environment and Climate Change. I refer the minister to the government's commitment to reducing the emission of greenhouse gases and ask the minister to update the house on the emissions trading scheme being designed by Australian states.

**Mr THWAITES** (Minister for Water, Environment and Climate Change) — I thank the member for his question. Our government has had a longstanding recognition that climate change is real and is impacting on Victoria. The CSIRO has projected that there will be an increase in bushfire danger days as a result of climate change and that stream flows in the Murray–Darling Basin and for Melbourne will reduce by some 8 per cent to 20 per cent as a result of climate change.

Last week Victoria, together with all the other states and territories, reached an historic agreement on the fight against climate change. On Friday the Premier and

leaders of other states and territories agreed that they would introduce an emissions trading scheme from 2010 unless the federal government introduced an emissions trading scheme. I might say that Premier Bracks and Premier Iemma from New South Wales have led this process over the last two to three years and have consistently pushed the federal government to enter the process so our country could have a joint emissions trading scheme.

Under an emissions trading scheme, emissions would be capped for electricity generators from 2010, with a view to reducing the overall level of greenhouse gas emissions by 60 per cent by 2050. We know that emissions trading will stimulate investment in renewable energy, natural gas and clean coal. There are potential investments out there now that are more likely to be introduced should there be the certainty of an emissions trading scheme. I refer to investments like the \$1 billion Mortlake gas-powered station and other major investments for the state.

Emissions trading also provides a direct financial incentive for existing generators to reduce their emissions. It provides an incentive for clean coal technologies to be introduced into existing stations. This means that emissions trading is good for jobs overall and for jobs in the Latrobe Valley. We have a very good resource of coal in the Latrobe Valley, and the best way to have that invested in and developed in the future is to have a safe emissions trading scheme in place for this state and for Australia.

We will continue to pressure the commonwealth government to join the scheme. We are very pleased that all the states, including Queensland and Western Australia, have now signed up — that was a major step forward last week. What we know now is that Australia will have an emissions trading scheme by 2010 with or without participation by the federal government.

### **Police Association: pre-election agreement**

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. I refer to the Premier's secret pre-election deal with the police union, which excluded the Chief Commissioner of Police, and I ask: will the Premier make the details of the deal public?

**Mr BRACKS** (Premier) — I thank the Leader of the Opposition for his question. In relation to the question asked by the Leader of the Opposition, it would be inappropriate in the extreme in a caretaker period during an election campaign to involve the Chief Commissioner of Police in a party process. The proposals that a party takes to an election are that

party's proposals. The adoption of those are the province of the people of Victoria. They have made their decision, and we will implement it.

**Drought: mental health initiatives**

**Ms OVERINGTON** (Ballarat West) — My question is to the Minister for Mental Health. Will the minister update the house on the Bracks government's initiatives designed to assist rural and regional Victorians who may be experiencing mental health issues due to the drought?

**Ms NEVILLE** (Minister for Mental Health) — I thank the member for Ballarat West for her question. I am sure all members of this house share the government's concern about the impact the drought is having on some families and the strain it is placing on some of our communities, particularly those in rural and regional Victoria. We know from the stories we hear in our communities how tough it is for people who rely on rain for their livelihoods. We are aware of the tough decisions some families are being forced to make. In this environment it is understandable that some Victorians may be more susceptible to depression. To those Victorians I say there is help available.

The government is on the ground, providing practical assistance to rural and regional Victorian communities to deal with the economic and social effects of the prolonged drought. As the state's first mental health minister and a member of the government's drought task force, I am pleased that a number of initiatives are being taken to assist communities to get through this very difficult period.

First, there are the Tackling Mental Health drought initiatives, which are a \$900 000 program that will deliver mental health first-aid training to vulnerable communities. A 12-hour training course will be delivered by accredited instructors in 16 different locations including the Grampians, Loddon-Mallee and Hume regions. This program will assist front-line health workers and other community members to detect the first signs of depression.

We know that treating depression early can prevent a person from having a long-term or severe condition. We already know that people in provincial Victoria do a fantastic job in pulling together and in looking out for each other during very stressful times, but through these initiatives people will be trained with the tools to provide basic mental health assessments and, when required, to refer people to more intensive treatment services.

The government is also a senior partner of beyondblue, the national depression initiative. We provide \$3.5 million per annum to that organisation to increase community awareness of depression and associated disorders and to promote effective treatment and care to people with these conditions. Recently beyondblue announced a partnership with Incitec Pivot to address depression in drought-affected rural communities, to raise the awareness of drought and its impact in rural Victoria and to train field staff to help identify early signs of depression and make referrals to appropriate services.

These initiatives are complemented by a whole range of other initiatives of the Department of Human Services, including the Drought Personal Support Line, which is a confidential phone service that provides counselling and referral for people who have depression. There is financial support for 120 small rural kindergartens, and the government is providing fee relief to families, thereby relieving the pressure on fundraising. Other initiatives, including the provision of Christmas hampers and relief for back-to-school costs, are supporting families through the drought. The Tackling Rural Poverty initiative is also helping emergency support workers to be able to work with local communities.

The Bracks government cares about families that are affected by mental illness because of the drought. We are helping them by raising community awareness, training key health professionals and, where necessary, providing intensive treatment through our mental health system. We want to help those people who are struggling at the moment with depression so that we have strong and resilient communities that are ready to prosper again when the drought breaks.

**Police Association: pre-election agreement**

**Mr McINTOSH** (Kew) — My question is to the Minister for Police and Emergency Services. I refer the minister to the secret pre-election deal with the police union. Has the minister discussed this deal with the Chief Commissioner of Police, and does she support it?

**Mr CAMERON** (Minister for Police and Emergency Services) — I thank the member for his question. Certainly you would have to say that the people of Victoria have great confidence in Victoria Police. A couple of weeks ago the Productivity Commission said that Victorians have greater confidence in Victoria Police than the people of other states have in their police forces. Victorians have confidence in Victoria Police because in this state we have a chief commissioner and a government that are

prepared to get down and do the hard work when it comes to record resources — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The members for Bass, South-West Coast, Scoresby and Kew should listen to the answer and stop the continual interjections.

**Mr CAMERON** — We have put in record resources and a record number of police, and there has been a reduction in crime of over 20 per cent. These are things Victorians are very proud of.

**Mr McIntosh** — On a point of order, Speaker, this is a very simple question that relates to a secret deal entered into between the Premier and the police union.

**The SPEAKER** — Order! There is no point of order. The minister, to continue.

**Mr CAMERON** — During the election we made policy commitments, and one of those is a further increase in the number of police. We are a party that gets behind police, unlike that mob over there, which reduced the number of police.

**Dr Naphthine** — On a point of order, Speaker, the minister is debating the issue; he is not answering the question. The question relates specifically to whether he had discussed the secret deal with the union with the chief commissioner and to her response. That is what he should be answering.

**The SPEAKER** — Order! The raising of a point of order does not give a member an opportunity to restate a question. The minister, to continue answering the question.

**Dr Naphthine** — On a point of order, Speaker, the point of order I raised was that the minister was debating the question rather than answering it, and in making that point I referred you to the question itself so you could understand that he was debating it and not answering it. I ask you to rule on the point of order of whether he is debating the question.

**The SPEAKER** — Order! There is no point of order. The minister, to answer the question.

**Mr CAMERON** — During the course of the election we made commitments relating to police, and those proposals include increasing the number of police in Victoria. We will honour those commitments. The chief commissioner recognises that increasing police numbers is very important, and I look forward to

working with her as we implement our policy commitments.

### **Drought: government assistance**

**Mr HOWARD** (Ballarat East) — My question is to the Minister for Agriculture. I refer the minister to the impact the current drought is having on Victorian farmers and ask him to detail for the house the steps the government is taking to assist those farmers in need.

**Mr HELPER** (Minister for Agriculture) — I thank the member for Ballarat East for his question and for his longstanding interest in Victorian agriculture — that fantastic sector that contributes so much to the Victorian economy, to regional communities and to the wellbeing of our state. The government is very concerned about and engaged in supporting our farming families and communities through this very difficult drought. The Premier has established a drought task force, and that task force has already committed over \$150 million in drought assistance since December 2005. That assistance is about supporting our farmers and our rural communities through these difficult times.

Some of the initiatives and efforts made by the Bracks government have already been outlined by my colleague the Minister for Mental Health, and that support is welcome and necessary to deliver assistance to rural communities impacted by the drought. Initiatives of the Premier's drought task force that are being delivered in quick and targeted measures to rural communities include regional employment, infrastructure, water supply security, drought-related advice for farmers and rural water bill relief. Health and welfare services also feature amongst the support we are providing to rural communities, including support for financial counselling and community activities. All of these initiatives are now well under way after having been delivered, as I said before, in a timely and quick manner and in a targeted way.

The Department of Primary Industries has increased its support for farmers in hot spot areas to assist them with decisions in this difficult time to plan for the recovery of their particular farm enterprises. So far my department has visited over 600 farms and conducted drought management workshops reaching almost 5330 people.

There has also been a strong demand for stock containment areas. For the information of members, stock containment areas are a very valuable way of managing livestock farming enterprises through the drought. They assist by ensuring that livestock can be managed more effectively and efficiently by farmers.

They assist by reducing soil erosion, because stock can be concentrated on small areas. Of course both of those measures assist farmers being able to carry their stock through the drought, so that recovery after the drought becomes a speedier exercise.

As I said, there has been strong demand for stock containment areas. We have already seen 202 facilities across northern Victorian catchment management authorities being funded from an allocation of \$500 000. A total of 750 stock containment areas have been established to help protect an area of 250 000 hectares of farmland across Victoria.

The government is also improving emergency water supplies through developing water access points. To date we have improved 29 water access points and we have upgraded 20 new bore sites. Under investigations — —

*Honourable members interjecting.*

**Mr HELPER** — My understanding is that the city of Melbourne has not been exceptional circumstances (EC) declared, so we cannot consider the Parliament to be a new bore site.

That is, of course, an effective program that we are monitoring closely to assist with further demand that we may need to meet. The drought apprenticeship retention bonus is something that rural communities have been calling for — —

**Mr McIntosh** — On a point of order, Speaker, this is no doubt an important issue, but the minister has been boring us now for over 5 minutes. If he wants to bore us anymore, he can make a ministerial statement.

**The SPEAKER** — Order! There is no point of order. The member is incorrect regarding the minister's time. The minister, to continue.

**Mr HELPER** — I very much look forward to following the tradition of ministers for agriculture by giving fulsome answers to this house. I shall do my utmost to keep up that tradition. I will very quickly conclude my answer, because I can see that the member for Kew does not particularly care about farmers in Victoria. That is an absolute shame.

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister is to conclude his answer.

**Mr HELPER** — I highlight the drought apprenticeship retention bonus that we have introduced.

It provides \$1500 cash grants per apprentice to businesses in EC-declared areas which directly provide services to the farming industry. That is an initiative that has been called for and that the drought task force has been made aware of as it has travelled around Victoria. We are particularly proud of that initiative, because we know it will assist in developing the capacity of Victorian agricultural communities to recover after the drought.

### **Gaming: public lotteries licence**

**Mr O'BRIEN** (Malvern) — My question without notice is to the Minister for Gaming, and I ask: were details of the Tattersall's lotteries bid documents altered after they were first submitted, and if so, in what way and by whose authority?

**Mr ANDREWS** (Minister for Gaming) — I thank the honourable member for Malvern for his question. As I have said consistently, the public lotteries licensing review process, which has been oversighted by the independent interdepartmental steering committee, has been signed off and attested to. The probity and the integrity of the decision-making of that body — that is, the interdepartmental steering committee — have been signed off by the probity auditor, Pitcher Partners, on three separate occasions. I say again for the benefit of the member for Malvern and others opposite that the probity auditor in these matters has signed off on the integrity of the decision making of the interdepartmental steering committee on three separate occasions!

What is more, I have met with the probity auditor, who has confirmed his advice as to the integrity and probity of the decision making and the work of the interdepartmental steering committee charged with oversighting this process. He has confirmed that to me personally. He has also confirmed that it would be wholly inappropriate for me to be providing a running public commentary on matters that are not yet complete.

As I have said before and will say again, this government is absolutely committed to delivering an outcome in relation to the public lotteries licensing process that has probity, that has integrity and that represents best value for all Victorians.

### **Employment: rural and regional Victoria**

**Ms DUNCAN** (Macedon) — My question is to the Minister for Regional and Rural Development. I refer the minister to the government's commitment to supporting regional jobs, and I ask the minister to detail

for the house the most recent example of the government's delivering on that commitment.

**Mr BRUMBY** (Minister for Regional and Rural Development) — I thank the member for Macedon for her question. Since the Parliament last met I have had further good news on investment and jobs in provincial Victoria. In relation to the economy more generally, we now have the final building approval figures for Victoria and for the rest of Australia for calendar year 2006. I am delighted to advise the house that over the last year Victoria had the highest value of buildings approved of any state in Australia — namely, \$17.05 billion, which was above Queensland, at \$15.48 billion, and New South Wales, at \$15.5 billion.

When you think of Queensland with its resource economy and New South Wales with nearly 2 million more people than Victoria, it just shows the strength and confidence of the Victorian economy in both the residential and non-residential sectors.

I am pleased to say, too, that the Australian Bureau of Statistics job figures released last week show that during January 7000 Victorian jobs were created, 6200 of them being full time. There was a reduction in the number of overall jobs across Australia but the number in Victoria increased. Our unemployment rate is now 4.9 per cent, which is 0.5 per cent below what it was last year and is off a near-record-high participation rate. If you look at job figures, you find that Victoria generated more than 70 000 new jobs over the last year, second only to the Queensland economy.

In terms of building approvals, January job figures and annual jobs growth we have a great story to tell. I am pleased to say that the regional unemployment rate is now just 5.4 per cent, compared with 7.7 per cent in 1999.

**Mr Bracks** interjected.

**Mr BRUMBY** — That was under the former Kennett government.

None of that has happened by accident. The performance of our state's economy generally, particularly in provincial Victoria, has been stronger than that of the rest of Australia. We have had a series of policies and programs in place to grow the whole of the state. We have our Moving Forward strategy, we have \$156 million worth of funding committed to drought, and we have gone out there to seek new investment to generate jobs in the private sector.

I refer to what has happened in just the last couple of weeks. On Thursday, 1 February, I was in Shepparton

to make the Unilever Australasia announcement, which involves 134 new jobs in Tatura. It will invest \$58 million in a new manufacturing plant that will generate 100 jobs in construction and more than 134 permanent jobs. The mayor of the City of Greater Shepparton, Cr Jenny Houlihan, praised the government for its involvement and described the decision to attract Unilever to Tatura as 'magical for the region'.

Last Thursday I was in Bendigo with the Premier and Ministers Cameron and Allan to announce the Excelior decision on AAPT. Members will recall that last year AAPT made a decision, and the Premier promised that the government would take whatever steps were necessary to ensure we created an equivalent number of new jobs to replace those that were being lost by AAPT. Excelior has taken over that contract, and the Premier was able to announce that investment decision, meaning that 400 jobs in Bendigo are now secured. We thank Excelior and the Skilled group of companies for their confidence.

On Friday, with local members in Geelong, I officially opened the Salesforce contact centre. On a number of occasions Salesforce has won the award for being the best employer in Australia. Last year we secured that company for Geelong, and on Friday we opened the business there. I am delighted to say that already the company has recruited 402 staff in Geelong.

It is no coincidence that, if you look at Geelong and the south-west coast region generally, you see that since the election of the Bracks government seven years ago 36 700 new jobs have been generated in that region. I compare that with the seven-year period of the Kennett government — the dark, dim days — when only 15 000 jobs were generated in that period, so there has been more than twice the job rate growth.

There are a lot of challenges in provincial Victoria. We are all aware of the recent bushfires, the drought and the extreme, dry climatic conditions. We are seeing an amazing resilience among rural Victorians, supported by the right government policies. As a consequence of that, we are seeing strong business and investor confidence and strong jobs growth. We will continue to work with those regional communities to see them through what is going to be a pretty difficult few months.

## ACTING SPEAKERS

**The SPEAKER** tabled warrant nominating **Christine Campbell, John Eren, Christine Fyffe,**

**Danielle Green, Alistair Harkness, Geoff Howard, Craig Ingram, Ken Jasper, Nicholas Kotsiras, Telmo Languiller, Tony Lupton, Kirstie Marshall, Janice Munt, Don Nardella, Jeanette Powell, George Seitz, Ken Smith, Bob Stensholt and Murray Thompson to act as Acting Speakers whenever requested to do so by the Speaker or Deputy Speaker.**

**PRAHRAN MECHANICS' INSTITUTE  
AMENDMENT BILL**

*Introduction and first reading*

**Mr WYNNE** (Minister for Local Government) — I move:

That I have leave to bring in a bill to amend the Prahran Mechanics' Institute Act 1899 and for other purposes.

**Mr K. SMITH** (Bass) — I would like the minister to give me a brief explanation of the bill.

**Mr WYNNE** (Minister for Local Government) — The bill aims to clarify the powers of the Prahran Mechanics Institute to purchase certain land in High Street, Prahran, and to clarify the powers of the institute to enter into leases, particularly leases ongoing with Swinburne University.

**Motion agreed to.**

**Read first time.**

**PAY-ROLL TAX AMENDMENT  
(BUSHFIRE AND EMERGENCY SERVICE)  
BILL**

*Introduction and first reading*

**Mr BRUMBY** (Treasurer) introduced a bill to amend the Pay-roll Tax Act 1971 to provide an exemption for wages paid or payable to employees who are absent from work on volunteer firefighter or emergency service duty and for other purposes.

**Read first time.**

**PETITIONS**

**Following petitions presented to house:**

**Silverleaves Beach, Phillip Island: access**

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 a decision to close Silverleaves Beach, Phillip Island, to the public by Parks Victoria will be of great detriment to the local community.

Your petitioners therefore pray that the Bracks state government supports the continued public access of one of Australia's and Victoria's greatest beach walks, Silverleaves Beach.

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

**By Mr K. SMITH (Bass) (86 signatures)**

**Police: Cowes station**

To the Legislative Assembly of Victoria:

This petition of residents of Phillip Island draws to the attention of the house that a 24-hour police station is required in Cowes. Phillip Island attracts many thousands of visitors, in addition to its normal population, most weekends of the year. The island hosts an increasing number of major events and has become the playground of those moving into the fastest growth corridor in the state for much of the year. The substantial growth rate has not been accompanied by a corresponding increase in police resourcing, and we, the undersigned, request that a 24-hour police station in Cowes be established forthwith.

**By Mr K. SMITH (Bass) (1639 signatures)**

**Gas: Phillip Island supply**

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 natural gas be made available to residents of Phillip Island.

Phillip Island is one of Victoria's and Australia's major tourist destinations and it is a community which is consistently growing. There is ample support for this service to be established in this thriving community.

Your petitioners therefore pray that the Bracks state government supports the establishment of natural gas on Phillip Island, Victoria, as a matter of utmost urgency.

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

**By Mr K. SMITH (Bass) (19 signatures)**

**Olympic Park: rectangular stadium**

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the issue of inadequate spectator capacity in the proposed rectangular stadium in the Olympic Park precinct in Melbourne. The proposed seating capacity is 20 000 with the scope to expand to 25 000. The crowd attendances at Melbourne Victory FC games this season has averaged around 26 000, a higher figure than the proposed limit of 20 000 seats, making a brand new stadium obsolete before it opens. Such a small capacity is not planning well for the

future, considering football has the highest participation rates at junior level, and with its current growth could well become the most popular sport in the state.

The petitioners therefore request that the Legislative Assembly of Victoria revise the seating capacity to a minimum of 30 000 seats with the option to increase to 40 000 seats in the future to cater for our growing multicultural city and the ever-increasing popularity of football.

**By Mr CARLI (Brunswick) (3217 signatures)**

**Preschools: accessibility**

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house that preschool education in Victoria needs urgent reform to ensure every Victorian child can access high-quality preschool education.

The petitioners therefore request that the Legislative Assembly of Victoria recognise that preschool is the critical first step of education and move responsibility for preschools to the department of education and training.

**By Mr ANDREWS (Mulgrave) (21 signatures)**

**Gas: Flinders and Shoreham supply**

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house that there is a need for reticulated gas to the townships of Flinders and Shoreham.

Your petitioners therefore request that the Legislative Assembly of Victoria urge the appropriate authorities to take whatever action is required to facilitate reticulated gas mains for supply to the townships of Flinders and Shoreham.

**By Mr DIXON (Nepean) (296 signatures)**

**Abortion: legislation**

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws the attention of the house to proposed amendments to the Crimes Act which will ensure that no abortion can be criminal when performed by a legally qualified medical practitioner at the request of the woman concerned.

The implementation of this legislation will allow abortions to be legal in Victoria right up to birth. This will only increase the thousands of children who die needlessly each year through abortion and will add to the existing social problems in Victoria resulting from such a high abortion rate.

The petitioners therefore request that the Legislative Assembly of Victoria vote against amendments to the Crimes Act that will decriminalise abortion in the state of Victoria.

**By Ms CAMPBELL (Pascoe Vale) (344 signatures)**  
**Mr CRUTCHFIELD (South Barwon) (228 signatures)**

**Rail: Melbourne–Shepparton line**

To the Legislative Assembly of Victoria:

The petition of the residents of Tongala and districts in the electorate of Rodney draws to the attention of the house the fact that the residents of Tongala and districts are concerned by the alterations to the V/line services between their town and Melbourne and the negative impact on their ability to travel within a reasonable time frame and at a reasonable cost. Travel time has been increased by 35 minutes due to the new service connecting with the train in Shepparton rather than Murchison East and the cost of travel has increased accordingly. This service is the only means of transport to Melbourne for those that are unable to drive themselves.

The petitioners therefore request that the Legislative Assembly of Victoria request the minister responsible direct V/Line to revert their service to the former timetable using the more direct and efficient route to connect with the rail service at Murchison East.

**By Mr WELLER (Rodney) (170 signatures)**

**Tabled.**

**Ordered that petitions presented by honourable member for Bass be considered next day on motion of Mr K. SMITH (Bass).**

**Ordered that petition presented by honourable member for Brunswick be considered next day on motion of Mr CARLI (Brunswick).**

**Ordered that petition presented by honourable member for Nepean be considered next day on motion of Mr DIXON (Nepean).**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**

***Alert Digest No. 1 of 2006 (56th Parliament)***

**Mr CARLI (Brunswick) presented *Alert Digest No. 1 of 2006, 56th Parliament, on State Taxation Legislation Amendment (Housing Affordability) Bill.***

**Tabled.**

**Ordered to be printed.**

***Alert Digest No. 1***

**Mr CARLI (Brunswick) presented *Alert Digest No. 1 of 2007 on:***

**Control of Weapons Amendment (Penalties) Bill  
Interpretation of Legislation Amendment Bill**

**Justice Legislation (Further Miscellaneous Amendments) Bill**  
**Murray-Darling Basin Amendment Bill**  
**Public Prosecutions Amendment Bill**  
**Road Legislation (Projects and Road Safety) Bill**  
**Senate Elections Amendment Bill**  
**Water Amendment (Critical Infrastructure Projects) Bill**  
**Water (Governance) Bill**

together with appendices.

Tabled.

Ordered to be printed.

## DOCUMENTS

### Tabled by Clerk:

Anti-Cancer Council of Victoria — Report 2005

Australian Crime Commission — Report 2005–06

Calvary Health Care Bethlehem Ltd — Report 2005–06 (two documents)

East Wimmera Health Service — Report 2005–06

*Financial Management Act 1994* — Report from the Minister for Health that she had received the 2005–06 report of Alexandra District Ambulance Service

Grampians Wimmera Mallee Water Authority — Report 2005–06 (two documents)

Mallee Track Health and Community Service — Report 2005–06

*Melbourne City Link Act 1995*:

- City Link and Extension Projects Integration and Facilitation Agreement Fourteenth Amending Deed
- Exhibition Street Extension Tenth Amending Deed
- Melbourne City Link Twenty-Third Amending Deed

*Parliamentary Committees Act 2003* — Government response to the Outer Suburban/Interface Services and Development Committee's Inquiry into Building New Communities

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

- Alpine — C18
- Ballarat — C39 Part 2, C74, C86, C106
- Bass Coast — C55, C62
- Baw Baw — C33, C38 Part 1
- Brimbank — C89 Part 1
- Campaspe — C35, C48

Cardinia — C70, C82, C87 Part 1

Casey — C89

Colac Otway — C28

Glenelg — C27

Greater Bendigo — C44, C73, C92

Greater Dandenong — C76

Greater Geelong — C102, C107

Greater Shepparton — C82

Hobsons Bay — C34, C56 Part 2

Horsham — C22

Kingston — C59, C64, C66, C70

Maribymong — C35

Melton — C50

Mitchell — C32

Moira — C24 Part 2

Mornington Peninsula — C75, C80 Part 1

Nillumbik — C25 Part 2, C41

South Gippsland — C9 Part 1, C21

Warrnambool — C28, C31, C43

Whittlesea — C9, C53 Part 2

Wodonga — C12, C30

Wyndham — C31

Yarra Ranges — C55

*Project Development and Construction Management Act 1994* — Amendment Order under s 9

Radiation Advisory Committee — Report year ended 30 September 2006

*Rural Finance Act 1988* — Direction to administer the Bushfire Assistance Scheme — Regional Victoria Fire Season 2006–07

Seymour District Memorial Hospital — Report 2005–06 (three documents)

Statutory Rules under the following Acts:

*Building Act 1993* — SR 2

*Infringements Act 2006* — SR 173/2006

*Livestock Disease Control Act 1994* — SR 172/2006

*Magistrates' Court Act 1989* — SRs 170, 178, 179/2006

*Mental Health Act 1986* — SR 174/2006

*Road Safety Act 1986* — SRs 175, 176/2006, 1

*Supreme Court Act 1986* — SR 171/2006

*Water Industry Act 1994* — SR 177/2006

St Vincent's Hospital (Melbourne) Ltd — Report 2005–06 (four documents)

*Subordinate Legislation Act 1994:*

Minister's exception certificates in relation to Statutory Rules 170, 171, 178, 179/2006

Ministers' exemption certificates in relation to Statutory Rules 173, 174, 175, 176/2006

*Surveillance Devices Act 1999* — Report of the Special Investigations Monitor under s 30Q — December 2006

*Victorian Environmental Assessment Council Act 2001* — Withdrawal of request under s 16.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 19 December 2006:

*Courts Legislation (Neighbourhood Justice Centre) Act 2006* — Remaining provisions (other than Part 6) — 2 January 2007 (*Gazette G51*, 21 December 2006)

*Water (Governance) Act 2006* — Sections 3 (other than paragraphs (a) to (j) and paragraphs (l) and (m)), 5, 7 to 20, 27 to 33, 35 to 36, 38 to 46, 48 to 53, 68, 69(2) and (3), 95 to 97, 121, 123(1), (2), (3) and (4), 124, 129(1), 130, 137 to 147, 160, 166 to 172 and Part 5 and Schedule 2 — 21 December 2006 (*Gazette G51*, 21 December 2006)

*Water (Resource Management) Act 2005* — Section 58 — 21 December 2006 (*Gazette G51*, 21 December 2006).

**ROYAL ASSENT**

**Message read advising royal assent on 22 December 2006 to State Taxation Legislation Amendment (Housing Affordability) Bill.**

**APPROPRIATION MESSAGE**

**Message read recommending appropriation for Murray-Darling Basin Amendment Bill.**

**BUSINESS OF THE HOUSE****Program**

**Mr BATCHELOR** (Minister for Victorian Communities) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 15 February 2007:

Control of Weapons Amendment (Penalties) Bill

Interpretation of Legislation Amendment Bill

Murray-Darling Basin Amendment Bill

Water Amendment (Critical Water Infrastructure Projects) Bill.

These four pieces of legislation constitute the legislative program for this parliamentary week. While it is an absolutely achievable workload, all members would realise that it is the intention of the government to also progress the address-in-reply to the Governor's speech. Much of this parliamentary week and future parliamentary weeks will be structured to allow members from all parties to respond to the Governor's speech.

If memory serves me well, we have provided that opportunity to almost all, if not all, the new members. But there are lots of other members on both sides —

**An honourable member** — A few ministers

**Mr BATCHELOR** — A few ministers, yes.

**An honourable member** — Those who have changed portfolios.

**Mr BATCHELOR** — That may well be the case; you will just have to wait and see! There are a number of ministers and backbenchers — those who have been changed and turfed out and the like —

*Honourable members interjecting.*

**Mr BATCHELOR** — They will all be provided with the opportunity! We will provide the opportunity during the course of this week and future parliamentary weeks for members to do that. In light of that, I imagine that this program would receive the support of all members of the house.

**Mr McINTOSH** (Kew) — I do not know whether I can ever enthusiastically support the Leader of the House. But certainly the opposition does not oppose the business program and acknowledges that there is obviously going to be ample time for those members who wish to contribute to the address-in-reply to do so. I understand there will be a number of speakers on at least one of those bills and that we may not move on to the address-in-reply until some stage tomorrow.

Having said that I note, having spent over seven years in this place, that the government seems to adopt a certain modus operandi when dealing with the business program — that is, it starts off very mildly and is very nice, but as we get to the end of a sitting, with perhaps the prospect of overseas trips by ministers and things like that, we see a great cramping of the government business program. Certainly I would hope and expect that that will no longer occur, given that this government has now been around for some seven and a half years and should perhaps be able to provide a more orderly government business program rather than

cramming an overwhelming number of bills into the last week of a sitting.

One matter I wish to raise at this stage is the possibility of adopting a practice that is usual in the House of Commons. In the United Kingdom the government business program is actually debated some two weeks ahead instead of members finding out about it on the Friday of the preceding week, as happened to me on Friday last week. I am very grateful to the Leader of the House and Mr Cargill of the Premier's office for the information, but I note that even so there was an amendment to the business program late on the Friday. I understand why business programs are amended in such circumstances. But I would certainly like to see the government of the day preparing for a parliamentary sitting week two weeks in advance by giving notice this place notice of what it intends to debate. Given that we have had notice of these bills and we have had the second readings of these bills —

**Mr Ryan** interjected.

**Mr McINTOSH** — As the Leader of The Nationals has put up, the government probably does not know what it is going to do, and that may limit it. I raise this matter at this stage so that the government might move on it and give the opposition parties two weeks notice of what it intends to do. The opposition is severely limited in the resources it can bring to bear, given that it has to go through the process of consultation, so this should necessarily happen by way of advance notice. Two weeks notice of the government business program should not be too hard to provide. Those matters having been raised, the opposition does not oppose the business program.

**Mr DELAHUNTY** (Lowan) — The Nationals will not be opposing the government business program. As has been highlighted by the member for Kew, there are four pieces of legislation. Three of them should not take a lot of time to debate, but obviously the Water Amendment (Critical Water Infrastructure Projects) Bill will.

It is pleasing to see the Minister for Roads and Ports sitting in the chamber. Infrastructure such as roads is important to us in country Victoria, and if the minister improves the roads, he will save some lives in country Victoria. It is good to have him here in the chamber today. We are looking forward to the introduction of some legislation and other action under his ministerial guidance.

In looking at the government business program it is interesting to see that we have already gained a fair bit

of time in this week's parliamentary sitting, because we do not have too many second readings — at this stage we look like having only two. Unfortunately we anticipated that there would be a lot more legislation coming into this place during the first sitting week this Parliament for 2007.

Going on from the point raised by the member for Kew about the program being debated two weeks in advance, unfortunately that would be impossible in this place because often legislation comes in just two weeks before it is debated. So we would not have enough time to look at the second-reading speeches before debating when they would be discussed in this chamber.

Please note that the Water Amendment (Critical Water Infrastructure Projects) Bill is of vital importance, particularly to The Nationals, who represent the majority of rural and regional Victoria. It was interesting to listen during question time to the Premier speaking about the Murray–Darling Basin water plan and its impact on Victoria. I said to my colleague the member for Rodney, who is beside me, that if he changed the words 'Murray–Darling water plan' to 'Bendigo water plan', we would have similar problems. The concerns he has raised about the problems facing Victorians are similar to the concerns Victorians in the north-east have about implementation of the Bendigo water pipe plan.

Having said all that, I have one request: now that the house will have more time because there will not be much legislation to debate and therefore not much work for ministers, it would be great if ministers attended the chamber during the adjournment debates. It is a real travesty of the parliamentary process that in the seven years I have been here, there has been limited or non-existent participation by ministers during adjournment debates.

The Nationals will not be opposing the government business program motion.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Drought: south-western Victoria

**Mr MULDER** (Polwarth) — I wish to bring to the attention of the house concerns relating to the guidelines issued by the Department of Primary Industries (DPI) to primary producers in south-west Victoria who are seeking assistance under the interim exceptional circumstances declaration. Under these guidelines a rebate of 50 per cent on municipal rates is

available to primary producers who are in receipt of exceptional circumstances relief (ECR) payments from Centrelink.

However, the current DPI guidelines disallow this rebate to primary producers who have paid all or the first instalment of their municipal rates prior to applying for ECR payments, effectively punishing those farmers who have met their commitments in a timely and responsible manner. In my electorate of Polwarth and in other parts of south-west Victoria, primary producers were enduring the effects of this drought long before the interim ECR declaration. By any measure of fairness, the department's guidelines should be amended to allow the rebate of 50 per cent to apply to all payments of the 2006–07 municipal rates made in this financial year. A decision not to amend these guidelines would penalise the farmers further. They are battling with enough hardship without a further blow on the road to recovery.

We had a similar situation in south-west Victoria, where we had fires in the Stony Rises. Farmers in those areas were refused access to funding. If it had not been for the work of Stewart McArthur, federal member, and John Vogels, a member for Western Victoria Region in the other place, they would still be without that vital funding today.

### **Bob Hoskins**

**Mr ROBINSON** (Mitcham) — I want to use this opportunity today to acknowledge the contribution of a genuine Blackburn identity, Mr Bob Hoskins. Bob officially retired late last year after more than 52 years in business in Blackburn. A dinner is being held in his honour with local traders next week.

For many years Bob operated a business known as Hoskins Furniture Store, which later became Hoskins Carpet Gallery. Over those many years Bob established and maintained a reputation for integrity in his business and excellence in customer service. Given that in the time he has been in business he has overseen the laying of carpet in more than 10 000 local homes, this is no small claim. As well as running his business, Bob has been actively involved in his local community. The Blackburn Chamber of Commerce, thanks to his continued efforts, is a thriving organisation. Others include Nunawading Rotary Club and more particularly, Blackburn Football Club, where Bob played many years ago. He has maintained a proud and passionate involvement with the club. It is still the case today that the team sheets for the club are on display in the front window of his store each Friday morning.

Bob's son, Peter, has taken over the business, and I wish him every success in the continuing tradition. I am sure all members would want to join with me in wishing Bob Hoskins every enjoyment in a long and happy retirement.

### **Roads: rural and regional Victoria**

**Mr RYAN** (Leader of The Nationals) — The Nationals have launched a campaign designated 'Fix country roads — save country lives'. I ask all members of Parliament, including the minister who is now at the table, the Minister for Victorian Communities, to endorse this important program. We are seeking an expenditure of \$200 million a year in each of the next 10 years to improve country roads. This expenditure would be strongly supported by the Royal Automobile Club of Victoria, and it is the sort of drive which was sought by the parliamentary committee which reported on this important topic in 2005.

In 2000, 225 people died in road-related accidents in Melbourne while 182 people died in rural Victoria. In 2006, 144 people died in Melbourne while 193 people died in rural Victoria. The percentage of the total number of people killed in Victoria from accidents on country roads has risen from 44.7 per cent in 2000 to 57.3 per cent in 2006.

The minister responded to my question on 20 December and said that 30 per cent of accidents in which people have been killed on Victorian roads have occurred on country roads; in fact, the figure is 57.3 per cent. We want the government to take action and endorse this program. It is a vital issue. If you fix country roads, you save country lives.

### **Mentone: beach renourishment**

**Ms MUNT** (Mordialloc) — I would like to congratulate the Minister for Water, Environment and Climate Change on his announcement of a fund called 'Enhancing our beaches'. This fund will provide \$8 million for the renourishment of beaches around the bay. It has been warmly welcomed by our local residents and by the Kingston City Council. I have been working with the local residents for some years to provide improvements to local beaches, which are used and loved by local residents but also by the wider community in Victoria.

There are two new major initiatives for Mentone beach. The first is the ongoing investigation by Melbourne Water into the removal of the ugly old pipes on Mentone beach. Melbourne Water is conducting community consultation on that matter at present.

The second is the renourishment of sand on Mentone beach, which has a very high usage. It is a major access point to neighbouring beaches and the Mentone Life Saving Club holds wonderful lifesaving carnivals for local youngsters; also, local schools use the beach for sport and education. Locals swim at Mentone, they eat fish and chips on the sand there and walk their dogs on the beach. The sand has wasted away in recent years, so it will be wonderful to have that beach renourished.

These two new initiatives will be fabulous for Mentone beach, and I am really excited to work this year with the local community, Kingston council, government agencies and the minister's office to effect these improvements to Mentone beach.

### **Planning: Glenelg development**

**Dr NAPTHINE** (South-West Coast) — I rise to express my bitter disappointment and that of my community of Portland with the failure of the Minister for Planning to fix the planning problems which have caused pain and heartache for many local families and significant economic loss in this community. I raised these concerns in the house on 19 December, and the minister said in a letter of the same date to the mayor of Glenelg shire that 'this is a matter which needs to be addressed as a priority'.

But the minister has failed to act. Indeed he has done nothing to fix this problem. We need the minister to immediately provide an exemption for the area covered by development plan overlay (DPO) 5 in the Glenelg shire planning scheme, the same as the previous minister has already done for DPOs 1, 2, 3, 4 and 6. Providing an exemption for DPO 5 will allow people who have land in that area and who are waiting to build their dream homes to apply for appropriate permits and for the council to consider and act on those applications in an appropriate manner.

The shire has done its bit to try to resolve this matter, and the result is now sitting on a desk in the minister's office, but the minister is procrastinating. He is delaying and doing nothing to fix this serious problem. People's lives are being put on hold and their dreams are being put on hold, and the economy of Portland is suffering. All I ask is that the minister adhere to his words, treat it as a matter of priority and fix this planning problem for the Glenelg Shire Council and for Portland.

### **George Schofield**

**Ms BEATTIE** (Yuroke) — Last night I had the pleasure of attending the Greyhound of the Year

awards. As always it was an enjoyable evening, and I was very proud when one of my constituents was the recipient of the 2006 Ken Carr Medal. This award recognises excellence in the greyhound racing industry and requires the recipient to have demonstrated four key qualities — skill, integrity, empathy for others and leadership.

George Schofield certainly has these attributes, and I congratulate him on this well-deserved acknowledgement of a lifetime's contribution to the greyhound industry in this state. At the age of 14 George left school and earned a quid by milking cows and walking greyhounds up in Albury. He went on to train whippets, but that was interrupted by the Second World War. After the war George returned to his love for racing and had his first winner in Knockies Star. He went on to become a bookmaker, an active breeder, a stud master and an owner.

He is an inspiration and a fine example of living your passion to the full. I congratulate George and, as an avid dog lover, thank him sincerely for the many years of loyal and dedicated service he has given to the greyhound industry. Not only that, he has treated many show dogs. He is a chiropractor par excellence, and indeed many say that he has magic hands. George is nearly 89 years old, but he still has his passion and works six days a week.

### **Scoresby electorate: election result**

**Mr WELLS** (Scoresby) — This statement is a reflection of my sincere thanks to the people of the Scoresby electorate who have once again shown their trust and faith in me by re-electing me to serve as their state parliamentary representative for the next four years. I am humbled by the strength of their support for me. It is extremely gratifying and an honour to have been re-elected for the fifth time, firstly as the member for Wantirna and then as the member for Scoresby.

I am committed on behalf of the people of Scoresby to holding the Bracks Labor government accountable for its election promises. In addition I will continue to advocate for the issues that are important to the people of Scoresby, which are coincidentally on the long list of promises broken by the Bracks government. They include providing the Rowville public transport rail link, ensuring that Rowville has a 24-hour police station instead of the current 16-hour station, ensuring that local schools receive their promised and long-overdue maintenance and upgrades, and seeing that the promised Ferntree Gully Road triplication project is completed in this term of government.

On this occasion I also wish to congratulate my newly elected Liberal colleagues in Ferntree Gully, Bayswater, Warrandyte, Kilsyth, Evelyn, Hastings Narracan, Benambra, Mornington, Doncaster and Malvern. The enthusiasm, individual skills and talent they bring to the Parliament are most welcome, and I look forward to working with every one of them.

### **Lydia Kauzlaric**

**Mrs MADDIGAN** (Essendon) — Today I would like to pay tribute to Lydia Kauzlaric, a councillor of the City of Moonee Valley, who died tragically of cancer on 29 November, aged 51. Lydia was a councillor for the Debney ward and was a highly respected member of the Moonee Valley council, particularly in the areas of Flemington and Kensington, where she worked very strongly with her community.

Lydia came from Croatia when she was 10 and was brought up in Warrandyte. She became a teacher and had an absolute passion for education all through her life. More recently she worked in the Catholic Education Office. She was particularly interested in the fate of refugees and was very active in supporting their needs. As well as being a member of the Labor Party she was a member of many community organisations, including the Kensington Association, the Dousta Galla Community Health Service and the Moonee Valley Peace Network, and she was very active in supporting the Friends of Liquica in East Timor.

Lydia was elected to the Moonee Valley council in March 2003 and became its first woman mayor the following year. Her last public appearance was to address 600 attendees at a breast cancer awareness breakfast in Flemington last October, which was held in memory of her mother, who died of cancer some months earlier. She is survived by her sons, Luca and Paul, and her father, brother and sister. She will be warmly remembered in Moonee Valley for many years to come.

### **Rail: north-eastern Victoria**

**Mr JASPER** (Murray Valley) — Passenger rail services in north-eastern Victoria continue to be a major problem and a major concern for users of the system. The state government must act immediately to address the lack of appropriate services, as highlighted by regular breakdowns of rolling stock and problems with infrastructure. It is disappointing that while the government has spent over \$1 billion upgrading the Ballarat and Bendigo rail lines for the now discredited so-called very fast train, north-eastern Victoria's passenger rail services continue to be unsatisfactory.

I continually receive complaints from constituents about problems with the service, such as trains not running on time, faulty rail tracks, breakdowns, air conditioning not working, a lack of appropriate cleanliness and passenger platform confusion at Southern Cross station. These difficulties have been highlighted in recent times in detailed letters to me from constituents providing information on their horrific experiences using the passenger rail service between Melbourne and north-eastern Victoria. Last year a constituent complained that a trip took 4 hours instead of 2½ hours and sought a better service from V/Line and its staff. Another constituent indicated that a train left Melbourne at 5.10 p.m. and finally arrived in Wodonga at 12.30 a.m., the trip taking over 7 hours and involving a range of problems.

The Minister for Public Transport must immediately review the north-east's passenger rail services and provide upgrades to attract people back to utilising what should be good rail services.

### **Narre Warren South P-12 College: facilities**

**Ms GRALEY** (Narre Warren South) — This is my first members statement, and I am very proud to be making it about a great new facility that the Bracks Labor government will be providing for families in Narre Warren South. Students and teachers at Narre Warren South P-12 College are celebrating the funding of the extension of their physical education facility.

The Bracks Labor government has contributed \$600 000 from the Community Facilities Fund while the City of Casey and the school itself are each chipping in \$300 000. The \$1.2 million will allow the school stadium to be extended, with fixed seating, and to provide two multipurpose rooms and a physiotherapy space.

I visited the school last Friday and met with the principal, Ross Miller; the college's interim school captains, Sam Hobbs and Zac Cox; and the delightful and enthusiastic preppies Ben, Kelsey and Zac. Councillors who were also present and gave their support included Michael Farley and Lorraine Wreford. Narre Warren South P-12 will have its first year 12 class this year, and the terrific new facility will be a great way to celebrate. In my new role as the member for Narre Warren South I am looking forward to working closely with the school and especially with its new leadership group.

### **Environment: noise abatement regulations**

**Mr CLARK** (Box Hill) — I raise concerns about the very high levels of noise inflicted by the Middleborough Road grade separation project on nearby Box Hill and Blackburn residents. During the main construction period of several weeks noise continued 24 hours a day for days on end. Residents were unable to sleep or carry on any normal domestic functioning without disruption from intense and often painful noise.

It may well be reasonable for members of the community to accept some level of noise and other disruption in the public interest, but the level of distress inflicted on a number of residents by this project has exposed the disregard of the current government and its bureaucracy for the wellbeing of individual citizens and also highlights serious flaws in the application of the law to public projects.

This project was promised by the government in 2002 but then delayed for so long that in the end the government and VicRoads rushed to cut corners on the project design and planning in order to get it built quickly. The Environment Protection Act sets no clear standards about noise from public projects, thereby leaving a great deal to the discretion of the Environment Protection Authority. The EPA made noises about getting the project to comply with an approved noise abatement plan, but when it came to the crunch failed to take any effective action to keep noise within reasonable limits.

VicRoads is now talking about using 24/7 construction on similar future projects. For the sake of residents in suburbs across Melbourne, we need to establish clear principles about what levels of noise are and are not acceptable from public projects, and we need changes to the legal regime and EPA practices to make sure citizens have effective protection against government abuse of power.

### **Australia Day: Nillumbik awards**

**Mr HERBERT** (Eltham) — I rise today to congratulate the achievements of three of my constituents who were recognised as part of the 2007 Nillumbik shire Australia Day awards.

Thelma Barkway was named the Nillumbik shire citizen of the year. Thelma retired almost 15 years ago and has been a tireless volunteer ever since, despite battling ill health. She helps many people with such things as transport, food, laundry and funding as well as emotional support. Somehow Thelma also finds time to

head the Eltham senior citizens club. I congratulate Thelma on her tenacity and community spirit.

The second recipient is Carolyn Mellor, who was named Nillumbik shire volunteer of the year. Carolyn, who has led Friends of the Barak Bushlands for almost 10 years, has put an incredible amount of time and work into enhancing the natural and beautiful environment in Nillumbik. Carolyn has coordinated the friends group to create the Barak bushlands and has lobbied me and the local council fairly hard, I must say, to add wetlands and a bike trail, which is in constant use. She is a worthy winner for the work she has done in assisting and creating this beautiful bushland.

The third recipient I wish to congratulate is Daniel Froebel, who was named the Nillumbik young citizen of the year. Working in conjunction with his friends, 16-year-old Daniel secured funding for a BMX bike track which he helped to design and build. This is a fantastic achievement for such a young person and shows what great initiative and leadership we have in many young people in the Nillumbik community. Once again I extend my congratulations to these three very worthy winners of the Nillumbik shire Australia Day awards.

### **Burwood Highway, Ferntree Gully: bus stop**

**Mr WAKELING** (Ferntree Gully) — I wish to condemn the Bracks government for the current status of the bus stop on the Burwood Highway near Manna Gum Road in Ferntree Gully. I was recently visited by a local resident who raised concerns about the hazardous nature of this facility. The bus stop is unsafe, particularly for disabled and elderly residents.

This stop on Burwood Highway, a major road, does not have a properly constructed parking bay. Local buses are required to pull over onto the gravel shoulder of the highway. The gravel area is very uneven and very slippery after any rain. It is very difficult for residents to both alight from and board the buses. Furthermore, the bus stop lacks adequate amenities such as a shelter, timetable and route map facilities.

This bus stop is symbolic of the Bracks government's lack of commitment to public transport in Melbourne's outer east. This is simply not good enough. The community is still waiting for the promised tram to Knox City, and the Rowville rail feasibility study was promised to Knox residents almost eight years ago. One would expect that the sparse public transport services in Melbourne's outer east would at least meet an appropriate minimum standard.

### **Multicultural affairs: Frankston grants**

**Dr HARKNESS** (Frankston) — I was very pleased to present grant cheques to several of the many multicultural groups in my electorate at a ceremony last week attended by the new Minister assisting the Premier on Multicultural Affairs. These grants are part of the Victorian Multicultural Commission's annual funding for administrative support and the coordination of festivals. A total of \$11 000 was presented to multicultural groups in Frankston.

I congratulate and acknowledge the work of the following: the Greek senior citizens of Frankston; the Greek Elderly Women's Club of Frankston; the Italian senior citizens of Frankston; the Frankston Susono Friendship Association; Unity in Progress; the Scout Association of Australia, Victoria branch; the Pacific Island Youth Alive group; the Polish Senior Citizens Club of Frankston; the Frankston Bosnian Elderly Club; and the Raduga Russian Senior Citizens Club of Frankston and Peninsula. These grants will greatly assist these groups to work closely within their individual communities as well as provide assistance for older members from culturally and linguistically diverse backgrounds who often face great obstacles in participating in the broader community owing to their poor English language skills.

Many people may be unaware that one in five people living in Frankston was born overseas. These outstanding groups provide excellent support to their members. Recent research found that Frankston residents came from 30 countries and that 34 different languages are spoken in the Frankston area.

I know that Frankston's multicultural groups are looking forward to the completion of the Frankston multicultural centre. With a feasibility study being finalised and a commitment of \$500 000 having been made by the Bracks government for the centre, the dream of a one-stop shop for Frankston's multicultural community is quickly becoming a reality. I once again congratulate the groups that have received grants and acknowledge all multicultural groups for their contribution to the Frankston community.

### **Mental health: funding**

**Ms WOOLDRIDGE** (Doncaster) — I rise to condemn the Bracks government for its failure to adequately invest in Victoria's mental health system. Last year the Prime Minister announced an unprecedented new commonwealth investment in mental health of \$1.9 billion and the premiers announced that they would match these funds. The

mental health community welcomed the agreement on the proviso that, as Dr Haikerwal of the Australian Medical Association said, 'the \$4 billion over five years is genuinely new money'. Experts in the field advise me that, rather than investing \$470 million of new funds, the government has contributed only \$350 million of new money, with the remainder made up of funding for previously announced measures. In short, the government has been fiddling the figures so as to be seen to be meeting its obligations.

This is characteristic of Labor's low prioritisation of mental health. The previous government led the nation in its investment in this area, but Victoria has now well and truly slipped back to the rest of the pack. The recent Productivity Commission report on government services revealed that Victoria's annual spend per person has in fact fallen to fourth and that Labor's election promise of only \$129 million in this area contrasts poorly with the Liberal Party's comprehensive \$196 million package.

Today I urge the government to come good on its undertaking under the national mental health action plan and to properly invest in mental health into the future.

### **Women: sexual objectification**

**Ms LOBATO** (Gembrook) — I rise to condemn a business for its blatant exploitation of women and its lack of consideration for the wider community. A so-called business has been established that claims it is a car wash. The premises are in fact a strip joint established by stealth. Customers at the venue are served by bikini-clad women who pole dance. In an era when displaying pictures of those women washing cars would be considered sexual harassment in the workplace, it is appalling that women, children and all other passers-by are subjected to this blatant sexual exposure every time they go past.

We are not talking about private conduct here; we are talking about public contact that reverts to the most basic and outdated mode of advertising — that is, the appeal of the sexually explicit, where all that counts is not the service provided but the chest measurements and clothing, or lack of it, of the women providing the service. This is unwelcome behaviour that offends reasonable people and involves indecent exposure, which is a definition of sexual harassment in anyone's language. It is not enough that some people may not be offended by or even welcome the service. Our community demands far higher standards than that.

Under the Victorian Equal Opportunity Act, sexual harassment is illegal, and that extends to customers and potential clients of the business as well as those in the workplace. I am offended. One has to wonder what message we are sending our children when businesses such as this one seem to thrive despite widespread community opposition. What must young girls, as they are walking to school, think about the role of women in society as they witness this display?

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

### Preschools: funding

**Mr CRISP** (Mildura) — I wish to inform the house of a recent visit to the heart of my electorate, where I met and heard of the concerns of several preschool and kindergarten operators. The plight of kindergartens in rural and regional areas is becoming drastic, with huge funding gaps devastating our children. Funding is provided per capita, which automatically disadvantages kindergartens with few enrolments, as they are required to provide 10 hours of contact a week, regardless of the number of children. The deficits that kindergartens are facing are huge.

The future is bleak for many of my rural kindergartens as numbers dwindle and funding requirements rise. We heard earlier today from the Minister for Mental Health about stress and strain in rural communities. This is certainly one factor that is hitting hardest the weakest of our people, the young family. The best solution is to incorporate kindergartens into the Department of Education instead of leaving them in community services. Many of my families face \$1000 bills to provide what is an essential and assumed part of a child's upbringing. This clearly needs to be addressed.

### Yarra Valley: community events

**Mr HARDMAN** (Seymour) — I rise to congratulate the organisers of this year's Melba Festival, which will be held on 23 to 25 March. The inaugural festival was held last year, thanks to a great band of volunteers who are ably led by a very enthusiastic Marjorie Woollands. The event was such a success last year that many sponsors have come on board to make this year's festival an even better one. The festival celebrates fine music and art, alongside the great food and wine of the Yarra Valley. Concerts and events will be held around the Yarra Valley, showcasing the historic and contemporary sites and activities that make the Yarra Valley a great place to visit throughout the whole year. I encourage all members to support this fantastic event and the Yarra

Valley in general. To find out more about this particular event, they should go to [www.3mbs.boxoffice.com](http://www.3mbs.boxoffice.com), where bookings can be made.

This weekend the famous Grape Grazing Festival will be held in the Yarra Valley. This is another great opportunity to learn about the marvellous offerings of the Yarra Valley. I encourage all members to attend and support this event.

Also within the Seymour electorate this weekend is the Seymour Alternative Farming Expo. It has become a very important showcase for the many types of agricultural and rural living innovations and opportunities that are available. These professionally run events give every member of this house the opportunity to support rural Victoria in this time of drought. I encourage all members to support these events.

### Housing: youth homelessness

**Mr HODGETT** (Kilsyth) — I wish to draw the attention of the house to the plight of young homeless people in this great city of ours. On Monday, 5 February, I had the opportunity to represent the Leader of the Opposition at the launch of *Homelessness in Melbourne — Confronting the Challenge*, a report put together by the Centre for Applied Social Research at RMIT University, HomeGround Services and Salvation Army Crisis Services. I applaud their efforts in presenting the first major study of its kind in Victoria and Australia. One of the report's key messages struck a chord with me. It says that people who become homeless before the age of 18 are more likely to become long-term homeless. According to national data, 35 per cent of all homeless people in Victoria fall between the ages of 12 and 24.

In my own electorate there is a great need to assist young people who are classed as 'tertiary homeless' — those who are either staying at facilities without amenities or 'couch hoppers', as a local policy-maker described. According to sample data from the Housing Young People Action Team study of 2004, 170 young people were classed as homeless in the shire of Yarra Ranges. That is 170 people too many.

I mention the Yarra Ranges, because the Labor Party paid lip-service to local councils, promising \$7.5 million to help address the problem over only four council areas, including Yarra Ranges — \$7.5 million after seven years in government. The government has provided nothing thus far and has presented no action plan for addressing the need for a youth crisis centre. This is a need that was urged upon me by members of

my community and constituency. I call on the government to urgently address these problems.

**Hepburn: spa redevelopment**

**Mr HOWARD** (Ballarat East) — Members may be aware that in its last term the Bracks government allocated over \$8 million to provide for the reconstruction of the Hepburn Springs Bathhouse. The government recognised that this state-owned facility is very popular in the Daylesford spa country area and attracts numerous tourists to the region. When refurbished, this iconic facility will ensure that tourists continue to come to this very significant area. The government has been prepared to work with Hepburn shire, the managers of the bathhouse, to ensure that this project progresses through to fruition. Work has now begun on the construction of the new bathhouse.

It is important that potential visitors to the area recognise that there is still much being offered in Hepburn shire and that they should not put off their visit because of the temporary closure of the bathhouse. It is also important that the Hepburn community is kept aware of what is happening in association with the reconstruction process. With that in mind I spoke to representatives of the Hepburn shire when this project was first being developed some time ago to ensure that a group was established. The Hepburn Bathhouse Business and Community Liaison Group has been working over the last five months to ensure that that message gets out. It has helped to establish new websites linked to the Tourism Victoria website. It has done a great deal of work.

**INTERPRETATION OF LEGISLATION AMENDMENT BILL**

*Second reading*

**Debate resumed from 20 December 2006; motion of Mr HULLS (Attorney-General).**

**Mr CLARK** (Box Hill) — The Interpretation of Legislation Amendment Bill implements a number of minor changes to drafting styles and conventions for acts and statutory rules. The main areas of change are to require the Clerk of the Parliaments to change the word ‘Bill’ to the word ‘Act’ in the title of a bill before presenting it for royal assent; to not require the government printer to include the date of passing of an act — in other words, the date of royal assent — when an act is being reprinted; and to authorise the chief parliamentary counsel to make various changes to the

style of drafting of existing acts and statutory rules which are being reprinted or republished.

Opposition members support the bill mainly because we are of the view that the authorisation of style changes, as set out in the bill, when acts of Parliament are reprinted is a useful measure to ensure greater consistency. Many of the stylistic changes set out in schedule 1 of the bill relate simply to omitting the hyphen in words such as ‘subsection’, ‘subparagraph’, ‘subclause’ and ‘subregulation’. There are a number of other stylistic changes, including putting certain words in italics and omitting double quotation marks around various expressions.

This is a useful housekeeping bill that we understand in many respects arises from recommendations made by the chief parliamentary counsel as a consequence of discussions that have taken place at an interjurisdictional committee of parliamentary counsel. We also understand that the changes are being made with the objective of achieving greater interjurisdictional consistency in the drafting of legislation, which is a worthy aim, albeit not a massive achievement in terms of law reform.

There are a couple of aspects of the bill on which it is worth making comment. The first is the provision that requires the Clerk of the Parliaments to change the word ‘Bill’ to ‘Act’ in the title of a bill before presenting it for royal assent. Some clarification of exactly what the provision means is desirable for the record, for lawyers, for interested members of Parliament and for those few members of the public who might also follow this matter closely.

Proposed section 10(2A), which is inserted by clause 3 of the bill, says:

The Clerk of the Parliaments must alter the title appearing before the enacting words (or, if there is a preamble, before the preamble) in a Bill that is to be presented to the Governor for the Royal Assent by substituting the word “Act” for the word “Bill”.

If one looks at a bill in the form that is currently before the Parliament, the only appearance of the word ‘Bill’ prior to the enacting words is in the very commencement of the description of the bill. For example, in this bill the title is:

A Bill to amend the Interpretation of Legislation Act 1984 to provide for style changes in Acts and statutory rules and for other purposes.

But it appears that this is not the provision contemplated by the amendment. Indeed if it were, the change would not be simply from ‘Bill’ to ‘Act’ but

from ‘a Bill’ to ‘an Act’. What appears to be intended is that in future instead of having, after the words I quoted earlier, the word ‘Act’ in the heading — this bill is entitled the ‘Interpretation of Legislation Amendment Act 2006’ — the document before the house would in future be printed with a heading such as ‘Interpretation of Legislation Amendment Bill 2006’, and it is that reference to the word ‘Bill’ that will be altered to ‘Act’ by the Clerk of the Parliaments before the bill is presented to the Governor for royal assent.

In the second-reading speech the minister indicates that this amendment has been proposed by the chief parliamentary counsel, someone for whom I have the greatest respect and admiration. If the Attorney-General accurately reflects the recommendation of the chief parliamentary counsel, I raise a question as to whether or not the amendment proposed is necessary — not because it causes any difficulty if the amendment is made, but simply for the purpose of tracing the history of these matters and the reason why the reference in the heading is to an act rather than to a bill.

This goes back a number years. As I recollected — and I am pleased to see it has been borne out by investigation — around the time I entered this house, back in the late 1980s, bills that were brought before the house often bore the introductory words ‘A Bill for an Act’ to achieve various things. By way of example I cite the long title for the Swinburne University of Technology Act 1992, which was:

A Bill for an Act to establish a university to be known as the Swinburne Institute of Technology —

et cetera. In that context, where the printed document was ‘a Bill for an Act’, there was then no appearance of anomaly or inconsistency in the title preceding the enacting words referring to the document as being an act rather than a bill, because it was ‘a Bill for an Act’, and the title gave the title of the act that the bill was to become. When the bill received royal assent the reference to the bill disappeared and the act became an act, and frankly that to me seems to have been a fairly straightforward arrangement.

The manner of drafting long titles has now changed, so the reference to ‘a Bill for an Act’ no longer appears, and it may well be considered that it is simpler to have the title in front of the enacting words as referring to a bill rather than an act. At the end of the day it makes very little difference and has very little, if any, effect on the legislative process or on the legislation this Parliament adopts. I just put that on the record to try and set out my understanding of the history that precedes this proposed amendment and where it fits in the scheme of things.

The only other aspect of the bill on which I would remark is in clause 4, which inserts a new provision into the Interpretation of Legislation Act to say that in reprinting an act the government printer may omit the endorsement on the act of the date of its passing, that being the date of royal assent. I would be interested in an explanation from the Cabinet Secretary or from other honourable members from the government side who might speak on this bill as to which particular reference to the date of passing in reprinted bills is intended to be omitted. For example, I note that the end notes to an act set out the date on which the legislation was assented to and the date on which it is to come into operation.

I presume it is not that which is intended to be omitted. Indeed it would be a cause of concern if it were, because the end notes tell legal practitioners and other parties to whom it is relevant when the bill received royal assent and when it came into operation, which in turn may be relevant as to a bill’s applicability in certain circumstances. It may be that there is some other part of the reprinted bill to which this amendment is intended to refer. It may also be that the practice in terms of reprints has already preceded what this amendment refers to and that the indorsements the omissions of which are being authorised are no longer appearing in reprinted bills. Be that as it may, as long as the end notes continue to set out the date of royal assent and the date of the commencement of operation of the bill, this provision should not cause any difficulty.

With those few brief comments on some of the intricacies of the bill, I reiterate that the opposition supports the legislation. This Parliament should deal with it and move on to other legislation.

**Mr RYAN** (Leader of The Nationals) — This is one of those finicky pieces of legislation which occasionally comes before the Parliament and which at first blush one is tempted to wave through. In the sense of occupying the time of the Parliament, I agree with the member for Box Hill that it is something that we need deal with expeditiously so that we can get on with the substantive business of the house.

Nevertheless, some elements of the bill are interesting and pertinent to the way in which not only this place functions but also to the interpretation of legislation in the state of Victoria in a variety of forums. From the outset I make the point that the principal act — that is, the Interpretation of Legislation Act 1984 — is a critical document in the way in which the state functions, and includes provisions all the way from those contained in section 6, which deal with the construction of acts, right through to the many other

provisions — some 60 of them — which deal with the intricacies of the manner in which legislative provisions are to be interpreted in all applicable forums, particularly in the court system.

Having been a solicitor for many years, as was the member for Box Hill, I recall that sometimes this legislation was plucked from the shelves — particularly when all other forms of argument had been lost and you had to resort to something by way of the desperates — to see if some sort of solace might be found in its paragraphs. It is a very important piece of legislation. The provisions contained in the amending bill, which we are now debating, are accordingly of importance, because they carry over to the principal legislation.

On behalf of The Nationals I would like offer my endorsement of the work undertaken by chief parliamentary counsel, Eamonn Moran, and the team who work with him. These people are extraordinarily capable and skilled in what they do. They are able to do what they do at the shortest notice yet do it extremely professionally for everybody who is in this chamber, irrespective of their political persuasion. Therefore I take this opportunity to accord due praise to the expertise of that team, because its members are integral to the way in which the Parliament functions.

The next matter I wish to mention is the commentary in the bill about the amendment to clause 3. The second-reading speech comments that clause 3 'clarifies a process in legislative drafting' and refers to current practice and what is intended to be achieved by the amendment. The piece of legislation we are now debating is a case in point. If one has regard to it — and I have the bill, as I speak — one can see that this bill was introduced on 19 December last year. In the explanatory memorandum on the front of the bill, the bill is termed 'Interpretation of Legislation Amendment Bill'.

When one reads the bill's explanatory memorandum one finds that all expression is devoted to the use of the word 'act'. The word 'bill' is referred to in some instances by way of assistance, but the primary reference is to the use of the word 'act'. When you turn the pages and read the legislation itself, which follows the explanatory memorandum, it says 'Interpretation of Legislation Amendment Act 2006'. Then, when you turn to the next page, which is the first page of the legislation we are debating, you find that it is headed 'A bill'. It then says 'Interpretation of Legislation Amendment Act 2006'.

One cannot but wonder as to how we arrived at this somewhat convoluted state of affairs. To the extent that

the amendment that is contemplated by the provisions of clause 3 is going to be able to address this in a manner which gives us consistency, I must say, is a sound idea. At the moment we appear to be all over the shop like the proverbial. If we are able through this amendment to achieve a position of consistency by the manner in which the legislation comes to the house, is then dealt with by the house while it is being debated and is then treated as it goes through the two houses of the Parliament prior to and subsequent to receiving royal assent, then that will be to the betterment of all.

Another particular issue I refer to is the amendment contained in clause 4 of the bill. This is also a result of the work of the Scrutiny of Acts and Regulations Committee, or SARC, as it is known. I had the pleasure and the honour to chair it more than a couple of parliaments ago. It made a recommendation in relation to this issue, which has effectively been adopted, which will mean that in the case of all amending acts that come before the house, there will be, in effect, a sunset clause which means that the particular amending act will cease to have effect 12 months after the date that it receives royal assent.

That will be on the basis that by then the contents of that amending act will have been married into and will have taken effect with the principal act. The whole purpose of this is to ensure that we continue to do what we are able so as to keep the number of statutes on the book in Victoria to a minimum and to deal with those which are, in practical terms, redundant in the manner in which I have just explained and to which the second-reading speech refers. That is a sensible course and is something we support.

The proposed amendments in clause 5 in themselves are small and deal with style changes. In this instance, some of those style changes are set out in schedule 1 of this bill. Without being silly about this, I think the style changes have pluses and minuses. One of the great things about the Parliament is that it is a forum in which the use of language can be used very constructively and eloquently — and it is so often by all members of this chamber. Indeed, as I speak — and it rushes to mind immediately — the Minister for Agriculture is with me. I can but refer to his eloquent answer during question time today as just an instance that one could rely upon to demonstrate how the use of English can be championed as one of the basic functions of this Parliament.

When you look at style changes, I know it is necessary in the sense of its conformity with other jurisdictions around Australia, including the commonwealth level. Therefore I know that the logic of the changes follow,

and all those sorts of things, but it is just another pick at the cloth of the way in which the English language is used.

I must say that I happen to have with me the *Concise Oxford Dictionary*. Last night I left it by my bed at home, but I remembered to bring it with me today. I had a look at the way in which the expression 'subdivision', the first of the proposed style changes under schedule 1 on page 3 of the bill, is dealt with, and I am pleased to report to the house that the change contemplated by this legislation is reflected in the *Concise Oxford Dictionary*, new edition — I am not sure what year. Similarly the expression 'subsection' appears in the dictionary in the manner depicted in the schedule. In both those instances the all-important hyphen has been deleted, and the dictionary reflects that spelling.

As to the other expressions, though, it is interesting that 'subparagraph' — let alone 'sub-subparagraph' and 'subclause' — does not appear at all in the *Concise Oxford Dictionary*, so we are left to wonder how this all eventuated and what ultimately is to be the fate of the missing three hyphens in the expressions 'subparagraph', 'sub-subparagraph' and 'subclause'. There are three hyphens that will float off into the ether, and we will see rather the use of this 'new style', as it is termed within the schedule of style changes.

I make the observation in passing that the necessity to maintain the standards in the use and construction of language in this place is very, very important, and spelling is of course pivotal to ensuring that those standards are retained at their highest level. There are other minor matters referred to in the legislation, but I do not intend to explore those any further. Rather, I wish the bill a speedy passage.

**Mr ROBINSON** (Mitcham) — Let the record show that I was quite happy to defer to the Leader of The Nationals in this debate. Indeed we have all benefited from parts of his contribution, not the least of which was his exemplary research of the dictionary late last night, and I am glad he had the chance to do that ahead of me.

I am pleased to speak briefly on the Interpretation of Legislation Amendment Bill. This is the sort of bill that presents itself to the Parliament once or twice every session; unfortunately it is the type of legislation that suffers from a reputation for dullness. That is unfortunate, because it is legislation like this that really offers a window onto the nuts and bolts of parliamentary practice. Parliament is debating this bill because the Office of the Chief Parliamentary Counsel

has requested that the changes be implemented. Whilst they do not sound much, they are nonetheless important. The changes will update aspects of acts and rules, they will seek greater conformity with emerging drafting styles and agreed standards on drafting styles, and they will deal with some procedural matters.

I think both previous speakers have indicated that the request by the Office of the Chief Parliamentary Counsel for these changes has emerged from discussions and agreements reached in those interjurisdictional meetings in which the Victorian representatives play a leading role, and that is an important point.

The shadow Attorney-General has posed a question pertaining to one aspect of the bill and I will do my best to offer him advice, although he will understand that further advice could be sought directly from the chief parliamentary counsel. With regard to dates, my understanding is that the changes the bill proposes are simply looking to formalise the existing practice. That again reflects the gradual change in style and drafting methods which at times overtakes the formal legislative framework. Indeed I understand that the parliamentary counsel's recommendation is that we omit the date of assent when reprinting acts and include only the date of reprint on those acts. That practice will seek to avoid any confusion over the actual date of the reprinted legislation. It is not earth-shattering stuff, but it is nevertheless important.

The legislation does provide the opportunity to reflect upon the work that is done by the Office of the Chief Parliamentary Counsel. Indeed both previous speakers have complimented Mr Eamonn Moran on the work he does, and I would like to join with them in that. I cannot claim to have had extensive dealings with the office, but in my new role of cabinet secretary I know I will over time. The office has a staff of some 36, 20 of whom are lawyers engaged in drafting bills and setting statutory rules. Those of us who have served on the Scrutiny of Acts and Regulations Committee (SARC) at any point in our time in this place would understand that the rule-making process is very, very substantial.

In addition to being the chief parliamentary counsel, Mr Moran also holds the role of government printer, and as a result his office is involved in printing and publishing. It lodges and manages the website at which the community can access updated versions of legislation — [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au). In this regard Victoria is well ahead of the rest of the country. Indeed up-to-date legislation is available online within 24 hours of amendments taking effect. The office also manages the contracts under which bills, *Hansard* and

other parliamentary documents are printed, under which acts of Parliament and statutory rules are printed, and under which the *Government Gazette* is printed.

The quantum of work undertaken by the office should be noted. Last financial year the office had an output of 5900 new pages of acts and 3926 new pages of statutory rules, producing a total of 9826 pages of new legislation which was either drafted by or settled by that office. In addition it published some 18 044 pages of hard-copy reprints of legislation and lodged 873 new versions of legislation on the internet. The office, in addition, provided drafting services to all members of Parliament who wished to move amendments to bills before the house. In 2005–06 some 67 sets of amendments were produced. Furthermore, the office provides drafting services to the courts and the Victorian Civil and Administrative Tribunal in connection with their procedural rules. It occasionally drafts bills for publication in reports of the Victorian Law Reform Commission, and on some occasions it drafts national uniform legislation on behalf of the national Parliamentary Counsels' Committee. Most of that work would not be recognised by members of this place unless they had had some reason to be more particularly involved.

Mr Moran is an individual who is unflappable. You would not meet a more unflappable professional working for and on behalf of the Parliament and the government. I have started to understand the pressure that his office can occasionally be placed under. Indeed the previous cabinet secretary has advised me of how invaluable Mr Moran and his office are. It is an extraordinary workload, and his officers always carry it out in a quiet, efficient and thoroughly professional manner. I am not surprised to learn that Mr Moran, who has plied this particular craft since 1977, was two years ago awarded the Public Service Medal for his contribution to public office in this state, and I cannot think of a more worthy recipient.

The Office of the Chief Parliamentary Counsel also actively supports parliamentary inquiries. I served on SARC in the term after the Leader of The Nationals served on that committee, and at that stage we undertook an inquiry into the parliamentary committee system. We were very fortunate at that time to be granted the services, on secondment from the chief parliamentary counsel, of Karla Bastomsky, who greatly assisted us in the work we did.

The excellence of the Office of the Chief Parliamentary Counsel is also recognised in other ways — for example, the legal practice admission system in Victoria offers some forms of recognition of service in

lieu of actual articles for those seeking admission to practise law in Victoria. The Office of the Chief Parliamentary Counsel, along with a handful of other offices in this state, is regarded as providing sufficient groundwork in and familiarity with the law to allow people from that background to be granted admission without having done articles. That in itself says a lot about the quality and load of work undertaken by that office.

The amendments made by the bill before the house are common sense. They have been encouraged by the Office of the Chief Parliamentary Counsel. They will assist in a small way to better contemporise the legislation-making and legislation maintenance program in this state. I join with the previous two speakers in once again congratulating the chief parliamentary counsel and his staff on the excellent work that they do.

**Ms BEATTIE** (Yuroke) — I was going to give a fulsome presentation to the house but my colleagues who have been up at night reading dictionaries and obviously studying statistics have in part stolen my thunder. They have not stolen all my thunder because I too want to extend my gratitude and congratulations to the people in the team in the Office of the Chief Parliamentary Counsel who do a wonderful job. Anything that we in this house can do to assist them is extremely important. That is why this legislation has come to the house on behalf of the Office of the Chief Parliamentary Counsel.

This bill will assist the chief parliamentary counsel who, as my colleague from Mitcham said, is also the government printer, and it will simplify the legislative drafting and printing processes. It is also consistent with trans-Tasman measures being developed through the joint Australian and New Zealand Parliamentary Counsels' Committee, which promotes greater consistency in legislative drafting. My colleague from Mitcham said that some people might consider this legislation a little bit dull. I am sure that the members of the Parliamentary Counsels' Committee will consider it very much a breakthrough in preparing legislation and will be extremely pleased about it.

The language in Victorian legislation will be modernised. Any modernisation of language which perhaps demystifies this Parliament for the ordinary men and women of Victoria, who do not come into this place very often, is a good thing. It will provide for our laws to be simpler and easier to read, not just for those who come into this house but also for others. As you, Acting Speaker, will know, we have a very large multicultural community in Victoria.

**Mr Robinson** interjected.

**Ms BEATTIE** — Yes, I think we are. Any modernisation and simplification of language that will allow members of that multicultural community to understand is a good thing. It will involve the community in the processes of Parliament by making it easier for them to understand those processes. The bill is in keeping with the Bracks Labor government's strong commitment to facilitating community access to justice in all its facets.

The style changes have been referred to. If people refer to the dictionaries — *Macquarie*, the *Shorter Oxford* and *Webster's* — and to *Butterworth's Australian Legal Dictionary*, they will see that the changes are consistent with them. I have not looked at *Erskine May*, but I do not think *Erskine May* would approve of the changes. Nevertheless, they will be made in 2007. I commend the bill to the house.

**Mr HELPER** (Minister for Agriculture) — In summing up the debate on the Interpretation of Legislation Amendment Bill, first and foremost I thank members of the house who have contributed to the debate. The shadow Attorney-General, the member for Box Hill, expressed the support of the opposition for the bill, which I appreciate. I genuinely thank the Leader of The Nationals — who convinced us all of his ability to cure insomnia by having a dictionary next to his bed — for his considered contribution to the debate.

I thank the member for Mitcham, who outlined the fantastic work that the chief parliamentary counsel, who is also the government printer, does and the massive task that the people in the Office of the Chief Parliamentary Counsel undertake on behalf of this Parliament.

I also thank the member for Yuroke for her considered contribution to this debate. I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## WATER AMENDMENT (CRITICAL WATER INFRASTRUCTURE PROJECTS) BILL

*Second reading*

**Debate resumed from 20 December 2006; motion of Mr THWAITES (Minister for Water, Environment and Climate Change).**

**Opposition amendments circulated by Ms ASHER (Brighton) pursuant to standing orders.**

**Ms ASHER** (Brighton) — In essence, this bill is a stunt. However, the opposition does not oppose it, although we intend to move amendments which seek to restrain the government in the way that it proposes to compulsorily acquire private land for so-called critical water infrastructure projects. I flag to the house that if our amendments are not agreed to we will not oppose the bill.

The bill gives the Premier very extensive powers to declare a project a critical water infrastructure project. There are no guidelines to assist the Premier in this. All the Premier has to do is simply declare a project a critical water structure project, and it will become one. The projects will be declared on the recommendation of the Minister for Water, Environment and Climate Change after consultation with the Minister for Planning and the Treasurer, but there are no guidelines at all. If the Premier believes that a project is a critical water infrastructure project, it will be so.

It will be declared via notice in the *Government Gazette*, and the bill provides that Parliament will be notified of that within 14 sitting days. The process does not give Parliament any power to question, revoke or anything like that. The bill simply provides that the order must be presented to Parliament within 14 sitting days. With the current pattern of sitting, that could be a couple of months for those members of Parliament who do not assiduously read their copy of the *Government Gazette*. Any project that the Premier deems to be a critical water infrastructure project will be one if he chooses it to be.

What does it mean if the Premier actually declares something to be a critical water infrastructure project? The bill provides for two very significant changes to come into effect. Firstly, the Minister for Planning, not local government, will be the responsible authority. That will centralise power in government and give the Minister for Planning complete planning power over those particular projects. Secondly — and this is the area about which the Liberal Party has some significant

concerns — water authorities will have increased powers to compulsorily acquire private land without going through the current process of planning scheme amendments for a public acquisition overlay. In essence what we are saying via our amendment is that we are very nervous about giving this government more power to acquire private land, in part because of its appalling behaviour last week.

The project specifically referred to in the second-reading speech is a government project. Obviously there has been an election, and the government clearly has a mandate for this project. The project is a water pipe to pipe water from the Waranga western channel to the White Swan Reservoir in Ballarat via Lake Eppalock, for use in Bendigo. In essence what the government wants to facilitate by this bill in the first instance — although this power will be available for any project the Premier deems to be a critical water infrastructure project — are these two projects. One is increased water for Bendigo, and the second is increased water for Ballarat.

The source of the water is of course the Goulburn River system, which is in itself somewhat controversial. As I have said, there are two elements to the project referred to in the second-reading speech, the first being a 45-kilometre pipe from Colbinabbin to Lake Eppalock, and the second being a 110-kilometre pipe transporting water from Eppalock to Ballarat.

The background to this project is interesting and worth touching upon in the course of this second-reading debate, and it is as follows. In March 2006 Coliban Water and Goulburn-Murray Water commissioned consultants GHD to undertake a study to see whether this proposal was broadly practical. In the end the study came back with a range of options, and the Bendigo proposal was one of them.

The Liberal Party issued a press release on 24 May 2006. I remind the house of that, because basically what the Liberal Party did was announce what it called then the 'Erskine' pipeline. I quote the press release from the Leader of the Opposition:

The Victorian Liberal Party today urged the state government to provide funding in next Tuesday's state budget to help build the 'Erskine' pipeline linking the Goulburn system to Lake Eppalock to ensure a long-term water supply for Bendigo.

The press release then went on to say:

Visiting Lake Eppalock today new Liberal Party leader Ted Baillieu and shadow Minister for Water Dennis Napthine said the building of this pipeline would be the cornerstone of the Liberal Party's Water for Bendigo policy to provide a

long-term secure, sustainable and improved water supply for Bendigo.

The press release referred to the fact that this original idea came from a Bendigo businessman, Don Erskine, who had over many years promoted this proposal. The press release also went on to say that the then Minister for Water and the two local members for Bendigo should:

... dump their proposed link between the Waranga western channel and the Campaspe Weir at Rochester.

This was a proposal previously embraced by the Minister for Water and the Labor Party, and it was one of the options put forward in the GHD study. It was a low-cost project of \$20 million, which I assume is probably why the government originally embraced that option for Bendigo.

We came along to budget day and we saw, lo and behold, the Labor Party adopt the Liberal Party's suggestion. That was good, and I will give credit where it is due. The ALP announced that it would fund this particular proposal, and it announced funding of \$30 million by way of an insert in the budget papers. The insert indicated that it would be providing funding over four years to 2010, a total estimated investment, as I said, of \$30 million. The cost was put by GHD at \$70 million, and the government at that stage flagged some contribution from the water authority and possibly some contribution from the federal government. That was fine. The Liberal and Labor parties were obviously in agreement over the broad nature of this particular proposal, notwithstanding the fact that funding issues were not resolved at that stage.

We then move to 17 October 2006 and the second critical element of the project referred to in the second-reading speech. The government on that day announced a proposal to pipe water from Bendigo to Ballarat. This was a particularly odd proposal because it was a significant change to the draft strategy for the central region. But let us look at what the government's proposal was, because no doubt it will be held to account for this particular project.

I refer to page 10 of the government policy document for the 2006 Victorian election entitled *Victoria's Water Grid*. The government promised as follows:

A re-elected Bracks Labor government will ensure that the project remains on track to ensure that water can flow from the Goulburn-Murray system into Bendigo prior to the summer of 2007-08.

Then the policy document goes on to say:

The Ballarat section will be fast-tracked for completion by the end of 2008 ...

It will be very interesting to see whether the government can abide by those time lines, because it has not been able to meet the time lines it has set for itself yet. Obviously not only I but the voters of Bendigo and Ballarat will be watching progress on this particular project.

It is interesting to note that Labor's policy refers to fast-tracking the Ballarat section and completing it by the end of 2008, but when the budget update for 2006–07 was tabled, we saw a different story. At page 158 of the *2006–07 Budget Update* we see for the project described as 'Interconnect Waranga channel with the Ballarat urban water supply system' a funding flow that commences in 2006–07 and finishes in 2009–10. So the government said one thing in its election promise — that is, that the project would be completed by 2008 — but something else in the budget document, although I note footnote (b), which refers to what it calls 'phasing information', which means 'timing information', and states that it is indicative only. What that normally means for the government is that a project extends even further into the future.

Let us not speculate on that at this juncture but simply make the observation that the government's election document said that the Ballarat section would be completed by the end of 2008 but that the government's official, signed-off, *Treasury 2006–07 Budget Update* says that the bulk of the funding for this project, and this project itself, will not be completed until the financial year 2009–10.

The Liberal Party obviously wants to see Ballarat assisted with its supply of water, but I make the observation — and we also made it before the election — that there are better water solutions for Ballarat than the one in this bill. We have consistently advocated for water from the Lal Lal Reservoir to be allocated to Ballarat and for certain offsets for Geelong as a consequence of that. I will not go over them because they are not the subject of the bill, but I make the observation that we have consistently argued that there are better options for Ballarat.

This will be an expensive proposal, and we will all be interested to see what the federal government's response is to the funding request from this government. The new federal Minister for the Environment and Water Resources, Malcolm Turnbull — I congratulate him on his elevation to the ministry and to the cabinet — has indicated that the Victorian minister has not done the paperwork in terms of showing how the proposal stacks up financially. So

we urge the minister to fill out his paperwork and ensure that he does his homework on the expenditure of public funds, in the same way as any minister should do their homework if they are requesting the expenditure of significant public funds.

I have a number of other observations to make about the bill. The first is that obviously the removal of planning powers from local councils causes some consternation. I refer to a letter from Mitchell Shire Council to Wendy Lovell, a member for Northern Victoria Region in the other place. The council said in the letter, which is signed by the general manager, engineering and environment:

Our experience of the speed of decision making in the state planning system does not give us confidence that their decision making is speedier than local government ...

I think that is a wonderful observation. The letter goes on to say:

The constraint that water authorities will still need to obtain other usual approvals concerning environment protection, native flora and fauna conservation, Aboriginal cultural heritage, forests and national parks, whilst removing the ability of landowners to object to the compulsory acquisition of their land, seems unreasonable.

It is rationales like that that have prompted the amendments I will foreshadow in the course of this second-reading debate. I again refer to this letter, and I quote:

... the bill would remove local government from the decision making process, eliminate (or at least substantially reduce) private property rights ...

Again the basis of our objection is objections like that from local government and, indeed, from others.

The next issue I wish to touch on — and it is here that I specifically want to foreshadow the amendments circulated — is that we in the Liberal Party have some considerable concerns in relation to the powers being requested by the government for the compulsory acquisition of land by water authorities without the opportunity for affected landowners to comment.

Some powers for the compulsory acquisition of land exist now. Water authorities have the power, under certain circumstances, to acquire land; but there is a public process that affected land-holders now have the right to go through. However, in the Land Acquisition and Compensation Regulations 1998 there is an exemption under part 2, clause 6, which I specifically want to refer to because it says:

The following classes of land are prescribed as exempt from the requirements of section 5(1).

It is this clause that the bill is seeking specifically to amend, because section 5 of the act reads as follows:

The Authority must not commence to acquire any interest in land under the provisions of the special Act unless the land has been first reserved by or under a planning instrument for a public purpose.

That section at the moment allows people whose land might be the subject of compulsory acquisition to at least have some say and put in some form of objection, and it allows a role for local government in indicating whether that is so.

However, there is an exemption under part 2, clause 6, for a number of classes of land. There is an exemption if the land is to be acquired for a 'minor road widening' or if the area of land to be acquired is 'less than 10 per centum of the total area of the allotment'. There is also an exemption if the land to be acquired on a compulsory basis is an easement or if the acquisition of that easement 'will not reduce the value of the unencumbered freehold interest in the allotment by more than 10 per centum'.

Again I draw the attention of the house to the fact that under those existing compulsory acquisition powers Coliban Water sent out a number of notices for the acquisition of private land, and these lands — obviously captured under the exemption in clause 6 — were gazetted on Wednesday, 31 January.

What I am arguing is that we need to look at the way this government has performed using the powers it currently has to compulsorily acquire land. What we saw last week was the Premier and the water minister doing a publicity stunt, as they always do, to signal the start of the construction of the piping project that this bill seeks to facilitate. The project has started before the bill has gone through Parliament, because there are already compulsory acquisition powers available under the Water Act, under the Land Acquisition and Compensation Act and under the Land Acquisition and Compensation Regulations. I am nervous about ceding to this government more compulsory acquisition powers than it currently has. Private property is, of course, the basis of our system.

This bill before the house is going to allow the compulsory acquisition of private land at the whim of the Premier by his declaring something to be a critical water infrastructure project. Under the bill section 5(1) of the Land Acquisition and Compensation Act will be removed. It is a very serious power that this government is acquiring for itself. I, like many other Victorians, watched the television and saw the Premier

and the Minister for Water, Environment and Climate Change — —

**Mr Nardella** interjected.

**Ms ASHER** — I watch the news, all right! When farmers who were affected under the existing compulsory acquisition powers wanted to talk to the Premier and the minister what did those two men do? They drove off in their cars. Ministerial staff herded the farmers into a caravan-type thing, and the minister's staff told these poor people that the minister would talk to them. They herded them into a caravan, and then the minister and the Premier drove away in their cars. That is the performance of this government in relation to the compulsory acquisition powers that it already has. What arrogance! What contempt! One tomato grower there has a contract with Heinz to bring in a crop in March, but the minister not only would not talk to him but had his staff mislead him and drove away. That sort of arrogance is reprehensible.

The amendments I have foreshadowed will, in the main, simply remove the amendments to the Land Acquisition and Compensation Act. The amendments seek to reinstate, if you like, section 5(1) and also remove other amendments to the Land Acquisition and Compensation Act. Obviously there is a series of consequential amendments that have arisen because of the Liberal Party's desire to delete clause 5, including a change of title. As I said, this government's performance in the last week on the compulsory acquisition of private land on this project has been disgraceful. Just imagine how much more arrogantly it will behave when it has a complete and unfettered right to the acquisition of private land, without the public process that is currently afforded as a protection, if you like, or at least without an opportunity for people to have a say under the Land Acquisition and Compensation Act.

I also want to refer to the government's claim of urgency in relation to this project. Work on this project started last week, and the government maintains that it will be finished in October; so the government is claiming it is a nine-month job — a government claim, not mine! However, the Liberal Party announced the first part of this proposal, the proposal for Eppalock, in May. If the government had genuinely believed this was urgent, it would have built the pipe by now. It could have been finished by now if it had actually started it. We support the section of the pipe — —

**Mr Nardella** interjected.

**Ms ASHER** — You had better go and read some newspapers. We were strong supporters of the Bendigo element, and we led the government on the announcement. The pipe could have been built. If it was so urgent in December for this bill to be brought to the house, why — particularly given that we debated the bill immediately in the sitting week before Christmas — did the pipe construction only start in February? The government could have started this project much earlier.

I also want to refer to the provision in the bill which relates to the ownership of projects completed by water authorities. The bill specifies that if a project is to be undertaken by a water authority, it will be owned by the water authority. I assume that is some sort of dog-whistle sign on privatisation by this government. I refer honourable members to new section 161U headed 'Ownership of works'. Given that the government is talking about projects that are constructed by a facilitating authority and owned by that authority, I want to use this opportunity to again draw to the house's attention that this government is more than happy to use public-private partnerships (PPPs) for the provision of water infrastructure.

At the moment there are five projects. I am happy to place on record that I am quite relaxed about using the private sector for these proposals; it is just that I am very confused, as is the public, about where this government stands. We hear a lot about how it does not want the private sector to be involved, but the government's record is that it has used or is using the private sector for five water projects. They are the Ballarat North water reclamation project; the Enviro Altona wastewater treatment plant; the Campaspe water reclamation scheme, which was previously known as the Echuca-Rochester wastewater project; the Wodonga wastewater treatment plan; and the Barwon water biosolids management project.

I also draw the house's attention to the fact that there appears to be a conflict between the Treasurer and the Minister for Water, Environment and Climate Change on the use of the private sector. The Treasurer launched the Campaspe water reclamation scheme in Echuca in 2005. In the Treasurer's press release he said:

The Bracks government is leading the way in public-private partnerships ...

This partnership harnessed the expertise of public and private sectors to build vital local infrastructure and deliver a world-class facility to manage local water supply.

The Treasurer on the one hand trumpets the use of the private sector; the water minister on the other hand

seems to have a philosophical objection to it. The only advice I would have for the government on its handling of PPPs in both the water area and others is that it needs to improve its performance on due diligence. I draw to the house's attention that the proponent for the Altona wastewater treatment plant became insolvent, and a new proponent had to be found. If government members, amateurs as they are, are going to deal with the private sector, they might need to improve their performance on due diligence before selecting proponents.

I also refer to the second-reading speech where the government flagged even further legislative change in this area. The government indicated in that speech that there is going to be a review of planning. The second-reading speech specifically referred to critical water infrastructure projects and planning. That paragraph, more than any other, indicates that the government has rushed this bill into the Parliament, I suspect just to have something to read a second time in that sitting week prior to Christmas and also to try to project the image that it is actually doing something about the provision of infrastructure. The government is condemned by that particular sentence in the second-reading speech.

I conclude by making the following observations. This bill should have been a planning bill rather than a water bill. As I said, this bill is a stunt. This bill is designed to give the impression that the government is doing something about the provision of infrastructure. The problem for the government is that it has been in power for seven years, and in those seven years it has done nothing about the provision of water infrastructure. It has ripped out something like \$1.8 billion in revenue from the water authorities and has not invested in infrastructure. We all recall that when the Premier appointed a minister for water in 2002 he said water was the most important issue. If that is so, where is the infrastructure investment? Where is the track record? What we have is a bill before the house that is simply a piece of fluff. It is a stunt. What it will do is allow the Premier to declare any project to be a critical water infrastructure project, which will then allow the Minister for Planning to be the planning authority for the project. The area which the Liberal Party has the most concern about — and it is this area where my amendments are targeted at — is that the government wants to reduce individuals' powers to object to the compulsory acquisition of their land. What the amendments foreshadowed by the Liberal Party will do is remove those amendments to the Land Acquisition and Compensation Act, because it does not trust this government.

As I said, the water authorities already have some powers to acquire land compulsorily. That is how the compulsory acquisition of the land in relation to this project occurred. That is how the *Government Gazette* of 31 January was able to be issued. That gazette itemises a number of land areas compulsorily acquired by this government. Again I invite members to contemplate the conduct of both the Premier and the Minister for Water, Environment and Climate Change, the two people who, I would have thought, would have wanted to actually talk to the landowners who have had private land appropriated by the government for a particular project. But neither the Premier nor the minister was even prepared to talk to them. That is how the government handles the compulsory acquisition of land for this particular water project. Imagine what it will do if this bill passes through both houses: government members will have an unbelievable arrogance about them.

I make the point that this bill is not needed to construct that particular project as powers already exist. I have indicated my party's position on the bill: we will not be delaying the bill although we have circulated amendments to it, as is our right.

**Mr Nardella** interjected.

**Ms ASHER** — The member for Melton seems not to think we even have the right to debate a bill in Parliament. His attitude is completely typical. Neither the Premier nor the water minister will talk to disaffected landowners, and the member for Melton is getting agitated because the Liberal Party actually wants to move amendments to a piece of government legislation. Shame, Labor Party, shame! Its members are getting very arrogant. We will not oppose the bill but obviously we foreshadow amendments which might curb some of the extravagance of this government.

**Mr WALSH** (Swan Hill) — The Water Amendment (Critical Water Infrastructure Projects) Bill 2006 does a range of things but principally it allows the facilitation of critical water infrastructure projects by allowing the Premier to make an order on the recommendation of the water minister after he has consulted with the Treasurer and the Minister for Planning. The bill is about executive government running the state in some ways. It requires that project order to include a general description and specify the project area and relevant authority that will deal with it.

The project order may be amended or revoked, and the project order and a signed statement from the Premier setting out the reasons for that order must be tabled in

Parliament within 14 days of its making — but 14 sitting days after the making of an order in this place is a long time. If you look at the sitting schedule going forward, it could be anything up to three months before it was actually tabled in Parliament. I question the logic of 14 sitting days. I cannot see why it could not have been 3 or 4 sitting days. It is going to be published in the *Government Gazette*. Why can it not be tabled in this place so it can be looked at?

The planning minister will become responsible for any planning schemes affected by this project. The bill gives the relevant water authority the powers to construct and operate the works, to own the works, and to allow the relevant authority to actually manage those works in another water authority's district without ministerial approval. As I said, it designates that it would own those works in another authority's area. It also changes or modifies the Land Acquisition and Compensation Act 1986, as the previous speaker said, and it takes away what limited rights people had under that act.

The Nationals have had a lot of feedback on and concerns expressed to it about the bill. I will come to those as I go further. Despite what is said in the second-reading speech about this bill being necessary to fast-track critical water infrastructure projects and the concern about the ongoing drought, this bill is not necessary to build the Bendigo pipeline. I have had discussions with the lawyer who is representing the majority of the land-holders where the easement is going to be sought. He says negotiations are progressing. Nothing is being held up. There is absolutely no need for this bill to make sure the Bendigo pipeline project is built on time.

Members on the other side of the house are putting forward an absolute furphy in saying that they need this and that anyone who opposes it is anti-Bendigo. There is no need for this legislation. The existing powers do anything that is needed. All the government has to do is deal with people in good faith; it should speak with and talk to them. I will come to that issue later. This bill is just about a grab for power when there is a water crisis. It is a power that is going to be there in perpetuity, forever and ever, in this legislation.

The people of Bendigo need to be concerned or worried about the fact that this government cannot manage major projects. Members should look at the history of this government and go back a bit. If I lived in Bendigo, I would be very concerned that this government's track record says it will not be able to do this on time and on budget.

Members should think about the fast rail project, of which Bendigo is one of the beneficiaries. First announced to cost \$80 million, that project ended up costing something like \$800 million — a tenfold increase in a project that was over time and over budget. How can the people of Bendigo have faith, no matter what legislation is in place, that this government could actually deliver a project on time or on budget? Not only was it over time and over budget, but we only have one train line and the trains are never on time. So what have we got for nearly a \$1 billion blow-out in the costs?

**Mr Nardella** interjected.

**Mr WALSH** — Are the people in those towns any better off for your spending \$1 billion on a project that you could not manage properly? What about other projects the government has not been able to manage properly — for example, the development of Spencer Street station? That was another project that ran over time and over budget.

*Honourable members interjecting.*

**Mr WALSH** — A couple of weeks ago the Deputy Leader of the Opposition and I attended a forum at Federation Square with Neil Mitchell from 3AW. The Premier made a grand announcement on radio that he was going to spend \$1.2 million on putting a tank on Spencer Street station — in other words, the government wants to put a tank on a project which it could not get up on time or on budget. It is going to cost \$1.2 million. It would have cost \$300 000 if the government had put it there when it built the project, but no, it could not do that! It had to stuff it up and put it on later — and now it will cost four times as much.

But what is more discouraging is that the Premier announced that the project would save 200 megalitres of water at a cost of \$60 000 per megalitre saved. The government will go into country areas and not spend more than \$1000 a megalitre on water-saving projects, but in Melbourne they will spend \$60 000 per megalitre on a water-saving project. It is absurd! People have real reason to be concerned that this government cannot deliver projects on time and on budget. The government does not need this legislation to deliver the project. The whole issue about Bendigo getting its water out of this pipeline is about project management; it is not about legislation.

While talking about legislation and project management let us talk about the Port Phillip Bay dredging project. The bill sat on the notice paper for three years in the last Parliament, but nothing happened. The government

could not even be bothered passing its own legislation to get that one done, so how can it expect to manage anything going forward? We now have ships bypassing Melbourne. They cannot fill up at the port of Melbourne because they cannot get in there, yet that legislation sat on the notice paper for three years while the government did nothing about it.

The Nationals want that legislation debated and passed, and the project started, but the government never brought the bill on for debate; it just sat on the notice paper. I read the notice paper this morning, and that legislation has disappeared; it is no longer listed. I know that all legislation not passed disappears at the end of a Parliament, but I wonder if the government is actually going to bring it back on for debate.

We have talked about the introduction of bills, but where was the Port Phillip Bay dredging project? It has not been reintroduced. Legislation does not make up for a lack of project planning, and history is against this government as far as its being able to manage projects in the future.

On the management of water, we had both a green paper process and a white paper process in the last Parliament, and we have had a central Victorian water strategy, of which the goldfields super-pipe is part of the second edition. But the central Victorian water strategy's first edition had water for Ballarat coming out of the back of Cairn Curran, a reservoir that had already been empty for 18 months before the plan was adopted. I do not know how they expected to get water out of Cairn Curran, and now we have this pipeline.

No-one denies that the government of the day should do everything possible towards having a secure water supply for Bendigo and Ballarat, but that does not mean we have to pass bad legislation or be blackmailed into passing legislation that is not needed. Governments must make sure that people have a water supply — that is a basic human right — but this government has been failing Victorians in general on water supply management issues.

If you talk about Bendigo and Coliban Water in particular, there has been a need for quite a few years to pipe rural supplies in Bendigo, but nothing has ever been done. Something like 4000 megalitres a year is lost in that system, but nothing has ever been done. The Coliban future water strategy says it will be done sometime in the next 15 years. That is absolutely ridiculous! There is very good evidence that if water authorities lower the pressure and fix the leaks in their systems, they can save between 15 per cent and 20 per

cent of their water resources. None of that has been done in Coliban Water; none of that has been explored.

A member for the Northern Victoria Region in the other place, Mr Drum — who was the member for North Western Province in the last Parliament — came up with an excellent concept for Bendigo to harvest stormwater. Bendigo is like a giant roof, and all the stormwater goes down to Bendigo Creek. It is perfectly set up for harvesting stormwater. But because someone in the opposition thought of the idea and suggested it, the government does not want to look at it. The government is not serious about looking at alternatives for Bendigo's water supply.

There are some substantial groundwater supplies around Bendigo that have not been explored. There is the Loddon deep lead to the west, where there are sellers willing to supply water to Bendigo. There is the Campaspe deep lead to the north, which Phil Macumber says has quite a large untapped supply, and there are groundwater areas to the south around Kyneton that could be explored.

It is interesting that a Labor government would introduce this legislation and more particularly that the Minister for Water, Environment and Climate Change would introduce this legislation that reduces people's rights and takes away the need for the government to deal with and talk to people. It takes away the responsibility of government to deal with councils on planning issues — —

**Dr Naphthine** — It's like his support for Albert Park.

**Mr WALSH** — I am going to come to Albert Park. This is the same government with the same Premier who amended the Victorian constitution in the last Parliament to make local government the legitimate third tier of government, as he said. Now what is happening? This same Bracks government is now going to bypass councils on planning issues when it comes to critical water infrastructure. On one hand they are saying local government is the legitimate third tier of government, but on the other hand they are saying, 'No, we will bypass them. We do not want to talk to them. We do not want to deal with them'. Talk about hypocritical!

As part of the consultation on this matter I received a copy of a letter from Cr Bruce Jones from the Swan Hill Rural City Council, who is quite concerned about this project. If I may paraphrase, he is concerned that local government is being bypassed on the planning issues on this project and on legislation in general. He goes on to say:

If decisions are made on 'critical water infrastructure projects' with haste and without reflection of the impacts that this infrastructure may have into the future, the government may leave a legacy that will devastate rural communities that have relied on this water to drive their economies.

The immediate ex-mayor of Swan Hill has major reservations about this legislation and the fact that local government is being bypassed in the planning processes. It was interesting to read in *Hansard* some of the things that the member for Albert Park said when various pieces of the grand prix legislation were introduced. He was full of vitriol about taking away people's rights at that time. At one stage he said:

This legislation sets a climate where the whole state is a designated democracy-free zone.

He also said:

This legislation is arrogant and antidemocratic and trespasses upon people's rights and freedoms.

It gives one a sense of *deja vu*. We now have that same member for Albert Park, the Deputy Premier of this state, introducing legislation that proposes to do the same thing to the people of Colbinabbin and others around Victoria.

We have a Premier who promised to govern for all Victorians on these issues. The Premier, the Deputy Premier, Minister Cameron and Minister Allan, and Candy Broad, an upper house member for Northern Victoria, recently went to Colbinabbin for a photo opportunity at the start of this project. The Premier says, 'We will govern for all Victorians', but governing for country Victorians means 'Let's come out to your patch and let's have a photo opportunity. Let's do a bit of media, but don't ask us any questions and don't talk to us or expect any answers from us. We will get the bureaucrats to shove you into a little hut while we nick off in the car'. That is really a great way to govern for all Victorians.

The article in the *Herald Sun* indicated that the farmers wanted to talk to the Minister for Water, Environment and Climate Change and states:

Despite almost outnumbering the farmers, not one of the MPs would stay to talk to them, instead hurrying off to a meeting with Labor colleagues at a Bendigo hotel.

Obviously they were thirsty. Perhaps the people of Colbinabbin did not offer them a drink and government members had to get to Bendigo to quench their thirst. I suppose we will give them the benefit of the doubt on that. It is an abysmal way to handle people if you are talking about how you will manage the process going forward. There are enough powers now for the

government to be as arrogant as they are on this without giving them more powers into the future.

The second-reading speech indicates the bill will take away people's private property rights. It states:

Water authorities will still need to obtain the usual approvals concerning environment protection, native flora and fauna conservation, Aboriginal cultural heritage, forests, and national parks.

This bill takes away private property owners rights but makes sure all the other rights for the environment and other things are left. If you are going to do one you should be fair to everyone; you should do it for all or none. It is another blight on this piece of legislation.

I have talked often about the fact that you do not need legislation to build critical water infrastructure projects. I refer to the recent history of critical water infrastructure projects in this state. The Woorinen pipeline project, just north of Swan Hill, was built without special legislation. The government sat down and dealt with people and was fair and reasonable. It did not have to have this sort of legislation to do that. The same occurred with the Tungamah pipeline project which is again being built without this particular legislation.

If you look at the real icon of water-saving projects, the Wimmera–Mallee pipeline, you will see that that is being built without this legislation. This legislation was not needed to build that \$500 million project. The northern Mallee pipeline project was built on time and on budget prior to the Wimmera–southern Mallee pipeline being started. You do not need this legislation to build critical water infrastructure projects in this state. The Wimmera–Mallee pipeline is now laying pipes for the next stage. They have not needed this legislation. They have acquired land from Lake Bellfield to Taylors Lake where there will be bigger pipes in the ground than what we are talking about with the Bendigo goldfields project, without this particular piece of legislation. The issue that held up the Wimmera–Mallee pipeline was funding and not legislation. The fact is the state government wanted to play politics with the lives of people in the Wimmera Mallee trying to get federal money to fund what is a state project.

I put on the record, as I have done at other times in this place, the outstanding effort of John Forrest, the federal member for Mallee, in making sure that the federal government matched the state government's contribution for this project. John Forrest did an outstanding job against all the odds when all the people on the other side of this house wanted to play politics

with the drought and with what is a very important project that is critical to making sure we can keep human existence in the Wimmera Mallee going forward.

One of the concerns we raised at the briefing was also raised in the Scrutiny of Acts and Regulations Committee report tabled today. It is a pleasure to actually have the committee report tabled before we have dealt with the legislation. Quite often in the last Parliament we had the Scrutiny of Acts and Regulations Committee report being tabled in this place after we had dealt with legislation. I hope this is the tenor of things to come and that we will have the committee report tabled in this place before we deal with legislation. The committee report in *Alert Digest* No. 1 states:

The committee will write to the minister to seek further advice concerning whether or not the orders to be tabled under new section 161O will be subject to disallowance by the Parliament.

This was the same issue that we raised in our briefing with the departmental advisers and the minister's adviser. The minister's adviser gave a commitment that he would come back to us with advice, but we have heard nothing. It is a concern, because this is about taking away people's rights. It goes a lot further than we think the legislation should. Currently planning amendments need to be tabled in both houses and can be disallowed by either house. The Nationals do not want to see that position changed.

In summary, this legislation is not needed to build a pipeline to Bendigo or Ballarat. This is about the government using a crisis to give itself more power in perpetuity so it does not have to deal with people in good faith; it does not have to go out to negotiate. It takes away the rights of councils, which the government says are the third tier of government. It is thumbing its nose at councils and saying, 'We don't have to deal with you on planning issues when it comes to critical water infrastructure projects'. Members of The Nationals will oppose the legislation because they believe it is taking away people's rights, it is unfair and, most importantly, it is not needed in this state.

**Mr HERBERT** (Eltham) — I am pleased to speak in support of the Water Amendment (Critical Water Infrastructure Projects) Bill, which is a vital bill to allow the government to expedite infrastructure projects to deal with the urgent water supply issues currently facing Victoria. We have just heard opposition members say a number of things about this bill. After listening to the debate I am unsure what the opposition's view is. On the one hand they say it is a

stunt and is not needed and on the other they say it is giving the government unfettered powers and is an attack on local government. The truth is that this is a bill which provides the government with greater flexibility in the future to respond to water supply issues, and to react to urgent critical water issues.

**Dr Napthine** interjected.

**Mr HERBERT** — I think an unparliamentary remark was made.

**The ACTING SPEAKER (Mr K. Smith)** — That is unfortunate. Through the Chair.

**Mr HERBERT** — This legislation is not just about the Bendigo and Ballarat super-pipe, it is about declaring a range of projects into the future as critical water infrastructure projects. As the opposition knows, these projects could include water recycling, interconnection pipes, emergency water supplies for rural towns, major irrigation upgrades, critical headworks such as dam remediation or major water-saving projects. Under the legislation what happens is fairly simple. The Premier will have the power to declare critical water infrastructure projects upon the recommendation of the Minister for Water, Environment and Climate Change and after consultation with the Treasurer and the Minister for Planning. This process will clearly ensure that all the implications of fast-tracking proposed critical projects are considered in advance. That is the important part about this. It enables us to look in advance to make sure these projects happen.

I hear the opposition saying that the legislation is not needed and so on. The member for Brighton was concerned that the Bendigo–Ballarat super-pipe would not be built on time. Yet the opposition says the legislation, which introduces the means to fast-track projects, is not necessary. The position of the opposition is absolutely ridiculous. The Minister for Water, Environment and Climate Change in his second-reading speech outlined the reasons why we need this very simple legislation. It is about record low rainfall and inflows into Victoria's reservoirs over the past decade that are basically threatening our state's water supplies — a very critical issue.

This year Victoria has experienced the worst drought on record. In 2006 our inflows were 35 per cent below the previous record low. That is 35 per cent below the previous record low! If this pattern continues Victoria will have trouble with its water supply. If we continue to have unprecedented low rainfall, our water supplies

will be threatened. That is why we need this bill and the major infrastructure projects we are embarking upon.

*Honourable members interjecting.*

**Mr HERBERT** — Opposition members hate it. Look at them whingeing and whining and carrying on as soon as someone tries to do something.

On a positive note, this legislation has not come out of the blue. It builds on a range of projects that the government proposed when it started back in 2002 to be proactive in trying to secure our water supply. We have invested in water infrastructure projects. A number of those are already going, and we have a whole heap on the books. It has been a priority of the government over recent years to invest significant funds across a whole range of water projects. We have already progressed with the planning and building of these critical projects. If necessary, we will declare them to be critical projects to make sure they are built on time in order to deliver water when we need it, where we need it.

This major commitment to funding major projects is in addition to the considerable amount that has been invested by state-owned water authorities since 1999 — and it is a fair amount. Between 2005 and 2008 Victorian water authorities will have invested over \$2.4 billion in major projects to ensure that we have water in this state. Basically that is the reason for this bill. If you are going to spend that amount of money on major piping infrastructure projects, you have to have the capacity to ensure they are built when you need them. It is a very simple matter.

**Mr Jasper** — You should have built them before!

**Mr HERBERT** — Here we go. This is the point that was just made. On the one hand opposition members say we should be leaving all the power with local government and not be bringing in this bill, and on the other hand they are saying we should have started months ago. You cannot have it both ways, can you? Either you go through those processes or you fast-track the process.

It is fairly clear that we do not know what is going to happen with the drought, and we do not know the full range of projects that this bill will apply to. But we do know there will be times when urgent action is needed to augment rural water supplies and Melbourne's water supplies. Let us be clear: no-one predicted that our rainfall last year would be so shockingly low or that our inflows would be so inadequate. We need to put mechanisms in place now to ensure that we have the capacity to react quickly to these critical situations. This

bill will enable the government to efficiently undertake long-term planning for water security and to take urgent action when it is needed.

There are a number of ways in which the Water Amendment (Critical Water Infrastructure Projects) Bill will do this. It will simplify and streamline approval processes by enabling the Minister for Planning to be the sole responsible authority under the Planning and Environment Act. This will be particularly beneficial in cases involving pipelines, for instance, where there are numerous municipalities involved. These previously complex arrangements will be replaced by a single decision-maker who will operate in an integrated way across relevant municipalities. That is the crux of it. Currently we can have a pipeline that goes through a range of councils and municipalities, each with its own processes. It is true that the minister can call each one in, but this bill says, 'Let's treat it as one project. Let's cut away the red tape of each local municipality so we are able to treat it as one project'. That is incredibly important if we want to get these projects built on time. By taking out the confusion of multiple accountabilities we can run a simpler and faster approval process and get more water going to where it is needed, more quickly.

We have heard a fair bit about land acquisition for infrastructure projects. Any land that is to be acquired for an infrastructure project is currently required to first be reserved under a local planning instrument. This bill provides an exemption in the case of critical water infrastructure projects so that amendments to local planning schemes will not be required for a declared required project. This will take months off the current process, which could be vital to the survival of many rural towns and industries whose water supply is threatened. This bill will ensure water authorities have the necessary powers and functions to construct and operate critical water infrastructure projects.

To be clear, these amendments will not override the normal and necessary environmental and planning approvals in current legislation, nor will they limit a person's right to consultation and compensation where land is to be compulsorily acquired. None of that will change. All the processes in this bill can already be achieved by other legislation, but they are time consuming. These amendments will enable the fast-tracking of those processes.

In conclusion, the situation we face is dire. Climate change and population dynamics mean that we cannot accurately predict what the future will hold. We know we are facing serious water shortages across the state. We know the future could be even worse, and we have

responded quickly and in a decisive manner. That is what the bill before the house is about. It will facilitate the fast-tracking of major infrastructure projects in the future, enabling the government's plans to be implemented more quickly and more effectively to secure Victoria's water supplies. It is a vital piece of legislation that will have benefits for all Victorians. I certainly commend it to the house.

**Dr NAPHTHINE** (South-West Coast) — We have had from the member for Eltham a 10-minute apology for the incompetence and inaction of the Bracks Labor government in response to a water crisis that has been around for a number of years. We had a 10-minute diatribe of excuses about why the government has failed to build the recycling facilities, pipelines and dams which would have secured the water future for Victoria.

We have had apologies for inaction and incompetence, and now we are seeing a grab for power by the Bracks Labor government. That is why I support the amendments proposed by the Deputy Leader of the Opposition. These amendments will provide minimum protection for private landowners whose land is threatened by water infrastructure projects. I recognise the need for governments from time to time to undertake major projects of importance to our community. Currently we have laws in existence that allow for the compulsory acquisition of land for such projects, whether it be freeways, road widening and road safety projects, or the building of pipelines, dams or other water infrastructure projects.

Those laws exist now, and it is through those laws that the government has proceeded with the Wimmera–Mallee pipeline project — a major water infrastructure project — and the Colbinabbin–Bendigo pipeline, because construction has commenced on that pipeline, and the law we are being asked to pass today will not be used for that project.

This bill will make it easier for the government to trample on the rights of landowners, and I am disappointed with that, hence the Liberal Party has proposed amendments to provide a better balance between the rights of private landowners and the need for any government to initiate major projects in the community interest.

I am interested in where the government's priorities lie, and the member for Swan Hill has raised the same issue. The second-reading speech says:

Water authorities will still need to obtain the usual approvals concerning environment protection, native flora and fauna

conservation, Aboriginal cultural heritage, forests, and national parks.

The government sees that it is important to obtain those usual approvals, but it sees fit to bring forward legislation to deny the basic rights of private land-holders. Members of the Bracks Labor government are prepared to trample on the rights of private land-holders and will still protect a whole range of other issues they see as being much more important than the rights of private land-holders. I disagree with them on that issue, and that is why I will be supporting the amendments put by the Deputy Leader of the Opposition.

The second-reading speech refers particularly to the need for the bill to facilitate water pipeline projects from Colbinabbin to Lake Eppalock — that is, to take water from the Waranga Basin and Lake Eildon, and indeed the Goulburn system, for the city of Greater Bendigo and to facilitate a further pipeline to take water from Eppalock to Ballarat and to the White Swan Reservoir.

In my earlier remarks I made it clear that the pipeline from Colbinabbin to Lake Eppalock is already under construction, without this legislation having been passed and with all the approvals being obtained under the existing legislative framework. Had the government proceeded with haste and appropriate concern, this pipeline could have been built by now, even under the existing legislative framework.

Government members are simply incompetent and unable to deliver on major projects. It is a measure of the government's incompetence that it lacks commitment to provide water to Bendigo rather than to provide the legislative framework needed for that pipeline.

In her speech the member for Brighton made it clear that on 24 May the Liberal Party announced its commitment to a Colbinabbin–Eppalock pipeline, which was originally proposed by Don Erskine, a Bendigo engineer. I give great credit to him and to those people in Bendigo who saw that that was an absolutely appropriate way to bring water to their city. It is a pity that at the time the Labor members for Bendigo and the Labor Party opposed the Erskine proposal for a Colbinabbin–Eppalock pipeline. The Liberal Party took the initiative and announced it. I was there, as shadow minister for water, on 24 May when it was announced. We were committed to that project even though the Labor Party was opposed to it.

It was a week and a half later, when a last-minute amendment was being made to the budget, that the

government realised that that was the most appropriate way to bring water to Bendigo; then it came on board. I welcome the late conversion of government members to the Erskine pipeline, but I think it is disappointing that, even though the government announced its commitment to the pipeline in the state budget, work on the pipeline only commenced some seven to eight months later, simply because of the incompetence and inaction of members of the Bracks Labor government, who simply do not care about Bendigo.

However, part of the Liberal commitment announced on 24 May was that water for this pipeline should come from water savings, through investment in a water-savings framework. About 30 per cent of water in the Goulburn–Murray system is lost through seepage, evaporation and less-than-efficient irrigation. If we save that water we can have a win-win outcome. We can have more than enough water for agriculture, enough water for the Bendigo community and more water for environmental flows. It is absolutely essential that if you build this pipeline, you invest in water-saving infrastructure to generate those water savings.

The second part of our commitment was to use this pipeline to provide greater security of water for Campaspe irrigators. Let me quote an email I received on 9 February from two Campaspe irrigators, Julie Campbell and Kaye Coghill. They wrote:

Since your last visit pre-election there have been six farms on the Campaspe West District give up and sell off their cows.

...

I think when you first came to this district there were around 28 dairy farms on Campaspe West, now there are 16.

I know there are problems all over the country, but the demise here puts the area at a huge risk into the future.

Thwaites is on the record [as] saying it is too good an area to lose, but it's almost gone. How do we tell him that?

I urge the Minister for Water, Environment and Climate Change to meet with the Campaspe irrigators and help them solve their problems. In 2004–05 they got 31 per cent of their irrigation allocation; in 2005–06, 31 per cent; and this year, 0 per cent for qualified stock and domestic use only, but they are paying for 100 per cent even though they are getting zero. Previously they got 193 per cent, and on top of that the government and Goulburn–Murray Water are now putting pressure on the farmers who are using bores. They have been limited to 75 per cent of their allocation from bores — a backstop they are using because they are getting no irrigation water from the Campaspe system.

These bores have kept some farmers and their cattle alive, but they are now running out of water. They want Goulburn-Murray Water and the minister to allow them to increase their use of the bores from 75 per cent of their allocation to 100 per cent. I urge the minister to meet with them and discuss the issue. This proposal has been rejected by Goulburn-Murray Water. This will kill off the Campaspe area, which is already well and truly on its knees. It is estimated that there are 2 million megalitres of water in the underground system, and only 14 000 megalitres have been allocated. Surely there is enough there to allow farmers and irrigators to go up to 100 per cent of their water allocation. I have met with the Campaspe irrigators a number of times. They have suffered at the hands of this government in recent years and deserve better. They certainly deserve a meeting with the minister as to their future.

In summary, I support the amendments to be moved by the Deputy Leader of the Opposition. They will provide fairness to land-holders, the right balance between the rights of landowners and the need for government to have procedures to acquire land.

I also take this opportunity to urge the government to adopt Liberal policy to ensure that water for these pipelines to Bendigo and Ballarat comes from investment in water-saving infrastructure. That would provide a win-win outcome — water for Bendigo, protection for farmers, security for agricultural production and security for rural communities. There is a need to provide additional water for Bendigo. It can come out of the Goulburn Murray system, and it can come out of the Erskine pipeline. We need a commitment not only to build the pipeline but also at the same time to invest in water-saving infrastructure so we are not simply taking water from irrigation farmers but helping them save water. We need to secure water for irrigation farmers, secure water for the Campaspe irrigators who desperately need it and give water to Bendigo, all at the same time.

**Mr RYAN** (Leader of The Nationals) — This broad-ranging and invasive legislation is unnecessary and The Nationals are opposed to it. It is lazy policy, and this legislation supports that lazy policy in the appalling nature of its terms. It provides further powers to the government on a basis that is simply unnecessary to enable the government to do with regard to the projects, the nature of which are referred to in the course of the second-reading speech.

I might emphasise that this legislation has nothing to do with the construction of the pipeline to Bendigo. The proof of that is in the government's own actions. Last week we saw the unseemly activity of the Premier and

Deputy Premier when they went to the region for the purposes of starting the actual construction of the pipeline project.

We also saw appalling conduct: people who wanted to speak to the Deputy Premier were herded into a temporary facility in a building on a construction site. Then the camera panned and happened to catch the Deputy Premier's vehicle driving away. This piece of film was featured across the television screens of country Victorians, and I am sure it will live in their memories for a long time.

The legislation is not necessary for that project, because surely not even this government would have gone to that region to go through the process of commencing the project without having in place the appropriate mechanisms for it to be built. If it were to have done that, this government could be said to be so filled with its own arrogance and that it regards this Parliament with such absolute disdain because it was prepared to go up to that region and commence this project — safe, it would say, in that line of logic — in the knowledge that the Parliament of Victoria would pass the legislation which was necessary for the government to proceed.

But surely not even this government has sunk to those depths. Not even this government can be sufficiently presumptuous to think that it can start a project of this type of multimillion-dollar dimension and be prepared to do it on the basis of the assumption that the Parliament of Victoria would pass the legislation which we are now debating. It is a pertinent point in relation to what the upper house of this Parliament does. When this legislation goes to the upper house, it will be subject to a debate. It will be interesting to see the commentary that will be made there.

In another context altogether, I have had occasion to comment to the media that the changes that have been made to the upper house were sought and driven by the Premier. Now he is whingeing about some of the outcomes that have arisen from the nature of those changes that have been made. It may be said that we have a true example of the old Chinese proverb 'Be very careful what you wish for'. We are going to see this play out in other respects, perhaps in terms of this legislation, because not even this government can presume that this legislation will be passed to give it a licence to go in, commence this project and see it through. I say to you, Acting Speaker, and to members of the house that this legislation is irrelevant to the development of the project to which the second-reading speech makes such broad references.

There are other features of this bill that are objectionable on its face. In one broad sweep the government takes away the capacity of local government to be involved in the planning aspects of projects which are supposedly to occur in the context that this legislation contemplates. Again, this is absolutely unnecessary on two counts: the first is that if the government has common decency, proper planning and appropriate policy in place to be able to deal with the local government sector to which it apparently pays a lot of heed, then that sort of situation is unnecessary; the second is that if you are not lazy about the way you develop policy, and if you are on top of your game and can see the necessity for these sorts of projects to be developed, why is it necessary to have this awful unseemly rush, which sees the implementation of the provisions of this proposed legislation in the way that, once again, it contemplates? Why should you need to do this if you have the government of the day on top of its game? Yet here we have it in this legislation.

The Minister for Planning has the capacity to override the ability of local government to do what it should be able to do — that is, to exercise its planning controls. Apart from taking away the planning controls, the government has the hide to say, ‘We are going to leave you with the rest of the things that local government has responsibility for, so you are still local government and you are still going to be able to look after environment protection, native flora and fauna, conservation, Aboriginal cultural heritage, forests and national parks’. Local government is still going to have all of those responsibilities.

However, then the government says, ‘We are going to take away your planning rights’. The sting is in the tail because the second-reading speech goes on to say, ‘We will leave all of that with local government. Local government needs to take notice, mind you, that by the very fact that an order in the nature of that contemplated by this legislation has been made over the signature of the Premier, of itself, should be an indication to you, Local Government, that we want you to get off your whatnot and to deal with our application in relation to this particular project under all those headings in a way that we, the government of the day, think is appropriate’.

I say to members of the house that that is an appalling thing for this government to do. How can it on the one hand protest the fact that it is prepared to represent the interests of local government in this state, to even amend the constitution of the state of Victoria to enhance the position of local government in this state; but then on the other hand, and by the stroke of a pen, wipe out the capacity of local government to be

involved in this form of legislation? It is an absolute disgrace.

That situation, bad as it is, is compounded by the amendments in relation to the land acquisition and compensation legislation. These are the famed personal and private rights which the citizens of Victoria have always believed they are entitled to; these are the rights that are constitutionally enshrined; these are the rights trumpeted by people like the now Deputy Premier and the now Attorney-General of this state long before the minister who now sits at the table, the Minister for Sport, Recreation and Youth Affairs, ever came into this place. Many times did this chamber ring with the protests of those two ministers in relation to the removal of rights. How often did we hear them in here when they stood up and talked about the need to protect rights?

It is timely that the Deputy Premier has come into the house while I am speaking. I am sure he is blushing, and it is no wonder. It is an absolute embarrassment to have it mentioned in his presence that all of those speeches about the commentary on rights have all gone out into the ether by the versions of this government as encapsulated in this legislation. The government simply does not need to do this. There is no need for all this to happen. There is existing legislation on the books in a variety of spheres which enables it to do everything that needs to be done. The justifications within the second-reading speech are absolutely specious.

Apart from anything else, there are the merits of the totality of the project. Different speakers have spoken about being able to make changes to delivery systems that will achieve savings in those systems and about being able to properly explore the Loddon deep lead, the Campaspe deep lead and the other avenues that are available to this government, which has been simply too lazy or too disorganised, or both, to investigate those sorts of options. They do not get a mention in the legislation we have before us today.

There is reference in the second-reading speech to the central region and what will be required for Ballarat. If you look at the draft water strategy for the central region, which was released in April last year and which of course was apparently concluded after 18 months of careful examination of what was necessary, you will see there is only one thing missing — there is absolutely no mention of pipelines! This latticework of pipelines was developed only because this government had got itself into a hole with an election impending and was desperately trying to dig itself out of it.

The end position is this: this legislation is simply not necessary and should not be before the Parliament. It is a disgrace, and The Nationals will oppose it.

**Dr HARKNESS** (Frankston) — I am pleased to rise to speak on the Water Amendment (Critical Water Infrastructure Projects) Bill, which is important and necessary and which delivers on this government's pre-election commitment to legislate to fast-track water infrastructure projects. It is important to note that this bill represents a crucial step in improving water security for Victoria.

Over the course of this government's time in office we have seen the rolling out of many different initiatives across both metropolitan Melbourne and regional Victoria. It is worth spending a moment or two just to highlight the way this government is effectively addressing the water issues and the water crisis which we face. After all, over the past decade we have seen record low rainfall, particularly during the winter and spring of last year, as well as record low inflows into Victoria's catchments, and all that has been having a significant impact on our water storage levels.

Whether you come from a metropolitan area such as Frankston or from regional and rural Victoria you can appreciate as you drive around and visit various parts of the state the absolute devastation this drought is imposing on so many different people with so many different livelihoods. If this pattern continues and Victoria continues to experience the low rainfall and low inflows it had in the year just gone, then the state's water levels and water supplies will be very seriously threatened. That is why it was crucial to introduce this legislation to fast-track some of those vital infrastructure projects around the state.

What have we been doing about the problem across Melbourne, for instance? We have been doing an enormous amount, and I am very pleased and proud that this government has overseen the most successful water conservation effort of any state around the nation. In fact in Melbourne alone there has been a 22 per cent reduction in the amount of water used compared with the 1990s, which represents a saving of more than 100 billion litres a year. We have seen the introduction of a range of initiatives such as water rebates, which I know many people in my electorate of Frankston have been adopting. They have been doing their bit, putting in water tanks and grey water diverters and all those other things which are so important in reducing the domestic use of water.

We have also seen industry make savings of 24 per cent on a per capita basis since 1999–2000. We have seen a

variety of recycling projects implemented, with more on the way. We have seen a \$160 million upgrade of the western treatment plant, for instance, which has helped to lift the recycling of water in Melbourne to its current rate of 14 per cent, and we are on track to recycle 20 per cent by 2010. We have also seen the introduction of a third-pipe recycling scheme in Cranbourne, near my electorate of Frankston, and of course the government has recently mandated a third-pipe area in Melbourne's outer east which will service 40 000 homes. We will see the eastern water recycling project come to fruition as well as the upgrade of the eastern treatment plant.

We have seen huge efforts in conservation, we have seen a lot of initiatives in recycling and we have new supplies coming on stream. The goldfields super-pipe for Ballarat and Bendigo and other projects throughout regional Victoria are having a positive effect as well.

This bill allows for the fast-tracking of critical water projects which will secure our vital water supplies. It is this government — the Bracks government — which is planning ahead and protecting future water supplies by introducing this legislation. It is absolutely crucial that the legislation be supported by all members of the chamber so that we are able to fast-track some of those vitally important infrastructure projects. The bill will facilitate the fast-tracking of projects that the state considers to be significant by making the Minister for Planning the responsible authority under the Planning and Environment Act 1987. It will ensure that water authorities have the necessary powers and functions to build a water infrastructure project, but it is also important to note that environmental and planning approvals will still apply to critical water infrastructure projects. All the processes covered by this bill can be achieved under current legislation; however, they are very time consuming.

As I said, the key purpose of this bill is to facilitate the fast-tracking of vitally important water projects. The types of projects which could be declared critical infrastructure projects include the eastern treatment plant recycling upgrade, which I mentioned just a moment ago, the Murray–Goulburn interconnect, the Leongatha water recycling project and the goldfields super-pipe, as well as numerous other major water recycling projects, interconnect projects, emergency water supplies for rural towns and major irrigation upgrades across the state.

This important bill builds upon a huge effort which has been under way over several years to tackle the water supply crisis. Over the past decade we have seen critically low rainfall and water inflows. That is why we

have been pursuing so many different projects and initiatives, and that is why this bill is so important. You need only look at some of the comments that have been made about the things we have achieved so far to know how important they are. The Australian Bureau of Statistics noted in its national water conservation data, as reported in the *Age* in late November of last year:

Victorian households have emerged as the most prudent water users in Australia.

That is a very good endorsement of the efforts the government has put into recycling projects. A *Herald Sun* editorial on Our Water Our Future stated a few years ago:

The state government's blueprint for water reform has met with broad approval from the environmental, farming and welfare lobbies.

The commentary from people who actually know what they are talking about — unlike the opposition — is praiseworthy of the amount of effort that has gone into these water recycling projects. This is an important and very necessary bill. It will go a long way towards fast-tracking some of the vital and crucial infrastructure projects which are essential throughout the state.

**The ACTING SPEAKER (Mr Ingram)** — I call the honourable member for Murray Valley.

**Dr Napthine** — On a point of order, Acting Speaker, the member for Evelyn also stood in her place, and I raise the point of order with regard to the call you have made. It is appropriate to point out that the Chair cannot or should not presume which way members may or may not vote on a particular bill until the vote is actually taken. The Chair should not make any presumptions about individual members, irrespective of their party affiliations. We are elected as individual members of Parliament, and individual members vote on legislation as they see fit. Therefore I think that the Chair, in making the call, should stick to the time-honoured tradition of calling members from one side of the house and then the other side, and in this case the call should have gone to the member for Evelyn.

Indeed, to complicate further the matters in this particular situation, there are proposed amendments before the house. It is presumptuous for the Chair to assume that the amendments will be agreed to or not agreed to by the Parliament or to assume what individual parties or members may do as a result of those amendments being agreed to or not agreed to by the Parliament. Therefore, given this inability of the Chair to presume before a vote is taken how members will direct their vote — and particularly as that is

further complicated by a series of proposed amendments that may affect how members vote — it is inappropriate for the Chair to presume how members will vote and make a call in that manner.

In these circumstances, it is more appropriate for the Chair to make the call on the basis of a member on one side of the house and then a member on the other side of the house. In that case, the call should go to the member for Evelyn.

**Mr Jasper** — On the point of order, Acting Speaker, it is quite clear from rulings given in previous times that where it is clear that one party is opposing the proposed legislation and another party or other parties are supporting the proposed legislation, there are alternate speakers across the chamber. It was quite clear when the Deputy Leader of the Liberal Party spoke that, although there are proposed amendments before the house, the opposition will be supporting the legislation.

As far as the house is concerned, the direction that has been taken to date is quite supportable by rulings made in this house previously. As far as members of The Nationals are concerned, we are quite clear in opposing the legislation. Every second speaker should be from The Nationals because of the indication that members of the government are, obviously, supporting the passage of this legislation, as are members of the Liberal Party.

**The ACTING SPEAKER (Mr Ingram)** — Order! I was listening to the debate in my room and heard the point made that the opposition has proposed amendments but will not oppose the bill. If you look at *Rulings from the Chair*, you will see rulings given by Acting Speaker Phillips and Acting Speaker Languiller saying that where Independents alone were opposing legislation, they got the opposing calls.

The procedure of the Parliament is that where a party indicates that its members alone are opposing the bill — and we have to take the word of the leaders of the political parties on that, and if any member of a political party is going to vote differently, they can make that information available to the Chair and the Chair will make the call differently — its members are given the opposing call. I do not uphold the point of order, and the member for Murray Valley has the call.

**Dr Napthine** — On a further point of order, Acting Speaker, I ask that you take up this matter with the Speaker to have it further clarified, because I consider it presumptuous of the Chair to assume which way individual members may vote. The additional point I

wish to make is that if this Parliament is to be seen as a genuine place of debate where people can present their views, listen to debate and make their decision on the basis of that debate, then it is extremely presumptuous of people to make an assumption.

It may be that, following a debate, parties or individuals listening to a debate, which is fairly and rightly held in this place, may alter their views as they have expressed them earlier. Therefore it is totally inappropriate for the Chair to presume the outcome of the debate before the debate is even held. Therefore I ask you to have the Speaker look at that ruling.

I take the point that the precedents to which you have referred have been rulings made, with due respect, by acting speakers who may not have had full knowledge of the circumstances and the issues. It is a very important issue, because I do not believe the Chair would ever want to make a decision that implies that debate in this Parliament is absolutely irrelevant to the decisions of members about how they vote at the end of a debate. The debate is important and critical, and it ought to be upheld as the ultimate place where members can express their views and at the end of it make up their minds about which way they vote.

**Mr Delahunty** — On the point of order, Acting Speaker, standing orders provide that in a debate there be a speaker for and one against the legislation. As you have rightly pointed out, you have made your ruling based on some rulings that have been made. The member for South-West Coast has brought up a relevant point about members wanting to change their position on a bill. It may be worth considering the point that, when a member is called, they have to declare whether they are for or against a bill when they get up to speak.

**Dr Napthine** — But you don't do that!

**Mr Delahunty** — No, you don't do that. At the end of the day, in a debate the call is given to a speaker for, and then one against. The only way to do that is to take the lead from the lead speakers for each of the parties. We have already gone through that step, and at this stage the Liberal Party has indicated that it has proposed amendments but is supporting the legislation. At this stage The Nationals are the only ones who have declared that they will be voting against the bill. Your ruling is correct; but if you are going to review it, let us look at other ways.

**Mr K. Smith** — On the point of order, Acting Speaker, the presumption has been made by you and the clerks that because our deputy leader said that the

Liberal Party do not oppose the legislation, we will not oppose it in general. The fact is that we have proposed amendments to the legislation. On that basis it should have been presumed that we believe those proposed amendments could be accepted and when those were made to the bill, then we would not oppose the legislation, but that decision would not be made until the end of the debate. The presumption has been made that we will not oppose the legislation, whereas the fact is that, if the amendments are not agreed to, it may well be that we will oppose the legislation.

**An honourable member** — We've convinced you, have we?

**Mr K. Smith** — No, what I am saying is that it is not until a vote is taken that a decision would be made by members of the Liberal Party on which way we will vote. What has been raised by the member for South-West Coast is correct: the call should be going from one side of the chamber to the other, between members of The Nationals and the Liberal Party alternately on this side and then to members of the Labor Party to be making their contributions to the debate. The wrong presumption has been made. The issue should be taken up. I ask that you change the ruling you have made and alternate between members of the Liberal Party and The Nationals when giving the call to a speaker on this side.

**The ACTING SPEAKER (Mr Ingram)** — Order! I am happy to rule on the point of order raised by the member for South-West Coast. On his particular comments that there has been no direct ruling by a Speaker, it may be of advantage to the operation of the house that a ruling be made by the Speaker, because ultimately that is the power of the house, so I will refer the matter to the Speaker.

On the subject, I still believe that the ruling I made is correct and that speakers will alternate between those members who have indicated that they are opposed to the bill, who at the moment are members of The Nationals — and any other member who wishes to come to me and indicate that they may vote against the bill — and those who have indicated that they support the bill. So I call the honourable member for Murray Valley.

**Mr JASPER (Murray Valley)** — Acting Speaker, I accept the clarification and am pleased to be able to make a contribution to debate on the legislation.

**Mr K. Smith** — On a further point of order, Acting Speaker — —

**The ACTING SPEAKER (Mr Ingram)** — Order! I apologise to the member for Murray Valley.

**Mr K. Smith** — The Liberal Party has proposed amendments to the legislation, which means that we do not support the legislation that is currently before the house because we wish to change or amend the legislation.

**The ACTING SPEAKER (Mr Ingram)** — Order! Members do have a right to make a point of order, but this issue has been well covered. The normal procedure of the house is what we are following, so I will call the honourable member for Murray Valley and if other members wish to take this matter further, then they should formally take it up with the Speaker.

**Mr JASPER** — I express my disappointment that the member for Bass has taken some seconds off the contribution that I will be making.

I want to support the comments made by the Deputy Leader of The Nationals and the Leader of The Nationals, indicating our opposition to the legislation before the house. The legislation is an indictment of the lack of action by the state Labor government since coming to office in 1999. I accept the fact that there has been some action taken by the government in terms of water saving, water conservation devices and water recycling. I think that there is no doubt that people generally are very much aware of the importance of water and of conserving water in their household usage. Indeed we have the Premier and the Minister for Water, Environment and Climate Change making statements on the reduction in water consumption in metropolitan Melbourne — and the same is certainly very much the case for those living in country Victoria.

One of the issues of great concern in talking about water conservation measures is the action that the government has taken in not allowing people who are not in reticulated-water supply areas to access a subsidy from the government when they install a water tank. If you are in a reticulated-water area you can claim a subsidy for installing a water tank, but if you are outside, say, Wangaratta, and you are in a small area that does not have a reticulated water supply, you cannot access that grant. I believe that is a critical issue and I challenge the members of the government that are in the house at present to take this up with the water minister and get it changed immediately, because the response made by the minister in my representations to him was that people outside water conservation areas are used to conserving water so do not need to get the subsidy, and people in the reticulated areas need to be encouraged.

I add that to my opening comments, because I think it is important that we understand that, whilst there has been action taken by the government to encourage people to be conscious of the importance of water, it does not take away the fact that there has been no major action by the state government to look at extending or increasing water storages across the state of Victoria since 1999.

I read with great interest the minister's second-reading speech. If you take note of the words in that speech you would think that the government would be very conscious of the fact that they do need to be extending water storages across country Victoria and that there do need to be increased conservation measures in places like Bendigo and Ballarat. I can advise the house that the people in my electorate of Murray Valley are very concerned about the suggestions by the state government of water being taken out of the Murray and Goulburn systems and being shot down to Ballarat and Bendigo. There need to be some provisos to protect people in those areas so they do not lose their water rights and the access to water for irrigation, for town supplies and for environmental flows.

It is interesting to look at the situation of water and dams, and I will be coming back to dams because they are tremendously important. What has been the great saviour for people in north-eastern Victoria has been Dartmouth Dam. The dam was built in 1981. It was believed it would take nearly 10 years to fill, but it was filled in four or five years or less. It has underpinned the supply of water down through the Murray system, together with some water down through the Snowy system. In fact that dam is still holding about 25 per cent of its capacity. It is a massive storage that has underpinned the supply. The towns along the Murray River are on only stage 1 water restrictions, with a 95 per cent water right for irrigators and people who have access to irrigation supplies directly from the Murray itself.

These are issues that the government needs to take into account. Members should read the second-reading speech that was presented by the minister. He said in part:

This comprehensive plan sets out the actions that will be taken to secure water supplies for homes, farms, businesses, industry and the environment in the central region of Victoria for the next 50 years.

What has the government been doing since 1999? Apart from conservation measures and recycling, surely there has been action taken to look at dams!

We have a situation where we do not need this bill, as pointed out by the Deputy Leader of The Nationals when he spoke about the Tungamah stock and domestic supplies within the electorate of Murray Valley. The piping of that system has been undertaken without this bill. It is a \$20 million project, and it will save approximately 5000 megalitres of water because of the changes that have been made.

I am disappointed about where that water will be going, and I am sure you understand where I am coming from in saying that, Acting Speaker, because we need to keep it in the system. The government has a lack of understanding of water systems generally, and closing down Lake Mokoan is a classic example of that, as the member for Benalla will mention. It was built in 1971, and it is a shallow storage that needs to be revisited. There is no doubt that it has a large evaporation, but we believe we could contain that storage. We could make it deeper and more effective, and if there is a problem as far as evaporation is concerned, we could use the water in the storage first and ensure that it is used more effectively.

I want to come back to the rural city of Wangaratta. We are talking about the difficulties faced by the people of Ballarat and Bendigo, but if members were to go up to north-eastern Victoria and talk to the people who live in the rural city of Wangaratta and ask them what they think about these things, they would say they are on stage 4 water restrictions up there. Why? Because the water levels in Lake Buffalo and Lake William Hovell are extremely low. They are two small water storages, and in fact Lake Buffalo is almost down to its lowest outlet. But they are looking to install pumps by the middle of March so as to lift the dead water out of that reservoir to underpin the stage 4 water restrictions in Wangaratta.

Indeed, I have had contact from people below Wangaratta who are saying to me that they currently have no flow in the Ovens River. Lake Buffalo holds about 24 000 megalitres, with the Hume Weir releasing approximately 12 500 megalitres each day, so Lake Buffalo holds only two days supply to the Murray River system. Lake William Hovell holds about 14 000 megalitres — I say it holds only a cupful! — so one can see the rural city of Wangaratta looking at having a pipeline from Lake Buffalo down to Wangaratta.

I support the concept of a study into this problem. But I have said to the chief executive officer of the Rural City of Wangaratta that it is not much good having a pipeline if the bath at the other end has no water in it.

We really need to look at extending Lake Buffalo and Lake William Hovell. They need to be extended now.

More than 40 years ago the former Premier of Victoria, Sir Henry Bolte, purchased all the land around Lake Buffalo — in other words, the government owns the land. In 1963 the *Wangaratta Chronicle* had banner headlines saying that the second stage of Lake Buffalo would be built. They had a cost estimate of what it would be at that time, and indications were that the new dam would hold well over a million megalitres of water. If they had built it at that time, we would not have the problems we have in the Ovens and King river systems now, along with the problems in the rural city of Wangaratta. Not only would we have overcome those problems, but we would have had water to back up the Murray River system through irrigation and town supplies.

If one travels into Yarrawonga, one can see how quickly the problem is growing. We have an increasing population, which needs to be taken into account. If we had taken these steps, we could have been in a position to look at environmental flows as well.

The critical point as far as The Nationals are concerned is that we do not need this legislation. What we need is a government that is not attaching the rhetoric to the second-reading notes but is taking action. We have seen it with the Mallee pipeline, with the Tungamah stock and domestic system being piped, and these are the actions the government can take. We do not need this legislation, and we are opposing it. We are not opposed to trying to get greater efficiency into all the systems; but we do need action from the government to be able to extend storages such as Lake William Hovell and Lake Buffalo to get more water into the system.

Somebody said to me, 'What if it does not rain?'. I believe as sure as night follows day that it is going to rain, and when it does, we can fill those storages, hold the water, use the water when it is required, and ensure that we underpin the systems we have in the food bowls of Australia — the Murray and Goulburn areas of Victoria and New South Wales.

These are the critical issues, and while the government thinks it needs this legislation, it gives the government far too much power. We also have the difficulty of the disallowances and the power given to the Premier and the water minister, which we do not believe they really need. The government should get on with the actions which we have outlined and which we believe should be implemented in this house.

**Mrs FYFFE** (Evelyn) — I am pleased to rise to speak on the Water Amendment (Critical Water Infrastructure Projects) Bill. This bill extends the government's planning processes to facilitate critical water infrastructure projects. It is a bill that gives the government the power to call any project a critical water infrastructure project, but without guidelines as to what constitutes a critical project. It gives the government blanket powers. It gives a water authority the right to compulsorily acquire land, and under the bill the Minister for Planning can become the water authority. There are no parameters, and it is not subject to review. It takes away the sanctity of private property, and public processes can be dumped. It also removes planning powers from local councils.

The bill was introduced by the Minister for Water, Environment and Climate Change, who, as the then Minister for Planning, was in 1999 quoted by *Hansard* as attacking the Kennett government, as usual. He said:

The government plans to put planning back into a framework where councils and communities have a real and strategic say in the way planning is done.

He further said that the Bracks government had a commitment to:

... ensuring that proper planning takes place and that local councils and communities have a proper say ...

In a further quote, from 15 December 1999, he said the government had implemented a key recommendation of the Attorney-General:

... that ministerial intervention in planning should be open, accountable and transparent.

Yet here we are debating a bill that takes away many of these things he said he supported. The government claims this bill is urgent, but it could have done this infrastructure work a few years ago — but that would have meant making decisions.

Before making a speech in the house we often refer to *Hansard*. Having been away for four years, I thought I should check what had been said about the drought, so I typed the word 'drought' into the search engine with the intention of seeing when the government became aware of it. When I was still here in 2000 the word 'drought' was mentioned 27 times in Parliament; in 2001 it was mentioned 29 times; and in 2002 it was mentioned 84 times. In 2003, when I was away, it was mentioned 225 times; in 2004 it was mentioned 90 times; in 2005 it was mentioned 99 times; and in 2006 it was mentioned 109 times — a total of 663 times that the drought was mentioned in the speeches made in this house in that time.

Then I thought I should check how many times the water minister had made references to the drought in his speeches. In 2003 he made 6; in 2004 he made 4; in 2005 he made 5; and in 2006 he made 5 — that is, 20 references out of 663. It makes you wonder what the government was doing. Was it not aware? For the seven years since 1999 we have known there has been a drought.

I know the dire straits that many country areas are in, and I know that provincial cities such as Bendigo and Ballarat are suffering. It was distressing to hear on the radio while driving here this morning that Glenmaggie is so low in water that irrigators will run out in about 12 days. My family in the country has lost stock and crops. Many industries are being devastated. The drought is affecting nurserymen, turf growers and swimming pool suppliers. If stage 4 restrictions come in, it will mean the end of the car-wash industry.

I have sat, as have so many members with country electorates, and listened to distressed, hardworking people who do not know where to turn. I have listened to pensioners whose pride and joy — their gardens — are dying before their eyes and heard about how they are carrying buckets late at night.

But a lot of this — in fact, a large proportion — could have been eased if the government had acted instead of reviewing and looking into it, instead of endless consultancies and advertising aimed at making the government look good. Look at the name 'super-pipe' — I wonder how many focus group meetings were held to get that name. I wonder how much was spent on getting a name for this infrastructure. The government has collected over \$2 billion in water dividends and taxes since 1999 but has spent only half of it on water infrastructure, despite knowing of the worsening drought.

The Minister for Water, Environment and Climate Change did not seem very much aware of it, but the rest of Victoria knew about it. Country people knew about it and the people in Bendigo, Ballarat and Geelong knew about it. These funds should have been used on water recycling collection, on the re-use of stormwater and on developing new sources of water for Melbourne and country Victoria.

In the second-reading speech the minister said:

If this trend of low rainfall and inflows continues through autumn and winter ... Victoria will be faced with extreme conditions and challenges with many storages running out of water.

But that is already happening; it has been happening for quite a while. It is about time government members woke up.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Ingram)** — Order! The members for Melton and Macedon!

**Mrs FYFFE** — For goodness sake, get moving and actually do the work, do what the people of Victoria want.

The government uses the phrase ‘fast-track’. When fast-track is linked with the Bracks government, one can be forgiven for believing it is an oxymoron.

Several members have quoted from a *Herald Sun* article of 8 February, and I also would like to quote from that article; in fact, I would like to read quite extensively from it. It starts by saying:

Victoria’s two most senior politicians fled a handful of upset farmers yesterday as a feel-good ... opportunity went badly wrong.

Does that not say everything about this government? The article talks about the Premier and the Minister for Water, Environment and Climate Change taking part in a media event. It says:

... eight local farmers who are threatening a legal stoush with the government over the pipeline turned up, prompting Mr Bracks and Mr Thwaites to get in their chauffeur-driven cars and disappear in a hurry.

I am afraid I cannot be as kind as the Deputy Leader of The Nationals when he suggested that perhaps they were thirsty; I am just not as nice as he is. They just ran away from the farmers who are being hurt by this drought.

The article then tells us that:

... they waited inside, the minder told them the minister had gone to make a phone call — while Mr Thwaites got in his car and drove away.

Five members of Parliament turned up to pose for the cameras — and the articles lists the Premier; the Minister for Water, Environment and Climate Change; the Minister for Agriculture; the Minister for Skills, Education Services and Employment; and a former upper house minister, Candy Broad. The latter trio were representing their electorates. Despite almost outnumbering the farmers, not one of the members would stay to talk to them.

There is no need for this legislation. The pipeline to Bendigo could be built without it. This bill has been

hastily introduced. Obviously the department has concerns, because it flags in the second-reading speech that it will require changes. The bill is being introduced and being debated in this house, yet the government is flagging that the legislation is going to require changes. It is just more smoke and mirrors. It is more a case of ‘Look at me, look at me!’, and it is more a taking away of rights in this nanny state.

I support the amendments as circulated by the Deputy Leader of the Opposition, and I am pleased to have made a contribution on this bill.

**The ACTING SPEAKER (Mr Ingram)** — Order! Before calling the honourable member for Rodney and on the previous ruling, I refer members to page 427 of *May* under the heading ‘Precedence in speaking’ which indicates clearly that the subject of debate is not a matter of party politics. It states:

... from those whom he adjudges to be supporters or opponents of the question.

The Chair alternates between them. *May* also indicates that the house would assist the Speaker in ensuring that the names of those supporting or opposing be submitted prior to the debate.

**Mr WELLER (Rodney)** — It is with great concern that I have to rise and oppose a bill such as this.

**An honourable member** — Bring back Noel!

**Mr WELLER** — Noel would have opposed this, too. He was a great believer in the community having a say and an input into government decisions. This bill will take away the rights of the common person, so it is with great concern that I get up and oppose this bill. It will take away the rights of the community, and consensus is what I have always believed in.

Victoria has a great history of consultation and process on water decisions. Since the original Water Act of 1905 there has been great consultation over a time span, which has allowed for debate within the community before things have been forced on it. If we go back to the 1964 formula for sharing water in Victoria, we see there was a lot of debate back then before the formula came in. For the first 40 acres you got 2 acre-feet per acre, for the next 60 acres you got 1 acre-foot per acre, and thereafter you got 1 acre-foot for every 6 acres. That was the formula that was agreed to. After much consultation the whole community supported that.

Even the Bracks government with its farm dams bill had about two years of consultation. I remember I had the privilege as an irrigator to chair meetings in

Wangaratta and Ballarat. With much consultation with the community and a great understanding of the issues we managed to come up with a sensible resolution to share and manage water in Victoria.

Then there was the Our Water Our Future initiative where there was a green paper, a consultation process and a lead time that we managed to go through. The whole of the community was involved in the green paper, and then the green paper became the white paper. I must admit that in all the time that process for Our Water Our Future took — I was involved at the time, and it took two years — there were many meetings around the state from Gippsland to Mildura to Corryong to Warrnambool. I went to meetings with farmers who spoke about their concerns about the white paper. We had to work to get it right for the farmers, and we went around to a massive number of meetings. There was nothing to do with these critical water infrastructure things. No-one said that part of our future would involve a pipeline being built to take water from one system to another, which I must admit is contrary to other policies. We were actually taking water from the Snowy into the Murray, and now we have to put it back into the Snowy.

This will be a missed opportunity. If the first pipeline the government is building is a precedent for what is going to happen, it is a big missed opportunity for Victoria. With the pipeline being built to take water from the Goulburn system to Bendigo there is a great opportunity to have a three-way win — a win for the environment, a win for the farmers and a win for the people of Bendigo. Because it has been rushed through with no consultation, the farmers have missed out on getting upgraded infrastructure with better channels, better bridges and better regulators for a more efficient irrigation system. We have missed the opportunity there. This state could have done that at no extra cost to the state. With Coliban Water paying \$2000 a megalitre, under the national water initiative we could get matching funding from the federal government and all of a sudden we would have \$4000 and any amount of savings from the infrastructure. You do not need to buy it from farmers and take it away from productive use.

Also there is a big loss to the environment with this. There was a great opportunity. I have been involved in trying to save the northern districts from the salinity problem for nearly 46 years. The salinity problem in the north has been caused to some degree by leaking channels. Here was an opportunity to plastic-line and pipe and solve our environmental problem. It is another missed opportunity. If we were to support this bill,

Victoria would become the state of missed opportunities.

How can we support critical infrastructure bills if there is never going to be fiscal responsibility? There will be massive blow-outs — for example, in relation to this pipeline the government has said to farmers that it is going to take the land off them to put in the pipeline. That is fair enough. The government should speak to them, but because it is so rushed it does not know where the pipeline is going to go on the farmers' land.

Indeed, we have a farm with the latest irrigation techniques, where the farmer has invested \$4000 a hectare in the latest tape irrigation, which is the most efficient way of using water. The pipeline could go straight through the middle of it and the compensation cost to the farmer would be massive. That farmer will have to be reimbursed \$4000 a hectare because he will have to put in that system. You cannot go through the middle of it without putting in a whole lot of new pipes, because if you put the joiners in, there will be soft spots which can separate, causing leaks. A whole new system will need to be put in, and it will be quite an expensive operation. There is no way known that the government can budget when it rushes these things through. There needs to be a lead time so that all of these issues can be addressed and proper pricing can be got.

This government has also missed the opportunity arising from the 2002 bushfires. In his report Bruce Esplin says we need to use local knowledge more. If we are going to give the powers to the Premier, the Treasurer and the minister, we will take away the rights of people with local knowledge. We have learnt nothing from the bushfires if we support this bill and take away the use of local knowledge and consultation with local people.

We are told that we need this legislation to build pipelines. The Wimmera–Mallee pipeline is being built. Also, a pipeline is being built in my electorate to re-use the water from the Echuca sewage farm. Water is pumped 12 kilometres along a pipeline and farmers use it to create export dollars. The water is used to irrigate pastures, where dairy cows consume it. It then goes out through the port of Melbourne to create export dollars and jobs. If we rush this through, those opportunities will not exist. The project took two to three years of consultation with the community to get it right and in the right spot.

There is a lack of planning. If the government pushes this through and takes away the powers, Victoria will miss out in three areas: it will lose the economic output from the state because it will not get the best value from

the water and the best opportunities to save further water. There will be social consequences for taking productive water out of areas if you rush things through, instead of saving water and just going to the market and buying, and there is the environmental disaster that we are ignoring by not taking the opportunity to upgrade the infrastructure of the irrigation works. I ask members to oppose the bill.

**Ms BEATTIE** (Yuroke) — It is said that we have rushed this bill through. What nonsense! Everybody knows that for the past 10 years we have been subject to a record-breaking drought — if you would like to call it that; there is no doubt about that. I am glad the member for Eltham is in the house because he will remember that back in 1999 when he was my campaign manager, I campaigned on water. The previous Liberal Party member denied there was a problem with water. So the Liberal Party did not see it coming 10 years ago or in 1999, and it is still saying it is a recent phenomenon. What a lot of nonsense!

We know we have to improve the security of Victoria's water supply, and a number of significant infrastructure projects are being constructed. There is the goldfields super-pipe, which will connect Bendigo and Ballarat to the Goulburn system, and there are major pipe augmentations. But there are also other things. We are fast-tracking this bill. We need to fast-track these projects because we are going through a time that we have never been through before in the history of this state's records. We will fast-track those projects but we need this legislation to do it. We need the planning approval.

We may require environmental protection — and we do need to protect the environment. Labor is the party for the environment; there is no doubt about that. Labour is the party that cares about the environment, and the people of Victoria recognised that in November last year. I will not call these projects major projects, but they are major infrastructure projects, and we need to look at augmenting the Melbourne system. We need to look at a salt-reduction plant at the western treatment plant. We may need to look at recycling at the Shell refinery.

I do not want this water debate to be seen, as some people would have it, as a city-country divide or a householders-versus-industry divide. It is not. The whole state is undergoing the 10-year drought. It is not just a drought in the country, and it is not just a drought in the city. It is not just industry, and it is not just householders. We all need to play our part to preserve water, and we are all doing that at the moment, but we also need these big infrastructure projects to secure

water for the future. It is not going to magically rain tomorrow so the whole thing goes away. We need many years of average steady rain to refill our dams, but knowing that we live on the driest continent on earth we also know that we need to preserve our water better. We need to recycle our water better.

These big projects need to be done. I call on the federal government to put its hand in its pocket to make these projects happen in the short term. There are some towns that need emergency water supplies at the moment. That is part of this bill. You might ask, 'How will a project be declared a critical project?'. This project is time critical. The greatest saving of time is likely to be where land is to be acquired. It must be reserved in a planning instrument for public purposes, so we will do that.

I am supporting this bill. I am not supporting the amendments at all, but I am coming out and saying what I am doing. The Nationals have said they are opposing it, but I wish others would be clear about what they are doing. We heard about smoke and mirrors. This is the greatest case of smoke and mirrors that the Liberal Party has put up yet. It is saying it will support it but that it will put all these amendments forward. Then it will say, 'We cannot support it'.

We have two other big projects. One is the Tarago reconnection — —

**Mr Nardella** interjected.

**Ms BEATTIE** — This bill will facilitate the fast-tracking of the projects by making the Minister for Planning in the other place the responsible authority under the Planning and Environment Act for the critical project area, ensuring that the water authorities facilitate a critical project and have the necessary functions and powers to deliver the project and to provide an exemption where land is to be acquired under the Land Acquisition and Compensation Act. This bill is a major step in improving our water supply.

In his second-reading speech the minister foreshadowed that there needs to be a review of the current planning and environment approval processes that would be carried out, so it may lead to further legislative change. I ask members on the opposite side to reflect on what they are doing.

I heard the current member for Rodney talk about the previous member for Rodney. I know what the previous member for Rodney would have done. He would have weighed up what was good for his community; he would not have just blindly followed. He was a reasonable, thoughtful man — —

**An honourable member** interjected.

**Ms BEATTIE** — And he still is, indeed. He would have weighed up what was good for the people of Rodney and why he was appointed to this house. He would have broken ranks with members opposite and put his hand up for this bill — that is very clear. He was an honourable man and would have put his hand up.

This is a good bill. It will help to ensure that we have supplies of water in the future. But, as I have stated, back in 1999 the Liberals still had their heads in the sand about water. They said that it was not going to be a problem and that it would eventually rain, and that seems to be where they are going at this time. As I said, I am supporting this bill and opposing the amendments. It is good legislation and good for Victoria. I close my contribution with the people of Victoria in mind, and that is why I am supporting this bill.

**Sitting suspended 6.26 p.m. until 8.01 p.m.**

**Mrs POWELL** (Shepparton) — I am pleased to speak on the Water Amendment (Critical Water Infrastructure Projects) Bill. We are told that the purpose of this legislation is to amend the Water Act 1989 to facilitate critical infrastructure projects. The Nationals will be opposing this legislation. As we have heard a number of speakers say, and as the member for Swan Hill said, we do not really need this legislation to provide or fast-track infrastructure projects. While we understand that the second-reading speech mentions the Bendigo and Ballarat pipelines, this legislation is in fact not needed to construct those pipelines, and a number of speakers have spoken about that.

I have a couple of media releases from the Minister for Water, Environment and Climate Change. I would like to read into *Hansard* from one dated Monday, 28 August, last year to prove that it is the minister himself who is saying that we do not need this legislation and that in fact the pipelines are being built and are going ahead as we speak. Under the heading 'Bendigo tenders this week', it reads:

Mr Thwaites said tenders for supply of pipes for the Waranga to Eppalock pipeline would be advertised this week and close by the end of September, with deliveries expected by early next year despite the high demand for pipes around Australia.

'Negotiations with landowners are well advanced and construction work is expected to commence in January next year', Mr Thwaites said.

'This will ensure that the pipe is connected to enable water supply from the Goulburn Murray system prior to the summer of 2007–08'.

It goes on to say:

'Advertising for a contractor will start next month with tenders closing and contracts awarded in October ...

The media release quotes Mr Thwaites talking about the planning issues:

'Planning issues have been worked through more quickly than would normally be the case through a high priority being put on the project by a range of agencies including state government departments, the City of Greater Bendigo, the Shire of Campaspe and North Central and Goulburn Broken catchment authorities.

...

'Work to acquire easements and consult with land-holders has already been undertaken.

...

'The preferred option for the pipeline route has been selected, the design and specifications for pipes and pumps has been established and [a] formal implementation process will begin as soon as possible', Mr Thwaites said.

The media release goes on to say:

The 45-kilometre underground pipeline will link the Campaspe and Goulburn river systems via a route from Colbinabbin to Lake Eppalock.

That shows very strongly that the need for this legislation is not there, if it is just to facilitate the pipeline.

It was interesting that two days later, on 30 August 2006, the minister issued a press release under the heading 'New pipeline proposal could link Ballarat to Goulburn Murray system':

Water minister John Thwaites today announced that a new pipeline proposal was being considered to boost Ballarat's water supply by up to 18 billion litres a year.

Mr Thwaites told Ballarat business leaders last night that the Bracks government was considering connecting Ballarat to the Goulburn Murray system.

...

A crucial part of securing Ballarat's water future is to source a large amount of new water to meet population growth and climate change.

I think that shows that the reason for this legislation, which is said to fast-track and to facilitate critical infrastructure, is really a farce. It is all spin by this government to prove that it has done something. It has sat on its hands while Victoria has dried up because of the low rainfall. It has literally done nothing to help alleviate the problems not just in Ballarat and Bendigo but in Shepparton and across all Victoria. At the moment we are all having to deal with low allocations and the sorts of things that make everybody anxious, because people are not able to use the water they need,

whether it is to water their gardens or for businesses and urban use.

The irrigators in the Goulburn system are also feeling the brunt of low inflows into the storages. Goulburn-Murray Water has allocated 24 per cent of irrigation rights, but irrigators are paying for 100 per cent of that water. In what other business anywhere would you expect to pay for 100 per cent but get a mere quarter of that? No other business would do it. It is little wonder the irrigators are feeling very anxious and very angry. They are also paying huge amounts of money for 1 megalitre of water. Before Christmas we were almost up to \$1000 for a megalitre of water. This is absolutely outrageous.

My community is already hurting and is very angry about some of the decisions taken. The Minister for Mental Health, during question time this afternoon, talked about the impacts on communities in drought-affected areas. Some of those impacts are depression and anxiety, and those sorts of things. I have met with a number of organisations and stake-holders in the Shepparton district who deal with these people. We are certainly feeling those effects in the Shepparton district. We ask the government to give support wherever it can. Not only has Shepparton had a drought since 2002, it has also had the worst hail on record, the worst frost on record, and now Shepparton is dealing with all of those other issues caused by the lack of water.

I have attended a number of forums run by the government, and I commend the government for doing that. The Department of Primary Industries has held forums to talk to farmers about what is happening out there and is trying to help alleviate some of the anxiety, but the only thing that can help our farmers and irrigators is more rainfall.

The government should have supported Bendigo and Ballarat and other areas in Victoria while they were running out of water. The government has let them down. It has literally sat on its hands and let these communities down. It could have helped Bendigo and Ballarat secure water. It could have done things like we have been doing in the Goulburn system for many years. The initiatives include piping ineffective channels. It could include plastic lining of channels, which would fix the leaks, stop the seepage and alleviate the evaporation, and, as the member for Lowan said, that would have saved a lot of water that they could have used.

The government's only answer is to rob one community with a minimal water supply and take it to

another community that has very little water supply as well. The government should be condemned for the lack of work it has done with these communities.

The water minister came to Shepparton last year and funded a lining for a channel; I think he contributed about \$40 000 to that lining. He did not mention that he was going to be asking for Goulburn water to go to Ballarat. Later on in the day he went to Ballarat and spoke to the Ballarat community. He announced the pipeline. We think it was very cowardly of the minister to not allow the community on the Goulburn system to know what was happening to the water in the Goulburn system and the water going to Bendigo and Ballarat. This government has let down the people of Bendigo, who face severe water restrictions, and it continues to allow that to happen.

A number of other issues in this bill cause The Nationals great concern. One of them is that it gives more power to the Premier to determine which infrastructure projects are to be declared, after consultation with the water minister, the Treasurer and the Minister for Planning. There is also the fact that the Premier could include environmental projects in this issue as well, which would actually bypass the community. The Minister for Planning, not the local councils, will be making planning decisions in relation to a project area.

I understand the City of Greater Shepparton councillors were not even aware of this issue. They were not even consulted on this legislation. So much for the government allowing local government to be put into the constitution as the third tier of government. There was lack of consultation over many years, with the Minister for Planning not talking to people at the grassroots level and not talking to councils. Now we are expected to give the Minister for Planning the power to plan what is happening in our areas!

The second-reading speech states:

... a water authority responsible for a critical water infrastructure project will be able to commence the formal process of acquiring land compulsorily without having to arrange for the relevant planning scheme to be amended to apply the public acquisition overlay to that land.

This is outrageous. There already is a formal process under the Land Acquisition and Compensation Act 1986. This government is trying to sidestep that process and to take it away from the community. A private land-holder will no longer have a right of appeal or a right to appropriate compensation. The minister for water stands condemned for not allowing those communities to have some say in where the pipeline is

going to go and to be consulted about their land. We see this happening time and again with this government.

The Nationals do not support this legislation, because it is not needed to facilitate critical infrastructure projects. It is all about spin and smoke and mirrors, as a number of speakers have said. It has been introduced just so the government can say it is doing something. Unfortunately this government has let the community of Victoria down, particularly those people living in country Victoria.

**Ms MUNT (Mordialloc)** — I am very pleased to speak on the Water Amendment (Critical Water Infrastructure Projects) Bill. I will just go through the technical aspects of the bill and then comment on some of the background to it. The bill will facilitate the fast-tracking of water projects that the state considers to be of significant importance and make the Minister for Planning the responsible authority under the Planning and Environment Act 1987. It will ensure that water authorities have the necessary powers and functions to build a water infrastructure project. It will provide an exemption from the requirement under the Land Acquisition and Compensation Act for land to be first reserved under a local planning instrument. Critical projects will be declared by the Premier on request from the Minister for Water, Environment and Climate Change after consultation with the Minister for Planning and the Treasurer, and environmental and planning approvals will still apply to critical water projects.

This legislation comes after 10 years of drought in Victoria. The failure of rain over the winter and spring of 2006 has further exacerbated the critical water situation that we now face. As I said, this bill will facilitate the fast-tracking of major water projects. I am particularly interested in the major projects that are likely to be covered by this legislation — and I have a list of them.

The projects that I will list are currently in the feasibility, business case or early approval stages, and an assessment as to each project's suitability for being declared critical has not yet been undertaken, but they include — and I am particularly interested in one of them — the Melbourne system augmentations for desalination; the Geelong system augmentations for groundwater and aquifer water; the salt reduction plant at the western treatment plant; the water recycling plant at Shell refinery; the eastern treatment plant upgrade; the Murray–Goulburn interconnect; the Lake Boga upgrade; the Campaspe–Waranga interconnect; the Leongatha water recycling project; the Sunraysia

infrastructure upgrade; and the Werribee irrigation district pipelining. A lot of these projects are in country areas. I am not a country member, and I do not live in the country, but I understand the terrible situation that country communities find themselves in at the moment after 10 years of drought.

I am particularly interested in the eastern treatment plant upgrade, which is at Carrum, close to my electorate. The investigation is going on at the moment, and the upgrade has the potential to have a major impact on water in our state. It is my understanding that this investigation will look at upgrading the recycled water to a much higher level so that it can go to the Latrobe Valley, which will also have a beneficial effect on the Gunnamatta outfall. I might have my numbers wrong, but that will save up to 25 per cent of the drinking water for the state. Large amounts of water are used in power production in the Latrobe Valley. That upgrade has the potential to make a great improvement to our state's water situation. I will be following that investigation with particular interest.

The government is currently undertaking a three-pronged approach to the provision of water in Victoria through conservation, recycling and new supplies. Measures are being undertaken or looked at for the future to impact on all of those areas of water provision. Melburnians have saved 22 per cent on their water use compared to the 1990s already, and over 140 000 rebates have been claimed on water-saving products. Also the \$1000 rebate on water tanks came in on 1 January.

As I move around my electorate there is only one topic of conversation that my constituents want to talk to me about at the moment — that is, water. Water conservation is on the top of everyone's minds and everyone wants to do their bit to help out. They want to save water and look at ways of improving the water supply in Victoria. The government has provided many ways for the public to be involved in and help with that, and many households have changed entirely the way that they use water. These major projects are big capital projects, and they will have a large impact on the provision of water for Victoria.

I have been in the chamber listening with interest to the debate on this legislation. I have heard many points of view, and I am surprised that The Nationals are opposing this legislation. I would like to read out some comments published in the *Warracknabeal Herald* of Friday, 2 February:

'Victoria has a pre-eminent position in water administration within Australia', Mr Ryan said.

Also:

Nationals spokesperson for the Murray River, Peter Walsh, echoed Mr Ryan's —

words. It continues:

'Communities on the Victorian side of the Murray River have flourished through conservative management of water allocations', Mr Walsh said.

'Extensive permanent plantings in the horticulture industry and world-class dairy industry have been able to develop as a result of a consistent and stable approach to water management by Victorians, for Victorians', he said.

That is recognition of the efficiency and the approach taken by the government up to this point.

**An honourable member** interjected.

**Ms MUNT** — We will be continuing to govern for all Victorians and putting in place all the water measures that are necessary to ensure the supply of water for Victorians. As I said before, I am pleased to speak in support of the bill. It is another good bill for water and environment in the state of Victoria. I commend the bill to the house.

**Dr SYKES** (Benalla) — I rise to speak on the Water Amendment (Critical Water Infrastructure Projects) Bill. I reaffirm that The Nationals oppose the bill for the reasons that were outlined by previous Nationals speakers. Firstly, there is already the ability to do what is necessary to achieve water savings and infrastructure projects within existing legislation. Secondly, I have a concern that if the power is given to the minister to make these decisions, then we will have a high risk of repeating more bad decisions. Thirdly, I have a problem with the focus in the second-reading speech on securing water to central Victoria with little mention about the rest of Victoria. As previous speakers, including those on the government side, have acknowledged, northern Victoria particularly is in the grip of a severe drought.

In relation to the ability to implement major infrastructure projects, as previous speakers have indicated we have two clear examples: the Wimmera–Mallee pipeline and the Tungamah pipeline, which is in the electorate of Benalla. Those projects have been implemented, but sometimes not with the full support of land-holders involved in having the pipeline go through their places. However, the powers exist to allow the pipeline to proceed and achieve water savings that are to the benefit of everyone.

In relation to vesting the power in the minister to make these decisions, I sought comment from my constituents. At least two who replied outlined their concerns about the apparent absence in this legislation

of normal checks and balances and the presumption that if the decision were made by the minister, it would be done properly. Max Richards, who has a long history of working on water and infrastructure projects in the Benalla area, expressed those concerns. Another person in the Benalla area, Mike Burston, also expressed those concerns. He expressed an underlying concern by writing:

My dealings with —

in this case —

the local CMA a few years ago ... and the DSE ... make me wary of the 'public sector —

or the government —

knows best' attitude. Seems to me they can be judge, jury and executioner without any balances.

There are underlying concerns in the electorate about what this legislation intends to do.

I also have a concern about what appears to be an underlying principle — that is, a quick decision is a good decision. That is not necessarily so.

In September last year an article about water appeared in the *Herald Sun*. At that time the minister had been in government for seven years and had been the then Minister for Water for over four years. The minister is quoted as having said that the sound of rain on his roof is music to his ears.

Wake up, Australia! Anyone in country Victoria or country Australia appreciates what the sound of water on the roof means. For the minister to have been the water minister for four years and to have come to that conclusion just six months ago is a frightening revelation of his lack of contact with country Victoria and how serious the situation is out there.

Also there is a concern that the current government, even if given plenty of time and the opportunity to supposedly consult with the community, still has a track record of making some appallingly bad decisions. We only need to look at the toxic dump fiasco. First of all it was proposed that Baddaginnie-Violet Town be a potential site, along with Tiega and Pitlong. There was a public outcry and a very wearing campaign on the part of the local people. There is still damage out there. I say to the government that two families in my area are still affected; a partner in each of those families is not able to front up to a normal day's activity. They are still knocked around by the pain inflicted by this government and its appalling decision-making process

and appalling lack of respect and contempt for the rights of individuals in country Victoria.

Just recently we had a situation where, as a result of an amazing campaign in north-west Victoria, another potentially appalling decision was overturned, which was due in no small part to the member for Mildura. I congratulate the member for Mildura, along with the whole community in the north-west, for forcing the government to apply some common sense to what was a foolhardy decision.

I am also concerned about the focus in the second-reading speech on central Victoria. In part it says:

This project was announced as part of the government's sustainable water strategy for the central region. This comprehensive plan sets out the actions that will be taken to secure water supplies for homes, farms, businesses, industry and the environment in the central region of Victoria for the next 50 years.

I want to tell this government that things are also a bit tough in northern Victoria.

Only two weeks ago in the *Border Mail* North East Water's projections for water demand in major towns in north-east Victoria were identified. Towns such as Benalla, Mansfield, Bright, Euroa and Violet Town were all identified as communities that were going to have a severe water shortage within the next 30 to 50 years.

Those water shortages are actually occurring now. Those towns are on stage 4 restrictions, and often it is due to the inadequacy or non-existence of appropriate infrastructure. Mansfield has a duck pond as its water supply. Bright does not have a storage; it relies on daily flows in the Ovens River to meet its water requirement. Bright, a community that has up to 30 000 visitors in the autumn, relies on the continuation of the flow in the Ovens River — not great planning by the current government. Euroa and Violet Town have an issue with their water storages being too small, and Benalla is also under pressure water wise. As a representative of North East Water simply said at a recent drought meeting in Benalla to address the issues of water supply to Benalla over the next few months, 'Thank God for Lake Mokoan'.

There are solutions. Significant funding is required to go into water storage projects throughout country Victoria, as the member for Murray Valley has indicated. There is the opportunity to expand Lake Buffalo. There is no need for the minister to take a lot of action; the groundwork has been done. What is required is the updating of the costings and the

implementation of the project. It is not rocket science, it is not difficult; it just needs to be done. Equally Lake William Hovell is in the same situation. I should say that Lake William Hovell and Lake Buffalo supply water to an area which is under enormous pressure because of the current drought. It has had severe frosts, it has had the water finish up and it has had the tobacco industry close down, and most recently the grape growers have unfortunately had a major problem with smoke from the 2006–07 bushfires impacting on the quality of their grapes.

We have major problems in northern Victoria. One of the ways of addressing them is for the government to give people a glimmer of hope and say that it will proceed with increasing water storage capacity there, for the benefit of not just the locals but also the environment and downstream communities. Equally, there is a need to put significant water storages into Bright, Mansfield and Euroa. From the point of view of servicing Benalla, the water storage capacities of Lake Nillahcootie and Lake Mokoan need to be taken into consideration in relation to the future of Lake Mokoan.

The Nationals are seeking a common-sense approach to government; we are seeking justice for all. We want things like this policy and the tank rebate, which have been mentioned by previous speakers, to apply to all Victorians, and not just those on reticulated water supplies. We want the cost of water to be reasonable. We do not want a situation like that in Euroa, where the cost has exploded massively as Goulburn Valley Water has to cart water to supply it. We want a common-sense approach to the management and implementation of the farm dams legislation, and we want a fair and reasonable approach.

The existing legislation enables the implementation of these infrastructure projects. I have questioned the judgement of the minister of the day and his ability to make the right decisions. I have a concern about the neglect of all of country Victoria.

In closing, I call upon the government to live up to its promise to all Victorians: to govern for all Victorians and to make Victoria — including country Victoria — a great place to live, work and raise a family.

**Mr K. SMITH** (Bass) — Is it not amazing that the government has only just discovered that there is a drought? It has hit the panic buttons and is asking, 'What are we going to do?', so it has brought in a piece of legislation like this. It is amazing what an election can do to make a government focus a bit of its attention on the problems across the state. This lazy, do-nothing government — and it is the Bracks government which

is lazy — has been caught out over its lack of action and lack of planning for the future. The state has been caught in this extended dry condition for seven years — and what has been done? Very little has been done.

The minister thought that bringing in some water restrictions for people to follow was going to solve the problem. There was a lot of talk. There were his white paper and green paper. That is all there was — he used up water to create the paper to print his reports on. What has actually been done and what has this government done? It has done very little as far as addressing the water shortage problem is concerned — and it is causing great anxiety for the affected people across Victoria. Because the government has not previously been prepared to address the problem, it has now brought into this house the Water Amendment (Critical Water Infrastructure Projects) Bill — which is seven years too late — to try to show the people of Victoria that it is doing something. I say to the government that this is too little, too late. This legislation is unnecessary, and the power that it provides is already in place. The government could have started on all of these projects without the passage of this legislation.

The second-reading speech refers to the goldfields pipeline, which will connect Ballarat and Bendigo to the Goulburn system. I want to get the factual history of this issue straight on the record. It was the Liberal Party that proposed connecting Bendigo to the Goulburn system, not the socialist Bracks government. It did not support —

**Mr Lupton** interjected.

**Mr K. SMITH** — There are also the commos there that we now know of. The government was not interested in doing any of that until we came up with the idea and it had to focus on doing something. We did not support the connection of Bendigo to Ballarat, because we believed that there were more effective and efficient ways in the short term and in the long term to deliver water to Ballarat. The government has ignored that and said, 'We are going for this so-called big picture and the big cost'. You can bet your life that the only way the government is going to pay for it is by going on its hands and knees to the federal government to try to get some money.

Now we have all-embracing legislation that will give the Premier the power to decide on the recommendation of the Minister for Water, Environment and Climate Change whether any project is critical water infrastructure. We have to remember that this minister for water is a failed former Minister

for Health. He absolutely bagged the Kennett government about health problems and did nothing while he was the Minister for Health, apart from exacerbating the problem and making it far worse than it had been. He is also a failed former Minister for Planning. When he was the Minister for Planning he was absolutely hopeless on planning. Then the government made him Minister for Water. He has also been a disgrace as a minister for water. It was said before that he did not know until some months ago that people were actually short of water.

I can tell members that six months ago on Phillip Island we were on stage 4 restrictions. We could not water our gardens or wash our cars. We do not want visitors to come down unless they can bring a carton of water with them, because we are desperately short of water — we are down to a storage capacity of about 22 per cent. But we are still happy to have people come down, visit us and enjoy themselves. I can tell you, Deputy Speaker, that it has not been easy. Our garden has been dying. I have put pipes around my garden, and we have connected the washing machine to them. We have been carting buckets of water around to water our plants to try to conserve water.

The people in Melbourne have not been doing those things. They do not know what the problem is — and half of the commos on the other side of the house also are not aware of what the problem is. They are living in an unreal world, with nothing worse than stage 3 restrictions. Let me tell you, Deputy Speaker, that when the time comes for people to go to stage 4 restrictions, they will know what the problems are. They will know what it is like when their trees start to die. They will know just how bad it is when they are not game enough to stand under their showers for about 5 minutes. When you have a lot of body to wash, like I do, it takes a little bit more than 5 minutes to wash it. But I put a bucket between my legs to catch as much water as I can — and I can tell members it is not a pretty sight.

We have been prepared to face up to the fact that we have a shortage of water. The minister — who should be sitting here listening to this debate about the problems with this issue — did not realise until six months ago that there was a shortage of water. The minister has been a failure in everything he has done up to date in addressing problems to do with water. There are poor, suffering, thirsty people right across rural and regional Victoria who would love to have water to use on watering the garden or having a decent shower, which they would consider to be wasting water.

This government is once again going to devalue local government right across Victoria because it is talking

about taking away the planning powers of local people to have some input into the decisions that are being made. This applies particularly to farmers and what is going to run across or under their land. The minister is going to be able to step in and declare these areas as critical water infrastructure areas. He is just going to be able to make the decision and there will be machines running through properties across Victoria, if this government could get off its butt long enough to sign some tenders and get things happening, but I do not know it is actually able to do that sort of thing.

It is interesting to read page 2 of the minister's three-page second-reading speech which states:

Water authorities will still need to obtain the usual approvals concerning environment protection, native flora and fauna conservation, Aboriginal cultural heritage, forests and national parks.

I can tell you, Deputy Speaker, that we have a pathway to be built in the area near Inverloch that has been held up because the local Aboriginal tribes — and I call them that because there are two of them — are fighting about who has the right to declare something an Aboriginal area and what that bone or shell might have represented. It has taken 18 months to build a pathway — not a house or a big building, just a pathway that people can use. I am going to be interested to see how this government is going to force people to make a decision to allow the government to put in critical water infrastructure projects in double-quick time. They will be able to use their people and the greenies in the area. You cannot touch the trees down there, you cannot do this and you cannot do that. Projects will be held up, which will make it difficult for the government; but the government does not care because the minister does not actually realise there is a drought in the state of Victoria. It is time he realised that there is a drought in this state and did something about it.

This minister has a track record. Not that long ago — I am talking two and a half to three years ago — I worked with vegie growers in the south-eastern suburbs of Melbourne, in Clyde, Cranbourne and Devon Meadows, and the developers of the Sandhurst development in Thompsons Road in Skye so we could re-use water. The private sector was happy to put in the plant and the 40 or 50-kilometre pipeline to provide some certainty of water supply to farmers. For two years the approval sat on the minister's desk. He would not sign it because he was afraid that people would say he was privatising re-used water. He did not have the courage to make a decision. I think that was a disgrace because it probably caused a great deal of grief.

**Mr Robinson** interjected.

**Mr K. SMITH** — Finally, he signed it. Sandhurst is free of drought. There are never any problems with water there. There is water for the golf course through the third-pipe system. We should be doing that right across Victoria. This government does not have the guts to make the tough decisions.

**Mr DELAHUNTY** (Lowan) — I am glad to have the opportunity to speak about a very important part of Victoria, the Lowan electorate in western Victoria. The constituents of Lowan, which is the largest electorate in the state, have had enormous problems in the seven years that this government has been in office in relation to water and water infrastructure. I am not going to blame the government for the lack of rain because obviously that is not in its control — thank God. The issue has been that we have had enormous difficulties with water supply. Now after seven years the Wimmera–Mallee pipeline is finally going ahead.

Today we are talking about the Water Amendment (Critical Water Infrastructure Projects) Bill. There are three key purposes that I want to comment on in relation to this bill. On behalf of the Lowan electorate, and like my colleagues in The Nationals, I oppose the legislation. The first purpose I want to comment on is the facilitation of critical water infrastructure projects, which will allow the Premier to make a project order on the recommendation of the Minister for Water, Environment and Climate Change — who lives here in Melbourne — who must first consult with the Treasurer and the Minister for Planning. The second is the giving of responsibility for any planning matters to the planning minister, and the third is the modification of the Land Acquisition and Compensation Act 1986 and two other bills — in other words, taking away the compensation rights of some land-holders.

First I will comment on the facilitation of critical projects. It has taken seven years for this government to wake up — seven years! — because it was back in Bendigo in 2000 that I moved a motion that the Wimmera–Mallee pipeline be a key project for this government. Those opposite had landed on their feet in being elected to govern, but they did not have many projects they were able to fund, even though there was money in the budget to do so, money left by the previous government.

I put it to the Treasurer that the Wimmera–Mallee pipeline was a project that had support from the Murray to the sea and from the border to the Ballarat and Bendigo regions. It was supported by all councils, water authorities, catchment authorities and the like. I

was pleased to see that we got \$96 million for the project, but the reality is that what we should have been doing was getting money for a feasibility study. As we know, that needs to be done with any major project like this, but the government played politics at that stage.

Like the member for Swan Hill, I want to commend the member for Mallee in the federal government, John Forrest, for his work in facilitating this project through the federal government, because all the way through this state government has played politics in relation to the Wimmera–Mallee pipeline. There were no Labor members in that region, and the reality is that I do compliment the government on providing money for this project, but if it had gone about it the right way we would have had the project in place many years ago. Seven years it took to start putting pipes in the ground, which is now happening, yet when there was a political agenda the government was able to start putting pipes in the ground in Bendigo after a couple of months. We also know that the northern Mallee pipeline had been done, and that project was facilitated by the former state coalition government with federal government support.

As I said, back in 2000 in Bendigo we put up the Wimmera–Mallee pipeline as a project and \$96 million was provided, but we needed to do that feasibility study. The study stacked up, showing that there would be economic, environmental and community benefits. Although it is pleasing to see that the pipeline is now happening after seven years, that is far too slow. I want to reinforce the fact that the project is not being funded just by the state and federal governments. As we know, it is a \$520 million project being funded a third, a third and a third — in other words, the local community is putting up about \$175 million. But even now some issues, such as access to the pipeline, still have not been resolved, and the local government is not happy that it has to pay for fire hydrants. I have not heard what is happening with the Bendigo pipeline, and I do not know if the local government realises it will be up for big dollars putting in fire hydrants on that pipeline.

Another issue is lack of information to land-holders. This legislation is taking away what rights these land-holders have in relation to trying to get information, and it also takes away the compulsory acquisition rights at a greater cost not only to the land-holders but, more importantly, to the government. If the government had gone through the proper process, it would have saved a lot of money and a lot of heartache.

The second thing I want to talk about is the planning rights being taken away from local government. So

much for the talk in this chamber of this Labor government working with local government.

**Mr Walsh** interjected.

**Mr DELAHUNTY** — A very proud one too. I quote from the second-reading speech:

First, the Minister for Planning, rather than the local council, will make planning decisions in relation to the project area.

Further:

The bill will also ensure that water authorities have all the functions and powers necessary to deliver critical infrastructure projects.

It is also interesting to see this key point in the second-reading speech:

Water authorities will still need to obtain the usual approvals concerning environment protection, native flora and fauna conservation, Aboriginal cultural heritage, forests, and national parks.

The government has stuck with the rules in relation to those matters, but it has taken away the rights of land-holders and the key input from local government in relation to these major projects. I am sure there are many people across rural and regional Victoria — in fact across Victoria in general — who are not happy with that type of legislation. That is one of the reasons I will not be supporting this legislation.

We have heard here again today talk about local knowledge, particularly about water use in firefighting and all that type of stuff. In this case the government is taking away the local knowledge of local planners and local councils. In my area the closest state government planning office is 2 hours from my electorate. The reality is you are taking away that local knowledge.

The third thing I want to comment on is the changes to two acts. The explanatory memorandum on page 2 of the bill discloses that it amends the Land Acquisition and Compensation Act 1986. The bill also takes away controls provided under the Water Act 1989. It takes away the rights of land-holders and councils. More importantly, it is an unusual occurrence for the Minister for Water, Environment and Climate Change to bring such legislation into the Parliament, as has been highlighted by many speakers. He must turn in his sleep when he thinks about getting up and saying the words he uttered in the second-reading speech, given what he said about the grand prix at Albert Park before he became a minister.

I also think about the member for Melton; obviously he has been in this chamber for a long time. I hear he

lambasted the Kennett government, but I have not heard him say a word about this government taking away land-holders' rights under this legislation.

The reality is this government has had seven years of inaction. In my area Grampians Wimmera Mallee Water, to its credit, recycles about 95 per cent of our wastewater, whether that goes to industry or to parks and gardens and recreation. However, nothing like that has happened here in Melbourne. It also has not happened in places like Bendigo and Ballarat. Damian Drum, a member for Northern Victoria Region in the other place, has put forward some good ideas to support capturing rainwater in Bendigo. That idea has not been talked about by this government. It seems to have been overlooked. In a lot of these water projects they have not used the local knowledge.

When it comes to the use of groundwater, in my area bore applications take far too long to facilitate. It takes up to three months to get an application approved. In the Goroke area they have been going through project management and groundwater management plans for three years and are now trying to work out how they are going to distribute the water.

Inaction by this government has led to many of the things facing Parliament today. It is interesting to note that the government has collected nearly \$2 billion from the water authorities. We want to see some of that money come back into country Victoria. The government's water policy discriminates against country people. The water tank rebates are only for residents who live in areas with reticulated water systems. Farmers and people who live on the outskirts of towns, along with tourist facility operators, would like to access those water rebates. We are taking this water away from exporters and producers. We will hear a lot of talk about this today but again I highlight the fact that the second-reading speech states:

This comprehensive plan sets out the actions that will be taken to secure water supplies for homes, farms, businesses, industry and the environment in the central region of Victoria for the next 50 years.

At the pace the government is moving, it will take at least that long to get these things through. For those reasons, because this is taking away a lot of rights and not using local government and because of the concerns raised by many other members of The Nationals, I, like my Nationals colleagues, will be opposing this legislation.

**Debate interrupted.**

## RULINGS BY THE CHAIR

### Members: allocation of call

**The SPEAKER** — Order! Earlier today a point of order was raised concerning the allocation of the call in the house. For the benefit of the house I will read standing order 103(1), which states:

A member wishing to speak stands in his or her place and addresses the Speaker. If more than one member rises, the Speaker calls the one who stood up first, recognising that, once each party has put its view, the call will normally alternate between speakers on each side of the house.

It is quite clear from *House of Representatives Practice*, *Erskine May* and other sources of parliamentary practice that the Speaker has an absolute discretion as to which member will receive the call. In applying that discretion the Chair also needs to be mindful of the principle that the call will normally alternate between speakers on each side of the house.

There is usually no issue with allocating the call and a number of accepted principles have developed over time. However, points of order have arisen in recent times in situations where only The Nationals and/or the Independents have opposed a motion or bill.

In any debate it is important that there is an opportunity for both sides of the question to be properly canvassed. For that reason whenever a closure motion is moved the practice has developed in this house for the Chair to ensure that three members have spoken on each side of the question before ruling on the motion. In other debates, such as for the adoption of the government business program, six members may speak; where the motion is disputed, three members are called to speak in support and three against.

Bearing that in mind, I intend in the future to exercise my discretion by taking the same approach in relation to bills and other motions. In other words, where the only members opposing the question are The Nationals and/or the Independent, the call will alternate between both sides of the question until three members have spoken against the bill or motion. The call will then alternate between each side of the house in the normal way, with the call being divided between non-government members according to their representation in the house.

I will advise all Acting Speakers of my ruling and direct them to exercise discretion in allocating the call on the basis I have set out.

**WATER AMENDMENT (CRITICAL  
WATER INFRASTRUCTURE PROJECTS)  
BILL**

*Second reading*

**Debate resumed.**

**Mr HARDMAN** (Seymour) — Thank you, Speaker, for your ruling. It is good to have that matter cleared up. I rise to support the Water Amendment (Critical Water Infrastructure Projects) Bill. It is great to see the issue of water being debated so passionately in this Parliament, because it is very important right across Victoria. All Victorians are very concerned about access to water as they watch their storages draining to record low levels.

People in urban areas right across the state are very worried, most of them for the first time ever. They have not been in this situation before, and they do not know what will happen next. ‘What will happen if it does not rain?’, some people are wondering. We know it is going to rain eventually, but they feel, given the talk about climate change, that maybe it will not happen into the foreseeable future.

I think it is fair to say that farmers in rural Victoria are also more concerned than ever about what this next season is going to bring. Again it comes back to a lot of the talk that we have heard in recent times. It is causing a great deal of stress for many people in those communities. It was great to hear the Minister for Mental Health speaking today on what the Bracks government is doing in that particular area.

This bill is about projects that can be declared critical infrastructure projects, and they include a number. I will list some of them, which include the eastern treatment plant recycling upgrade; the Murray–Goulburn interconnect; the Leongatha water recycling project; the goldfields super-pipe, which we have had a great deal of discussion about today because it is controversial; other major water recycling projects; emergency water supplies for all towns; major irrigation upgrades; critical headworks, which include dam remediation; and major water savings projects.

In the Seymour electorate we have a great record on water infrastructure; but we have got a long way to go, because there are still issues that exist in the electorate. We can look at Eildon, where the government and the irrigators, through Goulburn-Murray Water, have rebuilt the wall and the spillway. Before that occurred Eildon was able to take only 65 per cent of its capacity; it is now able to take 100 per cent. Eildon Dam at full

capacity can take six times the volume of Sydney Harbour, so we have improved the dam to enable it to take the equivalent of another two Sydney Harbours worth of water.

The total cost shared between irrigators and the government has been \$50 million. That has been a very good investment by the Bracks government and by our water authorities. It would be fair to say that that direct investment through Goulburn-Murray Water has not been included in what the government has been investing in our water infrastructure projects. They have only been looking at dividends. That should be remembered, because the dividends that come to the government are not the only result of the investments we make in water.

The Wallan area in the Seymour electorate was connected to Yarra Valley Water recently, when Kilmore, Broadford and Wandong — and Wallan — had been suffering what much of the state is suffering now, which is stage 10 water restrictions, which are a bit more severe than stage 4. That was a very significant investment by the government and Yarra Valley Water of around \$22 million. What that means is that Wallan has a more secure water supply — it is now on stage 3 — and Kilmore, Broadford and Wandong, which used to share that supply with Wallan, are now on stage 4. If the government had not made that investment, it would be fair to say that that southern part of Mitchell shire would now be in dire straits.

There are a host of other projects around the state. I know the member for Macedon will talk about some of the projects in her own area. There are irrigation projects throughout Victoria, in Gippsland as well as the Wimmera–Mallee pipeline, that have already been delivered by the government. The opposition has been talking about water and it has done its best to criticise the government, but at the last election it promised two projects: a desalination plant, for which it did not provide a feasibility study or anything else, and a dam on the Maribyrnong River. The member who had a lot of input into that project is in the house and now interjecting.

**An honourable member** interjected.

**Mr HARDMAN** — The amount of water that would have been caught by a dam on the Maribyrnong River would have been nowhere near the 22 per cent in water savings that have been made by residents across Melbourne. The opposition tried to sell it to Victorians and spent millions of dollars in advertising. Every time I turned on the television during the last week of the

campaign there was an advertisement for the super pipeline, but the people rejected the divisive campaign which The Nationals and the Liberal Party ran about it.

The Goulburn River traverses my electorate. A divisive campaign was run in my area, with the opposition trying to say that we were stealing water from my area so that the nasty people in Bendigo and Ballarat could have water. People from my electorate wrote to the local newspaper saying, 'Hang on, my mum lives in Bendigo and my grandparents live in Ballarat, and I do not want them to go without water. I want them to have water as well'. The state should be about sharing the water resource. Even the Prime Minister is talking about sharing it across Australia. He is a bit late. We do not believe him, because he is after votes to try to win this year's election. He has finally found out that water is an important issue. The Bendigo–Ballarat super pipeline is a practical way for the state to share the water resource.

I commend the government for what it is doing and reject the analogy drawn by The Nationals of limiting people's rights and comparing that with the grand prix, where they said rights were taken away. The grand prix is a fantastic and important event for Victoria; however, people's access to water and the grand prix do not compare by any stretch of the imagination. You cannot say that the grand prix is as important as water, because water is the giver of life; it is everything. To try to draw that conclusion is amazing. The Nationals have to rethink their argument, because the world knows it. During the election campaign the people saw through that stupid argument.

The opposition today has also said that the bill is not necessary. At the last election the government received the second-largest majority ever held by the Labor Party in Victoria. The people supported us and our promises. One need only go back and think about what the people of Victoria thought was important, because this was part of the government's election commitment. The Liberal Party and The Nationals were divided among themselves. They were incoherent with ill-thought-out policies that were rejected by the electorate. The government's sensible, practical and inclusive projects were endorsed, which gave the government a significant majority. That should be remembered by those opposite.

Despite the crocodile tears from those on the opposite side, this bill will not limit a person's right to compensation or exempt projects from planning and environmental approvals or limit consultation, for that matter, because consultation will still apply for those whose land is to be compulsorily acquired. I endorse

the bill and hope it has a very speedy passage through the house.

**Mr THOMPSON** (Sandringham) — The provision of water to communities is a matter of intergenerational equity between successive generations. It is a question of vision on the part of a number of past governments that saw the need to build dams and establish effective infrastructure to provide for the power needs of Victoria, such as the hydro-electric scheme that made provision for later generations in this state. It is important that our resources be managed so that the needs of people are well provided for. More water has been used than collected in this state over the past decade or so, and it is at a cost to the equity between the current generation and future generations, because currently it takes longer to fill dams than for the water to be consumed. More water is being consumed in the state of Victoria than the Bracks government has provided for.

Another area involving the management of the resources of this state is forests. As a consequence of the massive fires in Victoria in 2003 and 2006–07, there has been a massive contribution to carbon emissions in this state. More than 100 million tonnes of carbon emissions have been generated into the atmosphere, contrasting with the proposed government savings of only 40 000 tonnes per year. If they were to be measured by way of balloons released into the atmosphere, the contrast is significant — some 2000 million balloons of emissions, as compared with the balloons that the Labor Party has released in the *Age* newspaper to illustrate its contribution. The contribution to greenhouse emissions under the watch of the Labor government is unprecedented as a consequence of the devastation in the Grampians, at Wilsons Promontory and in north-east Victoria.

The bill before the house covers a number of issues relating to the establishment of water infrastructure. Its purpose is principally to amend the government's planning processes to facilitate critical water infrastructure projects. Among its provisions it gives the Premier the power to declare projects as critical water infrastructure on the recommendation of the minister responsible for water, after the minister has consulted with the Treasurer and the Minister for Planning. It allows the Minister for Planning rather than local councils to make planning decisions for the project area for those projects. It allows water authorities to acquire land compulsorily without going through the current process of planning scheme amendments for public acquisition overlays.

The opposition has a number of concerns which have been heralded in the Scrutiny of Acts and Regulations Committee report in *Alert Digest* No. 1 of 2007. It notes that:

New section 161M provides for the making of a project order, by which a project for the construction and operation of works is declared to be a critical water infrastructure project. The Premier may make a project order on the recommendation of the minister, after the minister has consulted with the Treasurer and the minister administering the Planning and Environment Act 1987.

New section 161P requires the Premier to cause a copy of each order made under section 161M or section 161O to be presented to each house of Parliament within 14 sitting days after the order is made.

The critical question is: if the order is tabled in Parliament, does the Parliament have the power to disallow an order once it has been tabled? That is a question that the Scrutiny of Acts and Regulations Committee has written to the responsible minister about, to check:

... whether or not the orders to be tabled under new section 161O will be subject to disallowance by the Parliament.

If they are not subject to disallowance, a right will have been removed from the Parliament.

There are a number of other key issues in relation to the provision of water infrastructure, which Dr Mark Adams, one of Australia's keenest scientists in this field, has heralded in a paper entitled 'Intergenerational equity and fire: water, carbon and biodiversity'. He speaks about the importance of the cost to future generations of water supply as a consequence of the bushfires that have occurred in Victoria and in turn the development of new growth forests, which will take up some of the water yield that would otherwise have passed into the Victorian water supply system. If it is only 10 per cent, it will represent many thousands of millions of megalitres that would otherwise go into the water system for Melbourne.

In Victoria we also have the Kiewa, the Mitchell, the Macalister, the Ovens, the King and the Mitta rivers, which provide water either to the Murray–Darling system or to Gippsland. It is important to try and protect the headwaters of these rivers to not only manage the quality but also the yield of water to Victorians.

Even a 10 per cent reduction in stream flow as a result of the recent fires is going to cost Victorians and other Australians around half a million megalitres of water every year for decades, without considering the impacts of any change in climate —

according to Dr Adams.

So these are some very serious issues. The government is fiddling around with projects that should have been implemented earlier and with shower heads that are not going to have a major impact, but the key point that really should be emphasised is that under the watch of the Bracks government more fauna has been barbecued in this state than in living memory and greenhouse gas emissions have been contributed to the atmosphere to an unprecedented degree.

**Mr HOWARD** (Ballarat East) — I am very pleased to speak on behalf of the electorate of Ballarat East on this bill, because it is a crucial bill for the people of my electorate. We know, as we have heard from so many other speakers tonight, that this bill is essentially about ensuring that we can fast-track projects that we identify as critical water infrastructure projects for the people of our state. We know that the infrastructure that has triggered this bill is essentially the goldfields super-pipe, as it has become known, which will link the Goulburn-Eildon systems to Bendigo and then to Ballarat. We know that this is a crucial project that we need to get under way as quickly as possible. I hope we will not need this water in Ballarat for some time, because I am confident that we will have rain and the catchments in the Ballarat area will top up significantly over the next couple of years.

But what is important is that across my community industry in particular is saying, 'We want to have a sense of security in the future of our region. That sense of security is provided, because we can see down the track that we have a significant supply of water assured for Ballarat and our region so we can grow, so we know that all the right signals are out there to ensure Ballarat continues to be a prosperous city'. That is a vital message that we as the Bracks government are sending, and I am here again, as the elected member for Ballarat East, as is the member for Ballarat West, because the voters in the Ballarat region appreciate that the Bracks government is serious about addressing the issues.

Although we keep hearing the rhetoric from the other side that it is too little too late, members of the opposition are not able to point to where, before we had talked about it, they have ever said anything positive about what should be done about water across the state. They have never come out and said, 'These projects ought to be supported'. They just go for weak, limp political lines like, 'The government is not doing enough' and 'The government should have done more sooner'. Never have they come forward with any positive suggestions.

The member for Brighton has now entered the chamber. I remember when the member for Brighton spoke on this bill a little earlier. She said, 'I still have great doubts about this super-pipe connecting from Bendigo across to Ballarat. We in the Liberal Party put forward many more suggestions around election time that would have been far more worthwhile looking at for the people of Ballarat'. I think it is important that we look at what they did put forward, because the people of Ballarat looked at it and said, 'Gee whiz, we don't want a bar of this'. The opposition was hanging all its plans around taking the full supply from Lal Lal Reservoir, which is part-operated by Barwon Water and Central Highlands Water, and taking all of Geelong's share back from Lal Lal so Ballarat could have the full supply from the reservoir. That was the central plank in their plan for water for Ballarat.

However, unfortunately for opposition members they found that reality showed that it was a ridiculous solution. It was just as well that the Bracks government recognised some time back that putting all its eggs into the basket of the Moorabool catchment was the wrong way to go, because we did get a very severe drought — one that we are having to work through with difficulty — and that drought showed that Ballarat cannot rely on just the Moorabool catchment.

Whether or not we get all of the water back from Geelong, the fact is that with this drought so little water went into the Lal Lal Reservoir through spring last year that Geelong had long since used the vast majority of its entitlement, and there was nothing to come to Ballarat; until we get significant rains, there will not be anything for Geelong out of the Lal Lal Reservoir.

It was just as well the Bracks government said, 'No, we need to look beyond the Moorabool catchment. We need to look at other sources of water. How can we more sensibly use the surface water that we collect around the state?'

We recognised that there was that significant body of water stored in Lake Eildon for a good part of the year and that that supplies a huge amount of water that is used at the moment by irrigators. But there need to be sound savings with regard to the use of irrigation — that is, some infrastructure works to ensure we do not lose water along the irrigation pipes — and irrigators need to continue to make those efficiencies. They can then sell that water, as there is always water coming onto the market which can be bought and transferred to Ballarat.

The goldfields super-pipe provides a clear alternative to relying on the Moorabool catchment, and it will ensure

that that large amount of water is used across a broader part of the state. Ballarat and Bendigo require only 10 gegalitres a year each, and the whole catchment has 1000 gegalitres in most years. It is only a very small percentage of that water body, but it certainly will be very significant to Bendigo and Ballarat in ensuring that security so that business and the whole economic environment in Ballarat can grow and have a sound future.

The people of Ballarat will be very disappointed to hear that The Nationals are saying, 'The timing is not important. You do not need this piece of legislation. If it is slowed down a little because of some planning issues, then so be it. We are not prepared to support the fast-tracking of this project' — and the bill is a very sound, sensible piece of legislation — 'but we will play a different political game'. The effect of the move from The Nationals would be to see the pipeline not completed by the end of 2008, and the people of Ballarat would be very concerned to hear that.

But those people indicated at the last election that they believe the Bracks government does have a sound alternative, and they want to learn more about that. I am pleased to explain why this is a sound approach to take, to some who still say, 'It is a long way to bring in the water, and what are the alternatives?'. It is important that we discuss those alternatives, but when the matter is fully examined, all those people I have spoken to, including the Committee for Ballarat which represents a large business sector across the Ballarat community, are saying, 'Yes, we believe this is a project worthy of support'.

Given that it is a project worthy of support, the challenge to the other side of the house is to say that the state government has made its commitment to this project, and the water authorities and local government are saying they are behind it. We now need the federal government, which of course collects the majority of our taxes, to be fully supportive. Last week we heard the Prime Minister, John Howard, finally come out and say, 'We want to commit more money to ensuring water security for the people of the country', and his attention is being particularly directed to the Murray–Darling Basin; but what we need is a commitment from the federal government that it has a role to play in this important infrastructure for the future of Ballarat and Bendigo, to get on with looking at the information we have provided to it and to support this project with funding.

We need members on the other side of the house to say to their colleagues in the federal government, 'The people of Ballarat and Bendigo need this, and we believe you should support them'. That is the challenge

before members on the other side of the house. This is a very important project for the region. As other members have said, this is not the only essential infrastructure project that will be considered to meet the water needs of communities.

The drought has demonstrated that we need to look forward. The information that has come forward regarding global warming shows that we must expect things to get drier in years to come, and we must plan accordingly. Infrastructure projects are not the only projects that we are working on. Communities across the state are aware of many other projects. Within urban communities a lot of work has been done to ensure that people are aware of the need to use water in a sound way and that water savings need to be made wherever possible. Likewise industry is addressing its water needs, and irrigators are addressing their needs too. The whole community is seeing there are ways it can save water, and we can also see ways to recycle water. This is a very valuable piece of legislation. I hope it is fully supported.

**Mr DIXON** (Nepean) — I would like to join in the debate on what is basically a planning bill. While it is facilitating some water projects, to me it is basically about planning. When you look at the mechanics of the bill, you see it is about planning rights and compulsory acquisition — both things that are normally seen in a planning bill.

I start my contribution by mentioning something the member for Seymour raised. He talked about the last state election and said the Liberal Party's policy objective of a desalination project was something we thought of overnight and had not done our homework on. He tried to justify the government's backflip on this — one of two wonderful backflips in January, just in case we were all asleep or on holidays; but we certainly noticed the two backflips — and said all of a sudden that a desalination plant was on the government's radar. The big difference, said the member for Seymour, was that the government would have a feasibility study, unlike the Liberal Party.

I think back to the election campaign. After the Leader of the Opposition announced the plans for the desalination plant, the Premier and the water minister — who were probably the only two people Labor allowed to speak during the election campaign — dismissed it out of hand. They did not conduct a feasibility study. They said straightaway, 'This is stupid. It cannot happen. It will be bad for the environment. What are you going to do about this? What are you going to do about that? A desalination plant is not on the agenda and will not work'. You

cannot have it both ways; you either have a feasibility study or you do not. I remember the government totally ruling it out, saying that our idea was stupid and should not happen — but now it is back on the drawing board.

The member for Ballarat East talked about the government's mandate, and I would like to talk about government mandates. The single biggest election issue in the electorate of Nepean was water. It was about the eastern treatment plant and the Gunnamatta outfall. What mandate did the government get in Nepean? It had a swing against it of 9.5 per cent. That is what the people thought of the government's approach to water. It was the no. 1 issue by far. All the polling and all the anecdotal evidence showed that water was the no. 1 issue. In the eyes of the people of the Mornington Peninsula the government has not tackled the water issue. During the campaign the government came up with a belated promise to upgrade the eastern treatment plant. The people of the Mornington Peninsula had heard this in 2002 and 1999. They do not believe this government. If the government is going to talk about a mandate, it has to look at the mandate right across the state. It has to look at the mandate it thinks it has in all areas of the state and at all the water issues associated with all those electorates.

The government has said it is going to upgrade the eastern treatment plant to A-class. As I said, we have been waiting for years and it has just come in as a belated exercise. That upgrade has got to start now. Enough background work has been done, and it should not be contingent on piping the treated effluent to Gippsland. It will be a nice outcome if that happens — it is a good project — but the upgrade of the eastern treatment plant to A-class should happen anyway. There is no room for any more argument. I think everybody agrees with it. It is just about having the political will and the guts to actually turn around and do it. We have not seen it over the last seven years and I will be surprised if it is even started during the next four years.

The outfall at Gunnamatta in the middle of my electorate is obviously related to the upgrade of the eastern treatment plant, because we have Melbourne sewage being treated to C-class and discharged at Gunnamatta. I have had much comment from visitors to my electorate during the summer about the stench, the brown stain and the infections contracted by those who swam in or surfed the back beaches. It is a testament to the government's inaction on water, and the 2006 election vote certainly showed what people thought about that.

This bill is also about compulsory acquisition. The government can compulsorily acquire land for various projects, and in this case water projects. If the government as part of its project to upgrade the eastern treatment plant intends to extend the Gunnamatta outfall 2 kilometres out to sea — which it is still saying it is going to do — the infrastructure for that project does not require the compulsory acquisition of private land. That is going to have to happen in the Mornington Peninsula National Park. Hectares of national park — prime dunes on the back beach at Gunnamatta and Rye — are going to have to be bulldozed, flattened and asphalted, with major roads going into the park so that this 2-kilometre extension of the outfall can extend into the sea.

The government is going to be very lucky in respect of this project because it will not have to upset any landowners, but it is going to have to bulldoze. It has not denied this. It has been given ample opportunity over the last seven years and during the election campaign to deny this, but no-one in the government is denying that it is going to extend the outfall 2 kilometres out to sea and spread its muck around more of the coastline of Victoria. In fact the tidal flows will even bring that muck into Port Phillip Bay.

But the worst aspect of this, and it is the one I have to keep reminding the government about, is that to actually construct that 2-kilometre extension of the outfall — at a cost of \$65 million, mind you — the government is going to have to flatten the sand dunes in the middle of a national park to build this folly. It was attempted in the 1970s and was found to be too hard, but this government is determined. It has been given ample opportunity to deny it, but it is going to go ahead with the destruction of the national park to extend this outfall 2 kilometres out to sea. The government just cannot do it, and if government members even dare to think about it they will lose another 9.5 per cent of voters at the next election with that sort of attitude, I can assure them of that. I will keep driving that home and I will be back with 18 per cent.

The amendment put forward by the Deputy Leader of the Opposition is an excellent one because public consultation needs to go hand in hand with these sorts of major projects. Public consultation does not necessarily add months or years onto a project. You can have a short, sharp consultation if you are honest about it, the facts are before the people and they can make their decision after talking about how it is going to affect individuals or local communities. That is a sensible way to go, and it does not necessarily have to tack months onto a project, especially when it needs to happen quickly for the benefit of all Victorians. With

those few comments, I look forward to further debate on this very interesting bill.

**Mr TREZISE** (Geelong) — I am also pleased to speak in support of this very important legislation before the house, the Water Amendment (Critical Water Infrastructure Projects) Bill. This bill once again fulfils a commitment the Bracks Labor government gave to the people of Victoria during the November 2006 election — that is, to fast-track vital water projects in this state. It will ensure that vital infrastructure projects as determined by the Premier are not bogged down in bureaucracy but are in fact delivered in an efficient, effective and fair manner.

As all members would be aware, and the member for Nepean alluded to it in his contribution, throughout the election the no. 1 issue was the water supply. I can assure the house that, as it was in Nepean, the no. 1 issue for the people of Geelong was the supply of water. During the lead-up to the last election, like many other members, I spoke to hundreds if not thousands of constituents within my electorate, and the main topic, as I said — —

**An honourable member** interjected.

**Mr TREZISE** — I spoke to thousands of constituents, and their main concern was water. The issue was raised with me not only by individuals but also by private enterprise and by community organisations such as sporting clubs. As we all know, at the present time sporting clubs are under the pump with regard to the supply of water to their grounds. Private enterprise was also very concerned and was looking for assurances that major infrastructure projects would be delivered by this government. Only last week I met with turf industry representatives in Geelong, and they highlighted their concerns and the importance of the water supply not only to their businesses but also to their employees.

Every day I meet with individual families who are imploring the government to continue to address this important issue. The Bracks government is tonight taking important steps forward by ensuring that we are doing just that. As I said, this bill amends the principal legislation to provide for the ability to fast-track critical infrastructure water projects in Victoria. The government has announced a number of projects in Geelong which I consider fall under the definition of 'critical water infrastructure project'.

First and foremost is the water recycling project at the Shell refinery in Geelong. As members would be well aware, the Shell refinery is a major manufacturer in

Geelong and is therefore a major employer in the region. As you, Acting Speaker, may be aware as a regular visitor to our fair city, Shell uses more than 5 per cent of Geelong's potable water on a yearly basis in its manufacturing of petrol and oil products. Five per cent of a city's water supply is a huge percentage, and it is something that Shell, together with the state government, is concerned about and is addressing at the moment. The Shell refinery, in partnership with Barwon Water, the local water authority, and the state government, is constructing a plant that will ensure its water supply is recycled and that it does not rely on Geelong's potable water, as it does at present. This is a huge project which by 2010 will save Geelong something like 2000 megalitres of potable water.

In mentioning this important project I also have to say it is very disappointing that, despite a multimillion dollar commitment by the Bracks government and despite the pleas of locals, the federal government has failed to back the project. Only a fortnight ago we had the federal Minister for the Environment and Water Resources, Malcolm Turnbull, visit Geelong. He had a prime opportunity to commit the federal government to this vital project, but he failed to do so. The federal government either is not interested in a vital project to recycle the Shell refinery water — 5 per cent, as I said — or, as usual, is going to use it as a pork-barrelling exercise when it comes to its turn to face the electorate later this year. The Bracks government is committed to the project at the refinery. So too is Shell, so is Barwon Water and so are the people of Geelong. At best the Howard federal government is, once again, dragging its feet on an important project.

There are other projects in the Greater Geelong region that have been committed to by the Bracks government that, in my opinion anyway, could be classified as critical under this legislation. For example, the Bracks government has committed to the reinstatement of the Dewing Creek connection to Geelong by 2012, which will provide something like 700 megalitres to Geelong. It is a project which, as I said, could be classified as critical under this legislation.

We have also committed to granting an entitlement for groundwater from the Jan Juc aquifer to provide another 7000 megalitres of water by 2011, and the list goes on. As you are well aware, Acting Speaker, the Bracks government is committed to supplying water to Geelong. It has a very strong plan for water supply over the next 50 years, and this legislation before us tonight will augment this plan for Geelong.

This is important legislation. It will give the Premier of the day the power to declare particular water projects as critical water infrastructure projects. The Premier can only declare a project critical on a recommendation from the water minister and only after that minister has consulted with the Treasurer and the Minister for Planning. In declaring a project critical, two important actions will be taken in fast-tracking those critical projects as identified by the Premier. The Minister for Planning, and not the local councils, will determine the planning issues relating to the project. This will ensure that projects are not bogged down especially where those projects are covered by two or more municipalities in regional Victoria. The local water authorities will have all the required powers to ensure the project is also delivered effectively — for example, a water authority will be able to acquire land without the local planning scheme having to be amended. However, those local water authorities will still have to follow the usual environment planning procedures regarding the flora, fauna, Koori culture, and the list goes on.

This is important legislation because it relates to our state's water supply. As this house is well aware, this is an absolutely critical issue to the future of this state. In regions like Geelong, where the water supply is now at less than 20 per cent capacity, people expect good, decisive governance, and this bill delivers that action. I am pleased to be supporting this bill tonight, and I wish it a speedy passage through the house.

**Ms DUNCAN** (Macedon) — It is my great pleasure to speak on the Water Amendment (Critical Water Infrastructure Projects) Bill 2006. I welcome the Liberal Party to the debate on water. I remember not that many years ago, when we announced that we were going to have a minister for water, what the response of Liberal Party members was. They thought it was a big joke. I welcome them to the debate in recent times. When I say recent times I mean very recent times. The new member for Evelyn did a word count on the number of times water had been mentioned in *Hansard* — —

**Mr Nardella** — It is called research.

**Ms DUNCAN** — It is called research; I think that is right. You press a button and it comes up. I am not sure if she did a search on the Leader of the Opposition's use of the word 'water' in the last Parliament, but I think there were two references and the second reference was to water polo, so I do not think the pot should be calling the kettle black!

As I said, I always enjoy listening to contributions to debates by members of the Liberal Party because it is always the case — in fact I cannot think of a time when it was not the case — that they say, ‘Don’t do as we did, do as we say’. That is made more prominent in this debate when it comes to their feigned horror at the thought that, for example, the Minister for Planning may make a decision on planning and not involve the local governments. One only has to go back to the time of the Kennett government and to its planning minister and its concern —

*Honourable members interjecting.*

**Ms DUNCAN** — You guys have obviously forgotten about it, but there was no concern at all then that local planning authorities were not involved in planning decisions and the planning minister would just call them in. We are not talking about critical infrastructure projects at a time when this state is in the middle of the worst drought in this country’s history, and we are not talking about droughts or water or critical infrastructure; we are talking about calling in projects at any time for anyone and in any place. Let us just get over this hypocritical response to this legislation, particularly from members of the Liberal Party who had no concerns whatsoever when they were in government in overriding the local planning authority. But in opposition they say, ‘Do not do what we did. Do what we say, not what we did. Please do not use those projects as examples’.

I would also like to comment on some of the references that were made by the member for Murray Valley and the member for Shepparton. If I understand correctly what they were saying, they could point to quite a raft of infrastructure projects that have been completed thanks to the Bracks government that have not been done under this legislation. I assume that they therefore think, ‘You have built pipes and recycling programs, you have extended this and you have extended that, and you did it all without this legislation. Why do we need this legislation?’. I guess if we thought that the drought was bad before — and many of us who have been living on the land know that this is actually the 10th year of the drought — it got a whole lot worse in the last six months.

If any member doubts that, they might like to look at the inflows to all our catchments in the last 10 years and compare them with those in the last six months. They might think it was bad before, but it is now zero. Let us not forget that much of this response to the drought — I would say the community’s response and the opposition’s response — have come about in the last six months. They did notice that it was not raining at

all. It was not raining a lot before, but it has not been raining at all in the last six months. I would like to point that out when considering the logic of what the Liberal Party put in debate.

I would also like to remind the opposition and The Nationals that this was a pre-election promise — this was a commitment made by the government — and unless I am mistaken, taking all the seats into account, we won a majority on 25 November 2006. That is why we are on this side and they are on that side. I know it is hard to accept, but Victorians had a choice and made their decision. We made it clear what this legislation would do, and they supported this government. We are not jumping into this unannounced in any way, shape or form, as might have been suggested by the previous speakers, because this was an election commitment. It is always interesting to hear some of the hypocritical statements that come from the other side of the house.

I think the member for Bass summed it up quite well when he talked about a particular project — I think it was a walking trail or something — and the amount of time that was taking. Planning takes an enormous amount of time, and that is a really strong argument for why we need this piece of legislation. It is not uncommon for governments of all persuasions for particular reasons, whether it be for the Commonwealth Games, the grand prix or whatever, to make various amendments to ensure they can get things done in time when there is a time-critical issue and a very limited time frame.

In the time remaining I would like to point out, in direct contradiction of the opposition’s continuing to quote a figure of \$2 billion as the amount that we have raised from water authorities and talking about how much we have spent — of course the opposition knows this but does not come clean with the Victorian public — that that figure does not represent the actual amount of money that has been spent on water infrastructure. I take this opportunity to congratulate my local water authority, Western Water, which I think recycles close to 80 per cent of all its sewage. Those who have been involved in environmental and water issues for many years would know it is actually the next 20 per cent that is really hard to get — what we refer to as the low-hanging fruit. That is what it is still attempting to do, but it has done excellent work and spent a lot of money on infrastructure connecting Sunbury to Melbourne and then further extending that to make Macedon’s water supply as secure as Melbourne’s water supply.

This is a really important bill that will allow the government to bring on some of these water projects

that are at various stages of development. We have a number that are at the feasibility or business case or early approval stages, and some of these infrastructure projects may require the use of this legislation. It is important to recognise — again the opposition knows this but would never admit it to the Victorian public — that a huge amount of work goes on behind the scenes, which most people are not aware of, putting together feasibility studies and business cases and going through the various approval stages.

A couple of members suggested this legislation was outrageous as it was going to enable the government to compulsorily acquire land. I remind those members that the Water Act already allows for a water authority to acquire land for a project, so perhaps members might like to look up that legislation. I think it was also suggested that land-holders' rights in terms of any form of consultation or compensation had been removed. This bill does not remove those rights.

I will go through some of the projects that may be declared under this legislation. They are projects such as the Melbourne system augmentation, which may include a desalination plant. People are saying, 'This is fantastic; build a desalination plant', but look at what they are doing in Perth. I do not know what it is costing there, but I think it is over \$500 million. As I understand it, it is going to supplement the water for about 14 per cent of Perth. So if we are talking about desalination plants in Melbourne, one is not likely to cut it. We are going to need a whole bunch of them.

I would suggest that any future governments will grab hold of this legislation and use it when and if needed to build those sorts of major projects. The sort of projects we might see would be the various augmentation schemes like the Lake Boga upgrade, the Campaspe–Waranga interconnect and the Leongatha water recycling project. There are numerous projects around this state that will benefit from what I think is important legislation.

Hopefully it will rain, because that is the only solution to this problem in the longer term. Certainly we can do lots to ensure that we manage this drought as best we can, rather than managing floods, which was what the damming of the Maribyrnong River was about.

**Mr WAKELING** (Ferntree Gully) — I am happy to stand here and support the amendment that has been put forward by the member for Brighton. I believe the amendment is quite appropriate, because the proposal by this government to remove the right of residents to seek to contribute to discussions on the potential removal of land is typical of a government that is out of touch with our community.

I only have to remind members of the way in which this government has operated, running roughshod over our local communities. One only needs look, for example, at Melbourne 2030 and at the planning decisions that go before the Victorian Civil and Administrative Tribunal to see whether the opinions of local communities are taken into consideration. I think it is appropriate to say that clause 5 of this bill is a provision that exemplifies how this government has operated.

In the Ferntree Gully electorate, and to the people in Melbourne's east, water is a major issue. One only needs to look at the result of the last election to see an expression of the community we represent and the way in which the community saw the government's attitude to water. The community is faced with a situation where our sporting fields are in dire straits and where pre-season training for hundreds of football and soccer clubs throughout the eastern suburbs of Melbourne has been cancelled as a means of trying to preserve football and soccer ovals. It is a shame that this measure has been put into place, because this government has had years to fix the problem.

One should be reminded that it was in 2002, at the opening of the 55th Parliament, that this government promised water was to be its priority. What did we see the government deliver during the four years of the 55th Parliament? Members opposite have sought to blame the federal government for this problem. They have blamed everyone except themselves. They have been on the government benches. They have had the opportunity to fix this problem, but what have we seen in the last four years? No new dams and no desalination plants. What have we seen as a consequence of the last election? A backflip on desalination.

This is a government that in October criticised the Liberal Party's position on desalination, and two months later, all of a sudden, is a supporter of desalination. To show how ridiculous the current situation is, we now have the Premier announcing that he is going to produce a survey to be provided to a few hundred Victorians to ask their opinion. I can tell you one thing, Acting Speaker: the Liberal Party does not need to survey 800 residents about their opinions on water because we have already spoken to the community and we have already developed plans. We have developed a proposal for new dams. We have developed a proposal for a desalination plant. It is incumbent upon the government to stop dillydallying around on this issue, to get on with the job, to fix the problem and to come up with a long-term solution in terms of water, one that includes new dams, a desalination plant and a long-term strategy.

**Mr BROOKS** (Bundoora) — I am delighted to be able to contribute to debate on this bill. This is the first time I have spoken in the house on a bill. Can I say that it is amazing to me that the opposition parties would be opposing this bill or seeking to amend it to death — but then again it should not surprise me, given that this was the mob that, in government, did not allow many Victorians to install rainwater tanks. Not only did it not provide rebates, it did not let people have rainwater tanks.

The Bracks government is acutely aware of the serious nature of our water supply issues. To show how serious our water supply issues are, inflows into Melbourne's storages from July through to October last year were down to 23 per cent of the long-term average; Ballarat's Lal Lal Reservoir was down to 2 per cent of the long-term average; and in Gippsland, at Blue Rock-Moondarra, they were down to 34 per cent — that is not down 34 per cent, but down to 34 per cent. According to the Bureau of Meteorology, Melbourne's rainfall as at last October was down 85 per cent on the long-term average, and in November it was down 60 per cent on the long-term average.

The Bracks government has a plan for our water future, and it had a plan long before the opposition identified water as an issue. The Bracks government developed the plan *Our Water Our Future* in 2004 based on four key principles: water conservation, recycling, boosting supplies and looking after rivers. The plan for Melbourne was further detailed in the government's central region sustainable water strategy, which was released in October 2006.

Under the heading of 'Water conservation' we have a target to increase Melbourne's savings to 25 per cent per person by 2015 and 30 per cent per person by 2020; rebates on water-saving devices and appliances, including up to \$1000 for water tanks; 270 000 water-efficient shower heads to be distributed over the next three years; and by 2008 all homes sold to have a dual-flush toilet system installed and water-saving shower heads.

In relation to water recycling there is the upgrade of the eastern treatment plant to class A recycling; the mandating of third-pipe connections for recycling in 40 000 new homes in the south-east of Melbourne, with more areas to be mandated in the future; new projects to meet targets of 20 per cent recycling by 2010, including expansion of the Werribee recycling scheme and an increase in industrial recycling; and the reconnection of the Tarago Reservoir by 2010 will boost supplies by an extra 21 billion litres.

It is important in the context of this debate to reflect on some of the comment in the media, as some opposition members have done. An article by Peter Cullen in the *Herald Sun* of 24 October 2006 states:

The central region water strategy is Victoria's approach to these problems and is a model for the rest of Australia ...

The *Weekly Times* editorial of 23 June 2004 on *Our Water Our Future* states:

Victoria has led the way in attempting to strike a balance between water users and the environment during one of the toughest decades in our drought-ridden history.

A *Herald Sun* editorial on *Our Water Our Future* of 25 June 2004 said:

The state government's blueprint for water reform has met with broad approval from the environmental, farming and welfare lobbies.

In terms of the Bracks government getting on with the job, it is important to reflect on the projects that are under way. In Melbourne there has been the eastern treatment plant upgrade, the Tarago reconnection and new pumps for the Yarra River at Sugarloaf Reservoir. In regional and rural Victoria there is the goldfields super-pipe, with \$101 million from the state government. We are yet to learn whether the federal government is going to chip in for that project. There is the Ballarat North treatment plant upgrade and recycling project, the Bendigo water recycling project, stormwater project grants, the Geelong groundwater expansion at Barwon Downs which a previous speaker mentioned, the Gippsland water factory, Mount Hotham and Mount Buller water recycling projects, and country town water and sewerage projects — as examples, Peterborough and Seaspray, and also the Wimmera-Mallee pipeline.

It is worth mentioning that Victorians are the most successful water conservers in Australia. Melburnians have saved 22 per cent on their water use compared to the 1990s, which is about 100 billion litres of water per year. There have been over 140 000 rebates claimed on water-saving products and a 20 per cent reduction in system leaks in Melbourne since 1999–2000, which means that Melbourne rates as one of the best in the world in terms of preventing leakages. There is the rebate of up to \$1000 on water tanks, which I have mentioned; permanent water-saving rules, tiered pricing and rewards to water savers, and industry has saved 24 per cent on a per capita basis since 1999–2000.

After having spoken to many of my constituents in the electorate of Bundoora on the issue of water, I am very confident they would be right behind the government

on this particular issue. They want a government that will get on with the job and deliver water projects. I am very confident in saying they would be horrified by the position of the opposition parties in opposing this bill. In relation to some of the hysterical claims that have been made today by the opposition, I think they would see them as rubbish.

It is important to point out that if a project is declared a critical project by the Premier, the Minister for Planning simply becomes the responsible authority. That does not extinguish third-party rights of appeal or rights of review to the Victorian Civil and Administrative Tribunal. People's rights to reasonable and fair compensation under the Land Acquisition and Compensation Act would still remain. I think the bill is a fair and reasonable response to the serious water challenges we face, and I commend it to the house.

**Mr NARDELLA** (Melton) — This legislation and the views expressed on it today by the Liberal Party and The Nationals absolutely demonstrate why the Liberals and Nationals are not fit or ready to govern the state of Victoria. This goes to the crux of what makes a good government in the state compared to the opposition, which has abandoned the metropolitan area — and now The Nationals have abandoned Ballarat, Geelong and Bendigo and removed them from their sights. They have made a Brisbane line of the Great Dividing Range, and nothing south of the Great Dividing Range is of any interest to them.

Even when this legislation is about protecting irrigators and about protecting small towns so that water infrastructure can be fast-tracked into those small towns that are going to run out of water, the Liberal Party puts obstructions in the way through its amendments, while The Nationals go further and object to good legislation that can fast-track this infrastructure into the areas that absolutely need it — and I am not talking about the stage 4 water restrictions that are in place in Geelong but about areas that are in much more desperate straits.

The Liberal Party and The Nationals have very simple solutions to very complex questions. The government has gone out there and consulted for a long time. It talked to the community about a central water strategy — and there were references from the members for South-West Coast and Brighton to the draft from last year. We have moved on from the draft of last year; they have just not caught up.

Members of the opposition are nowhere to be seen. There are no submissions from them. There is no debate in the community in regard to those important issues. They are quiet in regard to those issues because

they have no solution. Their solution is a flood mitigation scheme for the Maribyrnong River. Their solution is a desalination plant, which is not going to work. It will in fact create more greenhouse gases and more climate change, which will make our environment worse.

Look at the record of the previous government. The Liberals are promoting a new dam for Victoria. Which was the government that took the Tarago Dam offline? I will give you a hint — it was the Kennett government. It was at a time that the honourable members for South-West Coast and Brighton were around the ministerial table. Although they made those decisions then, they come in here and say that we have to create a new dam. But it is in fact a flood mitigation scheme that will not work.

This critical bill does not take away people's rights in regard to land acquisition. If you listened to the honourable members for South-West Coast and Brighton, you would get the impression that land-holders will not have appeal rights to the Victorian Civil and Administrative Tribunal or the Supreme Court with regard to the amount of compensation that they are offered. That is not the case. Being as lazy as they are, members of the Liberal Party who have spoken on this bill do not understand it. They have had difficulties in their briefings and are asking questions because they do not know how to read the bill and do not know what they are talking about.

This bill does not take away the right of land-holders to compensation or their rights to appeal the amount of compensation offered for these schemes. It deals with the planning schemes and it deals with streamlining this process in the critical situation that we find ourselves in now. It is a situation of safeguarding our communities, which the Liberal Party and The Nationals have forgone. That was absolutely demonstrated on 25 November last year. Further, we have a situation where this was a policy of our government before the last state election.

We are actually implementing our policy. We are keeping our promise to the Victorian people that we went to the last election with, and that is what we have brought to this house. This is a critical piece of legislation with regard to the situation we now find ourselves in. It means that we are being a responsible government that looks to the future and deals with the situation in a clear and rational way.

**Business interrupted pursuant to standing orders.**

## ADJOURNMENT

**The SPEAKER** — Order! The question is:

That the house do now adjourn.

### Water: desalination plant

**Ms ASHER** (Brighton) — The issue I have is for the Minister for Water, Environment and Climate Change, and the action I am seeking of him is that he build a desalination plant. It is one element of a solution to Victoria's water crisis. It was previously ridiculed by the Labor Party. Last election the Liberal Party went to the electorate with a platform to build a desalination plant. The details of this have escaped many members of the Labor Party. We argued for a plant that would create 145 million litres per day, which would be roughly the equivalent of one-tenth of Melbourne's consumption. That would be built at a cost of \$400 million.

I refer members on the other side to the desalination plant at Perth, which supplies 17 per cent of Perth's requirements. It is Perth's largest source of water storage, and the capital cost was \$387 million.

Prior to the election this proposal was ridiculed by members of the Labor Party. On 14 November 2006 the water minister said that the policy was 'ill thought out and will have environmental consequences'. On 13 November 2006 in an interview with the *Herald Sun* the Premier said:

The energy generation is enormous, the intrusion on the community is enormous and, of course, it's extraordinarily expensive.

However, we have seen yet another backflip by our opponents on this issue as well. I refer specifically to an article in the *Age* of 16 January, which says:

Water minister John Thwaites said Melbourne could have its first desalination plant by 2015.

He is quoted as saying:

I think it's inevitable at some time we'll have both ... major recycling and some form of desalination.

I make the point that, like the toxic dump and a whole raft of other issues, whereas prior to the election the Labor Party ridiculed the Liberal Party's perspective on this, we have since seen the Minister for Water, Environment and Climate Change say that the construction of a desalination plant is inevitable.

I am happy that the minister has embraced Liberal policy — it has been happening in a number of

instances, and we are pleased about this — but let us dispense with that element of it. Victoria needs water and Melbourne needs water, and this is one element of a solution. My request of the minister is that he forget the commentary, forget the inevitability and just get on with building a desalination plant now.

### 12th FINA World Championships: pool relocations

**Dr HARKNESS** (Frankston) — I raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. I note that he is in the chamber tonight, and I congratulate him on his ascension to the ministry. I know he will do a very good job.

The action I seek from the minister is that he outline the arrangements for the delivery to four municipalities around the state of the pools used for the upcoming 2007 FINA world swimming championships. The Frankston community is extremely excited and is looking forward to taking to the blocks of a 50-metre pool from the 2007 championships, which will be provided by the Bracks government for the Frankston Regional Aquatic Health and Wellness Centre.

Last year I was delighted to host the Premier in Frankston for the announcement that panels from the 50-metre pool at the Rod Laver Arena, along with the plant and equipment, will be provided to the Frankston community at an estimated value of more than \$2 million. This pool is going to host the biggest aquatics event Australia has ever seen, with international stars heading to Melbourne for the championships. With the new technology I am sure it is going to be the world's fastest pool, and hopefully we are going to see a lot of world records tumble.

As part of the legacy of Melbourne hosting the event the Frankston community will have the opportunity to take to a pool in which Australian swimming stars have competed against the world's best. This pool will offer local access in Frankston to a world-class aquatic facility and perhaps give rise to future swimming stars from our area. With their modular design these pools are able to be relocated as permanent facilities throughout the Victorian community, including Frankston. It is going to be a terrific additional component of the Frankston project. Frankston certainly needs a regional aquatic centre, and this contribution by the Bracks government is a significant step towards achieving this goal.

I am also pleased to note that the government has approved the provision of an additional \$2.5 million from the Department for Victorian Communities Better

Pools program. That is also going to be a real boon for the project, which is to be located in Frankston at the Monash University's Peninsula campus. It is an imaginative and innovative proposal for my community in Frankston, and it will provide wellness and health benefits to some 150 000 residents across the community and neighbouring areas.

With the pool to be dismantled by 17 April, I am keen to seek the minister's advice on the arrangements that are going to be put in place to relocate the pool assigned to Frankston.

### **Bushfires: government assistance**

**Dr SYKES** (Benalla) — I raise a matter for the attention of the Premier. The issue I raise is about the enormous social and environmental impact of the recent bushfires in north-eastern Victoria and in Gippsland. I request that the Premier ensure that adequate funding and support is made available immediately to the affected families and communities in north-eastern Victoria.

People are hurting out there, including Country Fire Authority (CFA) volunteers who have given thousands of volunteer hours to the cause; small business owners who have lost tens of thousands of dollars in income; local shires which have incurred hundreds of thousands of dollars in operational costs; adventure and ecotourism operators who are not able to get back to and function in the high country because of the damage and problems of access; and there is severe emotional pain out there. If you go to the communities of Tolmie, Whitfield, Jamieson, Mount Buller or Woods Point you will see people who are emotional wrecks. They are hurting and need to be helped.

I do acknowledge that a government bushfire recovery task force is in place and that some dollars have been committed. That is good, but it is still a very small amount when compared with the estimated operational cost of \$200 million to fight the fires. On top of that there are massive out-of-pocket expenses for the affected communities and the volunteers. Affected communities are also grappling with the effects of a very severe drought, the severity of which some people in Melbourne still do not comprehend.

I am also troubled by the local communities and CFA volunteers who, one week after the fires had cleared, were actively fundraising. They have replaced the fire hoses in their hands with fundraising cans. The people of Goughs Bay had a barbecue last week, and the community raised \$11 000 to support the purchase of a new vehicle for the community.

Last Saturday at Tolmie sports events CFA volunteers, who were still recovering from the fires, were out there rattling the can, trying to get money to protect their town in the future. This also happened at Maindample and Thornton — the list goes on. Whitfield recreation reserve was damaged badly as a result of being used as a staging post during the fires and needs repairs. Also land-holders have had to meet the significant costs of replacing fencing on boundaries adjoining Crown land, as fences and paddocks have been burnt as a result of back-burning to control fires on Crown land.

Tourism operators in the Mansfield area would welcome the reopening of bush tracks, but unfortunately those tracks have not yet been reopened for four-wheel drive vehicles, therefore the operators cannot restart their businesses. Overall there is a need not just for the funding that has come so far, but for significant increases in funding. That money must come quickly and there must be support for those communities because they are desperate.

### **Aged care: Frankston North centre**

**Mr PERERA** (Cranbourne) — I raise a matter for the Minister for Community Services in the other place in relation to a proposed aged-care centre to be constructed in my electorate of Cranbourne, right in the heart of Frankston North. The action I seek is that the minister take all necessary steps to lobby the federal Minister for Health and Ageing seeking a fair share of concessional beds for this proposed facility.

Frankston North is a proud place. Once a month I take the opportunity to open a mobile office at the local neighbourhood centre. I also take the opportunity to attend local community group meetings, and I am proud to be part of a community consortium that is running community kitchens for the residents of Frankston North. I am concerned, as are many residents of Frankston North, about recent information I have received from the City of Frankston. An aged-care centre is welcome in Frankston North, but it needs to be one that will service fixed-income earners.

After writing to the mayor and councillors of the City of Frankston I was advised by a senior officer from the council that of the 180 beds in the facility only 50 will be made available as concession beds. Out of those 50 beds, 25 will be taken up by residents from the Milpara Park Aged Persons Hostel in Frankston, which is proposed to be closed. If these figures are correct, that will leave only 25 concession beds.

The information about only 25 out of 180 beds is a kick in the guts to the residents of Frankston North and also

the surrounding areas, especially when the area or region has a shortage of — —

**The SPEAKER** — Order! I will interrupt the member for Cranbourne. He needs to ask for action.

**Mr PERERA** — I have, Speaker. The action I seek is that the minister take all necessary steps to lobby the federal minister.

**An honourable member** — Rule him out of order.

**The SPEAKER** — Order! The member needs to ask the minister to do more than lobby; he needs to ask for direct action.

**Mr PERERA** — The direct action is to get more concessional beds to Frankston North.

*Honourable members interjecting.*

**Mr PERERA** — Because that is the government facility we have.

**The SPEAKER** — Order! I am sorry, but I will have to rule the adjournment matter out of order.

### **Emergency services: Warrnambool helicopter**

**Dr NAPTHINE** (South-West Coast) — The issue I wish to raise is for the Premier. On 21 December a young lady from Garvoc was involved in a serious motor vehicle accident at Allansford near Warrnambool. Tragically, two weeks later the young lady died in hospital.

On 12 January 2007 an article appeared in the Warrnambool *Standard*, which says:

The family of car accident victim Alycia Fowler has joined the push for a south-west emergency helicopter, saying it took hours longer than it should have for Alycia to arrive at the Alfred Hospital.

On the morning of December 21, Alycia received critical injuries when her Toyota Corolla collided with a truck on the Allansford overpass.

She died last Sunday still unconscious in the Alfred.

Her mother, Dominique Fowler, said ... the process of transporting her daughter to Melbourne by plane had been inefficient.

...

'The chopper should have been here', Mrs Fowler said.

'How many more accidents do there have to be? When are they going to make it a priority?'

That is the subject of my adjournment matter tonight. I call on the Premier to make it a priority to deliver an emergency helicopter to Warrnambool and south-west Victoria.

Recently I received an email from another concerned citizen with a copy of a letter sent to the Minister for Police and Emergency Services which says:

I am writing to you with regard to the emergency helicopter which, for years, has been promised to the people of the western district.

Six weeks ago, a very, very close friend of my sons died as [a] result of horrific injuries sustained in an accident with a B-double ... tanker at Allansford, near Warrnambool.

A road trip to the Warrnambool air strip, then flight to Essendon, then yet another road trip to the Alfred trauma centre.

If only an emergency helicopter had been in the region, she could have been loaded into the helicopter and flown directly to the helipad at the Alfred.

How much critical time would have been saved? Perhaps even her life! Now that is something you need to think about.

On the same day, 12 January, the *Portland Observer and Guardian* reported under the headline 'Man airlifted to the Alfred':

A 42-year-old Portland man was airlifted to the Alfred Hospital in a serious condition —

following a motorbike accident. Again that person had to be taken to the Portland hospital and to the airport to be flown to Melbourne — and his life was put at risk as a result.

The action I seek from the Premier is to answer these fundamental questions. The action south-west Victoria seeks is for the Bracks Labor government to provide funding for an emergency helicopter service in this area. A lifesaving, multipurpose emergency service should be based in the south-west region. Recent studies have shown that it would be used more than 420 times a year, 130 of which would be time-critical incidents. It would be used for air ambulance search and rescue, especially sea rescue, to help the Country Fire Authority and the Department of Sustainability and Environment to combat fires, to help police, and to assist in shark spotting. It is time for the Premier and the Bracks Labor government to listen to the calls of the community and to fund this much-needed emergency helicopter for this region — the only region in the state not covered by such a service.

### **The Lakes-South Morang P-9 School: opening**

**Ms GREEN** (Yan Yean) — I wish to raise a matter for the attention of the Minister for Education in another place. The matter I wish to raise is that the minister do all in his power to put an end to ill-founded and malicious rumours that the wonderful new Lakes school at South Morang did not open on time to serve the community of Mill Park Lakes.

I had the privilege of serving on the planning committee for the Mill Park Lakes school, the magnificent education initiative at Mill Park Lakes which will set an example across the state. What we will have there is a one-stop shop for education and families in a precinct in South Morang. The Victorian government committed to fund a P-4, a 5-9 and a special development school on the site.

The day before the official state school term started I had the privilege of greeting more than 250 students and their families as they attended the Lakes-South Morang P-9 School. They were committed and keen to attend this wonderful new school, which is a Bracks government initiative. Eight new parents are committed to stand for the school council. But there was one blot on the horizon of joy for the students and their families attending the new school. To their horror, on the Friday after the start of the new school term, the school was fielding media inquiries from members of the local media who were saying, 'We understand that this school did not open and it did not happen. We have received a media release that says that these 250 students do not exist, or if they do they are attending Morang South Primary School'.

**The SPEAKER** — Order! The member has to ask the minister for action.

**Ms GREEN** — I seek the minister's action to end a malicious campaign, involving a statement in the local media, that the school did not open when in fact it did. This has caused trauma in the community. It has caused a crisis of confidence and it is not true. The blot on the horizon is the shadow Minister for Education who has said that the school did not open and that the students were bunked in Morang South Primary School. He has been described in the local paper as a goose. He is a goose. The principal and the families at the Lakes-South Morang P-9 School know that the school opened on time. The Liberal Party stands in disgrace.

### **Motor vehicles: registration renewal**

**Mrs SHARDEY** (Caulfield) — The issue I raise is for the Minister for Public Transport and the Minister

for Police and Emergency Services. The action I request is for an investigation of this issue and for a proper resolution to be found.

**The SPEAKER** — Order! The member cannot refer an item to two ministers.

**Mrs SHARDEY** — This is an issue that goes across two areas, but I will ask the Minister for Police and Emergency Services to take action.

A renewal notice for the registration of a motor vehicle was claimed to be sent to the person who has brought a complaint to my attention. It is claimed by VicRoads that the renewal notice was returned to it by Australia Post as undeliverable even though the owner of the vehicle has lived at the same address, including the same house and the same street, for some 25 years. As a result, after a period of time the vehicle was deemed to be unregistered. The owner was booked by Victoria Police for driving an unregistered vehicle and a fine of \$537 was applied. The owner was obliged not only to pay the fine but also to obtain a roadworthy certificate for the vehicle.

Although VicRoads wrote to the owner of the vehicle and said it was unfortunately unable to explain why the notice was returned, VicRoads also requested that the traffic camera office take such information into consideration and that the notice be waived. Despite this, the fine was enforced and the owner, I have to say, is less than impressed. This sounds like bureaucracy gone mad.

I ask the Minister for Police and Emergency Services to take up this matter and ensure that the fine is waived and that the money is returned to the complainant. I am very happy to supply the minister with details of the individuals concerned.

### **Craigieburn North P-12 school: funding**

**Ms BEATTIE** (Yuroke) — I wish to raise a matter for the urgent attention of the Minister for Education in the other place. The action I seek is for the minister to release funds as soon as possible for the building of the Craigieburn North P-12 school. That school was an election promise.

Many members of the house will know that my electorate covers the rapidly growing area of Craigieburn. They will also know that many schools in that area have been upgraded, including Gladstone Park Secondary College, Craigieburn South Primary School, Craigieburn Secondary College, Willmott Park Primary School and West Meadows Primary School. There have also been new schools built in the area —

Craigieburn Primary School, which has been relocated, and Roxburgh Rise Primary School, which is a brand-new school.

Before Christmas I attended the graduation ceremony at Craigieburn Primary School, which now has over 700 children and is expected to increase to 900 in the near future. The school has little room to accommodate further expansion, so a school at Craigieburn North is needed as soon as possible. Craigieburn is a designated growth area, and the Bracks government has done much to improve the quality of life of residents there. The Craigieburn health service, which cost \$15 million, is coming online and is due to be opened this year. The rail extension from Broadmeadows through to Roxburgh Park and Craigieburn is expected to open in the latter half of 2007.

Along with that recognition of the need for key infrastructure we need the school at Craigieburn North to be started as soon as possible, because thousands of people are choosing Craigieburn as the place to live, work and raise a family. The school, which is to be a prep to year 12 school, could start with preps and the intake could be staged over a period of time. Given the 700 students at Craigieburn Primary School, increasing to 900 in the near future, and given that Willmott Park is being upgraded to take more children, the future for the area is very rosy. The school is needed as soon as possible.

The action I seek is for the Minister for Education to release those funds as soon as possible so we can get on with building those schools and ensuring the state is always a great place to live, work and raise a family.

### **Planning: Echuca brothel application**

**Mr WELLER** (Rodney) — The matter I wish to raise for the attention of the Minister for Planning in another place concerns an application before the Shire of Campaspe to build a brothel in Echuca's south-east. The action I request is that the Minister for Planning work with the Campaspe shire to help it prohibit the establishment of a brothel in Echuca. A Melbourne-based company is behind the application, which would see a brothel containing 6 client rooms and employing 12 workers set up in an industrial area in Bilkey Court.

There is strong community opposition to the plan, and I have been inundated with letters and phone calls from constituents in the past few months about the issue. One hundred and seventy-one formal submissions from 118 households opposing the proposed brothel have been lodged with the shire, and all argue that a brothel

does not fit Echuca's family tourism profile and has the potential to adversely alter Echuca's reputation and image. I fully support the community's stance on this issue and share my constituents' concerns that a brothel would have a negative impact on our community.

The development application for the brothel went before the Campaspe shire council last week and was unanimously rejected by the councillors. The council now plans to investigate the possibility of amending its planning scheme to prohibit brothels in the shire in the future.

I have been working with the shire on this issue and have received advice from the parliamentary library that, under the Planning and Environment (Planning Schemes) Act 1996, councils outside metropolitan and regional centre areas can apply for amendments to local planning schemes to ban brothels. I understand that such applications can be made on the grounds that the amendment would assist in achieving the Victorian planning objectives and that a brothel would cause social disruption as a result of a lack of anonymity for prostitutes and their clients. I am further advised that any such application would require approval by the Minister for Planning.

On the basis of this information the Campaspe Shire Council intends making an application to the Minister for Planning for an amendment to its local planning scheme to ban brothels in the municipality. Given the strong community opposition to this proposal, I ask that the minister look favourably upon the council's application and assist it in achieving its objective to prohibit brothels in the shire in the future.

### **Tertiary education and training: federal program**

**Mr ROBINSON** (Mitcham) — Together with a number of other members, I wanted to raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs, representing the Minister for Education in another place, relating to measures being introduced to boost skills training in Victoria, an objective I am sure many members would consider very worthwhile. I seek from the Minister for Education an urgent investigation into serious impediments which exist to the expansion of technical education in Victoria and the consequent impact of these impediments on Victorian schools, Victorian families and Victorian businesses.

The particular program I am referring to is one of those sponsored by the federal government and known as Australian technical colleges. The program was announced in 2001 with much fanfare by the federal

government. Its intention was to establish 24 colleges across Australia with a number of them in Victoria, ultimately providing some 7200 tradespeople a year. It all sounds very grand, but in reality it has not delivered anywhere near what was anticipated.

In an article appearing in the *Herald Sun* late last year Gerard McManus — who is well known by members opposite and their colleagues in Canberra; he is of course one of two reporters who the federal government is hopeful will be locked up — reported that the program had failed dismally and that instead of achieving some 7200 tradespeople across Australia in 2006 it had as few as 305 students enrolled in the program at a cost to taxpayers of \$178 333 per first-year apprentice. This is an extraordinary extravagance. Furthermore, Mr McManus went on to state that the technical colleges may not be fully operational until at least 2010 and that bureaucratic dithering is being blamed for the failure to get this program working. He stated that in Victoria, Australian technical colleges in Bendigo, Geelong, Gippsland and Warrnambool had a grand total of zero enrolments in 2006, and in East Melbourne, my part of the world, where a college was anticipated to be established between a government school and a local Catholic school, only 16 students were enrolled last year.

This is a real blow to families and businesses who were promised a lot by the federal government, which has obviously failed dismally to produce the goods. I seek an urgent investigation by the Minister for Education into why this program has failed so dismally.

**Dr Napthine** — I think it is appropriate to raise a point of order, Speaker, early in this Parliament with regard to the adjournment debate and to suggest to you as Speaker that you provide a ruling or advice from the chair as to the future conduct of adjournment debates. More than a decade ago Speaker Coghill issued such a ruling from the chair which provided valuable guidance and advice to members for some time about the operation of the adjournment debate.

We have already seen tonight, Speaker, that you have had to rule one contribution to the adjournment debate out of order because it did not comply with the requirements of the adjournment debate and the practices of this house. I would suggest to you that the contribution from the member for Frankston was probably also similarly out of order, although I am not raising that as an issue. If it was not out of order, it was certainly skating on thin ice with respect to being barely distinguishable from question time, in that the member was seeking information outlining arrangements or seeking advice from a minister rather than seeking

specific action. There were similar issues with regard to the matter raised by the honourable member for Yan Yean.

I would suggest that in the interests of the smooth operation of the house and for the benefit of both old and new members, Speaker, you might perhaps look at what Speaker Coghill did a decade or so ago and provide some guidance to members about the operation of the adjournment debate. It would be in the interests of the house and of every member.

**The SPEAKER** — Order! Thank you.

The Minister for Sport, Recreation and Youth Affairs to respond to an item raised by the member for Frankston.

### Responses

**Mr MERLINO** (Minister for Sport, Recreation and Youth Affairs) — The member for Frankston raised the very important issue of the relocation of the championship pools to local councils following the 12th FINA World Championships, which will begin on 17 March. This will be the biggest aquatic event this country has ever hosted. To put it in some perspective, it will be bigger than the aquatic program at the Sydney Olympic Games and five times bigger than the aquatic program at the Commonwealth Games. We expect 2000 elite athletes from up to 175 nations. If that is the case, it will be the biggest aquatic event in the world.

Five pools are needed for the world swimming championships. Even if we chose to stage all the events at the Melbourne Sports and Aquatic Centre, we would still need five pools — that is, a pool for the swimming competition, a warm-up pool for the swimming competition, a pool for the water polo, a pool for the diving and a warm-up pool for the water polo. There is not sufficient space at MSAC to cover all those events on the one site. Therefore temporary pools need to be installed at Rod Laver Arena. A temporary pool will be installed on centre court at Rod Laver Arena for the swimming and the synchronised swimming. There will also be a warm-up pool. MSAC will be fully utilised for the whole two weeks of the program.

Work on installing the temporary pools began on 9 February. AstralPool will be installing the pools. They will sit 300 millimetres above the surface of the courts supported by steel plates and a series of steel cables. It is quite an amazing engineering feat. The temporary competition pool at Rod Laver Arena will be 50 metres by 25 metres by 3 metres deep. It will be 3 metres deep so the synchronised swimming can be conducted at that venue.

The modular design of the pools allows them to be relocated as permanent facilities throughout the Victorian community. As part of the legacy of hosting this event, four pools either 25 metres or 50 metres in length will be provided to communities in need. The Premier announced in September of last year that the panels from one of the 50-metre pools, along with plant and equipment, will be provided to the Frankston community following the event, at an estimated value of up to \$2 million. In October of last year it was announced that the City of Greater Geelong will receive enough panels and equipment from the world swimming championships to construct a new 50-metre outdoor pool as part of its \$28 million Leisure Link aquatic centre. The state government has announced support for the establishment of facilities in East Bentleigh and Sunshine using the remaining panels from the world championships.

Following the completion of the championships on 1 April the temporary pools will be disassembled, a bit like a meccano set. They will be checked and packed back into containers and delivered. AstralPool will work with the Frankston design team and rebuild the pool in Frankston. AstralPool is already in discussions with the Frankston City Council. The agreement which is in place will apply to Frankston and the other three councils in terms of installation arrangements, warranties and servicing. These will be permanent facilities and one of the key legacies of the world swimming championships, which will be the biggest event the nation hosts this year.

**The SPEAKER** — Order! I ask the minister to respond on the item for the Minister for Water, Environment and Climate Change raised by the member for Brighton regarding the construction of a desalination plant; an issue for the Premier raised by the member for Benalla asking for increased support for bushfire victims in north-east Victoria; an issue also for the Premier raised by the member for South-West Coast regarding an emergency helicopter in the western region; an issue for the Minister for Education in the other place raised by the member for Yan Yean regarding the Mill Park Lakes school in South Morang; an issue also for the Minister for Education raised by the member for Yuroke regarding the Craigieburn North P-12 school; a further issue for the Minister for Education raised by the member for Mitcham regarding boosting skills training; the issue for the Minister for Police and Emergency Services raised by the member for Caulfield regarding motor vehicle registration; and the issue raised with the Minister for Planning in the other place by the member for Rodney asking for the disallowance of a provision concerning brothels in Echuca.

**Mr MERLINO** (Minister for Sport, Recreation and Youth Affairs) — I will refer each of the matters raised with the Premier and the respective ministers for their action.

**The SPEAKER** — Order! The house is now adjourned.

**House adjourned 10.36 p.m.**

